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PROCEEDINGS AND DEBATES OF THE 101st CONGRESS, FIRST SESSION

SENATE—*Tuesday, July 25, 1989*

(Legislative day of Tuesday, January 3, 1989)

S63The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

This morning we remember Myron Fleming, one of our Doorkeepers, in the hospital.

We know that in everything God works for good with those who love Him, who are called according to his purpose.—Romans 8:28 RSV.

Eternal God, sovereign Lord of history, we thank Thee for this encouraging Word from the Bible—the assurance that You work through circumstances, whatever they be, to bring good to pass.

As we recycle junk for useful purposes, You transform tragedy into triumph, weakness into strength, failure into wisdom, by Your love. Thank Thee for all we learn through failure which goes to our heart and save us from the pride which comes through success and goes to our head.

We are grateful for the words of the late Winston Churchill, who said, "Failure is not final, failure is not fatal, courage makes the difference." Teach us to trust Thee, Lord, to learn to live in confidence in Your Word and Your faithfulness. We pray in His name who perfectly trusted His Heavenly Father. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 25, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning following the time reserved for the two leaders, there will be a period for morning business until 10 a.m. with Senators permitted to speak therein for up to 5 minutes each. At 10 o'clock the Senate will resume consideration of S. 1352, the Department of Defense authorization bill. I expect votes throughout today's session in relation to the DOD bill.

The Senate will recess from 12:30 to 2:15 today to accommodate the party conference luncheons.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the Republican leader is recognized.

DISASTER RELIEF BILL

Mr. DOLE. Mr. President, we have just concluded a meeting of the Committee on Agriculture, where on a straight party line vote we reported out a disaster relief bill. I would like to comment on just precisely what that program does and what I believe, as I look at it, is a program lacking in equity and fairness.

I think in the last few days it was hoped there might be some bipartisan agreement on the disaster relief bill to ensure quick action by the Senate, but I guess, when it is 10 to 9 on the Agriculture Committee there is not going to be very quick action by the Senate. Of course there was the hope that we could finalize action, have a conference with the House, and complete everything between now and the time the Senate adjourns for the August recess. I am not certain that can happen now because, along with the disaster bill, there is also a bill the chairman insists on passing called the rural development bill on which there were never any actual hearings on the bill and there may be a number of amendments to that. We are still waiting for the administration to respond. That may be controversial, as well as the so-called disaster bill.

The bill being reported is sort of a socialistic approach to disaster problems. Because what it says, in effect, is there should be little, if any, distinction between program and nonprogram crops whether you are in a farm program or not if you farm corn, soybeans, wheat, cotton, rice, peanuts, tobacco—those are program crops—to participate in the program you have to make certain sacrifices as a producer to receive the benefits of any farm program. You have to set aside acres. You have to deal with conserving use acres. You have to deal with the ASCS office on a routine basis. There are a lot of things farmers have to give up to participate in the farm program.

So, for policy reasons, particularly in this year when we do not have the

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

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money we had last year—last year we had enough money I guess to spread around to everybody—it was the hope of some of us that those of us who live in program crop States, which includes most of us, that we would first deal with program crops. But I must say, with some regret, that the bill reported out by the Democratic majority treats program crops and nonprogram crops almost the same.

I am not certain the wheat producer in, say, Kansas or Oklahoma or the corn producer in Nebraska or Iowa or the cotton producer in Mississippi, or the soybean producer, really understand what we have done to them. What we have said, in effect, is: Well, it does not make any difference. If you raise blueberries, we will take care of the blueberries if you have a loss. If you raise cucumbers, we will take care of the cucumbers. If you raise pumpkins, we will take care of the pumpkins.

And the only difference between program crop producers and soybeans and nonprogram crops, under the Democratic proposal is for program crops there is a 40-percent loss requirement. Last year it was 35 percent.

Under the other category, which includes nonprogram crops, there is a 45-percent loss requirement. The payment is the same, 65 percent up to 75 percent loss.

So for all practical purposes, the programs are the same. A lot of my colleagues on both sides of the aisle have poked fun at the House bill because it covered everything. I asked a question in the committee this morning: Name one crop in America not covered by the Democratic plan in the Senate bill, and nobody responded because it covers everything. Program, nonprogram, you name it; if you raise it and you have a loss out there, the corn producers are going to pay for it along with the wheat producers, cotton producers, and soybean producers.

Our producers are very generous except they had a big disaster. They are not quite ready for the United Way. They have not heard the appeal from the cucumber growers, asparagus growers, and others who may have losses, and maybe we ought to deal with those losses. Let us not take it out of the corn pile, the wheat pile, and the soybean pile where we may have had the losses.

What does the alternative plan do, which I still believe has bipartisan support, or I think will eventually? We decided that last year 65-35 was what it ought to be for all those who suffered major disasters; 35 percent loss requirement and 65 percent payment, up to 75 percent loss. The other alternative, called the Republican plan, we had a 90-percent payment if you had over 75 percent loss. The Democratic plan is only 80 percent payment for losses over 75 percent.

In any event, we have to figure out some way to bring these two together. There may not be a disaster bill, if we don't control the cost. The President said we are going to spend $870 million. We do not care if you put it in fiscal year 1989 or 1990, it is going to be $870 million. We would not be discussing drought legislation had it not been for the drought in winter wheat States—Kansas, Oklahoma, Texas, Colorado, Nebraska, South Dakota and maybe a bit in one or two other States.

It is pretty hard for us to stand up here with a straight face and criticize the House bill if we cover every crop they cover, except get a little smaller payment. We are going to do everything the House did except you do not get as much. If we want to cover 640 crops, as we did in 1988, then let us find some way to do it that does not take it out of the savings that come from winter wheat producers and cotton producers.

I want to congratulate my colleagues on both sides of the aisle. I think there were efforts to put together a program, but the one effort was to try to satisfy everybody regardless of policy. In my view, policy is important. Why should a farmer participate in a program, suffer a disaster, and not get priority over a person who never was in a program? Why should he set aside acres? Why should he care about conserving acres if we are going to pay the blueberry producers based on the formula we pay the corn producers? I do not think it is fair. I think it is a matter of policy.

What we are saying to the American producer, whether it is corn, soybeans, rice, cotton, or whatever program crop; you are a sucker to be in the program. If you have any weather problem, we are going to pay you anyway.

I just hope we understand precisely what we have done. I want to give a couple of examples of what it does to wheat producers and corn producers, because I know some may have an interest in the farmer. Let me give you the average winter wheat producer in any State: 1,000-acre farm, 35-bushel-per-acre program yield, 31,500 bushels normal production with a 10-percent ARP, target price $4.10; 1989 production of 3,150 bushels, loss of 28,350 bushels, and a lot of farmers had that much of a loss.

I will print all this in the RECORD. But under the proposal reported out this morning, the total payments to that farmer would be $45,849 and under the alternative plan—which was defeated by one vote—offered by Senator LUGAR, total payments to the wheat producers would be $51,014.

So if you go the Democratic plan, you are saying that is fine; I want to put 18 cents per bushel of everything I lost into this pot so we can pay the blueberry growers or the pickle growers or somebody else in America who has never been in a program.

Let us take corn, a very important crop in some States. That wheat farmer in the example had a 90-percent loss; the corn farmer has a 50-percent loss. There is a 104-bushel-per-acre program yield; 18,720-bushel normal production with a 10-percent ARP; target price $2.84, and you had a production loss of 50 percent.

Under the plan reported out this morning by a straight party-line vote, that corn farmer with a 50-percent loss would receive $3,456. Under the Lugar plan, the alternative plan, the corn farmer would receive $5,184. So it averages out to 18.5 cents per bushel of loss with the plan that has been reported to the Senate. We are suggesting to all the corn producers and wheat producers and others, well, you ought to take less because we have to pay the blueberries and the peaches, and other crops.

If we want to pay those people, that is fine with me. Let us find some other way to make the savings when we do reconciliation, or let us wait until October and reestimate what is happening out there. There may be some other losses in cotton or other program crops somewhere to provide enough money to take care of those crops.

So the point I would make is this: I do not think my wheat farmers know what has been done to them this morning. It may take a while for them to get the message. We are going to try to deliver the message. I do not think the corn producers in Iowa know what we did to them this morning. It may take a while, but they will get the message. Maybe they will all write back and say, "Bob, I think you are right; we ought to give up 18-27 cents a bushel to take care of somebody else's loss where there has not even been a loss." The only demonstrated loss in America, as far as I know, so far, demonstrated loss, has been in winter wheat. And cotton will suffer due to prevent planting and flooding. That is it.

They have had good rains all over the Midwest and the Great Plains area. We are not going to know what is going to happen to some of the spring crops for a while. We may have good crops. I hope we do. I think farmers may want a good crop rather than a disaster check.

I wanted to set forth some of these facts. We can drag out a chart and look at all these nonparticipants we left out. First, you have to look at the number of acres covered. A lot of people do not participate in farm programs because they do not want to. It is philosophical. A lot of big farmers do not participate in farm programs

because they do not want any part of the program. They will take their chance on the marketplace, and they know if you get enough people in the program they will probably get more benefits by staying out. A lot of them do not have any base acreage in corn or wheat.

A lot of small farmers do not bother with the program. But in most cases, 70, 75 percent of the total acreage is covered, and those who participate in the program ought to have priority over those who do not participate in the program. They have a right to go in the program. They say, "I do not want to go in the program, but I want all the benefits if I do not go into the program." You cannot have it both ways. Farmers understand that.

So it seems to me as we address this problem in depth on the Senate floor that there is still some hope that we might be able to resolve some of the differences.

Keep in mind that under our proposal, the Lugar proposal, a 35-percent loss qualifies for a 65-percent payment rate. Under the proposal reported out on a straight party line vote a 40-percent loss qualifies for a 65-percent payment rate. Then you look at how they treat nonprogram crops—almost the same.

I would like somebody to explain that to me in a 500-word essay, why you see any equity there. Why not go into reconciliation and find some savings for nonprogram crops if that is such an issue with some people?

So I suggest that there are some options if we want to work this program out. But if it is just a question of rolling the Republican leader, which is what it came down to I think in the committee, and rolling the Republicans who had a good idea, then we will have that battle right here on the Senate floor sometime but it may not be before the recess.

I say again, we would not even be talking about drought legislation if it were not for the winter wheat producer and the disaster suffered in winter wheat States. Someone said that we cannot have a program if it only covers five or six States. Why not if that is where the loss was? So we are prepared to work with our colleagues on the other side but we are not prepared to cover every crop in America, through a significant cut to program crops to do it. If those on the other side want to try to reach some savings, I am willing to make some tough votes to accommodate the nonprogram crops. But it would seem to me that we have a lot of work to do.

Mr. President, I ask unanimous consent that the two examples I gave with reference to a corn farm with a 50-percent loss and a winter wheat farm with a 90-percent loss be included in the RECORD so that Members will know when they vote on these plans, if it comes to that soon, what is happening in their States.

There being no objection, the comparisons were ordered to be printed in the RECORD, as follows:

COMPARISON OF DISASTER PROPOSALS FOR A CORN FARM WITH A 50% LOSS

200-acre farm.
104-bu/acre program yield.
18,720 bu normal production (10% ARP).
Target price $2.84.
1989 production of 9,360 bu = Loss of 9,360 bu.

35/65/90	40/65/85
35 percent of normal unpaid—6,552 bu.	40 percent of normal unpaid—7,488 bu.
35–75 percent of normal at 65 percent 2,808 bu paid at $5,184.	40–75 percent of normal at 65 percent 1,872 bu paid at $3,456.
Total payments $5,184	Total payments $3,456.
Difference—$1,728 or 18.5 cents per bu of loss.	

COMPARISON OF DISASTER BILLS FOR A WINTER WHEAT FARM WITH A 90% LOSS

1,000-acre farm.
35-bu/acre program yield.
31,500 bu normal production (10% ARP).
Target price $4.10.
1989 production of 3,150 bu = loss of 38,350 bu.

35/65/90	40/65/85
35 percent of normal unpaid—11,025 bu.	40 percent of normal unpaid—12,660 bu.
35-75 percent of normal at 65 percent 12,600 bu paid at $33,579.	40-75 percent of normal at 65 percent 11,025 bu paid at $29,382.
75 percent + of normal at 90 percent 4,725 bu paid at $17,435.	75 percent + or normal at 85 percent 4,725 bu paid at 16,467
Total payments $51,014	Total payments $45,849.
Difference—$5,165 or 18 cents per bu. of loss.	

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

DROUGHT RELIEF

Mr. DASCHLE. Mr. President, I have not had the opportunity to hear all of the remarks made by the distinguished Republican leader, but I think I probably heard them before. Certainly I heard them in the Agriculture Committee markup this morning and over the last couple of days in our negotiations, and our discussions. There is no one more persistent, more determined, and in some ways more effective in articulating his position than the Republican leader.

And so it is with due respect that I rise in strong opposition to his characterization of the bill that was just passed in the Senate Agriculture Committee moments ago. The fact is—and the Republican leader will attest to this—we have tried for weeks, virtually months, to arrive at a consensus on what we should do in disaster legislation this year. Time after time we met with the Republican leadership and time after time we failed to arrive at that consensus, as close as we were on a number of opportunities. Today's markup was our best shot at consensus in the realization that the drought continues and worsens in some cases. We also recognized that we are now bumping up against the August recess, implying that we could do nothing else but pass out a bill, and that we did this morning.

This bill really does three things. First of all, it recognizes that the drought does not just affect those who signed up for the program. It affects everybody. Our Republican Secretary of Agriculture in South Dakota has made a number of very eloquent statements with regard to the need to cover all crops and to be sure that we do it effectively. This bill does that.

The second thing this bill does very effectively is come within the guidelines, the bounds, that we face budgetarily. We have to respond to the budgetary problems as well as the critical agricultural problems as we deal with drought and other diseases and this bill does so.

The third and perhaps in some ways the most effective argument in this compromise proposal is that it is fair. Not only does it deal with program and nonprogram crops, understandably, with some differential, but it deals with the broader situation at hand. It recognizes that under the Republican proposal, farmers are going to be required to pay back deficiency payments in December. I would call it the "Grinch Bill" if I wanted to characterize it in a negative way, but I am not going to do that.

The fact is the Lugar-Dole bill would require farmers, for reasons inexplicable, to pay back their advance deficiency payments at the same time they are buying Christmas presents. I cannot figure that out.

Perhaps most importantly in dealing with fairness, the compromise bill recognizes, that it is wrong for us to pit farmers against farmers. It is a mistake we make in the Senate and Congress time and time again. We cannot do that, and this compromise bill recognizes the importance of ensuring that all farmers are covered.

In contrast, the Lugar-Dole bill would exclude 780,000 corn farms, 698,000 wheat farms from receiving disaster assistance, simply because they did not participate in the crop programs this year. In the State of Kansas alone, 9,000 corn farms and 41,000 wheat farms would be excluded under the Lugar-Dole bill. In my own State of South Dakota, 10,000 corn farms, 24 percent of the total, and 11,000 wheat farms, 35 percent of the total, would be excluded.

We have to be fair about this. We have to recognize the need for budget constraints, and we certainly have to respond to the drought promptly. This compromise bill, that was passed out of committee does this. It deserves our support.

Mr. President, I ask unanimous consent to have printed in the RECORD the summary of the compromise proposal as well as a chart delineating the farms that would be omitted under the Lugar-Dole proposal. I yield the floor.

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

FARMS AND ACREAGE PLANTED [1] NOT COVERED FOR DISASTER ASSISTANCE UNDER LUGAR-DOLE PROPOSAL

	Acreage not covered (thousand acres)	Percent of planted acreage	Farms not covered	Percent of total farms not covered
Corn:				
Indiana	1,225	22.3	56,916	51.3
Iowa	1,170	9.2	39,497	25.5
Missouri	799	33.3	30,454	51.0
Nebraska	765	10.2	15,090	21.2
Minnesota	698	11.3	38,369	39.5
Kentucky	639	48.0	42,725	70.9
Georgia	247	40.5	24,016	67.1
South Dakota	236	6.9	10,292	24.1
Kansas	146	11.1	9,929	38.0
Total United States	16,700	22.9	780,275	52.5
Wheat:				
Oklahoma	2,607	35.7	24,499	43.1
Kansas	2,500	20.2	41,653	35.9
Montana	1,613	25.4	7,324	37.4
North Dakota	836	7.7	11,523	20.1
Nebraska	395	15.5	22,025	45.8
South Dakota	381	9.7	11,562	35.9
Minnesota	345	12.5	30,786	63.5
Total United States	22,780	29.6	698,686	61.6
Cotton:				
California	495	47.1	2,843	53.7
Mississippi	133	12.1	3,785	27.5
Georgia	79	26.3	2,456	39.5
Arkansas	74	12.5	1,325	16.8
Alabama	57	15.8	2,950	34.8
Oklahoma	16	4.3	3,087	34.7
Total United States	1,504	14.3	43,734	30.2

[1] USDA news release 651-89, May 24, 1989, USDA announces preliminary results of 1989 farm program signup.

COMPROMISE PROPOSAL

Item	Fiscal year— 1989 cost	1990 cost
1. Program crops participants (40 percent loss requirement, 65 percent payment up to 75 percent loss, 80 percent payment over 75 percent loss):		
Wheat	$85	$253
Other		355
Peanuts, sugar, etc		4
2. Advance disaster payments (included above):		
3. Nonparticipants, soybeans, and nonprogram crops (45 percent loss requirement, 65 percent payment up to 75 percent loss, 80 percent payment over 75 percent loss):		
Wheat		45
Other		43
Soybeans		124
Other nonprogram crops		183
4. Drop damaged fruit provision		(50)
5. No double payments on replanted acreage		(20)
6. FCIC nonduplication: Same provision as last year		(10)
7. Payment limit: Same provision as last year		(50)
8. Deferment of 1988 Adv. Def. Payments: Defer refund of 1988 adv. def. until July 31, 1990		None
9. Canola		(10)
10. Peanut shrinkage		None
11. Freeze damage to orchards		3
12. Disaster credit and forebearance		
13. Rural businesses		

COMPROMISE PROPOSAL—Continued

Item	Fiscal year— 1989 cost	1990 cost
14. Community water assistance		
15. Emer. Cons. Prog., deepening of wells		
16. Livestock feed assistance—on-farm stored grain		
17. Watershed assistance		
Total	85	870
Baseline changes (CCC, FCIC, ACIF), January-July	300	870
Net savings from baseline	215	

Mr. CONRAD. Mr. President, I ask unanimous consent to proceed as if in morning business.

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

DROUGHT RELIEF

Mr. CONRAD. Mr. President, I just listened to Senator DOLE's eloquent commentary on the disaster relief bill we in the Agriculture Committee just reported, but I must take sharp exception to his conclusions. It is important I think to get the other side of the story if people are to appropriately evaluate the differences between the disaster relief bill we just reported from the Senate Agriculture Committee and the substitute that was offered by Senator DOLE and Senator LUGAR.

The disaster bill we just reported is very close to the disaster bill we passed last year. Senator DOLE criticizes what we just did and says we covered all crops. Absolutely we covered all crops, Mr. President, because the drought does not differentiate between a program crop and a nonprogram crop. Everybody gets hurt. Everybody gets hit. Everybody suffers, and everybody deserves help. The Senator from Kansas says, "Just take care of the program crops."

Earlier he just wanted to take care of winter wheat and forget about everybody else. Take care of the first people that suffer. To those who suffer later, he says good luck. That was his earlier proposal. Now he retreats a bit and says, well, we will take care of the program crops, but we will let the nonprogram crops hang. That is not fair.

It is fascinating the difference a year makes. One year ago we passed a disaster relief bill and we covered all crops. And you know what, the Senator from Kansas supported that bill. In fact, I have in my hand the speech he gave on the floor of the Senate 1 year go. Then he said, "The bill achieves our general goals of providing assistance to all producers in a fair and equitable manner."

Last year it was fair to take care of everyone who was hurt. This year somehow it has changed. This year somehow we are just supposed to take care of the program crops and forget the nonprogram.

Let me just say what that would mean in my State. In my State one-third of the value of our crops is nonprogram crops. We would be saying to those who produce sunflowers, "You are out of luck." We would be saying to those who produce the bean crops in our State, "You are out of luck." We would be saying to the sugar beet producers and the potato producers and those who have hay crops, "You are out of luck."

The Senator from Kansas says there is only one demonstrated loss, and that is winter wheat. Nonsense. In my State as of today we have $661 million of crop losses, $661 million. That is a loss as of today. That is an estimate of the State university. That translates into an economic loss in my State of $1.8 billion.

Mr. President, these are not fantasies. I just covered the western part of my State over the last weekend. There is a disaster in the making that is of enormous proportions.

Last year my State was hurt greater than any other State. We lost 49 percent of the net farm income in North Dakota. Kansas lost 10 percent. Now we have been hit for the second year in a row.

Mr. President, it is time to be fair with everyone. The way to do that is to do what we did last year. Mr. President, the real difference between the proposal advocated by that side and the proposal advocated by our side is an unwillingness on the part of the Republicans to use the savings that are available in fiscal year 1989.

The administration came before the committee and said there is $870 million of savings in fiscal year 1990. You can use that for disaster relief. When we pointed out there was also $300 million of savings in fiscal 1989 that could be used so that we would take care of both the program crops and the nonprogram, all of a sudden, oh, no, we cannot do that; we cannot use those fiscal year 1989 savings even though the winter wheat crop disaster occurred in fiscal 1989. Much of it could be paid in 1989. But we cannot use the money.

Mr. President, it does not add up. It is not fair. It is not consistent with what we did last year. And to tell those who have advanced deficiencies that are due on December 31, you have to pay up, we cannot defer it until July 31, which would have no effect in the fiscal year 1990, but it would give farmers a chance to actually harvest a crop before having to pay back advanced deficiencies. The Lugar-Dole bill says pay up on December 31. The Grinch that stole Chistmas; they will be there with their hands out on Christmas eve asking the farm families to pay back those advanced deficiencies. That is not right.

In our proposal, we move that payback to July 31.

Mr. President, the disaster bill we just passed is close to last year's, not quite as generous because we are working within budget constraints. But to characterize this bill as the Senator from Kansas has done is really a disservice to our colleagues. For that purpose, I have come to the floor to give the other side of the story.

With that, I thank the Chair and yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER (Mr. WIRTH). Is there objection? Hearing none, the Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, the Senator from North Dakota has expressed extremely well a sense, I believe, not just of the majority in the Agriculture Committee but many members of the Republican Party as well. The Senator from South Dakota responded, and I think adequately as well, with facts as to what it is that this particular piece of legislation would attempt to do.

I rise simply to assert that the difference in fact between the Republicans and Democrats on this committee are relatively small. I rise to object to the representation of this as being Democrats versus Republicans. It simply is not so.

Obviously, the distinguished Republican leader feels very strongly, and we saw much anger in his presentation. That anger, Mr. President, is based upon the fact that there is a proven loss in winter wheat. And in much of what the Senator from Kansas says, the premise of what he says I agree with. Winter wheat has a proven loss. But the misrepresentation that occurs when the distinguished Republican leader speaks is to try to draw a dividing line between program and nonprogram. That is not where the dividing line occurs.

We already begin to acknowledge that we must address all of agriculture when we move beyond winter wheat and move from winter wheat into spring planted crops such as corn and soybeans.

Mr. President, once we have made that move we said that agriculture is united. Agriculture must stay together if we are able to put together not just a drought package but a farm bill itself.

That is what agriculture has always done, stood together and saw itself as a unit, not as one divided against the other.

What the Senator from Kansas, the distinguished Republican leader, unfortunately in a moment of anger I believe has done is attempted to drive wedges and divide. The real division between the Republicans and Democrats on the Agriculture Committee is almost, without I think misrepresenting it, indistinguishable.

There is less than $70 million to $80 million worth of differences. Both the Republicans and the Democrats on the Agriculture Committee recognize that we are within, at the moment, difficult budget times; and that we are not able to pass a bill that is essentially a Christmas tree bill trying to take care of all sorts of things. The compromise that was finally enacted in the past in the Agriculture Committee was $270 million short of what the House itself has passed.

We attempted to come as close as possible to the mark laid down by the administration. Mr. President, this Agriculture Committee I believe has already borne its fair share of deficit reductions. In budget reconciliation, we will be taking $600 million out of farm income by reducing program payments for 1990 and 1991. Program costs notwithstanding some statements that have been made by the Secretary of Agriculture have been coming down since 1986: 1986, 1987, 1988, 1989, and 1990 have been coming down, and coming down substantially. Agriculture is working its way out of a significant depression that occurred in the early and middle part of the 1980's. This particular piece of drought legislation will enable that recovery to continue.

It is a recognition that agriculture must stay together, and as I say the distinguished Republican leader misrepresents the division in this committee. It is nowhere near as large as was asserted. It is relatively minor and moreover, Mr. President, I would finally point out that the proposal that was offered by the Democratic majority permits, I believe, some inequalities that would occur under the Republican package not in fact to occur.

So I believe that the package that was reported this morning by the Agriculture Committee is reasonable, it is fair, and it deserves passage by the Senate.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I do not mean to step in, but I ask unanimous consent that I be allowed to continue as though in morning business.

The PRESIDING OFFICER. Is there objection? Hearing none, the Senator from Vermont is recognized.

Mr. CONRAD. Mr. President, if I might ask the Senator, if he is going to make a statement—if I might ask the Senator from Nebraska before he leaves the floor a couple of questions so that we might have the record complete before we end this part of the presentation.

Would the Senator be willing to yield?

Mr. LEAHY. Of course. The Senator from North Dakota and the Senator from Nebraska have been probably doing—along with the Senator from South Dakota and others—as much educating on this subject as anybody. I will be happy to yield for that purpose.

Mr. CONRAD. I would like to put the question to the Senator from Nebraska. He is quite right in dollar terms, that there is not a great difference between the proposal advanced by Senator LUGAR and Senator DOLE and the proposal that we just reported. I think a difference of about $85 million.

The difference is our willingness to use some of the 1989 savings versus their absolute unwillingness to use some of the 1989 savings. By our using part of those savings that were developed in fiscal year 1989, we are able to cover nonprogram crops as well as program crops.

In the view of the Senator from Nebraska, does not the failure to cover nonprogram crops discourage diversification; that is, we have people out there who plant sunflowers instead of program crops, we have people out there who plant a hay crop instead of a program crop. If we are to say to them, "You get no coverage in a disaster," are we not going to encourage them to be planning program crops, which hurts the program producers?

Mr. KERREY. The Senator from North Dakota is absolutely correct that all politicians that approach rural America talk about the need to diversify that agricultural base. In fact, the Senate should be aware that included in the Lugar-Dole proposal, that the distinguished Republican leader felt was so meritorious, was a provision that provided for sunflowers, a nonprogram crop. So it was not as if, as I represented in my remarks, the division exists between those that are program and those that are nonprogram.

There is, it seems to me, a considerable amount of tension that exists between the committee and the administration over this advancing the payment back into 1989. In fact, the distinguished Republican leader approached the Secretary of Agriculture last week, got a signoff that it was possible for us to do exactly what our compromised bill did.

The Office of Management and Budget said, "No, we cannot do that," after 10 days ago permitting Secretary Cheney to advance back 2 weeks in salaries for people in the Department of Defense so as to provide an additional $2.85 billion.

It seems to me that the administration is trying to use their own count-

ing devices when it serves their purpose and then saying to us, standing on principle of purity, that they will not permit us to do something that is not only reasonable, but given the part that agriculture played in the 1980's, I think entirely is fair and justified.

Mr. CONRAD. Before the Senator yields, if I might just ask one other question so the record is complete: The Senator from Kansas stood on the floor and indicated that the corn farmer and wheat farmer are better off under their proposal than under the proposal reported by the majority in the Agriculture Committee just moments ago. That is a very selective use of statistics by the Senator from Kansas, I might say, because what he has done is he has made a set of assumptions that do not reflect reality.

The reality is, people just do not plant corn, they do not just plant wheat. They also have nonprogram crops. When you figure in the nonprogram crops, as was indicated during the debate, you put in some beans, you put in some hay; then all of a sudden, what you find is our proposal is superior in terms of what the farmer receives; and for the purposes of the RECORD, I ask unanimous consent that this chart be printed in the RECORD at this time.

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

REPRESENTATIVE FARM

[Gross returns for 100 acres corn, 50 acres beans, 25 acres hay]

Percent crop loss	50			75			100		
	Leahy	Dole-Lugar	Option	Leahy	Dole-Lugar	Option	Leahy	Dole-Lugar	Option
Program parameters:									
Wheat/Corn (percent)	40/65	35/65		40/65	35/65		40/65	35/65	
Soy (percent)	45/65	35/46		45/65	35/46		45/65	35/46	
Corn:									
Market revenue	$11,500	$11,500		$5,750	$5,750		$0	$0	
Disaster assistance	1,015	1,984		6,323	7,292		12,748	14,463	
Gross revenue	12,515	13,484		12,073	13,042		12,748	14,463	
Soybeans:									
Market revenue	5,558	5,558		2,779	2,779		0	0	
Disaster assistance	361	769		2,167	2,052		4,390	3,827	
Gross revenue	5,919	6,327		4,946	4,831		4,390	3,827	
Hay:									
Market revenue	164	164		82	82		0	0	
Disaster assistance	547	0		1,460	0		2,723	0	
Gross revenue	711	164		1,542	82		2,723	0	
Total:									
Market revenue	17,222	17,222		8,611	8,611		0	0	
Disaster assistance	1,924	2,754		9,950	9,344		19,861	18,290	
Gross revenue	19,145	19,975		18,560	17,954		19,861	18,290	
	(830)			606			1,571		

Mr. CONRAD. I would ask the Senator from Nebraska, if when we calculate how the farmer comes out, should we not be using reality, should we not be looking at a farmer who is a diversified producer?

Mr. KERREY. We should indeed, Senator. In fact, one of the things I would do would be to ask the distinguished chairman of the Agriculture Committee, when we turn it back over to him, to make certain that into the RECORD is submitted the staff document that shows what happens under the Lugar-Dole proposal.

I am going to be careful how I say this because I know there are an awful lot of Republican members of the Agriculture Committee that understand the formula that was reported. The formula that was agreed to is fair and reasonable and ought to be adopted. What they are concerned about is whether or not we ought to spend the additional $70 million. I believe it is possible, if we need to, to find an additional $70 million. It is the formula that we are using that must be used.

The document the chairman should be able to submit into the RECORD will show to wheat farmers in Kansas what happens to nonparticipants, to a wheat farmer in Kansas; and I do not know the percentage in Kansas, but it is a large percentage of the wheat farmers in Kansas that are nonparticipants in the program. They may get nothing in this disaster program. They may get nothing under the Lugar-Dole proposal.

If there is no money available on October 1, under their proposal, there will be no additional benefits that go out. Nonparticipants in the program for winter wheat—which I agree with the distinguished Republican leader, should be given first priority—will suffer under their proposal. I would ask wheat farmers in Kansas to take a close look, those that did not participate in the program, and write to the distinguished Republican leader. As long as they are going to be writing about their objections to pickle producers, write as well and indicate whether or not they think they are going to get a fair share under the Lugar-Dole proposal. I suggest they will not under that proposal.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I first wish to respond to a comment made by the distinguished Senator from Kansas. He implied that the Rural Partnerships Act of 1989, S. 1036, was reported out of the Agriculture Committee without any hearings. That, of course, is not so. The 39 cosponsors of the bill, both Democrats and Republicans, know of the numerous field hearings held on this bill.

The distinguished Presiding Officer had a representative of his office at one of our field hearings. The distinguished Senator from Alabama [Mr. HEFLIN] was a participant in a hearing in his State as was a Member of the House of Representatives from Alabama. I would not want anybody to think, on the question of the rural development bill—which incidentally was reported out of Senate Agriculture Committee on a unanimous vote—that there had not been hearings.

Mr. President, I now wish to comment on the disaster relief package that was today reported out of the Agriculture Committee.

When this process started, I set out three goals for disaster relief legislation. I am pleased to say that the bill reported out of the Agriculture Committee today met all three goals.

First, the bill provides equitable relief to farmers who need help.

Second, the bill treats all farmers fairly, whether they grow program crops or nonprogram crops; whether they grow soybeans, corn, wheat or

hay. In reporting this bill, the committee did not unfairly pit the interests of farmers in one State against those of other States.

Third, the legislation is fiscally sound and budget neutral. In fact, the committee bill costs nearly $400 million—or about 29 percent—less than the House bill.

I am pleased by the efforts of the committee in reporting this bill. I also appreciate Senator LUGAR's assistance in developing this package. While we did not always agree on the appropriate levels of relief, both he and his staff made every effort to develop a committee package.

Despite this progress, there are some who continue to press for treating nonprogram crops substantially different than program crops and for treating participants in Federal farm programs substantially different than non-participants. I am troubled by these efforts.

The committee debated a proposal offered by Senators LUGAR and DOLE which would have provided the bulk of the assistance to growers of program crops and soybeans. The problem with this proposal was that it is unfair.

It is unfair because it would penalize those who farm nonprogram crops other than soybeans. It is also unfair because it penalizes those who chose not to participate in Federal commodities programs.

Not only is this approach unfair, but it discourages agricultural diversity and encourages continued reliance on governmental support. This differential treatment simply penalizes those who want to practice free market farming.

There are others—including the National Farmers Union and the American Farm Bureau Federation—who agree with me. These two national farm organizations, which often differ on important farm policy, support a relief package similar to one which we are considering today.

At this committee's July 13 hearing, Mississippi Farm Bureau President Don Waller testified that:

> As a matter of equity and in fairness to all agricultural producers, such a [disaster assistance] program cannot arbitrarily exclude large segments of agriculture that have been seriously affected by this year's weather * * *.

Supporters of the proposal by Senators DOLE and LUGAR contend that benefits for corn, wheat and other program crop producers should not be reduced to help blueberry growers, to name but one often-cited example. I disagree with this approach.

We should treat fairly and equitably all farmers who have suffered a loss from the disastrous weather. It should not matter if they grow corn, wheat, hay, or soybeans. The money being paid out for disaster assistance does not belong to any one commodity—it belongs to the taxpayers. And I believe that taxpayers want their money distributed fairly and equitably.

Some contend that only winter wheat has suffered a loss. I disagree.

Ask Senator BREAUX if the 50 inches of rain in Louisiana in 1 week—70 inches in a month—did not damage his State's crops.

Ask Senator BUMPERS about the flooding in Arkansas and the early freeze that destroyed his State's vegetable production.

We have heard the Senator from Nebraska speak here today, the Senator from North Dakota, and the Senator from South Dakota. They, as well as the Senator from Oklahoma and the Senator from Iowa and the Senator from Montana and all other States, were willing to work closely together, each one trying to move toward a middle position.

Now, every Senator has to decide how he or she best represents their State. I do not want to suggest to the distinguished Republican leader how he should represent his State anymore than I would expect him to tell me how to represent mine. But I do know that when we pass a piece of legislation involving disaster relief, we almost never pass a piece of legislation that is aimed primarily at just one State or possibly two States. Certainly we are not going to do it with farm legislation. We never have before. We are not going to do it now.

The fact is that a disaster is a disaster. This bill will offer partial recompense to those who need relief. It will not go to those in States, like my own, where our crops have been good. We in Vermont have been blessed with abundant sun and rain and all the growing conditions that we need. It will not go to us. It will not go to some of the other States that have had good growing conditions. Relief will only go to those and those producers who have faced a real disaster.

But I would remind Senators that those who do not have a disaster this year may have one next year and vice versa.

Any one Senator of either party could stop this or any piece of legislation in the few days remaining before the August recess. Any one Senator could stop the defense authorization bill if he or she really wanted to. Any one Senator could stop virtually anything except, I suppose, a motion to adjourn for the August recess.

But I hope that no Senator would succumb to that temptation, in effect cutting off their "State" to spite their face, if I might mix the metaphor just a tad.

This legislation will pass if we work together and hold hands. If we work together, there will be enough time to move disaster assistance through the Senate, probably immediately after rural development. There will be enough time to move through a conference committee and there will be enough time to get disaster assistance on the President's desk. There will be enough time also for the Department of Agriculture to make changes in their regulations so that those who need assistance, may start receiving real assistance.

But the farmers and producers of this country should know one thing: If they do not get relief—if they do not get help—do not look to the Senate Agriculture Committee to blame. The Senate Agriculture Committee reported legislation today that will provide the needed help and assistance.

I am prepared to go forward with this bill at any time on the floor of the Senate. I am prepared to go to conference with it at any time. So if farmers do not get that relief, if farmers do not get the assistance, do not blame the Senate Agriculture Committee.

Mr. President, I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Is there objection? Hearing none, the Republican leader is recognized.

Mr. DOLE. Mr. President, first I want to apologize to my colleagues for having to leave the floor, because I was announcing, with Senator KERRY of Massachusetts, a new division on little league baseball for handicapped children, which is very important, and that took awhile. So I did not leave the floor because of comments being made. I do not know what has been said, but I understand that we have debated the drought bill to some extent and certain points have been made.

I would only sort of restate what I said earlier. I have been around here long enough to know that you have to compromise. But I have never heard that you just had to give away the store; that it had become so partisan that you have to agree to everything the other side wanted to do to get a bill.

Now, we have heard a lot about bipartisanship from the President and some of the leadership. We did not have any of that in the Agriculture Committee. We had not several meetings, we had one 15-minute meeting and one 5-minute meeting, as far as I know, in addition to the formal meetings. And that is all right. We know where the numbers are.

But I did not get elected to come to the Senate to sell my wheat farmers down the river or to figure out some kind of scheme where everybody got something. And that is how you get votes, I guess: figure out some scheme where everybody gets something.

There are ways, as I have said, to take care of those nonprogram crops and nonparticipants. Let us just find some other way to save the money. What is wrong with making some hard choices?

The American farmer does not expect us just to shovel money out every time something happens. He knows there are limits to what we can do, whether they live in my State or any other State.

Let's face it. There are some of these producers who are going to get a pretty good deal, whatever happens. I read a story, I will not put it in the RECORD, but I read a story in the Fargo Forum about how some farmers planted late deliberately so they could get benefits from a program, a couple of hundred dollars per acre. So we can make charges and countercharges forever.

I notice the Senator from Nebraska [Mr. KERREY] said I felt strongly about this; he said anger. There was no anger in my presentation. I would say again that we would not be standing on this floor now, if we had not had a winter wheat problem, and probably some of us would wish we would all get off so we can argue about the B-2 bomber and the Defense bill, and I am perfectly willing to do that. But I am not just going to absent myself while others are on the attack.

Some think every program and nonprogram crop ought to be treated equally, which is pretty much what happens in the proposal we reported out this morning. I guess that is a judgment that can be made. I do not think it is an appropriate judgment. Senator KERREY of Nebraska, says he agrees with me there is only one proven loss and that is in winter wheat. That is why we started the hearings.

Then everybody said, oh, boy, we have something now, everybody ought to get on board. So now everybody is on board. We started out with one crop and we have run it up to 600 or so crops because we have covered everything. The Department told us that last year 640 crops were covered. We started off with one crop that had a proven loss: One.

Then we have the temerity to say oh, ours is different from the House bill. How? Cost? I do not know whether it costs any less or not. It is more than the administration says it will spend.

But I would say I feel strongly about this. I believe the American farmer will have an opportunity to understand it. They did not all come to the committee room this morning. I doubt if there was a real farmer in the crowd.

The Senator from North Dakota wants to cover everything. He never saw a crop yet he did not want to cover. Maybe that is the way we ought to go.

Mr. CONRAD. Will the Senator yield?

Mr. DOLE. No. I will make my statement. I was not here when my colleague made his.

I think there is a difference between program and nonprogram crops. Ask the corn producer in my State or any other corn State, or ask the person in a program in my State or any other State, if they ought to be treated the same as those people who are not even in a program or those who did not want to participate. It is voluntary. They can participate or not. It is not a mandatory program.

I think we have a good farm bill and I can remember how tough it was to pass it on this Senate floor and how long it took some of us to get it done. But we did not give up because some did not want it. We think we have a good bill.

So, I do not think we should just suggest: well, it is over. We are not going to make any changes. We are going to treat program crops and nonprograms essentially the same with only 5 percent different there on the loss.

The Senator from North Dakota quotes a speech I made last year. Last year we had a lot of money. This year I am willing to cover nonprogram crops if you can find some money for it. Let us do it in reconcilation. Let us face up to some of these tough issues. Let us quit ducking it.

There is a feeling out there the American farmer is irresponsible. He does not believe we have money problems.

He knows we have money problems. He wants us to make savings. He knows we cannot pay everybody for every loss.

Mr. CONRAD. Will the Senator yield?

Mr. DOLE. I think there is some false perception here that the American farmer is sort of out of it—that he is just standing around with his hand out waiting for us to fill it up. That is not the case. Farmers do not want disaster relief. They want a crop. And they want to sell it in the marketplace and they want to make a profit.

Somehow, we have gone from one crop to 640 in 2 weeks.

So we added the other program crops in Senator LUGER's alternative plan. We said, if we want to find some savings we will cover nonprogram crops in reconciliation. We have said, well, we will reestimate in October. There may be some savings. Based on a lot of statements coming from the other side there are going to be a big pile of savings. We will use that for nonprogram crops.

So, it seems to this Senator that we have made a good case. We have not really had that much discussion in the committee. We have had two meetings. We have had little discussion, very brief hearings. And, had we moved on winter wheat when we should have moved on winter wheat, it would have been passed. But the House took the easy way out. They put in everything. It has been estimated their program is going to cost $1.5 billion. Does the Senate want to do the same thing except say we are going to cut it down to $1.1 billion but everything is covered? I do not think so.

If I heard the chairman correctly he does not like the House bill. He says it is too expensive. I think it is a matter of policy as well as dollars. It is the policy that is wrong.

Can some Senator stand up on this floor when we get to this bill and answer one question: Is there a single crop in America we left out? Or a single peril that we did not cover? Because I keep hearing this difference in the two bills, the House and the Senate bill. There is not a single crop that was left out or a single peril that was left out that this Senator knows about. Maybe I do not understand it.

And where does the money come from? It comes, essentially, from program corps.

So we will have plenty of time to debate this.

I again apologize for not being on the floor when other Members were speaking but we intend to make our case and I would hope we would have some converts. I hope when it is all settled it is going to be bipartisan. It is hard enough to pass a farm bill, as I learned trying to pass the 1985 farm bill, when we have people on both sides who are for it.

The President said he will veto this bill if it is over $870 million and we cannot play games and shift some into 1989 and some into 1990 and say, oh, that does not count. Because they are counting every dollar we spend.

I am still prepared to sit down in a bipartisan basis. We have not done that yet. We have had a few meetings with Republicans and Democrats in the room but we have not talked about how we can work it out on a nonpartisan basis.

I am willing to sit down with any Senator, anytime, anywhere, to see if this can be done. In my view normally it can be. Maybe it cannot be. Maybe we have to just fight it out and see what happens and see what happens if a bill ever goes to conference.

Mr. President, I would be prepared to debate this at length but I know we are holding up important legislation, so I yield the floor.

The PRESIDING OFFICER (Mr. BAUCUS). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I feel constrained to, once again, rise to

answer my colleague from Kansas. I respect him. He certainly makes an eloquent case for his side of the story. But there are two sides to the story, and both sides deserve to be heard.

Over and over we hear the Senator from Kansas say: All of a sudden we have gone from 1 crop to 500 crops.

Mr. President, Mother Nature has visited a disaster on all of the crops. Mother Nature did not make a distinction between the program crops and the nonprogram crops. And, Mr. President, last year we passed a disaster bill that said, as an essential element: We are going to take care of those and help those who suffer a disaster.

Senator DOLE favored that approach last year. I read from his speech last year. Last year he said: Fairness dictates that you treat them both in a disaster.

Now this year all of a sudden there is a dramatic change. Why? He suggests it is a matter of money. He says there is less savings available, and that is true. It is also true that the cost of the disaster is less this year. The principle of how we treat a disaster is the same. That is the question.

Interestingly enough, I had a conversation with my colleague on the floor last week on Thursday evening in which we talked about providing assistance to both the program and the nonprogram crops, but to provide a differential between the program and nonprogram because there are differences in the final result. There are differences in yields, differences in the program crops having a setaside. That would argue for a differential in treatment. And, Mr. President, that is exactly what the Democratic package did.

It provided for a differential between program and nonprogram crops. The Senator from Kansas has just been on the floor suggesting we treated them all exactly alike. That is not true.

We did say that disaster for both ought to be addressed, but we recognize the differences between the two. We provide a different level of coverage for the two. We understand that the program crops are going to be paid on a target-price basis. The nonprogram crops are going to be treated on a market-price basis because there is a difference between the two. We provided 40 percent loss requirement on program crops, but 45 percent on nonprogram to recognize the differences. That is fair.

What is not fair is to go out to farmers across this country and say, "If you have a program crop, we'll help you when you have a disaster. If you have a nonprogram crop, you're out of luck." That is not fair. That does not make sense and, by the way, it will hurt the program crops if we do it because we will discourage diversification; we will discourage people from going out there and planting sunflowers instead of wheat. Do you know who that will hurt? That will hurt the wheat producer.

Mr. President, we have heard over and over from the Senator from Kansas there is only one proven loss. That is just not true. In my State, there are $661 million of proven losses by the State University. That is there. I was just in my State. I have seen the loss: Wheat that is 6 inches high and headed out. There is not going to be a harvest. That is a loss.

Last year we treated everybody alike. Senator DOLE and Senator LUGAR supported that. All of a sudden, this year it is a different story. I simply ask why?

Mr. President, it is time to bring the two sides together. We have attempted to compromise. We brought down the total cost of the bill dramatically from what was over on the House side. That is compromise. We have not seen the other side budge 1 inch. They said there is $870 million in savings in fiscal 1990, and when it was pointed out to them there is also $300 million of savings in fiscal 1989, they said, "Well, that does not matter. You just have to use the savings that are in fiscal 1990."

Mr. President, that misses the point. The winter wheat loss occurred in fiscal 1989. We are still in fiscal 1989 and we should be able to use the savings in 1989. The Senator from Kansas more than once during these negotiations has indicated his willingness to do so. In fact, if I am not mistaken, he even went to the head of the Agriculture Committee and the Director of OMB and sought their concurrence. The head of OMB absolutely refused. No basis for it. He just refused. That is not good enough.

Mr. President, we have an obligation here to help those who suffered a disaster. Mr. President, in my home State, when your neighbor's barn burns down, the neighbors go to help out. When a neighbor is sick and cannot bring in the crop, the neighbors come to help out. That is the American way. This year some of our neighbors have suffered a disaster. In one-quarter of my State, they have lost 60 to 80 percent of the crop already. That is a disaster. The American way is that we go to help out when our friends and neighbors suffer a disaster and we will do that again this year. With that, I yield the floor.

SMALL BANKS AND THE S&L BAILOUT

Mr. GRASSLEY. Mr. President, the conference committee on the savings and loan bailout legislation has been meeting throughout last week and this week. Soon it will make its report to the other body and to this body.

Adoption of the conference committee report will dramatically change the environment in which financial institutions do business. The regulatory environment, the competitive environment, the consumer environment, and the deposit insurance environment, will all be considerably different.

The conference report will entail comprehensive policies. At this time, however, I wish to address just one of its provisions—the 18-month Treasury study on the topic of deposit insurance for financial institutions.

I believe that this study is critical. It will provide the basis of prospective legislation to reform the way in which financial institutions contribute to and are covered by deposit insurance.

Deposit insurance, Mr. President, is the principal feature of financial institutions which generates consumer confidence. The perceived failure of the deposit insurance system poses the biggest threat to that same consumer confidence.

With this in mind, it is critical that the makeup and agenda of the study are conducive for a thorough review process. I was concerned, then, when it was brought to my attention that the official at the Department of the Treasury who will essentially lead the study may have a biased perspective.

Mr. Robert R. Glauber, as Under Secretary for Domestic Finance, is Treasury's top banking policymaker. In that position, he will lead the Department's initiatives in the examination of deposit insurance.

Mr. Glauber formerly served as a professor of finance at the Harvard Business School. While serving in that capacity, he also served as a consultant for sizable financial interests.

According to the financial disclosure, Mr. Glauber provided the Senate Banking and Finance Committees for his confirmation, he was paid $874,445 in 1988 for salaries, consulting fees, directorships, and royalties. His 1988 income included a $300,000 consulting contract with Morgan Guaranty Trust Co.

I am sure that Mr. Glauber is an honorable man. High salaries do not necessarily compromise one's integrity. His background, however, is dominated with the business of big regional and international financial interests.

I know that successful businessmen in the world of high finance are always well paid, as they should be. Public and private interests have sought Mr. Glauber's experience and expertise.

Secretary Brady, for example, sought his expertise for the Brady Commission study of the 1987 Wall Street crash.

I am sure the Department of the Treasury is fortunate to have the benefit of Mr. Glauber's experience, espe-

cially for the comparatively modest salary of $82,500.

I just hope that the members of the Banking Committee will ensure that the deposit insurance study will not suffer from direct or indirect bias from the persons administering the study.

Bias in favor of big banks would be devastating to community banks, which have more at stake.

Big money center banks, with their vast resources, already have an advantage in influencing legislation. They sure exercised that influence during Senate debate of the thrift bailout bill to defeat the Nickles-Grassley amendment to assess foreign deposits.

Let me explain. Federal regulators have a philosophy of "too big to fail." Depositors of money center banks essentially incur no risk, because Federal regulators will not allow big banks to fail.

FDIC Chairman William Seidman has repeatedly stated that the "too big to fail" philosophy is here to stay. In a statement last November before the Garn Institute Insurance Forum, he laid out his position. And I quote:

> Allowing a major bank to default could destabilize the total financial system. * * * If the U.S. became the only industrialized nation to allow depositors and creditors of a major bank to suffer, that would undermine the international financial system, to say nothing of the competitive position of U.S. banks. * * * The bottom line in this discussion is that nobody really knows what might happen if a major bank is allowed to default. * * * Combining cost factors with unacceptable risks likely are going to be handled in a manner that protects all depositors and other general creditors.

Well, I do know what happens when a community bank fails. I regret to report to this body, Mr. President, that 40 times over the last decade I have been reminded of what happens to Iowa communities when their banks fail.

It is not the purpose of this statement to argue about the "too big to fail" philosophy. I simply urge my Senate colleagues to be sensitive to its impact when examining deposit insurance.

Because the "too big to fail" philosophy dominates the mindset of Federal regulators, deposit insurance is nearly a moot point for big banks. Federal regulators will not allow them to fail, so they do not have to cash in on their deposit insurance.

That same protection is not available to small banks, many of which have been closed across the rural countryside. I trust the study will analyze the deposit insurance issue from the vantage point of how it will affect all banks, not just the 25 largest banks.

I hope that Mr. Glauber's association with Citibank and Morgan do not overly influence his judgment. I hope that the potential to capitalize on his Treasury experience, when he returns to Harvard, will not shade his vision of the entire banking community.

Mr. President, I also hope the Senate Banking Committee will insist that these concerns will be appropriately addressed. I urge the conferees to include language in their conference report which directs the study to include an analysis of the recommendations' impact on all banks. I have written to the Senate Banking Committee members of the conference committee to make this request.

I ask unanimous consent that a copy of my letter to Sentor RIEGLE, the committee's chairman, be printed in the RECORD.

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

JULY 20, 1989.

Hon. DONALD RIEGLE, Jr.,
Chairman, Senate Committee on Banking, Housing, and Urban Affairs, Washington, DC.

DEAR DON: I recognize and appreciate the supreme effort of the Senate members of the Conference Committee on S. 774 and H.R. 1278, the Financial Institutions Reform, Recovery, and Enforcement Act. I don't envy your responsibilities for their level of complexity, severity, and controversy. The impact of this legislation, no doubt, will change the environment in which financial institutions do business for decades to come.

I request that you turn your attention to a seemingly small issue, in context of the legislation in its entirety. That issue is the eighteen-month study by the Department of the Treasury on federal deposit insurance. While some might consider it "just a study," I believe that its findings and analyses will provide the base for prospective legislation to reform federal deposit insurance. Such insurance is possibly the most significant attribute for consumer confidence in financial institutions.

Deposit insurance policy, however, does not affect all banks equally. Smaller community banks, represented by virtually every bank in Iowa, have much more at stake. Americans witnessed hundreds of community banks close in the last decade. Depositors who held deposits in excess of $100,000 were forced to take a personal loss. Yet, because the Federal Deposit Insurance Corporation exercises a policy of "too big to fail," depositors of large banks have been protected from loss, regardless of the size of their accounts.

It is not my intent to debate the merits of a "too big to fail" policy. It is my desire, instead, to raise the issue that deposit insurance policies have a different impact on community banks than they do on large regional banks. I request that the conference committee specify in its report that the Treasury study must include analysis on the impact on banks for each of its recommendations, categorized according to size of institution and nature of asset and liability base. I expect the Banking Committee would greatly benefit from this information when it begins to develop legislation to reform deposit insurance.

Thank you for your consideration in this matter.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

DEPARTMENT OF DEFENSE AUTHORIZATION

Mr. BINGAMAN. Mr. President, I am pleased to rise today in support of S. 1352, which is the Defense Authorization Act for fiscal years 1990 and 1991. I want to begin by commending the chairman of the committee, Senator NUNN, and the ranking member, Senator WARNER, for their able leadership throughout the entire process of preparing this bill for floor debate.

The Presidential transition and President Bush's decision to cut the defense budget by $10 billion below the level proposed by his predecessor undoubtedly slowed the authorization process this year. The committee did not receive the details of the President's recommendations in this area until early May, which compressed the time that the committee and its subcommittees had available to act in preparing the bill. Nevertheless, I believe that the committee has placed before the Senate a very well-considered bill; a bill that is responsive to the problems and issues facing our Nation in these times of change and also responsive to the opportunities that we face at home and abroad.

As chairman of the Subcommittee on Defense Industry and Technology, I want to highlight a few of the actions taken by the committee within the jurisdiction of my subcommittee. I would like to first thank Senator WALLOP, who is the ranking member of the subcommittee for the support he provided to the subcommittee's work over the past several months. This is his first year on the committee, and he has made many significant contributions. I appreciate his advice, as always his candor, and the good work he does in many of these areas.

Over the past several months, we have had the opportunity to discuss the key issues of maintaining the Nation's technological superiority and the defense industrial base capability with a variety of our Nation's experts. We have also made a special effort to review and understand recent studies that address the problem. Senator MCCAIN and I also cochaired a study conducted by the Center for Strategic and International Studies on the defense industrial base issues.

Finally, the Defense Industry and Technology Subcommittee held eight hearings this spring that addressed a variety of research and technology, industrial base, defense trade, and acquisition issues. The subcommittee received testimony from a number of expert witnesses on this wide variety of issues.

Last year, Mr. President, the committee and the Congress directed the Department of Defense and Energy together to submit a plan to develop the 20 technologies which they consider to be the most important to maintain the

United States qualitative edge in weapons systems development in the future. We received that plan this last March.

In addition to our own review, we asked the opinion of over 50 other knowledgeable individuals and organizations. Based on that review, this year we have put several provisions in the act to improve our planning capability in the future. First, we recommended that a national critical technologies report be prepared which would address both national security and the economic competitiveness issues faced by the country. We have requested that this report be done by the Office of Science and Technology Policy. The plan would provide a national context needed to assess the defense-critical technologies that we are pursuing. It would help us to understand the inner relationship between the defense and the civilian sectors and especially the growing phenomenon of what has been referred to as spin-on from civilian dual-use technologies to the defense sector.

We have also put in language to strengthen the reporting capability of the Department of Defense as to defense-related critical technologies. Mr. President, we have several other very important provisions in our act that relate to acquisition. We tried to improve the acquisition and procurement system by which we spend large sums in our defense budget each year. We have several provisions to help improve the work force and our ability to manage the work force in the defense area. I understand that there may be amendments urging changes in some of those provisions which I will, of course, resist.

Mr. President, based on a broad assessment, I think it is fair to say that the United States maintains a technology and industrial base second to none in its ability to fulfill defense requirements. But there are important areas, especially in dual-use technology, where we have lost our lead, not to the Soviets, but to our allies. For example, in 6 of the 22 critical technologies identified in March by the Departments of Defense and Energy as crucial to our long-term security, Japan holds significant leads. Especially in manufacturing technology we risk being left behind in critical industries, such as machine tools and semiconductors. Luckily, it is our allies who are competing with us, not our foes. In a sense, this competition is a triumph of U.S. post-World War II policy to help our allies build strong pillars of democracy in Europe and Asia.

The question for us is how to respond to the challenge. Restoring the across-the-board preeminence in science and technology we once enjoyed is not an option. But competing with our allies for preeminence in the technologies and industries we deem critical to our long-term national security should be possible for the world's largest economy. We should not become totally dependent on anyone, even an ally, in critical areas. That is one reason why we have asked the Defense Department to focus on its critical long-run needs.

The testimony we have received, confirmed in individual meetings I have held with experts in and out of Government, supports my belief that the Department of Defense has a better appreciation of the importance of science and technology and the need for improvements to the technical and industrial base now than at any time in this decade. Nevertheless, I must report that the Department's technology and industrial base programs continue to lack clear priorities, place too little emphasis on long-term planning, and apportion inadequate resources to these vital areas.

Last year's Defense Authorization Act directed the Departments of Defense and Energy to submit a plan for developing the 20 technologies which they consider most important to maintain the United States qualitative edge in weapon systems in the future. We received that plan in March of this year. In addition to our own review, we asked the opinion of over 50 other knowledgeable individuals and organizations. Based on our review, this year's act includes provisions for a number of improvements to future plans.

First, we are recommending that a national critical technologies report, addressing both national security and economic competitiveness issues, be prepared by the Office of Science and Technology Policy. This plan will provide the national context needed to assess the defense critical technologies. It will help us understand the interrelationship between the defense and civilian sectors, and especially the growing phenomenon of spin-on from civilian dual-use technologies to the defense sector.

Second, building on our review of the Department's first plan, this year's legislation includes a better description of what the defense critical technologies plan should include. To complement the defense critical technologies plan, we also have requested a critical industries plan to identify and examine those industries essential to exploiting the critical technologies.

The Department's amended budget request included insufficient funding for many of the critical technologies that the Department itself elected to include in their critical technologies plan. We have addressed this lack of funding and are recommending modest increases in several of the Department's key programs including advanced neural networks, digital gallium arsenide technology, software producibility, advanced ceramics insertion techniques, high temperature superconductivity, high performance computing and x-ray lithography. It is my personal view that we have only minimally addressed these funding needs this year. I hope that the Department will give this area higher priority in future requests. I should note that Senators WIRTH, GORE, and BYRD have all made important contributions to pointing out resource deficiencies in critical technologies.

Mr. President, I believe that an organized top down assessment of the Nation's technology base, and the industries that use its products, is absolutely essential if we are to achieve the focus, establish the priorities and support the key activities needed to retain our technological superiority. Such an assessment is even more essential in an era of constrained budgets if we are to retain our long-term technological superiority in deployed weaponry.

Closely related to the development of critical technologies is the Balanced Technology Initiative Program. The BTI program, as it is called, was created as a result of legislation introduced in the Armed Services Committee 3 years ago by Senators NUNN and COHEN. The Department has subsequently initiated a number of worthwhile projects and has achieved noteworthy progress on many of them. Several of these projects are now at the point where it is clear that they can make a substantial contribution to our warfighting ability but will require funding increases in the near term to properly advance.

The committee recently held a hearing on the BTI Program to review its progress. We were particularly concerned that the administration, in its amended budget request, reduced BTI funding from the previous year and, further, that the requested amount was significantly less than that included in the BTI plans previously submitted to the Congress. When the $100 million of fiscal year 1988 funds that only became available to the program in 1989 is considered, the administration's BTI funding request for 1990 is $130 million less than the amount available in the previous year. While we cannot compensate entirely for this funding cut, we recommend increasing BTI funding by $90 million above the level requested by the administration. We also understand that the Director of Defense Research and Engineering is taking a hard, top down, look at the entire BTI Program that may result in terminating the less promising projects currently supported. Our recommended funding should provide adequate support for the important projects that continue.

Based on our review of the BTI Program, we believe that the Defense Department has not yet structured the program to meet the goals envi-

sioned when the program was created. The BTI Program represent our best opportunity to use our superiority in research ad technology to exploit competitive advantages in all areas of defense. It must assess the full spectrum of conventional warfighting and be prepared to take advantage of any technological or employment advantage that is detected. To accomplish this, it must be managed at the highest levels of the Defense Department to achieve the cohesion and coordination needed. In order to get this program back on track, the authorization act includes specific steps to improve the management of the program and direct it back to its original goals.

The committee continues to support a number of potentially high payoff activities being conducted by the Defense Advanced Research Projects Agency including its participation in the Sematech Consortium and its support of high resolution television display technologies. In the course of our hearings the committee became aware that DARPA, unlike any other element of the Defense Department, lacks the authority to enter into cooperative agreements with organizations and individuals outside the government. The Defense Authorization Act corrects this deficiency and further permits DARPA to enter into other types of transactions which will provide them with the flexibility they need to deal with the unique situations they often encounter in fostering technologies, particularly dual-use technologies. I appreciate the important contributions Senators NUNN and WARNER made to developing this provision.

We have also included a provision I authored which is designed to enhance technology transfer from the Energy Department's defense program laboratories to the private sector. I think this is a very important provision and in many ways parallels the authority we have proposed for DARPA to enter into cooperative agreements and other types of transactions.

The bill before us also amends a provision included in last year's bill concerning use of competitive procedures for contracts and grants to universities and colleges. That provision, authored by Senator NUNN, was designed to prevent "pork barrel science," congressional earmarking of funds for favored university projects. I have worked closely with Senator NUNN on resolving a few issues raised by last year's provision and appreciate the assistance he has provided. While we continue to strongly oppose the practice of congressional earmarking of university funds in any instance, we recommend the Department be permitted to use other existing exceptions included in the Competition in Contracting Act for noncompetitive contracts in appropriate circumstances. To discourage any inappropriate use of these exceptions, the legislation includes a provision requiring the Department to report on a semiannual basis on sole source contracts awarded to universities and colleges.

The problems that exist in our ability to manufacture weapon systems can be difficult and complex as those associated with developing the underlying product technologies. Yet, both DOD and industry have traditionally neglected process or manufacturing technologies, compared to product technologies. If we wish to maintain our position as leader in the free world, that cannot continue. We have addressed some of the more critical problems in DOD's industrial base programs in this year's Defense Authorization Act and we are working with the Defense Department to find broader answers in the future. In particular, we have added $60 million for various manufacturing technology programs in DARPA and the Services. Senator BYRD and Senator LOTT have been effective advocates for a greater focus on manufacturing technology, and I appreciate their contributions. We recognize that the Defense Department is a major customer for U.S. industry accounting for over 10 percent of the Nation's manufacturing gross national product. It is closely intertwined with the commercial industrial base and is becoming ever more dependent upon it. In addition, the major dual-use industries of the world are becoming more globally oriented and the issue of the appropriate degree of foreign dependency must become an integral part of our considerations.

Last year's Defense Authorization Act established a new framework for the role of defense trade and cooperation in strengthening the competitiveness of our industrial base. We believe that the administration's implementation of this framework has been slow and uncertain, especially for those matters requiring coordination between Federal agencies. For example, almost no progress has been made toward establishing a policy and initiating international agreements on limiting the adverse effects of offset arrangements in defense exports. Our proposed legislation includes provisions on the Commerce Department's role in negotiation and implementation of cooperative agreements, on offsets, and on reciprocity in research contracting, all intended to move the Department into implementing this framework for industrial competitiveness and defense trade policies which we have established. Senators BYRD and DANFORTH have contributed greatly to the committee's product in this area and I appreciate their contributions.

Last year's National Defense Authorization Act contained a number of provisions to improve the efficiency of the defense acquisition process. This year we received disturbing testimony in our hearings from the General Accounting Office, the DOD inspector general, and industry concerning a lack of progress by the Department in implementing both recent legislation and the 1986 recommendations of the Packard Commission. The deficiencies have been particularly acute in terms of streamlining the acquisition process, making better use of commercial products and the use of commercial-style buying practices, improving the responsiveness of the regulatory reform process, and developing a comprehensive policy on contract financing issues.

While we believe that the system must be allowed to fully digest recent legislative and administrative changes before undertaking major new initiatives, we have included several provisions in this year's bill to enhance the efficiency of the acquisition process. Our goal has been to reduce unnecessary paperwork and reporting levels while ensuring appropriate attention to matters directly related to the integrity of the process.

In addition to the important contributions made by all members of our subcommittee to this bill, I would also like to express my gratitude to Senator LEVIN for his leadership in developing the proposals on commercial product acquisition, uniform regulation of source selection information, and impartiality of contractor participation in operational test and evaluation activities. Likewise, I am grateful for Senator ROTH's thoughtful recommendations in the operational test and evaluation area concerning low rate initial production and early operational assessments. In addition, we received helpful comments from Senators GLENN and COHEN in the development of our acquisition policy initiatives. As a member of both the Armed Services and Governmental Affairs Committees, I appreciate their input, and will continue to look for ways to promote a productive interchange of ideas between the two committees.

Secretary Cheney recently released a report entitled Defense Management: Report to the President, which sets forth a blueprint for implementing the Packard Commission recommendations, the Goldwater-Nichols Department of Defense Reorganization Act, other recent legislation, and Secretary Cheney's own initiatives. As we noted in the committee's report, the management review contains the potential for significant reform, but the proposals therein—like the proposals of the Packard Commission—consist primarily of broad principles which can be furthered—or frustrated—in the implementation process.

The new senior management team in the Department must significantly in-

crease the emphasis on acquisition reform. In the past, the Department simply has not demonstrated the necessary level of commitment. An example of past problems is illustrated by the Department's response to section 809 of last year's authorization act. There we invited the Department to advise us on the status of acquisition reform proposals and to propose specific legislation that could be used to streamline the process. We found the Department's response incomplete and lacking in substance. I believe this is another indication that in the past the Department's senior management has not paid close enough attention to the details of acquisition reform.

I am hopeful that matters will be different under Secretary Cheney's and Deputy Secretary Atwood's leadership. When an Under Secretary of Defense for Acquisition is confirmed and permanent service acquisition executives are appointed, the Subcommittee on Defense Industry and Technology will conduct detailed oversight hearings to foster the necessary dialog with the new management team to ensure that acquisition reform receives the attention necessary to restore public confidence in the Department's acquisition system.

There is one area where we have not waited and that is the acquisition work force. This is the major unacted upon legislative recommendation of the 1986 Packard Commission.

Witnesses appearing before our subcommittee consistently emphasized the urgent need to fix problems existing with the acquisition work force. We have been hearing similar testimony for years. Most of you are aware that former Senator QUAYLE and I have been working with David Packard on this issue since 1985. In 1986 we tried to include a provision to fully implement the Packard Commission personnel recommendations in the authorization bill. That provision was deleted by a close vote on the Senate floor after several Senators argued a comprehensive Governmentwide approach was needed.

In the last Congress the Senate did pass a Governmentwide personnel reform which I authored and Senator QUAYLE and others cosponsored. Unfortunately, despite strong support from DOD, NASA, and the Office of Personnel Management, the House never acted on the bill.

The civilian personnel provisions in the bill before us would authorize the Department to permit a limited number of retired military professionals to receive full civil service compensation, would increase the pay of 500 defense scientists and engineers up to 150 percent of the executive level II salary, comparable to the pay in the DOE national laboratories and other FFRDC's, would require the Department to issue rules dealing with the problems created by vagueness in revolving door legislation, and would authorize the Department to conduct four demonstration programs waiving most civil service rules on pay and promotions. We have also included authority for the Department of Energy to conduct one such demonstration for its defense programs.

Our personnel provisions have been endorsed by David Packard, Harold Brown, Frank Carlucci, Jim Woolsey, J. Ronald Fox, Jack Gansler, Phil Odeen, John Rittenhouse, Don White, and others familiar with DOD's personnel problems. While they do not go as far as Secretary Cheney called for in his recent management review, they are an important first step. I personally appreciate Senator WALLOP's strong support for these reforms. I should also note that I would like to see broader civil service reform and will continue to support such governmentwide reforms. The DOD and DOE programs initiated by the proposed bill provisions could easily be incorporated in any broader reforms Congress might later pass.

Mr. President, this is a brief overview of the issues that we have addressed in this year's authorization bill. I believe that the recommendations we have made in this area will allow us to make significant progress in dealing with very real and very significant problems. But there is much that remains to be addressed. We live in a very dynamic world, a world where yesterday's advantage can quickly disappear and tomorrow's opportunity must be recognized and embraced before it becomes too late. It is important that the administration and the Congress work together to strengthen our technology and industrial base and to ensure we get the greatest value for the dollars invested in acquisition of defense goods and services. Our committee is committed to these goals.

Overall, I am very pleased with the work of our subcommittee, very pleased with the work of the full committee this year. I think we have reported to the Senate a very good bill.

Before concluding, I would again like to express my appreciation to the members of the subcommittee for the cooperation and assistance they have provided. I believe all members made significant contributions to the proposed legislation.

I also want to recognize the contribution of the Armed Services Committee staff who have been so essential in taking the ideas of individual subcommittee members and transferring those into substance that is included in this legislation: Andy Effron, Jon Etherton, Bill Smith, Geary Burton, Rick Finn, Judy Freedman, Rick Debobes, and Sherri Goodman have all joined in this effort and made very substantial contributions. I appreciate their dedication and their hard work.

I also want to thank Missy Ramsey and Barb Braucht, who are the committee staff assistants who did such an outstanding job supporting the subcommittee's hearings and markup of the bill.

Several of my own staff people, Ed McGaffigan, Lisa Davis, Patrick Von Bargen, and Ken Jarboe, also made significant contributions.

Mr. President, I again want to express my appreciation to the chairman and ranking member of the committee for the excellent work that has gone into the legislation. I look forward to the debate during the rest of this week and next week, and hope that the final product that we sent from the Senate will be legislation we will all be proud of.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. I thank the Chair.

(The remarks of Mr. REID pertaining to the introduction of S. 1393 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ATANASOFF: THE FATHER OF THE COMPUTER

Mr. GRASSLEY. Mr. President, I wish to inform my colleagues of a deep concern shared by myself, a number of people in the computer field, and should be a concern of all historians and scholars who believe that truth and accuracy are absolute, essential ingredients in the writing of history.

My colleagues in Congress should also be very concerned as well. What is at stake here is the position of the United States in the history of the development of the computer.

What I am asking my colleagues to do is to assure that the Smithsonian Institution's National Museum of American History does not misrepresent the true historical development of the electronic digital computer during its upcoming exhibition.

The National Museum of American History, in its quarterly bulletin of the spring of 1988, announced its plans to display a computer called the ENIAC. The bulletin described the ENIAC as "the first electronic digital computer."

Mr. President, this simply is not the truth. And it is not acceptable that the Smithsonian Institution, which was established "for the increase and infussion of knowledge among men" perpetuate such a falsehood which was exposed and resolved by the conclusion of a multiyear court battle in 1973.

On October 19, 1973, U.S. District Court Judge Earl Larson of Minneapolis announced his decision in the Honeywell Inc. versus Sperry Rand Corp., et al. case which consumed over 135

days, and included 25,286 exhibits and testimony from 157 witnesses. At stake were the patent rights derived from the ENIAC, which stands for electronic numerical integrator and computer.

Sperry Rand was attempting to establish the validity of patent rights it had purchased from a Dr. John Mauchly and J. Presper Eckert. These rights included those relating to the ENIAC. Both Mauchly and Eckert had been honored as the coinventors of the first electronic digital computer.

Judge Larson, however, invalidated the ENIAC patents. The Judge further stated:

> Eckert and Mauchly did not themselves first invent the automatic electronic digital computer, but instead derived that subject matter from one Dr. John Vincent Atanasoff.

Dr. Atanasoff, a professor of physics and mathematics at Iowa State University at Ames, IA, with the help of Dr. Clifford E. Berry, who was then a graduate student, built the first automatic electronic digital computer which was called the "Atanasoff-Berry Computer," or ABC for short. This work took place between 1937 and 1941.

The ENIAC, however, was developed in late 1945 and 1946. The significance of the dates is the fact that England developed an electronic computer, called the Colossus, in 1944.

Therefore, if we allow the Smithsonian Institution to proceed with its plans for the March, 1990 exhibit entitled "Information Age: People, Information, and Technology" that presents the ENIAC as the first electronic digital computer, then we forfeit the rightful claim of the United States as the first in the world in developing the electronic digital computer.

Clark Mollenhoff, a native of Iowa and a Pulitzer Prize-winning reporter, now a professor of journalism at Washington and Lee University, recently wrote a comprehensive examination of the controversy that pitted the ABC and the ENIAC. His book is entitled, "Atanasoff, Forgotten Father of the Computer," and I would strongly recommended it to my colleagues for further details of this most unfortunate story of how the inventor of the electronic digital computer, which has had a tremendous impact on our civilization," was for years deprived of his rightful recognition and honor because his ideas have been stolen, or as Judge Larson characterized," "derived" by others.

The court case should have settled this matter once and for all. I agree with Mr. Mollenhoff's statement in his book that "I could understand how computer textbook authors and computer historians could have been confused on the issue of the inventor of the first electronic digital computer prior 19 October 1973—the date of the decision by U.S. District Judge Earl R. Larson of Minneapolis, However, I could not understand how any computer historians or textbook authors could examine the trial record and continue to have any doubts that Atanasoff and Cliff Berry had constructed the first electronic computer at Iowa State."

Surely, we can expect the Smithsonian Institution to get the story right.

I have written to the Director of the National Museum of American History to ask that corrective action be taken. I am hopeful that a satisfactory resolution of this problem will be forthcoming. In the event, however, that such a resolution is not offered, I will be returning to this subject at a later date.

REPORT ON AFGHAN REFUGEES

Mr. KENNEDY. Mr. President, in April of last year the Subcommittee on Immigration and Refugee Affairs sent a study mission to Pakistan to examine the problems faced by nearly three million refugees in that country.

The study mission visited that region just as agreement was achieved in Geneva for a complete withdrawal of Soviet forces. So the study mission focused its efforts on the prospect of the return of the refugees to their homes in Afghanistan and the efforts needed to facilitate their reintegration.

However, the study mission warned of the difficulty of the task ahead—of the prospect that the Kabul government of Najibullah would be able to hold on even without Soviet troops and the likelihood that mujahidin rebel factions would revert to internecene fighting once the war with the Soviets ended.

Unfortunately, what our study mission predicted has largely come true today. The wait for repatriation, which so many refugees desired, has become a protracted one, and conditions in the field have deteriorated.

Mr. President, a recent report by the Citizens Commission on Afghan Refugees, which was formed last year with the assistance of the respected International Rescue Committee, also confirms the subcommittee's earlier observations. The Citizens Commission's new findings suggest that refugees have had to extend their stay in Pakistan due to the continuing civil strife.

The recent Commission report, authored by Commissioner James Strickler, noted:

> Most Commission Members who visited Pakistan previously accepted the widely held view of governments and the general population that 'the regime in Kabul will probably fall soon after the Soviet withdrawal.' Obviously, the conventional wisdom was wrong and it now appears that the fighting will continue on for an indeterminant time that some speculate will last for years. * * *

The report further notes that new refugees are arriving in Pakistan numbering as many as 1,000 a day.

Mr. President, this report, and the findings of the subcommittee study mission of a year ago, suggest that sustained attention to the humanitarian needs of these refugees is required. The United States, along with the rest of the international community, must continue its assistance to these refugees, as well as assure that our policies are not in conflict with the goal of facilitating the earliest possible reintegration of the refugees into their native regions in Afghanistan.

I commend the Citizens Commission for its perseverance in keeping the humanitarian dimensions of this problem in the public eye, and ask unanimous consent that excerpts of Commissioner Stricker's recent report be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

JUNE 16, 1989.

To: Members of the Citizens Commission on Afghan Refugees.

From: James C. Strickler, MD, Member, Citizens Commission on Afghan Refugees.

Re: Report of visit (5/22-5/28/89) to Peshawar and Hangu Pakistan.

I. INTRODUCTION AND REVIEW OF PRIOR ASSUMPTIONS (REFERENCE FIRST AND SECOND REPORTS OF THE CITIZENS COMMISSION)

The purpose of the visit was to review the current programs for Afghan refugees in Pakisan and to learn more about the planning for resettlement of these refugees inside Afghanistan. This report emanates from the an intensive six-day visit to Peshawar and Hangu, during which extensive discussions were held with Afghans, PVO field personnel working with refugees and with Sharon McDonnell, the newly appointed WHO Field Officer in Peshawar. During this visit I did not meet with officials of the United Nations or with officials of the Government of Pakistan. As always, observations based on a relatively short visit must be guarded. For the most part my comments reflect a consensus of perceptions of the persons with whom I talked, and include little new data. Be that as it may, I am reasonably confident that I am reporting accurately to you the perceptions of people with whom I spoke. I cannot be so sure that these perceptions are in all instances valid.

Obviously, my previous two visits to Pakistan as a Member of the Citizens Commission provided immensely valuable background for this latest trip and to a large extent this report is either an extrapolation or modification of previous observations and conclusions.

Prior assumptions

The following assumptions are still valid:

Soviet military forces will leave Afghanistan in accord with the Geneva agreements (they did).

No large scale repatriation will take place until the fighting stops and until an intensive demining program is operational.

The basics of food, water, health care will need to be provided during resettlement.

Afghanistan has been ravaged by war. Extensive destruction of villages, farmlands, ir-

rigation systems, roads, schools, hospitals, rural clinics, etc., has taken place. Human resources have also been extensively depleted by the fighting, emigration of professionals in all fields, and the void in education and training at all levels that is a consequence of the ten year war—all this in a country where living and health standards were, to begin with, among the lowest in the world.

This assumption has been further validated by in-country surveys conducted by several agencies and by the surveys of the Office of the Coordinator. The latter surveys do indicate, howeve, that while virtually no area is unscathed, there is substantial variation in the extent of the disruption from one geographical area to another. It is important that planning for resettlement take these variations into account and—in so far as is possible—be based on up-to-date assessments of what capabilities and facilities do actually exist in specific areas of the country.

The existing programs for refugees are but a prelude to those needed for repatriation and long-term in-country development; as a corollary to this assumption, both short- and long-term support for the Afghans must be integrated by the funding agencies. This integration will require careful cooperative planning by the PVOs, governmental and UN agencies.

II. CURRENT SITUATION

Most Commission Members who visited Pakistan previously accepted the widely held view of governments and the general population that: "the regime in Kabul will probably fall soon after the Soviet withdrawal".

Obviously, the conventional wisdom was wrong and it now appears that the fighting will continue on for an indeterminant time that some speculate will last for years unless there is a negotiated settlement between the government in Kabul and the Interim Government based in Peshawar. Here it should be pointed out that one member of the Commission, Robert Cranborne, did not concur with this assumption. In an article in the Spectator (6 August 1988), he points out that the Geneva accords provided an agreement for the Soviet withdrawal from Afghanistan but did not contain provisions that would guarantee peace. He discusses the "fiendishly complicated political situation" and opines that the existing parties are not likely to become more effective and that the West should encourage the commanders "to take power into their own hands."

As a consequence of the continued fighting substantial numbers of Afghan refugees, largely from the Jalalabad area, continue to flee to Pakistan. During my stay the Prime Minister of Pakistan, Benazir Bhutto, announced that 800-1,000 new refugees are now arriving daily in Pakistan. Others have cited a figure of 70,000-75,000 new refugees since November 15, 1988. I visited one of the refugee camps of new arrivals, the Shindand Camp near Hangu. There were an estimated 8,000-10,000 refugees living in tents, under a glaring sun, on a wind swept dusty plain. Many of the tents had been blown down by strong winds, and could not be reconstituted because of defective poles. Safe water and food had to be brought in by truck. The provision of basic health care was inadequate. I was told that ten children had died the previous day and was shown several fresh graves. Throughout my visit the refugee elders pleaded with me for additional help. An obvious point to be made is that programs for refugees in Pakistan must not yet be de-escalated. To the contrary, additional support services are urgently required by the new arrivals.

* * * * *

IV. THE U.N. AGENCIES

Field workers in Peshawar opine that coordination at the local level amongst the various UN agencies seems to be pretty good. ACBAR-SWABAC probably play a useful role in facilitating this coordination. As previously stated, I did not this time visit Geneva or meet with UN officials in Islamabad and therefore cannot comment about coordination amongst the UN agencies at higher levels.

V. THE ROLE OF THE COORDINATOR

I was disappointed to learn that the role of the UN Coordinator is not appreciated to the extent that we had all hoped it would be. This lack of appreciation must in part emanate from a poor understanding of the complexity—including the political complexity—of the Coordinator's role. The Afghans in Pakistan are wary of all UN agencies—not just Operation Salam—because they relate both to the government in Kabul and to the Soviets. Also, few seem to understand that the Coordinator has but a very small amount of discretionary funding. Most funding for Operation Salam is already pre-allocated to other UN agencies, in which case the Coordinator's Office serves merely as a conduit for contributions, or the contributions are made "in-kind." Finally, too few seem to appreciate that Operation Salam has played the major role in developing the demining program. The consequences of this lack of appreciation and/or misperception of the Coordinator's role could be quite serious at the point when major refugee repatriation occurs.

VII. PHYSICAL SECURITY

The number of mines sewn inside Afghanistan remains unknown. What is known is that mines continue to be strewn around the cities being defended by the communists. Whereas we previously heard that there may be 15-20 million mines inside Afghanistan, a figure now being bandied about is 70-80 million!

Under the aegis of Operation Salam two types of demining programs have been started:

Mine Awareness: A Coordinator for the Mine Awareness Campaign (COMAC), Mark Luce from IRC, has just been appointed. He reports to Martin Barber, the Coordinator's representative in Islamabad (the Coordinator has three representatives in Pakistan, Barber in Islamabad, another in Peshawar, and one in Quetta). Funds for this program come primarily but not exclusively from the Coordinator's Office.

The Mine Awareness program is aimed at the population at-large, especially young children. This poses a special challenge because many of the people are both language and pictorially illiterate. Much of the educational material originally developed had to be redone for this population and also to suit both the UN agencies and the Pakistani government. I was told, for example, that the Pakistanis objected to some content, *e.g.* pictures that showed a bus being blown up by a mine. They felt that such pictures are to scary and would deter the return of some refugees to their own country.

The Mine Awareness program lasts three days. Currently, the thrust is to teach the teachers. I attended one of the sessions in this program and was impressed by the intense interest of the Afghans and the quality of the instruction (USA Special Forces).

Mine Detection Program: This 21-day program has three components: Mine Awareness, First Aid, and Demining. The Red Crescent Society of Pakistan provides administrative and logistical support. All training for this program takes place on Pakistani military bases, either in Quetta or Peshawar. In Peshawar there are 300 trainees in each 21-day session, and in Quetta, 150 per session. The goal is to train 15,000 Afghans in all three components of this program. To date 1,000 have been trained, but no mechanism for deploying these trainees has yet been established.

The selection of trainees is somewhat controversial. ISI (Pakistani Interservice Intelligence) asks the various political parties to nominate candidates for this program, but then makes the final selections. This selection process which gives final say to the Pakistanis annoys the Afghans. Also, the Pakistanis insist that all training materials, contributed by many nations, must be approved by them.

VIII. EDUCATION AND TRAINING

Previous Commission Reports have noted that human resource reconstruction must be accorded top priority and that the wars' "interruption of education is at least as devastating for significant sectors of Afghan society as was the Cultural Revolution for the Chinese". My latest visit served only to underscore this previous observation. As we previously noted, post-war Afghanistan will have a wide spectrum of educational needs, ranging from primary grade education through graduate education at Kabul University. An impressive array of educational programs have been developed for refugees in Pakistan, but here again the extent to which any program for refugees can be transferred to post-war Afghanistan remains uncertain.

During this latest visit I was pleased to observe, again, that the relief workers—both men and women—are genuinely concerned about the special needs, including education, of the Afghan women. Somewhat troublesome, however, are the numerous reports of growing resistance and in some instances outright hostility of Afghan men towards women's programs. This opposition goes beyond non-compliance; there have been many threats directed against persons and agencies that sponsor special programs for women. There is now significant concern among IRC field staff, most of whom are women, that this growing hostility from the fundamentalists could jeopardize other relief efforts.

IX. THE SPECIAL ROLE OF THE U.S. GOVERNMENT

Our previous Report said "that the U.S. must lead the international effort to repatriate the Afghan refugees". We also recognized that the challenges of repatriation will be "monumental". Fortunately since our previous visits, planning for repatriation has been greatly improved and the planners are well aware of the many political, military and economic uncertainties that complicate their tasks. Despite these uncertainties, planning for resettlement must continue and we should urge our own government to maintain strong support for these efforts. Meanwhile, we must not overlook the pressing needs of the new arrivals who are fleeing from the fighting that goes on inside Afghanistan.

In conclusion my key observations follow:

Most of the observations and recommendations made previously by the Commission are still valid.

Vigorous fighting inside Afghanistan continues and has delayed resettlement beyond the expectations of many. This delay and the attendant uncertainties about the future of Afghanistan have compounded the planning for resettlement. The challenge of resettlement now seems even more daunting than before.

Fortunately cooperation among various agencies, governmental, the United Nations, PVOs, seems to have improved substantially.

Large numbers of new Afghan refugees continue to arrive in Pakistan and their needs must not be overlooked.

The Coordinator's role is not uniformly understood and appreciated by Afghans in particular and this could be harmful to effective repatriation efforts when conditions permit the refugees to return.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, Terry Anderson has now been held in captivity in Beirut for 1,592 days. One cannot assign words to the human cost this captivity has exacted from Terry Anderson and his family. While he continues to suffer, so does our Nation.

I ask unanimous consent that an article which appeared earlier this year in the Chicago Tribune be printed in the RECORD.

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

[From the Chicago Tribune, Feb. 28, 1989]

PRESIDENT BUSH'S HOSTAGE DILEMMA

(By Mitchell Bard)

In March, Terry Anderson will begin his fifth year in captivity as a hostage in the Middle East. He has been held longer than any other American. For the families of Anderson and the other eight hostages, the change in administration in Washington offers hope for a new effort to bring their loved ones home. Other governments have obtained the release of their citizens. The question is whether President Bush is willing to follow their examples or adhere to the unsuccessful Reagan policy.

The signals emanating from Lebanon regarding the hostages are mixed. The kidnapers held a strong antipathy toward Ronald Reagan and has no desire to give him the political credit for obtaining the hostages' release. It is not clear if Bush is viewed any differently.

Mohammed Mahdi Shams al-Din, deputy chairman of the Islamic Shiite Council in Beirut, said on Jan. 11, "the time has not yet come" for a solution to the hostage problem. He expected some progress after Bush has been in power for "a sufficient period" but cautioned that the issue had become more complicated.

In the meantime, Hezbollah, the Iranian-backed Lebanese Shiite faction, apparently has decided to use the hostages as a pawn in its battle with its Shiite Amal rivals. Although the Syrians have expressed a desire to free the hostages, they still allow the perpetrators and other militants free rein in areas under their control in Lebanon.

One benefit of the arms-for-hostages deal made by the Reagan administration was that it ended any doubt as to whether Iran controlled the hostage-takers. The best hope for a solution, therefore, remains in Tehran. The problem is that factional infighting among the aspirants for the Ayatollah Khomeini's legacy precludes negotiations: "Moderates" attempting to deal with "the Great Satan" will forfeit their claim to power. And the outcry over publication of Salman Rushdie's book "The Satanic Verses" has halted Iran's movement toward improving relations with the West, making the opportunity for talks on the hostages more unlikely.

Although the situation in Tehran is probably worse today than in years past, France managed to cut a deal to gain the release of its hostages. The French consistently have denied making concessions, but according to a study by the Jaffee Center for Strategic Studies, French hostages were released in 1986 only two weeks after the government expelled hundreds of Iranian exiles belonging to the Mujahidin I-Khalk opposition group. Later that year, two more hostages were released after France announced it would repay Iran $330 million of a loan made to the Shah.

In 1987, another two hostages were released. This time the French dropped charges against an Iranian who took refuge in his government's embassy to avoid being questioned about possible involvement in that summer's rash of bombings.

Last May, the remaining French hostages were released by Hezbollah after France reportedly agreed to repay its debt to Iran, consider the release to a Fatah terrorist and pay $30 million in ranson to Hezollah.

Two West Germans were kidnapped in January, 1987, after West Germany arrested a member of Hezbollah implicated in the hijacking of an American plane. The kidnapers threatened to kill their captives if Germany extradited the terrorist to the United States. The first hostage was released almost nine months later after the West Germans agreed, according to Hezbollah, to release their prisoner. The second hostage was supposed to be released later in exchange for $3 million. The Jaffee Center study notes that the West Germans, unlike either France or the U.S., made concessions to the kidnapers rather than to Iran.

The Soviet Union took a different approach. In 1985, four of its diplomats were seized in Beirut. Hezbollah executed one of the hostages and threatened to kill the rest if the Soviets did not force Syria to lift its siege of Tripoli. A cease-fire was later announced in the northern Lebanese city and the Soviets were freed.

The Soviets were rumored to have taken more direct action to free its citizens. A team of KGB agents kidnaped either a relative of one of Hezbollah's leaders of three of this assistants. They were murdered and their mutilated bodies sent to Hezbollah with a warning that further action would be taken if the diplomats were not released. No other Soviets were kidnaped.

The people holding the Americans have demonstrated that they can hold out for years. We have done the same, but to what end? It is true, as Henry Kissinger has argued, that saving one American's life is not worth risking the security of all Americans. But of what value is it to be an American if our government gives the impression it will abandon us?

Israel is often applauded for its policy toward terrorists, but even though the Israelis share our reluctance to negotiate, they have made deals with even their bitterest enemies. Israel believes it must protect the lives of all its citizens.

President Bush can obtain the release of American hostages, but to do so he will have to make concessions—to Iran or the kidnapers—or authorize a covert operation to intimidate the perpetrators.

RABBI GUNTER HIRSCHBERG

Mr. MOYNIHAN. Mr. President, it is with sadness that I rise today to inform my colleagues of the death of an outstanding religious and social leader and great New Yorker.

Rabbi Gunter Hirschberg, senior rabbi at Temple Rodeph Sholom in Manhattan and president of the New York Board of Rabbis, died just last week. His death means the loss of a great Jewish leader but also of a great man—a man of compassion, justice, and vision.

Rabbi Hirschberg was born in Berlin in 1920 and only escaped the Holocaust due to his involvement in a British-German exchange program for young students. His parents, however, did not escape and were sent to their deaths.

After serving with the Australian Army, he came to the United States to pursue a singing career. Although he had intended to be an opera singer, his vocal talent and spirituality led him to a career as a cantor, the beginning of a long and prosperous career with Rodeph Sholom. After further study, Rabbi Hirschberg was ordained in 1963, became associate rabbi at the synagogue and in 1972 was named senior rabbi, a position in which he served until his death.

Rabbi Hirschberg was a man of wisdom and a man of action. Devoted to education, he had the foresight to establish the first Reform Jewish day school for children, a school which bears the synagogue's name.

He was a leader and a concerned citizen, one who worked with other religious leaders to improve the community. Many religious and political figures were drawn to him. Many spoke from his very pulpit. None were greater in their devotion to the betterment of society than Rabbi Hirschberg himself.

I am sure my colleagues join me in sending condolences to Rabbi Hirschberg's wife, Ruth, and to the congregation at Rodeph Sholom.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1990 AND 1991

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1352, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1352) to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel

levels for such Department for fiscal years 1990 and 1991, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Warner-Nunn amendment No. 396, relating to the B-2 Bomber program requirements and limitations.

(2) Nunn-Warner amendment No. 397 (to Amendment No. 396), in the nature of a substitute.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska [Mr. EXON].

Mr. EXON. Mr. President, now that the bill is before us, I assume that we are on the amendments as laid down last evening by Senator WARNER and Senator NUNN.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 396

Mr. EXON. Mr. President, let me address the amendment that is before us. Basically, what we have done is to delete the B-2 provisions passed by the subcommittee and by the committee and then this amendment was proposed in the form as it now stands. The only differences are, first, we deleted a fence that limited funds until the first flight test occurred. That has now already taken place, since we took our action in the committee, and, therefore, that needed to be deleted.

In its place, we have inserted the procurement funding ceiling of $2.5 billion, which is the request, minus $300 million that the committee cut from the proposal as submitted by the administration.

Mr. President, it is no secret that I am a supporter of the B-2. It is no secret that I have been a supporter of the B-2 all during that time when it was a secret. There has been no question to the fact that this program is a significant leap forward in technology.

I think one of the shortcomings of the discussion to date is that with the B-2 following the B-1, too many people have focused on the fact that, "Well, we had a B-1 bomber and now we have a B-2 bomber," sort of as if the B-2 was a follow-on to the B-1, as if the follow-on to the B-1 was in nomenclature only or in numbers that are assigned to it.

The B-2 bomber is a leap forward, a breakthrough, if you will, that we have not seen in recent times. It has been variously described by various people as to how much of a leap forward this is. The facts of the matter are, Mr. President, that I think it can best be described as when we modernized and went from propeller-driven aircraft to jet-driven aircraft. It is that much of a leap forward in basic technology.

It is even more a leap forward than that, Mr. President, when we take into account what the B-2 would do to the position of the United States in the continuation of talks with the Soviet Union with regard to reduction in all armament.

It, therefore, Mr. President, is indeed a revolutionary technology. No other option is available to our Strategic Air Command commander. Indeed, as General Chain testified very recently in front of the full committee, it is not a question if he, General Chain, is going to get a B-2 bomber. He phrased it very firmly by saying:

I have to have a penetrating bomber and the B-2 is the only thing that we have now on the horizon.

Without the B-2, we certainly have to revise our START position, which none of us want to do. Now, why is that necessary?

Well, first, Mr. President, it is necessary because it has been so outlined and defined by the Chairman of the Joint Chiefs of Staff, by the Secretary of Defense himself, and by General Welch, the head of the Air Force. And last, but far from least, Mr. President, it has been defined by the Commander in Chief himself, President Bush, saying over and over again that we need the B-2 for what it will do to our nuclear deterrent.

Now, when we talk about nuclear deterrent, Mr. President, we go off into all kinds of directions at times. I think we have to come back to what does the term "deterrent" mean. In my mind, it means that we should take action, carefully, constructive and thought-out action, that will best deter or prevent a conflict between the two superpowers. I think nothing on the horizon right now would better deter than the production of a penetrating bomber that, in effect, would give the Soviet Union and their planners more pause for concern that anything else that we have right now.

At an appropriate time, we will be showing you some charts today that have been brought out in hearings before the Armed Services Committee that shows very dramatically the difference that the two-man crew of a B-2 would be viewing as they approach the Soviet Union on a mission with the billions and billions of dollars that the Soviet Union has already spent in radar facilities and more oncoming in the near future. And those radar facilities that the Soviet Union has tied up billions and billions of dollars in will become, for the most part, obsolete when the B-2 is a part of our flying force and more importantly, Mr. President, a part of our deterrent.

So, therefore, it is revolutionary. And when everyone begins to understand the quantum leap forward that the B-2 would provide us in deterrent, especially on our strategic deterrent, it will probably be more universally accepted than it is right now.

With regard to START and how that would undoubtedly force us to change our position, it has been said by the SAC commander himself in testimony before the Armed Services Committee that there is no way that he, the SAC commander, could support the present scenario and formulas in START or the beginning of a significant arms reduction with the Soviet Union unless he, the SAC commander, had the B-2 in inventory.

All during this leadup, from before Reykjavik and during Reykjavik and since Reykjavik and with our negotiations now ongoing with the Soviet Union, the knowledge that the B-2 was there and coming on line was an important part of the decisions of the military leadership of this Nation. President Reagan then and President Bush now, and all of the military leadership, including the Joint Chiefs, strongly feel that unless we have the B-2 program, then the negotiations on the way to what is going on between the Soviet Union and the United States right now in negotiations always took into consideration that we would have a penetrating bomber.

Again, why is that necessary? Well, I have alluded a few moments ago to the vast multibillion dollar array of radar that presently protects the Soviet Union from a penetrating bomber. I have said before that we will be showing you charts sometime today that give the view of a B-52 or even a B-1 pilot and crew carrying out a mission inside the Soviet Union with the high radar visibility of those aircraft compared with the B-2 and what the B-2 crew would see going in. It is a dramatic difference.

We should remember, Mr. President, and some people have not, that while the Soviet Union has been spending billions upon billions of dollars for expensive radar arrays to protect their nation, we have done considerably very little of that. Therefore, since we are naked from the standpoint of detecting Soviet incoming airplanes compared with what they have, that makes the B-2 as a penetrator to foil the billions and billions of dollars that the Soviet Union have in their radar arrays, it puts them out of business, so to speak, and it will take time and billions and billions of dollars more if and when the Soviet Union is able, at some time after the year 2000, to come up with a detection system that could indeed not only identify but track and design an attack on a penetrating bomber of the B-2's category.

It seems to me, Mr. President, then, we must simply understand that when we are talking about the B-2, the amount of money that we are going to put in to address it, the fences that we have established in the strategic subcommittee and in the full committee are the benchmarks that this plane is going on that have to pass through or the hoops that it is going to have to jump through before full production

should be fully understood. And those are going to be addressed in some detail in just a few minutes by Chairman NUNN of the Armed Services Committee.

I want to close by focusing once again on the point that more than anything else when we are talking about the production of the B-2, and how many should be produced and what checkpoints or hoops we in the Armed Services Committee are insisting the program goes through before all-out production. Before all of that, I hope we can set the stage correctly for what essentially this debate is all about; that is, if we are going to cancel, as some suggest, or if we are going to delay, as some suggest, we better understand that it will have a very adverse effect for all of us who are looking forward to successful negotiations under START now going on.

To emphasize that point, let me quote from a very recent Armed Services Committee hearing wherein I asked this question of the top military leadership of our country who were there in attendance. I quote from the Armed Services Committee hearing:

Senator EXON. In my opening statement, General Welch, I focused on what I think is just not basically understood by many Members of Congress and others. That has to do with the START program. As a member of the Joint Chiefs of Staff, and a very capable one, you are one of the principal military advisers to the Secretary of Defense and, of course, the President.

If the Congress had terminated the B-2 program so that we would retain only B-52's in inventory, which General Chain talked about a great deal in his briefing, and the B-1-B, in the bomber force, and if the negotiators were successful in reaching START agreement along the lines of the current draft proposal, would you regard this as militarily acceptable as an agreement? By what means would you consider it militarily acceptable agreement without the B-2?

Now, I will read General Welch's reply.

I think I would give a little longer answer to that than just yes or no. It is this. As we evaluate the sufficiency of the START positions that we have advanced in these negotiations, we have counted very heavily on strategic modernization in all three legs of the triad. We have particularly counted heavily on the contribution of the manned penetrating bomber.

I am continuing to quote from General Welch.

I simply cannot believe that we would proceed with negotiations on that basis, where we have a drastically different expectation about the contribution of the manned penetrating bomber. So I guess my answer would be that I find it largely inconceivable that we would continue with current negotiating positions without the B-2. In my view we would simply have to go back to the drawing board and virtually start over in crafting some new negotiating position, which I cannot lay out for you this morning because I have no idea where that would lead us. But, clearly, we would virtually start over on overall negotiations. I think this is not just my personal opinion. This has been clearly stated by the Joint Chiefs on several occasions.

That is the end of the quote from General Welch. Then quoting from Senator EXON:

Thank you. My time is up. But one last question on the same subject to you, General Chain. As the operating commander let me ask you how you would feel in the year 1994 or 1995 about being the strategic air commander under the proposed draft of START, as we know it today, with no B-2's?

Quoting from General Chain:

I would come and testify in front of your committee against a START agreement.

Mr. President, those and similar statements by the Secretary of Defense and the President and others make it very, very clear that we are talking about arms control and our ability to formulate sound, solid, verifiable arms reductions with the Soviet Union here when we talk about the B-2. I think there is nothing more important or nothing that should be emphasized more clearly than that.

With regard to overall strength, the test given by the SAC commander at that same hearing clearly indicated that by the year 1992, unless we have the B-2, which is and will be our only penetrating bomber as far as we can see into the future, that without that the capability of the air forces under this command at this time would be essentially cut in half by the year 1992 or 1993.

We are facing a strong need for modernization, not only of our ICBM forces, but the air-breathing leg of our triad as well, and I hope all Senators will bear that in mind as we continue this debate.

The PRESIDING OFFICER (Mr. DIXON). The matter before the Senate is amendment No. 397 offered to amendment No. 396 to S. 1352, the Department of Defense authorization bill for fiscal years 1990 and 1991.

Mr. EXON. I thank the Chair. The amendment the Chair just referred to has to do with the B-2 bomber. We are waiting for Senators to come over to debate this issue.

I simply say we hope to stay on this matter for as long as is necessary to give anyone a chance to come over and discuss the pros and cons of the B-2 issue, which is a very intricate part of the defense authorization bill and one I suspect will be one of those that will spark the most controversy and needs probably more explanation than many other parts of the bill.

I simply say that I have made my initial proceedings on this. I await further discussion on the floor, and 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. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DIXON. Mr. President, earlier this morning I had intended to ask some questions of my friend, the distinguished senior Senator from Nebraska, who Chairs the Strategic Forces and Nuclear Deterrence Subcommittee of the Armed Services Committee but he has temporarily left the floor to attend to other business. So in the interim period until such time as he returns I would like to take a moment or two to comment upon the amendment regarding the B-2 that is before the Senate at this time.

Quite obviously, Mr. President, the question of the B-2 in the DOD authorization bill will be one of the most contentious that we will face in this Department of Defense authorization bill.

I point out to the President and my colleagues that this bill has always been a bill that the Senate has spent considerable time on. And as one of the people who has been serving as an assistant to our distinguished manager of the bill, the manager on the Armed Services Committee, I can tell you that this bill attracts a great many amendments, and in the past has taken considerable time on the floor of the U.S. Senate.

One of the things that concerns me about the questions regarding the B-2 is I think there may be a perception held by many Senators that the committee, and particularly the jurisdictional subcommittee, has not spent a good deal of time on this question. I would like to lay that misconception to rest.

I am not a member of Senator EXON's Strategic Forces Subcommittee. I am chairman of another subcommittee of the Armed Services Committee. But I know from my personal experience as a member of the committee that that subcommittee spent more time, more effort, and devoted more hours to the question of the B-2 than any other question before the Strategic Forces and Nuclear Deterrence Subcommittee. I think I can say in the presence of the Chair who is here on the floor now managing the bill that we spent more time in the whole committee on the question of the B-2, substantial time spent in a very spirited discussion, oftentimes led by the distinguished Senator from Ohio [Mr. GLENN].

So I think I can report to my colleagues in the Senate—I do not come here to report as one who has the expertise in the field because clearly I do not have that. I am a member of the committee. I have heard the discussions in the committee. I have been in there for the hearings in the committee, and I have heard the report of the subcommittee. But I can report as a

member of that committee to my colleagues in the Senate that more time clearly has been spent on this issue in the jurisdictional subcommittee, the strategic subcommittee, and in the committee on the B-2 than on any other subject matter.

As a person who is concerned about this issue—and who candidly says to his colleagues I do not report to them as the best-informed individual on this—I would like to make these two points that appeal to me after hearing everything.

First of all—maybe several points—I would like to make this point. The chairman of the subcommittee who is jurisdictional, the distinguished senior Senator from Nebraska [Mr. EXON] has really devoted a lot of time and a lot of thought to this question. I do not know, Mr. President, whether the cameras have focused yet on this report by the Senate Armed Services Committee concerning its recommendations on the B-2. But that is essentially the product of the subcommittee that is jurisdictional. After giving a lot of thought, they made a $300 million reduction.

So there is a substantial reduction this year in the budget request by the administration. That reduction emanates from the subcommittee approved by the committee as a whole—it is fair to say ultimately almost unanimously, I think, was the approval of the committee after perhaps some divisions on some other questions. It may have even been unanimous on the approval of the subcommittee's recommendation, the $300 million cut.

Then all of those fences you see there, a half a dozen or something of that sort. I do not represent this in any finite detail. I am speaking from memory—but a $300 million reduction, and then all kinds of fences to absolutely ensure, Mr. President, that we truly have what we represent to the American people we are trying to achieve here, a penetrating bomber that can get the job done should it be necessary. And we pray that it will never be necessary. That is the first point I want to make.

The second point I want to make is we heard from the experts. I mean you have to depend on them. Who else can you depend on? General Welch, the Chief of Staff of the Air Force, said to us in his testimony before the whole committee in answers to questions that in his view proceeding with START and the strategic arms discussions depends on having this penetrating bomber and making these necessary investments.

Then the final point I want to make on that, in sort of layman's terms, Mr. President, when I go home this is a question I hear at town hall meetings because the media has talked about this bomber a lot.

They have been very critical, in many respects, of the cost and even of the question of performance up until now, or at least prior to this recent test flight they were very critical of. People say why are we spending this kind of money, why are we doing this?

I suppose in simplistic terms my answer might be this, Mr. President, that it has been the experience of this Senator—and I think others would agree—that investments in preventive medicine are a good idea. You do things from time to time. I take physicals from time to time, and other Senators do, and sensible people do, to ensure that we are protecting our individual well-being. So preventive medicine is a good idea and has been proven to be a good idea. It is scientifically supported by all the evidence that it is a good idea.

I suggest that the investment that we are making here is preventive medicine. It is a substantial investment, yes, but the subcommittee, in its very careful, exquisitely detailed efforts to bring this about in a way that was satisfactory to the whole committee, suggested a way to do it. They said, "Look, we are going to cut some money and put up a lot of fences around this thing, and we will demand that the performance and testing is right." The bottom line is that we will not buy any more B-2 aircraft if it fails its flight test program.

So I think we are saying to the people of the Senate and the country that the jurisdictional committee has looked at this very carefully, in a very conscientious way. The distinguished senior Senator from Nebraska has spent untold hours upon this issue. They have brought forth a good report—now, not something that just embraced everything the administration said at all. It was a report that said we are going to put tight constraints on what is done to bring forth a response to the concerns about the B-2 that will be satisfactory to the American public.

I believe that to have been done in this case, Mr. President, and I say to my colleagues that while I am not on the jurisdictional subcommittee, I am on the committee, and I have heard all the discussions there, and I am personally convinced that in a solid, sensible, intellectually serious, bipartisan manner, the committee has looked at this question and brought forth its best effort. This Senator would recommend to his colleagues that they seriously consider what the committee has done, and I yield back the floor, Mr. President, with the final observation that sometimes these results do not please everybody, quite obviously, but it is a view of this Senator that given the challenge before us, the strategic arms talks, START, the need for a penetrating bomber, fiscal constraints we face, and other things, we have brought forth the best recommendations that the committee could bring forth in S. 1352. I recommend it to my colleagues.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to congratulate my colleague here. I see another Senator rising. I would like to reply for a few minutes, and then I will be happy to yield the floor.

Mr. President, while my distinguished colleague is on the floor, I wonder if we might have a brief colloquy on how the B-2 has been treated by the Armed Services Committee over the period of time that he has been a Member of the Senate, and a vital, very active participating member of the Senate Armed Services Committee.

The Strategic Subcommittee has the immediate jurisdiction within the committee over this program, and all of our sections of the Armed Services Committee, that is in terms of the markup of the subcommittees and full committee, by necessity, are in closed session. But the first question: Were not the facts on the B-2, throughout your career in the Senate, fully shared with all members of the Committee on the Armed Services?

Mr. DIXON. I do not think there is any question about that.

Mr. WARNER. Now, the question of costs—and indeed it is referred to as sticker cost—basically we understood those costs throughout, in my judgment, the last 6 or 8 years. I was chairman of the subcommittee during the 4 years that my side of the aisle was the majority, and I freely discussed those figures. At that time Senator Hart was the ranking member of the Subcommittee on Strategic Forces. He understood those figures, as did the members of our committee. When we came to the floor, of course, they were classified and could not be discussed.

At any time, if another Member of the Senate desired to have information, it was available as in S-407 or other means for sharing it with our colleagues in the Senate.

While the B-2 was rolled out, and this heavy sticker price has rolled out, do you concur in my observation that the Senate, the Armed Services Committee, and other Members of the Senate had access to these various costs?

Mr. DIXON. I concur. I volunteer that I think we, from time to time, criticized to some extent some of the costs, but I would not at all argue with my colleague's representation that we have always been fully informed about it.

Mr. WARNER. The second point, which is very valuable, that the Senator from Illinois made, was talking

about the mission of the B-2, and you characterized it—most correctly, in my judgment—by saying it is there to deter.

Mr. President, it might be surprising for a Senator to stand on the floor and say the mission of the B-2—apart from training missions, and a very narrow category of rare instances where it might be used in conventional situations—is to never take off from a landing field in the United States. It is to remain there, poised, so all can look at it; most importantly, the Soviet Union, and that planner or planners who have to constantly look at the ability of the United States to deter the Soviet Union from ever firing the first shot in anger; and if it sits there in its quiet majesty, looking the Soviet planners square in the eye, and it need never take off, it will have fulfilled its mission. In fact, if that airplane ever has to take off, and ever crosses a Soviet border in a retaliatory mission, then it has failed its purpose.

Does the Senator not agree that the mission of that bomber is primarily to deter, to poise to the Soviet planner, who in turn advises the General Secretary and others in the Soviet Union, that that is the big question mark in the American triad, land, sea, and air, that we cannot, Mr. General Secretary—be it Gorbachev or his successor—assure you as to its full range of capability, as to its full range of mission; but there it sits, and we cannot give you the full answer. That is the essence of deterrence, which my distinguished colleague raised.

Mr. DIXON. I fully agree with my distinguished colleague, the ranking member, and I say that I characterize it somewhat as preventive medicine, but the point is the same. It is an investment we hope we never have to use fully employed, beyond the threat which it establishes.

Mr. WARNER. I thank my friend and colleague.

Mr. DIXON. I thank my friend and colleague.

The PRESIDING OFFICER. The Senator from Iowa.

RESOLUTION COMMENDING CITIZENS OF SIOUX CITY AND WOODBURY COUNTY FOR ASSISTANCE IN THE CRASH OF UNITED FLIGHT 232 ON JULY 19, 1989

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 157, introduced earlier today by myself and Senator GRASSLEY to commend the citizens of Sioux City and Woodbury County, IA, for their assistance in the crash of United flight 232.

Mr. President, unanimous consent has been cleared on both sides.

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

The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 157) commending the citizens of Sioux City and Woodbury County, Iowa, for their assistance and extraordinary response to the crash of United Flight 232, July 19, 1989.

Mr. HARKIN. Mr. President, with my distinguished colleague from Iowa [Mr. GRASSLEY] we are proud to offer this resolution commending the citizens of Sioux City and Woodbury County, IA, for their assistance and extraordinary response to the crash of United flight 232 on July 19, 1989.

The crash of that plane last week was a nightmarish catastrophe that will never be forgotten.

When something like this happens it strikes a deep chord in all of us—life stops as we contemplate our own mortality.

Within minutes the lives of more than 109 people were arbitrarily cut short in a very violent crash and fireball.

We all pray that something like this will not happen to us, our family or friends and we grieve and mourn the loss of those wo fell victim to such a capricious death.

But we should also pay tribute to the heroes and heroines—the many people of Sioux City and Woodbury County, and of surrounding communities who participated in the rescue efforts. Because of their skill, experience, coordination, preparedness, and generosity, there were 186 survivors. And in a crash of this type, that is truly remarkable.

The pilot of the plane, of course, performed an act of great skill and courage in maneuvering the plane with virtually no capacity to steer his aircraft.

By the time flight 232 crashed, there were fire trucks, National Guard units, and local rescue vehicles already on the scene.

In fact, the head of the intensive care unit at the hospital in Sioux City was already in a helicopter hovering over the scene at the time of the crash.

The call went out to all of Iowa—and all of Iowa responded.

The nightmare contained glimmers of hope fanned by the efforts of Iowans who conducted an organized and efficient relief operation under the worst possible conditions.

Representatives from the Department of Public Safety and the Red Cross reacted immediately. The Iowa National Guard was out in full force. The Sioux City Police Department was on the scene instantly.

The St. Luke's Regional Medical Center put its mass casualty plan into effect moments after the crash. The Marian Health Center flew in helicopters. As the hospital's blood supplies depleted, donors immediately showed up and the supply was replenished.

In fact, there was a report in the Sioux City Journal that said:

Marian Medical Center Vice President Andrew Allen said supplies arrived from hospitals in Sioux City, South Dakota, and Omaha, Nebraska.

"We probably got 5 months of inventory inside of 3 hours," Allen said.

Much of the success of the extraordinary response by Iowa rescue units can be attributed to the disaster training that takes place in even the smallest Iowa communities. Just 2 years ago, Sioux City emergency services officials participated in an airline crash drill at the airport as part of an annual training exercise.

Had the emergency crews not responded with such remarkable speed and expertise, the death toll most likely would have been several dozen higher.

Mr. President, I just thought I might read some of the things that were in the local newspapers in Iowa concerning the crash and what some of the local citizens did and the extent to which they participated and pushed themselves to the limit of human endurance to help those who had suffered from that crash. I guess I cannot read them all, but I think just a couple will give you an idea of just some of the heroic deeds that these people performed.

Here is one, for example:

Barb Small, emergency room supervisor at Marian Health Center, called her husband to tell him he'd have to pick up the children at the baby-sitter's house.

The first of 88 patients to come through the Marian emergency room Wednesday night began arriving shortly after 4 p.m. After that, Small said, time was a blur as she met ambulances and directed patients to the appropriate location according to the severity of their injuries.

Seven passengers were dead on arrival or died shortly after reaching Marian. Small went home about 1 a.m. after an 18-hour workday.

That is just one of the heroic individuals who worked 18 hours taking care of those people in the crash.

In one article, there was a quote from Dr. Greco:

We had lots of people but we ran out of resources. But all the injured got help within the "golden-hour"—the critical time during which emergency care is necessary for injured victims. He said almost all the injured were in the hospitals 10 to 15 minutes after they were located.

In another article, it states:

By the time the DC-10 reached the Sioux City area, officials had assembled an array of some 35 fire engines, ambulances, rescue units, and police cars, some of them from as far as 30 miles away. Two-hundred police and rescue workers eventually mustered on the field.

Again, this was just at the time of the crash. As I said, Mr. President, 2

years ago, they had a drill involving an airline disaster at the Sioux City airport. So, because of their training and their expertise, they were able to perform in a manner which saved many, many lives.

I may also point out, Mr. President, that rescuers came not only from Sioux City and Des Moines, but also from Omaha, Sioux Falls, SD, and from small communities as far as 100 miles away. So I would also include in this my respect for the people of Nebraska and South Dakota who came.

I know that my colleagues will join Senator GRASSLEY and me in extending the Nation's concern and sympathy to all of those who have been affected by this crash.

Throughout the tragedy the overwhelming assistance that Iowans provided served as a beacon of hope.

The tragedy will not be forgotten—but the efforts of so many people of Sioux City and Woodbury County eased the pain for many families. This, too, is something that will not be forgotten.

And this, too, I hope will serve as an example for other communities throughout the country so that they, too, will be prepared in case such a need may arise in the future.

Mr. President, I yield the floor.

Mr. GRASSLEY. Mr. President, I am very happy to join my colleague from Iowa on the submission of this resolution and asking my colleagues to support it so that we say, "Thank you," to the people of a wide area that we call Siouxland for their response to this tragic airplane crash that took place a little less than a week ago.

Nobody expected United flight 232 to land in Sioux City, because it was routed from Denver to Chicago. But, obviously, there was very serious trouble—probably nothing that has been repeated by any airline, at least as far as I can tell following the news, a very unusual type of mishap in the sense of this engine going out and needing to find an airport capable of handling an airplane of that size. So the decision was made, on a very hurried basis, to turn back to Sioux City Gateway Airport.

This airport is a former Air Force base that was used during the Second World War and now is the main air transportation facility for our tristate area of Iowa, Nebraska, and South Dakota, and also the home for the Iowa National Guard. This airport provided the runway and facilities necessary to handle the problems identified with disabled aircraft.

With a 30 minutes notice, the communities around the airport put their emergency preparedness program into place.

During 1987, an emergency drill of this type provided an updated program that has been credited with saving over 40 lives during this tragic crash.

Standing by at the airport was emergency equipment from area communities ready to help those in need of immediate assistance. Within 4 minutes after the crash, victims received oxygen.

The Red Cross already was processing volunteers ready to donate blood and by the next morning, over 400 persons were lined up to give blood.

The two area hospitals were ready with the latest equipment to assist. Over 100 doctors and hundreds of nurses were there to help.

Briar Cliff College was turned into a holding area for those needing a place to wait until arrangements could be made to get them back to their homes.

Our mental health professionals were there to assist with those who were having trouble dealing with the tragic ordeal.

The Iowa National Guard did an outstanding job, and is still working hard helping the Federal investigators piece together the puzzle that created the tragic problem in the first place.

All of this, for the most part, was done because of the willingness of Iowans to help people in time of need.

I am proud of the response of my fellow citizens.

I am also happy that two of my staff members in my Sioux City office volunteered long hours for 6 days.

I know that nothing will replace the loss of loved ones, but those families may gain a small measure of comfort in knowing that the citizens of Siouxland opened their hearts and homes and did all that was humanly possible.

As Hugh Sidey of Time magazine, and a fellow Iowan, stated in the book "Iowa the American Heartland":

People who have felt the caldron of drought and sun and who have watched their land flash-frozen by marauding Canadian blasts but were always rescued by the calm of another season or the rains of another year; people who have seen nature heal herself and renew herself from her own abuses; those people understand their own perishability and the necessity for faith and self reliance. They see before others that interdependence is necessary for survival, that one's obligations are just as heavy and numerous as one's blessings, that human dignity and common concerns are imperatives for lives that harmonize with all that is around them. There is in Iowa an unwritten but deeply felt and respected pattern of decency and usefulness.

I believe that the people of Siouxland truly opened their hearts and I know that they would do it again if asked. As was stated in the movie, Field of Dreams, "Is this Heaven? No, it's Iowa."

Siouxland, America thanks you and I thank you.

I ask unanimous consent to have printed in the RECORD two articles that appeared in the Sioux City Journal regarding the airplane crash, a statement by President Bush, and an editorial from today's Washington Post.

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

(See exhibit 1.)

Mr. GRASSLEY. Mr. President, I also want to close by reminding Senators to read from this morning's Washington Post the last editorial. So I say thank you to the Washington Post for an editorial entitled "Heroes in Sioux City." But, most importantly, they emphasize that there was review of the emergency procedures in a controlled situation a year ago, and that much was learned from that test crash that was staged in 1987. The bottom paragraph admonishes all people involved with airplanes and emergency preparedness to, likewise, be ready. The last sentence says: "Sioux City shows what the payoff can be."

I thank my colleagues for their attention to this matter.

[From the Washington Post, July 25, 1989]

HEROES IN SIOUX CITY

The grim search for the dead and injured at Sioux City Municipal Airport is over, but the accounts of 41 harrowing minutes aboard United Air Lines Flight 232 last Wednesday continue to reveal extraordinary life-saving facts. The experts have weeks and perhaps months of elaborate investigating ahead before they issue any authoritative summary report of what happened, but the findings so far point to an immensely destructive explosion. When the DC-10's No. 2 engine exploded, only the remarkably cool and inventive responses of the flight's four pilots kept a majority of those on board alive. And once the craft had crashed, an exceptionally professional rescue operation came into play at the site.

When the aircraft lost that engine, it lost its flight controls. Yet Capt. Alfred C. Haynes and the other pilots managed to guide the jet 70 miles to the airport with nothing but their own improvised controls system. As staff writer Laura Parker reported, "the damage was so catastrophic that United's flight manuals have no instructions on how to proceed." Still, the pilots had reassuring messages for passengers, for those on the ground helping them down and for each other.

United's pilot training program is considered among the best. Cockpit discipline, annual refresher sessions with simulators and performance tests are among its features. Similarly, the intense, regular emergency training of rescue personnel in Sioux City is credited with having saved lives and controlled serious injuries. Sioux City and Woodbury County conduct unannounced and realistic drills in which police, fire and medical teams respond to a unified command center with help from the National Guard and the Red Cross, among some 40 agencies. The experts there say they learned much from a test "crash" staged in 1987 that pointed up confusion on the radio system and an inadequate number of ambulances.

In greater Washington, the Air Florida crash of 1982 jarred regional officials into setting up an improved disaster team that meant to summon and deploy sophisticated equipment efficiently. The regional airports authority now holds regular "hot" drills with diving teams, fire situations and other

emergency tests. Officials say that retraining is required, and that a mutual aid compact specifies procedures for enlisting helicopters, military assistance and the use of police and firefighters cross-trained in each other's work. Sioux City shows what the payoff can be.

THE WHITE HOUSE,
July 20, 1989.

STATEMENT BY THE PRESIDENT

Barbara and I extend our deepest sympathy to the families and friends of the victims of Flight 232. Our hearts—indeed, the hearts of all Americans—go out to them in their time of sorrow.

I am sure I speak for many when I commend the extraordinary efforts of the airport personnel, rescue teams, National Guardsmen, and local citizens who rushed to the crash scene to offer aid. The compassion and generosity demonstrated by the entire Sioux City community in the wake of this catastrophe has been overwhelming.

Today, we pray for the pasengers killed on Flight 232. Let us also ask God to bless their loved ones and those survivors who remain hospitalized. May they find strength and comfort in their faith and in the love of family and friends.

[From the Sioux City Journal]

BRIAR CLIFF OPENS ARMS TO WALKING WOUNDED

(By Marcia Poole)

"There are moments in life that you simply have to enter," Sister Margaret Wick, president of Briar Cliff College, said Thursday morning.

Briar Cliff faced one of those moments when it was asked to take in 55 of the walking wounded of Wednesday's United Flight 232 crash.

"There was no hesitation. We did what needed to be done. The whole community of Sioux City reached inside itself and found resources it didn't know it had. We found that this is really who we are," she said during a break from the volunteer work that had kept her on campus for most of Wednesday night and Thursday.

Briar Cliff's role in the crash aftermath began with a phone call from St. Luke's Regional Medical Center at about 5:30 p.m. Wednesday. Hospital staff asked the college to find beds for crash survivors whose injuries didn't require hospitalization. Within five minutes, the college also received pleas from Siouxland motels and national media for dormitory rooms.

"Apparently, there were no rooms left in the area—the hotels were overflowing. We told the hospitals that we would work with them," said Wick.

The president, who had gone home for the day, was called at 6 p.m. and the decision was made to mobilize every resource the college had to help the crash survivors. She immediately returned to the college where Donna Gilligan-McMillan, director of campus living, already had emergency efforts under way.

Administrators decided to house the survivors in Alverno Hall, a co-ed dormitory. Incoming freshmen were participating in an orientation program in two other dormitories. A fourth dormitory, Toller Hall, was in the throes of heavy-duty cleaning.

"We had to choose a place where we could isolate two floors for an indefinite period of time for these people," said the president. "We had staff up here to do the job and 10 students who are helping to coordinate summer conferences, but we didn't have enough sheets. St. Luke's said they had plenty of sheets. They were hauling supplies up here at the same time that our men were bringing in things. Students helped make up the beds."

Faculty began to call and ask how they could help, said Dr. Jeffrey Willens, executive vice president of the college. "Faculty who are counselors asked, 'Do they need counselors?' Others asked, 'Can I answer phones? Can I take out the trash?' They wanted to help in any way they could."

Shortly after Briar Cliff was designated for survivors with minor injuries, an outpouring of help flooded the campus. Fast-food and pizza restaurants, Siouxland soft-drink bottlers, the college's food service and St. Luke's delivered everything from fried chicken and oatmeal cookies to potato chips and pop. A buffet of hot food and cold beverages was set up in the college pub on the ground floor of Alverno.

Siouxland linen services called with offers of bedding and towels. Sioux City banks offered cash for survivors' immediate needs and transportation costs. Briar Cliff students directed traffic as news media and volunteers converged on the campus. Counselors from Sioux City, Briar Cliff and University of South Dakota came to be with the traumatized survivors. Siouxland clergy from diverse denominations brought comfort.

"People just called—just showed up. People from the helping professions started arriving. Hundreds of volunteers were here. The Red Cross has been here constantly," said Wick.

The college was told to expect the survivors at 9 p.m. Accompanied by registered nurses, they began arriving in vans about 9:15 p.m. The 55 were taken to the third and fourth floors of Alverno where psychologists, counselors and clergy were stationed.

"There was a range of injuries. Some people had just scratches and bruises. One man had a head wound and one had his ribs wrapped. One person had a broken finger. Some had blood on their clothes. Some had nothing," said the president.

After settling in their rooms, many survivors went to the pub to eat. "Those were the people who didn't mind talking to reporters. The news media had filtered into the pub by this time and they were looking for survivors. One man was on "The Larry King Show" right away. Some people didn't want to come down."

Hospital nurses, the Red Cross and Briar Cliff administrators and students were among the people who stayed with survivors through the night as they talked about the catastrophe and tried to reach loved ones by phone.

"The hardest question to ask was, 'Were you traveling alone?' I talked to one couple who had been traveling with another couple. They had just found out that their friends didn't survive. They had to make the calls and identify the bodies," said the president.

By early Thursday morning, friends and families of passengers began arriving by bus and car not knowing whether their loved ones were dead or alive. United Airlines representatives who set up an office on campus were unable to tell all the families the status of their loved ones. There were still passengers unaccounted for.

More volunteers came to relieve those who had been up through the night. Families were taken to hospitals to see their injured loved ones. Every survivor was assured that college and community services would be there for as long as necessary.

Mass was offered at Our Lady of Grace Chapel Thursday morning and some of the survivors attended. Afterward, there was a large breakfast at Alverno and survivors seemed amazed at the community's enduring compassion and care, said Wick.

"We heard passengers saying that if this had happened in other cities, they would have never been treated like this. Survivors told me that this was a wonderful place. They were truly amazed. I said, 'Well, you're in the heartland and you've seen the heart of Sioux City.'"

EXHIBIT 1

TEAMWORK, QUICK RESPONSE SAVE LIVES

(By Harvey M. Sanford and John Quinian)

The medical doctor who decided which of the injured in Wednesday's airliner crash should be treated first was in the Marian Air Care helicopter hovering over the scene, waiting for the craft to land.

Dr. David J. Greco, director of both the Air Care and Marian Health Center's emergency team, was only seconds away from the site, and saw the crippled craft as it came from the northeastern horizon.

"At first we thought they were going to be five miles short of the airport, because we heard them tell the tower they would probably crash land about five miles out. Then we saw them on the horizon, and saw they could make it to the airport.

"Then we had hope because it would be a rough landing but at least it would be on the airstrip. But as soon as we had that ray of hope, the aircraft hit the ground and caught on fire.

"We saw it burst in flames, and the fireball scoot for half a mile, and the airplane engulfed in flames, and we thought it was going to be 100 percent fatal," he said.

"We landed within a minute of the crash. But when we got there, I was amazed—two stewardesses were already out of the plane, walking away from the wreckage, with hardly a scratch on them.

"I asked where they were located, and they said they were in the very rear of the aircraft.

"We looked around and everybody else was devastated. It was like a war zone. I thought everybody else was dead. But five minutes later, people started coming out of the larger portion of the aircraft, rows 9 to 19 where the structure remained intact." Greco said.

The 40 patients deemed critically injured during his triage work would not have survived had they not been transported to a hospital within one hour of the crash.

Teamwork and quick response made the difference, Greco said.

Of 183 patients transported to Marian Health Center and St. Luke's Regional Medical Center, 9 died, 59 were admitted, 124 treated and released, and one held for observation.

Greco said of 88 patients transported to MHC, five were dead on arrival and two died during the night. He said he was surprised more had not died.

"Of 40 critical patients, I didn't think any of them were going to hardly make it if they didn't get help right away," he said.

"We used the golden hour." You have one hour with these bad trauma patients to get to the trauma center, and they made it by ground.

"The airport may be 10, 15 minutes away if you're speeding. These patients were luck-

ily located where the ground crews could get them here," he said during a Thursday morning press conference at MHC.

Dr. Michael Wolpert, director of trauma at MHC, said about 10 to 15 very seriously injured patients were admitted to intensive care, and some of those patients may not make it. The other victims admitted to the hospital were in stable condition.

Another six crash victims were admitted to the burn center at St. Luke's, according to Dr. Stuart Leafstedt, general surgeon at the hospital.

"We were very impressed with the hospital's performance," Leafstedt said. "We had people return to work immediately, stay at work, all of the people at St. Luke's who could possibly be involved, simply working there voluntarily, and I think the community support was outstanding."

The response was the same at MHC, Wolpert said.

"At Marian alone, we had two neurosurgeons, four anesthesiologists, five trauma surgeons and two or three orthopedic surgeons, plus we had all the backup. People came in from different offices, the nurses, lab technicians, X-ray technicians. It was just a groundswell," he said.

The medical staff followed all the guidelines established in previous disaster drills, tagging every patient as they entered the hospital, Wolpert said.

"There is a physician, Dr. Jim Nielsen, who triaged the patients. He climbed right into the ambulance there, just for a brief assessment, to tell where to take the patients, and that helped tremendously."

Greco said at least 100 Siouxland physicians of every specialty responded to the call and were at both hospitals when the victims began arriving.

Greco handled the difficult triage duties at the scene of the crash. In the process of triage, those worst hurt are given treatment first, while others with lesser injuries must wait.

The initial impact caused the huge DC-10 to cartwheel across the huge Sioux airport runway at 4 p.m. Wednesday. The front of the plane came off, and the tail section was thrown farthest from the main fuselage.

The impact also caused a fuel explosion, and flames and black smoke engulfed the craft as it hurtled to its final resting place in a cornfield.

"Many of the passengers suffered crushing injuries," said Greco.

"When we first landed. I just noticed debris everywhere. It looked like just one big littered area of small particles, and mixed amongst the debris were bench seats three across with passengers strapped, bent over, upside down in these seats, in every different position, and these seats were totally independent of any aircraft structure," he said.

"They look like they had been rolling for up to a half mile at high speed, with trauma injuries to the head, arms and legs."

Stewardesses at first, and then emergency rescue personnel, gave airplane airmask equipment to the injured to protect them from smoke.

"We were there within seconds after the crash, and I was amazed to see people walking around," Greco said.

But very few persons had to wait long for attention because there were scores of ambulances from within a 50-mile radius of Sioux City pressed into service. The advance notice of nearly 20 minutes before the crash enabled rescue services to be marshaled in advance.

Air National Guard members and the volunteer rescue squads conducted body searches and transported the injured on spine boards to the image base set up in a grassy area next to the runway, where Greco prioritized the critical patients, deciding which patients needed immediate attention and transport.

Because the volunteers had a hard time locating patients amidst the debris and bodies, they had to listen for moans, he said.

"Everybody was relying on their ears more than their eyes. People would wave their hands when they heard a moan. Then we'd unbury a pile," he said.

"As soon as somebody would find somebody, their hands would go up. There were people waving in different areas of a mile spread out.

"The people who could speak, they basically said, 'I'm OK. Go take care of somebody else."

"The most critical patients left within a few minutes. People kept coming. We kept resuscitating and transporting," he said.

"I didn't ride the chopper back. I rode the ground crew back. I was taking care of a patient."

One major limitation of the hospital helicopter was that it ran out of resources, Greco said. Though he had plenty of help on the ground, the chopper only carried enough breathing apparatus for about a dozen emergency resuscitations. Fortunately, he said there were enough ground units and the hospitals were close enough to get the job done.

"We activated the disaster committee. To take care of a dozen patients personally is overwhelming for our (usual) emergency staff, but when you activate all the resources in the community, and all the doctors show up, 88 patients wasn't all that difficult," he said.

"We had the space available, we had the nurses, we had all the ancillary help.

"Instead of me having to be singlehanded, we had a lot of cooperation from the medical community. They all responded."

Greco also gave credit to the twice-a-year "drills" which have been conducted by all rescue, medical, police and fire personnel.

"This worked just like the drills," he said. "You see, we don't tell anybody when it's a drill. We go the whole nine yards. The doctors respond, and we sometimes have to stop them short of cutting on the patients, who have been made up to such a degree (they look like they really have been injured).

"We want to see the whole response time, and just how they will go."

Greco, out at the airport at dawn to check on the crash scene again, admitted he had been able to go home during the night and "grab a couple hours of sleep. I had a hard time falling asleep."

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise to say how pleased I am, as a Member of this body, to hear these two distinguished Senators recount in really a dispassionate way, but nevertheless a most sincere and heartfelt way, the virtues of their citizens of the great state of Iowa.

As one who prides himself on being an easterner, I always puzzled a little bit about Horace Greeley's phrase, "Go West, Young Man," but I suppose it is true in many respects. Because we did see a chapter of Americana which warms our hearts.

I pause to think every so often, what if a great catastrophic problem hits this country? We are here talking about strategic deterrence, and with the help of the Lord we will be successful somehow in continuing to formulate our strategic deterrence. But should we ever have, God forbid, an accident in that area, there is hope the citizens would come together.

I have some concerns about the effectiveness of our civil defense dollars. But here is a clear example of a few dollars well spent and just some basic planning when the multiplying factor is the good will of the American people. This example stands as a hallmark, and I express my great appreciation to the people of Iowa and particularly Sioux City for what they did.

Mr. NUNN. Will the Senator yield? I would like to join my colleague from Virginia in expressing our appreciation for this message today, this very timely message from Senator GRASSLEY and Senator HARKIN. I think everyone that viewed that terrible tragedy also viewed with great pride the performance of the people in the hospital, the people there on the emergency team, the people in the airport. It could have been much worse. And also the pilot and crew of the plane as well as many of the passengers. So this is a very timely message and much appreciated.

I must say, when my friend from Virginia speaks as being an easterner, I recognize that Virginia is still below the Mason-Dixon Line and we call Virginians southerners. I hope he has not dropped that title.

Mr. WARNER. Touché; but I remain a southerner through and through.

The PRESIDING OFFICER. The Chairman would remind the distinguished managers of the bill that the Senate is under an order to go out at 12:30.

Mr. DOLE. Mr. President, I ask unanimous consent to proceed for just 1 minute.

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

Mr. DOLE. Mr. President, I want to thank Senators HARKIN and GRASSLEY for the statements they made and for their recognition of the fact of what did happen after the fatal crash. Today and tomorrow or the next day and the next day, people in Iowa are going to be out there, trying to be helpful. I would say, as someone who had many opportunities to visit Iowa a couple of years ago, and to meet a lot of people in Sioux City: it is not surprising at all. they are real people with real concerns. They are genuine. They had a challenge and an opportunity, and they did what they did because of that, because of their values and be-

cause of the kind of people they are: just good, hard-working people from all walks of life.

As I watched TV last night, there were 62 of these Sioux City residents who were going to this special meeting. There was a psychologist there from South Dakota because some of these people had suffered deeply. They were on the scene. They took care of the dying and the living.

So, I want to commend the people of Iowa, and Sioux City, and particularly Senators HARKIN and GRASSLEY for bringing this to our attention.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, the Senate schedule calls for the Senate to break for the caucuses at 12:30. We have exceeded that but I ask unanimous consent the Senator from Montana be allowed to proceed for 4 minutes, at which time the Senate would be in recess for the caucuses.

Mr. HARKIN. Mr. President, would the Senator yield?

Mr. NUNN. I will be glad to yield.

The PRESIDING OFFICER. Is the Senator from Montana intending to speak on the resolution?

Mr. BURNS. On the defense reauthorization.

The PRESIDING OFFICER. We will dispose of the resolution first.

Is there objection? The Senator from Iowa.

Mr. HARKIN. Mr. President, let me thank the distinguished chairman of the Armed Services Committee and ranking member for providing us this time for Senator GRASSLEY and myself to come to the floor and offer this resolution. I know it is an interruption in the natural flow of the defense authorization bill and I appreciate the time.

I also want to thank the distinguished minority leader, Senator DOLE, for his kind remarks concerning the citizens of Sioux City and Woodbury County.

The PRESIDING OFFICER. The Chair will entertain the motion with respect to the Senator from Montana to proceed, after disposition of the resolution, for a period of 5 minutes.

Mr. NUNN. And the Senate to stand in recess at 12:45 p.m.

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

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the resolution of the Senator from Iowa.

The resolution (S. Res. 157) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 157

Whereas United flight 232 tragically crashed while making an emergency landing attempt at the Sioux City, Iowa, airport on July 19, 1989;

Whereas due to skills of the pilot and flight crew and the immediate mobilization of local and State rescue units, 186 of the 299 people aboard remarkably survived;

Whereas the people of Sioux City and Woodbury County, without hesitation, mobilized to provide aid and comfort to the injured;

Whereas by the time that flight 232 crashed, there were firefighters, Air National Guard troops, the city police force and sheriff's office, the Red Cross, and local rescue vehicles on the scene which began immediately transporting the injured for treatment;

Whereas the physicians, nurses, and other personnel of St. Luke's Regional Medical Center and the Marian Health Center worked exhaustively treating the injured;

Whereas when hospital blood supplies were low, the people of Sioux City immediately responded by donating blood until the supply was quickly replenished;

Whereas Briar Cliff College opened its dormitories to the survivors and other residents contributed blankets, clothing, and food;

Whereas had it not been for the remarkable speed, skill, and preparedness of the emergency crews and the assistance and generosity of the people of Sioux City, Woodbury County, and other communities in Iowa, Nebraska, and South Dakota, the death toll would have been much higher: Now, therefore, be it

Resolved, That the United States Senate hereby commends Sioux City and Woodbury County, Iowa, for the assistance and services they provided to the passengers and crew of United flight 232.

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1990 AND 1991

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Montana is recognized for a period not to exceed 5 minutes.

Mr. BURNS. Mr. President, I want to thank the chairman of the Armed Services Committee, Senator NUNN, for extending this. We are involved in some hearings this afternoon and this gives me an opportunity to let the views of Montana be known about this important Defense authorization bill.

There is no higher priority in this body or this Government than keeping of the peace. To those who study history and especially American history the words of George Washington still ring in our minds and they hold true today: If you want peace you prepare for war.

I rise today in support of the National Defense Authorization Act for fiscal years 1990 and 1991 as reported by the Senate Armed Services Committee. I want to commend the chairman of that committee, Senator NUNN, and the ranking minority member, Senator WARNER, for all of their hard work. I also want to compliment them and the rest of the committee on their final bill—I do not think they could have done a better job. Secretary Cheney deserves a lot of credit as well for giving the committee a good starting point and making some tough decisions, because there is only so much money and we have to pick the right place to spend those dollars.

It is not easy to make the kinds of cuts that Secretary Cheney made, but they are the kind of cuts it takes to meet current budgetary restraints.

We have made great strides in recent years—particularly in recent months—in our relationship with the Soviets. We have seen more openness on their part than I have seen during my lifetime. We are in the process of negotiating a START Treaty on the heels of the INF Treaty. While I do not discount the historical significance of where we are today, I believe that we should always maintain a certain degree of healthy skepticism.

This year the committee in conjunction with the administration was able to fashion a defense bill which strikes that crucial balance between fiscal responsibility and providing for a strong national defense. This bill allows us to pursue our strategic modernization goals, thus maintaining our "peace through strength" negotiating posture. However, it also meets the targets outlined in the fiscal year 1990 budget agreement and budget resolution.

I am especially pleased that the committee decided to support President Bush's recommendation on the modernization of the land-based leg of our nuclear triad. In April of this year, I wrote the President urging him to pursue the MX/Midgetman dual-track approach. This approach again strikes that crucial balance between fiscal responsibility and meeting the defense needs of our country. I believe that the Midgetman is the best system from a strategic standpoint. Thus, I think that the decision to continue vigorous research and development of the Midgetman while moving to deploy the MX is a wise one. We are able to move quickly while still leaving the emphasis on substance. This plan also puts us in an excellent negotiating position in Geneva.

I will briefly touch on a few other high points of this bill. I fully support the committee's recommendation to fund SDI at $4.5 billion. This will allow SDIO to continue the research and development of some new and exciting developments in the SDI program, such as "brilliant pebbles."

I also endorse the committee's cautious support of the B–2 bomber. Like the MX and Midgetman programs,

this program plays an important role in the strategic modernization of the triad and in our START negotiating position. The bomber force is regarded by both us and the Soviets as the most stabilizing element of the strategic deterrent triad. A penetrating bomber like the B-2 is essential in light of that fact, and in light of the fact that with a START treaty penetrating bombers would carry over one-third of all weapons. Since the cost of the B-2 is a concern, I support the committee's strong fly-before-you-buy language. But let us face it; that bomber could give us 20 more years of peace, and that is the real thrust behind these programs.

Finally, this bill protects our military's most valuable resource—its personnel. The bill provides for a 3.6-percent pay increase, makes improvements to the GI bill and benefits as well as to the survivor benefits plan, and provides incentives to address the nursing shortage in the military medical care system. These provisions are important as they improve the quality of life, and thus the quality of service, in our military forces.

Mr. President, I urge my colleagues to accept this bill with as few changes as possible. Some hard choices had to be made in the name of deficit reduction—we should follow Secretary Cheney's lead and take the hard road. There will be a lot of words, a lot of discussion about this bill. But I believe it is important because, as I said, there is no higher priority of this Government than the maintenance of peace for the citizens of this great country.

I thank the Chair. I yield the floor.

Mr. WARNER. Mr. President, I thank the distinguished Senator from Montana for his contribution in our work on this bill.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:44 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. Mr. President, I appreciate Senator NUNN and Senator WARNER yielding the floor to me for a few moments. I do have to chair an Intelligence Committee meeting that started at 2 p.m. So I will try to be as brief as I can.

Mr. President, part of the difficulty in dealing with the B-2 issue, it seems to me, is that there is a good deal of overselling taking place. Statements are being made that, perhaps, are exaggerated, in my judgment. That does not persuade me or others but rather tends to diminish the credibility of what is being stated.

A good deal is made, for example, on the fear that the B-2 will generate among the Soviet military planners. The question has been asked, in good faith, that would not the capabilities of the B-2 be such that no Soviet military leader, for example, could tell his superiors that with any degree of confidence the Soviet military could defend adequately against the B-2. I think the answer to that is a categorical yes. No Soviet military planner could, in fact, give those kinds of assurances to his civilian leadership. But the same can also be said of the MX missile, the Minuteman missile, the D-5 missile, the air-launch cruise missile, the sea-launch cruise missile, and others.

There is no military planner who could with confidence assure his superiors that the Soviets have adequate defense against any of those systems, in my judgment.

Second, we are now told that the B-2 is the most stabilizing strategic weapon. I would note the irony of the Air Force emphasizing this argument after so many years during which it argued for the MX using quite different logic.

But now we have the Air Force acknowledging bombers as being the most stabilizing leg of the triad. And the argument is made that the B-2 is slow flying and, indeed, it is compared to an MX or Midgetman missile. But so is an air-launch cruise missile. That is also slow flying. You can recall the B-2 aircraft. That is true. But you can also recall a B-1 or a B-52 that is loaded with air-launch cruise missiles in a standoff capacity. You could recall it up until the final stage of the flight plan when it released its ALCM's.

The third argument that is made is it is more accurate. Two pilots going in in a B-2 bomber could in fact be scanning the target sites, pick out those that had been hit from those not hit, and, therefore, the B-2 would be less wasteful. There is some merit perhaps to that, although I raise the question in terms of exactly what are we flying through? I am not yet satisfied about the ability of any aircraft to withstand certain nuclear weapons effects such as the high winds that would be generated.

I am not satisfied yet, and perhaps we will have more on this as the days and maybe months and years unfold, of what kind of hurricane winds these aircraft would have to fly through, and what would be the other effects in the wake of a massive exchange of nuclear weapons of the kind of megatonnage that we are talking about in our respective arsenals.

One of the arguments made that I do not think is accurate is that the B-2 bomber could hunt down mobile missiles. I do not believe the B-2, as currently configured, outfitted with its currently planned avionics, and so forth could in fact hunt down mobile missiles.

I have not heard too much emphasis on that argument in favor of the B-2 lately, but that was one of the arguments that was initially being made. In my judgment it does not have the capability to hunt down mobile ICBM's, and will not have that capability without some serious upgrade.

The fourth argument made is that the B-2 has a conventional role, that this would be a marvelous system to use in a conventional role. No one can dispute the B-2 has a conventional capability just as the B-1 has a conventional capability. And the B-52 bombers have conventional capabilities, as well as the FB-111's, and so on. So no one disputes that it has a conventional role.

But the question is why would you want to use a B-2 bomber in a conventional mode rather than our other bombers? Against Libya as General Randolph has discussed? Is that the argument that is being made? I do not think so. I have said this before during the committee's hearings. The argument that you would want to send in a B-2 to bomb a country like Libya would be the equivalent of driving a Rolls Royce into a combat zone to pick up the groceries. I do not think that is a realistic deployment of an aircraft that is going to cost in the neighborhood of $½ billion per copy. I am not sure what Air Force general is going to recommend we send over a B-2 costing $½ billion in a conventional role with all the risks that would be entailed.

I would think, for example, we would be more likely to deploy an air-launch cruise missile in a conventional role, or a sea-launch cruise missile, or perhaps land-attack Harpoons, or other types of systems. We might want to send in the B-1, although that is doubtful, but certainly the B-52, for which we are developing conventional stand-off munitions. We have a lot of other options that we would certainly turn to before we would even deploy the B-2 in a conventional role, in my judgment.

The B-2 is the Rolls Royce compared to these systems and it will be saved for a Rolls Royce mission, and not that of going into a Third World country to drop bombs.

It seems to me what we really have been about is dealing with arms control. The B-2 we now know, we have known since the Reykjavik summit, can count as one weapon regardless of how many bombs or SRAM's it carries. Perhaps we ought to insist not only on truth in advertising but truth in arms control. Under the Reykjavik counting rule, we could load a B-2 bomber with 16 or 20 weapons, gravity bombs, or short-range attack missiles and yet it counts as only one weapon against the 6,000 warhead limit.

Now the argument is that we are trying to encourage United States and Soviet military planners to move to more stabilizing weapons systems, and therefore we want to give them an incentive. But it seems to me we have conflicting arguments.

If the B-2 is going to present such a threat to the Soviet Union, as we are told, forcing them to expend so much more on air defenses why would the Soviet Union agree to these accounting rules? It is something that has perplexed me, and I do not yet have the answer.

I would be happy to yield to Senator NUNN, who is certainly an expert in the field, Senator WARNER, or Senator GLENN to explain why—if the Soviets view the B-2 as such a threat—would they agree to that kind of counting rule.

If I were a Soviet military planner, I would find that the B-2 would be less of a threat than a B-1 loaded with air-launch cruise missiles, particularly stealth cruise missiles. I would have far more of a problem contending with a stealth cruise missile coming in from a standoff launch by a B-1. If that is the case, then you have to ask yourself, why would the Soviets agree to our insistence that we have a counting rule that counted each B-2 as only one weapon.

On the other hand, if I took the Air Force arguments as valid, I, as a Soviet military planner would have given the United States a different set of incentives. If I really wanted to avoid the B-2 because it was the system that caused me the most problems, I would have said the B-1, if it has air-launch cruise missiles, equals 1 weapon, while the B-2 with gravity bombs equals 20. If I were a Soviet military planner and I were worried about a B-2 flying in and looking for full silos or mobile missiles, I would say, let us discourage that—let us count that as having 20 missiles on board and not only 1.

The Soviets did not take this approach, however, and that is because I think that the Soviets look upon the B-2 as less of a threat than they do an ALCM-carrier. Perhaps I give too much credit to Soviet planners, but I think that they are more afraid of air-launch cruise missiles, particularly stealth cruise missiles, than penetrators. I also assume that perhaps the Soviets, looking at the pricetag of the B-2, may have come to the conclusion that the American people would not support a full deployment of 132 B-2.

Now we have ourselves in a situation in which the counting rules discourage air-launch cruise missiles. The counting rules absolutely discourage the deployment of any aircraft with air-launch cruise missiles. We have decided that as a policy.

You are also witnessing the Soviet Union launch a full-court press to eliminate or restrict the deployment of sea-launch cruise missiles. So now we find ourselves in a situation, by virtue of the counting rule, that ALCM's are strongly discouraged compared to penetrators. And it leaves us with B-2 as the only viable penetrator.

So the question remains, Is the B-2 going to fly? I think the early evidence is yes. Will it penetrate? The answer is presumably yes. How much is it going to cost, and how many do we need? It seems to me those are the two most serious remaining questions that have to be addressed and answered. I am not satisfied yet that we know the full scope of the costs.

I think Senator NUNN and Senator WARNER have tried to address these anxieties on the part of many Members, as to what the ultimate pricetag is going to be for the B-2. We are told it is in the neighborhood of $530 million a copy, but many doubt the accuracy of those numbers. They do not represent, certainly, life cycle costs. So we are looking at something quite substantially higher over the lifetime of the aircraft. In addition to that the question is, Should we buy this aircraft before we have had more tests? That is something I know Senator GLENN has raised. Again, we are trying to work out some kind of a program whereby we can reduce the anxieties on the part of the Members.

Mr. President, I will have more to say about this at a later time, but I think that these are some of the issues that continue to nag me and other members on the committee and certainly in our respective caucuses.

Mr. WARNER. Before my distinguished colleague departs, and indeed he has worked with me on the strategic subcommittee since we both came to the Senate together many years ago.

I want to advise the Senator that I have raised this question of the counting rules on two occasions with the President and the National Security Adviser at meetings at the White House yesterday and again today. I asked the President to provide, through his Security Adviser, a letter on the subject. It has just arrived. I hope the Senator from Maine would have an opportunity to examine the letter and return to the floor at some point today. I am not suggesting it answers your legitimate concerns, but I want to keep you informed.

Mr. COHEN. The only point I was trying to make, if the B-2 presents such a problem for Soviet defenses and the ALCM system, either B-1's or B-52's fitted with air-launch cruise missiles, is less of a threat, it seems that the Soviets would have devised the counting rules to encourage the ALCM and not the B-2. However, it is the other way around. I have not heard an explanation—and you were at the hearing when I raised the question with General Chain and General Welch last week, and I do not think they had an adequate answer for that.

Mr. WARNER. The Senator raises a good and tough question; if this is such an effective system, why did the Soviets allow it under those counting rules?

Mr. NUNN. Would the Senator from Maine yield for a brief observation? As usual, the Senator from Maine raises a very pertinent and very important question. I would only submit that no one knows why the Soviets do what they do at the negotiating table on all occasions.

Certainly, this is not one decision that I would presume to know what was in their mind, unless they bought the concept which we have been trying to sell for a number of years, that bombers are more stabilizing and that bombers can be recalled and that bombers are not going to be able to launch a quick short-range attack, as would, for instance, missiles. The whole area of stability is one that we have emphasized as a bedrock of our arms control position for some time.

The Senator from Maine has been one of the leaders in trying to get the Soviets—and first of all our own Government—and we have not succeeded on either count; having been part of both, involved in a concept of having single-warhead missiles on land as more stabilizing than MIRV'd missiles.

The Senator from Maine has been in the lead trying to get counting rules that would basically encourage the builddown of large multiple-warhead land-based systems, because they indeed are more threatening. So perhaps in this case, unlike the single-warhead missile case which we still hope to succeed in, in terms of convincing our own Government and the Soviets, perhaps in this case the argument about stability was one that the Soviets accepted. It seems that that is what happened. I have no other way of judging it.

Whatever is the case, it is clear that bombers that do not have ALCM's on them are more favorably treated in the counting rules, and if we do not have our own penetrating bomber, and the Soviets have 200 Blackjacks coming into this country, without us having air defenses which would be very expensive, then we would be taking an arms control argument that we won and converting it into a very bad position for the United States if we do not have a penetrating bomber.

Mr. COHEN. I thank the chairman for his comments. I have worked very closely with him, certainly, on the builddown concept and also promoting the Midgetman missile. Because I believe we ought to have reductions, not only in the size of our force, but also in the number of weapon systems carrying multiple warheads.

I would point out, of course, that in dealing with B-2, this is not a build-down situation, because we still have large bomber payloads on a B-2, as we would on a B-1 carrying an ALCM. The question is, Are you going to have a penetrator or a standoff capability?

It seems to me that it is far less expensive to us and just as dangerous to the Soviet Union for us to have a standoff capability with air-launch cruise missiles that employ stealth technology. I am not sure what the tradeoff is on that.

Mr. NUNN. I would agree with that. I think the Soviets must have concluded that having ALCM's on B-52's or on B-1's, cruise missiles, was more of a first-strike threat than the B-2—because they have said many times that those would be able to target their own missiles. It is very unlikely that the B-2 would ever be sent, or any penetrating bomber, on a first strike mission. I cannot conceive of the circumstances under which a penetrating bomber force would be launched to knock out the other side's retaliatory capability.

I would imagine the Soviets felt that ALCM's were more destabilizing and the B-2 was more stabilizing. Of course, that is the way we feel, too, and that is the concept we have been trying to sell for a long time about the Stealth bomber, as well as about the overall role of penetrating bombers. So the fact is that this is not a zero-sum game. It may very well be a breakthrough in arms control. We may have finally convinced them that if both sides move to penetrating bombers and move away from first-strike type systems, that we are in a safer world, and we have moved the trigger finger a little bit more back.

Mr. COHEN. The Senator makes my point exactly. It has to do with the overselling aspect of it. When our military leaders come before us and say that the Soviets really fear this system in a very extraordinary way, it does not ring quite accurate to me. It seems they would have greater fear of air-launch cruise missiles on either a B-52 or a B-1. That would be harder to defend against. It seems what they did was agreed to the counting rules which pose less of a threat to them, rather than a greater threat to them.

My point was: Let us not overstate exactly what the Soviets fear and what the system is going to be capable of doing. It seems to me that this is a far tougher mission, for B-2's to penetrate those air defense systems—and they may grow in the future—than it would be for Stealth cruise missiles lauched from a standoff bomber.

Mr. NUNN. I have not heard that argument made by military witnesses, that they fear the stealth more than the ALCM's. I think the Senator makes a good point. If they did, they made a very bad mistake in arms control on agreeing to this counting rule. This is not a zero-sum game. It is not always in the best interest of the United States to put the most fear in our adversary as to what we may do in response to a first strike.

What we want to do is put great fear in them about what we can do after their first strike, so there will never be a first strike on the other side. So that ability to survive and retaliate is the key to deterrence. If both sides develop first-strike systems, where the other side fears that there is an advantage to one side going first, then we both start putting our fingers on that trigger, and it gets to be a hair-trigger. If you make a mistake, therefore, on either side, in terms of erroneous warning and mistaking an attack, or if there is a third country that uses a weapon against a superpower and we do not know where it comes from, then these destabilizing systems that lead the other side to believe there may be a first strike, can indeed lead to a world catastrophe.

That is what our policy is geared against. I say that the B-2, from my perspective, would give the Soviets much less to fear than perhaps some other systems, as far as a first strike is concerned; but it also would give them a great deal of pause as to what we might do and what we are capable of doing, without any doubt, should they launch a first strike. This idea of giving them pause, indeed, is the heart of deterrence, to prevent them from ever believing there is an advantage.

The B-2 can not only escape with very short warning and get up in the air and escape from being destroyed on a first strike, but it also, unlike missiles, can fly toward the Soviet Union and be called back, after it is on its way, if we made a mistake.

What if the President of the United States gets an alert one day and somebody calls him from one of the air commands and says, "Mr. President, we are not absolutely sure, but we believe that the Soviet Union has just launched 50 missiles toward our missile fields out in the Midwest," and the President says to them, "Well, what are my options?"

One option, of course, would be to reply: "We could launch those missiles if we think they are targeted before they are ever struck, Mr. President, but, sorry, Mr. President, if we are mistaken on this and you launch those missiles you will have to call Mr. Gorbachev and say, 'General Secretary Gorbachev, we are sorry. We thought you were hitting us and we had to get our missiles out of their silos so we fired a few of them and they are coming your way. We can't do much about it, but we express our profound regrets.' "

That is not the kind of situation we want the President to be in, any President, whether it is now or the year 2000.

But with the B-2, the President could say to the commander out there: "Get those B-2's off the runway. Make sure they are in the air. Make sure that they are safe. And then we will wait and see what happens and make darn sure we don't get into a world catastrophe because we made a mistake in thinking there was an attack."

At that stage, I hope the President could be in strong communication with General Secretary Gorbachev. So that is the heart of what I think the bomber is all about.

Mr. COHEN. If I could respond very briefly so I can go out to the other meeting, I do not disagree with a word the Senator has said in terms of the capability that gives us to avoid setting off a world catastrophe in the event that there has been a mistake made.

But the same thing pertains also for getting B-1's up in the air.

Mr. President, we have seen what we think are 50 missiles on their way over here. We are not quite sure yet, but we don't dare take the chance. Let's launch a few of our B-1's, get them up in the air. And we have got those wonderful air-launch cruise missiles that we have promoted to the United States Congress over the past 10 years as having such tremendous power, capability, and accuracy, we can put them up there, hang them up in the air until we find out whether or not our command and control systems and intelligence gathering is accurate. And then we can send them over very close to their borders and have a standoff capability, launch those ALCM's if we have to at that point, and wreak devastation upon the Soviet Union.

The same rationale would apply to that capability as to the B-2, except for the counting rules, as the counting rules now put us in a position of saying you are better off going to a B-2 because it only counts as 1, as opposed to a B-1 with ALCM's which would count as 10 or more.

Mr. NUNN. I say to the Senator from Maine, I think he makes a valid point there. I do not believe it is either/or, with either the penetrating bomber or the cruise missiles. I really think that both of them have to be there. They do play different roles because the cruise missile obviously has to be pretargeted.

A large part of our nuclear targeting would be to make sure that the Soviet conventional forces are not going to be in place and intact after a nuclear exchange. That, too, is deterrence.

It may very well be that one of the ultimate forms of deterrence is for the Soviets to know that we can destroy an awful lot of their conventional forces if they ever start a nuclear war. It is awfully hard to program cruise missiles in advance against conventional forces that can be moved around.

So it is not a matter of simply finding mobile missiles. I would agree with

the Senator's assessment that with regard to finding mobile missiles, even though the B-2 could do a better job in this regard than anything else, we do not have the sensor capability now to be able to fully do that. So that is a role for the future.

But I would also say, to me it is not either/or. I think some air-launched cruise missiles standing off are also very valuable and I do not consider them as destabilizing.

But, as the Senator knows, the Soviets have a much better chance of knocking down some of those cruise missiles, or all of them, perhaps, in the future, and we are trying to do something about that, too.

Mr. COHEN. I think the last point is a debatable one. I wish I could stay here and carry on the debate. I do not think the Soviets do have as much a capacity to knock down stealthy cruise missiles as they would a penetrating bomber. But that is a matter of dispute.

Mr. NUNN. We are trying to do some things in the stealthy area to make them less capable of being knocked down. I do not view this as an either/or situation, but I do believe that the Soviets can improve their air defenses if there is no Stealth bomber. I think they can move their air defenses further out and they can force the standoff bombers further and further out and they can make targeting more and more difficult.

If we do not have a penetrating bomber, it greatly simplifies the Soviets' mission in defending against the air-launched cruise missile. So I see those two things as greatly complementary, so that both of them become more effective because of the existence of each.

Mr. COHEN. What I heard during the testimony of the past week, there has been a sudden deemphasis upon the cruise missile, perhaps to coincide with the debate on the B-2. I have not heard much about cruise missiles carrying much of a role in our strategic mission right now. The emphasis here is on the penetrating bomber and not on ALCM's hung on the wings of the B-1 or B-52.

As a matter of fact, for the first time we learned just recently that where all previous testimony coming from the Air Force was that as soon as the B-2 came into the inventory we were going to phase the B-1 into an ALCM mode. For the first time, just a few months ago, we learned that the B-1 is not going to be used in a standoff-penetration role but rather it is going to be used strictly as a penetrator.

I think that, again, is driven by the counting rules. They do not want to add to the number of systems to be counted by using the B-1 as an ALCM-carrier. So I think we do not hear too much about cruise missile technology right now.

Mr. GLENN. Will the Senator yield?

Mr. NUNN. I would like to yield the floor so I can go chair the committee.

I yield the floor.

Mr. GLENN. Mr. President, just to add a little bit to this. There is another aspect of the B-2 that I think quite often gets ignored. We always hear the Air Force and the Defense Department and, in fact, our own debates always concentrate on the SIOP mission, the nuclear mission to Moscow, Kiev, Leningrad, or wherever the airplane is going to go. It is always the nuclear mission that we talked about.

I think we would be hard-pressed to support the aircraft solely on that basis. Because, to me, the airplane we need is a heavy bomber. And I have backed heavy bombers because I think we need them for conventional warfare also. And that radar invisibility or low observability is just as valuable in the conventional context wherever it is used in the world as it is with regard to a nuclear delivery strike into the Soviet Union.

In fact, I have always felt that probably that mission was one of the least likely missions the airplane was ever likely to perform. Because if we say we are now going out to bomb Moscow, we are going out to bomb wherever it is with nuclear weapons, it surely is not going to be a first strike by the United States of America. It means that nuclear weapons have undoubtedly already been exchanged before we start that.

And if we follow up that we have ICBM's that have a 25- to 30-minute delivery time from launch to on target and we have anywhere down to maybe 10 or 12 minutes for the shorter-range missiles that would be launched, we are already in a nuclear exchange with dozens of these things undoubtedly going off in, God forbid, any future nuclear war and the likelihood of us launching a nuclear bomber attack, a manned bomber attack, in the middle of all that holocaust already going on I have always thought was highly unlikely.

The B-2, though, can fly with conventional weapons. It can fly anywhere in the world. It is usable in the Straits of Molucca, the Far East, the Indian Ocean, wherever it might be required to respond in a conventional war capacity and hopefully never get to the point where we cross that nuclear threshold.

And to have that kind of radar low observability aids that conventional mission every bit as much as it aids the SIOP, the strategic plan, the attack on Moscow.

That is the basis on which I have supported the B-2. I really question whether it would be worth it if the only mission the aircraft was ever envisioned performing is that SIOP mission into the heart of the Soviet Union and little else. And with the costs going up, I am sure more people are going to question that.

I backed the B-1 on the basis that we needed an interim until the B-2 could get here. And I made the same arguments on the floor standing in this same spot years ago when we talked about the need for the heavy bomber. The need for the heavy bomber to me is not necessarily the nuclear exchange.

In fact, I think that is probably a secondary use for the bomber. In this particular case, with the B-2, its low observability by radar is every bit as much an advantage in that conventional delivery mode as it would be on the SIOP mission to Moscow. So that is one little additional factor.

I was much interested in the debate that was going on between Senator COHEN and Senator NUNN. It was not as much a debate as a discussion.

I agree with Senator COHEN on that, that the counting rules are something that have always been somewhat of a mystery. The advance cruise missile, I think, as he was pointing out, once we get the advance cruise missile, it has the same low-observability advantages as the B-2 will have, assuming that all the low-observability testing works out OK on that full-scale airplane.

Mr. WARNER. Mr. President, for the benefit of Senators, the chairman, as yet, has not had the opportunity to make his presentation on the B-2. I expect that he will be doing that momentarily. Then I shall follow and we hope, thereafter, other Senators would join.

We wanted to accommodate our colleague from Maine because he had a cochairing situation. We hope that the Senator from Ohio will follow on shortly after the chairman's presentation, and my statement to supplement his presentation. Would that be convenient to the Senator from Ohio?

Mr. GLENN. I will be available for different periods on the floor this afternoon. I hope I will be able to be here. What we have now is I have proposed to the staff and to Senator NUNN some proposals with regard to strengthening the testing proposals that we have talked about. The proposal I made in committee to hold up the procurement of the additional three aircraft for this coming year, I do not plan at this point to introduce that as an amendment. But that is still a little bit up in the air, depending on whether the proposals for the additional testing requirements that we think would strengthen that whole regime, if those are not accepted, then I might have to go with the elimination of the three. I do not know. But we have that yet to talk about and, depending on how that comes out, I will be available to be in the debate this afternoon.

Mr. WARNER. Mr. President, that is most helpful. We certainly wish to express our appreciation to the Senator from Ohio. He has taken a very strong role in the entire B-2 debate. Those of us on the committee, and indeed the Senate as a whole, have a profound respect for his knowledge of aviation and, particularly as a former test pilot, given the situation in which this country now finds itself with this unique type of aircraft, with certain designs with which we have, really, had no experience heretofore in actual flight. Although at one point, it is interesting, Mr. President, and someday I hope to develop this chapter, the Air Force did have three or four Flying Wing aircraft.

For some reason that eludes me, even though they worked, they tore them all up, scrapped every one of them. Not one single Flying Wing was ever preserved for a museum and therein lies a bit of mystique, a mystery, that I have never been able to fathom.

Mr. President, for some time, at least for several days, I have been working with the White House, and, indeed, have spoken to the President on two occasions, about the need to inform the Senate more fully with respect to the issue of the accounting rules which has been discussed here this afternoon.

I would like to read a letter which was delivered just a short time ago to me and to the chairman of the Armed Services Committee from the President's National Security Adviser, Mr. Scowcroft. I read it simply to make Senators aware of the content. It is available here and copies will be distributed so Senators preparing to enter into this debate this afternoon will have the benefit of the President's views as expressed by his National Security Adviser.

DEAR SENATOR WARNER: As you know, although there still remains much to be done before signing a START agreement, we have made considerable progress. However, I am concerned that the current Congressional debate over the future of the B-2 stealth bomber threatens to slow this progress and could undermine the entire agreement. It is important that we not send the wrong signal to the Soviets regarding U.S. resolve to maintain a strong, viable triad.

This is a critical year for the B-2. It offers the most advanced aircraft technology we have ever flown. It is not just an evolutionary change in technology—it is a breakthrough, the future of air combat. From a military sense, we cannot afford to walk away from this great advancement. Without the B-2 we will forfeit our capability to penetrate the world's most modern air defense system and begin an inevitable loss of the manned bomber as a stabilizing element of strategic deterrence.

We have structured our entire START negotiating strategy—and our strategic force modernization package—around the objective of increasing stability and reducing the risk of war. The "slow-to-anger" features of the manned, penetrating bomber are central to these objectives.

Both sides agree the bomber is the most stabilizing nuclear system in that it holds significant numbers of targets at risk in retaliation but cannot be regarded as a first-strike system. It is for that reason that the bomber weapon counting rule tentatively agreed to at Reykjavik in 1986 between General Secretary Gorbachev and President Reagan places such a high premium on penetrating bombers. This rule counts the penetrating bomber loaded with an entire payload of nuclear bombs and short-range missiles as only one strategic nuclear delivery vehicle and one warhead against the ceilings tentatively agreed to in the START talks, of 1,600 and 6,000, respectively. By contrast, each ballistic missile warhead will count as one against the 6,000 limit. The U.S. position on ALCMs is that each ALCM-carrying bomber would count as ten weapons against the 6,000 ceiling, regardless of the number actually carried.

The B-2 has been a cornerstone of the START agreement since negotiations began. Further delays in the program will only raise increasing doubts in the minds of the Soviets about our resolve and commitment to maintain the bomber leg of the triad. This would seriously undermine our capability to negotiate from a position of strength. Even worse, should the program eventually be cancelled, it would force us toward a major restructuring of the U.S. negotiating position.

Mr. President, I will have more to say later following the distinguished chairman on this particular issue. But, as I said briefly this morning, in my humble judgment we can discuss here what takes place after a first strike or the exchange following the use of any nuclear system by the Soviet Union against the United States. But in my judgment, the B-2 stands for deterrence.

I disagree with my distinguished colleague from Maine, because I think the B-2 remains the biggest question mark in the minds of the Soviet planner, and its job is to stay on the airstrip with the exception of an occasional training mission or with the exception of possibly a conventional mission. And I join with my friend from Ohio saying it does have a very limited, rare opportunity to be used in that role.

The mission of the B-2 is to stay on that airstrip in the United States of America. The moment it has to cross the Soviet borders on a penetrating mission, then deterrence has failed. What price of that deterrence, no one can calculate.

I will talk later about the conventional role, and I compliment the Senator from Ohio. As I sat here and listened to the conventional role challenge, I thought of earlier missions flown by our aviators. And I think as we address that issue we should assure ourselves if, in fact, this B-2 can penetrate virtually undetected in the Soviet Union, then certainly against any other target in a nation with less air defenses it will be highly successful. What price do we assign to the life of one airman? Or what price do we assign to one downed airman who is held hostage if we have to get up that ransom? To me, the cost of that B-2 bomber is well worth saving any life or being confronted with any ransom of a downed flier.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I want to make it clear as to my response to the Senator from Maine. What I hope I said very clearly was not that the Soviets did not have a fear of the B-2, but that the Soviets would not have a reason to believe that the B-2 was a first strike system. That is a different situation than saying that they would not respect the B-2 and calculate very strongly the ability of the B-2 to survive an attack and to be able to successfully retaliate against Soviet targets.

Those are two different things. I think we want to make sure that we always are very, very successful in deterring and making certain we make the Soviets understand we have the ability to survive and retaliate. But I do not believe it is in our best strategic interests nor, frankly, in the Soviets' best strategic interests in the reverse situation, to lead the Soviet Union to believe that we are about to launch or are capable of launching a first strike attack.

Those are two different things. One is destabilizing and the other is very stabilizing. I think we always have to keep that in mind in debating arms control as well as our strategic programs.

Mr. President, the course the Congress elects to follow this year with respect to the B-2 bomber is in all likelihood the most controversial issue in this bill. At over $500 million a copy, including the research and development money, and I will discuss that in a minute, and with a total program cost of over $70 billion, many in the Congress and around the country are, not unexpectedly, suffering from what has been called sticker shock. All of us are going through some degree of sticker shock regarding the cost of this aircraft.

In an era of tight defense budgets and massive Federal deficits, any decision to spend these sums of money on a particular defense program obviously cannot and should not be taken lightly. If this bomber cannot be justified on the basis of cost and performance it should not be built. Period.

I know of no single weapons system, whether B-2 or any other program, which is so valuable it must be bought whatever the price. So I will not make that argument. I believe, however, the B-2 is well worth the cost that is now projected, provided we assure ourselves it can and will perform as advertised.

I will briefly review why I think we should go forward with this committee position today. First, we must never forget that, unlike ballistic missiles, bombers can be recalled after they are launched and hence they are enormously stabilizing. Bombers take 10 to 12 hours to reach their targets. In that time the origin and nature of any nuclear strike on the United States could be confirmed and the President would have time to review our options carefully.

Also, if the Soviet Union gets a notice that we have launched our B-2's, they do not have to, in the first few minutes, launch their missiles or lose their missiles. That is enormously important in terms of the strategic equation. So it works both ways.

In the case of a third-party attack or an unauthorized attack by, let us say a Soviet commander in the field, or a Soviet submarine that goes off and launches an unauthorized attack, one that was not planned or coordinated with the defense forces of the Soviet Union, launching the B-2 would give the President of the United States time to establish contact with the Soviet Union rather than retaliating immediately with weapons that could not be recalled.

We hope none of this will ever happen. It is very difficult to debate things that we hope will never happen. It is very difficult to debate matters that, in effect, if they ever occur, mean we have had a fundamental failure in our deterrent policy.

The B-2 can stay on nuclear alert on the ground or in the air and escape Soviet attack on tactical warning. That means a very short warning. During a crisis additional B-2's can be placed on alert, thereby making it less likely the Soviets would attempt a first strike.

If we have a confrontation somewhere in the world, such as the Middle East or anywhere else, and conventional forces start mobilizing, if it looks as if there is going to be a clash between Soviet and United States forces—and God forbid that ever happens—we will have an opportunity to get these bombers on alert and to send an unmistakable signal to the Soviet Union that no matter what they do, our forces are going to be able to survive and to retaliate, if the Soviets ever start a war.

That is the essence of deterrence. It is not just what is in our minds; it is also what is in the minds of potential adversaries. The bedrock objective of U.S. arms control policy for many years has been to move the strategic balance away from what we call a hair trigger, and that means on both sides. This is not a zero sum game. This is not a situation where in order for one side to have deterrence, the other side has to be in a situation of great vulnerability.

We are trying to move both sides toward more stability, both sides toward taking their finger off the nuclear trigger, to move both sides so that they will know that their deterrent forces are going to be able to survive. That is what our arms control policy should be moving toward very emphatically.

We want to reduce the incentive for anyone to ever believe that they can gain by striking first in a confrontation, striking first with nuclear weapons. The B-2 is perfectly tailored to move our strategic posture in the direction of greater stability. It can be put on alert in increasing numbers; it can escape an attack; and it can be called back.

Second, the B-2 has conventional applications, as has already been mentioned by Senator GLENN, Senator WARNER, and others. I agree with that. Manned bombers, like the B-2, have capability that the intercontinental ballistic missiles and submarine-launched ballistic missiles do not have. They can be used, if necessary, in conventional conflicts around the world. The B-2 can fly anyplace in the world and back with, I believe it is, one tanker refueling. The B-1 requires 2½ times the number of tankers. When anyone is computing the cost of the B-2, yes, it is a lot of money, but if you cost out the expense of the B-1 bombers that have already been built, and add to it the cost of 2½ times the number of tankers compared to the B-2 so that the B-1 can fly on its mission, then you get a different cost comparison picture altogether. It is not just a question of comparing one plane to one plane; it is a question of other systems supporting that plane's mission and what the relative capabilities of those planes are.

Third, I believe it ought to be emphasized that the Soviet Union is going to have to decide whether to revamp its entire air defense system if the B-2 is successfully developed and deployed. The B-2, I believe, is worth the cost in that it could force the Soviet Union to completely revamp and upgrade its air defense network. If they choose to do so, they will be spending hundreds of billions of dollars to do so, and that is money that will not go into tanks; that is money that will not go into insurgencies around the world; that is money that will not go into repressing other countries; that is money that will not go into a conventional threat in Europe.

I do not mind the Soviet Union spending money on air defense systems. I do not think that is destabilizing. We are never going to require them to put their air defense to a real test. We are not going to start a war. So if they put their money on air defenses, to me it is not something that is bad from our point of view, as long as we make sure we can always penetrate those air defenses if necessary; that is, if they have hit us with a strategic nuclear attack. I think it is far better that they spend their money on defensive systems rather than offensive systems.

Last, it is critical that we recognize that in large measure we have constructed our position in the START arms control negotiations on the assumption that we would have a significant force of penetrating strategic bombers.

At a breakfast meeting Friday with Secretary of Defense Cheney and Admiral Crowe, chairman of the Joint Chiefs of Staff, and later at a committee hearing with General Welch and General Chain, the top civilian and military leadership of the Department of Defense forcefully emphasized the linkage between the B-2 and START. Secretary Cheney declared that "Without the B-2, we would have to revise our position on a START agreement."

General Chain warned, "If we reached a START agreement based on the current framework but with no B-2's, I would be testifying before the Senate in opposition to ratification."

Mr. President, these statements should come as no surprise to those who have closely followed and monitored the START talks over the last 7 years. There is no question that the United States has succeeded in gaining Soviet approval to a START structure which places an enormous premium on non-ALCM-equipped penetrating bombers.

The Senator from Maine made that point. He had questions about it. I believe that it is a rational arms control position, provided we go forward with our bomber program. It becomes an irrational arms control position if we are going to have the B-2 program killed. So our own success in arms control will work against us if we kill the B-2.

Under START provisions which the United States proposed and the Soviets accepted at the 1986 Reykjavik summit, the nuclear weapons carried by non-air-launched cruise missiles-equipped bombers will count as one START-accountable weapon regardless of their actual number. In other words, if the bomber does not have air-launched cruise missiles on it, it counts as one.

General Chain revealed at our hearing on Friday that each B-2 will carry up to 20 nuclear weapons. Thus, under START, all but the first bomb on each B-2, that is up to 19 bombs, do not count against the agreed 6,000 nuclear weapons ceiling in START and are, in a sense, free assets. Assuming a total force of 132 B-2's, each carrying 20 bombs, that equates to a total B-2 delivery inventory of 2,640 bombs of

which 2,508 do not count against our START totals.

There is an irony here because the reason the Soviets agreed to this discounted counting rule is that the United States successfully argued that bombers, unlike ballistic missiles, cannot always reach their targets because bombers must penetrate massive defenses. The Soviets have built the thickest air defense system in the world. Yet the Stealth bomber, assured penetration is one of the strongest selling points; in fact, it is the heart of the argument for this plane. We risk throwing away that very important counting rule that we have worked hard to obtain in the first place if we do not deploy the Stealth bomber.

Most projections estimate that under START, the United States will deploy about 9,000 nuclear weapons, of which only 6,000 will be START accountable in a mix of ICBM and submarine-launched ballistic missile reentry vehicles, as well as air-launched cruise missiles and some bombs carried on penetrating bombers. Thus, if all 132 Stealth bombers are deployed and if we get a START treaty along these lines in the next couple of years, the B-2 would provide almost 30 percent, about one-third, of our total retaliatory capability.

Could we kill this program without serious consequences? If we go along that line, as some would have us do, we have to ask a lot of questions. Could this 30 percent be offest with other strategic nuclear weapons if we kill the Stealth program? Not really. We could not add more ICBM's, SLBM's, or ALCM's because they all count against the 6,000 ceiling, and we could not exceed that limit unless we changed our START position. The only other option to regain the 2,508 Stealth weapons would be to deploy 2,508 nuclear bombs on other penetrating bombers—B-52 or the B-1. However, the United States will have no manned strategic penetrating bomber after the mid-1990's. According to General Chain, by 1991, all of the Air Force FB-111's will be turned over to tactical units for conventional purposes. By 1992, all the B-52G models will be converted to standoff cruise missile carriers. Remember, every cruise missile counts as one. So if there are 10 cruise missiles on a B-52, they count as 10, not 1. By 1997, all B-52H models will give up their penetration mission. Thus, by 1997, only the B-1 will remain as an option for the penetration role. But according to the head of the Strategic Air Command, General Chain, it will be rapidly approaching obsolescence in this role due to improvements in Soviet air defenses.

The problem with the B-1, and I said this over and over again during the debate on the B-1, which I opposed, not because I did not think it has some use, but because I foresaw the day when we would see the B-2 squeezed out because we already spent so much money on the B-1, is that it represents only an evolutionary development over the B-52, whereas the B-2 is a revolutionary development.

There is no comparison between the B-1 and the B-2 in terms of the effectiveness, provided the B-2 works and provided it meets the requirements. That is something we have to decide after we see the test results.

(Ms. MIKULSKI assumed the chair.)

Mr. NUNN. Turning to the Soviet side, things are not going to remain constant there. Unlike the United States, the Soviets can probably, I say "probably"—I am not sure what they will do—they can probably be expected to remain committed to maintaining their massive air defenses. They have invested $300 billion to $400 billion, probably six or seven times the cost of the B-2 total program in air defenses. In addition, the Soviets will likely deploy a large force of perhaps as many as 200 of their own strategic bombers, the Blackjack. Since the United States has no effective air defense network, each of these Soviet bombers would be given virtually a free ride.

For years, we have decided that we do not want an air defense because we do not need one. We may have to reexamine that, depending on what happens with the B-2. This does not, I repeat, mean that we should build the B-2 at all costs. That obviously would be carrying the argument too far. It does mean, however, that we must consider the consequences and we must consider the alternatives to the B-2 if we kill the program. The consequences are very serious for both our strategic posture as well as for arms control considerations.

If Congress does cancel the B-2 or cripple it so that, in effect, it has to be canceled later, we would, as far as I see, have three basic choices.

Choice No. 1, if we see the B-2 killed, would be to deploy large-scale, nationwide air defenses to defend against the Soviet Blackjack force. I would submit the cost of such a program would dwarf that of the B-2. Certainly it would be on the order of hundreds of billions of dollars.

This is not SDI we are talking about. The strategic defense initiative is designed against missiles. We have to think long and hard before we go out and spend several hundred billion on a missile defense. If we couple a missile defense with an air defense system, we are going to be talking about hundreds and hundreds of billions of dollars. Perhaps that is where we will go.

But let no one think that by killing the B-2 you are going to get defense costs under control. What you are going to likely do is set off a furious debate, maybe 2 years from now, 3 years from now, but you are going to set off a furious debate about how the United States can allow 200 Blackjack bombers with no air defense. That is what we are going to be debating.

I can visualize someone standing up—I remember Senator JACKSON did it so effectively when we had the SALT I debate. He stood up and basically said we had to have parity in strategic missiles. He went along with SALT I but only if we had parity in strategic missiles in SALT II. That had a profound effect. You can argue it both ways, but it had a profound effect on our arms control position after SALT I in the early 1970's as well as on our strategic programs.

We are now debating the MX missile. That was one of the things that came out of that overall quest for equality. What are we going to do in 3 years if the B-2 is killed and somebody stands up on the floor of the Senate and says that we have to have parity in air defenses? We are going to pay a heck of a bill. Maybe we need to. That is certainly something to be debated. But let no one think that you are going to save a lot of money in defense by killing the B-2. Yes, you will save it in the short run but what happens in the long run? That is what I think we have to begin looking at in terms of our arms control position as well as our strategic nuclear programs.

Choice No. 2, if we decide that we are not going to go into air defense systems, we could go back to the drawing boards in START. We could go back to the negotiating table. We are still negotiating that treaty. It is not ratified. We could see if the Soviets would agree to change the accounting rules in a way which would deny the Soviets the opportunity to benefit from their being the only side to possess a large force of penetrating bombers. After all, if the United States ends up with no penetrating bombers because we cannot afford either to build the B-2 or fix the B-1 so it can penetrate Soviet defenses, then it is certainly not in our interest to agree to a structure for the START talks that would give the Soviets, with their new Blackjack bomber, a free ride in deploying thousands of nonaccountable nuclear weapons on penetrating bombers while we had zero.

Some people might ask well, what if the Soviets get a Stealth bomber? The Soviets do not need a Stealth bomber unless they are going to use it for the conventional role. They do not have to have a low radar observable bomber to penetrate U.S. airspace. We do not have an air defense system so they do not need a penetrating bomber.

Now, they might develop one for use in a conventional role and of course that would be of concern. But as far as

strategic nuclear weapons, they do not need a penetrating bomber unless we changed our whole air defense structure and in fact had one.

There is a third choice, but I do not believe this would be a choice in the long run. It might be a choice while we are under a great fiscal squeeze but these things have a way of changing as we know. We go through ups and downs in our view of the Soviet Union, and I hope we will have a more benign view of them in the future based on their own conduct, but who knows. A third choice would be to say to the Soviets we concede you a clear superiority in bomber forces. We are having a big struggle on land-based missile forces, the MX, the Midgetman—we are debating that—while the Soviets have already gone out and deployed the SS-24 and SS-25. General Secretary Gorbachev has not said he is going to cancel the SS-25. He has not said he is going to cancel the SS-24. He has not said anything about cancelling the Blackjack bombers.

I think the Soviet Union is convinced that the Scowcroft Commission was right when they said we need mobility. Lo and behold, they have done what our Commission advocated and we are still debating it. We are still debating it. They have moved out and they have done it. I do not believe that the long-run view of this country would be that we are going to concede to the Soviet Union a bomber superiority while we still have major problems with our land-based deterrent. That would give us two legs of the triad that are in some considerable amount of difficulty. It would also put enormous pressure on the sea leg of the triad.

Mr. WARNER. Will the Senator yield?

Mr. NUNN. Yes.

Mr. WARNER. I have listened very carefully as others. The Senator has made several references to the Soviet Union not needing a penetrating bomber. I am sure each time he meant stealthy.

Mr. NUNN. The Senator is correct.

Mr. WARNER. I thank the Senator.

Mr. NUNN. I thought I was saying stealthy bomber.

Mr. WARNER. I am sure the Senator did once, but for continuity throughout it is the stealthy version because of the absence of air defenses.

Mr. NUNN. The Senator is absolutely correct. I appreciate that clarification.

The Soviets have a penetrating bomber because we do not have an air defense, and they are building more all the time. But they do not need—it does not mean they are going to develop it because they may need it in their mind for conventional, but they do not need the stealthy bomber for the same reason we do.

We have not spent $300 billion to $400 billion on air defense. I think that was a wise decision. But it may not be a wise decision for the next 20 years or 15 years if we do not have a penetrating bomber of our own. So the Senator is correct, when I said penetrating, when and if I did I know that what I meant in that context was a stealthy, low-radar observable bomber.

Mr. President, when you consider the priority we attach to stabilizing strategic systems and consider all the facts about our deterrence needs, including the large number of Soviet targets with that huge land mass, many of them relocatable targets which must still be covered after the 25-to-30 percent reduction in U.S. strategic weapons under START, if we reach a START agreement, and the requirement to project conventional striking power around the world in response to terrorists in regional contingencies, I think anyone who follows this can see that our future force posture must emphasize survivability, stability, and flexibility—survivability, stability, and flexibility.

Veiwed from this broad strategic and arms control perspective, the case for the B-2 bomber is compelling. I repeat, it is not in our interest to cause the Soviet Union every day to think we might strike them first. I would contend it is not in their strategic interest for us to believe they might strike us first. That is why we are trying to frame something—some of us here are at least—where we would begin to phase out large land-based missiles with multiple warheads which are inherently offensive-type weapons and which are inherently very tempting and lucrative targets in case anyone ever wants to go first.

You can take 2 warheads and destroy 10 warheads. That is a pretty good exchange ratio. The other side, at the end of that exchange, is in very bad shape. Of course, it would take a madman, I repeat, of any kind to start any kind of nuclear war. So I do not think that these scenarios are rational but we have been observers of history and we realize there have been many irrational acts committed in the course of the history of this world.

What do we need to do on the B-2? First, we have to make sure it works. We have to make sure it flies well and we also have to make sure that it is a stealthy weapon as we have been told. That is why the amendment that we are going to be voting on in approximately 2 hours is designed to make sure that condition is satisfied.

No, I do not believe we should build the Stealth if it will not fly and fly properly. I do not believe we should build the Stealth if it is radar observable, and if a reduced cross section signature is not realized. We have to make sure that happens before we spend an enormous additional amount of money. That is why our amendment contains 8 provisions which requires the Air Force to make substantial progress in the flight test program before we obligate any money for the three B-2 aircraft they want to buy in fiscal year 1990. These provisions assure that we will come as close as possible to meeting the fly-before-you-buy strategy. They also ensure that the continuity of this progam is preserved if the flight testing is successful.

Second, we must make sure it is affordable. This is why we have included the restriction in our amendment which requires the Secretary of Defense to certify each year that the unit fly-away cost measured in 1990 dollars does not exceed $295 million. What I mean by fly-away cost is what we have to spend from now on.

We have already invested a large amount of money, $22 billion. Of the total cost, $22 billion has already been spent. If this program is killed today, that money is gone, spent. It has been spent on research and development. Some people may say that is an enormous amount. It is. Twenty-two billion dollars is a lot of dollars in anybody's book. But that investment is an investment in the development not only of the Stealth bomber. It is an investment in the basic low observability as well as revolutionary manufacturing technologies which will pay large dividents on every stealthy system we build in the United States from here on. I believe we are in this technology for the next 20 or 30 years.

So this $23 billion, while technically it has to be allocated to the B-2, is going to pay off through a whole array of weapons systems. I think everyone involved in this debate understands that. I hope they do.

What is at issue as we consider this bill, and as we consider this amendment this afternoon, is the remaining $48 billion in program costs, most of which will go to buy production model B-2's. That is why we call this the unit fly-away cost. It is the best measure for comparing the cost in value of the B-2 against cost in value of other aircraft.

As I mentioned a few minutes ago, if you did go back to the B-1 production, if you produced B-1's for what they would cost today, and if you add in the cost of the additional tanker aircraft that would have to be built because the B-1 does not have long legs and has to be resupplied with fuel much more often than the B-2's, then the B-1 cost and the B-2 cost are virtually identical.

So there is not a cheaper alternative here if we want a penetrating bomber. Furthermore, the B-2 by everyone's testimony before our committee is approximately twice as effective as the

B-1 both for strategic nuclear missions as well as conventional missions.

Assuming that the B-2 can meet these conditions of cost as well as performace I am convinced that procurement of this revolutionary advancement in U.S. bomber capabilities is critical to our strategic arms control objectives.

Madam President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I want to first commend my distinguished colleague, the chairman of the Armed Services Committee, on a very succinct presentation of what I would regard as the majority view of the Senate Armed Services Committee. I subscribe to his philosophy, statements, and the conclusion that he has raised.

Seeing on the floor the distinguished Senator from Ohio, rather than at this time going further into my own views, which coincide with those of the chairman, I would be happy to suggest that maybe this is an appropriate time for the Senator from Ohio to address the Senate.

Mr. GLENN. Thank you very much. I appreciate the expressions of the Senator from Virginia. I am not quite ready to proceed yet. We have some things I am going to talk about with staff here shortly on some of the testing procedures on this. Then I will have some comments on the B-2 a little bit later.

Mr. WARNER. Madam President, the chairman and I will now take the opportunity to visit with Senator Glenn and, therefore, seeing no other Senator seeking recognition at this point, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. Madam President, the chairman and I have had an opportunity to consult with the leadership of the Senate. I am going to ask the chairman at this time if he would not address the Senate and state the basic agreement that the four of us have reached for the convenience of other Senators as they schedule their appearance here on the floor this afternoon and on the subject that will be covered.

Mr. NUNN. I thank my friend from Virginia. I will say if there are any B-2 amendments that anybody wants to bring up we are perfectly willing to bring those up now. We are not going to vote on this amendment, at the request of the majority leader, because of the impeachment hearings that the two panels are engaged in, before 5:30. But we can debate any other B-2 amendment that will stand on its own as an amendment to the bill, and set this aside as need be, debate the B-2 amendment, stack the votes, and vote it after 5:30. No one else has an amendment this afternoon. I know Senator KENNEDY has an amendment which I hope we can accept which relates to the B-2. Perhaps Senator GLENN has one. I do not know whether it will be worked out. But we nevertheless have those two.

It will be my plan as soon as we have time between now and 5:30 or 6 o'clock to try to debate two other amendments. I am told the majority leader would like to start the votes at 6:30. So that is a little later than I anticipated. That gives us a little more time. It would be my intention to debate two other matters that we think are very important. I hope they will not be controversial. That does not diminish their importance. That is the Reserve and Guard package that came out of committee, and which we all support. But I think we all need to understand we are doing a great deal for the Guard and Reserve in this bill. We will be debating that and pointing that out.

The third amendment which I propose we vote on today would be what we call the soldier enhancement package which recognizes that the Army, and to some extent the Marine Corps, has not paid nearly as much attention to the average soldier out there and the simple equipment they need to be able to survive in battle—things like communications equipment, flashlights, and rifles. We debate the B-2, MX, and sometimes we forget the equipment the individual soldier needs. So we have a soldier enhancement package in here that would be applicable to the men and women in our Army, and also special forces for that matter.

I hope we can have a vote on that late this afternoon, too. So we would vote on those three plus any B-2 amendments.

Mr. WARNER. Madam President. Perhaps to summarize and clarify a little bit, we have now the B-2 amendment submitted by the chairman and myself. We would propose thereafter two additional amendments to the chairman and myself, one covering the Guard and Reserve, which reflects basically the work done by the Senate Armed Services Committee. We simply lift it out, allow it to be an amendment to which Senators can address.

The B-2 amendment which is presently on the floor is not amendable but the Senator from Georgia, the chairman, has invited other freestanding B-2 amendments. The amendment that we propose on the Guard and Reserve would or would not be amendable.

Mr. NUNN. It would be amendable. We would not have any other second degree. We want to make sure the B-2 amendment is voted on first. However, we are not trying to keep anyone from proposing a B-2 amendment. We can consider this afternoon, or when we get back on the bill, hopefully today, any amendments people want to bring on the B-2.

Mr. WARNER. We would submit two additional amendments, and the other two would be amendable, one on the Guard and Reserve, and one on the soldier enhancement package.

Mr. NUNN. The Senator is correct. We are not encouraging amendments. But they are amendable.

Mr. WARNER. I understand. I think Senators should be fully advised. Therefore, there will be three votes at least.

Mr. NUNN. At least three rollcall votes.

Mr. WARNER. Beginning at about 6:30.

Mr. NUNN. I hope we can begin a little earlier. The majority leader will decide that. He tells me at this time we would start at 6:30, but I hope we can start by 6.

Mr. WARNER. Senators can come to the floor and discuss any subject. We hope their attention this afternoon will be addressed to those three main subjects.

Mr. NUNN. Yes. If it is at all possible, I would like to wind up the B-2 amendment today. This bill will be back next week. We would encourage anyone who has a B-2 amendment or speech or question to come over and debate this today, if at all possible. We have a lot more important questions on this bill. It is not just the B-2. We have many others.

Mr. DIXON. Will the distinguished manager yield for one further question?

Mr. NUNN. I will be glad to yield.

Mr. DIXON. In view of the time that it usually takes to dispose of this bill, I wonder whether it would not be in order further for the chairman and ranking member to encourage any members that have amendments that they think we might find acceptable to come over starting now. There are some of us around there supporting the Chair, who I think would be willing to entertain their suggestions, talk to staff and others to see whether—rather than waiting until the crunch at the end to consider this sort of thing—we can dispose of some of those amendments we always run into during the course of the disposition of this bill.

Mr. NUNN. The Senator from Illinois is correct and makes a good point. I hope we can encourage Senators to come over. Two years ago we had 125

amendments to this bill, and we had 62 or 63 rollcall votes. Last year we had less, but we handled 75 to 100 amendments. We debated this bill for 10 or 12 days 2 years ago. I think it was about 6 or 7 days last year. All of us know that there is going to be an effort to go into recess at the end of next week, but the majority leader has assured me, and I believe the minority leader feels the same way, although I have not talked to him directly, that this is the business we are going to finish before we go home.

Mr. WARNER. Madam President, that is correct. The minority leader, Mr. DOLE, has made it very clear to our membership that this bill will be concluded before we depart. We are looking at alternatives, possibly the latter part of this week, to ask for all amendments to be submitted, to make a list, and that would be it, subject maybe to the discretion of the majority and minority leaders and the managers of the bill. That is one option. Another option is to set a time certain next week, when this bill would be voted upon for final passage.

I would like to reflect momentarily on the valuable role that the Senator from Illinois played last year, while the chairman and I and other members of the committee were working on various subjects. He performed an exemplary role in working out a number of amendments, in the closing hours, to cut down on the time, and this year he can also volunteer.

Mr. NUNN. It is a little embarrassing. When the Senator and I were off the floor, the Senator from Illinois handled more amendments than when we were here. I would like him to temper his performance so as to not make the managers look bad. [Laughter.]

Mr. WARNER. Madam President, the chairman and I propose that we talk to Senator GLENN regarding his thoughts on the B-2 bomber.

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

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

Mr. DIXON. Madam President, the request I am about to make has been cleared with the managers on both sides.

I now ask unanimous consent, Madam President, that the pending amendments be temporarily laid aside and that Senator KENNEDY be recognized to offer an amendment and that no amendments be in order to the Kennedy amendment.

I might say, parenthetically, Madam President, that the Kennedy amendment has been cleared on both sides.

May I have that unanimous consent?

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

AMENDMENT NO. 399

Mr. KENNEDY. Madam President, I have an amendment to S. 1352 at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 399.

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

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

The amendment reads as follows:

At the appropriate place in the bill, insert the following:

SEC. . STUDY OF ALTERNATIVE B-2 AIRCRAFT FORCE STRUCTURES.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall conduct a comprehensive study comparing—

(1) the current plan of the Department of Defense to produce 132 B-2 aircraft, with

(2) two alternative plans, one to produce 90-100 B-2 aircraft and another to produce 60-70 B-2 aircraft.

(b) MATTERS TO BE INCLUDED.—In conducting the study under subsection (a), the Secretary of Defense shall determine the implications of adopting the alternative plans described in subsection (a)(2) with respect to each of the following:

(1) The cost of the B-2 aircraft program, including—

(A) annual program costs,

(B) total program costs,

(C) 20-year life cycle costs,

(D) unit and fly-away costs;

(2) The impact on the military posture of the United States, including—

(A) strategic nuclear deterrent capabilities,

(B) long-range conventional strike capabilities.

(c) REPORT.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report in both classified and unclassified form containing the results of the study conducted by the Secretary under subsection (a). The Secretary's report shall include such comments and recommendations as the Secretary considers appropriate and shall be submitted not later than January 1, 1990.

Mr. KENNEDY. Madam President, this amendment would direct the Department of Defense to report to Congress by next January on the implications of a reduction in the planned procurement of 132 B-2 bombers.

Specifically, the amendment would require a report on the cost and military implications of two alternative B-2 force structures: the first consisting of 90-100 bombers, and the second consisting of 60-70 bombers. In my view, this information is indispensable for sensible congressional decisions on the future of the Stealth bomber.

The B-2 has been on the drawing board for more than a dozen years. I supported it in the 1970's, because it made more sense—both militarily and economically—than the B-1. But in the high-flying "Days of Weinberger and Roses" at the Pentagon, we built the B-1 anyway.

The question now is: Do we really need 132 B-2's on top of the B-1's and cruise missiles that we already have?

The B-2 has already dropped its first bomb—the $70 billion price tag. All of us in Congress are concerned over the high cost of the B-2. We are clearly going to cut back on the program. The questions are where, by how much, and should the program survive at all?

We have already spent $23 billion to develop the B-2 bomber. It makes little sense at this time simply to write that investment off. But it makes even less sense to bankrupt other programs by spending $50 billion more over the next 7 years on a second strategic bomber.

We need to find a means to lower the overall cost of the B-2 program. The only way to do that is to buy fewer bombers.

Buying fewer B-2's makes sense on military grounds, because it will not be our only bomber. In addition to the B-2, we will have 100 B-1's and a growing force of cruise missiles, soon to be supplemented by the new Stealth cruise missile.

Over the course of the past decade, we have had numerous rationales for the B-2. We all understand the continuing controversy over the possible missions of the B-2. What made sense for our defenses in the 1970's or the evil empire days of the 1980's may not make sense for the new ERA of United States-Soviet relations as we head into the 1990's. That is what Congress intends to find out.

But no mission that I know of dictates a force of 132 bombers. Any significant force of B-2's—be it 13, 32, or 132—will require the Soviets to respond. The number 132 for the B-2 force is not magic. We must examine smaller force structures.

A smaller number of B-2's makes sense on fiscal grounds as well. Although unit cost would rise if we cut B-2 production in half, the Pentagon has correctly stressed in briefings that unit cost is not an appropriate measure for a program as far along as the B-2.

Unit cost includes all past development costs, as well as future production costs. This is a sound measure only at the start of a program. With the B-2, we have already paid $23 billion in development costs. We can never recaputure these funds. The relevant measure now is fly-away cost—how much each additional B-2 will cost to produce. Fly-away costs need not rise substantially in a reduced B-2 buy.

The prospect of a continuing squeeze on the defense budget makes it imperative to look carefully at options for a reduced number of B-2 bombers. These options need to be examined before we move to full-scale production in the early 1990's. The amendment that I propose today will ensure that we have the information necessary for this decision.

I had an opportunity to talk with the floor manager of this bill and I believe that he supports its adoption.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I should yield momentarily to the manager because he may have something he wants to work out.

Mr. DIXON. May I say, Madam President, to my friend from Iowa, that I understand he wants to speak either on the bill or on the main amendment. We will dispose of this momentarily. The managers are here. Then he is welcome to speak.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I was right here in the cloakroom discussing another amendment. We indicated we would retire to the cloakroom for purposes of this. We asked Senator DIXON to monitor the floor. I would hope thereafter, with a unanimous-consent request, that my colleague would invite me or another Member to join him at that appropriate time.

Madam President, this amendment has been shown to me. I think it is a good step forward. I have recommended it be adopted but I would like to first defer to our chairman.

Mr. NUNN. I agree with the Senator from Virginia. We talked about it with the Senator from Massachusetts. It begins to look at alternative plans. I hope we will be able to go forward with the entire plan but certainly it would be valuable information to know that the costs and implications are, upside and downside, on other numbers. So I would urge we accept the amendment.

Mr. KENNEDY. I thank the Senator from Georgia as well as the Senator from Virginia and I am prepared to see the Senate resolve this issue.

Mr. NUNN. Does the Senator request a rollcall vote on it?

Mr. KENNEDY. No.

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

The amendment (No. 399) was agreed to.

Mr. KENNEDY. Madam 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.

Mr. WARNER. Madam President, while the Senator from Massachusetts is on the floor, I personally would like to say that he has taken a very active role in the work of the Armed Services Committee. We shall undoubtedly hear from him further as the issues relating to sea power and projection forces are raised. But I think this amendment is reflective of the fine contribution the Senator makes to the committee's work.

Mr. KENNEDY. I thank the Senator from Virginia.

Mr. NUNN. I would agree with that. The Senator from Massachusetts leads up our Projection Forces and Regional Defense Subcommittee and does a very fine job on that. If we have any controversy at all in his section, he will be managing the bill in defense of his provisions so we will be seeing a lot of him on the floor. We appreciate his leadership.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I am not going to speak on the pending amendment. I beg leave of my colleagues, even though I do not have to beg leave of my colleagues, to speak on the subject of procurement reform and reform within the Defense Department generally but very much associated with the legislation and very much within the oversight purview of the Armed Services Committee.

Madam President, it is interesting to note that the timing of the Packard Commission report and other calls for defense reform roughly paralleled those of political and economic reform in the U.S.S.R. So to me, what is going on in the Soviet Union is a helpful analogy. Our observations of what is unfolding there in that other continent provide useful insights into how we should view defense reforms here, and the bottom line is: with great skepticism.

All rhetoric aside, whether we are talking of glasnost or perestroika, the smart money is not on Gorbachev succeeding any more than it was on Khrushchev succeeding 25 years ago. Gorbachev faces a perilous and powerful foe in the nomenclature. Think of the established, entrenched interests in Soviet Russia that do not desire change, and indeed have a vested interest in perpetuating the status quo. They will fight just as hard against reform as Gorbachev is pushing for it.

There is a ring of familiarity in these observations, Madam President. It is not unlike the problem before us, the Congress as a whole, the President or Secretary of Defense, of cleaning up our defense structure. All rhetoric aside, the smart money is not on this administration succeeding. Those with interests in maintaining the status quo will fight just as hard against reform as President Bush and Secretary Cheney will fight for it.

When we talk about the Pentagon in this analogy, were not talking about a country, of course. But we are talking about an institution with a $300 billion budget. Only 10 countries in the entire world have a gross national product larger than the Pentagon budget. And we are talking about an institution with its own culture, its own way of doing things, its own language and customs. That qualifies the Pentagon as much more than merely a microcosm of the Soviet Union and all its problems.

When it comes to defense reform in this country, the resistance to change will be so enormous it threatens to frustrate even the will of the President of the United States.

I raise these points, Mr. President, because of the imperative we face in this Congress, along with the administration, to make permanent, substantive reforms in defense acquisition and management. This is the first defense bill considered by this body during the term of a president committed to defense reform. It is therefore crucial that this bill meet the criteria for desired change. In my view, Mr. President, it does so in one important respect: it makes tough choices, as Secretary Cheney, and President Bush backing him up, had to do.

How many times did we criticize the last administration of failing to prioritize, for wanting everything stretched out all at higher prices. For we know the process of stretchouts does bring higher prices. This budget prioritizes. Secretary Cheney bit the bullet, and he ought to be congratulated and supported.

And the same goes for the Senate Armed Services Committee. This is in sharp contrast to the bill passed by the House Committee, which continues the business-as-usual approach. In my view, the House bill is a good example that the problem is also outside the administration.

We in Congress must bear a large part of the burden of defense reform.

This will not be a one-time phenomenon. The Comptroller General has stated that the current 5-year defense plan is underfunded by about $150 billion. That is $150 billion that normally would have to be spent between now and 1994.

That can only mean that more cancellations and cost reduction schemes are in the offering. That is a problem that I and other of my colleagues have been warning about for 6 long years. So it should come as no surprise to anyone to hear this. These decisions are long overdue, and the need for a fix will be much more acute in the years ahead. After 6 years of neglect, little problems have grown to become big problems, so they will be tougher to deal with. Yet, they are necessary and inevitable. I intend to support this

administration in its efforts to address this underfunding phenomenon and to bring the Pentagon budget back into line with fiscal reality.

In addition to the tough decisions reflected in the budget, Secretary Cheney has also advanced a plan to reorganize defense management. This, too, is long overdue, although it is only a first and a very small step toward total reform. The Cheney reforms are intended to streamline and to eliminate much of the duplication in the Defense Department's structure. It is perhaps, Madam President, a prerequisite to more fundamental reforms outside the Pentagon.

While we anticipate the Cheney reforms taking hold, we should keep two things in mind: first, reforms will not come easy and, second, and most important—and I hope that Secretary Cheney knows this—much more needs to be done beyond those proposals that he has already laid on the table.

Let me illustrate the first point, but I want to do it with an example that I came across in a recent hearing.

(Mr. FOWLER assumed the chair.)

Mr. GRASSLEY. A couple years ago, then-Secretary Weinberger sent out a DOD-wide directive on management reform. The directive said that DOD is committed to lower prices and better quality from our defense contractors and would settle for nothing less. This memorandum from Secretary Weinberger received a very typical bureaucratic reception from Department of Defense employees in the Air Force plant where one of our witnesses worked. As was usually the case with such an order from on high, one official took out an ink pad with a frequently used rubber stamp bearing the words "BS" and, of course, it was spelled out in full. He then passed the Weinberger directive around the plant with the "BS" stamp on it, as was the custom. That, Mr. President, is one small example of an all-too-frequent reaction by Department of Defense bureaucrats out in the field to pronouncements for change that are not enforced.

If that is all the respect even a Secretary of Defense gets from his subordinates, something out there in the field, at almost any level below the Secretary of Defense, something is seriously wrong. And there is something seriously wrong.

The moral of that story is, sometimes the only way to get things done, especially at the Department of Defense, is by using the two-by-four approach. The message will not get through, in other words, unless you hammer it in with a two-by-four. It is not enough just for some well-meaning Secretary of Defense or for some well-meaning President just to espouse a policy. There has to be rigorous enforcement. You have to know what the timetables are for getting the policy carried out, who is responsible for carrying the policy out, and whose head is going to roll if the policy is not carried out.

The second point to make, Mr. President, is that reforms must go way beyond what has already been advanced by this very well-meaning Secretary of Defense, Dick Cheney. I anticipate working with the administration to bring about some of these reforms, but I would like to provide some specifics for thought by my colleagues.

So far the reforms outlined by Mr. Cheney have focused on the efficiency or what might be called the input side of the equation and, of course, with the Department of Defense management of that. They do not attack the problems of high costs and poor quality control within defense contracting plants, and that is the effectiveness or the output side of the ledger. They do not focus on measuring and improving output. There are clearly two sides to the problem, and so the output side must be attacked head on in addition. Yes, DOD management reform is necessary and overdue. There is no question about that. But beyond those reforms, the real changes are needed and the real savings are found in the improvement of what our contractors produce and how they produce it.

This past January, I was privileged to visit with the chairman of one of the top defense firms in the country. He asked to call on me; I did not ask to all on him. We talked about several things, but before he left, he brought up defense generally and eventually got around to the whole issue of defense procurement reform, so we talked quite a bit about the need for defense reform. We both agreed major changes are needed, and then he said something that I never thought I would hear from such a prominent defense executive. He said, "You know, Senator, I will tell you what the basic problem is." He said, "The real problem is that the Government allows cost-based contracting." He continued, "That provides an incentive for costs to stay high." He went on to suggest that if you eliminate that incentive, you will eliminate the biggest cause of poor quality and high prices.

Mr. President, when he said that, as you might understand, I just about fell out of my chair for I cannot recall all my times during the last 6 years that I have made that same point right here on the Senate floor and elsewhere only to have it fall on deaf ears. He is absolutely right, and I hope it becomes very clear very quickly to all of us who are serious about defense reform.

I guess I would suggest parenthetically that that leader of a major defense industry could do more for the public relations of the defense industry, not only with the Congress because industry's public relations with Congress are probably pretty good, but with the public out there where they are not very good. He could do more good for the public relations of the defense industry to take that cause he expressed to me privately and get a committee of CEO's of defense firms to change that system of cost-based budgeting for the defense systems that we are buying.

Let me take a moment, Mr. President, to explain what this executive meant. The element comprising the defense cost base is direct labor. On top of that base, we put overhead and other indirect costs. Then we apply a profit that is a percentage of all that cost. We even pay a percentage of profit on top of scrap and rework. In other words, if the contractor does poor quality work, if it becomes scrap, or if the work has to be redone, the direct labor for that scrap and rework is included in the base and the Government picks up the tab and pays the same percentage profit on top. Clearly, the more scrap and rework, the higher the profit dollars. This helps explain much of our quality predicament as well as the high cost. The most effective way to get defense costs up is to expand the direct labor base. Fixed profit percentages translate into more dollars if the base expands. You cannot blame the contractor for this if we in the Government, spending the taxpayers' money, responsible for all that money spent, if we allow it.

As this one executive said, the Government should not allow it, and I, for one, agree. There is no question in my mind, Mr. President, that we have a major problem in this area in our defense plants. Today if we walk into a defense plant anywhere in the country, we will find tremendous work force-workload imbalances.

I have done my own analysis of defense productivity and found plants operating at as little as 6 percent of normal efficiency. This figure would include, of course, the direct labor charges for scrap and rework.

They are not all that bad, Mr. President, but I would be willing to guess that most defense work is done at or below 50 percent of normal efficiency. And that takes into account all the complexity, high technology, small production quantities, interruptions from Congress—and there is an awful lot of that—and other factors that differentiate defense work from commercial work. That's a pretty poor record, Mr. President, and it begs to be addressed.

We have created too many incentives for costs to escalate, and we have been too negligent in questioning inappropriate costs. If we award profits as a percentage of cost, if does not take a rocket scientist to figure out that's a powerful incentive for a contractor to

pad his costs. More costs mean more dollars in his pocket. The cost of doing business with our defense contractors has gotten so out of hand that even the chairman of a top defense corporation admits it is the major problem needing reform. That's as lucid a signal as we can ever hope to get, Mr. Chairman, that changes are in order. Let me reiterate that the reforms proffered by Secretary Cheney are a very important first step. But they do not address the fundamental cost and quality problems that we have seen in recent years. They address too much input and not enough output.

Before these kinds of changes can occur, we need to get everyone in DOD moving in the same direction. One very useful approach in this regard is the Defense Department's program called TQM, or total quality management. TQM is designed to improve quality and efficiency at every level, to build quality into the product and thereby help reduce costs. At the present time, before it has been implemented, TQM is merely an awareness and cheerleading program. But it also provides a positive vehicle for change. If it takes cheerleading and awareness to get everyone moving in the right direction, that is a positive development. But concomitant with this, we must use work and productivity measurement to monitor progress on the output side. TQM will not work without measurement. In addition, we need a compatible contract policy. If we maintain the same contract policy that encourages high costs and leads to product failure, TQM will be a passing fancy.

Another important reason why cost reduction is needed is to provide the Secretary of Defense with future options for bringing the defense budget in line with fiscal reality. If the Comptroller General is correct, $150 billion of program decisions will have to be made between now and 1994 to restore integrity to the long-term budgeting process. That means tough decisions are going to be the norm around here—not only in DOD, not only in OMB, not only in the Oval Office, but in this Chamber. The Secretary's ability to make sound decisions will be enhanced if he can choose between program terminations and cost element reductions, or combinations thereof.

To sum up, Mr. President, I believe the steps taken so far by Secretary Cheney and by the Armed Services Committee are solid steps toward reform. Again, changes will require some heavy-handed enforcement, and the full support and commitment of all of us, from the President down to the Pentagon bureaucracy and to us in Congress. I look forward to working with my colleagues to help this administration fulfill its promise because this is going to be a very tough undertaking. I want to help them achieve some perestroika of their own. I again congratulate the chairman and ranking member of the committee for their efforts, as well as the cooperation they have had from the members of their committee.

I yield the floor.

Mr. GRAMM. Mr. President, we are currently debating a pending amendment about the B-2 bomber. I know a lot has been said on the subject, and I want to try to address two issues only in the comments I wish to make. Let me make it clear up front, in case I am not clear from this point forward in the speech, I am in favor of building the B-2 bomber.

The two questions I want to address are, No. 1, do we need it? And No. 2, can we afford it?

Let me start, Mr. President, by making note of the fact that we are talking about building only the fourth jet-powered strategic bomber in American history. When you go back and think about it, we built the B-47, we built the B-52, we just finished the B-1B, and we are now talking about the B-2. We are talking about four jet-powered strategic bombers in the postwar period.

Now, on the B-47 I think it is instructive to try to get a comparison about how much money we spent on strategic deterrence with the B-47 and how much we are spending on the B-2. I have gone back and calculated some figures that I think are relevant. What I have done is to take the total procurement costs for these bombers, and I have divided those costs by the total defense budgets during the years in which we procured them to come up with what share of the defense budget in those years went into the building of those bombers. I think my colleagues might find it instructive.

In the case of the B-47, 2.9 percent of all defense spending during the years we built that aircraft went into its construction. I do not think there is anybody here who is going to argue that that was an unsuccessful aircraft in terms of what we build a strategic nuclear bomber for; however, it was to that point the most successful one we had built. In fact, never that I am aware of did the B-47 fly in anger. In fact, it was so superior to anything else of its era that, like clockwork, every morning the strategic planners of the Soviet Union reported to their masters in the Kremlin, "Today is not the day to attack the United States of America."

We then built the B-52 bomber, and if you look at its procurement cost as a percentage of the defense budget in the time we built it—we built a lot of them. We became efficient at it. We had a production line that was extensive—in total, 1.4 percent of the defense budget during that era was spent on the B-52 bomber.

We built the B-1B with 1.6 percent of the defense budget, and if we look at the projected defense budgets between now and 1996, when we would complete the proposed fleet of B-2's, we would be looking at 1.3 percent of the budget.

The first point I would like to make, Mr. President, is that if these numbers hold—and they are the numbers we are working with—if you look at procurement cost of the new strategic bomber as a percentage of the defense budget, the B-2, in terms of overall percentage of the defense budget, would be less expensive than any bomber we have ever built. Certainly the 1.3 percent is low by comparison to the 2.9 percent of the defense budget that was absorbed by the B-47.

I know our colleagues often talk about whether or not we need another bomber, and while I was talking to Secretary Cheney today at our luncheon he brought out the following figures that I think we ought to be looking at in making this decision.

First of all, in terms of our overall strategic mission, if we should be called upon to go to war with the Soviet Union and in terms of our effective deterrence, currently about 40 percent of the nuclear weapons that would be delivered as part of that deterrence are delivered by bombers. If we adopt a START agreement, that number would rise from 40 percent to 50 percent. Or, in other words, in terms of the strategic mission today, we are looking at 40 percent of the weapons that we would be counting on manned bombers to deliver to the target as part of our effective deterrent. And if we have a START agreement, that would rise to 50 percent, Mr. President. Today we have 380 strategic bombers in the fleet.

By 1992, if we do not build the B-2, we will have 168. By 1998, only 10 years from today, that will be down to 97 bombers.

Finally, let me look at this question about cost. We hear a figure about what we are spending on the B-2 and, of course, what we are hearing is people are taking all of the technological investment that has been made in creating a plane that is for all practical purposes invisible to radar, and we calculate all that out. We say this plane is going to cost $500 million or $600 million a copy. Mr. President, that is a big number. It ought to be an alarming number. But I want to remind my colleagues if we should decide here today or next week to kill the B-2 bomber we do not get to go back and get that $22 billion back that we spent on all this technology. That is money spent that we will never see again.

As everyone who has ever taken elementary finance or economics knows, in making a decision as to what you

are going to do in the future the first thing you are supposed to throw out in making that decision is what your fixed costs are.

Mr. President, if we are going back to the beginning and looking at this decision, that $22 billion of development cost would be relevant. But it is spent. And the question is what can we now buy in terms of outlays on the B-2 and therefore what do we save by not building.

By our most recent numbers per copy of procurement costs from this point forward the B-2 is going to cost $274 million. That is a lot of money. I would note, however, that the B-1B cost $228 million a copy; that a commercial 747 today costs $150 million a copy; that an AWACS cost $351 million a copy as compared to $274 million per aircraft for the B-2.

Let me try to make some sense out of all of these numbers. What does all of this mean? First of all, we are going to be spending less of the defense budget for this strategic bomber than we have ever spent on a strategic bomber. No. 2, we need this bomber. We have a clear requirement today in terms of deterrence to use a manned bomber to deliver nuclear weapons. That demand is not declining. It is in fact growing. Under our current arms control agreements with the Soviet Union, an MX missile counts as 10 warheads. A B-1 bomber carrying nuclear bombs or air-launched nuclear missiles counts as one. With a START agreement our requirement for a manned bomber is going to rise and not decline. In fact, our whole negotiating policy for 20 years with the Soviet Union has been negotiation toward smaller reliance on missiles, and greater reliance on bombers. But as that reliance grows under arms control, if we do not build this bomber we are going to see our fleet of manned bombers decline from 380 in 1988 to 97 10 years from now.

I hear people say, well, are you ever going to risk in combat a bomber that costs $274 million to build in terms of procurement costs? First of all, Mr. President, let me point out that because of the amazing technology embodied in this plane, we are not greatly at risk in committing it to combat. Also, because of the great capacities of the B-2, we would commit a smaller number of them. For example, during the air strike on Libya in 1986, we committed 119 aircraft, risking 84 aircraft and 134 aircrew members in combat. All this required a total time of 5 days to carry out that mission. We could have carried out that same mission with conventional weapons using four B-2 bombers over a period of hours and risking only eight aircrew members.

Also, because of its stealth capacity, its capacity to elude radar and to elude antiaircraft missiles, in reality it would not have been at any real risk in carrying out that mission.

Finally, let me say that while I keep hearing people, say, "Well, this is a useless weapon because you would never use a weapon that expensive," let me remind my colleagues that in the Persian Gulf we had AWACS flying everywhere. We had AWACS on our mission against Libya. An AWACS aircrat cost $351 million in procurement costs. That is more expensive than the B-2.

Finally, how do we intend to use this aircraft? What we intend to do, Mr. President, with this aircraft is park it out on the tarmac. We intend to have young, well-trained crewmen every morning get up, fly it around, and every morning have the Soviets look at its capacity and decide that it would be suicidal to attack the United States of America.

In reality, we do not ever intend to use this plane. We simply want it with all of its miraculous capacities to render the $150 billion of air defense that the Soviet Union has built at a terrible cost to themselves absolutely obsolete. By doing that, we guarantee that we all can go to bed when the plane is deployed with confidence that we are not going to be attacked, and so as a result, the plane is not going to be put at risk and peace is not going to be put at risk.

We need this airplane. It is expensive. But it has the capacity to do great work to provide great service for the people of America. And I strongly support the committee's position that we should build and deploy this new miracle of American technology.

I yield the floor.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

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

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

Mr. WARNER. Mr. President, just a progress report to Members following the debate. The chairman and I have had an opportunity to discuss at length the concerns of Senator GLENN. All along he has taken a very active role in the B-2 bomber program. The chairman and I, the chairman can speak for himself momentarily, are of the view that he has some very constructive ideas. As soon as the chairman returns, a little later we shall hope to accept Senator GLENN's views.

In the meantime, the chairman and I are momentarily about to lay down two amendments discussed earlier, one dealing with the Guard and the Reserves and the second dealing with the measures to improve the equipment for soldiers.

Those amendments reflect the work done by the Armed Services Committee. There are no new innovations in them. They are of record, and the material is now before the Senate, and in the form of our report and otherwise.

That is where we are. We are anxious for the Senators to come over and address the issues that are of interest to them. I see the Senator from New York, and I yield the floor.

NAVAL AIRCRAFT CRISIS

The PRESIDING OFFICER. The Senator from New York, Mr. D'AMATO.

Mr. D'AMATO. I rise today to alert my colleagues to the dire crisis which now exists in the U.S. Navy's aircraft inventory. I am compelled to make this information known in the strongest possible way because, although the problem is serious now, if it goes unchecked, it will all but wipe out the effectiveness of the Navy's aircraft carrier battle groups.

Now, Mr. President, I do not mean to be an alarmist, but we intend to demonstrate by way of graphs, by way of the Navy's own testimony, the seriousness of this situation. This situation is well understood by both the experts at the Pentagon and some of the experts here on the Hill. In fact, the Senate Armed Services Committee report states that:

> The collapse of a systematic long-range naval aviation planning and programming process has permitted the substantial erosion in naval aviation with the arrival of tighter budgets.

The Senate Armed Services Committee has also called for the Navy to submit an annual report on the naval aviation which looks 10 years into the future.

While I applaud the use of this oversight vehicle, I feel that a false sense of security is created by it. In order to get control of this situation, especially with the extended leadtime required to develop and produce today's sophisticated airplanes, we must look beyond 10 years into the future.

Now the Navy faces declining inventories which will dip sharply below its established requirement levels in nearly all of its airplane categories. In half of these categories, no remedial options are available to avoid the coming shortfalls. The message I bring to my colleagues today is that we must preserve our options in those categories where aircraft production lines currently exist.

Mr. President, I would like to illustrate the grave consequences of throwing away our options; that is, doing away with production that exists today. Chart 1 lists the major missions accomplished by naval aircraft. Also shown are the current aircraft fulfilling their roles and the planned re-

placement aircraft, which in several cases are still in the early stages of development.

The crisis in naval aviation is readily apparent when one looks at the severity of the expected shortfalls which will occur in seven out of the eight mission categories, even with the on-time acquisition of replacement aircraft. And that, Mr. President, is highly doubtful. We have not seen a program yet where planes have come on line on time.

As the charts show, the Navy has no option but to wait for the A-12 production, the P-7, an advanced tactical support, to remedy shortfalls in four of the categories. So what we are saying is that if there is any delay in these categories, the shortfall that will occur is going to be much more dramatic. But how much will all of these new airplanes cost, and will the Navy's budget be able to cover all of them?

A few weeks ago I asked the Congressional Research Service to analyze this question for me. I asked them to use the open information sources so that I could present this report in public.

This chart shows the CRS estimate of how many and when the various new naval aircraft will be acquired. Notice that the peak period of production will occur just after the turn of the century.

Costs were determined for each of the new production airplanes as shown here. It is difficult to estimate price tags for future aircraft, so very conservative figures were chosen. But, one thing is certain, the costs will not go down; the costs can only go up.

When the aircraft numbers and their costs are multiplied together, the funding profile shown on this chart results. Please note that the scale is in billions of dollars. This best illustrates the crisis in naval aviation. For the years 2001, 2002, and 2003, the Navy will need over $10 billion—this is on the conservative side—for new airplane production. This level of spending is nearly two and a half times the average that has been budgeted over the last 2 years. Where are they going to get those resources?

Mr. President, it should be obvious to anyone that the Navy will have to prioritize its needs and significantly stretch out these acquisitions. Here is the problem. As I said before, severe shortfalls will occur even if all of the funding required could be allocated and all the programs remain on schedule. Debilitating shortfalls will occur if we don't address this crisis today.

We are being asked in this year's Pentagon budget to throw away a remedial option in the category of fighter airplanes which will be key to stemming the devastating effects of the naval aircraft crisis. If new production of the F-14D Tomcat is not funded this year, the factory will be closed and dismantled. Then, if the replacement airplane, the Navy version of the Air Force advanced tactical fighter [N-ATF] is delayed due to technical problems or is unaffordable at the time, no options will remain to make up the shortfall.

The CRS report gives us an excellent idea of the magnitude of the naval aviation crisis—and it is a crisis—and make no mistake about it, both are going to occur. We have not brought in a new advanced weapon system of this magnitude, of this type, ever. Who is going to say that we are going to do it now? It is simply not going to take place. So that we are going to have development delays as a result of technological and production problems. And then we are going to be faced with the dilemma of having to stretch out the production because we simply do not have enough money. Then we will have no option to make up the shortfall.

Mr. President, my last chart shows the consequences of as little as a 3-year slip on the N-ATF program. With the retirement of older F-14's and we are talking about the Navy's program of remanufacturing. That is part of this. It is part of their program. We lose. We'll have a 53-percent shortage in fleet defense fighters that will occur. The bottom line is that the Navy will not be able to protect their carrier battle groups or project offensive power when necessary.

Now, Mr. President, I did not make these figures up. They come from CRS. We are not projecting an unreasonable delay in terms of the development of the airplane that is supposed to take the place of the F-14. So I ask my colleagues to heed this warning. I have no illusions. I am not going to attempt to bring this as an amendment to this floor.

I say this is not the kind of situation that we should make a life and death struggle to defeat the F-14, but rather, I would hope that when the House Armed Services Committee that has put back the 12 F-14D's into their mark, that the House and Senate conferees would look at the facts, and the facts are such that the Senate should recede to the House and not make this a political test of wills, as it relates to the Secretary's mark or numbers.

I think that within the mark that we can achieve, without busting the budget, the objective of seeing to it that we preserve that mark and yet seeing to it that we do the right thing, not just on a parochial basis, because Grumman is the manufacturer, but because the facts illustrate very clearly that we will be jeopardizing the national security of this Nation. We will be jeopardizing the security of the fleet and that we save a penny today, and the consequences tomorrow will be devastating and much more costly to the taxpayer.

I cannot understand how it is that the people in the Pentagon, even at this time—and I have not attempted to be confrontational with the Secretary of Defense—came in at the last minute, and they had a tough job, and they had to get the budget down; but, by God, wake up, Mr. Secretary, take a look at the facts, look at the problems we are going to have. If you are buying 1 year—you might buy 1 or 2 years, yes, you can save $300 million-plus, but in the long run it is going to cost billions of dollars more, and that will leave the fleet in a vulnerable situation. It just does not make sense.

So I respectfully ask that the Senate conferees would recede to the House's position, which I believe makes much more sense in terms of protecting the integrity of the budget process and, more important, in terms of seeing to it that we meet our national security needs and interests, and base them in the fact of reality and not in the face of dreams, in the face of some plane that is going to be developed at some cost that we do not even know about that will take the place of the F-14 sometime in the future. That is not good and adequate, and it certainly does not suffice to meet our country's objectives.

Thank you, Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, I rise in support of the perfecting amendment on B-2 funding introduced by the distinguished chairman and ranking minority member of the Armed Services Committee. I also want to applaud Senator NUNN, Senator WARNER and the distinguished chairman of the Strategic Forces and Nuclear Deterrence Subcommittee, my friend, Senator EXON for shepherding the B-2 program through the authorization process. Without their able leadership, the B-2 bomber program would not be under consideration on the floor today.

Mr. President, I strongly support the B-2 bomber program. I first, and foremost, see it as an extremely important program in the strategic nuclear triad, on whcih our Nation has relied on to deter the Soviets for over 30 years. The bomber force is the most accurate leg of the triad and provides maximum capability against the entire range of non-time-urgent targets while offering operational and employment flexibility unmatched by other legs of the triad. The B-2 capabilities are unmatched by any other bomber in the world. Its penetrating capability, due to its revolutionary low observable technology, will serve our Nation well into the 21st century.

Mr. President, the opponents of the B-2 argue that it is too expensive. I agree that the $500 million cost per aircraft is a great deal of money for one aircraft. However, I would like to

point out the following cost comparisons: the B-2 is only 20 percent more than the B1-B in flyaway cost; it is cheaper per warhead than the MX; it costs a smaller fraction of the budget than the B-52 did; and, the MX and small ICBM together are almost as expensive as the B-2.

Mr. President, the justification for the B-2 does not rest on any one factor. The B-2 is necessary for deterrence, its penetration mission, to counter the Soviet threat, and provided arms control stability. These four factors form the most vital reasons for the production of the B-2.

Mr. President, the Armed Services Committee included an elaborate set of "Gates" in the authorization bill that must be met before any new production money can be obligated. these gates ensure that the American taxpayer will get the capabilities promised by the B-2. Delaying production of the B-2 will not only increase the cost, but may undermine the President's negotiating position in START.

Mr. President, the manned bomber programs, especially the B-2, are key elements of strategic modernization. I urge my colleagues to support this amendment and the B-2 program.

Mr. GRASSLEY. Mr. President, I rise to support the amendment offered by the distinguished chairman of the Armed Services Committee, Mr. NUNN, and the distinguished ranking member and my good friend from Virginia [Mr. WARNER].

I believe this is a cautious and prudent amendment in light of the tremendous cost of the program, on the one hand, and in light of its strategic importance on the other.

It is certainly sound policy to test before buy. The B-2 represents an important leap forward in technology. The stealth is needed not only for its deterrent value and technological promise but also for the leverage it provides at arms negotiations in Geneva. Beyond these points, there is no credible alternative to the B-2 at this time. The fencing of these funds and the additional checks and balances including the various reviews and certifications required are all part of how DOD should conduct its business as a matter of routine on all its programs. The bottom line is we will not move into full production unless and until we are assured of a proven commodity on such an expensive albeit vital program.

Speaking of expense, Mr. President, the committee has trimmed $300 million from the program for the coming year. The $70 billion price tag on this program is truly shocking. Twenty-two billion dollars of this has been for stealth technology R&D and development. It is my intention, though, as it has always been, to seek ways to shrink the costs of this program and any other one, especially one with a $70 billion price tag.

The committee has protected its options for the future with regard to the B-2. The cost is great, but so is the need. In the year ahead, under this legislation, Congress can work to trim more costs and improve the effectiveness of this program. For these reasons, Mr. President, I support the committee's amendment on the B-2.

Mr. ADAMS. Mr. President, today the Senate is debating the B-2 Stealth bomber. During the late 1970's, as a member of the Carter administration, I supported the B-2 bomber. At that time, President Carter recommended that we proceed with B-2 as an advanced technology replacement for the manned bomber leg of the strategic triad in lieu of the B-1. To fill in the bomber capability "gap" between the continued use of existing B-52's and the future development of the B-2 Stealth technology, the Carter administration accelerated the development and deployment of air-launched cruise missiles.

Unfortunately, we did not follow President Carter's recommendation and so today we find ourselves facing a decision on beginning production of an enormously expensive weapon system, the B-2, while we are still trying to fix the problems with the B-1. We should not have built the B-1, but the Reagan administration did. Because we have already invested so many billions of dollars in the B-1 and because of the problems with that program, there is a special burden facing the B-2 and there should be.

We need to know exactly what role the B-2 is to play in our long-term strategic planning. We need to know that, unlike the B-1, the B-2 will perform as advertised. We need to know how many aircraft are needed and what they will cost. We need to know that the program is going to be managed in an accountable, scandal-free, cost-effective way.

I do not belive that we have the answers to those questions today. The Senate Armed Services Committee has proposed a series of tests or hurdles that the B-2 program must pass before procurement can begin. The committee's proposal is obviously a step in the right direction. It reflects the sort of healthy skepticism that the Congress should have given our previous experience with the B-1, given the revolutionary technology employed in the B-2, given the dramatic changes in United States-Soviet relations, and given the high cost of this weapons system.

I intend to support the committee's proposal to "fence" the B-2 procurement by requiring additional testing before procurement can proceed. I am not sure, however, that the "fences" are high enough. As our colleague Senator GLENN has argued, the development testing of any new aircraft is a complex, but necessary process. I am pleased that the committee has accepted an amendment by Senator GLENN, to the committee amendment, to strengthen the testing restrictions and make them more rigorous. The advanced technology employed in the B-2 and the unique capability to penetrate Soviet air defenses it is expected to possess argues for extensive testing before procurement proceeds.

I remain unconvinced by the Pentagon's arguments that this additional testing will only add billions of dollars to the cost of this aircraft with no benefit. Under the Air Force assumptions, even the testing provisions added by the Armed Services Committee could increase costs by $2.5 billion to $4.2 billion. We need only look at the billions of dollars that the Air Force proposes to spend on trying to bring to B-1 to a level that still will not meet its intended capability to recognize that there is much to be gained from more complete testing.

The Armed Services Committee provisions do not deal with the uncertainty over mission for the B-2 and its role in U.S. strategic planning especially now that the Air Force has admitted that the United States does not have the technology to find relocatable targets. I am pleased that the committee has agreed to Senator KENNEDY's amendment to require an evaluation of alternative strategic roles and numerical requirements for the B-2.

Finally, I want to make it clear that my support for the Armed Services Committee amendment is not an open-ended commitment to full procurement of the B-2. I intend to follow the testing program carefully and to review its outcome. I also intend to review the question of the B-2 mission and strategic role. My vote on this issue should not be taken as an endorsement for the proposed 132 aircraft procurement or for any number of aircraft other than those provided in this bill and subject to the restrictions it contains.

One of the strategic arguments for a manned bomber is that it can be recalled to its base unlike ballistic missiles. If the B-2 cannot pass the testing and strategic requirements hurdles, there should be no question that this Senator stands ready to recall the B-2 program.

Mr. LEAHY. Mr. President, this evening I voted in favor of the Nunn-Warner-Glenn amendment on the B-2 program. This measure establishes a number of criteria the project must meet before funding may continue. I voted for the amendment reluctantly and do not want this to be an indication that I support the B-2.

Mr. President, we cannot afford the B-2 and we don't need it. Anyone who looks over the extravagant funding re-

quests of this program for the next 5 years knows that Congress cannot support these unrealistic figures. The House Armed Services Committee already raided the B-2 budget for other projects to the tune of $800 million this year. As we fund this bomber at more realistic levels, the unit cost of this plane will only skyrocket toward $1 billion per copy.

Growing B-2 costs will compound another problem facing the Department of Defense—outyear funding. I also have serious questions about spending $70 billion on a new strategic bomber when the U.S. taxpayers just spent over $25 billion for the B-1 bomber. That plane is not yet fully operational.

Mr. President, the B-2 should be killed but I voted for this amendment reluctantly since it did provide the only limitation this year for future production.

Mr. KOHL. Mr. President, as we consider the issue of the B-2, there are a number of different arguments we have to address. The issue directly before us relates to efficiency and prudence: What is the most economical way to assure that B-2 performs as advertised before we invest a small fortune in buying the plane?

That is an important issue and I want to address it. But I also want to look at some larger strategic questions about the nature of the B-2 program and where we are going in our strategic doctrine.

In terms of procurement strategy, I think it is important to note that the committee and the Senator from Ohio [Mr. GLENN] have worked out an agreement which essentially does two things. First, it reduces by at least $300 million the funding for the B-2 requested by the administration. I think that is significant in and of itself. But second, it sets up tough testing requirements which the B-2 must pass before any of the funds authorized here can be released and low rate initial procurement can begin. The net result is that we are authorizing funds for the procurement of three B-2's but we will not actually release those funds until and unless the B-2 passes a number of milestone tests.

Under the compromise before us, that testing will go well beyond the committee's original emphasis on airworthiness—that is, the commonsense conclusion that we won't begin buying planes until we know they fly. That is a good thing, but we aren't spending well over half a billion dollars because the B-2 can fly. We are spending that much money because of the "stealthy" nature of the plane—its ability to avoid detection and penetrate Soviet air space. But the committee did not originally require proof of "Stealth Success" before procurement. A full 25 percent of the authorized funds could have been spent under the committee's initial approach before the Secretary of Defense reported on the results of low-observable testing. Indeed, as Senator GLENN points out in his "Additional Views," the problem with the committee approach is that it "is still success oriented and still requires excessive concurrency between the development, testing, and production phases."

In my view, the Glenn amendment, which the committee has now agreed to accept, simply makes good sense from a management perspective because it requires some testing of the stealth characteristics of the B-2. Under the approach now before us, we will have to have good reason to believe that the B-2 is as radar invisible as it is supposed to be before we buy it. The problems we have experienced with the B-1, where we are still paying for electronic countermeasure fixes, demonstrates the problems and the expenses created by excessive concurrency—a willingness to begin procurement of weapons systems while we are still testing them to see if they work. And the B-1 is not the only program with problems. The committee report expresses concern about problems created by excessive concurrency in the C-17 program. And we have, unfortunately, all too many examples of cost growth and production delays caused by weapons systems which were being produced before we were sure that they worked as advertised.

With the addition of the Glenn amendment, I think the procurement problem of concurrency is reasonably well resolved. I would have rather seen procurement delayed until at least fiscal year 1991 as the Senator from Ohio initially proposed, but in the give and take of the political process, this compromise is as good as we can get and I am willing to accept it.

But the issue goes well beyond the question of how well the B-2 works. While I am willing to support continued testing of the B-2, there are a number of questions I believe we must address before we commit to the 132 planes the administration is seeking. Let me describe a few of my concerns.

First, we have to figure out why in the world we have a request for 132 planes. As far as I can determine, that number is not based on an overall strategy. If we decide that the B-2 makes sense, it certainly seems to me that we ought to figure out how many B-2's we need to maximize our strategic goals. I think we can get by with a lot less than 132. So I was certainly delighted that the committee accepted an amendment by Senator KENNEDY which calls for a detailed study of the need for the full 132 B-2 fleet and the impact of lower total procurement of these planes. I believe that such a study can make a contribution to helping us shape a more coherent national defense strategy. For example, when we debated the MX missile we focused on the question of whether we ought to have 50 or 100; but we virtually ignored the issue of why we wanted any of them at all. We learned, I hope, a painful lesson from that continuing disaster: that specific decisions about weapon systems cannot be made outside the context of military and diplomatic strategy. I hope we will apply that lesson to the B-2.

Second, I have some problems with the cost of this program—well over a half a billion a copy if you count the R&D costs or a more modest quarter of a billion if you just look at cost to produce the plane and ignore the investment which made production possible. Either way, building a fleet of 132 B-2's is going to cost a great deal of money. We are going to be paying $8 billion a year well into the next century to complete the B-2 buy.

Now some may argue that the cost is irrelevant. If we need the plane for our national security, we ought to buy it. But there are a lot of things we need—in both our defense and our domestic programs—which we can no longer afford to buy. Given the reality of Gramm-Rudman-Hollings, given our need to reduce the deficit, we can't look at the need for any weapons system or any domestic program in isolation. We have a fixed amount that we can spend and we have to look at the comparative value that a given system gives us. I think the Armed Services Committee and the Pentagon accepted that approach when they called for terminating a number of programs. Those programs were useful—but we couldn't afford them. The same test ought to be applied to the B-2.

Clearly there are some people who believe that the B-2 passes the "must have it" test. And certainly bombers do have some very real advantages both in terms of increased deterrence and increased crisis stability. But the B-2 is billed as more than a bomber—it is being sold, and its price is being justified, because it is a penetrating bomber which can get past Soviet air defenses and hit mobile targets deep in the Soviet Union. But as the Washington Post reported on July 23, 1989, "[t]op Air Force officials testifying before the House Armed Services Committee conceded their expensive bomber probably would never be used in its primary role of evading air defenses and darting into the Soviet Union after a nuclear attack because it would not have time to make the cross-continental flight." The Post goes on to report that even the Air Force minimizes the role of the B-2 in taking out mobile missiles. "Air Force Chief of Staff Gen. Larry D. Welch told a House committee this month that finding and attacking mobile tar-

gets 'has never been the basic mission of the [B-2] plane.'" And, of course, we have no evidence yet to demonstrate that the stealthy characteristics of the B-2 will allow it to evade Soviet radar. And even if it evades the radar they have now, there is no reason to believe that the Soviets can't develop technological fixes which will once again make our bomber force visible and vulnerable.

There are, in short, some real problems with the ability of the B-2 to make a significant contribution to our nuclear strategy.

Those problems, however, cannot be totally resolved even if the B-2 performs as we hope it will. The real problem is that there are still real questions about just what our nuclear strategy is. And that, Mr. President, is perhaps the most troubling thing about the debate we are having on these amendments and this bill.

We are involved in negotiations to cut nuclear weapons by 50 percent, a goal which was established by former President Reagan and embraced by President Bush. Yet, at the same time, we are asked to spend billions of dollars on a nuclear bomber, billions on the rail garrison MX missile, billions on the Midgetman missile, billions more on star wars. What is going on here? Is the purpose of arms control to control arms or to justify building new ones? Is no one paying attention to the real possibilities of turning the arms race around?

We are now told that the only way to get START is to give the Air Force the B-2. Without a penetrating bomber, the Joint Chiefs now tell us, they can not support a START agreement. Would they support START if it was signed before the B-2 demonstrated that its stealthy characteristics made it capable of evading Soviet air defense? Would they want to withdraw from a START agreement, if, after the B-2 was built, the Soviets improved their air defenses and prevented the bomber from penetrating Soviet airspace?

Mr. President, we have to get our house in order. Before we make decisions about multibillion dollar programs like the B-2, we ought to have a better sense of how that program relates to our arms control goals.

Let me make one final point, Mr. President. We are supposed to be operating within a deficit reduction/budget summit agreement which committed us to spend roughly $300 billion on defense this year. If we reduce funding for the B-2, we are not going to reduce funding for defense—the money we save on the B-2, under the terms of the budget agreement, has to be spent on other defense programs. As a result, I do not have the option of spending this money on domestic programs or using it to reduce the debt. No matter how much we cut from the B-2 program, all of the savings have to be spent on defense programs. The Congress has already decided to spend $300 billion on defense. All we can do is make sure we spend it wisely.

In that context, Mr. President, we have to do more than ask questions about the value of the B-2; we also have to ask about the comparative value which would be realized by spending these dollars on conventional capabilities. Given the out year commitments we are making to the strategic systems we are endorsing in this bill, I think we need to look at the economic and budget implications of this bill very carefully. I don't think we have done that yet.

Mr. President, we have resolved the immediate issue: We will take the time we need to make sure that the B-2 bomber does what it is supposed to do before we buy it. But the long-term question is whether or not we will make decisions about specific strategic systems in isolation or as part of an overall strategy. But it is the wrong way to go about this, Mr. President. The wrong way. This is our national security we are talking about and we ought to be able to do better than this. I hope that the approach we have taken in this legislation toward the B-2—reducing spending in this year, restricting procurement until further testing is completed and requiring a detailed study of the implications of fielding less than the 132 planes—will contribute to developing an overall strategy before we make a commitment to irrational spending.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair must inquire: What is the will of the Senate?

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

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

Mr. McCAIN. Mr. President, I believe that we have a great deal to be proud of in presenting this year's Defense Authorization Act to the Senate. It is far more free of micromanagement and damaging amendments than in past years. Our act responds to President Bush and Secretary Cheney's concern with the budget deficit and the need to keep tight limits on Federal spending. It is free of the kind of destructive arms control amendments that impede the President's efforts and has been a major impediment in the past, but it has strong provisions that reflect both the committee's interest in making every effort possible to reach meaningful arms control agreements and to ensure that such agreements really do reduce the risk and cost of war.

There are many detailed provisions we can be proud of that represent the result of a dialog with the administration, rather than arbitrary micromanagement. The act contains many provisions that will strengthen our conventional capabilities. It represents the committee's deep concern with the need for adequate levels of munitions and to avoid creating a hollow force structure by underfunding such supplies.

The act funds the naval and power projection forces we need, while expressing the proper concern that every effort be made to manage and modernize these forces as effectively as possible. The act does not reflect the kind of damaging debate over the carrier we have had in previous years, but it does require better reporting on the nature and cost of modernizing our carrier forces.

The act reflects our growing concern with the lack of adequate efforts by the services to develop cost-effective force modernization plans that can be implemented within current resource constraints. For example, it requires a comprehensive long term naval aviation plan and the Army to develop a realistic long-term plan for improving our armor and antiarmor capabilities.

This legislation clearly reflects the committee's concern with manpower and readiness. There are strong provisions to ensure we retain key skills such as pilots. There are provisions that send a clear message to the Nation's budgeteers that they cannot balance the national budget at the expense of fair pay for our servicemen, or by hacking away at cost-of-living allowances and flight pay.

There also are provisions that reiterate the committee's concern with the lack of any integrated readiness reporting system for any service that links key factors like Active and Reserve readiness, sustainability, and sea and air lift.

The act reflects our concern with the fact that we risk creating a hollow National Guard and Reserve structure because we do not have a cohesive concept for ensuring the overall readiness and balance of these forces. It reflects our concern that we have no real world capability to meet our commitment to provide 10 divisions to NATO in 10 days, and do not even really know the extent of the problems that have created a "hollow commitment" in the late 1980's that is as dangerous as the "hollow forces" of the 1970's.

THE NEED FOR STRATEGY

Having said this, however, I have to note that the Defense Authorization Act also reflects the same basic limitations that are present in the fiscal years 1990-91 budget submission, and in the documentation supporting this

budget. Many of these problems are the result of the delays that are inevitable in forming a new adminstration, and of the much more avoidable delays that resulted from this body's failure to confirm Senator Tower. There is no question, however, that this year's Defense Authorization Act is simply an effort to fit our present forces, and existing roles and missions, to a lower level of resources.

This year's Defense Authorization Act does not respond to the changing politico-military conditions that are forcing us to restructure our strategic posture. It also does not really respond to the budget problems we face. It is based on assumptions about future resource levels that are unquestionably too high unless we see sudden changes in the threats we face and persuade the American people that we are making more effective use of their tax dollars. It assumes outyear increases in real defense spending that are now very unlikely to occur. It makes unrealistic assumptions about the rise in weapons costs and inflation, and it does not touch upon the longer term problem of how to fund the advanced technology the Department of Defense now plans to deploy in the mid and late 1990's.

The Defense Authorization Act also reflects critical problems in the way the defense budget is submitted to Congress. It reflects the fact that the budget is still a line item budget, and does not show the Congress what is being spent on given roles and missions. It reflects that fact that the budget is submitted without a supporting net assessment that provides a clear picture of the changing trends in the balance, which is based on the spending levels in the budget, and which realistically explains the trends in United States, allied, and potential threat forces, and the risks inherent in the current level of funding. it reflects the fact that the budget only projects spending for 2 years and does not provide any long-term spending and procurement data that would encourage the Congress to maintain a stable level of spending and program structure.

It is clear from President Bush's strategic review effort, and from Secretary Cheney's recent report on ways to improve our defense budgeting and procurement efforts, that the Bush administration is already well on the way to coming to grips with those issues. I believe the Bush administration fully understands the challenge this Nation faces in reshaping its forces to deal with changing strategic conditions and lower resources, and I believe that next year's budget submission will make an impressive beginning in addressing these issues.

Nevertheless, I believe that during our coming debate, we need to consider the fact that we have a budget that is in many ways without a strategy. I also believe that it will be of considerable help to the Bush administration if we build on the hearings that the chairman of the Armed Services Committee, and the ranking member, held earlier this year on strategy and begin to discuss the issues involved.

THE NEW PRIORITY FOR MARITIME STRATEGY

Let me begin by addressing maritime strategy. It is easy to forget that there is nothing new about maritime strategy. We won our independence largely because the Royal Navy could not blockade us and because of the assistance of the French Navy at Yorktown.

Through most of our history as a nation, we depended for our security on the combination of the barriers posed by the Atlantic and Pacific and our own and friendly fleets. We prevailed in World War II because we could project power to Western Europe and because we had the maritime power to dominate the Pacific.

Maritime strategy has changed greatly since the end of World War II and the beginning of the nuclear age. Maritime strategy now includes airlift as well as sea lift, long-range aircraft as well as ships, and a wide range of power projection forces. SSBN's have replaced the battleship as the primary striking arm of sea power, and every major aspect of seapower is now an exercise in combined operations.

Nevertheless, we have only been able to contain an expansionist Soviet Union because we have been able to couple air power and land forces to the ability to dominate the sea. From the Korean war to our recent intervention in the gulf, we have found that a maritime strategy is essential in dealing with the host of real-world military contingencies that are not deterred by the risk of nuclear war.

This dependence on maritime strategy seems nearly certain to increase during the coming decades. Regardless of the timing and nature of any START agreement, strategic nuclear deterrence is now far more stable than it has been in the past and the risk of nuclear war is far smaller. We still need a strong nuclear deterrent and our post-START force posture must have the strength and survivability to ensure that the risk of war, or any test of our nuclear will, remains minimal. Nuclear forces will not, however, be the driving thrust behind our defenses or a practical instrument of power in dealing with the many contingencies where we must use limited force to deal with limited problems.

We are seeing changes in our relationship with the Soviet Union that are likely to reduce our need to deploy forces in Europe. With luck, NATO and the Warsaw Pact are moving toward mutual force cuts that will lead to a major easing of the tensions between East and West, to significant withdrawals in the United States forces we must maintain in Europe, and to important savings in the money we must spend on technology and equipment tailored to European combat.

In fact, our priorities in spending on forces for NATO may already have changed to the point where we must concentrate on maintaining the existing quality and quantity of our forces in Europe, while shifting resources to give our air forces the long-range strike capability and rapid redeployment capability needed to react to any shift in the relaxation of tension with the Warsaw Pact, and to give our ground forces the mix of sea and airlift so they can overcome as much of the Soviet Union's redeployment capability as possible. At the same time, we need to reconsider how our future ground forces can be given lighter equipment that is more deployable and which is as well suited for contingencies outside Europe as it is contingencies within Europe.

We need to face the fact that we must shift from a nuclear war and European oriented strategy to a force posture focused on the capability to project power anywhere in the world, and which assigns equal or greater power to dealing with crises in Asia, the gulf, and the developing world. We cannot afford to waste money on forces whose priority is declining, and underfund the forces we really need.

THE CHANGING NATURE OF MARITIME STRATEGY

I do not mean in saying this that we must necessarily shift resources to seapower in the conventional sense. Maritime strategy does not mean buying a 600-ship Navy—a goal that was never justified by any supporting strategic plan, net assessment, or clear military rationale. Maritime strategy means that we must take full account of our geographic and strategic posture as a nation whose trade and defense is dependent upon access to both of the world's major oceans, and whose power is largely dependent on its ability to project power by sea and air, rather than through the deployment of massive land forces.

My concern is not with the need for 600 ships, it is rather with obtaining the assets we really need to implement a modern maritime strategy. In practice, this means:

Maintaining the key elements of the seapower we already have and particularly the carrier forces that are the key to our power projection capabilities.

Ensuring that we do not let an obsession with stealth and high technology make our combat aircraft so expensive that they cannot actually be used in power projection missions.

Having land forces that are combat ready to deal with low-level contingencies anywhere in the world.

Restructuring the posture of our Reserve Forces so that rather than pre-

pare for a massive war in Europe that they are increasingly unlikely to ever fight, and lack the lift assets and balanced readiness to deploy to, they can meet the special purpose needs of global power projection.

Changing our force posture in Asia, as well as in Europe, to reflect the changing political, economic, and military realities in East Asia and the Pacific by seeking added offset and support from Japan, finding a stable solution to the problems we now face in the Philippines, and changing our force mix in Okinawa and South Korea.

Restructuring our basing, seapower, and air and sea lift postures so that they can both maintain the forward deployment capabilities we need and develop the readiness and lift capability necessary to meet our needs.

Seeking the overall mix of commitments and burdensharing from our allies that both minimizes the cost of this new force posture to the United States, when our allies can afford it and our forces contribute to allied defense, and ensures that our friends and allies continue to act as our most effective "force multipliers."

THE PROBLEMS IN OUR CURRENT APPROACH TO RESOURCE ALLOCATION

We will address some of these strategic issues in the burdensharing amendment to the fiscal year 1990 and fiscal year 1991 Defense Authorization Act which I have worked on closely with Senators NUNN, WARNER, and LEVIN. I believe that this amendment will make a vital step forward in redefining our posture toward Europe and East Asia. There are, however, a number of other issues which clearly deserve attention during the coming year.

STRATEGIC FORCES

To begin with, I think that our current debate over strategic force modernization risks allocating a great many resources in the wrong place. I do not believe we need to buy two new ICBM's, particularly if the Soviet Union is serious about accepting the United States position that would ban all mobile missiles. I do think we should proceed with the rail garrison basing of the Peacekeeper to both improve our survivable target coverage and as a hedge against the need for mobile missiles. The small ICBM, however, should be left in the R&D phase until it is clear that we: First, really need to convert to a mobile ICBM force; or second, need a replacement for the Minuteman.

More importantly, I am not persuaded that we have really thought out our requirement for the B-2. When I look for strategy, I find salesmanship, and the sales pitch seems to change on several occasions that I have heard it. First, I see little real sign that we have actively negotiated with the U.S.S.R. to alter the draft START agreement and find ways to remove the need for so expensive a capability. Second, the Air Force has still failed to make convincing arguments for a penetrating bomber on any grounds other than START. Third, the target mix the Air Force proposes to attack seems to change periodically. The end result seems to have insufficient marginal value in terms of deterrence, war fighting, and/or damage limiting.

Equally importantly, I am not persuaded that we have really tested the risks inherent in relying on stealth in the light of all the potential advances in low observables technology. This is a vital issue which not only affects the B-2, but the ATA, ATF, and NATF.

I am well aware that there are groups within the Department of Defense which are supposed to have examined the various advances in low observable radar at very sensitive levels, but I am also aware of the fact that there have been great bureaucratic pressures not to find a reason that might threaten the development and production of these aircraft.

I believe that a major review is needed of both our strategic rationale for the B-2 and of our dependence on Stealth, and one that clearly includes the use of an A team and B team approach. I also believe that it is clear that the issue is not one of canceling the B-2, but whether we really need 132 of these aircraft, and the ATA, ATF, and NATF in their current form. Given the proper review of our options, we might well be able to save tens of billions of dollars by cutting the B-2 fleet and modify our requirements for the ATA, ATF, and NATF—as well as give our overall force posture far greater capability.

POWER PROJECTION FORCES

I believe that we need to comprehensively reexamine our power projection forces to determine how we can best strengthen the capabilities of the Air Force, Marine, and Army units that can serve our future military needs. I am concerned with the focus on extremely expensive future combat fighters and attack aircraft costing well in excess of $70 million each. I am concerned at the lack of apparent balance in our plans to modernize all the capabilities of our Marines and with the rushed cancellation of the V-22 before its mission impact was fully examined.

I am concerned with the creation of light divisions in the U.S. Army whose equipment and contingency value may not be properly tailored for the increasingly more capable threats in developing nations. I am concerned that key systems such as the AH-64 are being canceled without any replacement or consideration of their strategic value in being able to self deploy to remote areas. I am concerned that we may still be putting money into technologies and weapons for Central Europe in a level of effort that may no longer be justified.

As part of this reexamination, we also need to take a very hard look at USCENTCOM, SOCOM, and the Marine Corps. These forces are likely to make up the key elements of much of our future military action. USCENTCOM, however, is tied to Southwest Asia, when it may need a much broader power projection mission. SOCOM needs to be given the priority it really needs in future contingency planning, and the deployments and strategic lift for the Marine Corps may well need to be adjusted to reflect changing priorities and poltical conditions.

I am equally concerned with our failure to come to grips with the full range of our needs for carrier forces and naval aviation. This year, we have dropped a carrier from our force structure, and have taken steps to cancel production of the F-14, A-6, and EA-6B, without any real examination of the changing priorities for spending on such forces. We have not cut any of the requirements for these forces, and we may actually have increased them. Accordingly, I seriously question whether we should go on trying to readjust our defense spending levels by cutting each service by virtually the same percentage, and without looking at major departures from the present strategic status quo.

I am certain that we need a comprehensive reexamination of our force structure in the United States. We are now in the process of creating a hollow mix of Active and Reserve Forces in the United States which have dubious contingency priorities, which lack lift and overall readiness, and which have several potential war stoppers in terms of their equipment and balance.

We not only do not have anything like the capabilities in the United States to provide NATO with 10 divisions in 10 days, we almost certainly do not need all those capabilities. We should not withdraw our Active Forces in Europe until we negotiate mutual force reductions with the U.S.S.R., provided that our allies keep up their strength. We now, however, are wasting resources on forces for Europe that would only be valuable in an all out war in which we had months and months of warning, resources that can be spent much more wisely on forces for other roles and missions.

I am particularly concerned that the men and women of the National Guard and Reserves are used properly and get the readiness and training they deserve. Their dedication needs to be rewarded by funding a balanced force concept that will give them the readiness and contingency value they need. This cannot be done by annual exercises that substitute pork for pur-

pose, and give the Guard and Reserves equipment and funds that serve the needs of manufacturers and special interests, rather than the Nation.

We also need to take a realistic look at lift and sustainability. Our goals for sea and airlift date back to a very different world, and need a comprehensive reexamination. The Department of Defense also requested so little sustainability this year that it was clear that it was preserving force structure at the cost of combat capability. We need to establish sound requirements for major munitions or spare parts that are properly funded.

Finally, we need to look at trading money out of our defense budget and into security assistance. The last thing we need in the middle of our peace efforts in the Middle East, and the continuing crisis in Afghanistan, is to cut aid to Egypt, Israel, and Pakistan. It is all too clear, however, that we are now so short of foreign aid funds that we risk creating a situation where we may have to send U.S. troops to areas in the future where a limited amount of immediate aid could prevent or control the problem. We need to rethink security assistance and give it the focus it really needs.

LOOKING BEYOND THE STATUS QUO

I do not want to give the impression that I have the answers to all the issues I have raised, or that the kind of strategic rethinking that I have called for will be easy. I recognize that it is easier to stand in Congress and call for changes than it is for the executive branch to implement them.

In concluding, however, I want to reiterate my concern that we must look beyond the status quo exemplified in the way that both the executive branch and Congress have dealt with the fiscal year 1990 defense budget. We clearly live in a period that calls for changes in our force posture and strategy and we are not ready for it. We are trying to preserve yesterday's force structure and equipment without yesterday's funding and without a proper regard for tomorrow's needs.

There is little we can do to change this situation this year. It is clear, however, that we need a very different kind of budget submission in fiscal year 1991, and one which builds on this year's strategic review to examine the issues I have just outlined. We not only need to update our strategy, we need budget submissions that reflect and explain that strategy, and prove that it can be successfully implemented over time at levels of resources that we can really afford.

Mr. President, I would like to thank the chairman of the committee and the ranking member for the superb job of leading the committee through this very difficult process. We have had several differences from time to time, and I think we have overall reached a degree of unanimity of purpose and understanding and perception of our goals for this Nation's defense.

I would like to express my appreciation to the chairman and ranking member of the committee for that. I also would like to express my appreciation to the chairman of the committee for his efforts in this very important and politically volatile burden-sharing issue which I think he, along with Senator WARNER and Senator LEVIN, has taken a reasoned, balanced, and mature approach which I think will serve to be a model for the administration and others who are rightfully deeply concerned about this issue. Mr. President, I yield the floor.

Mr. NUNN. Mr. President, let me thank the Senator from Arizona for his very substantial contribution to our committee and its deliberations. He has made a lot of contributions through his service as ranking minority member on the Manpower Subcommittee. He has been very instrumental in a number of the manpower issues that he and Senator GLENN have worked on—the aviation bonus, the medical bonus, the pay issue which is always very important. He has also made a major contribution in proposing the Commission on National Service, which I join with him on and we now have as a part of this bill. I hope it will be approved by the Senate. He has also made a major contribution in the area of burden sharing, which he just alluded to, and those amendments will be discussed later this week.

So I thank the Senator from Arizona for his contribution to our committee and having someone on the committee that has his experience and background as a person out in the field who has been through it, and been through more than most people who ever served in the military, is indeed a great asset to our committee. We thank the Senator from Arizona.

Mr. President, there are two amendments that we served notice on early in the day that we would like to discuss for a few minutes now. I hope they will not be controversial. This first amendment relates to the National Guard and Reserve equipment because we are putting substantial additional money in this bill for that.

I think every Member ought to be conscious of it. We will be proposing an amendment on the National Guard and Reserve, and again this amendment does not exceed the budget because we have provided room for it in our overall markup.

We also have an amendment that is basic to the military relating to enhancing the ability of our foot soldiers in the infantry and Marine Corps in terms of their equipment.

Mr. President, the Senator from Virginia and I talked about this, and now that he is on the floor, I ask unanimous consent that the pending amendments be temporarily laid aside, and that Senator WARNER and I be recognized to offer two amendments, and that no amendments be in order to these two amendments unless they are relevant and germane to the underlying amendments.

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

Without objection, it is so ordered.

AMENDMENT NO. 400

(Purpose: To authorize funds for the reserve components of the Armed Forces for fiscal years 1990 and 1991)

Mr. NUNN. Mr. President, I send the first amendment to the desk. This is the National Guard and Reserve amendment. This is on behalf of myself, Mr. WARNER, and all the members of the Armed Services Committee individually.

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. EXON, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. DIXON, Mr. GLENN, Mr. GORE, Mr. WIRTH, Mr. SHELBY, Mr. BYRD, Mr. THURMOND, Mr. COHEN, Mr. WILSON, Mr. MCCAIN, Mr. WALLOP, Mr. GORTON, Mr. LOTT, and Mr. COATS, proposes an amendment numbered 400.

Mr. NUNN. 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 page 5, after the end of section 104 insert the following:

SEC. 104a. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal years 1990 and 1991 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard:
(A) $506,100,000 for fiscal year 1990.
(B) $521,400,000 for fiscal year 1991.
(2) For the Air National Guard:
(A) $941,200,000 for fiscal year 1990.
(B) $753,900,000 for fiscal year 1991.
(3) For the Army Reserve:
(A) $100,400,000 for fiscal year 1990.
(B) $175,800,000 for fiscal year 1991.
(4) For the Navy Reserve:
(A) $144,000,000 for fiscal year 1990.
(B) $159,700,000 for fiscal year 1991.
(5) For the Air Force Reserve:
(A) $177,900,000 for fiscal year 1990.
(B) $179,200,000 for fiscal year 1991.
(6) For the Marine Corps Reserve:
(A) $53,800,000 for fiscal year 1990.
(B) $341,000,000 for fiscal year 1991.

Mr. NUNN. Mr. President, at the time the Armed Services Committee reported the Defense authorization bill, the committee also reported a separate bill (S. 1366) authorizing funds for the purchase of equipment for the National Guard and Reserve components. This separate bill is now being offered as an amendment to the Defense authorization bill. I send an

amendment to the desk on behalf of myself, Senator WARNER, and all the other members of the committee. This amendment is being offered in our capacity as individual Senators.

This amendment would provide $1.9 billion in fiscal year 1990 and $2.1 billion in fiscal year 1991 to procure equipment for the six organizations that make up the Reserve components in the Department of Defense. Those six organizations are the Army and Air National Guard, and the Reserve Forces of the Army, Navy, Marine Corps, and the Air Force.

This amendment brings into one place the procurement needs of all the Reserve components. It does not increase the budget totals for defense since the underlying authorization bill left room for this amendment in the hope that the Senate would adopt it.

Mr. President, the committee believes that it is important to highlight the procurement needs of our Reserve components and to organize our bill in such a way as to provide a baseline to determine if these needs are being met.

We want our colleagues to know what the committee believes is necessary for our Guard and Reserve components. It is then up to the Senate to determine if this level of procurement is appropriate.

TOTAL FORCE POLICY

First, Mr. President, this amendment should be put in the context of the total force policy which was announced 15 years ago. There is no doubt that our National Guard and Reserve Forces are vital to our national security. We have traditionally relied on these forces during periods of national emergency or war to augment relatively small standing Active Forces. During peacetime, National Guard and Reserve Forces have trained to be prepared for call-up. Increasingly in peacetime they are carrying out roles that traditionally have been the exclusive domain of the Active Forces.

Our National Guard and Reserve Forces have been designated as full partners with the active components in deterring aggression during peacetime and in waging war if peace should fail. For example our Reserve units form round out brigades, so that Army divisions with only two active brigades have the full complement of three maneuver brigades when they go to war. Reserve and Guard Air Forces will refuel combat aircraft on their way to the theater and will refuel during the actual operations while in the theater. Reserves will also fly the combat fighters. Reserve naval units track potentially hostile submarines in peacetime and will hunt those submarines down when the war starts in order to keep the sea lanes open.

The bottom line is that modern combat operations cannot succeed without Reserve Forces. For example, the Army Reserve will provide 70 percent of the Army's combat support and combat service support forces. Combat support missions include engineer, signal, intelligence, and chemical activities. Combat service support missions include medical, maintenance, supply, transportation, and ammunition activities. Obviously, an Army cannot fight for very long without this support. If 70 percent of this support comes from Army Reserve Forces, it is crystal clear that the Army has a big stake in the readiness of these forces.

NEED TO REASSESS TOTAL FORCE POLICY

Mr. President, I believe we are moving toward a new era in terms of national security strategy and policy. The new security situation probably will mean less dependence on forward stationed combat troops and place greater reliance on Reserve and other forces in the United States that can be rapidly deployed in times of crisis. Emphasizing greater reliance on Reserve Forces is likely to be a key strategy for coping with future tight budgets. In this environment we need a clearer vision of what role the Guard and Reserve Forces can and should shoulder in the future and what their equipment needs are.

Despite their previous successes, all is not well with our Reserve component forces. For this reason, the committee has included a provision in the underlying authorization bill directing the Secretary of Defense to review the total force policy. We are calling on the Secretary to develop a plan to correct, on a systematic basis, persistent problems that have plagued the effective operation of the total force policy in the Department of Defense.

For example, in a conventional war in Europe, Active Army Forces depend heavily upon rapid reinforcement from Army National Guard and Army Reserve units within the first 10 to 30 days after the conflict begins. Without these reinforcing units, the Active Forces cannot sustain themselves and would quickly become ineffective.

This situation is demonstrated in war game scenarios which indicate that shortfalls in the Reserve reinforcing forces rapidly become war stoppers. Specifically, medical shortfalls in early deploying reserve units fall in this category. According to the Department of Defense, these units are short of their wartime requirements for physicians and nurses by 7,000—71 percent—and 31,000—66 percent—respectively. This is not solely an Army Reserve problem, but a total Army problem because it seriously affects Army combat readiness. It is a problem that the Army leadership must give priority attention to solving.

Similar challenges lie ahead for the other services. The administration has proposed to substantially expand the number of ships in the Navy Reserve, but the readiness status of Navy Reserve ships is low, and depends on a large number of active duty personnel to sustain current readiness rates. Air Force Reserve and Air National Guard units tend to have high readiness levels, but the administration plans to thin out the number of aircraft in those units, which has the effect of increasing the overhead costs for combat aircraft in the Reserves.

Because of their critical role and the changing demands of our security commitments, the Secretary of Defense must undertake a comprehensive review of our Reserve Forces in terms of their missions and the equipment needed to carry out these missions.

GUARD/RESERVE AMENDMENT

Because of their critical role now, this amendment provides for their equipment needs. The line item list of procurement items included in this amendment is found in pages 78–90 of Senate Report 101–81 which accompanies the underlying authorization bill. For purposes of legislative history and for the direction on how the authorizations in this bill should be allocated, those tables provide the line item guidance.

The items recommended for procurement are critical to the readiness of our Reserve Forces. Many of these items are not the glamor weapon systems but are the basic elements for combat such as trucks, grenades, night vision goggles, chemical masks, seabee equipment, war reserve material, computer equipment, radios, medical equipment, and spare and repair parts. There are also major weapon systems such as UH–60 helicopters, F–16 fighters, and multiple-launch rocket system launchers.

There are also major weapons systems such as the U–60 helicopters, the F–16 fighters, multiple-launch rocket system launchers as well as C–130 aircraft for the Air Guard.

The point is that this amendment provides a balanced package of weapons and support equipment required to sustain the modernization and readiness of National Guard and Reserve component fighting and support units.

Of the $1.9 billion included in this amendment for fiscal year 1990, $1.4 billion was requested in the amended budget by the various military departments for their Reserve components. This amendment also includes an increase of $390 million over the budget request. All of the items increased by this amendment are items already operated by the Reserves and are either needed in greater quantities or are in need of replacement.

To give you an idea of the items in this amendment that have been added, we have $91 million for M–113 personnel carriers. This would buy 300 additional M–113 personnel carriers. This is one of the highest priorities for the

National Guard. We have $28 million for the C-123 transport aircraft; this furnishes the modernization of the Air National Guard by replacement of old C-123 aircraft; $10 million for a conversion program to upgrade C-113's in the National Guard. That would give them new engines and new transmissions; $42 million for HC-130 search and rescue aircraft. This buys a third of the HC-130 aircraft for the Alaska Air National Guard which is used primarily for search and rescue; $218 million for C-130 transport. This buys 10 replacement C-130's for the Air National Guard.

I must add here I probably hear more from Senators on this subject than any other single subject during the course of our deliberations by both, phone call conversations and letters.

The committee also transferred $164 million from the operations and maintenance accounts of the Reserve components to the procurement account to pay for the installation of modification kits to improve existing equipment.

For fiscal year 1991, the amendment would provide $2.1 billion, which includes $149 million in transfer from the operations and maintenance accounts to pay for installation of modification kits.

Again, this amendment, if adopted, would not breach the budget summit agreement. The committee assumed that the funding authorized in this amendment would hopefully be added to the bill during the floor debate.

Mr. President, this amendment represents our commitment to making the Reserve Forces equal partners with their active duty counterparts under the total force policy.

I know that many Members feel very strongly in favor of this amendment and we will be giving everybody an opportunity to vote on it with a rollcall vote. So I urge its approval.

Mr. President, I yield the floor.

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

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise in strong support of the amendment referring to the Reserve guard components. Our Reserve components have become increasingly important to our national security over these years. As we have reduced the Active Forces, we have placed much greater reliance on our National Guard and Reserve units to carry out missions formerly assigned to active components. The men and women of the Armed Forces in the Reserve components have worked together in partnership. The Reserve components have responded to many of the same challenges and their units maintained high states of readiness in preparation for missions critical to early phases of our contingency and our war fighting programs.

At this time approximately 70 percent of the Army's combat service—and I emphasize the word service—support required to execute our war plans is made up of Reserve components. And in the Air Force 33 percent of our combat tactical air is comprised of Reserve components. Further, today the Air Reserve components contribute 62 percent of our tactical airlift and 58 percent of our strategic airlift crews are from the Reserve components.

To highlight the special and indispensable role of our Reserve components, the committee elected to aggregate the procurement budget requests for the Reserve components from the procurement requests of the individual services in this one amendment.

The administration requests for procurement of equipment for Reserve components totaled $1.4 billion which is down somewhat from recent years. Therefore, the committee has added $391 million for procurement of additional aircraft and combat vehicles and equipment. We also transferred $164 million in fiscal year 1990 and $149 million in fiscal year 1991 from operations and maintenance to the procurement accounts. The committee recommended an authorization of $1.9 billion in fiscal year 1990 and $2.1 billion in fiscal year 1992 for the Reserve components.

Mr. President, I totally support this amendment, and likewise urge the Senate to do so.

I anticipate that the distinguished Senator from South Carolina [Mr. THURMOND] will be here shortly to discuss this subject, one on which he has spent a great deal of his time throughout his career in the Senate.

Mr. BOND. Mr. President, I am pleased to join in support of this amendment to authorize funding for modern equipment for the National Guard and Reserves. As the managers of the bill have stated, the amendment will provide essential new equipment to allow the Guard and Reserves to fulfill their critical defense role in time of national emergency.

In recent years we have seen the role of the Guard and Reserves growing. Under the total force policy, the National Guard and Reserves have become indispensable elements of our conventional warfighting forces. Without this amendment, all equipment for the Guard and Reserve will be eliminated for fiscal years 1990 and 1991. At a time when we are relying more and more on the Guard and Reserve, this would be devastating to our national security.

Earlier this week, as cochairmen of the National Guard Caucus, Senator FORD and I sent a letter to caucus members stressing the importance of this amendment and urging their strong support for it. I ask unanimous consent that the text of that letter be printed in the RECORD following my remarks.

In conclusion, I would like to commend the members of the Armed Services Committee for crafting this bipartisan amendment to provide essential equipment for our Guard and Reserve Forces. I urge all of my colleagues to join in supporting this measure.

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

U.S. SENATE,
Washington, DC, July 24, 1989.

DEAR NATIONAL GUARD CAUCUS MEMBER: During floor debate on the National Defense Authorization Act for Fiscal Years 1990 and 1991 (S. 1352), a Senate Armed Services Committee bipartisan amendment will be introduced to authorize approximately $2 billion for the procurement of modern equipment for the National Guard and Reserves. The amendment includes essential modern weapon systems, modification kits, and support equipment required by the National Guard and Reserves to perform as partners in our total defense force in time of national emergency.

As budget pressures and force structure realignments continue, we will see an ever increasing role being played by the Army and Air National Guard. Under the Total Force Policy the National Guard and Reserves have become indispensable elements of our conventional warfighting forces. If the bipartisan procurement amendment is not approved, all equipment for the Guard and Reserves in FY 1990/1991 will be eliminated not only from the Senate Bill, but also from the DOD budget. At a time when their role is increasing, such an action would be devastating to the ability of the Guard and Reserve to meet near-term wartime requirements.

The Committee amendment is a very supportable proposal within the limits of the constraints on the defense budget. The Committee recognized that even more equipment will be required as those same budget contraints cause a shift of a greater portion of the conventional warfare burden to the most cost effective Guard and Reserve components. At a minimum we must continue the pace of modernization established during the past several years. This amendment will accomplish that goal.

We commend the members of the Senate Armed Services Committee for their efforts. The proposed bipartisan amendment gives each of us the opportunity to show our support for the National Guard and Reserves by our vote. We urge your support in ensuring our colleagues join in approving the amendment on the floor of the Senate.

Sincerely,

WENDELL H. FORD.
CHRISTOPHER S. BOND.

Mr. THURMOND. Mr. President, I rise in support of the amendment calling for increased funding for the National Guard and Reserve Forces. The President and Secretary Cheney sent the Congress a very lean and austere budget request for fiscal year 1990 and 1991. I applaud them for their effort, however, I believe the budget does not reflect the important contributions

the National Guard and Reserve Forces are making to the total force.

Mr. President, over 50 percent of the combat missions of the Army are in the Army National Guard and Army Reserve. About 33 percent of the combat missions of the Air Force are performed by the Air Guard and Air Reserve; 15 to 20 percent of the combat capability of the Navy and, in some areas, 100 percent of the Navy's capability are in the Navy Reserve. About 25 percent of the Marines' combat capability is found in the Marine Reserve. More significant is that the Armed Services Committee received testimony during hearings that in some instances our warfighting commanders will not be able to perform their wartime mission without substantial support from the National Guard and Reserve Forces.

The President's budget request for the National Guard and Reserve Forces represents approximately 1.8 percent of the total DOD procurement request. In my judgment, this percentage does not reflect the significant force structure and contribution our Reserve Forces provide to the defense of our Nation. This minimal request will also set back the significant progress that has been made over the past 10 years in modernizing the capabilities of the Reserve Forces.

The Armed Services Committee has noted in its report that the administration requested $1.4 billion in fiscal year 1990 for procurement of equipment for the Reserve components. This is in contrast to the $2.5 billion in fiscal year 1988 and $2.9 billion in fiscal year 1989. The amendment that we are currently considering will add $391 million to the administration's request for such essential items as armored personnel carriers, C-130 aircraft, and C-23 aircraft. In addition, the committee recommends the transfer of $164 million in fiscal year 1990 from the operations and maintenance accounts for procurement of vital modification kits for existing equipment.

Mr. President, the total National Guard and Reserve components package proposed by the Armed Services Committee is approximatley $1.9 billion. This is far less than the $2.6 billion proposed by the House. I hope that the committee's recommendation represents a realistic approach and that the $1.9 million will meet the needs of the Reserve component forces in their mission to support and our Nation for the coming fiscal year.

Mr. President, distinguished colleagues, I urge the adoption of the amendment.

AMENDMENT NO. 401

(Purpose: To authorize appropriations for fiscal year 1990 for the Army and Marine Corps for research, development test, and evaluation to develop improved weapons and program equipment for small infantry units)

Mr. WARNER. Mr. President, turning to the soldier-marine enhancement program, I am particularly indebted, as are other members of the committee, to the advice given on this amendment by Col. Les Brownlee who has been on our staff for some several years, and who had the distinguished career in the Army as a foot soldier himself for many years. I wish to express to him at this time my gratitude for his insight and contribution to this amendment.

Mr. President, this amendment establishes a program that may be modest in terms of resources but is significant in that it focuses on a critical element of our Armed Forces that we often overlook—our Nation's foot soldiers.

Mr. President, far too often, those of us in the Congress as well as those in DOD become overly focused on the sophisticated weapons systems—the strategic nuclear systems, exotic aircraft, tanks, and missiles. The committee believes it is time that we concentrate some of our attention and resources on enhancing the combat effectiveness of our Nation's infantry.

The infantrymen of our Army and Marine Corps have borne the brunt of the combat in both Korea and Vietnam and will surely play a vital role in any future conflict which calls for the employment of armed force.

The quality of personnel and the training of infantry soldiers and marines is higher than at any time in our recent history, and we have made improvements in infantry weapons and equipment. But the committee expressed its view that we can and should do more to ensure that our infantrymen have the very best weapons and equipment in the world, and that more of our R&D efforts and resources should be directed toward their particular needs.

The Conventional Forces and Alliance Defense Subcommittee, during a hearing on armor/antiarmor, focused attention on the light, shoulder-fired antitank weapon system. We concluded that the antiarmor weapon system-medium [AAWS-M] will provide a significant leap forward for the tank-killing capability of our infantrymen when it is fielded in 1994.

However, more effort should be directed toward development of a lighter antitank weapon which can be proliferated across the battlefield. The committee recognizes that we are pressing current technologies to achieve such a weapon, but believes that greater efforts in our R&D programs may yield a solution for the individual footsoldier's antitank problem.

Several years ago, the Army made a commitment to organize several light infantry divisions. This move has been strongly supported in the Congress. But the committee found that relatively little funding has been requested for research and development on the lighter, more lethal weapons systems that were indicated as necessary to the Army's light infantry divisions when these divisions were conceived.

The committee expressed its belief that additional resources and emphasis should be directed toward increasing the effectiveness of Army and Marine Corps light infantry. Relatively modest increases in R&D funding and aggressive efforts to identify and procure off-the-shelf items could produce substantially improved weapons and equipment for our Nation's foot soldiers. Many such items of equipment—commonly referred to as "soldier items"—have already been developed by other countries or are available commercially.

This amendment provides $30 million, $18 million for the Army and $12 million for the Marine Corps, for research and development as well as test and evaluation. The committee has not specified nor directed the military departments to develop or procure any specific weapon or item of equipment. The purpose of this program is to provide a general impetus for increasing the combat effectiveness of our Army and Marine infantrymen through the development of lighter, more lethal infantry weapons and improved equipment.

The committee has requested in its report that the Army and Marine Corps inform the Congress, within 90 days following enactment of this bill, how they will spend the money and how they intend to improve the effectiveness of our infantrymen.

In closing, Mr. President, I would like to to quote retired General Paul Freeman—and I believe that his statement applies to both the Army and the Marine Corps.

While a ship may symbolize the Navy and an airplane or long-missile the Air Force, the only completely adequate symbol of the Army is man—the front line combat soldier. He doesn't float, fly or fission. He is not a superman, but he must be a little better than most men—

And I would add parenthetically women—

a little tougher in character, with stamina, guts, determination, and discipline; and he must be dedicated to his profession, to ensure that our Army will be victorious in the future as it always has been in the past.

Mr. President, I believe that this amendment is both timely and appropriate and sends a message to our country's foot soldiers that we recognize and support their invaluable con-

tributions to the security of our Nation.

Senator WILSON had hoped to join me on this message. I anticipate that he may be here before we conclude this matter.

Mr. President, I would like to ask that Senator WILSON be made a cosponsor of this amendment. He has done a lot of work.

Mr. NUNN. Mr. President, has the Senator from Virginia sent the amendment to the desk?

Mr. WARNER. I understand the chairman was about to do it.

Mr. NUNN. Mr. President, I would like to send that amendment to the desk. It is one of the two amendments that I asked unanimous consent on, and I believe it reflects Senator WARNER, myself, all members of the committee, Senator WILSON, and the committee members individually will also be listed.

The PRESIDING OFFICER. Without objection, the pending amendment will be laid aside.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. WARNER. Mr. President, may I say to our distinguished colleague that momentarily the amendment that has just been sent to the desk will be read briefly, and then the chairman and I will be yielding the floor.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself, Mr. WILSON, Mr. WARNER, Mr. EXON, Mr. LEVIN, Mr KENNEDY, Mr. BINGAMAN, Mr. DIXON, Mr. GLENN, Mr. GORE, Mr. WIRTH, Mr. SHELBY, Mr. BYRD, Mr. THURMOND, Mr. COHEN, Mr. MCCAIN, Mr. WALLOP, Mr. GORTON, Mr. LOTT, and Mr. COATS, proposes an amendment numbered 401.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with, and I further ask unanimous consent that Senator WILSON be placed where Senator WARNER is now located on the amendment.

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

The amendment is as follows:

On page 32, at the end of part A of title II insert the following:

SEC. 202. AUTHORIZATION OF APPROPRIATIONS OF ADDITIONAL AMOUNTS FOR IMPROVED INFANTRY EQUIPMENT.

(a) AUTHORIZATION.—Funds are hereby authorized to be appropriated for fiscal year 1990 for research, development, test, and evaluation to increase the effectiveness of small infantry units through the development of improved weapons and equipment as follows:

For the the Army, $18,000,000.

For the Marine Corps, $12,000,000.

(b) ADDITIONAL AUTHORIZATION.—Funds authorized to be appropriated pursuant to subsection (a) are in addition to funds authorized to be appropriated under section 201.

Mr. NUNN. Mr. President, I want to add Senator LEVIN as one of the primary cosponsors of this amendment also. He had a big role to play in it.

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

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

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank the Chair for his courtesies. There are now three pending amendments, the B-2, the Guard-Reserve amendment, and the amendment we refer to as the soldiers' package. It is anticipated by the leadership of the Senate that these matters will be voted on this evening, all three in sequence. The majority and minority leaders have not as yet refined that time, but in the interim period, the Senators are free to address these amendments or any other matters relating to the bill now pending.

AMENDMENT NO. 396

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I would like to address the B-2 Program issue and the amendment before us for a few minutes. I have expressed my concerns over the management of the B-2 Development Program, and have included in some detail additional views in our committee bill. I recommend those to the reading of my colleagues, if they have time before we vote on the pending amendment. I would encourage my colleagues who also have reservations about the management of this very expensive program to review those additional views. I will summarize some of the major points here.

Mr. President, on June 19, I wrote to Secretary of Defense Cheney to urge suspension of further B-2 production, until such time as the Air Force had adequate flight test results to support continued production. I ask unanimous consent that a copy of that letter be printed in the RECORD at the end of these remarks.

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

[See exhibit 1.]

Mr. GLENN. Mr. President, I come today not as an enemy of the B-2 Program. I have supported it. I have supported it for a number of years, because I believe we need a heavy bomber. I supported the B-1 before the B-2, not necessarily for the SIOP mission, the plan that says everything should fly to Moscow, for which the Air Force says this weapons system has been purchased. I do not support it on that basis alone. I support it on the basis that we need a heavy bomber, I think, more for a conventional mission than for the nuclear SIOP mission.

It can be usable anywhere in the world—the Straits of Malaga, the Persian Gulf, wherever we have a threat that requires a Navy bomber with a conventional ordnance load; and hopefully, we can solve whatever that problem is, without ever crossing the nuclear threshold. I supported both the B-1 and B-2 on that basis—the B-1 in the interim, until we could get the capabilities that the B-2 potentially has.

As my colleagues know, there are many examples of DOD acquisition programs that have reached the production stage without adequate operational flight testing. It is for this reason that Congress established the Office of Operational Test Evaluation in the Pentagon several years ago.

Many thousands of hours of research and science and engineering go into the design of any new military aircraft. As excellent as our scientists and designers and engineers may be, designing aircraft is an exact science. The sum of all the design efforts on the different systems will still require rigorous testing to verify all the calculations, research, all the inexact design compromises that we have to bring together to make a new plane a good combat aircraft.

As the ground and flight test programs proceed, problems requiring changes and modifications on subsequent production aircraft will inevitably occur.

There never has been an airplane built yet that did not have changes, many changes, once it got to the flight stage. I do not think most people realize that. Depending on the severity of the problem, the cost and/or schedule, of the development program can be severely impacted. Even with low-risk programs, not ones like the B-2 or even B-1, but very low-risk programs concurrency—and by that we mean conducting initial development and production simultaneously—can lead to major difficulties.

DOD has recognized this. There are several good examples of this in the amended fiscal 1990-91 budget. Here are a couple of examples. You would think we would be able to design a training airplane these days, with all we know about jet engines and aerodynamics, inlet ducts, and landing gear, all the things that go into a relatively simple training airplane. Well, the Navy designed a training airplane and expected to put it into production. But now the production of the Navy's new T-45 training aircraft has been deferred tor 2 years to correct deficiencies identified in flight testing.

Production of the Navy's SH-60F antisubmarine warfare, ASW, helicopter—and we invented helicopters. You would think we would know most everything about designing a simple, good, high-performance helicopter. We have been designing them for

many years. Well, what happened? It was stopped for at least a year to allow time for correction of deficiencies identified during flight testing. C-17 production procurement was modified until flight testing could begin, and until, as the Director of DOD Operational Test and Evaluation recommended, "empirical flight test results are available on which to base a production decision," that is the way we should do it.

Now, with regard to the management of the B-2 program, the committee approved the requested B-2 development program and authorize continued production for three more B-2's in fiscal 1990 at a combined cost of $4.4 billion. That is for the whole program during the year. Now, this brings the total number of B-2 aircraft authorized for production through fiscal 1990 to 19 aircraft—8 test aircraft—2 of them ground test models that will never fly. They have 6 flying models and 11 production aircraft at a total program cost of $26.8 billion.

Well, my reference earlier to stopping production was meant to refer to those three additional aircraft in fiscal 1990. We have 16 aircraft in the pipeline right now in different stages of assembly or actually paid for right now—8 and 8. Eight are for test purposes and eight production, low-rate initial production, LRIP, as it is called. Normally, you test airplanes, you work any bugs out of them, you make those changes on the first low-rate initial production aircraft. You fly those, you slowly go then from LRIP into full production, which this airplane is supposed to do by 1993. But because the test program has slipped some 18 months, we now have the test program running as we have 8 production airplanes coming down the line—just had the first flight. People say, "Well, it flies." It does fly indeed, and I never had any doubt that it wouldn't. But one flight is obviously not a definitive flight test program.

A flying wing is basically aerodynamically OK. We have had flying wings before, way back in the old days shortly after World War II. So there was never any doubt about the B-2 flying.

But the question of flight testing goes far beyond just one flight, all done with the gear down, for 2 hours and a safe landing.

Unfortunately, these aircraft and program costs I just referred to had been approved all the way through without the successful completion of any definitive flight testing. Because of this and due, at least in part, to my letter to Secretary Cheney, the committee established a comprehensive set of restrictions on the obligation of 1990 funds for the procurement of the three production aircraft authorized for fiscal 1990.

My initial proposal in the committee, Mr. President, was that we should hold up on the three aircraft in fiscal 1990. Why, when we have 16 in the pipeline being produced now, why do we need to go ahead and procure 3 more? And I made these arguments in committee. I lost in committee on that, quite frankly. I did my best in committee to convince my colleagues on the wisdom of holding up until we get some additional flight testing. Because there will be changes as a result of flight testing. And on an airplane like this that is so exotic and so exact in its production tolerances—there will be changes—and it means that any changes we have to make as a result of flight testing are going to be, I think, enormously expensive.

Now, why produce three more aircraft that may have to be modified until we have a little better grasp on what the problems might be?

So as a compromise, the committee authorized some restrictions, flight test milestones. These restrictions are keyed to demonstrated flight test milestones during 1990, including completion of the initial block of flight testing and also initiation of low observable testing. That is the second element, the low observable testing. And although establishment of these restrictions is a positive step in trying to establish responsible management of the B-2 program, in my opinion, the committee action does not go far enough.

Mr. President, in my June letter to Secretary Cheney, I proposed that no aircraft be authorized in 1990 while the flight test program was allowed to go forward. I would not stop the production I referred to with the 16 aircraft, those that are in the pipeline now. But let us not add three, was my reasoning; let us not add three additional ones until we have completed adequate flight testing.

Well, as we were to learn later during our markup, the figures that were given by the Pentagon indicated that it is more expensive, certainly in the near term, not to procure the aircraft. If you are talking about restrictive contracting arrangements, it seems to be that is what we are in now.

So the figures they sent over which, incidentally, seemed to be a moving target day by day on what figures I was being given from across the river, they varied from day to day. And I could not argue with the figures. They are the ones that are supposed to be dealing with this honestly and I presume that they are. But I have trouble reconciling in my own mind why these figures were changing from one day to the next over a period of about 4 days, with each day's figures getting worse as far as what was going to happen if we held up with these three additional airplanes in the procurement cycle.

Mr. President, I think we need to fly before buy—fly before buy—and learn something about this airplane. So I had proposed that we suspend production of any new aircraft until we had adequate technical and operational flight test data on which to justify continued production of the B-2. These required test results could then provide the DOD decisionmakers, the Congress, and the American public with reasonable confidence that the most expensive combat airplane ever built can satisfactorily perform the missions it was designed and built to perform before any more aircraft were authorized for production.

Mr. President, this airplane is getting so expensive now—and I still back it—but it is getting so expensive that we are bordering on going into budgetary disarmament—budgetary disarmament—for our Nation because the expense of this airplane is eating away at our ability to provide other military equipment necessary for our armed services.

I do not know whether we can ultimately afford it or not. I know that if the B-2 goes up in cost, we certainly will not be able to proceed with it.

Now, why do I make such an issue out of flight testing on this airplane? Well, they kidded me a little bit in the committee that I went into a description of aerodynamics 101 that you might get at one of our colleges or universities in trying to describe the differences of this airplane. I will not risk boring everyone that may be watching or listening with that kind of a description today, but let me give an abbreviated version.

A flying wing—you have all seen pictures of the B-2 now. One thing is very obvious just looking at it; that is, it does not have the stabilizing influence of a conventional tail, both the vertical tail and the horizontal tail.

What does that do? Well, you know if you go to roll into a turn on any airplane—and I will try not to get into technical terms here too much—but you have what is called adverse yaw. As you roll in on the upper wing, as you put that aileron down to induce more lift on that wing to roll you into the turn, that induces drag. And on a normal airplane, you counter that tendency to turn against the direction that you are trying to turn, to turn the nose in the wrong direction, you counter that by rudder force with the vertical tail and that brings you right around to the turn in the direction you want to go.

How do you do that on a flying wing? Well, on a flying wing, as you roll into a turn, you have to put drag on the lower wing, and you have to make it turn at the right rate to come around, or the nose turns the wrong direction as you try to go into a turn.

That is just one little characteristic that we have to test out.

Another one is you still do not have that pitch moment back there, that longitudinal control on this airplane. On a normal airplane, normal commercial airliner, you are familiar with the fact that it is controlled by that long boom back there, the cabin and the tail back there, that give you the pitch control.

On a flying wing, you do not have that. The only control you have for pitch control is from that point where the center of lift is, about a third of the way back on the wing, back to just the trailing edge of that wing. And that is what we call short coupled. It means your pitch moment, the span of those controls, does not have much leverage. And so you have to control the center of gravity very carefully and maneuvering is done differently and the controls are different.

Now, is this something that prevents it from flying? No, it will fly. But it means, with an airplane this different, you are going to have to have a test program that is thoroughly worked out to make sure that the roll rates are there and the pitch control is there through a whole series of maneuvers, high G maneuvers, different weight loadings on the aircraft, different centers of gravity on the aircraft that you move back and forward in tests before you really know whether you truly have a combat airplane.

The answer to that normally from across the river is this: This is the most tested airplane before it even flew that we have ever had in the history of the world. And I agree with that. And I will say this: So was every other major aircraft, new aircraft, we have had in its day. The B-1 had more testing than any airplane ever flown, more wind tunnel testing, more simulations, more computer simulations. Everything was done more before the B-1 flew than any airplane in history. Yet we had problems with it. The T-45, a very simple design I mentioned a moment ago. It has problems. The necessity for testing is there.

Now, in all of the B-2 wind tunnel tests, all of the simulations, what happened?

I went out to Northrup in 1984. I was given all the briefings there. I asked a lot of these same questions, about how they work out their problems in stability and control, and I was assured that because of all the tunnel tests, they had worked those all out in the tunnel and their stability and control was already taken care of. They needed no more study in that particular area. I questioned it. They brought in some more engineers. They brought in some more of the test data, since I had some experience in analyzing those things at an earlier stage in my life when I was in the testing business myself. So they brought those in.

I looked at them and I accepted their figures. What happened? Two years later they go back through, reanalyzing some of the control data they were so certain of in 1984 and had to redo some of the longitudinal stability on the airplane. I am told that correction of the problems added considerable cost and that was before the B-2 even flew.

So, some of these technical areas that they were so certain about, they became not so certain about later.

Does this engender much confidence in their figures, that everything will work out perfectly? Because the program from here on, mind you, is geared to success only. We are saying now it is going to cost too much if we hold up and we are geared to saying we are not going to find any difficulties on this airplane, basically. Or, if we do, they will be so cheap that they will not be major items. And I certainly hope that is correct.

What we do in the block 1 testing, as it is called in the Nunn amendment is minimal flight testing. Most of it, straight and level flying. They do some maneuvering, some aerodynamic testing. On the second flight they will raise the landing gear. That is fine.

Then they will start doing some maneuvering in block 1 testing but they do not get into the high G testing or high roll rates. No low observability testing will be done, and the center of gravity excursions that they are going to have to test and test those under all sorts of maneuvering conditions, and high and low altitude and all the things that go into a complete test program. They just cannot do that in the block 1 flight testing. That only comes after they get into block 2.

The block 1 flight testing is going to be an estimated 14 flights, I believe it is, and about 75 hours of flight testing. That will give just the basic aerodynamics of the airplane, not really operational flying qualities but the basic flight characteristics of the aircraft.

We should, however, be able to learn a lot more about the operational characteristics about the B-2 in block 2 testing. We will find out a lot in block 1 also, but block 2 is where it really gets into a lot more detail.

Let me proceed to the test gates that the committee established and are in the Nunn amendment. The first gate says that no 1990 funds may be obligated until the first flight has occurred. Well, that has already occurred. That is fine.

The second says that no funds can be provided or obligated against the 1990 aircraft buy until the initial block 1 flight test program has been completed, those 14 flights, approximately 75 hours. That is fine. That initial series of flights, as I said, will cover quite a lot of the speed and altitude envelope.

It will not cover, though, the different weight excursions nor the maneuvering capability that will have to be done on this airplane before it becomes a combat airplane and can be certified as such.

But, during these early flight tests they will do things such as speed and altitude envelope expansion. That is just straight speed and straight envelope, not necessarily all the rest of the things I mentioned. It will cover operation of flight controls, major functional systems such as electrical, hydraulics, landing gear up and down, environmental controls. It will demonstrate basic handling characteristics, and engine operating characteristics. Other areas covered in block 1 testing will be engine out air restarts, air refueling, basic aerodynamic, and flight characteristics.

The third testing gate is that no funds can be obligated until the Defense Science Board has independently reviewed the results of the block 1 flight test program and reported to the Secretary of Defense on the flightworthiness of the B-2, just through that initial phase. And on the nature and significance of any deficiencies or discrepancies they have identified.

Also part of the third testing gate is a very important requirement added by the committee. The Director of Operational Testing and Evaluation, DOT&E, must evaluate the performance of the aircraft with respect to critical operational issues and provide to the Secretary of Defense an early operational assessment. The Secretary of Defense in turn must certify to the committees of the House and the Senate that no major aerodynamic or flightworthiness problems have been identified during the block 1 flight test.

The reason I make an issue of DOT&E is, quite frankly, in the past we have had trouble with some of the weapon system testing programs set up by the individual services. About 4 years ago, I believe it was, Congress directed that an operational test directorate be set up in the Defense Department which has quite a number of responsibilities; responsibilities such as monitoring and reviewing all operational testing and evaluation conducted within the Department of Defense. They are the designated observers to be there during tests. They analyze OT&E results for all major defense acquisition programs. These provide all DOD acquisition principals with an OT&E assessment to support system acquisition milestone decisions and they report to the Secretary of Defense and the Congress on system adequacy and operational effectiveness and suitability of major defense acquisition programs. That is what OT&E is supposed to do. That is a very important function.

We set that up because we wanted their independent judgment. They are experienced testing people. The first director that headed that office has just left the office after several years. He is a very experienced test pilot. I would add that this is not just a testing job that goes on with regard to aircraft. It is all major production buys across the board for air, ground, sea, under the sea—whatever the Defense Department purchases in the way of weapons systems.

So, it is not limited, the job that they have to do at DOT&E. They are in block 1, flight testing. They are to give their independent assessment to the Secretary of Defense.

The fourth gate states that, before funding for additional aircraft can be obligated, the Secretary of Defense must also certify that the applicable performance milestones in the B–2 full performance matrix have been met; that cost reduction initiatives will be carried out and that contractor quality assurance practices and fiscal management meet accepted Government standards.

This gets into another consideration for DOT&E. They set up, for the first time on this airplane, what is called a systems maturity matrix. This is the first time that has ever been done on a new airplane, because we have to commit so much funding up front now with a modern-day aircraft, so much in the way of production equipment, before we ever even have the first airplane built that we have to set up milestones like we have never had before to monitor each year whether we wish to go on with production or revise the production buy or what is going to happen, year by year. That process, which DOT&E is to monitor and to administer, is called the systems maturity matrix.

So the fourth requirement that is put on as a gate is to certify that the B–2 full-performance matrix criteria has been met, the objectives, and the cost reduction initiatives will be carried out.

Fifth, no funds may be obligated for this coming year prior to the commencement of low observables testing on the first aircraft. That is so important. We cannot zero out its radar cross section completely, but hopefully we can make it less observable by far, by a quantum measure, than any aircraft ever designed in history. And that is what makes the aircraft so desirable.

We commence low observable testing in block 2. The airplane will go along through its block 1 testing, be laid up for a short period of time, and be back out for the block 2 testing and no funds can be obligated until that second level of testing starts.

Sixth point, not more than 25 percent of the procurement funds for the planned fiscal year 1990 may be expended prior to the receipt of the committees and the Congress of a report from the Defense Science Board regarding the low observables, characteristics that have been observed up to that point; reporting on the progress of such testing on the development aircraft.

And, seven, no 1990 procurement funds may be obligated to purchase additional aircraft until the Secretary of Defense certifies that the Air Force has included adequate funding in its current 5-year plan to increase production of B–2's back to a more efficient production rate once a decision is made to proceed to full-rate production.

Finally, the committee indicates its very strong concern about continuing cost escalation and puts a requirement in that says that requiring an annual certification from the Secretary of Defense, that the unit flyaway cost, not all the past research costs now, not all the past costs of development, not all the past costs of building the equipment to manufacture the airplane, but the current flyaway costs, what it costs in this year now to produce, writing off all that that has gone on behind, that current year costs for the rest of 132 aircraft fleet measured in 1990 dollars remains below $295 million per copy.

(Mr. ROCKEFELLER assumed the chair.)

Mr. GLENN. Mr. President, I think the committee did a good job in outlining these gates or testing milestones. However, if we are to accept the production of three additional aircraft in 1990, then I think we need some improvement on those milestones. I have agreed in discussions with the managers of the bill that if we can strengthen the gates in certain areas here, which I will mention, if we can strengthen the language of what is required on the gates, all the gates that I just went through that are in the bill now, then I will not introduce my amendment to knock out the three additional aircraft for this coming year, as I had originally discussed doing.

What do I propose here on the gates? Gates 1 through 4, no change. On gate 5, where the committee bill has no funds obligated before commencement of block 2, low observable testing, I recommend that we keep in there not only low observables, but add performance and flying qualities testing because there will be some of that type testing done in conjunction with some of the low observability testing that will start at the end of block 1. So that is a simple but essential requirement as I see it.

Gate 6 in the committee bill says that not more than 25 percent of the 1990 funds can be expended before receipt of a report from the low observables panel of the Defense Science Board on the progress of low observability testing. Just on the progress, and that would permit them to go beyond that. The progress could be up or down, but they could go ahead and expend funds after the report on the progress.

I would change that. I would strengthen that. I would say that not more than 25 percent of the 1990 funds could be expended until receipt of a report from the Secretary of Defense certifying that the results at that point are satisfactory and no significant technical or operational problems have been identified during that early block 2 testing.

Second, that the Secretary of Defense in certifying this will base his judgment on independent assessments not only from the Defense Science Board, as is listed, but also the Director of Operational Testing and Evaluation will give his independent evaluation on the progress of early block 2 testing. They are the independent organizations Congress set up deliberately because we wanted a second opinion. I think it is a mistake now if we are to ignore them, if we are to say no, we do not really trust you, we do not want you in the act here on any of this.

I believe that DOT&E that we set up to give us the independent opinion should be involved in this, the most expensive combat aircraft we ever have procured. They should be involved beginning to end, wherever we can involve them, to get their unbiased, independent view, not subject to service whims or possible alterations of fact. That is the reason I feel so strongly about DOT&E being in on this.

In committee report language now, the committee does not authorize B–2 funding for fiscal year 1991, the year after this one we are concerned with now, so we can review the progress during the next year. That is fine. However, I would like to clarify in colloquy here on the floor, that our intent, as far as I am concerned, is that for fiscal 1991 and subsequent B–2 production, Air Force funding requests for all of these out years will be based not just on their own opinion but will be based on the progress of the B–2 development and production program satisfactorily meeting the systems' maturity matrix gates that the B–2 test and evaluation master plan outlines. I understand that the Department of Defense has accepted those; the Air Force has accepted those; and I do not want to see DOT&E shortstopped in this first test since DOT&E should play a vital role in giving the Congress and the Secretary of Defense both independent, second-opinion advice on testing programs of all major weapons systems.

Those last things I mentioned here as possible changes are things we have

talked about late this afternoon. The principals who have been involved in this have indicated their acceptance of this in principle. I accept that this is the way we should go, pending working out the exact language, so that we can have it understood that that is the direction we are going. And if that is the way it works out, that is fine. I want to see the language on that. If that is the case and it is acceptable, then I will not offer the amendment to pull back on the three additional aircraft that will be procured this year.

Mr. President, this has not been an easy time in the Armed Services Committee. We have had a lot of debate on this particular issue. I do not like disagreeing with my colleagues on the committee, but I think it is important that in this most expensive weapons system ever procured, we put in as many safeguards as possible. When their figures started coming over that it was going to be more expensive to cancel the three additional aircraft for next year than it would be to go ahead and buy them, it makes one wonder whether we are on the right track or not in weapons acquisition.

We had a similar situation back just a few years ago when we had the additional carriers to be procured. It turned out the way they had been contracted for and the way the Navy had set that up, it was going to be as expensive or even more expensive with the penalties that were going to be invoked on the contracts to cancel them and not get them than it would be to go ahead and buy them and let them be built.

At that time, I thought that was great because I happened to be on the other end of that argument at that time, and I was benefiting from it. I wanted to see the carriers built. We had quite a debate on the Senate floor, as I recall, when that fact was brought out that we were now contracting on a basis that made it more expensive to cancel than it was to go ahead and get whatever the item was we were buying. What a way to contract. But that is what we are into now.

So, Mr. President, we make these assumptions on the basis that there will obviously be no changes required as we get into testing on this airplane, or certainly none of a very major nature. We know there will be some changes. When each new aircraft comes out, it normally goes through flight testing and we wind up with several hundred ECP's, engineering change proposals. Many of those would be clamp changes they think should be done a different way, to get a screwdriver to it at a different angle. Simple as that. Others require new carrier forestructure for landing gear or wing center structure beefup, or something that is very, very major.

Mr. NUNN. Mr. President, will the Senator yield just for a brief inquiry?

Mr. GLENN. Yes, I will yield.

Mr. NUNN. Mr. President, I heard the Senator's presentation on his suggested changes in the existing language. As the Senator from Ohio well knows, the committee has an amendment and we are proposing here on the floor and will vote in a few minutes on an amendment that is altered, but not substantially altered, from what the committee had originally had in our bill. It is altered because we have, of course, now already flown the airplane once. We have a long way to go, as the Senator has observed, in testing.

We have worked very carefully with the Senator from Ohio on his suggested changes to these gates. I believe we are prepared, assuming we all are working off the same version and language, to recommend the Senate accept this Glenn amendment as an amendment to the pending Nunn-Warner amendment. It will take unanimous consent to do that.

The only reason I interject at this point is we have two other amendments. The idea had been that if there is no unanimous consent, we can stay here as long as necessary. But the majority leader hoped we could start voting about 6:30.

I have a brief explanation of another amendment that will take me about 5 minutes. If we are going to meet that 6:30 goal, it would probably be good for us——

Mr. WARNER. Mr. President, will the Senator allow me to indicate to the Chair and Members of the Senate that the Republican leader has asked for 5 to 6 minutes to address these amendments before we vote. So will the Senator make those allowances?

Mr. NUNN. Right. We do not have any unanimous consent at all, so anybody is open to taking the floor, and certainly the minority leader will be accorded whatever time he needs. There is no restriction.

I would like to get a gauge so I could let the majority leader know if we are going to be ready to vote.

Mr. GLENN. I can wrap up within 5 minutes or so. While the Senator is making his other remarks I can look at this. I have not had the chance to look at the language the staff worked out. I hope it is satisfactory.

I was prepared to go ahead, whether this is satisfactory or not, right now and support the amendment and vote for it with the idea that we have the good faith commitment of all parties involved that we will be able to work this out. The bill is going to be around for another week or so, at least. So if there is any difficulty, we could always bring it back up on the floor again.

Mr. NUNN. That would be fine. But if the Senator does have a chance to look over this language, since he is already familiar with it, what would be ideal is to fold this into the amendment and do it all at one time.

Mr. GLENN. Yes, I agree with that. I will be finished in a few minutes.

Mr. WARNER. But it is understood that the Senator is going to support the amendment of the President?

Mr. GLENN. That is correct. I will support the amendment, particularly if these changes, which I understand the managers are willing to accept, work out OK after I have a chance to review them.

Mr. President, just a couple more points.

The test program that will be done in block 1 will get speed, altitude. It will not get into all the weight variations. It will not get into the maneuvering variations that are going to be required before we go into full rate production on this airplane. On the costs involved, it makes the assumption that there is not really going to be any major changes required.

It makes three assumptions along with that: That we will protect existing fixed price options of all the subsystems. In fact, about 50 percent of those have already been contracted out.

Second, it assumes the overall cost of $70.2 billion, the multiyear procurement contract, which is supposed to start in fiscal year 1993, will be met, that those targets will be met.

Now that is normally done after development is complete, after we have a production maturity, and I do not know whether that is going to be met or not. But that assumption is made, assuming that $70.2 billion cost.

Third, the assumption is made that we will achieve the planned cost reduction initiatives. We do not even know what they are. They are not listed. We do not know what they are. But we are relying on those to give us part of that assumption that we are going to be able to stick with a $70.2 billion cost.

Will that occur? I could just warn everyone right now I think my view and the view of probably most in the Senate and Congress is if we have seen any major changes that require additional money that start running this aircraft up to the $600 million a copy overall cost for the whole program or extending beyond that $295 million that is written in as one of the gates, then I think this program borders on, as I said earlier, budgetary disarmament. We just cannot get one weapons system that gets more expensive than this one is right now.

The Secretary, in his response, said that he weighed all the things I had outlined and said, "It was prudent for us to proceed." But then he emphasized that "this is a critical time in this program. During the coming year our understanding of both risks and costs will increase immensely."

I think Secretary Cheney makes my point for me very eloquently. That is the reason I originally proposed no additional production buy in addition to the 16 already in the pipeline.

If the figures are as they have been given to us, that it is going to cost more to suspend production than it is to go ahead and buy them, where does that leave us? Well, it leaves us with tightening up the testing requirements which I think we do with the things that I have proposed here and which I hope are included in the proposed language which I was just given.

So, Mr. President, I am sure that we will have other amendments later on in consideration of the defense authorization bill over the next week and a half or so, and we will be addressing this several times.

I wanted to make this statement before we had the vote. I will vote in favor of this amendment, reserving the right to change my mind if the testing language here does not prove to be satisfactory. I hope that it is.

But I want to say once again I want to see the Defense operational, testing, and evaluation people firmly entrenched in this whole weapons procurement process from beginning to end. That is what we set them up to do. We set them up as a second opinion. Of all programs I have ever seen since I have been in the Senate, one that needs a second, independent evaluation as to its value, and how it is performing, and how the testing will be conducted, and how the changes will be made, and how the program will be played out, this is that program. It needs that second opinion.

So I think we need the DOT&E people in there for exactly what Congress put them in to do; to be the major operational test adviser not only to the Secretary of Defense but to the Congress of the United States. I want to make sure that they are included in the B–2 program all the way through.

We may have additional remarks on the B–2 later on, Mr. President. These have been rather extensive remarks. I appreciate the forbearance of my colleagues. We may have more to say on it later.

I yield the floor.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, June 19, 1989.

Hon. RICHARD B. CHENEY,
Secretary of Defense, The Pentagon, Washington, DC.

DEAR MR. SECRETARY: I am writing to urge the immediate suspension of low rate initial production (LRIP) of the B–2A bomber until such time as you have a sufficient development and initial operational flight testing and evaluation (DT&E/IOT&E) data to support continued production. In my opinion, it is imperative that adequate flight test data be obtained before any LRIP aircraft beyond those currently under contract be procured.

Recent briefings provided the Armed Services Committee on the progress of the B–2A acquisition program have convinced me that, in spite of recent DOD initiatives, there remains excessive concurrency between the development and production phases. Without a single test flight, much less the completion of a definitive flight test program, eight aircraft have been approved for production at a cost of 7 billion dollars. More production aircraft are requested in FY 1990/FY 1991, again without any flight test data to support that request. These LRIP aircraft are in addition to eight other B–2A aircraft previously approved for production for use as ground and flight test vehicles.

Although I recognize the need for some concurrency in a major acquisition program, the substantial technical risks and exceedingly high cost of the B–2A program strongly argues that concurrency be held to a minimum. Even with relative low risk programs, concurrency and the lack of adequate DT&E/IOT&E can lead to major difficulties. DOD has recognized this; and there are several good examples of this recognition in the Amended FY 1990/FY 1991 Budget:

LRIP production of the Navy's new T–45TS training aircraft was deferred for at least two years to correct deficiencies identified during DT&E flight testing;

Ongoing LRIP production of the Navy's SH–60F ASW helicopter was stopped for at least a year to allow time for correction of deficiencies identified during IOT&E flight testing;

The C–17 LRIP procurement profile was modified until flight testing can begin and until, as the Director of DOD OT&E, Mr. Jack Krings recommended, "empirical flight tests results" are available on which to base a production decision.

As a former test pilot, I can tell you that no amount of wind tunnel testing, computer simulations, or the "maturity matrix" program currently being used to evaluate the B–2A can replace, to repeat Mr. Krings' words, "empirical flight test results," in making a production decision. That is why twice in the past 20 years Mr. David Packard, in major DOD acquisition studies, strongly urged DOD to "fly before buy" in procuring major weapon systems.

Mr. Secretary, as you know I have supported the development of this revolutionary airplane, albeit with some often stated reservations about substantial technical risks, escalating costs, and mission priorities. Nevertheless, I want to see the B–2A development program succeed so that a reasoned production and deployment decision can be made. However, in my opinion, unless the currently mandated excessive development and production concurrency is eliminated, the program will not succeed.

I urge you to suspend all LRIP not under contract until sufficient flight test data is available to support additional LRIP. With 22.4 billion dollars already invested, and with the potential of expending many billions more to complete the program, it would be totally irresponsible to do anything less.

Best regards.

Sincerely,

JOHN GLENN,
U.S. Senator.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Who seeks recognition?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. We thank our distinguished colleague from Ohio. He does bring a measure of expertise unmatched, to my knowledge, by any other Member of the Senate, and I think momentarily we will be able to work out a satisfactory resolution to his constructive suggestions and, hopefully, incorporate them in the pending amendment.

The chairman is due back momentarily to address that and other issues.

Mr. President, I see the Senator from Georgia has returned.

Mr. NUNN. Mr. President, at the time the Senate Armed Services Committee reported the defense authorization bill, the committee also reported a separate measure (S. 1368) authorizing funds for a new program called the Soldier/Marine Enhancement Program.

We now have an amendment pending at the desk sponsored by Senator WARNER and myself, and all the members of the committee as individuals. Senator WARNER has already explained this amendment. I will not go into it in great detail, but I want to make a couple of comments.

This amendment would add $30 million to the authorization bill in fiscal year 1990. It is a small program, but one that is very important. It does not increase the budget totals for defense since the underlying authorization bill left room for this amendment in the hope that the Senate would adopt it.

LITTLE ATTENTION TO FOOT SOLDIERS

Mr. President, this amendment is being offered because the Pentagon has paid insufficient attention to our country's foot soldiers in the Army and Marine Corps. The Army initiated a new type of light infantry divisions in the early 1980's. These divisions were supposed to make the Army much more deployable by having lighter divisions without massive armored vehicles.

It has been over 8 years since the activation of these light infantry divisions, yet relatively little has been done to make these light infantry divisions more effective than previous Army or Marine infantry, or the infantry of potential adversaries. In fact, the combat potential of the light infantrymen of our Army and Marine Corps in certain key areas is not significantly greater than when the Vietnam war ended. Infantrymen are armed with some of the same equipment they had in that conflict. They may operate improved models, but practically speaking they have the same generic capabilities as any other infantryman in the world.

Compare this to the improvements we have seen in the sophisticated weapons that we spend billions for each year. Of course, I have supported a number of these weapons—most of them. Compare the M1 tank being

produced today with the M60 tank used during the Vietnam war. The M1 tank is easily many times more capable.

The AH-64 attack helicopter is easily 5 to 10 times more effective than the early model attack helicopters used during the Vietnam war. It can fight at night and in adverse weather. It carries a missile that has twice the range and much greater kill capability.

How does this compare with our infantrymen in the Army and the Marine Corps? They have an improved model of the the same rifle they used in Vietnam. They have a new helmet and new battle dress uniforms. But other systems are virtually unchanged.

Mr. President, the military departments—and this is not just the Army but applies to all the services, including the Navy, Marine Corps, and Air Force—are oriented toward procurement of sophisticated expensive high-technology weapons of war. Huge laboratories and development commands are oriented toward these technologically advanced major systems. There is no comparable emphasis on small, simple, cheap, light but effective weapons and support gear.

Last month I visited with some of our crack special operations troops in Europe. They complained that they could get radios from Radio Shack that were superior to radios they were given by the Army. These are special operation forces that are going to be called on, probably more likely to be called on, than any forces we have in our military arena. Unfortunately, the Pentagon does not emphasize cheap, simple, rugged weapons and support equipment for our foot soldiers. Small, cheap, off-the-shelf systems do not fuel the massive bureaucracies and defense industries that accommodate our procurement and R&D budgets.

Mr. President, I guess you could summarize what I am saying by saying that we need a few more master sergeants in our procurement commands, people who are out there on the field, people who know what the foot soldiers go through.

Mr. President, the goal of our Soldier/Marine Enhancement Program is to rekindle interest in our foot soldier, to provide a focus and an attention to the needs of the infantryman.

The amendment I am offering with all the members of the Senate Armed Services Committee would provide $30 million in research and development funds. We want to emphasize that the $30 million would be used primarily to survey useful items of equipment that other countries have developed or are available commercially. If nothing exists that is immediately available, the funds could be used to develop new equipment. But the focus is not on inventing or reinventing new equipment, but on testing, evaluating, and qualifying existing off-the-shelf equipment available either commercially or from military allies. We do not want the procurement bureaucracies to begin a new R&D program. We want them to look at what is available today and overcome the not-invented-here syndrome that is often prevailing in the Department of Defense.

We are not dictating to the Army and the Marine Corps what it is that we think they should buy. They have total flexibility to determine that based on the needs of the infantrymen. Frankly, I would hope that the Chief of Staff of the Army and the Commandant of the Marine Corps would get together a panel of senior noncommissioned officers to serve as advisers to them in identifying problems and evaluating off-the-shelf systems. Let the foot soldiers tell the developers what is needed, and not the other way around.

Mr. President, this is a bipartisan initiative. Senator WARNER, Senator LEVIN, and Senator WILSON were instrumental in promoting this amendment. It might seem like a small, insignificant thing to our colleagues, but I assure you it should result in a major improvement for our soldiers and marines.

I hope the Senate will overwhelmingly support this amendment when we vote on it in a few minutes.

Mr. President, I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. Preisdent, I thank the chairman and the manager on this side, Senator WARNER and Senator NUNN.

Mr. President, the United States has come to a critical juncture. We must decide now how our strategic forces will be structured over the next several decades.

This is a tough decision—not just because of the costs involved, but because we will have to live with our actions for some time to come.

For over 40 years, nuclear deterrence has guaranteed the safety and freedom of this country. For the better part of that time, our nuclear deterrence has been based on the concept of a nuclear triad.

I think we would all agree that the triad has served us well. I think that is also the President's view. The triad figures prominently in the President's strategic modernization package.

Now, I want to emphasize the word, "package." Our bombers, land-based ICBM's, and our SLBM forces are independent, but they work as a package—they each have their particular role in deterrence. I would also add that SDI is a key part of that modernization package.

The President has sent to the Congress his plans for modernizing each leg of the triad. He has decided to move forward with two ICBM's, the D-5 SLBM, and the B-2.

Now, I think we all agree that our bomber forces are no less important in that triad than our other strategic forces. And, I think we all agree that they need to be modernized.

Some of you will say, "yes, we need modernization, but not at the B-2's price." I think we were all taken aback the first time we saw the figures. Let us not forget, we are buying the latest technology—the best America has to offer—and we need the best because it will have to last. We are making decisions that will have consequences for our national security for years to come.

These consequences are even greater if we reach a START agreement with the Soviets. A manned penetrating bomber will become even more important under a START treaty than it was over the past 40 years. The B-2 is at the center of U.S. strategy for achieving stability at reduced levels.

Now, it seems to me that the Armed Services Committee has given this program the serious attention it merits. They have not only recognized the importance of the B-2 in terms of our deterrence strategy and arms control stability, but have also recognized that a program which involves such substantial investment during these times of tight dollars, requires close monitoring.

I commend my colleagues on the Armed Services Committee for taking a sound approach toward this program. The B-2 means a lot of money spent, but thanks to the efforts of the committee it will be money spent wisely. I urge the Senate to support their approach and this amendment.

Mr. President, I would like to end my remarks with an excerpt from an article written in 1953, in Aviation Week, at the time the United States was considering the B-52:

> Feeling in some U.S. Air Force quarters is that the difference between B-47 and B-52 performance is not worth the cost of the latter program. Strategic Air Command also anticipates getting supersonic bombers soon enough to make the B-52 strictly a short interim measure.

After 30 years of the B-52 we know better.

I thank the Senator for yielding the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we thank the distinguished Republican leader. It is always wise to look back and examine history. It indeed is a rearview window of much of our activities of life. I think that citation of historical precedent of the B-52 should carry great weight with many today who question this price tag, which price tag, as the leader knows, has basically been information available to

the Senate and the House—Congress as a whole—for approximately a decade. The two committees, namely, the Armed Services Committees of both Houses, together with the Appropriations Committee, have had the first responsibility, but we have recognized the increase in the cost, but then I say what is the price if deterrence fails? It is incalculable. This system is the cutting edge of America's technology, and I hope soon that the Senate will express its approval by an overwhelming vote.

Mr. COHEN. Will the Senator yield?

Mr. WARNER. Yes.

Mr. COHEN. Can I inquire by expressing approval of this amendment? It is my understanding that it does not preclude other action that might follow at a later time dealing with the bill; is that correct?

Mr. WARNER. The Senator from Maine is correct. This is an amendment which the Senator from Maine is fully aware of, one that the Armed Services Committee basically agreed upon in its markup, and it is to be possibly amended here by the Senator from Ohio. I think that is momentary, is it not, Mr. Chairman?

Mr. NUNN. Yes.

Mr. COHEN. There are other amendments pending that may be offered at a later time dealing with the issue.

Mr. NUNN. Absolutely. The bill is open to anybody, including on this subject. We are not encouraging other amendments on the B-2, but if they come, we will deal with them.

Mr. WARNER. The Senator asked if they are pending. Technically, there are no amendments pending, but, of course, when the bill returns to the floor after tomorrow, it is open for amendment.

Mr. COHEN. There was some concern expressed, because the way in which it was offered with a second-degree amendment, that it would have precluded amendments on this, and my assurances are that this is not the case. It was something to get this amendment to the floor and get some debate started, and this certainly is a vast improvement over the situation the way it is.

I hope that everyone will support this and reserve any other amendments they might have dealing with the issue for a later time.

Mr. NUNN. The Senator is correct. The only purpose is to make sure we had a chance to vote on this amendment first, not to preclude other amendments on this subject.

Mr. President, I believe the Senator from Ohio and the leadership here in the committee have agreed, and I ask the Senator perhaps if he could offer his amendment at this stage. I would ask, do we have the same amendment here?

Mr. GLENN. I believe, yes.

Nr. NUNN. Assuming we have the same amendment, I ask unanimous consent that a modification of my amendment, amendment No. 397, a modification we have agreed on, be made in order to be offered by Mr. GLENN from Ohio.

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

AMENDMENT NO. 397, AS MODIFIED

Mr. GLENN. I ask unanimous consent that I be permitted to send this modification of the bill language to the desk and ask for its immediate consideration.

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

The amendment is so modified.

The amendment, as modified, is as follows:

Replace "(c) Block 2 requirements with:

(c) BLOCK 2 REQUIREMENTS.—Funds appropriated for the Air Force for fiscal year 1990 for the procurement of aircraft may not be obligated for the procurement of B-2 aircraft before the commencement of Block 2 testing to include low-observables and flying qualities and performance testing in accordance with the approved B-2 Test and Evaluation Master Plan.

Replace "(d) Defense Science Board Assessment with:

(d) INDEPENDENT ASSESSMENT AND CERTIFICATION.—Of the amounts made available for fiscal year 1990 for the procurement of B-2 aircraft, not more than twenty-five percent may be expended until—

(1) The Low Observables Panel of the Defense Science Board has conducted an independent review of the early Block 2 test data and reported the results of that review together with its findings and conclusions, to the Secretary of Defense, and

(2) Within one week of the submission to the Secretary of Defense of the report by the Low Observables Panel, the Director of Operational Test and Evaluation shall also submit to the Secretary his independent evaluation of the results of the Block flight testing to that date, and

(3) The Secretary of Defense certifies to the Committees on Armed Services and Appropriations of the Senate and House of Representatives that—

(A) The results of early Block 2 flight testing, including low-observable and flying qualities and performance, are satisfactory, and

(B) No significant technical or operational problems have been identified during early Block 2 testing.

Mr. NUNN. I thank the Senator from Ohio, and I believe this amendment strengthens the language here, and I believe it carries out the purpose of the Senator from Ohio, and I appreciate very much his working with us on this, because he has tremendous experience in this area, and we value his opinion and expertise. I understand he will be able to support the overall package of the amendment now.

Mr. GLENN. That is correct. I appreciate the cooperation of the staff and of Senator WARNER and Senator NUNN in this regard. It strengthens the bill and makes it more clear, and I do not think it leaves any doubt that there has to be performance on down the road, to say, once again, there cannot be any increase in costs in this airplane without endangering the whole program.

What are we trying to do in this amendment is really helping to save the program. We get testing in early, and the changes will be less expensive than if we wait and have to make more expensive changes later on per cost per airplane, and doing the whole program all over again.

Mr. LEVIN. Will the manager yield for a moment?

Mr. NUNN. I will be glad to yield.

Mr. LEVIN. For your information, we have been working on an amendment relative to who would bear the responsibility in the event the B-2 fails to live up to the specifications in the contract. We hoped that this amendment would be worked out by now so that it could have been added to the pending amendment, in the event it was acceptable to the managers. It is still in process, but since both Senator NUNN and Senator WARNER were involved in the discussions on this earlier today, I thought I would bring them up to date and also alert our colleagues that at least at a later time an amendment will be offered separately from this amendment to address the question of who bears the responsibility, the Government or the contractor, when this plane or if this plane fails to live up to specs, as the B-1 did, relative to its electronic countermeasures.

Mr. NUNN. I think that is a very important subject. We have been diligently working. We do not have all the information to evaluate the amendment. It is our intention to work with the Senator. If we do not work it out, there will be every right for the Senator from Michigan to propose his amendment on the floor.

Mr. WARNER. Mr. President, having had the opportunity to get a first look at the consent, may I urge the Senator to be as forthcoming as early as possible, because there could be quite a hiatus between this Senator's knowledge of the amendment and this Senator's ability to respond. It is a very complicated and technical amendment, and I will require some outside advice.

Mr. LEVIN. We did get your staff the latest graph a few hours ago on this amendment.

Mr. WARNER. I thank the Senator from Michigan.

UNANIMOUS-CONSENT REQUESTS

Mr. NUNN. Mr. President, I serve notice that I am about to propound a unanimous-consent request that would have three or four parts, for all interested parties. I hope that this has been cleared on both sides.

I ask unanimous consent that the vote on the Nunn-Warner amendment, No. 397, occur at 6:40 p.m.

I further ask unanimous consent that immediately upon the disposition of amendment No. 397, the Senate, without any intervening action or debate, vote on the Nunn-Warner amendment 396, as amended, if amended.

I further ask unanimous consent that no amendment be in order to language proposed to be stricken by the Warner-Nunn amendment 396.

The PRESIDING OFFICER. Is there objection? Without objection, the unanimous-consent requests are agreed to.

Mr. NUNN. Mr. President, I ask unanimous consent that the vote on the Nunn-Warner amendment No. 400 occur immediately, without any intervening action upon the disposition of amendment No. 396 as amended.

I further ask unanimous consent that no amendment be in order to amendment No. 400.

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

Mr. NUNN. Mr. President, I ask unanimous consent that the vote on the Nunn-Warner amendment No. 401 occur immediately, without any intervening action upon the disposition of amendment No. 400, and that no amendments be in order to amendment No. 401.

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

Mr. NUNN. Mr. President, I further ask unanimous consent that the first rollcall vote scheduled to begin at 6:40 be a 15-minute vote, and the two succeeding rollcall votes be 10 minutes each.

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

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I would like to propound a question to our distinguished colleague from Ohio just for a moment. The modification that was forwarded to the desk which we have accepted, I reviewed it, and I want to make sure that the DOT&E, which is the Director of Testing and Evaluation, as you well know, under section 138, title 10, has a very clear and specific task that he must perform.

However, as I understand this amendment, based on my discussions with the Senator from Ohio, the testing required, Block 2 by his modification, is not in derogation of the responsibilities under section 138.

Mr. GLENN. Will the Senator state that again, please?

Mr. WARNER. I say to my friend from Ohio, the tasking that his modification places on DOT&E is separate and distinct from the one that is in section 138?

Mr. GLENN. Yes, that is correct.

Mr. WARNER. Mr. President, that satisfies my question.

The PRESIDING OFFICER. Who seeks recognition?

Mr. NUNN. Mr. President, I call for the regular order.

Mr. SYMNS. Mr. President, may I ask the chairman a question?

The PRESIDING OFFICER. The Senator from Iowa.

Mr. SYMMS. Mr. President, 2 years ago on the authorization bill, when I was fortunate enough to be a member of your committee, we had a report. In the report language we requested from the Army and the Marine Corps a study on whether or not they needed to keep M-60 or .762 caliber machineguns at company level, and the Army had taken the position that they were going to go to the spot automatic weapon, the 56, and the Marine Corps had wanted to keep heavier machineguns and, I believe, actually beefed up heavier machineguns to .50 caliber at the battalion level.

I have never received that report, and to the best of my knowledge the committee never has. I wanted to bring that to the attention of the distinguished chairman and the ranking member because I think that if we think we are going to do the right thing for the infantrymen, I want to be sure we are doing the right thing with respect to the machineguns.

Mr. NUNN. I agree with the Senator completely. It is my information that we have not received that report, and I will make sure that we get a call into the Secretary of the Army tomorrow. Was it Marine Corps or Army?

Mr. SYMMS. We asked both. As the author of that report language, the reason I asked for both is because we had a divided opionion from the infantry of both the Army and Marine Corps. The Marine Corps has taken the position of heavier machineguns. The Army took the position that the 223 or the 556, I guess it is called, is heavy enough to be the machinegun of the rifle company.

And that is why we asked for both. I want to hear both services explain to me why. Because, in my opinion, we do need a heavier machinegun for our infantry people.

Mr. NUNN. We will get in touch with them tomorrow and follow up on it.

Mr. SYMMS. I thank the chairman and the ranking member.

Mr. NUNN. I hope the Sentor will not be bashful—and I know he will not; having served with him, I know how effective he is—to remind us of that sometime later on this week and we will try to give you a better answer.

The PRESIDING OFFICER. The Chair would note that it is now 6:40.

Mr. WARNER. Mr. President, may I take a moment to confer with the Senator from Georgia?

Mr. President, could the indication of the yeas and nays on the first amendment be considered en bloc to cover all three? In other words, there would be three separate votes, but we do not have to have the yeas and nays three times.

Mr. NUNN. Mr. President, the complication there is that we have really four pending amendments: 396, 397, 400, and 401. I ask unanimous consent, as the order is set forth in the amendments, that it be in order to ask for the yeas and nays on 397, 400, and 401 with one show of seconds; and that we not be required to vote on, except by voice vote, 396, if it is amended.

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

The time is now past 6:40.

Is there a request for the yeas and nays on the amendments?

Mr. NUNN. There is such a request.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 397

The PRESIDING OFFICER. The question is on agreeing to amendment No. 397. The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA], is absent because of illness.

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 141 Leg.] S97

YEAS—98

Adams	Fowler	McClure
Armstrong	Garn	McConnell
Baucus	Glenn	Metzenbaum
Bentsen	Gore	Mikulski
Biden	Gorton	Mitchell
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boren	Grassley	Nickles
Boschwitz	Harkin	Nunn
Bradley	Hatch	Packwood
Breaux	Hatfield	Pell
Bryan	Heflin	Pressler
Bumpers	Heinz	Pryor
Burdick	Helms	Reid
Burns	Hollings	Riegle
Byrd	Humphrey	Robb
Chafee	Inouye	Rockefeller
Coats	Jeffords	Roth
Cochran	Johnston	Rudman
Cohen	Kassebaum	Sanford
Conrad	Kasten	Sarbanes
Cranston	Kennedy	Shelby
D'Amato	Kerrey	Simon
Danforth	Kerry	Simpson
Daschle	Kohl	Specter
DeConcini	Lautenberg	Stevens
Dixon	Leahy	Symms
Dodd	Levin	Thurmond
Dole	Lieberman	Wallop
Domenici	Lott	Warner
Durenberger	Lugar	Wilson
Exon	Mack	Wirth
Ford	McCain	

NAYS—1

Sasser

NOT VOTING—1

Matsunaga

So the amendment (No. 397) was agreed to.

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

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT (NO. 396), AS AMENDED

Mr. NUNN. Mr. President, what is the pending business?

The PRESIDING OFFICER. Amendment No. 396, as amended.

Mr. NUNN. The yeas and nays have not been ordered on that amendment, have they?

The PRESIDING OFFICER. That is correct.

Mr. NUNN. I call for the regular order.

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

The amendment (No. 396), as amended, was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 400

Mr. NUNN. Mr. President, what is the pending business now?

The PRESIDING OFFICER. The pending business is amendment No. 400 as offered by the Senator from Georgia.

Mr. NUNN. Are the yeas and nays ordered on that amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered.

There being no further debate, the question is on agreeing to the amendment of the Senator from Georgia. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER (Mr. SIMON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—99

Adams	Burdick	Dixon
Armstrong	Burns	Dodd
Baucus	Byrd	Dole
Bentsen	Chafee	Domenici
Biden	Coats	Durenberger
Bingaman	Cochran	Exon
Bond	Cohen	Ford
Boren	Conrad	Fowler
Boschwitz	Cranston	Garn
Bradley	D'Amato	Glenn
Breaux	Danforth	Gore
Bryan	Daschle	Gorton
Bumpers	DeConcini	Graham
Gramm	Leahy	Reid
Grassley	Levin	Riegle
Harkin	Lieberman	Robb
Hatch	Lott	Rockefeller
Hatfield	Lugar	Roth
Heflin	Mack	Rudman
Heinz	McCain	Sanford
Helms	McClure	Sarbanes
Hollings	McConnell	Sasser
Humphrey	Metzenbaum	Shelby
Inouye	Mikulski	Simon
Jeffords	Mitchell	Simpson
Johnston	Moynihan	Specter
Kassebaum	Murkowski	Stevens
Kasten	Nickles	Symms
Kennedy	Nunn	Thurmond
Kerrey	Packwood	Wallop
Kerry	Pell	Warner
Kohl	Pressler	Wilson
Lautenberg	Pryor	Wirth

NAYS—0

NOT VOTING—1

Matsunaga

So the amendment (No. 400) was agreed to.

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

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 401

The PRESIDING OFFICER. The question now before the Senate is on agreeing to amendment No. 401.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—98

Adams	Fowler	McConnell
Armstrong	Garn	Metzenbaum
Baucus	Glenn	Mikulski
Bentsen	Gore	Mitchell
Biden	Gorton	Moynihan
Bingaman	Graham	Murkowski
Bond	Gramm	Nickles
Boren	Grassley	Nunn
Boschwitz	Harkin	Packwood
Bradley	Hatch	Pell
Breaux	Heflin	Pressler
Bryan	Heinz	Pryor
Bumpers	Helms	Reid
Burdick	Hollings	Riegle
Burns	Humphrey	Robb
Byrd	Inouye	Rockefeller
Chafee	Jeffords	Roth
Coats	Johnston	Rudman
Cochran	Kassebaum	Sanford
Cohen	Kasten	Sarbanes
Conrad	Kennedy	Sasser
Cranston	Kerrey	Shelby
D'Amato	Kerry	Simon
Danforth	Kohl	Simpson
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dixon	Levin	Symms
Dodd	Lieberman	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Durenberger	Mack	Wilson
Exon	McCain	Wirth
Ford	McClure	

NAYS—1

Hatfield

NOT VOTING—1

Matsunaga

So the amendment (No. 401) was agreed to.

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

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

The motion to lay on the table was agreed to.

U.S. ARMY GUARD AND RESERVE

Mr. BOND. Mr. President, earlier this year the Brookings Institution released a study entitled "U.S. Army Guard and Reserve: Rhetoric, Realities, and Risks." The study addresses the growing role of the Army National Guard and Reserve in the total Army and the readiness and mobilization of Armed Forces.

Last month, Senator FORD and I, as cochairmen of the Senate National Guard Caucus asked Lt. Gen. Herbert Temple, Chief of the National Guard Bureau, to review the report and provide his comments on the report and its conclusions. In response to our request, General Temple has prepared an interesting and well-reasoned critique of the report. General Temple concludes that the report does not accurately reflect the Army National Guard's capability and readiness to achieve its reinforcing missions.

I believe all members of the Senate will benefit from General Temple's remarks. I, therefore, ask unanimous consent that his letter as well as the letter that Senator FORD and I sent to General Temple be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 12, 1989.

Lt. Gen. HERBERT R. TEMPLE, Jr.,
Chief, National Guard Bureau, Pentagon
Washington, DC.

DEAR GENERAL TEMPLE: Early in May 1989, the Brookings Institute released a study entitled, "U.S. Army Guard and Reserve: Rhetoric, Realities, and Risks," by Martin Binkin and William K. Kaufmann. Their study addresses the growing role of the Army National Guard and Army Reserve in the Total Army and the readiness and mobilization expectations for these forces.

In view of recent worldwide events, it seems prudent to conduct a review of the current threat, the balance of forces to meet that threat, and the Active, Guard and Reserve mix within the Armed Forces. The Senate National Guard Caucus is concerned about the long-term effectiveness and readiness of the Total Force and intends to review many sources of informantion.

The issues discussed in the Brookings Institute study specifically address the Army National Guard and are also relevant to the overall review we are supporting. Therefore, we would be pleased to have you provide the National Guard Caucus with your com-

ments on "U.S. Army Guard and Reserve: Rhetoric, Realities, and Risks."

Sincerely,

WENDELL H. FORD.
CHRISTOPHER S. BOND.

DEPARTMENTS OF THE ARMY AND THE AIR FORCE, NATIONAL GUARD BUREAU,
Washington, DC, June 23, 1989.

Senator WENDELL H. FORD and Senator CHRISTOPHER S. BOND,
Russell Building, Washington, DC.

DEAR SENATORS FORD AND BOND: Thank you for the opportunity to express my personal opinion of the recent Brookings Institute report relative to the Army National Guard and the Army Reserve.

I have reviewed the Brookings Institute Report titled, "U.S. Army Guard and Reserve: Rhetoric, Realities, Risks." The report questions the reliability of the Army National Guard and the Army Reserve to accomplish their wartime reinforcing missions in accordance with current war plans. Although I am not qualified to comment about USAR capabilities, I can respond for the Army Guard. In any event, conclusions relative to the current readiness and capabilities of these two components of the Army must be dealt with separately given the difference in organization, structure, missions and achievements of the Guard and Reserve.

The authors would lead one to believe that future mobilization performance of the National Guard is a simple function of a vacuous extrapolation of events associated with past mobilizations.

Notably absent in the development of their thesis is a recognition of the major, substantive changes that have occurred in the Army National Guard in the past decade. The report fails to recognize the basic tenets of the Total Force Policy, the cause and effect of the CAPSTONE program, the changes in training intensity, diversity and results, increased resourcing (often Congressionally directed), constantly improving mobilization preparedness and exercise and continuous overseas deployment training.

Each year, the Army National Guard conducts over 900 unit level mobilization exercises to better prepare Guardsmen and their units for that eventually. In addition, national level mobilization exercises have been conducted to test the entire mobilization system. With the advent of the Total Force Policy, followed by the CAPSTONE program, the ability of the Army Guard to meet early deployment requirements has been significantly enhanced.

One must remember that previous mobilizations were executed before these two benchmark programs (Total Force and CAPSTONE). WWII Korea, Berlin and Vietnam mobilizations were not in an environment where security programs or war plans were predicated upon early commitment of reserve forces. Total Force Policy has focused more reliance upon reserve forces in the relatively early days of a conflict. Training, equipping and resourcing of the Guard is directed towards achieving these capabilities.

However, although Guard units are demonstrating their ability to meet rapid mobilization and deployment responsibilities, there remains one critical inhibitor to the entire mobilization process—that is automation of the Guard and reserve from unit level up through the Department of the Army, to insure rapid and effective response to mobilization orders. The Reserve Components Automation System (RCAS) is being developed to resolve this failing. Prompt and effective fielding of RCAS is essential to successful future mobilizations.

Implied in the Brookings Report is the conclusion that reliance upon Guard and Reserve forces during the early days of a conflict is unrealistic—that these units are unable to achieve their wartime missions. It is important to note that the Army employs a time phased deployment plan to reinforce forward based Army elements. The Army has endeavored to support these plans through expanded resourcing on a first to fight, first to be equipped philosophy. Given limited resources, this is a logical application of assets to those that need them first.

We have closely managed early deploying units to be certain they meet readiness levels to permit them to achieve their respective missions. Also, through intensified management of resources, the National Guard Bureau, in concert with the States, has been able to raise the readiness levels of the entire Army National Guard to only few percentage points below that of the Regular Army—this is a major readiness achievement. This degree of combat readiness has been achieved through successful management of scarce resources and, in many instances, has raised our units to levels of combat readiness that can only be sustained with continued equipment modernization and training support to qualify and sustain personnel skills.

The Army National Guard has consistently demonstrated that it is capable of mobilizing, deploying, employing and sustaining in any part of the world. The record is clear. Our exercise performance in Europe, Korea, Central and South America and at the NTC speaks for itself. The evaluation by the regular forces indicate success and, in many cases, performance exceeding expectations and/or setting new records.

The reports I see and the observations of qualified Army officers who evaluate Guard units, side by side with active Army units in training and exercises, reinforces my conviction that Guard units, when adequately resourced, can achieve their wartime reinforcement missions. We should remember that our nation's wars have always been fought successfully by citizen soldiers, not praetorian Guards or elite units.

Our challenge today is to prepare Guard units to meet wartime standards during peacetime—to insure that Guard units can deploy to meet contingency missions with little or no additional training. I believe we are successful in achieving this goal is most instances—not totally, but well enough to have confidence that the modern Army National Guard is better prepared to meet its wartime missions than at any time in its history. Clearly, there are significant equipment shortages which would inhibit Guard effectiveness, but we inform Congress of these shortages and are working within Department of Defense and the Congress to alleviate critical shortages.

In addition to equipment shortages, in some locations and among certain units, the inability to achieve and maintain adequate strength levels has a detrimental effect on that unit's capability. Where strength requirements cannot be satisfied, the NGB is taking action to relocate force structure to locations that can fulfill strength objectives.

I have no criticism of the Army's resourcing of the Guard given limited resources. The Army has provided the Guard, in many instances, with the most modern combat equipment to include Apache and Cobra helicopters, M-1 Tanks, Bradley Fighting Vehicles and state of the art communications because the Guard has demonstrated its ability to employ the equipment effectively.

Inasmuch as Guard units have deployed for training throughout the world in accordance with joint and combined tactical exercises, it is apparent that the ability to mobilize, move forces and equipment, deploy to overseas locations, often in remote environments and to sustain operations and maintain equipment in potential contingency areas and then successfully redeploy to home stations, is unequivocal evidence of the professionalism of the Army National Guard. Other than the United States Army's regular forces, I am unaware of any other military force in the world with comparable achievements.

In my opinion, the Brookings report does not accurately reflect the Army National Guard's capability and readiness to achieve its reinforcing missions. The conclusions are inconsistent with Army evaluations of the Army National Guard's capability and fail to acknowledge the demonstrated performance in training events and exercises judged by the same standards applied to regular forces

Sincerely,

HERBERT R. TEMPLE, Jr.,
Lieutenant General, U.S. Army,
Chief, National Guard Bureau.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, 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 which were referred to the appropriate committees.

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

MESSAGES FROM THE HOUSE

At 11:01 a.m., a message from the House of Representatives, delivered by Mr. Goetz, one of its reading clerks, announced that the House has passed the following bills, and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2916. An act making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, com-

missions, corporations, and offices for the fiscal year ending September 30, 1990, for other purposes;

H.R. 2939. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes; and

H.J. Res. 363. Joint resolution to designate 1989 as "United States Customs Service 200th Anniversary Year".

The message also announced that the Speaker has appointed Mr. FEIGHAN; and Mr. Walter Hoffman, College Park, MD, and Mr. Jerome J. Shestack, Philadelphia, PA, from private life, to the U.S. Commission on Improving the Effectiveness of the United Nations.

The message further announced that the minority leader has appointed Mr. LEACH of Iowa; and Mr. Edwin J. Feulner, Jr., Alexandria, VA, and Mr. Charles M. Lichenstein, Washington, DC, from private life to serve as members of the U.S. Commission on Improving the Effectiveness of the United Nations.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 2916. An act making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1990, and for other purposes; to the Committee on Appropriations.

H.R. 2939. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the first and second time by unanimous consent and placed on the calendar:

H.J. Res. 363. Joint resolution to designate 1989 as "United States Customs Service 200th Anniversary Year".

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-1435. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated July 1, 1989; to the Committees on Appropriations and Budget jointly pursuant to the order of January 30, 1975 as amended by order of April 11, 1986.

EC-1436. A communication from the Deputy General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 157 of title 10, United States Code, to authorize Government transportation for certain members of the uniformed services and Federal civilian employees, and the dependents of such members and employees, in areas outside the United States where public or private transportation is unsafe or not available; to the Committee on Armed Services.

EC-1437. A communication from the Deputy General Counsel of the Department of Defense, transmitting a draft of proposed legislation to provide greater flexibility in military officer personnel management during officer force reductions; to the Committee on Armed Services.

EC-1438. A communication from the Deputy Assistant Secretary of Defense, transmitting pursuant to law, a report on the actuarial status of the military retirement system for fiscal year 1988; to the Committee on Armed Services.

EC-1439. A communication from the Deputy Assistant Secretary of Defense (Resource Management & Support), transmitting, pursuant to law, a report concerning the advisability of permanent law permitting the payment of a Defense Attaché death gratuity to the survivors of a member who, while on active duty assigned to a Defense Attache office outside the United States, dies as a result of hostile or terrorist activities; to the Committee on Armed Services.

EC-1440. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the employment of strategic air defense assets along the northern border of the United States through fiscal year 1991; to the Committee on Armed Services.

EC-1441. A communication from the Secretary of Defense, transmitting, pursuant to law, certification with respect to the TACIT RAINBOW Program; to the Committee on Armed Services.

EC-1442. A communication from the Director of the Federal Home Loan Bank Board, transmitting, pursuant to law, the annual report on efforts to prevent unfair and deceptive trade practices in the thrift industry; to the Committee on Banking, Housing, and Urban Affairs.

EC-1443. A communication from the Acting President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, notification of a delay of the submission of the report on interagency cooperation; to the Committee on Banking, Housing, and Urban Affairs.

EC-1444. A communication from the Acting President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on the operations of the Bank for fiscal year 1988; to the Committee on Banking, Housing, and Urban Affairs.

EC-1445. A communication from the Acting President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a statement with respect to U.S. exports to Columbia; to the Committee on Banking, Housing, and Urban Affairs.

EC-1446. A communication from the Secretary of Commerce, transmitting pursuant to law, the first report on the extent to which federal agencies are using the authorities vested in them by the Federal Technology Transfer Act of 1986; to the Committee on Commerce, Science, and Transportation.

EC-1447. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1990 and 1991, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-1448. A communication from the Acting Director of the Office of Science and Technology Policy, transmitting pursuant to law, a report entitled "Science and Technology Report 1985-1988"; to the Committee on Commerce, Science, and Transportation.

EC-1449. A communication from the Commandant of the U.S. Coast Guard, transmitting pursuant to law, a list of activities to be reviewed by the Coast Guard for fiscal years 1989 and 1990; to the Committee on Commerce, Science, and Transportation.

EC-1450. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Services, Department of the Interior, transmitting pursuant to law, a report on the refund of certain overpayments of offshore lease revenues, to the Committee on Energy and Natural Resources.

EC-1451. A communication from the Secretary of Energy, transmitting pursuant to law, the annual update to the Comprehensive Ocean Thermal Technology Application and Market Development Plan; to the Committee on Energy and Natural Resources.

EC-1452. A communication from the Secretary of Energy, transmitting pursuant to law, the Seventh Annual Revision of the Comprehensive Program Management Plan for the Federal Ocean Thermal Energy Conservation Program; to the Committee on Energy and Natural Resources.

EC-1453. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1454. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to amend section 5131 of title 31, United States Code, to eliminate the General Services Administration's statutory responsibilities concerning the repair and improvement of the United States Mint at Philadelphia; to the Committee on Environment and Public Works.

EC-1455. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a review of the Poplar Brook, New Jersey, flood control improvement plan; to the Committee on Environment and Public Works.

EC-1456. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a review of the Kanawha River, Charleston, West Virginia, steambank erosion protection plan; to the Committee on Environment and Public Works.

EC-1457. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report on demonstration programs designed to minimize the danger of flooding due to ice problems; to the Committee on Environment and Public Works.

EC-1458. A communication from the Acting Assistant Secretary of the Army, Manpower and Reserve Affairs, transmitting a draft of proposed legislation to amend title 4, United States Code, to limit the authority of a State to tax residents of

another State on income derived from Federal employment performed on a Federal area located within the borders of two contiguous States; to the Committee on Finance.

EC-1459. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the first annual report on the financial status of the railroad unemployment insurance system; to the Committee on Finance.

EC-1460. A communication from the Chairman of the Board of Foreign Scholarships, transmitting, pursuant to law, the 25th annual report on the Fulbright Program; to the Committee on Foreign Relations.

EC-1461. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting a draft of proposed legislation to authorize appropriations for the Department of State to carry out certain of its authorities and responsibilities in the conduct of foreign affairs; to the Committee on Governmental Affairs.

EC-1462. A communication from the Vice President, Public Affairs, of the Farm Credit Bank of Texas, transmitting, pursuant to law, the annual report for the subject pension plan for the year ending December 31, 1988; to the Committee on Governmental Affairs.

EC-1463. A communication from the Assistant Secretary, Legislative Affairs, U.S. Department of State, transmitting a draft of proposed legislation to establish, subject to the necessary negotiations and contractual arrangements between the Department of State and the U.S. Post Office, a State Post Office (SPO) system for certain posts overseas not now covered by the APO and FPO system; to the Committee on Governmental Affairs.

EC-1464. A communication from the Director of Civilian Personnel, Department of Defense, transmitting, pursuant to law, the 1987 pension report for the Uniformed Services University of the Health Sciences; to the Committee on Governmental Affairs.

EC-1465. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, a report summarizing and analyzing executive agencies' reports showing the amount of personal property furnished to non-Federal recipients; to the Committee on Governmental Affairs.

EC-1466. A communication from the Acting Administrator of the General Services Administration, transmitting pursuant to law, notice of a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1467. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the financial position and results of operations of the Student Loan Marketing Association (Sallie Mae); to the Committee on Labor and Human Resources.

EC-1468. A communication from the Secretary of Education, transmitting, pursuant to law, a document entitled "Final Regulations—Chapter 1 Program for Neglected or Delinquent Children"; to the Committee on Labor and Human Resources.

EC-1469. A communication from the Chief of Insurance and Employee Benefits, Department of the Air Force, transmitting, pursuant to law, the annual report on the Air Force Nonappropriated Fund (AFNAF) Retirement Plan for Civilian Employees; to the Committee on Governmental Affairs.

EC-1470. A communication from the Secretary of Education, transmitting, pursuant to law, a document entitled "Final Regulations—Assistance for Local Educational Agencies in Areas Affected by Federal Activities and Arrangements for Education of Children Where Local Educational Agencies Cannot Provide Suitable Free Public Education (Impact Aid)"; to the Committee on Labor and Human Resources.

EC-1471. A communication from the Secretary of Education, transmitting, pursuant to law, a report on the Department's progress in implementing Section 122-3 of Title 20, U.S. Code; to the Committee on Labor and Human Resources.

EC-1472. A communication from the Secretary of Veterans Administration, transmitting a draft of proposed legislation to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

EC-1473. A communication from the Secretary of Defense, transmitting, pursuant to law, the Sixth Quadrennial Review of Military Compensation; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Appropriations, with amendments:

H.R. 2696. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1990 (Rept. No. 101-83).

By Mr. BURDICK, from the Committee on Appropriations, with amendments:

H.R. 2883. A bill making appropriations for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1990, and for other purposes (Rept. No. 101-84).

By Mr. BYRD, from the Committee on Appropriations, with amendments:

H.R. 2788. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1990, and for other purposes (Rept. No. 101-85).

By Mr. CRANSTON, from the Committee on Veterans' Affairs, with amendment in the nature of a substitute:

S. 1243. A bill to amend title 38, United States Code, to establish a retirement and survivor benefit program for judges of the New U.S. Court of Veterans Appeals, and for other purposes (Rept. No. 101-86).

By Mr. BENTSEN, from the Committee on Finance, with amendment in the nature of a substitute:

H.J. Res. 280. Joint resolution increasing the statutory limit on the public debt.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance:

Thomas J. Dusterberg, of Indiana, to be an Assistant Secretary of Commerce;

Wade F. Horn, of Maryland, to be Chief of the Children's Bureau, Department of Health and Human Services;

Gwendolyn S. King, of the District of Columbia, to be Commissioner of Social Security;

Linda M. Combs, of Maryland, to be an Assistant Secretary of the Treasury.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PELL, from the Committee on Foreign Relations:

Melvin F. Sembler, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Melvin F. Sembler.

Post: Ambassador, Australia.

Nominated: February 8, 1989.

Contributions, amount, date, and donee:

1. Self, none, 1985; $250, 1986, Bill Young campaign; $250, 1986, Bob Graham campaign; $1,000, 1986, Mike Bilirakis campaign; $750, 1986, George Bush exploratory fund; $1,000, 1986, NATPAC; $1,000, 1987, Mike Bilirakis for Congress; $5,000, 1987, the fund for America's future; $1,000, 1988, Mike Bilirakis for Congress; $1,000, 1988, Connie Mack for Senate campaign; 1988, $5,000 check payable to Florida Presidential tribute allocated as friends of Connie Mack, $1,000; Republican Party of Florida, State account, $4,000; $10,000, 1988, Republican President trust; $5,000, 1988, Florida Victory Committee; none, 1989.

2. Spouse, Betty M. Sembler, none, 1985; $750, 1986, George Bush exploratory fund; $1,000, 1986, Mike Bilirakis for Congress; $50, 1986, Republican Party of Florida; $250, 1987, George Bush for President; $750, 1987, George Bush Exploratory Fund; $5,000, 1988, Victory 88; $1,000, 1988, Mike Bilirakis for Congress; $1,000, 1988, friends of Connie Mack; $1,000, 1988, friends of Connie Mack; none, 1989.

3. Sons and spouses, Gregory Sembler, $1,000, 1987, George Bush for President. Liz Sembler, $1,000, 1987, George Bush for President; $500, 1988, friends of Connie Mack. Brent Sembler, $1,000, 1987, George Bush for President; $500, 1987, Connie Mack for Senate. Steve Sembler, $1,000, 1986, Mike Bilirakis for Congress; $1,000, 1987, George Bush for President. Diane Sembler, none, 1985; none, 1986; $1,000, 1987, George Bush for President; none, 1988; none, 1989.

4. Parents, Fanny Magoon Sembler, Benjamin Sembler, none.

5. Grandparents, deceased.

6. Brothers and spouses, deceased.

7. Sisters and spouses, Norma Lee and Herschel Rich, none; Dolores and Sidney Krakower, none.

Della M. Newman, of Washington, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Western Samoa.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar

year of the nomination and ending on the date of the nomination.)

Nominee: Della M. Newman.

Post: C.O.M., Wellington, N.Z.

Contributions, amount, date, and donee:

1. Self, $20, 1988, Cong. John Miller.

2. Spouse (both), $2,000, 1985, Sen. Slade Gorton.

3. Children and spouses, Gretchen and Steve Courtney, none. Ted Newman, none; (Note:—Wells McCurdy, (Spouse) has billed the Bush for President Campaign for expenses August 20, 1988 thru October 31, 1988 in the amount of $865.14. The bill has not yet been paid, and may be considered as "in-kind" contribution.)

4. Parents, Norma A. Hawkins, Father deceased.

5. Grandparents, deceased.

6. Brothers and spouses, none.

7. Sisters and spouses, Arlene and Gerry Oppliger, none.

Keith Lapham Brown, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark, to which position he was appointed during the recess of the Senate from October 22, 1988, to January 3, 1989.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Keith Lapham Brown.

Post: U.S. Ambassador—Denmark.

Nominated: May 31, 1989.

Contributions, amount, date, and donee:

1. Self:

1984

$15. Colorado Republicans; $250, Victory '84; $10,000, Republican Eagles; $100, Colorado Republicans for Choice; $15, Reagan-Bush '84; $2,000 (primary and general), Armstrong for Senator; $1,000, Mike Norton for Congress; $200, Mary Downs for Congress; $200, Mike Strang for Congress; $100, Paul Powers for Senate; $1,000, Republican Majority Fund.

1985

$1,000, Colorado Elephant Club; $2,000, Fund for America's Future; $10,000, Republican Eagles; $15, Colorado Elephant Club; $200, Dole for Senate Committee; $1,000, Mike Norton for Congress; $100, Martha Ezzerd for Senate; $2,897, Colorado Republicans; $1,000, Mike Strang for Congress; $200, Citizens to Re-Elect Pat Grant.

1986

$10,000, Republican Eagles; $500, Loefler For Governor; $500, Strang For Congress; $100, Mike Norton for Congress; $100, Hank Brown for Congress; $200, Schaeffer for Congress; $300, Hal Krause for Congress; $250, Tony Hope for Congress; $20, Colorado Republicans; $10, Colorado Republicans; $1,000, Congressman Ken Kramer; and $1,000, Congressman Ken Kramer.

1987

$25, R.N.C., Heitman fund; $1,000, Colorado Elephant Club; and $300, Don Bain—Mayor.

1988

$200, Colorado Republicans; $200, Martha Kreutz; $200, William Griffith Senate; $500, Schaeffer for Congress; $200, Pat Grant; $5,000, Colorado Republican Federal Campaign; $1,000, Colorado Republicans; $1,110, Republican Eagles.

1989

$1,000, R.N.C., 4 tickets—Susan; $500, W.A. Forbes, reimburse tickets.

Note.—The above amounts were for Inaugural tickets used by daughter, Susan. There have been no contributions for the month of June.

2. Spouse, none.

3. Children and spouses: Susan and Randall Milhoan, none; Linda L. Brown, none; Benjamin L. Brown, none.

4. Parents, deceased.

5. Grandparents, deceased.

6. Brothers and spouses, James B. and Lois B. Brown, none.

7. Sisters and spouses, Jean Brown Stabler, none.

Shirley Temple Black, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czechoslovak Socialist Republic.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Hon. Shirley Temple Black.

Post: Chief of Mission, U.S. Embassy (Prague).

Contributions, amount, date, and donee:

1. Self, $8,261, 1985-89, Republican Party, National and California, George Bush for President, Fund for America Future.

2. Spouse, $2,000, 1985-89, Fund for America Future, Campbell for Congress.

3. Children and spouses, Susan Falaschi, none. Charles A. Black, Jr., none. Lori Alden Black, none.

4. Parents, George and Gertrude Temple, deceased.

5. Grandparents, Otto and Maude Cregier, deceased. Francis and Amelia Temple, deceased.

6. Brothers and spouses, John S. Temple, deceased. Miriam Temple, none. George and Grace Temple, none.

7. Sisters and spouses, none.

William H. Taft IV, of Virginia, to be the U.S. permanent representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: William H. Taft IV.

Post: Permanent representative to NATO.

Contributions, amount, date, and donee:

1. Self, $450, 1988, George Bush.

2. Spouse, Julia V. Taft, none.

3. Children and spouses, Maria C. Taft, none. William H. Taft V, none. Julia H. Taft, none.

4. Parents, William H. Taft III, $50, 1988, George Bush. Barbara B. Taft, none.

5. Grandparents, not available.

6. Brothers and spouses, John T. Taft, $50, 1988, George Bush.

7. Sisters and spouses, Maria T. Clemon, none. John Clemon, none. Martha T. Golden, none. Michael Golden, none.

Thomas Patrick Melady, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Thomas Patrick Melady.

Post: Holy See.

Contributions, amount, date, and donee:

1. Self, $100, 1985, Republican Heritage Council; $200, 1985, Republican Heritage Council; $175, 1987, Connecticut Republicans; $25, 1985, Republican Forum; $50, 1988, Christopher Shays; $300, 1988, Connecticut Republicans; $50, 1988, Senator Weicker; $100, 1988, Senator Weicker; $50, 1988, Fairfield Republican Committee.

2. Spouse, Margaret B. Melady, $15, 1985, Republican Heritage Council; $100, 1985, Connecticut Republicans; $40, 1986, Fairfield Republicans; $20, 1986, Republican Town Committee; $1,000, 1987, George Bush for President.

3. Children and spouses, Christina B. Melady, none. Monica B. Melady, none.

4. Parents, Rose M. Melady, none. Thomas P. Melady, deceased.

5. Grandparents, Philip and Margaret Melady, deceased, Adelard and Maria Belisle, deceased.

6. Brothers and spouses, Mark and Barbara Melady, none.

7. Sisters and spouses, Margaret Melady O'Brien and William O'Brien, none. Patricia Melady Alt and William Alt, none.

Joseph Bernard Gildenhorn, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Joseph Bernard Gildenhorn.

Post: Ambassador to Switzerland.

Contributions, amount, date, and donee:

1. Self, 1984: $10,000, Republican National Committee; $500, People for Boschwitz; $500, Cohen for Senator; $250, People for Pete Domenici; $500, Stevens for Senate; $500, The Jim Hunt Committee; $300, Arlen Specter for U.S. Senate; $1,000, Friends of John Warner; $500, Victory '84 (Reagan/Bush); $500, Citizens for Percy; $125, Mike Barnes for Congress. 1985: $10,000, Republican Eagles; $1,000, Bobbi Fiedler Campaign; $1,000, Kasten for Senate; $2,500, Fund for America's Future; $1,000, Senate Victory '86; $500, Mike Barnes for Senate; $500, Friends of Tom McMillen; $500, Siljander for Congress. 1986: $250, Kramer '86; $10,000, Republican Eagles; $1,000, Friends of Connie Morella; $500, Barnes for Senate; $1,000, Linda Chavez for Senate; $494.97; Arlen Specter for U.S. Senate; $1,000, Senator Paula Hawkins; $125, Kramer '86; $1,500, The President's Dinner; $1,000, Herschensohn for U.S. Senate; $100, Vandenberge for Congress; $5,000, Fund for America's Future; $1,000, Linda Chavez for Senate; $750, George Bush for President; $500, Kramer '86; $250, Friends of Paul Trible; $500, Friends of Connie Morella. 1987: $10,000, Republican National Committee; $250, George Bush for President; $3,000, The President's Dinner; $1,000, Senate Victory '88; $1,000, Milder for Congress; $10,000, Republican Eagles. 1988: $100, Davis for Congress; $50, Friends for Paul Trible; $100, Republican Party Builders; $500, Hatch for Senate; $1,000, Wallop Senate Drive; $1,000, Pete Dawkins for U.S. Senate; $1,000, Maryland Association for Concerned Citizens PAC; $100,000, Republican National State Elections Committee; $100, Alan Keyes for Senate; $500, Conrad Burns for U.S. Senate. 1989: $10,000, Republican Eagles; and $1,000, People for Boschwitz.

2. Spouse, Alma Lee Gildenhorn, $250, 1984, People for Pete Domenici; $2,500, 1985, Fund for America's Future; $1,000, 1985, Senate Victory '86; $1,000, 1985, Bobbi Fiedler Campaign Committee; $250, 1986, Ken Kramer '86; $1,000, 1986, Linda Chavez for Senate; $125, 1986, Ken Kramer '86; $750, 1986, George Bush for President; $250, 1987, George Bush for President; $1,000, 1988, Republican Senate Victory '88; $10,000, 1988, Presidential Trust; $1,000, 1988, Durenberger '88 Re-Election Committee; and $1,000, 1988, Pete Dawkins for U.S. Senate.

3. Children and spouses, Carolyn A. and Michael E. Winer, $1,000, 1985, Senate Victory '86; $1,000, 1988, George Bush for President. Catherine Z. and Michael S. Gildenhorn, $1,000, 1985, Senate Victory '86; $500, 1985, Barnes for Senate; $200, 1987, Milder for Congress; $100, 1987, Bush '88; $250, 1988, Phil Davis for Congress; $1,000, 1988, George Bush for President; $1,000, 1988, Pete Dawkins for U.S. Senate.

4. Parents, Celia Gildenhorn, deceased. Oscar Gildenhorn, $500, 1984, People for Boschwitz; $500, 1984, Cohen for Senator; $500, 1984, People for Pete Domenici; $500, 1984, Stevens for Senate; $1,000, 1985, Senate Victory '86; $1,000, 1986, Vice President Bush Exploratory Account; $750, 1986, George Bush for President; $1,000, 1987, Senate Victory '88.

5. Grandparents, deceased.

6. Brothers and spouses, none.

7. Sisters and spouses, Blanche Speisman, none; Howard Speisman, deceased.

[1] A contribution of $500 was initially made; $250 was subsequently refunded.

[2] This contribution was subsequently refunded.

[3] This contribution was not subject to the Federal Election Campaign Act.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. REID:

S. 1393. A bill to direct the Secretary of Defense to give priority to the Federal Bureau of Prisons in transferring any surplus real property or facility that is being closed or realigned; to the Committee on Armed Services.

By Mr. MOYNIHAN:

S. 1394. A bill to provide permanent duty-free treatment for corned beef in airtight containers; to the Committee on Finance.

S. 1395. A bill to suspend temporarily the duty on (6R-(6a,7B(Z)))-7-(((2-Amino-4-thiazolyl((carboxymethoxy) imino) acetyl) amino)-3-ethenyl-8-oxo-5-thia-1-azabicyclo(4.2.0.) oct-2-ene-2-carboxylic acid; to the Committee on Finance.

S. 1396. A bill to suspend temporarily the duty on N-(4-(((2-Amino-5-formyl-1,4,5,6,7,8-hexahydro-4-oxo-6-pteridinyl) methyl)amino)-benzoyl)-L-glutomic acid; to the Committee on Finance.

S. 1397. A bill relating to the tariff treatment of woven fabrics of carded fine animal hair, of woven fabrics of combed wool or combed fine animal hair, and of certain gauzes; to the Committee on Finance.

By Mr. CRANSTON (for himself and Mr. MURKOWSKI) (by request):

S. 1398. A bill to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. SARBANES:

S. 1399. A bill to improve forest management in urban areas and other communities, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KASTEN (for himself, Mr. INOUYE, Mr. DANFORTH, Mr. ROCKEFELLER, Mr. MCCAIN, Mr. EXON, Mr. PRESSLER, Mr. RIEGLE, Mr. GORTON, Mr. SANFORD, Mr. BURNS, Mr. LOTT, Mrs. KASSEBAUM, Mr. CHAFEE, Mr. COATS, Mr. LUGAR, Mr. HELMS, Mr. BOSCHWITZ, and Mr. BOND):

S. 1400. A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOSCHWITZ:

S. 1401. A bill to reduce the number of reports which the Department of Defense is required to submit to the Congress; to the Committee on Armed Services.

By Mr. BAUCUS:

S. 1402. A bill to amend the Older Americans Act of 1965 to ensure area agencies receive adequate funding, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. STEVENS (by request):

S. 1403. A bill to increase the annual salaries of executive personnel, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. KASSEBAUM:

S. 1404. A bill to name the Department of Veterans Affairs Medical Center in Leavenworth, Kansas, as the "Dwight D. Eisenhower Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mrs. KASSEBAUM (for herself and Mr. PELL):

S. 1405. A bill to ensure the eligibility of displaced homemakers and single parents for Federal assistance for first-time homebuyers; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HARKIN (for himself, Mr. GRASSLEY, Mr. CHAFEE, and Mr. DURENBERGER):

S. Res. 157. Resolution commending the citizens of Sioux City and Woodbury County, Iowa for their assistance and extraordinary response to the crash of United flight 232 on July 19, 1989; considered and agreed to.

By Mr. MCCAIN (for himself, Mr. EXON, Mr. HUMPHREY, Mr. REID, Mrs. KASSEBAUM, Mr. SYMMS, Mr. DASCHLE, Mr. CONRAD, Mr. GORTON, Mr. KERRY, Mr. HARKIN, Mr. BRYAN, Mr. LUGAR, Mr. FOWLER, Mr. STEVENS, Mr. KOHL, Mr. MATSUNAGA, Mr. BREAUX, Mr. HEINZ, and Mr. COATS):

S. Con. Res. 56. Concurrent resolution relating to the establishment of new comprehensive national aviation policy for the United States; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 1393. A bill to direct the Secretary of Defense to give priority to the Federal Bureau of Prisons in transferring any surplus real property or facility that is being closed or realigned; to the Committee on Armed Services.

DRUG PRISON ACT

Mr. REID. Mr. President, the drug problem in our country has evolved into an epidemic—a dangerous, deadly infiltrating problem that is going into each of our communities, our workplaces, and our schools.

In an effort to stem the tide of drugs, we have engaged in a war—we have stepped up law enforcement activities, and taken a more aggressive approach to arresting and prosecuting drug offenders.

The courts judge these offenders to be guilty. But then something terrible, even sad, happens. The convicted criminals are released because there is no room for them in our prisons. Because our prisons are bursting at the seams—overpopulated beyond any acceptable standards—we often have no choice but to penalize these drug offenders with only a criminal record and a fine, and send them on their way—back to the streets—back to peddling drugs.

That is not much of a deterrent, Mr. President. All the sweat, risk, and work that goes into these investigations to uncover these drug operations and apprehend the offenders is worthless if we cannot punish those convicted of drug crimes. Today, Mr. President, I am introducing the Drug Prison Act, a bill that will help alleviate the overcrowded conditions in our Federal prisons and ensure that drug offenders receive swift and just punishment for their crimes.

My bill amends the Base Closure and Realignment Act, which is now public law. My bill gives the Federal Bureau of Prisons priority for the transfer of military installations and facilities, before these bases are disposed of as surplus property.

This action will afford the Federal Bureau of Prisons an opportunity to convert closed military bases to drug detention facilities.

We need these facilities to fulfill our mandate to bring drug offenders to justice. By establishing these properties as prisons we will send a message to the drug dealers of this country.

They will know that there is now room "at the inn." They will no longer escape deserved penalties because the sign at the Federal prison flashed a message reading: "No Vacancy."

There will be no more opportunities to mock the system—no more opportunities to buck the system. No more opportunities, Mr. President, to spread

the scourge of drugs among the American people.

The need for additional prison space is tremendous. Since January 1981, the Federal inmate population has grown by over 20,000.

The small number of beds added during this period can, in no way, accommodate the increased number of inmates. Most of these new offenders are convicted of drug-related crimes. Current Bureau of Prison statistics indicate that 44 percent of inmates in the prison system are drug offenders.

If we continue to be vigilant in our war on drugs, then we will inevitably see an increase in the prison population. And this, Mr. President, is the way it should be.

The latest projections by the Department of Justice indicate that by 1995, the Bureau of Prisons will house 94,000 inmates—65,000 of whom will be sentenced for drug crimes.

My legislation will help provide a place for these criminals to be incarcerated—a place for discipline as well as treatment, with the hope that those who complete their prison term can re-enter society as productive citizens.

Local and State governments are sending us impassioned pleas for help. Last month, the U.S. Council of Mayors resolution committee unanimously approved a measure urging Congress to convert closed military bases into prisons for drug offenders.

Governors are echoing these same sentiments.

The idea is not a new one. Back in 1981, the Attorney General's Task Force on Violent Crime recommended that States and localities be allowed to use abandoned military bases for prisons.

My bill refines this recommendation to focus on prisons for drug offenders. A lot has changed since 1981, Mr. President. And it has not all been for the better.

The changes call for an all-out war on drugs—a war which we have just begun to fight.

When we engage in battle, we seek to direct our efforts and resources in the most effective, efficient manner possible.

In these times of Federal deficits, that does not mean throwing more money at the problem.

Money would certainly help, but it is hard to come by. And there are other viable solutions—solutions that are economical.

I harbor a tremendous frustration, as do many others Senators, at the fact that the Omnibus Anti-Drug Act we passed in 1986 has never been funded. We prided ourselves for the great strides foward we made with that legislation. But our work is futile without the funds to implement the law.

My bill says, take the resources we already have—the military installations that will be closed—and engage those resources in our effort to combat drugs.

We can no longer tolerate the last resort approach—the approach that leads us to reprimand and fine criminals, while releasing them into freedom.

Their freedom, Mr. President, is our imprisonment.

As long as these convicted drug offenders are free to roam the streets, we must retreat into the safety of our homes and virtually imprison ourselves from those who could inflict harm on us.

That harm might come about through the evil influence of the wares they peddle, or because we are innocent bystanders caught in the crossfire of a battle over turf or money.

The people of this country cower behind invisible bars—bars that they must erect to keep out the drug offenders that dwell among us. Something is dreadfully wrong with this reality, Mr. President.

I urge my colleagues to help restore the freedom and health of our communities by supporting my legislation to give the Federal Bureau of Prisons priority in the use of closed military installations.

I am aware that some residents who live near these military bases are fearful of the consequences of a prison near their homes.

They rally behind the call for more prisons, as long as those facilities are not in their backyard.

I say to these people that, if the drug offenders are not put in prison, they will indeed be in the backyards—in the schoolyards—and even blatantly outside the front yards—dealing death and addiction to all who come their way— or stand in their way.

I ask unanimous consent that the text of my bill be printed in the RECORD following my statement.

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

S. 1393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 204(b)(3) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) is amended to read as follows:

"(3)(A) Before any action is taken with respect to the disposal or transfer of any real property or facility located at a military installation to be closed or realigned under this title—

"(i) the Secretary shall notify all departments and other instrumentalities (including nonappropriated fund instrumentalities) within the Department of Defense of the availability of such property or facility, or portion thereof, and may transfer such property, facility, or portion, without reimbursement, to any such department or instrumentality; and

"(ii) after adequate notification under clause (i), the Secretary shall—

"(I) notify the Attorney General of the availability of such property or facility, or portion thereof; and

"(II) if the Attorney General certifies that such property will be used primarily in the incarceration of prisoners convicted of controlled substances offenses and that such property is essential to the Bureau of Prisons program objectives, transfer such property, facility, or portion to the Bureau of Prisons.

"(B) In carrying out subparagraph (A)(i), the Secretary shall give a priority, and shall transfer, to any such department or other instrumentality that agrees to pay fair market value for the property or facility, or portion thereof. For purposes of subparagraph (A)(i), fair market value shall be determined on the basis of the use of the property or facility on December 31, 1988.

"(C) This paragraph shall take precedence over any other provision of this title or other provision of law with respect to the disposal or transfer of real property or facility located at a military installation to be closed or realigned under this title.".

By Mr. CRANSTON (for himself and Mr. MURKOWSKI) (by request):

S. 1398. A bill to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE QUALITY ASSISTANCE AND COST EFFECTIVENESS ACT OF 1989

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced on behalf of myself and the committee's ranking minority member, Mr. MURKOWSKI, by request, S. 1398, the proposed Department of Veterans Affairs Health Care Quality Assistance and Cost Effectiveness Act of 1989. The Secretary of Veterans Affairs submitted this legislation by letter dated July 14, 1989, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation. I plan to work with the administration in developing acceptable legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the July 14, 1989, transmittal letter and the accompanying analysis.

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

S. 1398

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Veterans Affairs Health Care Quality Assistance and Cost Effectiveness Act of 1989."

SEC. 2. The Congress finds that—

(a) The Department of Veterans Affairs (VA) now provides quality health care to eligible veterans in 172 medical centers, 119 nursing homes, 233 outpatient clinics, 27 domiciliaries, and 194 readjustment counseling centers throughout the United States, its territories and possessions.

(b) In the period since the establishment of most VA facilities, there has been a significant shift in the population of veterans within the United States. The population, especially older veterans, has moved south. VA medical centers, many of which were built after World War II, are maldistributed for today's eligible population. The total veteran population is projected to continue to decline, while the percentage of veterans who are elderly will significantly increase.

(c) Also, within this period, there have been major advances in medicine, which have reduced the prevalence of diseases and revolutionized the treatment of disorders for which certain VA medical centers had originally been established. At the same time, new or previously unknown health-care problems and diseases, which require specialized treatment facilities, have emerged since the end of the Second World War. The practice of medicine has changed from hospital-based care to a continuum which incorporates ambulatory as well as inpatient and extended care and community-based outreach care.

(d) There has not been a thorough review in at least 25 years to determine the most optimal and efficient distribution of health-care resources to veterans.

(e) Quality of care is the benchmark of a successful, acceptable health care system. The definition of quality of care encompasses the environment, materials, clinical processes and available clinicians and practitioners. A major review and evaluation of all VA health-care facilities, which would include consideration of realignments or facility mission changes, are needed to assure that the Veterans Health Services and Research Administration (VHS&RA) can continue to provide quality care effectively and efficiently while meeting its goal of affording eligible veterans equitable access to that care.

(f) The cooperation and collaboration between the health-care systems of the Departments of Defense and Veterans Affairs pursuant to recent legislation has resulted in numerous "sharing agreements" allowing resources to be utilized more fully.

(g) A review, evaluation, and development of recommendations for needed changes in the VHS&RA can best be conducted by an independent, bipartisan, broadbased commission, composed of leading citizens, particularly those with health-care leadership and expertise.

SEC. 3. IN GENERAL.—(a) The Secretary of Veterans Affairs is authorized to—

(1) realign all medical facilities recommended for realignment by the Commission provided for in section 5 in its report to the Secretary of Veterans Affairs.

(2) change the major mission of all medical facilities as recommended for such change by the Commission in such report; and

(3) initiate all these realignments and major mission changes no later than two years after receipt of the Commission's report to the Secretary, and complete all realignments and major mission changes no later than six years after receipt of the report.

(b) It is the sense of the Congress that under no circumstances shall the Secretary of Veterans Affairs revise the recommendations of the Commission.

SEC. 4. CONDITIONS.—(a) IN GENERAL.—The Secretary may not carry out the realignment and major mission change of any medical facility under this Act unless the Secretary transmits to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report referred to in section 3 and a report containing a statement that the Secretary has approved, and the Department of Veterans Affairs will implement, the medical facility realignments and major mission changes recommended by the Commission in its report.

(b) JOINT RESOLUTION.—The Secretary of Veterans Affairs may not carry out any realignments or major mission changes under this Act if, within four months of the transmittal of the report by the Secretary to the Committees on Veterans' Affairs of the Senate and House of Representatives, a joint resolution is enacted in accordance with the provisions of section 10, disapproving all the recommendations of the Commission. The joint resolution shall only provide for disapproval of all recommendations and may not delete or amend any recommendation for realigning or changing the major mission of any medical facility. The days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the four-month period.

(c) TERMINATION OF AUTHORITY.—The authority of the Secretary of Veterans Affairs to carry out any realignment or major mission change under this section shall terminate six years after the date of the receipt of the report referred to in section 3.

SEC. 5. THE COMMISSION ON REALIGNMENT AND MAJOR MISSION CHANGE.—(a) MEMBERSHIP.—The Commission shall consist of not less than 9 and not more than 15 members selected by the Secretary of Veterans Affairs.

(1) Recommendations may be offered for selection of members of the Commission as follows:

(A) one member recommended by the Chairman, and one member recommended by the Ranking Minority member, Committee on Veterans' Affairs, United States House of Representatives;

(B) one member recommended by the Chairman, and one member recommended by the Ranking Minority member, Committee on Veterans' Affairs, United States Senate;

(C) one member recommended by the Association of American Medical Colleges, after consultation with the Chief Medical Director of the VHS&RA; and

(D) two members recommended by veterans' service organizations chartered under title 38, United States Code.

(2) The Chief Medical Director may also recommend members, including—

(A) one member who is a member of the Special Medical Advisory Group established pursuant to authority in section 4112(a) of title 38, United States Code;

(B) one member who is knowledgeable of any familiar with the health-care system of the Department of Defense and the sharing of health-care resources between the Departments of Defense and Veterans Affairs;

(C) two members with broad experience in government or private enterprise; and

(D) persons rerpresenting clinical care, medical research and educational activities affected by the Veterans Health Services and Research Administration or persons with experience in the management of health services and research programs, or health-care economics or policy.

(3) The Secretary of Veterans Affairs shall designate, after consultation with the Chief Medical Director, a Chairman and Vice-Chairman from among the members of the Commission.

(b) DUTIES.—The Commission shall—

(1) review each medical facility of the Department of Veterans Affairs on its ability to meet the health-care needs of, and provide quality care to, eligible veterans currently residing in the area served by the facility and eligible veterans who will be residing in that area according to demographic projections;

(2) include the following factors in developing the criteria to be used in conducting its review: the population and health-care needs of eligible veterans in the area served by the facility who are likely to use VA facilities with particular emphasis on the needs of those veterans whose care VA is obligated by law to provide, specialized health-care services provided, the facility's workload, alternative sources of health care for veterans in the area served, the impact of the medical facility on the community's health care and economy, the facility's physical plant, the ability to recruit and retain qualified health-care personnel, and quality of care; and

(3) strive to achieve the goal of more efficient delivery of quality care to eligible veterans in the area where they reside.

(c) REPORT.—(1) The Commission shall transmit the report referred to in section 3 to the Secretary of Veterans Affairs no later than January 1, 1991.

(2) The report shall include the following:

(A) a description of the Commission's recommendations of the medical facilities from or to which functions will be transferred as a result of the realignments or major mission changes recommended by the Commission;

(B) a statement certifying that the Commission has identified the medical facilities to be realigned or changed in their major missions by reviewing all medical facilities, including medical facilities under construction and all those planned for construction under the Department of Veterans Affairs' five-year medical facility development plan; and

(C) a statement of the estimated costs and savings related to each of the realignments and major mission changes recommended by the Commission.

(d) SUPPORT.—The Commission is authorized to employ staff and obtain other support services and resources to carry out its duties. The Secretary of Veterans Affairs may provide the Commission, on request, with support services available, including staff, space, and equipment. Funds from the Medical Care appropriation account of the Department of Veterans Affairs may be used for expenses incurred by the Commission in carrying out its duties, subject to the availability of appropriations. Not more than one-half of the professional staff of the Commission shall be individuals who have been employed by the Department of

Veterans Affairs during the year prior to the enactment of this Act.

(e) RECORDS AND MEETINGS.—(1) All records, documents, and other materials generated by the Commission from the date of its establishment shall not be subject to the Freedom of Information Act (5 U.S.C. 552).

(2) No meeting of the Commission shall be subject to the provisions of section 10 of the Federal Advisory Committee Act (5 U.S.C. Appendix 2) and 5 U.S.C. 552b.

(3) No member of the Commission or any person employed by or assigned to the Commission or any official or employee of the Department of Veterans Affairs may reveal or disclose any records, documents or other materials generated by the Commission to anyone other than officers or employees of the United States until the Secretary of Veterans Affairs transmits to the Committees on Veteran's Affairs of the Senate and House of Representatives the report provided in section 4(a).

SEC. 6. IMPLEMENTATION.—(a) IN GENERAL.—In realigning or changing the major mission of a medical facility under this Act, the Secretary of Veterans Affairs—

(1) subject to the availability of funds authorized for and appropriated to the Department of Veterans Affairs for use in planning and design, construction, or operation and maintenance, and the availability of funds in the fund established under section 9 of this Act, may carry out actions necessary to implement such realignment or major mission change, including the acquisition of such land, the construction of such replacement facilities, the performance of such activities, and the conduct of such advance planning and design as may be required to transfer functions from one medical facility to another medical facility;

(2) subject to the availability of funds authorized and appropriated to the Department of Veterans Affairs for economic adjustment assistance or community planning assistance and the availability of funds in the fund established under section 9 of this Act, shall provide—

(A) economic adjustment assistance to any community located near a medical facility being realigned or whose major mission is to be changed, and

(B) community planning assistance to any community located near a medical facility to which functions will be transferred as a result of such realignment or major mission change,

if the Secretary determines that the financial resources available to the community (by grant or otherwise) for such purposes are inadequate; and

(3) subject to the availability of funds authorized and appropriated to the Department of Veterans Affairs for environmental restoration and the availability of funds in the fund, may carry out activities for the purpose of environmental restoration, including reducing, removing, and recycling hazardous wastes and removing unsafe buildings and debris.

(b) DISPOSAL OF PROPERTY.—(1) The Administrator of General Services shall transfer and dispose of all property and facilities of the Department of Veterans Affairs located at a facility to be realigned or whose major mission is to be changed pursuant to this Act in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and other laws which authorize the Administrator to dispose of property of agencies of the United States and without regard to section 5022(a) of title 38, United States Code.

(2)(A) Subject to subparagraph (B), the Administrator of General Services shall deposit into the fund established under section 9 of this Act all proceeds transferred or disposed of by the Administrator of General Services pursuant to this Act.

(b) The Administrator of General Services shall deposit into the fund referred to in section 204(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(b)) an amount of the proceeds of each transfer and of each disposal of property carried out pursuant to this Act equal to the amount estimated by the Administrator to be needed for direct expenses incurred by the Administrator in carrying out the transfer or disposal, as applicable. Amounts deposited by the Administrator into that fund pursuant to this subsection shall be administered in accordance with sections 204(b), (c), and (d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(b), (c), and (d)).

SEC. 7. WAIVER.—The Secretary of Veterans Affairs may carry out this Act without regard to—

(a) any laws restricting the authority of the Secretary or restricting the use of funds for realigning or changing the major mission of medical facilities of the Department of Veterans Affairs in any law, other than this Act;

(b) any provision of title 38, United States Code;

(c) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 8. REPORTS.—As part of each annual budget request for the Department of Veterans Affairs, the Secretary of Veterans Affairs shall transmit to the Committees on Veterans' Affairs and Appropriations of the Senate and House of Representatives—

(a) a schedule of the realignment or major mission change actions to be carried out under this Act in the fiscal year for which the request is made and an estimate of the total expenditures required and cost impact of each such realignment or major mission change and of the time period within which such cost impact would occur in each case, together with the Secretary's assessment of the environmental effects of such actions; and

(b) a description of the medical facilities, including those under construction and those planned for construction, to which functions are to be transferred as a result of such realignments or major mission changes together with the Secretary's assessment of the environmental effects of such transfers.

SEC. 9. FUNDING.—(a) There is hereby established on the books of the Treasury a separate fund that shall be available to the Secretary only to the extent or in such amounts as are provided for in appropriations Acts to carry out the purposes of this Act. No other funds shall be available for this purpose.

(b) The fund shall consist of—

(1) funds appropriated for the purpose of this Act;

(2) funds transferred to this fund from funds appropriated to the Department of Veterans' Affairs for any purpose, except that such funds may be transferred only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the Committees on Veterans' Affairs and Appropriations of the Senate and House of Representatives; and

(3) proceeds described in section 6(b)(2)(A).

(c)(1) The Secretary may use the funds in this fund only for the purposes described in section 6(a).

(2) When a decision is made to use any amounts in this fund to carry out a construction project under section 6(a)(1) and the cost of the project will exceed the maximum amount authorized by law for a minor construction project, the Secretary shall notify in writing the Committees on Veterans' Affairs and Appropriations of the Senate and House of Representatives of the nature of, and justification for, the project and the amount of expenditures for such project.

(d) No later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this Act, the Secretary shall transmit a report to the Committees on Veterans' Affairs and Appropriations of the Senate and House of Representatives of the amount and nature of the deposits into, and the expenditures from, this fund during such fiscal year and of the amount and nature of other expenditures made pursuant to section 6(a) during such fiscal year.

(e) Unobligated funds which remain in this fund after the termination of the authority of the Secretary to carry out a realignment or major mission change under this Act shall be transferred to the miscellaneous receipts account in the United States Treasury.

(f) No later than 60 days after the termination of the authority of the Secretary to carry out a realignment or major mission change under this Act, the Secretary shall transmit to the Committees on Veterans' Affairs and Appropriations of the Senate and House of Representatives a report containing an accounting of—

(1) all funds deposited into and expended from the fund or otherwise expended under this Act; and

(2) any amount remaining in this fund.

SEC. 10. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT.—(a) TERMS OF THE RESOLUTION.—For purposes of section 3(b), the term "joint resolution" means only a joint resolution which is introduced within three months of the transmittal of the statement and report by the Secretary of Veterans Affairs referred to in section 4(a), and—

(1) which does not have a preamble;

(2) the matter after the resolving clause of which is as follows: "That Congress disapproves the recommendations of the Commission on Medical Facility Realignment and Major Mission Change established by the Secretary of Veterans Affairs as submitted to the Secretary of Veterans Affairs on ," the blank space being appropriately filled in; and

(3) the title of which is as follows: "A joint resolution disapproving the recommendations of the Commission on Medical Center Realignment and Major Mission Change."

(b) REFERRAL.—A resolution described in subsection (a) introduced in the House of Representatives shall be referred to the Committee on Veterans' Affairs of the House of Representatives. A resolution described in subsection (a) introduced in the Senate shall be referred to the Committee on Veterans' Affairs of the Senate.

(c) DISCHARGE.—If the committee to which a resolution described in subsection (a) is referred has not reported such resolution (or an identical resolution) within three months of the transmittal of the statement and report by the Secretary of Veterans Affairs referred to in section 4(a), such committee

shall be, as of that date, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(d) CONSIDERATION.—(1) On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under subsection (c) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution (but only on the day after the calendar day on which Member announces to the House concerned the Member's intention to do so). All points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(2) Debate on the resolution and on all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(3) Immediately following the conclusion of the debate on a resolution described in subsection (a) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) CONSIDERATION BY OTHER HOUSE.—(1) If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to a resolution described in subsection (a) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(2) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rule of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 11. DEFINITIONS. In this Act:

(a) The term "medical facility" has the same meaning as contained in section 601(4)(A) of title 38, United States Code.

(b) The term "major mission change" means any substantive change in clincial programs or patterns of delivery of medical care at a medical facility, or part thereof, under the jurisdiction of the Secretary.

(c) The term "realignment" means any merging of the functions, activities, staff, or property of two or more medical facilities, or parts thereof, or any relocation of functions at or from any medical facility, or part thereof, under the jurisidction of the Secretary.

VETERANS' ADMINISTRATION, OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,

Washington, DC, July 14, 1989.

Hon. DAN QUAYLE,

President of the Senate, Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To provide for the realignment of major mission change of certain medical facilities of the Department of Veterans Affairs" with the request that it be referred to the appropriate committee and enacted promptly.

The Department of Veterans Affairs (VA) is required by law to maintain the capacity of all its medical facilities to assure the provision of, and minimize delay in, care to eligible veterans throughout the United States. The VA now provides quality health care through its 172 medical centers, 119 nursing homes, 233 outpatient clinics, 27 domiciliaries, and 194 readjustment counseling centers throughout the United States, its terrorities and possessions.

Since the establishment of the VA health-care system, there have been tremendous advances in medicine, which have reduced the prevalence of diseases and revolutionized the treatment of disorders for which certain VA medical centers had originally been established. However, new or previously unknown health-care problems and diseases, which require specialized treatment facilities, have emerged since the end of the Second World War. The practice of medicine has basically changed from hospital-based care to a continuum which incorporates ambulatory as well as inpatient and extended care and community-based outreach care. Most VA health-care facilities were established without anticipation of these changes in medicine as well as the significant population shift of veterans, and the continuing increase in the percentage of veterans who are elderly.

The VA and Congress are committed to operating a VA health-care system that will continue to provide high quality care to the patients we serve. There has not been a thorough review in the past 25 years to determine whether the location, size, and mission of all of our medical facilities still represent the most optimal and most efficient distribution of health-care resources to veterans. The only internal process available to generate such an assessment, the Medical District Initiated Planning Process (MEDIPP), cannot provide the independent analysis needed for this objective. Moreover, statutory provisions designed to protect the integrity and independence of the VA health-care system significantly impede restructuring or reorganization, even for quality-of-care purposes.

It is critically important that we keep a singular focus on maintaining high quality care in an environment of severe fiscal constraints affecting Federal health-care spending. At the same time, we must pursue all possible means to maintain and improve our quality of care. Therefore, we recommend the enactment of legislation which would establish a Commission to review the missions and quality of care of every VA medical facility to determine if improvements or enhancements can be realized through realignments or major mission changes.

The Commission would be composed of 9 to 15 members selected by the Secretary of Veterans Affairs. The leadership of the House and Senate Veterans' Affairs Committees, chartered veterans' service organizations, and the Association of American Medical Colleges would be authorized to recommend members of the Commission. The Chief Medical Director of the Veterans Health Services and Research Administration (VHS&RA) would also be authorized to recommend members, including a member of the Special Medical Advisory Group, an individual knowlegeable of the health-care system of the Department of Defense and the sharing of health-care resources between the Departments of Defense and Veterans Affairs, and two individuals with broad experience in government or private enterprises. Remaining members, to be recommended by the Chief Medical Director, would consist of persons representing clinical care, medical research and educational activities affected by the VHS&RA or persons with experience in the management of health services and research programs, or health-care economics or policy.

In addition to examining to assure that VA medical facilities can continue to provide quality care effectively and efficiently while meeting the goal of affording eligible veterans equitable access to that care, the Commission would study and consider the socio-economic impact of any realignment or major mission change on the medical facility's community.

The Commission would recommend realignments and major mission changes to the Secretary. The bill would reflect the intent of the Congress that under no circumstances shall the Secretary revise the Commission's recommendations.

The Secretary could not begin realigning any medical facility identified by the Commission if Congress enacts a joint resolution of disapproval according to the process prescribed in the bill. This resolution must be to disapprove all the recommendations of the Commission and cannot provide for disapproval of only some of the recommendations or for any amendments to the recommendations.

This legislation would be beneficial in assisting the Department in carrying out its

mission of providing quality medical care to veterans in the most efficient manner possible. It could result in practical resource shifts within the Medical Care appropriations account to improve the quality of care at a large number of VA medical facilities and would be a major step toward restructuring the VA system to meet the future health-care needs of our Nation's veterans.

The Office of Management and Budget advises that there is no objection to the submission of this legislative proposal and that its enactment would be in accord with the program of the President.

Sincerely yours,

EDWARD J. DERWINSKI,
Secretary.

ANALYSIS OF PROPOSED BILL

Section 1 of the bill would provide for the Act to be cited as the "Department of Veterans Affairs Health Care Quality Assistance and Cost Effectiveness Act of 1989."

Section 2 is a statement of congressional findings which lays a foundation for the establishment of an independent commission to review medical facilities of the Department of Veterans Affairs (VA) and for procedures to implement or disapprove its recommendations.

Section 3. In General.—Subsection (a) would authorize the Secretary of Veterans Affairs ("Secretary") to realign or change the major mission of all VA medical facilities as recommended by the Commission on Realignment and Major Mission Change ("Commission") in a report it is required to submit to the Secretary as described in section 5(c) of the bill. All these actions must be initiated no later than two years after the Secretary receives the Commission's report and must be completed no later than six years after receipt of the report.

Subsection (b) would express the sense of Congress that the Secretary will not, under any circumstances, revise the Commission's recommendations.

Section 4. Conditions.—Subsection (a) would provide that the Secretary of Veterans Affairs cannot realign or change the major mission of any VA medical facility unless the Secretary transmits to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the Commission's report on medical facility realignment and major mission change and a report by the Secretary containing a statement that the Secretary approves and VA will implement the recommendations of the Commission.

Subsection (b) would prohibit the Secretary from implementing any medical facility realignment or major mission change under this Act if a joint resolution disapproving the Commission's recommendations is enacted by Congress, as provided in section 10, within four months of the transmittal of the report by the Secretary to the Senate and House Committees on Veterans' Affairs. This joint resolution must provide that the Congress disapproves all the Commission's recommendations. The joint resolution may not provide for any deletions or amendments of the Commission's specific recommendations.

Subsection (c) would provide that the Secretary's authority to carry out any medical facility realignment or major mission change shall terminate six years after the date the Secretary receives the Commission's report on realignment and major mission change.

Section 5. The Commission on Realignment and Major Mission Change.—Subsection (a) would require that the Commission would consist of not less than 9 and not more than 15 members. All members would be selected by the Secretary of Veterans Affairs.

This subsection also provides that recommendations for selection of Commission members may be made as follows:

(A) One member recommended by the Chairman, Senate Veterans' Affairs Committee, and one by the Ranking Minority Member of that Committee;

(B) One member recommended by the Chairman, House Veterans' Affairs Committee, and one by the Ranking Minority Member of that Committee;

(C) One member recommended by the Association of American Medical Colleges, after consultation with the Chief Medical Director of the Veterans Health Services and Research Administration (VHS&RA); and

(D) Two members recommended by veterans' service organizations chartered under title 38, United States Code.

The VHS&RA Chief Medical Director may also make recommendations to the Secretary, including the following:

(A) One member who is a member of the VA Special Medical Advisory Group established under section 4112(a) of title 38, United States Code;

(B) One member who is knowledgeable of and familiar with the health-care system of the Department of Defense and health-care resource sharing between the Departments of Defense and Veterans Affairs;

(C) Two members with broad experience in government or private enterprise; and

(D) Persons representing clinical care, medical research and educational activities affected by the VHS&RA or persons with experience in the management of health services and research programs, or health-care economics or policy.

The Secretary, after consultation with the Chief Medical Director, shall appoint a chairman and vice-chairman from among the Commission members.

Subsection (b) requires the Commission to review each VA medical facility's ability to meet health-care needs and provide quality care to eligible veterans currently residing in the area served by the facility and eligible veterans who will be residing in that area according to demographic projections. The subsection also lists the factors that the Commission should include in developing its criteria for conducting the review of VA medical facilities and provides that the Commission should strive to achieve the goal of more efficient delivery of quality care to eligible veterans in the area where they reside.

Subsection (c) would require the Commission to submit its report on VA medical facility realignment and major mission change to the Secretary of Veterans Affairs no later than January 1, 1991. The report must include (1) a description of the Commission's recommendations on medical facility realignments and major mission changes, (2) a statement certifying that it has identified medical facilities for realignment or major mission change, including those either under construction or planned for construction under VA's five-year medical facility development plan, and (3) a statement of the estimated costs and savings related to each recommended realignment and major mission change.

Subsection (d) would authorize the Commission to employ staff and obtain other support services to carry out its duties. The Secretary of Veterans Affairs is authorized to provide the Commission, on request, with support services available to the Department, including staff, space, and equipment. Subject to the availability of appropriations, it would also authorize use of funds from the VA Medical Care appropriation account to pay for the expenses of the Commission in carrying out its duties. Finally, subsection (d) would require that not more than one-half of the Commission professional staff could be VA employees during the year prior to the enactment of this Act.

Subsection (e)(1) would provide that all records, documents, and other materials generated by the Commission would not be subject to the Freedom of Information Act.

Subsection (e)(2) would provide that meetings of the Commission would not be subject to the provisions of section 10 of the Federal Advisory Committee Act and section 552b of title 5, United States Code, which require meetings of advisory committees to be open to the public.

Subsection (e)(3) would prohibit Commission members and employees, persons assigned to the Commission, and any VA official or employee from revealing or disclosing any Commission records, documents, or other materials to anyone other than officers or employees of the United States, except for the Secretary's submission to Congress of the Commission report as provided for in section 4(a), until the Secretary transmits to the Senate and House Veterans' Affairs Committees a copy of that report.

Section 6. Implementation.—Subsection (a)(1) would authorize the Secretary of Veterans Affairs to carry out all actions necessary to realign or change the major mission of a medical facility under this Act, including land acquisition, construction of replacement facilities, and advance planning and design. These actions are subject to the availability of authorized and appropriated funds for planning and design, construction, or operation and maintenance, and the availability of funds in the separate fund established under section 9 of this Act.

Subsection (a)(2) would require the Secretary to provide economic adjustment assistance to any community located near a medical facility realigned or whose major mission is changed under this Act and planning assistance to any community located near a medical facility to which functions will be transferred as a result of a realignment or major mission change if the Secretary determines that financial resources available to the community for these purposes are inadequate. Any economic assistance or planning assistance is subject to the availability of funds authorized and appropriated for these purposes and to the availability of funds in the fund established under section 9 of this Act.

Subsection (a)(3) would authorize the Secretary to carry out activities for environmental restoration, subject to the availability of funds authorized and appropriated to the VA for environmental restoration and the availability of funds in the separate fund established under section 9 of this Act.

Subsection (b)(1) would authorize the Administrator of General Services to transfer and dispose of all VA property and facilities located at a facility to be realigned or whose major mission is to be changed pursuant to this Act in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and other laws which authorize the Administrator to dispose of property of agencies of the United

States. The disposal of such VA property would not be subject to section 5022(A) of title 38, United States Code, which requires that amounts realized from the transfer of an interest in certain VA real property be deposited in the nursing home revolving fund.

Subsection (b)(2)(A) would require the GSA Administrator, subject to subparagraph (B), to deposit into the fund established under section 9 of this Act all proceeds transferred or disposed of by the Administrator pursuant to this Act.

Subsection (b)(2)(B) would require the GSA Administrator to deposit into the fund referred to in section 204(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(b)) an amount of the proceeds of each transfer and of each disposal of property carried out pursuant to this Act equal to the amount estimated by the Administrator to be needed for direct expenses incurred by the Administrator in carrying out the transfer or disposal, as applicable. Amounts deposited by the Administrator into that fund pursuant to this subsection shall be administered in accordance with sections 204(b), (c), and (d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(b), (c), and (d).

Section 7. Waiver.—Section 7 would authorize the Secretary to carry out this Act without regard to any other laws restricting use of funds for realigning or changing the major mission of VA medical facilities, any provisions of title 38, United States Code, or the National Environmental Policy Act of 1969.

Section 8. Reports.—Section 8 would require the Secretary, as part of the annual budget request for appropriations, to provide the Committees on Veterans' Affairs and the Appropriations Committees (1) a schedule of the realignment and major mission change actions to be carried out under this Act for that fiscal year, and an estimate of the total expenditures and cost savings with an assessment of the environmental effects of these actions and (2) a description of the medical facilities to which functions would be transferred as a result of realignments and major mission changes under this Act, with an assessment of the environmental effects of the transfers.

Section 9. Funding.—Subsection (a) would authorize the establishment of a separate fund to be available to the Secretary to carry out the purposes of the Act. The fund would be available only to the extent provided in appropriations Acts.

Subsection (b) would provide that funds deposited into the new fund would consist of: (1) funds specifically appropriated; (2) funds transferred by the Secretary from funds appropriated to the Department, subject to approval in an appropriation act and after written justification to the Senate and House Appropriations and Veterans' Affairs Committees; and (3) funds from the transfer or disposal of property resulting from a realignment or major mission change under this Act minus the expenses of disposition.

Subsection (c) would limit use of any monies in this fund to realigning or changing the major mission of VA medical facilities, economic adjustment, community planning assistance, or environmental restoration, as described in section 6(a). The Secretary would be required to notify the Senate and House Committees on Appropriations and Veterans' Affairs, and justify in writing, when monies from this fund are used to carry out a construction project under this Act and the cost of the project would exceed the maximum amount authorized by law for a minor construction project.

Subsection (d) would require the Secretary, no later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this Act, to report to the Senate and House Committees on Appropriations and Veterans' Affairs of the amount and nature of deposits into, and expenditures from, this fund and the amount of other expenditures made pursuant to section 6(a) of the Act during each fiscal year.

Subsection (e) would require that unobligated funds remaining in this fund after the termination of the Secretary's authority to carry out a realignment or major mission change under this Act would be deposited as miscellaneous receipts in the United States Treasury.

Subsection (f) would require the Secretary to transmit to the Senate and House Committees on Appropriations and Veterans' Affairs, no later than 60 days after the termination of authority to carry out a realignment or major mission change under this Act, a report with an accounting of all funds deposited into and expended from this fund or otherwise expended under this Act and any amount remaining in the fund.

Section 10. Congressional Consideration of Commission Report.—Section 10 describes the nature and procedures for consideration of a joint resolution by both Houses of Congress disapproving the recommendations of the Commission on Realignment and Major Mission Change. This resolution must be introduced within three months of the transmittal of the statement and report by the Secretary referred to in section 4(a).

Section 11. Definitions.—Section 11 would define the terms medical facility, major mission change, and realignment.

By Mr. SARBANES:

S. 1399. A bill to improve forest management in urban areas and other communities, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

URBAN AND COMMUNITY FORESTRY ACT OF 1989

● Mr. SARBANES. Mr. President, today I am introducing important environmental legislation, the Urban and Community Forestry Act of 1989. This bill recognizes the role of trees in our cities, towns, and communities in improving air and water quality, reducing noise, controlling soil erosion, and improving the quality of life. For many years, trees were thought of as simply a means of adding to the beauty of our towns, and now we recognize that urban trees do much more—they are a vital element in addressing our increasingly serious environmental problems.

The Urban and Community Forestry Act of 1989 requires the Secretary of Agriculture to submit a report within 180 days of passage providing a summary of research on urban tree programs and an estimate of funds needed to implement such research over a period of 10 years. It authorizes education and technical assistance to State and local organizations in inventorying urban forest resources and identifying opportunities for expanding tree cover in urban areas. It establishes an urban and community forestry competitive grants programs of which the Federal share would be not more than 50 percent and authorizes $20 million to carry out this program.

I want to emphasize that the bill benefits all communities—large and small. All the programs it authorizes are equally available to towns and community associations. The purpose of the bill is to survey where we are now in our urban forestry programs, to identify where we want to go, and how best to achieve those goals.

Trees are giant oxygen factories. Scientists calculate that for every ton of wood a forest grows, it removes 1.47 tons of carbon dioxide from the atmosphere and replaces it with 1.07 tons of oxygen. In more accessible terms this means that one healthy, young tree releases enough oxygen day by day to meet the daily needs of a family of four. Removal of excessive carbon dioxide and other gases from the atmosphere also delays the earth-warming "greenhouse effect." These impressive figures serve to underscore the urgency of replacing aging trees in our towns and cities and of planning for future urban forestry resources. The Urban and Community Forestry Act of 1989 would help us achieve these goals. This legislation is supported by the National Association of State Foresters, the American Forestry Association, the Trust for Public Land, the National League of Cities, and the American Planning Association.●

By Mr. KASTEN (for himself, Mr. INOUYE, Mr. DANFORTH, Mr. ROCKEFELLER, Mr. MCCAIN, Mr. EXON, Mr. PRESSLER, Mr. RIEGLE, Mr. GORTON, Mr. SANFORD, Mr. BURNS, Mr. LOTT, Mrs. KASSEBAUM, Mr. CHAFEE, Mr. COATS, Mr. LUGAR, Mr. HELMS, Mr. BOSCHWITZ, and Mr. BOND):

S. 1400. A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; to the Committee on Commerce, Science, and Transportation.

PRODUCT LIABILITY REFORM ACT

Mr. KASTEN. Mr. President, I am pleased to rise today to introduce the Product Liability Reform Act. This fair and balanced reform package is virtually the same as that which in 1986 passed the Senate Commerce Committee by a vote of 16 to 1, and upon which this full body registered an overwhelming vote of 84 to 13 on a motion to proceed.

Reflecting the strong, bipartisan support which this bill has received, I am introducing the Product Liability Reform Act along with the following original cosponsors: Senators INOUYE, DANFORTH, ROCKEFELLER, MCCAIN, EXON, PRESSLER, RIEGLE, GORTON, SANFORD, BURNS, LOTT, KASSEBAUM,

CHAFEE, COATS, LUGAR, HELMS, BOSCHWITZ, and BOND.

I urge my colleagues to join with us in expeditiously enacting these much needed reforms to resolve the continuing problems which the current product liability system imposes on American consumers and businesses alike.

Product liability reform is not a new issue before the Senate. For several Congresses we have held hearings in the Commerce Committee which have outlined the problems that the current system presents to the U.S. economy. We have marked up several bills, and even brought the issue to the Senate floor. However, we have yet to enact the reasonable reforms such as we propose in this reform package. We feel that the time has come for us to enact reasonable legislation, not just hold more hearings or pay lipservice to our product liability problems.

At the White House Conference on Small Business in 1986, civil justice reform, including Federal standards for product liability, was voted the No. 1 concern by over 1,400 of the 1,715 votes cast. Their No. 9 recommendation was specifically to enact the predecessor of the legislation that I am introducing today, along with fault defenses and the elimination of joint and several liability. In fact, four of the Conference's recommendations dealt with the problems posed by the current product liability system.

American consumers are getting ripped off by a crazy product liability system that keeps new products and life-saving medical technology off the market.

The legislation we are introducing today will replace our current crazy patchwork quilt of 50 different and confusing State product liability laws with a uniform national system based on common sense and fairness.

There is something very wrong with a system that discourages production of safety products for our children like football helmets and life-saving vaccines, or that keeps state-of-the-art medical equipment off the market. Consumers are being made victims by a system that is supposed to protect them. It's a rip off, and it's got to change.

Fair, uniform product liability laws in the United States are also necessary to enhance the ability of our manufacturers to compete in a global economy. Maintaining American competitiveness protects the jobs of American workers, benefits American consumers, and strengthens the American economy. This legislation is necessary to level the playing field for American businesses and consumers with our international competitors.

The present system is going to cripple United States firms in their efforts to compete against the upcoming European Community and will cost us jobs. While Wisconsin manufacturers try to figure out how to negotiate among 50 different State laws, foreign competitors are seeing their own system become more uniform and predictable.

Unless we get our act together, product liability law will be more stable and consistent between Great Britain and Italy than between Wisconsin and Minnesota.

Europe is coming together as a formidable trading bloc, and uniform product liability laws are a part of their strategy. We've got to act if we intend to remain competitive.

Fairness for American consumers and businesses alike demands that balanced, uniform Federal product liability legislation be adopted. The Federal nature of this problem has been recognized even by the National Governors Association, which in 1986 adopted a resolution calling upon Congress to enact a Federal product liability law. The calls for action have been made, and the Product Liability Reform Act responds to these calls. This legislation should be enacted without delay.

I ask unanimous consent that the bill, a two-page summary of the bill, and a section-by-section analysis be included in the RECORD immediately following my statement.

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

S. 1400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE I

SHORT TITLE

SEC. 101. This Act may be cited as the "Product Liability Reform Act".

DEFINITIONS

SEC. 102. As used in this Act, the term—

(1) "claimant" means any person who brings a civil action pursuant to this Act, and any person on whose behalf such an action is brought; if such an action is brought through or on behalf of an estate, the term includes the claimant's decedent, or if it is brought through or on behalf of a minor or incompetent, the term includes the claimant's parent or guardian;

(2) "clear and convincing evidence" is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established; the level of proof required to satisfy such standard is more than that required under preponderance of the evidence, but less than that required for proof beyond a reasonable doubt;

(3) "collateral benefits" means all benefits and advantages received or entitled to be received (regardless of any right any other person has or is entitled to assert for recoupment through subrogation, trust agreement, lien, or otherwise) by any claimant harmed by a product or by any other person as reimbursement of loss because of harm to person or property payable or required to be paid to the claimant, under—

(A) Any Federal law or the laws of any State (other than through a claim for breach of an obligation or duty); or

(B) any life, health, or accident insurance or plan, wage or salary continuation plan, or disability income or replacement service insurance, or any benefit received or to be received as a result of participation in any pre-paid medical plan or Health Maintenance Organization;

(4) "commerce" means trade, traffic, commerce, or transportation (A) between a place in a State and any place outside of that State; or (B) which affects trade, traffic, commerce, or transportation described in clause (A);

(5) "commercial loss" means economic injury, whether direct, incidental, or consequential, including property damage and damage to the product itself;

(6) "economic loss" means any pecuniary loss resulting from harm which is allowed under State law;

(7) "exercise of reasonable care" means conduct of a person of ordinary prudence and intelligence using the attention, precaution, and judgment that society expects of its members for the protection of their own interests and the interests of others;

(8) "harm" means any harm recognized under the law of the State in which the civil action is maintained, other than loss or damage caused to a product itself, or commercial loss;

(9) "manufacturer" means (A) any person who is engaged in a business to produce, create, make, or construct any product (or component part of a product) and who designs or formulates the product (or component part of the product) or has engaged another person to design or formulate the product (or component part of the product); (B) a product seller with respect to all aspects of a product (or component part of a product) which are created or affected when, before placing the product in the stream of commerce, the product seller produces, creates, makes, or constructs and designs or formulates, or has engaged another person to design or formulate, an aspect of a product (or component part of a product) made by another; or (C) any product seller not described in clause (B) which holds itself out as a manufacturer to the user of a product;

(10) "noneconomic loss" means loss caused by a product other than economic loss or commercial loss;

(11) "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity);

(12) "preponderance of the evidence" is that measure or degree of proof which, by the weight, credit, and value of the aggregate evidence on either side, establishes that it is more probable than not that a fact occurred or did not occur;

(13) "product" means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state (A) which is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient; (B) which is produced for introduction into trade or commerce; (C) which has intrinsic economic value; and (D) which is intended for sale or lease to persons for commercial or personal use; the term does not include human tissue, blood and blood products, or organs unless specifically recognized as a product pursuant to State law;

(14) "product seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce, or who installs, repairs, or maintains the harm-causing aspect of a product; the term does not include—

(A) a seller or lessor of real property;

(B) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(C) any person who—

(i) acts in only a financial capacity with respect to the sale of a product; and

(ii) leases a product under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor; and

(15) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, or any political subdivision thereof.

PREEMPTION

SEC. 103. (a) This Act governs any civil action brought against a manufacturer or product seller, on any theory, for harm caused by a product. A civil action brought against a manufacturer or product seller for loss or damage to a product itself or for commercial loss is not subject to this Act and shall be governed by applicable commercial or contract law.

(b) This Act supersedes any State law regarding recovery for harm caused by a product only to the extent that this act establishes a rule of law applicable to any such recovery. Any issue arising under this Act that is not governed by any such rule of law shall be governed by applicable State or Federal law.

(c) Nothing in this Act shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(2) supersede any Federal law, except the Federal Employees Compensation Act and the Longshoremen's and Harbor Workers' Compensation Act;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede any statutory or common law, including an action to abate a nuisance, that authorizes a State or person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief resulting from contamination or pollution of the environment, or the threat of such contamination or pollution.

(d) As used in this section, "environment" has the meaning given to such term in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8)).

(e) This Act shall be construed and applied after consideration of its legislative history to promote uniformity of law in the various jurisdictions.

JURISDICTION OF FEDERAL COURTS

SEC. 104. The district courts of the United States shall not have jurisdiction over any civil action pursuant to this Act, based on section 1331 or 1337 of title 28, United States Code.

EFFECTIVE DATE

SEC. 105. (a) This Act shall take effect on the date of its enactment and shall apply to all civil actions pursuant to this Act commenced on or after such date, including any action in which the harm or the conduct which caused the harm occurred before the effective date of this Act.

(b) If any provision of this Act would shorten the period during which a manufacturer or product seller would otherwise be exposed to liability, the claimant may, notwithstanding the otherwise applicable time period, bring any civil action pursuant to this Act within one year after the effective date of this Act.

TITLE II

EXPEDITED PRODUCT LIABILITY SETTLEMENTS

SEC. 201. (a) Any claimant may bring a civil action for damages against a person for harm caused by a product pursuant to applicable State law, except to the extent such law is superseded by this title.

(b) Any claimant may, in addition to any claim for relief made in accordance with State law, include in such claimant's complaint an offer of settlement for a specific dollar amount.

(c) The defendant may make an offer of settlement for a specific dollar amount within sixty days after service of the claimant's complaint or within the time permitted pursuant to State law for a responsive pleading, whichever is longer, except that if such pleading includes a motion to dismiss in accordance with applicable law, the defendant may tender such relief to the claimant within ten days after the court's determination regarding such motion.

(d) In any case in which an offer of settlement is made pursuant to subsection (b) or (c) of this section, the court may, upon motion made prior to the expiration of the applicable period for response, enter an order extending such period. Any such order shall contain a schedule for discovery of evidence material to the issue of the appropriate amount of relief, and shall not extend such period for more than sixty days. Any such motion shall be accompanied by a supporting affidavit of the moving party setting forth the reasons why such extension is necessary to promote the interests of justice and stating that the information likely to be discovered is material, and is not, after reasonable inquiry, otherwise available to the moving party.

(e) If the defendant, as offeree, does not accept the offer of settlement made by a claimant in accordance with subsection (b) of this section within the time permitted pursuant to State law for a responsive pleading or, if such pleading includes a motion to dismiss in accordance with applicable law, within thirty days after the court's determination regarding such motion, and a verdict is entered in such action equal to or greater than the specific dollar amount of such offer of settlement, the court shall enter judgment against the defendant and shall include in such judgment an amount for the claimant's reasonable attorney's fees and costs. Such fees shall be offset against any fees owed by the claimant to the claimant's attorney by reason of the verdict.

(f) If the claimant, as offeree, does not accept the offer of settlement made by a defendant in accordance with subsection (c) of this section within thirty days after the date on which such offer is made and a verdict is entered in such action equal to or less than the specific dollar amount of such offer of settlement, the court shall reduce the amount of the verdict in such action by an amount equal to the reasonable attorney's fees and costs owed by the defendant to the defendant's attorney by reason of the verdict, except that the amount of such reduction shall not exceed that portion of the verdict which is allocable to noneconomic loss and economic loss for which the claimant has received or will receive collateral benefits.

(g) For purposes of this section, attorney's fees shall be calculated on the basis of an hourly rate which should not exceed that which is considered acceptable in the community in which the attorney practices, considering the attorney's qualifications and experience and the complexity of the case.

ALTERNATIVE DISPUTE RESOLUTION PROCEDURES

SEC. 202. (a) In lieu of or in addition to making an offer of settlement under section 201 of this title, a claimant or defendant may, within the time permitted for the making of such an offer under section 201 of this title, offer to proceed pursuant to any voluntary alternative dispute resolution procedure established or recognized under the law of the State in which the civil action for damages for harm caused by a product is brought or under the rules of the court in which such action is maintained.

(b) If the offeree refuses to proceed pursuant to such alternative dispute resolution procedure and the court determines that such refusal was unreasonable or not in good faith, the court shall assess reasonable attorney's fees and costs against the offeree.

(c) For the purposes of this section, there shall be created a rebuttable presumption that a refusal by an offeree to proceed pursuant to such alternative dispute resolution procedure was unreasonable or not in good faith, if a verdict is rendered in favor of the offeror.

TITLE III

CIVIL ACTIONS

SEC. 301. A person seeking to recover for harm caused by a product may bring a civil action against the product's manufacturer or product seller pursuant to applicable State or Federal law, except to the extent such law is superseded by this Act.

UNIFORM STANDARDS OF PRODUCT SELLER LIABILITY

SEC. 302. (a) Notwithstanding the provisions of section 301 of this title, in any civil action for harm caused by a product, a product seller other than a manufacturer is liable to a claimant, only if the claimant establishes by a preponderance of the evidence that—

(1)(A) the individual product unit which allegedly caused the harm complained of was sold by the defendant; (B) the product seller failed to exercise reasonable care with respect to the product; and (C) such failure to exercise reasonable care was a proximate cause of the claimant's harm; or

(2)(A) the product seller made an express warranty, independent of any express warranty made by a manufacturer as to the same product; (B) the product failed to conform to the warranty; and (C) the failure of the product to conform to the warranty caused the claimant's harm.

(b)(1) In determining whether a product seller is subject to liability under subsection (a)(1) of this section, the trier of fact may consider the effect of the conduct of the product seller with respect to the construction, inspection, or condition of the product, and any failure of the product seller to pass on adequate warnings or instructions from the product's manufacturer about the dangers and proper use of the product.

(2) A product seller shall not be liable in a civil action subject to this title based upon an alleged failure to provide warnings or instructions unless the claimant establishes that, when the product left the possession and control of the product seller, the product seller failed—

(A) to provide to the person to whom the product seller relinquished possession and control of the product any pamphlets, booklets, labels, inserts, or other written warnings or instructions received while the product was in the product seller's possession and control; or

(B) to make reasonable efforts to provide users with those warnings and instructions which it received after the product left its possession and control.

(3) A product seller shall not be liable in a civil action subject to this title except for breach of express warranty where there was no reasonable opportunity to inspect the product in a manner which would or should, in the exercise of reasonable care, have revealed the aspect of the product which allegedly caused the claimant's harm.

(c) A product seller shall be treated as the manufacturer of a product and shall be liable for harm to the claimant caused by a product as if it were the manufacturer of the product if—

(1) the manufacturer is not subject to service of process under the laws of any State in which the action might have been brought; or

(2) the court determines that the claimant would be unable to enforce a judgment against the manufacturer.

UNIFORM STANDARDS FOR AWARD OF PUNITIVE DAMAGES

SEC. 303. (a) Punitive damages may, if otherwise permitted by applicable law, be awarded in any civil action subject to this title to any claimant who establishes by clear and convincing evidence that the harm suffered was the result of conduct manifesting a manufacturer's or product seller's conscious, flagrant indifference to the safety of those persons who might be harmed by a product. A failure to exercise reasonable care in choosing among alternative product designs, formulations, instructions, or warnings is not of itself such conduct. Except as provided in subsection (b) of this section, punitive damages may not be awarded in the absence of a compensatory award.

(b) In any civil action in which the alleged harm to the claimant is death and the applicable State law provides, or has been construed to provide, for damages only punitive in nature, a defendant may be liable for any such damages regardless of whether a claim is asserted under this section. The recovery of any such damages shall not bar a claim under this section.

(c)(1) Punitive damages shall not be awarded pursuant to this section against a manufacturer or product seller of a drug (as defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)) or medical device (as defined under section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) which caused the claimant's harm where—

(A) such drug or device was subject to premarket approval by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such drug or device which caused the claimant's harm or the adequacy of the packaging or labeling of such drug or device, and such drug was approved by the Food and Drug Administration; or

(B) the drug is generally recognized as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable regulations, including packaging and labeling regulations.

The provisions of this paragraph shall not apply in any case in which the defendant withheld from or misrepresented to the Food and Drug Administration or any other agency or official of the Federal Government information that is material and relevant to the performance of such drug or device.

(2) Punitive damages shall not be awarded pursuant to this section against a manufacturer of an aircraft which caused the claimant's harm where—

(A) such aircraft was subject to premarket certification by the Federal Aviation Administration with respect to the safety of the design or performance of the aspect of such aircraft which caused the claimant's harm or the adequacy of the warnings regarding the operation or maintenance of such aircraft;

(B) the aircraft was certified by the Federal Aviation Administration under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.); and

(C) the manufacturer of the aircraft complied, after delivery of the aircraft to a user, with Federal Aviation Administration requirements and obligations with respect to continuing airworthiness, including the requirement to provide maintenance and service information related to airworthiness whether or not such information is used by the Federal Aviation Administration in the preparation of mandatory maintenance, inspection, or repair directives.

The provisions of this paragraph shall not apply in any case in which the defendant withheld from or misrepresented to the Federal Aviation Administration information that is material and relevant to the performance or the maintenance or operation of such aircraft.

(d) At the request of the manufacturer or product seller, the trier of fact shall consider in a separate proceeding (1) whether punitive damages are to be awarded and the amount of such award, or (2) the amount of punitive damages following a determination of punitive liability. If a separate proceeding is requested, evidence relevant only to the claim of punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(e) In determining the amount of punitive damages, the trier of fact shall consider all relevant evidence, including—

(1) the financial condition of the manufacturer or product seller;

(2) the severity of the harm caused by the conduct of the manufacturer or product seller;

(3) the duration of the conduct or any concealment of it by the manufacturer or product seller;

(4) the profitability of the conduct to the manufacturer or product seller;

(5) the number of products sold by the manufacturer or product seller of the kind causing the harm complained of by the claimant;

(6) awards of punitive or exemplary damages to persons similarly situated to the claimant;

(7) prospective awards of compensatory damages to persons similarly situated to the claimant;

(8) any criminal penalties imposed on the manufacturer or product seller as a result of the conduct complained of by the claimant; and

(9) the amount of any civil fines assessed against the defendant as a result of the conduct complained of by the claimant.

UNIFORM TIME LIMITATIONS ON LIABILITY

SEC. 304. (a) Any civil action subject to this title shall be barred unless the complaint is filed within two years of the time the claimant discovered or, in the exercise of reasonable care, should have discovered the harm and its cause, except that any such action of a person under legal disability may be filed within two years after the disability ceases. If the commencement of such an action is stayed or enjoined, the running of the statute of limitations under this section shall be suspended for the period of the stay or injunction.

(b)(1) Any civil action subject to this title shall be barred if a product which is a capital good is alleged to have caused harm which is not a toxic harm unless the complaint is served and filed within twenty-five years after the time of delivery of the product. This subsection shall apply only if the court determines that the claimant has received or would be eligible to receive compensation under any State or Federal workers' compensation law for harm caused by the product.

(2) A motor vehicle, vessel, aircraft, or railroad used primarily to transport passengers for hire shall not be subject to the provisions of this subsection.

(3) As used in this section, the term—

(A) "time of delivery" means the time when a product is delivered to its first purchaser or lessee who was not involved in the business of manufacturing or selling such product or using it as a component part of another product to be sold;

(B) "capital good" means any product, or any component of any such product, which is of a character subject to allowance for depreciation under the Internal Revenue Code of 1986, and which was—

(i) used in a trade or business;

(ii) held for the production of income; or

(iii) sold or donated to a governmental or private entity for the production of goods, for training, for demonstration, or for other similar purposes; and

(C) "toxic harm" means harm which is functional impairment, illness, or death of a human being resulting from exposure to an object, substance, mixture, raw material, or physical agent of particular chemical composition.

(c) Nothing in this section shall affect the right of any person who is subject to liability for harm under this Act to seek and obtain contribution or indemnity from any other person who is responsible for such harm.

UNIFORM STANDARDS FOR OFFSET OF WORKERS' COMPENSATION BENEFITS

SEC. 305. (a) In any civil action subject to this title in which damages are sought for harm for which the person injured is or would have been entitled to receive compensation under any State or Federal workers' compensation law, any damages awarded shall be reduced by the sum of the amount paid as workers' compensation benefits for such harm and the present value of all workers' compensation benefits to which the employee is or would be entitled for such harm. The determination of workers' compensation benefits by the trier of fact in a civil action subject to this title shall have no binding effect on and shall not be used as evidence in any other proceeding.

(b) In any civil action subject to this title in which damages are sought for harm for which the person injured is entitled to receive compensation under any State or Federal workers' compensation law, the action shall, on application of the claimant made at claimant's sole discretion, be stayed until such time as the full amount payable as workers' compensation benefits has been finally determined under such workers' compensation law.

(c)(1) Except as provided in paragraph (2) of this subsection, unless the manufacturer or product seller has expressly agreed to indemnify or hold an employer harmless for harm to an employee caused by a product, neither the employer nor the workers' compensation insurance carrier of the employer shall have a right of subrogation, contribution, or implied indemnity against the manufacturer or product seller or a lien against the claimant's recovery from the manufacturer or product seller if the harm is one for which a civil action for harm caused by a product may be brought pursuant to this Act.

(2) Paragraph (1) of this subsection shall not apply if the employer or the workers' compensation insurer of the employer establishes, and the trier of fact determines, that the claimant's harm was not in any way caused by the fault of the claimant's employer or co-employees.

(d)(1) Except as provided in subsection (e), in any civil action subject to this title in which damages are sought for harm for which the person injured is or would have been entitled to receive compensation under any State or Federal workers' compensation law, no third-party tortfeasor may maintain any action for implied indemnity or contribution against the employer, any co-employee, or the exclusive representative of the person who was injured.

(2) Nothing in this Act shall be construed to affect any provision of a State or Federal workers' compensation law which prohibits a person who is or would have been entitled to receive compensation under any such law, or any other person whose claim is or would have been derivative from such a claim, from recovering for harm caused by a product in any action other than a workers' compensation claim against a present or former employer or workers' compensation insurer of the employer, any co-employee, or the exclusive representative of the person who was injured. Any action other than such a workers' compensation claim shall be prohibited, except that nothing in this Act shall be construed to affect any State or Federal workers' compensation law which permits recovery based on a claim of an intentional tort by the employer or co-employee, where the claimant's harm was caused by such an intentional tort.

(e) Subsection (d) shall not apply and applicable State law shall control if the employer or the workers' compensation insurer of the employer, in a civil action subject to this title, asserts or attempts to assert, because of subsection (c), a right of subrogation, contribution, or implied indemnity against the manufacturer or product seller or a lien against the claimant's recovery from the manufacturer or product seller.

SEVERAL LIABILITY FOR NONECONOMIC DAMAGES

SEC. 306. (a) In any product liability action, the liability of each defendant for noneconomic damages shall be several only and shall not be joint. Each defendant shall be liable only for the amount of noneconomic damages allocated to such defendant in direct proportion to such defendant's percentage of responsibility as determined under subsection (b) of this section. A separate judgment shall be rendered against such defendant for that amount.

(b) For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

(c) As used in this section, the term—

(1) "noneconomic damages" means subjective, nonmonetary losses including, but not limited to, pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation and humiliation; the term does not include objectively verifiable monetary losses including, but not limited to, medical expenses, loss of earnings, burial costs, loss of use of property, costs of repair or replacement, costs of obtaining substitute domestic services, rehabilitation and training expenses, loss of employment, or loss of business or employment opportunities; and

(2) "product liability action" includes any action involving a claim, third-party claim, cross-claim, counterclaim, or contribution claim in a civil action in which a manufacturer or product seller is found liable for harm caused by a product.

DEFENSES INVOLVING INTOXICATING ALCOHOL OR DRUGS

SEC. 307. (a) In any civil action subject to this Act in which all defendants are manufacturers or product sellers, it shall be a complete defense to such action that the claimant was intoxicated or was under the influence of intoxicating alcohol or any drug and that as a result of such intoxication or the influence of the alcohol or drug the claimant was more than 50 percent responsible for the accident or event which resulted in such claimant's harm.

(b) In any civil action subject to this Act in which not all defendants are manufacturers or product sellers and the trier of fact determines that no liability exists against those defendants who are not manufacturers or product sellers, the court shall enter a judgment notwithstanding the verdict in favor of any defendant which is a manufacturer or product seller if it is proved that the claimant was intoxicated or was under the influence of intoxicating alcohol or any drug and that as a result of such intoxication or the influence of the alcohol or drug the claimant was more than 50 percent responsible for the accident or event which resulted in such claimant's harm.

(c)(1) For purposes of this section, the determination of whether a person was intoxicated or was under the influence of intoxicating alcohol or any drug shall be made pursuant to applicable State law.

(2) As used in this section, the term "drug" means any non-over-the-counter drug which has not been prescribed by a physician for use by the claimant.

SENATE PRODUCT LIABILITY BILL

The attached product liability bill would establish uniform rules for key issues that arise in product liability cases and procedures designed to encourage settlements and reduce legal costs.

Expedited Product Liability Settlements.—The bill contains a provision based on Rule 68 of the Federal Rules of Civil Procedure which is designed to provide incentives for settlement of product liability cases. Unlike a prior Senate bill, it does not place limits on damages.

Uniform Standards of Product Seller Liability.—The bill provides that product sellers (i.e., retailers, wholesalers, distributors) will be liable for harm caused by their own fault. They will be responsible for the manufacturer's errors where the manufacturer cannot be brought into court or lacks the funds to pay a judgment.

Uniform Standards for Award of Punitive Damages.—The bill makes certain reforms in this area to reflect the fact that punitive damages are actually a quasi-criminal type of penalty and should only be assessed when a manufacturer or product seller has engaged in egregious conduct warranting this punishment. First, it raises the claimant's burden of providing that punishment is warranted to "clear and convincing evidence," which is greater than the ordinary standard in civil cases but less than the criminal standard. Second, it establishes a uniform rule on the type of misconduct that may result in punitive damages. Third, it provides for a separate proceeding on the issue of punitive damages so that prejudicial evidence relevant to the defendant's financial condition will not be introduced at the initial stage of trial when the jury is considering whether the product was defective. Fourth, it establishes a defense (in absence of fraud by the manufacturer) against punitive damages for drugs and medical devices that receive pre-market approval by the FDA and aircraft that receive pre-market certification by the FAA.

Uniform Time Limitations.—The bill allows a claimant to bring a suit within two years after he or she discovers the harm and its cause. In cases where the claimant's injury is not manifest until years after exposure to a product, this rule preserves his or her claim. The bill also establishes an

outer time limit of 25 years from time of delivery, which applies only to capital goods (e.g., industrial machinery) and only if the claimant is eligible for workers' compensation benefits and the harm is not a "toxic" harm.

Workers' Compensation.—The bill provides that damages are reduced by the amount of workers' compensation benefits the claimant may receive and precludes employers from shifting the costs of workers' compensation onto manufacturers unless the employer was not in any way at fault in causing the claimant's harm.

Several Liability for Non-Economic Damages.—The bill adopts the modification of the joint and several liability rule (the "deep-pocket rule") that was enacted by California voters in a ballot proposal in 1986. With respect to damages for pain and suffering and emotional distress, each defendant will be liable for its own percentage of fault. The joint and several liability rule is not modified with respect to economic damages (e.g., medical expenses, lost wages). The provision applies to all defendants in a prouct liability action.

Alcohol and Drugs Defense.—The bill provides a complete defense where a claimant's use of alcohol or drugs is responsible for over 50 percent of the claimant's harm.

SUMMARY OF S. 1400—PRODUCT LIABILITY REFORM ACT

TITLE I

Short title (Section 101)

The bill will be called the "Product Liability Reform Act."

Definitions (Section 102)

Key terms used in the bill are defined.

Preemption/scope of bill (Section 103)

The bill would preempt state law in civil actions against manufacturers or product sellers to recover for personal injury or property damage caused by a product only to the extent it supplies a rule of law on the topic. Thus:

The bill addresses when a claim would be barred if a claimant is intoxicated or under the influence of illicit drugs, but does not address general principles of comparative negligence; existing state law would continue to apply on that broader topic.

The bill does not cover actions involving contamination or pollution of the environment. These types of actions are not product liability actions and will continue to be governed by state environmental laws.

The bill does not address actions to recover for "commercial loss" (i.e., damage to the product itself, loss of profits, and other economic losses); they are not covered by the bill and will continue to be covered by state commercial or contract law.

Jurisdiction of Federal courts (Section 104)

The bill does not create any new jurisdiction in Federal courts. State courts will continue to have jurisdiction over product liability cases and will apply the Federal statute. Federal courts will only have the jurisdiction they have at present, for example, cases involving claimants and defendants from different states where the amount in dispute is over $50,000.

Effective date (Section 105)

The bill will apply to product liability actions filed on or after its date of enactment, including actions in which the harm or conduct occurred before that date. If any provision of the bill would shorten the period during which a manufacturer or product seller would otherwise be exposed to liability, the claimant is given one year after the bill's enactment to bring an action.

TITLE II

Expedited product liability settlements (Section 201)

The bill establishes procedures and rules designed to expedite the settlement of product liability cases. They are based on Rule 68 of the Federal Rules of Civil Procedure. The procedures allow either the claimant or defendant to make an offer of settlement for a specific dollar amount. The court may allow time for discovery to be made. If the defendant does not accept the claimant's settlement offer and after a trial a verdict is entered against the defendant that is equal to or greater than the amount of the claimant's offer, the defendant must pay the claimant an additional sum for the claimant's reasonable attorney's fees and costs. If the claimant does not accept the defendant's settlement offer and after a trial a verdict is entered that is equal to or less than the amount of the defendant's offer, the court will reduce the amount of the verdict by an amount equal to the defendant's reasonable attorney's fees and costs, but no more than the amount of compensation the claimant will receive from other collateral sources. For purposes of this section, attorney's fees will be calculated on the basis of an hourly rate no greater than that which is considered acceptable in the community, considering the attorney's qualification and experience and the complexity of the case.

Alternative Dispute Resolution Procedures (Section 202)

In lieu of or in addition to making a settlement offer, a claimant or defendant may offer to participate in any voluntary alternative dispute resolution procedures used in the state. If the other party refuses to participate in the procedures, and the court determines that the refusal was unreasonable and not in good faith, the court may make that party pay the offeror's reasonable attorney's fees and costs. A refusal to participate in alternative dispute resolution procedures will be considered to be unreasonable or not in good faith if, after trial, the party who made the offer obtains a favorable verdict.

TITLE III

Civil Actions (Section 301)

Product liability actions may be brought pursuant to applicable State or Federal law, except to the extent that such law is superseded by this Act.

Uniform Standards of Product Seller Liability (Section 302)

Product sellers (i.e., retailers, wholesalers, distributors) will be liable only for harm caused by their own negligence or by a product's failure to conform to an express warranty made by the product seller. But, a product seller will be responsible for the manufacturer's errors if the manufacturer cannot be brought into court or the court determines that the manufacturer will be unable to pay the judgment. (A similar provision was included in the Uniform Product Liability Act and exists in the statutory law of many states.)

Uniform Standards for Award of Punitive Damages (Section 303)

The bill provides that, to the extent that a state permits punitive damages, they may be awarded only if the claimant establishes by "clear and convincing evidence" that his harm was caused by the manufacturer's or product seller's "conscious, flagrant indifference to the safety of those persons who might be harmed by a product." A failure to exercise reasonable care in choosing among alternative product designs, formulations, instructions, or warnings is not, by itself, conduct that may give rise to punitive damages. The bill does not preempt state law limitations on the amount of punitive damages.

A special provision is included for the few states that allow only punitive damages to be awarded in "wrongful death" cases. In those states, the claimant may obtain those damages under state law and still bring a claim for punitive damages under this bill.

The bill establishes defenses to punitive damages (in the absence of fraud by the manufacturer) for drugs and medical devices that receive pre-market approval by the FDA and for aircraft that receive pre-market certification by the FAA.

At the request of a manufacturer or product seller, the trial will be bifurcated so that the proceedings on punitive damages will be separate and subsequent to the proceedings on compensatory damages. Alternatively, a manufacturer or product seller may request that the issue of the amount of punitive damages be tried separately from the issue of liability for punitive damages. The bill sets out a number of factors that will be considered in determining the amount of punitive damages.

Uniform Time Limitations on Liability (Section 304)

The bill establishes a two-year statute of limitations which begins to run at the time the claimant discovered or reasonably should have discovered the harm and its cause. This is based on proposals to benefit injured persons that have been adopted in many states.

The bill adopts an outer time limit of 25 years (from time of product's first delivery) on liability for capital good products. It only applies to traumatic injuries involving capital goods (e.g., heavy industrial machinery). It does not cover or bar claims for "toxic harms." The 25-year time limit only applies if the claimant is entitled to workers' compensation benefits. This assures that claimants are not left without compensation.

Uniform Standards for Offset of Workers' Compensation Benefits (Section 305)

In actions involving workplace product injuries, the bill eliminates the employer's right to recapture workers' compensation benefits paid to an employee from the employee's product liability damage award. Instead, the product liability award will be reduced by the amount of workers' compensation to which the employee is entitled. The employer will, however, have a right to recapture workers' compensation benefits (i.e., a right of "subrogation") if the employer shows that the employee's harm was not in any way caused by his fault or by the fault of a co-employee.

At the same time, the bill prohibits manufacturers from suing employers to make the employer contribute his share of the fault to the product liability award. A few states have allowed these types of actions. If, however, an employer attempts to recapture his workers' compensation benefits from the manufacturer in a product liability action, the employer loses this protection against lawsuits by the manufacturer. This provision was developed as a compromise between different groups in the business community who had opposing views on the approach to take in regard to the relationship

between workers' compensation and product liability actions.

Several Liability for Non-Economic Damages (Section 306)

The bill modifies the rule of "joint and several liability" only with respect to its application to "non-economic damages" (e.g., damages for pain and suffering, emotional distress). Each defendant will be liable only for the amount of non-economic damages proportionate to his percentage of responsibility. This provision applies to all defendants in an action in which a manufacturer or product seller is liable (i.e., it includes doctors, municipalities, and other individual defendants involved in a product liability action).

Defenses Involving Intoxicating Alcohol or Drugs (Section 307)

The bill provides a complete defense to liability for manufacturers and product sellers if the claimant was under the influence of introxicating alcohol or a drug and that condition was more than 50 percent responsible for the accident or event resulting in the claimant's harm. This provision is derived from a statute in the State of Washington.

Mr. ROCKEFELLER. Mr. President, today I am joining my colleagues in introducing the Product Liability Reform Act of 1989. This bill establishes uniform Federal rules for a few key areas of product liability law. It is similar to S. 666, which Senator KASTEN introduced, and I cosponsored, during the last Congress.

There are many difficult steps that we as a nation must take to ensure our economic future. We must strengthen our education system, reduce our budget and trade deficits, and improve the U.S. savings rate. We also must spend more on civilian research and development, and encourage more of a long-term investment outlook on the part of U.S. industry.

Another step—that's usually not directly linked to increasing our competitive advantage, but is critical to it—is to reverse the trend of unpredictable liability and its related costs.

Currently, American manufacturers are confronted with a chaotic patchwork of product liability laws which vary tremendously from State to State. This confusion can be troublesome to individual plaintiffs and defendants, but the highest price for the uncertainties of the system is paid in the global marketplace. It is robbing us of our ability to compete and paralyzing our innovative spirit—the catalyst of U.S. economic leadership.

While the U.S. struggles to maintain its competitive edge in every industrial sector, the unpredictability of the current product liability system is eroding the future of our domestic industries.

For example, research, as well as licensing and technology transfer programs, at colleges and universities are being curtailed because of the threat of product liability lawsuits. The loss of these research programs—which so often are the source for new businesses and new jobs—will have a devastating effect on our efforts to broaden the economic base in communities across the Nation.

In addition, product liability costs and the threat of litigation have forced many manufacturers to withdraw useful products from the market and to cancel the research and development of new, innovative and, at times, life-saving products.

Monsanto, for instance, recently abandoned research on a possible substitute insulation material for asbestos due to liability risks. Lederle Laboratories remains the sole U.S. manufacturer of the DPT vaccine and Merck and Co. the only producer of the combined measles, mumps and rubella vaccine. All others have left the field due to the threat of product liability lawsuits.

Faced with increasing and unacceptable liability costs, some American manufacturers are abandoning product lines altogether, closing facilities, laying off workers and opening their markets to foreign manufacturers. When Puritan-Bennett, one of the leading U.S. manufacturers of hospital equipment stopped making anesthesia machines, two foreign-owned manufacturers were the only competitors in a market once dominated by half a dozen companies.

Foreign manufacturers do not face the same unpredictability and expense of the product liability system in their home countries. According to the U.S. Department of Commerce, some U.S. manufacturers face liability costs 200 times greater than those of their foreign competitors. It has been reported that foreign manufacturers spend 20 to 50 times less on product liability insurance than do U.S. manufacturers.

By the year 1990, our trading partners in the European Economic Community [EEC], adding to their other advantages in international commerce, plan to implement a directive creating uniform product liability laws. Unless Congress moves quickly, there will be more uniformity between Italy and the United Kingdom than between Virginia and West Virginia.

We cannot sit by passively and watch our industries and jobs go overseas. In my State of West Virginia, I have seen communities devastated by shifts in global markets—causing basic industries to leave my State and even our Nation's shores in search of greener economic pastures.

Admittedly, product liability reform is only one piece of the solution. But it's a good beginning.

The Product Liability Reform Act will remove a great deal of the uncertainty by establishing clear, stable and uniform rules on a few important issues that arise in product liability cases. It will also help stabilize insurance rates, eliminate unnecessary legal costs, encourage the prompt settlement of claims and lower product liability transaction costs.

All courts in the United States, both State and Federal courts, will apply these rules. Our legislation does not, and as a practical matter could not, establish a rule for every issue that may arise in a product liability case. But, it deals with some of the principal issues where uniformity is most needed.

We have a long road ahead of us on this legislation, but I would urge my colleagues to pass a product liability reform bill in this Congress. I don't claim perfection with this bill. We will seek hearings to examine the bill intensely. And during the course of the legislative process, I certainly will work with my colleagues to iron out problems and address concerns or questions where necessary.

I am hopeful that we can pass a product liability bill that safeguards the rights of all Americans while better ensuring our economic future.

Mr. DANFORTH. Mr. President, I am pleased to be an original cosponsor of the Product Liability Reform Act. I commend Senator KASTEN for his leadership on this issue.

Product liability reform is essential. It is essential if we are to speed the awarding of compensation to the victims of product related injuries and if American manufacturers are to maintain their competitive position in world markets.

The victims of defective products deserve to be compensated fairly and quickly. The present system, with its transaction costs and unpredictability, does not treat victims fairly. A 1986 study by the Rand Institute for Civil Justice reveals the wasteful inefficiency of the system. It found that in 1985 the U.S. tort system spent between $16 billion and $19 billion in legal expenses, to deliver only $14 to $16 billion in net compensation to plaintiffs. Plaintiffs received only 46 percent of the total expenditure. Only one group benefits from the current system—lawyers. That is unacceptable.

The tort system often requires plaintiffs to wait years to recover for their injuries. This is particularly a concern for the most seriously injured victims, who are often in desparate financial straits. One study found that 36 percent of suits for losses resulting from bodily injury are not paid until at least 4 years after they are first reported. Another study found that, in the cases of the most severe injuries, those in which payment exceeded $100,000, 21.6 percent of claimants waited more than 5 years for payment. Only 2.1 percent were paid less than 1 year after reporting their injury, and 62.6 percent took more than 3 years to be paid.

Not only does the present product liability system generate excessive costs and delays; it does not compensate injured victims in proportion to their losses. Numerous studies have found

that the tort system grossly overpays those with small losses, while underpaying the most seriously injured. One study found that injured plaintiffs with losses betwen $1 and $1,000 recieved, on the average, 859 percent of their losses, while those with losses of over $1 million received, on the average, 15 percent of their losses. That figure does not include the share that goes to the lawyers. Other studies have shown that people with lower incomes and lower educational levels recover far less than their middle and upper class counterparts because they have less access to lawyers and cannot afford to wait as long to recover.

The system is inherently uncertain and unpredictable. It may be characterized as a lottery. As one law professor put it, "lawyers' talents, plaintiffs' demeanor, defendants' grit, and the idiosyncracies of jury composition combine to hand similar victims altogether dissimilar results." This uncertainty is a problem both for defendants and plaintiffs. Defendants need greater certainty as to the scope of their liability. Plaintiffs need faster, more certain recover that fully compensates them for their losses.

Injured victims are not alone in bearing the excessive costs of the product liability system. It is a burden on American businesses competing overseas. A 1984 International Trade Administration study found that foreign competitors have product liability insurance cost that are 20 to 100 times lower than those of their U.S. counterparts.

Higher prices are just one aspect of our competitiveness problem. The product liability system discourages innovation by U.S. firms. In 1987, Monsanto abandoned its plan to produce phosphate fiber, a safe substitute for asbestos. Monsanto decided not to proceed with this product due to fear of exorbitant liability claims, despite the fact that its research indicated that phosphate fiber was a safe product. Unison Industries expressed similar concerns with it declined to market a revolutionary solid-state electronic ignition system for piston-engine aircraft.

The impact of product liability costs on innovation is particularly pronounced among smaller U.S. companies. A recent American Medical Association report found that product liability is slowing the development of new medical technologies. Research and development by small companies is vital to further improvements in biotechnology, but these companies are not marketing new products due to an inability to obtain affordable product liability insurance.

Product liability reform is essential for affordable health care. In 1986, only two companies manufactured Diptheria-Pertussis-Tetanus (D-P-T) vaccine. Lawsuits seeking more than $1 billion in damages led one D-P-T manufacturer to triple its price in order to self-insure. Both producers considered going out of business. This vaccine is an indispensable product for American citizens. Congress should encourage the development of effective vaccines and other pharmaceutical products. However, according to the American Medical Association, product liability insurance for this industry has virtually disappeared due to a legal climate that will not allow a legitimate D-P-T producer to survive.

This bill will make the product liability system fairer. It encourages the settlement of lawsuits without litigation based on rule 68 of the Federal Rules of Civil Procedure. This provision encourages both parties in litigation to accept reasonable settlement offers. This will help victims to receive compensation for their losses quickly and without incurring substantial legal fees—fees which can reduce their compensation by more than 50 percent in the current system.

The bill also modifies the rule of joint and several liability with respect to noneconomic damages. This provision limits a defendant's liability to his percentage of fault for damages such as pain and suffering and emotional distress. The standard of proof for the awarding of punitive damages will be changed based on the recommendation of the American Bar Association. The bill raises the standard for punitive damages to "clear and convincing" evidence and establishes a uniform standard of conduct. The bill also provides for a separate proceeding on punitive damages, reflecting the fact that they are a quasicriminal type of penalty.

Mr. President, this bill allocates responsibility for injuries equitably. The current system does not. The current system is a lottery. A severely injured plaintiff is required to take a chance on the lottery in order to be compensated. Too often it is the victim who loses when this unpredictable system produces an unfair result. The system should encourage quick settlements that allocate responsibility equitably. This legislation accomplishes that. Moreover, by reducing transaction costs, this legislation should improve our manufacturer's competitiveness in world markets. It is these excessive costs that burden manufacture and discourage the development of innovative new products. I urge my colleagues to support this bill.

By Mr. BAUCUS:

S. 1402. A bill to amend the Older Americans Act of 1965 to ensure area agencies receive adequate funding, and for other purposes; to the Committee on Labor and Human Resources.

FUNDING FOR AREA AGENCIES UNDER THE OLDER AMERICANS ACT

● Mr. BAUCUS. Mr. President, until the Older Americans Act [OAA] Amendments of 1987 were enacted, the act stipulated that individuals to be served by tribal organizations under title VI—Grants to Indian tribes and organizations—could not receive services under title III—grants for State and community programs on aging. This stipulation applied even if title III funds were used to provide a different array of services. The intent of the provision was to prevent duplication of services. Over time it had an adverse effect, however, excluding many Indian elders from any services at all.

Testimony at hearings held by the Senate Special Committee on Aging and by the Aging Subcommittee of the Committee on Labor and Human Resources in 1987 called for greater coordination between titles III and VI since the restriction excluded many Indian elders from any services.

Mr. President, the 1987 OAA Amendments eliminated the prohibition on individuals or tribal organizations receiving services or funds under title VI from also benefitting from the title III program. As amended, the law now allows older Indians to receive assistance under both title VI and title III programs. The congressional purpose with this change, as it appears in the committee reports, was to correct the unintended effect of the prior law which had resulted in making ineligible for title III services older Indians who could be served by a title VI grant but were not, or in making older Indians who receive only one type of service under title VI ineligible for any other services under title III.

I believe that this change in the law reflects congressional concern that older Indians receive and have access to needed services under the Older Americans Act to the same extent as all other older Americans.

The change, however, was not intended to harm existing grantees under title III of the act. Mr. President, the unanticipated consequence of the change in the act has resulted in a decrease of title III funds to some area agencies on aging. This means that services previously provided by projects through area agencies on aging will be cut back or eliminated. How do we explain to an elderly recipient of services under the act why he or she cannot get a meal or why a nurse is not visiting?

To clarify congressional intent, I am introducing legislation today to correct this unintended result. In addition, I will make every effort to ensure that there are sufficient funds appropriated under the act to implement the change. We must guarantee that no one suffers from an unintended effect of the Older Americans Act amendments that Congress passed in 1987.

Mr. President, I ask unanimous consent that the text of my legislation be printed following my remarks.

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

S. 1402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FUNDING FOR AREA AGENCIES.

Section 308 of the Older Americans Act of 1965 (42 U.S.C. 3028) is amended by inserting at the end thereof the following new subsection:

"(d) No area agency, in a State that has one or more of such agencies that represent Indian tribes, shall receive amounts under this title in each fiscal year that are less that the total amount such agency received in fiscal year 1988 under this title.".●

By Mr. STEVENS (by request):

S. 1403. A bill to increase the annual salaries of executive personnel, and for other purposes; to the Committee on Governmental Affairs.

SENIOR EXECUTIVE SALARY ACT

Mr. STEVENS. Mr. President, over the course of my years in the Senate, the issue of adjusting Federal pay has been unpopular, as we all know. However, the facts speak for themselves: The pay of senior Government officials has eroded to salaries far below the pay of comparable positions in the private sector.

In terms of purchasing power, the salary of a level II executive, which is currently $89,500, has dramatically eroded in the past two decades—current level II salary in 1970 dollars has the purchasing power of $29,395.

Inadequate pay impacts employee morale, management excellence, special expertise, retention and recruitment—and leads to compression of salaries and underproductive employees. Today I introduce the administration's pay raise proposal, which will provide higher salaries to a number of officials in the executive branch. I believe that this proposal is a starting point for improving and revamping the system which determines how we pay our Federal employees. It has provisions which I do not endorse—but I believe it should be before the Senate for consideration.

The key components of the bill provide for pay raises for high level Cabinet and department officials and members of the senior executive service. In addition, persons in critical shortage positions will be able to receive pay adjustments. The bill establishes a critical position pay authority so that an agency head can pay an employee up to the pay established for executive level I. Under this provision, up to 200 critical positions can be identified in the executive branch where a position requires scientific, technical, expert, or professional qualifications.

A serious problem exists today in the executive branch with regard to keeping key positions filled with employees who can get the job done and get it done well. The National Institutes of Health, which conducts and supports biomedical research in the causes, prevention, and cure of disease, has exterme difficulty filling such posts.

For example, over the past 10 years, NIH has not been able to recruit a single senior research scientists to engage in the independent conduct of a clincial or basic biomedical research program. Moreover, the position of Association Director for the Radiation Research Program at the National Cancer Institute, whose duties include conducting research on the effectiveness of radiation in cancer treatment, was unfilled for almost 3 years.

At the National Science Foundation, an agency charged with improving the health of research and education in the sciences and engineeering, turnover is between 20 and 25 percent each year. At the National Aeronautics and Space Administration, retiring center Directors accepted positions with private industries, ranging in salary from $150,000 to $200,000. The Department of the Treasury and the Nuclear Regulatory Commission are also experiencing similar recruitment and retention problems.

Mr. President, I could continue on and on with these examples on individuals leaving Government for more lucrative jobs elsewhere. The point is that separately, these examples may not be significant or noteworthy—but in the aggregate, these individual cases affect the total quality of the Government at large.

The administration's bill includes a recertification provision. The rationable behind that provision is that the performance of SES members will be reviewed every 3 years in order for them to remain in the SES, and this recertification process will constitute a separate process from existing performance appraisal procedures. It is anticipated that where conflicts arise between existing performance appraisal procedures and new recertification procedures, linkage and reconciliation of the two systems will occur.

Those who support this concept argue that this concept will hold both managers and employees accountable for good performance while ensuring that the senior executive service remains an elite corps of managers and supervisors dedicated to service excellence and quality senior management.

In any event, this bill is a first step in letting Federal employees know that we believe in them and in a democratic government made up of people who give their dedication and service to this country in exchange for the equitable pay that they deserve.

Mr. President, I ask unanimous consent that the text of this bill and the accompanying transmittal documents be printed following my remarks.

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

S. 1403

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Senior Executives Salary Act of 1989."

SEC. 2. (a) The annual salary rates of positions in the Executive Schedule are hereby increased in the amount of 25 percent of their respective existing rates, rounded to the nearest $100, effective the first day of the first pay period that begins on or after January 1, 1990.

(b) Any adjustment in rates of pay for fiscal year 1990 that takes effect with respect to the Executive Schedule pursuant to Section 5318 of title 5, United States Code, shall be applied to the rates of pay in effect after application of the increase provided under this section.

SEC. 3. (a) The Director of the Office of Management and Budget, in consultation with the Director of the Office of Personnel Management, may, from time to time, allocate and reallocate among the Departments and agencies of the Executive Branch critical position pay authority for not to exceed a government-wide total of 200 positions.

(b) The head of an agency who receives an allocation of critical position pay authority may exercise such authority for not to exceed the number of positions for which authority is received from the Director of the Office of Management and Budget as set forth in subsection (a) of this section.

(c) For purposes of this section, "critical position pay authority" means the authority of the head of an agency, notwithstanding any other law, including 2 U.S.C. 356, 5 U.S.C. 5308, 5 U.S.C. 5382, and 5 U.S.C. 5383(b), to fix the compensation for any position he determines to be a critical position at the time it is filled at an annual rate that does not exceed the rate for Level I of the Executive Schedule. Such authority must be reexercised when a position becomes vacant and is refilled based upon a redetermination by the agency head that the position is a critical position within the meaning of this section. Such authority may be reexercised only if the allocation made by the Director of the Office of Management and Budget required for such exercise pursuant to subsection (b) is reconfirmed by the Director of the Office of Management and Budget at the time of such reexercise.

(d) In determining whether a position is a critical position to which this section shall apply, the head of the agency shall consider:

(1) the extent to which the position requires scientific, technical, expert or professional qualifications; and

(2) the extent to which additional compensation is necessary to attract exceptionally qualified individuals.

(e) Effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5305 of this title, the maximum annual rate of pay established by this section shall be adjusted by an amount, rounded to the nearest multiple of $100, equal to the percentage of such annual rate of pay which corresponds to the percentage of the adjustment in the rates of pay for the Executive Schedule under Section 5318 of title 5, United States Code, as amended by this Act.

SEC. 4. (a) For purposes of this section, "employee" shall mean:

(1) Each senior executive as defined by section 3152(a) of title 5, United States Code; (2) each member of the Senior Foreign Service; and (3) career employees whose positions are set forth in the Executive Schedule.

(b) Every three years, each employee shall be subject to recertification as set forth in this section. Such recertification shall consist of the following.

(1) An employee shall be required to demonstrate to the employee's supervising authority that the employee's performance in the previous three year period has been outstanding or its equivalent, as defined by standards established for the employee's position.

(2) If the employee demonstrates such performance, the employee shall be recertified.

(3) If the employee fails to demonstrate such performance, the supervising authority shall take one of the following actions, depending on the circumstances:

(a) the employee's pay shall be reduced to the minimum rate of basic pay payable for GS-16 of the General Schedule; or

(b) the employee's level shall be reduced to such lesser level in the Senior Executive Service, the Senior Foreign Service, or the Executive Schedule as may be appropriate; or

(c) the employee, while retaining career tenure in the Federal service (for employees with such tensure), shall be removed and placed in a position in the General Schedule at GS-15, Step 10.

(c) The Director of the Office of Personnel Management shall promulgate such regulations as may be necessary to carry out this section. Such regulations shall, in the case of career employees, include appropriate rights to notice, hearing and appeal consistent with existing rights for similar personnel matters. Career employees shall have a right to appeal to the Merit Systems Protection Board from an adverse action under this section taken by the agency for any political or other proscribed purpose.

(d) This section shall take effect on January 1, 1990.

THE WHITE HOUSE.

To the Congress of the United States:

I am submitting for your consideration and enactment the "Senior Executives Salary Act of 1989." This legislation would provide higher salaries to a small number of employees in positions requiring specialized and critical skills. It also provides for salary increases ranging from 8 percent to 25 percent for senior executive branch officials. In addition, the bill links receipt of the higher salaries to effective job performance.

The bill is the executive branch counterpart to the judicial salary proposal (the "Judicial Salary Act of 1989") which I submitted to Congress in April calling for a 25 percent increase in the pay of Justices and judges.

The pay of senior government officials has eroded significantly in relation to the pay of executives in comparable jobs in the private and not-for-profit sectors of the economy. This pay gap is affecting the Federal Government's ability to attract and retain the skilled and motivated senior executives necessary to direct the complex, wide-ranging, and critical functions of the Federal Government.

Prompt legislative action is needed to address pay deficiencies for employees with exceptional qualifications and to make pay more competitive at the senior levels of government. It is equally important that we resolve issues connected with congressional pay and honoraria. I am also submitting today a proposal to ban congressional honoraria, and want to work with Congress to address compensation in all three branches of government.

GEORGE BUSH.

SECTION-BY-SECTION ANALYSIS

SEC. 1 SHORT TITLE

This section provides that the Act may be cited as the "Senior Executives Salary Act of 1989."

SEC. 2. PAY RAISE FOR SENIOR EXECUTIVES

This section would provide a 25 percent pay raise for all positions in the Executive Schedule, beginning in January 1990. As a result of this increase, members of the Senior Executive Service will also receive a pay raise beginning in January 1990. This will occur because Senior Executive pay rates are tied to pay rates for Level IV of the Executive Schedule.

SEC. 3. CRITICAL POSITION PAY AUTHORITY

This section would establish a system for providing critical position pay authority. Under this authority, an agency head could determine to compensate an individual in such a position at an annual rate not to exceed the rate for Level I of the Executive Schedule.

Under subsection (a) of this section, the Director of the Office of Management and Budget, in consultation with the Director of the Office of Personnel Management, would be authorized to allocate critical position pay authority for not to exceed 200 positions. The Director would allocate these 200 positions among the agencies of the Executive Branch. The Director could change the allocations from time to time depending upon the circumstances with which he is presented.

Subsection (b) of this section would provide that an agency head may exercise critical position pay authority only for not to exceed the number of positions allocated to the agency by the Director of the Office of Management and Budget.

Subsection (c) of this section sets out the definition of "critical position pay authority." This section also provides that such authority must be reexercised when a position becomes vacant. The authority may be reexercised only if the Director of the Office of Management and Budget reconfirms the allocation of critical position pay authority for the position. this will ensure that the authority is exercised only on a controlled basis as necessary for recruitment for a particular position.

Subsection (d) sets out the factors the head of the agency is to consider in determining whether a position is a critical position to which the section shall apply. These factors are: (1) the extent to which the position requires scientific, technical, expert or professional qualifications, and (2) the extent to which additional compensation is necessary to attract exceptionally qualified individuals.

Subsection (e) of this section would index the annual maximum salary rate so that it would be increased to the same extent as the rates for the Executive Schedule under 5 U.S.C. Section 5318, as amended by the Act.

SEC. 4. RECERTIFICATION OF SENIOR EMPLOYEES

This section sets out a process under which senior employees in the Executive Branch must be recertified every three years. Unless recertified, the employee would (1) lose the pay he or she receives above that provided to positions at GS-16 of the General Schedule, or (2) be reduced in level to a lesser level within the same pay system, or (3) be removed and placed in a position of the General Schedule at GS-15 step 10.

The employees subject to recertification are (1) members of the Senior Executive Service (both career and noncareer), (2) members of the Senior Foreign Service, and (3) career employees whose positions are set forth in the Executive Schedule.

Under subsection (b) of this section, each of these employees would be required to demonstrate to the employee's supervising authority that his or her performance in the previous three-year period had been outstanding or its equivalent as defined by standards established for the position. If the employee failed to make such a demonstration, his supervising authority would reduce his pay or position.

Subsection (c) of this section provides that the Director of OPM shall promulgate regulations to carry out the section. Such regulations must include, for career employees, rights to notice, hearing, and appeal consistent with existing rights for similar matters. Also, career employees are guaranteed the right to appeal to the Merit Systems. Protection Board from an adverse action taken by the agency for political or other prescribed purposes.

Subsection (d) of this section provides that the recertification system established by this section shall take effect in January 1990.

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
July 7, 1989.

FACTSHEET—SENIOR EXECUTIVES SALARY ACT OF 1989

The President submitted to the Congress today legislation providing for higher salaries for a small number of employees in positions requiring specialized and critical skills. The legislation also provides for salary increase ranging from 8 percent to 25 percent for senior executive branch officials. In addition, the bill links receipt of the higher salaries to effective job performance.

The bill is the executive branch counterpart to the judicial salary poroposal submitted by the President to Congress last April (the "Judicial Salary Act of 1989") calling for a 25 percent increase in the pay of Justices and judges.

The pay of senior government officials has eroded significantly in relation to the pay of executives in comparable jobs in the private and not-for-profit sectors of the economy. Over the past 20 years, for example, the pay of Executive Level II (Deputy Cabinet head, such as the Deputy Secretary of Defense) has slipped from 66 percent to 39 percent of the pay of the lower range of private corporation executives. Key scientific, medical, and acquisition jobs remain unfilled due to uncompetitive pay, thus jeopardizing successful fulfillment of priority Government tasks. In past years, the Government has been able to attract a number of Nobel laureates to Federal employment, but without adequate incentives, this critical expertise will be lost to the nation.

The President is taking this action because of his concern over the effect the pay gap is having on the Federal Government's

ability to attract and retain the skilled and motivated senior executives necessary to direct the complex, wide-ranging, and critical functions of the Federal Government.

Failure to provide competitive pay is also impeding recruitment and retention of the most qualified persons at the senior levels of government. A number of highly qualified candidates for sub-Cabinet positions in the Bush Administration have declined acceptance because of low pay and family sacrifices. Departments and agencies, such as NASA, have lost highly skilled and experienced senior executives, in part because of inadequate and non-competitive pay. High ranking local government officials in large metropolitan areas, such as school superintendents, now make more than key government leaders such as the Director of National Institutes of Health, who is responsible for research on cancer and heart disease.

While strongly supportive of pay increases for senior government executives, the President also believes the higher salaries must be accompanied by a strengthened relationship between pay and job performance and a higher level of accountability. This bill accomplishes those objectives by establishing a process in which senior government executives could continue to hold their positions only if they met a requirement to demonstrate excellent job performance. The bill also provides for due process and Merit Systems Protection Board appeal so as to ensure that the new recertification provisions are not used for political or other proscribed purposes.

Description of Pay Legislative Proposal

The proposed legislation addresses three basic areas:

Higher salaries for certain specialized positions;

Salary increases for senior executives; and

A direct linkage between higher salaries and effective performance.

Higher salaries for specialized positions.—Salaries not to exceed the rate for Level I of the Executive Schedule will be paid to not more than 200 critical positions in the executive branch that require unique qualifications and sustained exceptional performance in order to carry out effectively the functions of the position. The number of positions qualifying for the special salary rates would be allocated to the Departments and agencies by the Office of Management and Budget, in consultation with the Office of Personnel Management, based on demonstrated evidence of need. Beginning in fiscal year 1991, the maximum salary payable would be adjusted annually by the same percentage as that applicable to Executive Schedule salaries.

Salary increases for senior executive branch officials.—The following table shows existing rates as well as the rates proposed to be effective on the first day of the first pay period on or after January 1, 1990:

	Existing	Proposed
Vice President of the United States	$115,000	$143,800
Offices and positions under the Executive Schedule in subchapter II of Chapter 53 of title 5, United States Code:		
Positions at level I	99,500	124,400
Positions at level II	89,500	111,900
Positions at level III	82,500	103,100
Positions at level IV	80,700	100,900
Positions at level V	75,500	94,400
Positions in the Senior Executive Service under subchapter VIII of Chapter 53 of title 5, United States Code. (These new pay levels would also apply to the Senior Foreign Service):		
Positions at ES–6	80,700	100,900
Positions at ES–5	78,600	93,700
Positions at ES–4	76,400	87,500
Positions at ES–3	74,900	82,700
Positions at ES–2	71,800	78,100
Positions at ES–1	68,700	74,500

Requirement for effective performance.—As a condition for the higher salaries provided for in this bill, an employee holding a position under the Executive Schedule or the Senior Executive Service (except for Cabinet officers, agency heads, and those serving in positions in which they can be removed only for cause) will be required to receive every three years a certification of acceptable performance form his/her supervisor. Those judged not to be performing in the excellent manner expected of persons occupying senior executive positions would be reduced in pay of a noncareer employee, or reduced to the highest step of grade 15 of the General Schedule and placed in another position of a career employee. Career personnel not certified will have limited appeal rights to the Merit Systems Protection Board to ensure that the action was not a result of political, racial, nationality, gender, disability, or religious bias.

The President will be working with the Congress on passage of this legislation and to achieve a more rational pay structure for senior level positions in all three branches of government, in conjunction with elimination of honoraria proposed under separate legislation.

By Mrs. KASSEBAUM:

S. 1404. A bill to name the Department of Veterans Affairs Medical Center in Leavenworth, KS, as the "Dwight D. Eisenhower Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

DWIGHT D. EISENHOWER DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mrs. KASSEBAUM. Mr. President, I am honored to be joined today by my colleague from Kansas in introducing legislation designating the Veterans' Administration Medical Center at Leavenworth, KS, as the "Dwight D. Eisenhower Department of Veterans Affairs Medical Center." The renaming of this historic facility would be fitting, for two reasons. First, President Eisenhower had very close ties with the State of Kansas. In the town of Abilene, KS, can be found not only the Eisehnower Museum and Library, but also his family home and final resting place.

Second, next year will commemorate the 100th anniversary of President Eisenhower's birth. As members of the Eisenhower Centennial Commission, Senator DOLE and I will be engaged in a number of activities throughout the country. In that regard, the renaming of the Leavenworth hospital in "Ike's" honor would certainly be appropriate.

As I mentioned before, Ike had very deep Kansas roots. Raised and schooled in Abilene, he graduated from Abilene High School and began his celebrated military career soon thereafter by attending West Point Military Academy. In order to hone his military planning and leadership skills, Ike returned to Kansas to attend the Command and General Staff Course at Fort Leavenworth. From there, one need only refer to basic U.S. history texts to learn of General Eisenhower's achievements and contributions to a nation he dearly loved. Assuming command of the European theater during World War II, he led the greatest amphibious operation in battle history, the Normandy invasion.

His achievements as President of the United States were equally historic, and he proved to be one of the most popular Presidents of all time. His midwestern roots can be found in the legacy of his Presidency: A genuinely bipartisan domestic and foreign policy; a Federal Government living within its means; significant international exchanges founded on the notion that reasonable and sound negotiation can be effective; and a national commitment to education, science, and technology. He was a decent and good-humored man, strong leader, with a vision both practical and farsighted.

For these reasons, I believe designating the Leavenworth VA hospital in Ike's honor would be a fitting tribute.

Mr. DOLE. Mr. President, I rise today in support of the bill my distinguished colleague, NANCY KASSEBAUM, has placed before us. This bill would rename the Department of Veterans Affairs Medical Center in Leavenworth, KS, after a very deserving man, a national hero who served his country admirably, and who was himself a veteran. I speak, of course, of Dwight D. Eisenhower.

Dwight David Eisenhower grew up in Abilene, KS. There he attended high school, was popular among his classmates, and was an outstanding athlete. He came from a poor family where he worked in a creamery and grew and sold vegetables to help his family meet expenses.

His distinguished military career began when he entered West Point, and reached its zenith when he became Commander in Chief of the Armed Forces. In between he served on Brig. Gen. Fox Connor's staff in the Panama Canal Zone, and graduated first in his class of 275 top army officers at the Command and General Staff School. He served as an aide to Gen. Douglas MacArthur when he was Chief of Staff and later followed him to the Philippines.

World War II brought him much responsibility. He served as commanding general of U.S. Forces in the European theater of operations, commander of of allied forces organized to invade North Africa, and finally Supreme Commander of the Allied Expeditionary Force in Europe. It was in this last post that he gave the vital command

for the invasion of Normandy on D-day.

In December 1944 Eisenhower received the newly created rank of 5-star general, and less than a year later became Army Chief of Staff. After a brief retirement from active military service during which he served as president of Columbia University in New York City, President Truman asked Eisenhower to return to become Supreme Commander of NATO Forces in Europe.

His next promotion was being elected President of the United States. He gave his country two terms of outstanding service. To precipitate the ending of the Korean war he honored his promise "I shall go to Korea," and later saw the signing of the truce that remains intact today. He saw the addition of Alaska and Hawaii to the Union. The "open skies" policy of weapons verification with the Soviet Union was originally his brainchild. He sent the Army to Little Rock, AR, to enforce the landmark racial desegregation decision.

Mr. President, the life accomplishments of Dwight D. Eisenhower are far too numerous and our time far too limited to elaborate on all of them here. I am sure that my distinguished Senate colleagues are aware of what an outstanding man he was. Eisenhower was President when I came to Congess. I have a lot of respect and personal feeling for my fellow Kansan, though our relationship was brief.

Since October 14, 1990 is the centennial of Eisenhower's birth, I think the time is right to pass this bill and bestow on this great man a well-deserved honor. As part of the celebration I join Senator KASSEBAUM in the effort to rename the State's oldest Department of Veterans Affairs medical center after one of Kansas' greatest sons, Dwight David Eisenhower. He was an outstanding President, a war hero, and a great American.

By Mrs. KASSEBAUM (for herself and Mr. PELL):

S. 1405. A bill to ensure the eligibility of displaced homemakers and single parents for Federal assistance for first-time homebuyers; to the Committee on Banking, Housing, and Urban Affairs.

DISPLACED HOMEMAKERS AND SINGLE PARENTS HOMEOWNERSHIP ASSISTANCE ACT

● Mrs. KASSEBAUM. Mr. President, the bill I am introducing today would ensure that displaced homemakers and single parents are not overlooked when considering eligibility for Federal assistance for first-time homebuyers. I am pleased to include Senator CLAIBORNE PELL as an original cosponsor. This bill was drafted in conjunction with the Displaced Homemakers Network.

All too often, many women who find themselves either divorced or widowed have a difficult if not impossible time financing a home. While many of these women may have jointly owned a home with their spouse, they often have no future financial interest in the property. Nonetheless, such joint ownership can act as a barrier in gaining eligibility for Federal first-time homebuyer assistance.

Mr. President, statistics have shown that only about one-third of all single women who maintain households with children own their homes. Circumstances surrounding either a divorce or death of a spouse can be extremely painful and difficult. Technical barriers to purchasing a home should not add to those difficulties. It is my hope this bill will help displaced homemakers and single parents achieve a key element of the American dream—home ownership.●

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. CRANSTON, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 15, a bill to amend the Public Health Service Act to improve emergency medical services and trauma care, and for other purposes.

S. 190

At the request of Mr. MATSUNAGA, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 190, a bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the Armed Forces to receive compensation concurrently with retired pay without reduction in the amount of the compensation and retired pay.

S. 399

At the request of Mr. GLENN, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 399, a bill to amend the Library Services and Construction Act to authorize the Secretary of Education to establish a program to make grants to local public libraries to establish demonstration projects using older adult volunteers to provide intergenerational library literacy programs to children during afterschool hours, and for other purposes.

S. 439

At the request of Mr. PELL, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 439, a bill to establish a program of grants to consortia of local educational agencies and community colleges for the purposes of providing technical preparation education and for other purposes.

S. 563

At the request of Mr. MATSUNAGA, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 563, a bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the Armed Forces to receive retired pay concurrently with disability compensation after a reduction in the amount of retired pay.

S. 667

At the request of Mr. MATSUNAGA, the names of the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 667, a bill to amend the Federal Unemployment Tax Act with respect to employment performed by certain employees of educational institutions.

S. 714

At the request of Mr. MCCLURE, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 714, a bill to extend the authorization of the Water Resources Research Act of 1984 through the end of fiscal year 1993.

S. 804

At the request of Mr. MITCHELL, the names of the Senator from Nevada [Mr. BRYAN], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 804, a bill to conserve North American wetland ecosystems and waterfowl and the other migratory birds and fish and wildlife that depend upon such habitats.

S. 933

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 933, a bill to establish a clear and comprehensive prohibition of discrimination on the basis of disability.

S. 1010

At the request of Mr. WILSON, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1010, a bill to encourage further cooperation between Federal, State, and local law enforcement agencies in their efforts against drug trafficking and other serious criminal activities.

S. 1091

At the request of Mr. GRAHAM, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 1091, a bill to provide for the striking of medals in commemoration of the bicentennial of the United States Coast Guard.

S. 1205

At the request of Mr. MATSUNAGA, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1205, a bill to amend the Agriculture Trade Development and Assistance Act of 1954 to permit foreign currency proceeds derived from the sale of commodities to be used to support research and development

programs in agriculture and aquaculture, and for other purposes.

S. 1237

At the request of Mr. GLENN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1237, a bill to require the Administrator of the General Services Administration to encourage the use of plastics derived from certain commodities, and to include such products in the General Services Administration inventory for supply to Federal agencies, and to establish an Interagency Council on Biodegradable Standards for the development of uniform definitions, standards, and testing procedures for degradable plastic products made from certain commodities, and for other purposes.

S. 1238

At the request of Mr. FOWLER, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 1238, a bill to amend the Internal Revenue Code of 1986 to restore the capital gains treatment for timber, and for other purposes.

S. 1291

At the request of Mr. PELL, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1291, a bill to extend and amend the Library Services and Construction Act, and for other purposes.

S. 1381

At the request of Mr. KASTEN, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1381, a bill to amend the Internal Revenue Code of 1986 to increase to 100 percent and make permanent the deduction for health insurance for self-employed individuals.

S. 1385

At the request of Mr. LOTT, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 1385, a bill to establish a tropical cyclone reconnaissance, surveillance, and research program under the joint control of the Secretary of Defense and the Secretary of Commerce.

SENATE JOINT RESOLUTION 133

At the request of Mr. SPECTER, the names of the Senator from Pennsylvania [Mr. HEINZ] and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of Senate Joint Resolution 133, a joint resolution designating October 1989 as "National Domestic Violence Awareness Month."

SENATE JOINT RESOLUTION 140

At the request of Mr. GLENN, the names of the Senator from Nevada [Mr. REID], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from North Dakota [Mr. CONRAD], the Senator from South Carolina [Mr. THURMOND], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Virginia [Mr. WARNER], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Joint Resolution 140, a joint resolution designating November 19-25, 1989, as "National Family Caregivers Week."

SENATE JOINT RESOLUTION 159

At the request of Mr. GORE, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Oklahoma [Mr. BOREN], the Senator from North Dakota [Mr. BURDICK], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Vermont [Mr. JEFFORDS], the Senator from Wisconsin [Mr. KOHL], the Senator from Indiana [Mr. LUGAR], the Senator from Maryland [Ms. MIKULSKI], the Senator from Rhode Island [Mr. PELL], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 159, a joint resolution to designate April 22, 1990 as Earth Day and to set aside the day for public activities promoting preservation of the global environment.

SENATE JOINT RESOLUTION 164

At the request of Mr. NICKLES, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Joint Resolution 164, a joint resolution designating 1990 as the "International Year of Bible Reading."

SENATE JOINT RESOLUTION 53

At the request of Mr. DODD, the name of the Senator from Michigan [Mr. LEVIN] was added as cosponsor of Senate Concurrent Resolution 53, a concurrent resolution concerning Iranian persecution of the Baha'is.

SENATE CONCURRENT RESOLUTION 55

At the request of Mr. DOLE, the names of the Senator from Indiana [Mr. LUGAR] and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Concurrent Resolution 55, a concurrent resolution to commemorate the volunteers of the United States and the Hugh O'Brien Youth Foundation.

AMENDMENT NO. 396

At the request of Mr. THURMOND, his name was added as a cosponsor of amendment No. 396 proposed to S. 1352, an original bill to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes.

AMENDMENT NO. 397

At the request of Mr. THURMOND, his name was added as a cosponsor of amendment No. 397 proposed to S. 1352, an original bill to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes.

SENATE CONCURRENT RESOLUTION 56—RELATING TO ESTABLISHMENT OF A NATIONAL AVIATION POLICY

Mr. MCCAIN (for himself, Mr. EXON, Mr. HUMPHREY, Mr. REID, Mrs. KASSEBAUM, Mr. SYMMS, Mr. DASCHLE, Mr. CONRAD, Mr. GORTON, Mr. KERRY, Mr. HARKIN, Mr. BRYAN, Mr. LUGAR, Mr. FOWLER, Mr. STEVENS, Mr. KOHL, Mr. MATSUNAGA, Mr. BREAUX, Mr. HEINZ, and Mr. COATS) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 56

Whereas the Constitution and laws of the United States provide to its citizens the right to travel throughout the length and breadth of our land uninhibited by statutes, rules, or regulations which unreasonably burden or restrict this movement;

Whereas the public's economic, social, and cultural interests require an air transportation system which provides fast, safe, efficient, convenient, and cost-effective movement of passengers and shipments throughout the Nation;

Whereas it is in the national interest to maintain the world's safest air transportation system;

Whereas the Nation's economic development and stability and employment infrastructure are increasingly dependent on and responsive to our national air transportation system;

Whereas a national survey of public attitudes revealed that 86 percent of the American public support the development of a new comprehensive national aviation policy;

Whereas integrated national policies are required to assure an adequate supply of facilities, equipment, and personnel to meet the Nation's aviation needs;

Whereas it is in the national interest of the United States to assure that the public enjoys the benefits of a deregulated, competitively oriented commercial airline industry;

Whereas it is in the national interest of the United States to assure that a cooperative relationship exists among Federal, State, and local governments and that the respective role of each in the development, operation, and maintenance of the national air transportation system is clearly defined;

Whereas it is in the national interest of the United States to assure that the national air transportation needs of all citizens are accorded appropriate weight and adequately balanced against environmental requirements;

Whereas it is in the national interest of the United States to assure reasonable and balanced access to the airport and airway system for all citizens in all geographic locations of our Nation;

Whereas it is in the national interest of the United States to assure that improvements in the Nation's air transportation system are consistent with an integrated national air transportation system;

Whereas the Secretary of Transportation has called for the establishment of a national transportation policy, and it is essential that aviation, an important and complex mode of transportation, receive especially careful attention as part of the Secretary's initiative to develop an integrated, well-articulated national transportation policy;

Whereas it is in the national interest of the United States to redesign, modernize, and continually improve the national airspace and air traffic control systems utilizing state-of-the-art technology;

Whereas it is in the national interest of the United States to develop a comprehensive and integrated national airport system plan emphasizing the preservation, expansion, and further development of America's airport infrastructure to meet the Nation's needs and to ensure the public benefit;

Whereas it is in the national interest of the United States to assure fair and equitable collection and allocation of revenues required to develop, operate, and maintain an air transportation system and further assure that which is collected is reinvested in the airport and airway system in a timely manner and only for the purposes of furthering the national air transportation system; and

Whereas the Nation's airport and airway system is presently inadequate to meet projected growth in aviation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the policy of the United States to provide and maintain, for the benefit of all of its citizens, a national air transportation system which—

(1) enhances the general welfare, economic growth, and security of the United States;

(2) is fast, safe, efficient, convenient, and at the minimum practical cost;

(3) meets public requirements and encourages future growth; and

(4) is free of statutes, rules, or regulations which unreasonably burden or restrict the right of all citizens to travel by air.

On or before the last day of the 1-year period beginning on the date of adoption of this resolution and after formal consideration of the views of all segments of the aviation community and such others as the President deems appropriate, the President should submit to Congress a detailed plan for a new comprehensive national aviation policy and implementation of such policy.

● Mr. McCAIN. Mr. President, I am pleased to join with Senator EXON and others of my colleagues in submitting a bipartisan concurrent resolution calling upon the President to develop a national aviation policy for our Nation.

Aviation has become the most prominent mode of transportation in this country. Deregulation has changed the industry profoundly, and its benefits should not be underestimated. Fares have decreased as the number of enplanements has grown, and the safety record has improved despite the increased air traffic. More people can afford to fly more places more safely than ever before. Yet there are undoubtedly problems associated with this phenomenal growth.

The growth in traffic has meant increasing delays and congestion at our Nation's airports. For a variety of reasons, the aviation infrastructure has simply been unable to keep pace with the vast expansion of the industry. Despite a surplus of $6 billion, the aviation trust funds, created to fund capital improvements and support the air traffic control system, continue to go unspent in order to disguise the size of the Federal deficit. Hopefully, Congress will soon be able to get its financial house in order, and these moneys will become fully available to help expand capacity.

Another reason our infrastructure has been lagging behind is the inability of the many groups involved in air travel to coordinate their interests. Understandably, it is difficult to reconcile the divergent concerns of Federal, State, and local governments, as well as aviation, business, and community groups. However, I think it is important to emphasize that the right to safe and reliable air service, at reasonable rates, belongs as much to rural areas and to general aviation as to the cities and commercial airlines. Small airports and small planes are the backbone of American business, but frequently their needs are overlooked. A comprehensive national aviation policy would ensure that all the users of our aviation system can be accommodated.

I believe it is vital that we begin to exercise a concerted, cooperative approach to solving our difficulties now if we want to play a leadership role in the global marketplace of the future. International trade will be the hallmark of economic success in 1990 and beyond. Throughout history, commerce has been inextricably linked to the ability to move goods. More and more this movement takes place by air. If the capacity problem is allowed to worsen, our air transportation system will become increasingly unable to deliver passengers and cargo, with severe economic repercussions. A comprehensive national aviation policy will allow us to establish a clear direction for the future.

In closing, I would note that a recent survey found that 86 percent of the American people support the establishment of a national aviation policy. Secretary of Transportation Skinner has indicated his interest in developing a national transportation policy. I commend him for recognizing this need. After a decade of deregulation, aviation is at an important juncture. The search must begin now for innovative solutions to today's problems, and I believe that establishing a national aviation policy is an important step toward this goal.●

● Mr. EXON. Mr. President, I am pleased to join with my colleague Senator MCCAIN and other Senators in submitting this concurrent resolution calling for a new comprehensive aviation policy for the United States. It is my intent that our resolution be viewed as complementary to the commendable efforts of Secretary of Transportation Samuel Skinner to develop a unified national policy for all areas of transportation.

While our concurrent resolution speaks for itself, I wish to particularly emphasize that we must insure an aviation system for our future which is truly a national aviation system for all regions of our Nation. There is great concern in many of our smaller cities and rural areas that our transportation system, including the aviation sector, is slowly but surely abandoning them. I submit that this concern is well-founded. Rural areas and smaller towns in recent years have seen many reductions in either quantity or quality of air service and intercity bus service. The Federal support for both essential air service and Amtrak is constantly on a short-term year-to-year basis with continual uncertainty about the future. As the saying goes, "This is no way to run a railroad."

Mr. President, we need to have a better long-term view of our national transportation needs. We need to have a better sense of where we are really heading under present policies and trends and where we really want to be going. We need to chart a better course with more clearly defined long-term national transportation goals and objectives.

I urge the support of my colleagues in this effort and look foward to working with them on these goals. ●

● Mr. CONRAD. Mr. President, I am pleased to rise as an original cosponsor of the National Aviation Policy resolution being submitted today by Senators MCCAIN and EXON. Air transportation is vital to our Nation and its economy, and this is especially true in rural areas which might otherwise lose economic, social, and cultural contacts with the rest of the country. Small communities and rural areas form an integral part of our national economy and our national heritage; this resolution calls for a national aviation policy which I hope will ensure that they are an integral part of our national air transportation system.

At a national symposium on civil aviation earlier this year nearly 50 aviation leaders and experts convened to develop recommendations on the future of aviation in this country. Their very first recommendation was the development of a national aviation policy. I wish to commend Senators MCCAIN and EXON for submitting a concurrent resolution to meet this need and draw attention to the vital importance of air transportation to our Nation. And I want to express my gratitude to them and to their staff for their willingness to accommodate me by including language in the concurrent resolution that emphasizes the special importance of aviation to rural areas.

As my colleagues know, I have actively involved myself in the development of rural development legislation this spring. As part of this effort I solicited the input of my constituents, and found that many of them believe

that without adequate transportation and infrastructure, businesses simply will not locate in rural areas like North Dakota. As Kaye Braaten, Richland County Commissioner and third vice president of the National Association of Counties, testified at an Agriculture Committee hearing on its rural development bill, "Infrastructure * * * is clearly our number one need in rural counties." As action on rural development legislation proceeds, it is my hope that the bipartisan rural development task force will work with the relevant authorizing committees to address the rural development needs within their jurisdiction.

Mr. President, I believe the concurrent resolution being submitted today is a step in this direction. As many in this body know, one of the first questions asked by businesses when deciding where to locate is "What sort of air transportation is available?" In fact, the North Dakota Aeronautics Commission has found that proximity to a commercial airport is one of the top three criteria in business site selection. And the recent DOT proposal to cut essential air service to communities in North Dakota brought strenuous protests from businesses in these communities for whom this service was absolutely vital. It is my hope that a national aviation policy will reaffirm the strong bipartisan congressional support for this program.

A top concern of businesses in the State is the frequency and cost of air transportation. Since deregulation, air service to North Dakota has dwindled, and costs have skyrocketed. In the 1-year period from November 1986 to November 1987 air fares from Fargo and Bismarck to the nearest hub airport, Minneapolis, increased approximately 50 percent; air fares from Bismarck west to Denver nearly doubled. Between March 1987 and March 1988 small business starts in North Dakota declined nearly 30 percent. Mr. President, I believe these statistics are related. If the trend of rapidly rising air fares continues to plague rural areas, how are we to attract economic development to them? In order to fulfill its mandate of enhancing the economic growth of all areas of the United States, a national aviation policy must ensure frequent, affordable air service to rural as well as urban areas.

I believe the concurrent resolution being submitted today will draw attention to these issues. A national aviation policy is necessary to ensure that the air transportation needs of citizens and communities throughout the Nation—in rural midwestern States as well as urban northeastern States—are being met. We must ensure that safe, efficient and affordable air service is available to all. We must recognize the importance of aviation to economic growth and the conduct of our Nation's commerce. And we must ensure that our Nation's air transportation infrastructure—including small airports as well as large—grows to accommodate the rapid growth in air travel our country is experiencing.

A national aviation policy that meets these objectives will pay for its costs many times over as it spurs economic and business development in rural areas—and the country as a whole. I urge the Senate to act quickly to adopt this concurrent resolution.●

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT FISCAL YEARS 1990 AND 1991

KENNEDY AMENDENT NO. 399

Mr. KENNEDY proposed an amendment to the bill (S. 1352) to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes, as follows:

At the appropriate place in the bill, insert the following:

SEC. . STUDY OF ALTERNATIVE B-2 AIRCRAFT FORCE STRUCTURES.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall conduct a comprehensive study comparing—

(1) the current plan of the Department of Defense to produce 132 B-2 aircraft, with

(2) two alternative plans, one to produce 90-100 B-2 aircraft and another to produce 60-70 B-2 aircraft.

(b) MATTERS TO BE INCLUDED.—In conducting the study under subsection (a), the Secretary of Defense shall determine the implications of adopting the alternative plans described in subsection (a)(2) with respect to each of the following:

(1) The cost of the B-2 aircraft program, including—

(A) annual program costs,

(B) total program costs,

(C) 20-year life cycle costs,

(D) unit and flyaway costs;

(2) The impact on the military posture of the United States, including—

(A) strategic nuclear deterrent capabilities,

(B) long-range conventional strike capabilities.

(c) REPORT.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report in both classified and unclassified form containing the resutls of the study conducted by the Secretary under subsection (a). The Secretary's report shall include such comments and recommendations as the Secretary considers appropriate and shall be submitted not later than January 1, 1990.

NUNN (AND OTHERS) AMENDMENTS NOS. 400 AND 401

Mr. NUNN (for himself, Mr. WARNER, Mr. EXON, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. DIXON, Mr. GLENN, Mr. WIRTH, Mr. SHELBY, Mr. BYRD, Mr. THURMOND, Mr. COHEN, Mr. WILSON, Mr. MCCAIN, Mr. WALLOP, Mr. GORTON, Mr. LOTT, and Mr. COATS) proposed two amendments to the bill S. 1352, supra, as follows:

AMENDMENT NO. 400

On page 5, after the end of section 104 insert the following:

SEC. 104a. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal years 1990 and 1991 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(2) For the Air National Guard:
(A) $941,200,000 for fiscal year 1990.
(B) $753,900,000 for fiscal year 1991.
(3) For the Army Reserve:
(A) $100,400,000 for fiscal year 1990.
(B) $175,800,000 for fiscal year 1991.
(4) For the Navy Reserve:
(A) $144,000,000 for fiscal year 1990.
(B) $159,700,000 for fiscal year 1991.
(5) For the Air Force Reserve:
(A) $177,900,000 for fiscal year 1990.
(B) $179,200,000 for fiscal year 1991.
(6) For the Marine Corps Reserve:
(A) $53,800,000 for fiscal year 1990.
(B) $341,000,000 for fiscal year 1991.

AMENDMENT NO. 401

On page 32, at the end of part A of title II insert the following:

SEC. 202. AUTHORIZATION OF APPROPRIATIONS OF ADDITIONAL AMOUNTS FOR IMPROVED INFANTRY EQUIPMENT.

(a) AUTHORIZATION.—Funds are hereby authorized to be appropriated for fiscal year 1990 for research, development, test, and evaluation to increase the effectiveness of small infantry units through the development of improved weapons and equipment as follows:

For the Army, $18,000,000.

For the Marine Corps, $12,000,000.

(b) ADDITIONAL AUTHORIZATION.—Funds authorized to be appropriated pursuant to subsection (a) are in addition to funds authorized to be appropriated under section 201.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 25, 1989, at 10 a.m., to hold a hearing on and to consider the nominations of Linda M. Combs, to be Assistant Secretary for Management, Department of the Treasury; Thomas J. Duesterberg, to be an Assistant Secretary of Commerce; Wade F. Horn, to be Chief of the Children's Bureau, Department of Health and Human Services; and, Gwendolyn S. King, to be Commissioner of Social Security; and, to mark up House Joint Resolution 280, a bill to increase the statutory limit on the public debt.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, July 25, beginning at 2:30 p.m., to hear Michael R. Deland, nominated by the President to be Chairman of the Council on Environmental Quality.

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

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, July 25, 1989, at 9:30 a.m., to hold a hearing on S. 994, a bill to amend the Clayton Act regarding interlocking directorates and officers, S. 995, a bill to amend the Clayton and Sherman Acts regarding antitrust procedures and S. 996, a bill to amend the Clayton Act regarding damages for the United States.

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

SUBCOMMITTEE ON SUPERFUND, OCEAN AND WATER PROTECTION AND THE SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Ocean and Water Protection, and the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, July 25, beginning at 9:30 a.m., to conduct a joint hearing on coastal research and protection legislation, including S. 587, S. 588, S. 1178, and S. 1179.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation, be authorized to meet during the session of the Senate on July 25, 1989, at 9:30 a.m. to hold a hearing on S. 1191, the Technology Administration Authorization Act of 1989.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 25, 1989, at 2 p.m. to hold a hearing on the nomination of Gilbert E. Carmichael, of Mississippi, to be Federal Railroad Administrator.

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

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on July 25, 1989, at 10 a.m., to hold a hearing on incarceration and alternative sanctions for drug offenders.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, July 25, 1989, at 2 p.m. to hold a closed hearing on intelligence matters.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, July 25, 1989, at 3 p.m. to conduct a hearing on emergency medical services.

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

ADDITIONAL STATEMENTS

DANIEL ADDISON, WEST VIRGINIA EVANGELICAL ASSOCIATION

● Mr. ROCKEFELLER. Mr. President, it is with great pride that I rise today to commend a fellow West Virginian for his outstanding leadership role with the Southern West Virginia Evangelical Association. Daniel Addison coordinates the distribution of food to more than 3,000 families throughout an eight-county area, an area economically depressed from the past decline of the mining industry.

For 22 years, Mr. Addison was himself a miner until a tragic rock fall left him severely injured with a broken back and a severed hand. Now 50 years old, surviving on disability checks, he volunteers 60 to 70 hours a week running this food distribution program. The amount disbursed has grown from 18,000 pounds to near 90,000 pounds a month since Mr. Addison took over. For his work he has recently been named Newsweek magazine's "West Virginia Hero for 1989."

It is truly inspiring to see this fine man making such an unselfish effort to help others in need. His philosophy he says is simple, "The reason we were put here was to help one another." I wholeheartedly agree and know that West Virginia is proud to count him as one of its citizens. Mr. President, I ask my colleagues to join me as I honor and salute Daniel Addison on his outstanding and dedicated community service.●

DATABEAM CORP.

● Mr. McCONNELL. Mr. President, I recently came across an article in the Louisville Courier-Journal about a corporation based in Lexington, KY, that actually helped the space shuttle *Discovery* off the pad. Today I would like to have that article printed in the RECORD.

When *Discovery* was parked on its launch pad last September waiting for the morning fog to clear, some crews noticed a leak in the orbital maneuvering system. Ordinarily, engineers would be flown in from Rockwell International Corp. in Downey, CA, to check the leak and supervise the repairs. That process could take 2 months. This time, however, the Rockwell group managed the repairs from their offices. Using a computer-based conferencing system developed by Lexington's DataBeam Corp., Rockwell officials could diagnose the problem and manage the repairs by long distance. DataBeam President Lee T. Todd, Jr., shared a toast with his employees when *Discovery* lifted off—a toast both to the success of his company and the success of the shuttle. Since then, NASA has been using DataBeam with every launch, referring to it as "mission critical." NASA and Rockwell have 23 DataBeam systems installed throughout the country.

Mr. Todd, a former professor of engineering at the University of Kentucky and a promoter of Kentucky-based entrepreneurs, also owns a portion of a company that makes television picture tubes used in flight training simulators. He and other investors bought inventory and manufacturing equipment from the bankrupt Advent Corp. in Boston to start this company, Projectron Inc. Mr. Todd sold part of Projectron to Britain's Rediffusion Simulator's Ltd., which was later bought out by a General Motors subsidiary.

Beginning his exploration of teleconferencing in the early 1970's at the Massachusetts Institute of Technology, Mr. Todd always had his eye on DataBeam. He hoped for a system that would enable people at different locations to work simultaneously on a document. In order to have the projection video system that they needed when starting DataBeam in 1976, Mr. Todd and C.J. Starkey took over two unused restrooms above a fast food restaurant in Lexington. With the tile floors and running water, they were able to grow a special phosphor to use in the TV projection tubes. The two men, however, revised the conferencing in 1987. DataBeam hooked up with AT&T to bid on equipment for conference rooms used with the "Star Wars" Program. The Defense Department installed 13 units, tied together by satellite communication, at contractor sites and research labs.

Mr. Todd now has higher hopes. He would like to see DataBeam achieve the popularity that facsimile machines have. He is satisfied with the progress of DataBeam, and they are currently exploring new ways in which corporations can use it. General Electric Co., Pfizer Pharmaceutical Co., and Ashland Oil Co. are among the other clients of DataBeam.

I would like for my Senate colleagues to join me in congratulating Mr. Todd and DataBeam Corp. for their outstanding accomplishments with their document conferencing systems.

The article follows:

LEXINGTON FIRM HELPS "DISCOVERY" OFF THE PAD

(By Ric Manning)

The space shuttle Discovery was parked on its launch pad last September, waiting for the morning fog to clear, when crews spotted a leak in the orbital maneuvering system.

Ordinarily, the leak could have delayed the launch for two months. Engineers would be flown in from Rockwell International Corp. in Downey, Calif., to check the leak and supervise repairs.

But this time the Rockwell people managed the repairs without leaving their offices.

They used a computer-based conferencing system developed by Lexington's DataBeam Corp. With a picture of the leak area displayed on their computer screens, NASA and Rockwell officials diagnosed the problem and managed the repair job by long-distance.

When Discovery lifted off, DataBeam President Lee T. Todd Jr. shared a champagne toast with his employees, a toast that could have been as much to the success of his company as to the success of the shuttle.

And after that day, said Todd, NASA declared DataBeam "mission critical" and began using it extensively with every launch.

Today NASA and Rockwell have 23 DataBeam systems installed at sites throughout the country.

"We use it every chance we get," said Herb Hyman, project manager for information systems integration at Rockwell. NASA's weekly avionics meeting lasts eight hours at five sites, all of them connected by the DataBeam network.

With the NASA contract and orders from the Defense Department helping to make 1988 DataBeam's first profitable year, the company now hopes to expand its business by selling systems to corporate clients.

"We have not touched corporate America," said Todd, "and that's the biggest potential market."

DataBeam is one of two start-up companies owned and managed by Todd, a former professor of engineering at the University of Kentucky and a tireless promoter of Kentucky-based entrepreneurs.

Todd also owns a portion of Projectron Inc., which makes television picture tubes used in flight training simulators. That firm was started when Todd and a group of investors bought the inventory and manufacturing equipment from the bankrupt Advent Corp. in Boston.

Todd later sold part of the company to its biggest customer, Britain's Rediffusion Simulators Ltd., and Rediffusion was later bought by Hughes Corp., a General Motors subsidiary.

"We like to say that we went from 60 tons of used equipment to a division of General Motors," said Todd.

Yet Todd always had his eye on DataBeam.

He began exploring teleconferencing in the early 1970s when he was studying at the Massachusetts Institute of Technology. Todd envisioned a system in which people at different locations could work simultaneously on a document or drawing. When one person added a note or made a change in the document, everyone would see the change at once.

One key element would be a projection video system to display a large image with enough detail to please engineers and draftsmen.

When Todd and C.J. "Neil" Starkey started DataBeam in 1976, one of their first moves was to take over two unused restrooms above a Lexington fast food restaurant. They needed the tile floors and running water to grow a special phosphor to use in their TV projection tubes.

And Todd said the main reason he started Projectron was to be sure he'd have a steady supply of projection TV tubes for DataBeam.

But as it turned out, DataBeam didn't need the phosphor or the tubes.

"The first product we designed, we never sold," he said.

Instead of using projection video, Todd and Starkey revised the conferencing in 1987 to use mostly off-the-shelf components. They dropped the projection TV part so DataBeam could hook up with AT&T to bid on equipment for conference rooms used with the Strategic Defense Initiative—the "Star Wars" program.

The Defense Department approved the contract and installed 13 units at contractor sites and research labs, all of them are tied together by satellite communication.

Next came Rockwell, the prime contractor for the space shuttle. Other clients include General Electric Co. and Pfizer Pharmaceutical Co. Ashland Oil Inc. installed a system on a trial basis to link offices in three cities.

Pfizer uses the system to link its research center in Groton, Conn., with another lab in Sandwich, England. Joseph Lombardino, director of development planning at Pfizer's Groton lab, calls the DataBeam system "a step further than telephone and a step beyond fax."

DataBeam's CT-1000 system uses an IBM-compatible computer, a Ricoh scanner, a Canon laser printer, a Sony monitor and a light pen and drawing tablet. All the items are built into a wooden cabinet that can be rolled from one room to another and plugged into any telephone outlet.

"We'll roll it into someone's office if they want to do a one-on-one," said Hyman.

A workstation with a black-and-white display costs about $30,000. Color systems, with color scanners and printers, run as high as $80,000. And you have to have at least two.

As many as eight workstations can be linked over ordinary telephone lines, which also provide voice communication. The result is an arrangement in which people hundreds of miles apart can communicate as if they were all at the same conference table.

If a user at one site feeds a photograph, a printed document or a computer graphic into the system, people at the other sites will see it almost immediately. Each user can then edit or change the document, using the light pen to make handwritten notes. The laser printer will produce a hard copy at any point in the process.

The Star Wars planners use the system to share top-secret documents and Pfizer used it to review architect's drawings for a new lab in England.

When NASA needed a weather waiver from advisory team members before the Discovery could launch, the members signed the electronic version displayed on their DataBeam screens, then transmitted a copy to the Kennedy Space Center in Florida.

Starkey said he and DataBeam's marketing people are exploring new ways that corporations can use DataBeam. One potential new customer is a publishing company that produces corporate financial reports. In many cases, each page must be approved by the client before the document goes to press.

"They want to provide a workstation to each client while a project is under way," said Starkey. "Then they could sit down and go through each page together."●

HONORING HERCULES RETIREES

● Mr. HATCH. Mr. President, today I take great pride and pleasure in honoring a group of 92 outstanding retirees who have devoted their working lives to building quality weapons for the defense of our Nation at Hercules, a defense contracting firm in my State.

These dedicated employees of Hercules Aerospace Bacchus Works in Magna, UT, have worked on projects such as spacecraft; solid rocket motors which power America's missiles; high-technology composite structures, including those for Pegasus Launch Vehicle and the Voyager, which flew around the world on one tank of gas; and Minuteman, Peacekeeper, and Titan contracts.

These valiant and valuable employees have been dedicated to our country's welfare, and I feel it is appropriate at this time for the U.S. Congress to honor and thank them for a job well done and for their service on behalf of our country.

Without objection, I would ask that the names of this group of Hercules retirees be included in the RECORD.

The listing of retirees follows:

HERCULES 1989 RETIREES

PENSION INFORMATION

Name, birth date, and date hired

Retirement date Mar. 1, 1989:

Anderson, Gary I., 9756 South Old Ranch Place, Sandy, UT 84092; Feb. 8, 1934, Mar. 27, 1961.

Armantrout, Robert J., 9 Sunwood Lane, Sandy, UT 84092; Sept. 12, 1932, Mar. 4, 1957.

Browing, Stanley C., 2941 Manorview Court, Salt Lake City, UT 84121; Jan. 31, 1929, Feb. 15, 1960.

Castner, Earl E., 5461 South 975 East Street, Ogden, UT 84405; June 30, 1926, May 1, 1961.

Duerden, Earl S., 3555 East Cliff Drive, Salt Lake City, UT 84124 Oct. 31, 1924, May 2, 1961.

Ergle, John L., 1762 Oakdale Drive, Salt Lakt City, UT 84121; Dec. 4, 1929, June 8, 1959.

Farezoco, William J., 2301 Saddle Way, Salt Lake City, UT 84118; Oct. 10, 1929, Jan. 31, 1972.

Gilliat, Richleigh H., 9777 Altamont Dr., Sandy, UT 84092; Jan. 6, 1932, Nov. 27, 1961.

Gregory, Thomas M., 3831 Villa Dr., Salt Lake City, UT 84109; June 28, 1927, Apr. 10, 1961.

Gunter, Randolph W., 5233 South 5120 West, Kearns, UT 84118; July 23, 1928, Nov. 3, 1961.

Huddleston, Robert, 4096 W. 4490 S., West Valley City, UT 84120.

Jarvie, Ronald M., 3288 West Valleyhome Ave., West Valley City, UT 84119; Jan. 26, 1926, June 22, 1959.

Jones, Earl LeRoy, 3407 West 4700 South, Salt Lake City, UT 84118; Nov. 18, 1932, Oct. 12, 1951.

McMahan, Loyd D., 194 East 2500 South, Bountiful, UT 84010; Dec. 24, 1931, July 9, 1962.

Millard, Robert S.H., 107 High Country, Riverton, UT 84065; Oct. 7, 1927, Feb. 11, 1963.

Olsen, Dale H., 8172 So. 1330 East, Sandy, UT 84092; Sept. 20, 1926, Feb. 20, 1961.

Orn, Don H., 3735 South 4355 West, West Valley City, UT 84120; Mar. 19, 1931, Mar. 23, 1960.

Parker, Robert C., 444 South 100 West, Bountiful, UT 84010; Dec. 28, 1926, Dec. 28, 1961.

Romero, Leo J., 12668 Somer Down Court, Draper, UT 84020; Aug. 31, 1931, Nov. 7, 1961.

Sapp, Robert C., 3180 South 7945 West, Magna, UT 84044; Aug. 13, 1929, Jan. 23, 1961.

Smallwood, Billy G., 6086 Mt. Vernon Dr., Murray, UT 84107; Feb. 3, 1928, June 4, 1951.

Smith, Horace W., 1470 E. Mueller Park Rd., Bountiful, UT 84010; July 12, 1933, June 5, 1955.

Starr, Donald, 3985 South 5375 West, West Valley City, UT 84120; Apr. 9, 1931, Mar. 27, 1959.

West, Leonard R., 4646 South 1980 West, Salt Lake City, UT 84119; May 24, 1933, June 12, 1961.

Winnie, Fred W., 1132 East 4420 South, Salt Lake City, UT 84124; Aug. 4, 1924, Apr. 3, 1961.

Young, H. Dale, 3731 South 4400 West, West Valley City, UT 84120; Sept. 11, 1927, May 22, 1961.

Retirement date April 1, 1989:

Anderson, Gene L., 4137 South 570 East Apt. 17J, Salt Lake City, UT 84107; Aug. 25, 1931, Apr. 19, 1959.

Barnes, John P., 3334 Edward Circle, Salt Lake City, UT 84124; Sept. 15, 1931, June 28, 1961.

Baxter, Leland K., 229 Seventh Ave., Salt Lake City, UT 84103; Feb. 12, 1923, June 15, 1959.

Bevan, LaMar R., 953 East 25 South, Lindon, UT 84042; May 31, 1927, May 26, 1944.

Brandon, Richard M., 4292 West 4570 South, West Valley City, UT 84120; Feb. 2, 1930, Feb. 6, 1961.

Broderick, Grant A., 2157 Kirkham Way, Salt Lake City, UT 84119; Oct. 12, 1925, Nov. 13, 1961.

Burnham, William S., 1768 Portal Way, Sandy, UT 84093; March 21, 1930, June 13, 1961.

Burningham, Gary L., 1551 So. Orchard Dr., Bountiful, UT 84010; Oct. 1, 1932, Apr. 6, 1962.

Christensen, LuDean, 4320 Mackay St., Taylorsville, UT 84123; Oct. 3, 1931, July 18, 1961.

Christensen, Richard K., 4320 Mackay St. Taylorsville, UT 84123; Aug. 30, 1928, Nov. 9, 1960.

Cochran, Harry D., 4174 E. Cumorah Dr., Salt Lake City, UT 84124; Apr. 7, 1929, Aug. 22, 1960.

Coombs, Vernon H., 4510 Stratton Dr., Salt Lake City, UT 84117; Feb. 11, 1929, Jan. 16. 1961.

Crump, James E., 303 Rose Lane, Summerville, SC 29485; Apr. 23, 1928, Nov. 12, 1956.

DeWeese, Norma J., 4951 Woodhaven Drive, Murray, UT 84123; Jan. 29, 1929, June 9, 1961.

Dixon, H. Douglas, 3012 East 4310 South, Salt Lake City, UT 84124; Jan. 30, 1925, Mar. 3, 1953.

Earl, A. Darrell, 1323 Montgomery Street, Salt Lake City, UT 84104; Dec. 16, 1927, Dec. 7, 1960.

Eaton, Richard F., 3425 Bernada Drive, Salt Lake City, UT 84124; Jan. 21, 1929, Dec. 19, 1960.

Flake, Wilbur K., 3581 West 4850 South, Salt Lake City, UT 84118; Mar. 3, 1932, Sept. 1, 1959.

Forslund, Jr. John A., 517 North 1000 West, Salt Lake City, UT 84116; Apr. 16, 1931, Dec. 31, 1959.

Gardner, Larry L., 3551 West 4850 South, Salt Lake City, UT 84118; Apr. 29, 1929, Oct. 27, 1960.

Gilvarry, Richard G., 2309 Bay Meadows Lane, Lady Lake, FL 32659; July 4, 1932, Feb. 25, 1960.

Godfrey, LaVar D., 6354 Westridge St., Murray, UT 84107; June 12, 1930, Mar. 21, 1960.

Grier, Bauduy R., 2171 Camino Way, Salt Lake City, UT 84121; May 14, 1925, Nov. 19, 1973.

Harvey, Kenneth L., 8810 North 4300 West, Pleasant Grove, UT 84062; Dec. 11, 1927, June 8, 1959.

Hoskins, Lawrence J., 5543 Fairoaks Dr., Salt Lake City, UT 84117; Jan. 11, 1926, Nov. 15, 1958.

Ingram, Chester H., 4075 West 4835 So., Salt Lake City, UT 84118; Oct. 10, 1930, June 26, 1962.

Ipson, Mary Lou, 117 Lucy Ave., Salt Lake City, UT 84101; Apr. 1, 1930, Nov. 6, 1961.

Janney, William L., 7921 Mountain Oaks Dr., Salt Lake City, UT 84121; Aug. 21, 1931, Feb. 1, 1963.

Jessen, Edward C., 1220 East 1000 South, Spanish Fork, UT 84660; Nov. 26, 1932, June 6, 1960.

Kerr, Walter B., 3725 Van Buren Ave., Ogden, UT 84403; Oct. 14, 1926, Apr. 10, 1961.

Kleinert, Harry L., 3068 Banbury Rd., Salt Lake City, UT 84121; Apr. 15, 1927, Dec. 30, 1959.

Kloogh, Kaare, 2788 East 3335 South, Salt Lake City, UT 84109; Apr. 24, 1930, Apr. 4, 1961.

Kohlbeck, Joseph A., 2561 Starling Dr., Salt Lake City, UT 84121; Apr. 3, 1927, Sept. 1, 1961.

Kordig, James W., Jr., 1510 Wasatch Dr., Salt Lake City, UT 84108; Dec. 23, 1924, Oct. 24, 1961.

Lorenzen, Robert M., 14651 Antelope Dr., Sun City West, AZ 85375; Aug. 26, 1927, June 1, 1961.

Lower, William F., 7941 West 3500 South, Magna, UT 84044; Aug. 23, 1927, Aug. 14, 1961.

Martineau, Louis E., 8657 Tracey Dr., Salt Lake City, UT 84070; Apr. 16, 1930, Sept. 1, 1967.

Massey, Dean L., 481 Harrison Street, Midvale, UT 84047; Sept. 23, 1931, Mar. 14, 1961.

McGee, LeRoy, 4150 Westlake Ave., West Valley City, UT 84120; Oct. 7, 1928, Nov. 9, 1959.

Nelson, Robert D., 4424 South Adonis Dr., Salt Lake City, UT 84124; May 16, 1930, July 17, 1961.

Nielson, DeLynn, 5442 Janette Ave., West Valley City, UT 84120; Oct. 18, 1927, Sept. 8, 1959.

Olsen, Ted H., 3123 Teton Dr., Salt Lake City, UT 84044; Aug. 13, 1931, Apr. 10, 1967.

Olson, Donn E., 4345 Hermosa Way, Salt Lake City, UT 84124; Mar 1, 1928, Jan. 6, 1961.

Parker, George R., 548 West 1175 North, Centerville, UT 84014; Apr. 14, 1928, June 13, 1961.

Peterson, Normand L., 1606 Laird Ave., Salt Lake City, UT 84105; Dec. 29, 1926, Jan. 20, 1963.

Philpot, Myron C., 3127 South 8560 West, Magna, UT 84044; Apr. 28, 1927, May 25, 1959.

Powell, James G., 372 West 2725 So., Bountiful, UT 84010; Dec. 16, 1931, June 30, 1960.

Powell, Orson E., 4036 West 5010 So., Kearns, UT 84118; Oct. 13, 1931, Sept. 26, 1960.

Reading, Joseph G., 5067 West 5320 So., Kearns, UT 84118; Aug. 13, 1932, Oct. 5, 1959.

Rock, Henry W., 720 West 400 North, Orem, UT 84057; Jan. 8, 1927, June 12, 1962.

Rogers, Adele, 1059 East 8320 So., Sandy, UT 84094; Feb. 21, 1928, Feb. 14, 1961.

Stromberg, Arnold B., 1930 Condie Dr., Salt Lake City, UT 84119; Feb. 1, 1932, Aug. 10, 1961.

Sulich, John N., 1332 Laird Ave., Salt Lake City, UT 84105; Dec. 6, 1931, June 6, 1961.

Thaxton, Reed H., 13360 So. 1900 So., Riverton, UT 84065; May 21, 1928, June 12, 1961.

Thirkill, Richard, 922 Vitt Dr., Ogden, UT 84407; Nov. 13, 1932, Oct. 13, 1973.

Trump, Laurance D., 3680 South 4355 West, West Valley City, UT 84120; June 10, 1929, Sept. 14, 1960.

Tubbs, Austin L., 1583 Meadow Moor Rd., Salt Lake City, UT 84117; Oct. 16, 1930, Apr. 10, 1961.

Tuttle, Maurice A., 2275 Saddle Way, Bennion, UT 84118; Aug. 28, 1933, Sept. 17, 1951.

Wahlin, Clive D., 4200 S. Barker Road, Salt Lake City, UT 84119; May 24, 1928, Oct. 11, 1960.

Woodruff, Wilford R., 2559 Evening Star Dr., Salt Lake City, UT 84124; Sept. 1, 1926, Dec. 26, 1960.

Wright, Edward M., 4253 Peggy Way, West Valley City, UT 84120; Apr. 12, 1924, June 16, 1962.

Wright, James A., 8860 So. 1205 East, Sandy, UT 84094; June 8, 1930, Apr. 10, 1961.

Retirement date May 1, 1989:

Day, Preston, 8899 Sheffield Way, Sandy, UT 84093; Apr. 25, 1932, June 21, 1954.

Christensen, Ella, 2819 S. 8500 West, Magna, UT 84044; Oct. 5, 1923, May 31, 1961.

Nilsson, Donald W., 66 Plumtree Lane #18B, Midvale, UT 84047; Aug 15, 1925, Oct. 14, 1960.

Smith, Calvin K., 9945 Cobalt Lane, Sandy, UT 84094; June 6, 1928, Aug. 29, 1960.●

REPEAL SECTION 2036(c)

● Mr. KASTEN. Mr. President, I am pleased to cosponsor three bills to repeal section 2036(c) of the Internal Revenue Code: S. 849, introduced by Senator TOM DASCHLE; S. 659, introduced by Senator STEVE SYMMS, and S. 838, introduced by Senator HOWELL HEFLIN. This section relates to estate freeze rules which potentially affects thousands of asset transfers and transactions among family members.

An estate freeze refers to a method used by owners of family farms and businesses to transfer the business to their heirs. For example, the owner may give nonvoting stock to children who are active in the business or to grandchildren who are not yet ready to participate in the business. Through this method, a founder could transfer ownership of the future increase in the value of the family business to his children while retaining some control in the business.

The section 2036(c) estate freeze rules were adopted in the Internal Revenue Code in the Revenue Act of 1987 without any hearings in the House of Representatives or the Senate. The intended purpose of section 2036(c) was to address the potential for abuse of the estate freeze whereby owners of family businesses could allow some appreciation on those assets to escape the transfer tax system. Unfortunately, section 2036(c) has turned out to be a gross overreaction to the abuse problem.

Without an estate freeze, the entire value of a family owned business could be included in the founder's estate upon his death. Thus, parents who have worked long and hard to pass on a family owned business to their children will see their efforts defeated by the need to sell much of the business to pay the tax collector's bill.

Under 2036(c) a variety of commonly used and legitimate methods for a founder to pass a family owned business to his or her heirs could result in punitive tax consequences. For example, a family could be subject to large taxes if the founder is a salaried employee of the business in which his child has an interest; starts a new business with his child; gives an interest in the business to his child; or loans money to a corporation in which a child has a business interest.

In addition, as a result of the uncertainty and confusion surrounding the section 2036(c) provisions, legitimate intrafamily transactions and estate plans have ground to a halt. Those who decide to proceed could face years of costly litigation.

Mr. President, family owned enterprises—ranging from family farms to the corner grocery store—are a vital component of the Nation's economy. In effect, section 2036(c) makes it easier to transfer a family farm or a business to a stranger than to one's own family. I believe the Federal Government should provide incentives—not disincentives—for entrepreneurs to build a business that they can pass on to their children.

The American Bar Association has called for repeal of section 2036(c) calling it a threat to farms, ranches, and other closely held businesses which are so cherished in our American system and which Congress has heretofore encouraged.

Repeal is the best solution to the problems caused by section 2036(c). It would clear up the uncertainty which is currently wreaking havoc on thousands of legitimate intrafamily transactions involving family businesses. Moreover, the perceived abuse which prompted the enactment of 2036(c) is being resolved by the courts. Our tax laws should help preserve family enterprises, not encourage their sale and breakup.●

CUT CAPITAL GAINS TAX TO REDUCE THE DEFICIT

● Mr. KASTEN. Mr. President, everyone now agrees that capital gains cuts will increase capital mobility, stimulate risk, investment, make the United States more competitive, benefit the elderly, middle-income families, farmers, and small businessmen—and even bring down the Federal budget deficit. Today, we are assuming revenue gains—and debating whether or not those revenue gains will continue into the future.

History shows that cutting the capital gains tax is a proven revenue winner—and that the revenue gains will be permanent and repeating in the out-years. When we cut the capital gains tax rates in 1978 and again in 1981, tax revenues from capital gains rose each year for 7 consecutive years—from $9.1 billion in 1978 to $24.5 billion in 1985.

The tax rate cut's stimulative effect on capital gains realization is not the only source of new revenue. A rate cut also expands the entire tax base by increasing the value of existing assets and the rate of economic growth. In today's Wall Street Journal, economist Alan Reynolds describes several revenue effects that are often ignored by Government revenue estimators. A progrowth cut in the capital gains tax is the only medicine to cure our economic and budgetary ills. It's the only policy that will reduce the budget deficit at the same time as it is strengthening the economy.

I ask that Mr. Reynolds' article be printed in the RECORD.

The article follows:

[From the Wall Street Journal, July 25, 1989]

HALF-DOZEN WAYS LESS MEANS MORE IN CAPITAL GAINS

(By Alan Reynolds)

Tax policy is too important to be decided by the accountants who estimate revenues. President Bush has a clear mandate to cut the tax rate on long-term capital gains. His critics have not dared to suggest that a single individual would be harmed by a lower capital gains tax. And nobody denies that a lower capital gains tax would help invigorate the sluggish U.S. economy. Instead, the whole issue has been mired in conflicting estimates about how much tax revenue would be gained or lost in later years.

Both the Joint Committee on Taxation and the Treasury Department have ignored most of the ways in which a lower capital-gains tax rate would increase both federal and state tax revenues from a variety of sources, not simply from capital gains themselves. And they have also ignored the reduction of government spending due to lower interest rates.

The official revenue estimates simply assume that a lower tax rate on capital gains would have no effect on the value of stocks and bonds, no effect on capital mobility and economic efficiency, no effect on venture capital investment and no effect on tax evasion. That is, the revenue estimates assume away all of the main issues. The huge "unexpected" revenue windfall this April from reducing marginal tax rates last year is an example of how official revenue estimates invariably miss the dynamic effects.

First, the higher prospective after-tax return on stocks and bonds would surely be capitalized in higher prices for stocks and bonds. There would be larger capital gains to be taxed. Although this effect was sufficiently obvious to get some attention when the capital-gains tax was reduced in 1978, it is now being dismissed by everyone except investors themselves.

Second, "unlocking" gains by reducing the disincentive to sell assets is not simply a one-time effect, as most estimates assume. By reducing the tax penalty on realizing capital gains, investors would become free to move funds out of yesterday's winners into today's most promising new firms. The increased mobility of capital has to increase economic growth, and thus increase the entire federal and state tax base every year, including taxable corporate profits and payrolls.

Third, a lower capital gains tax would greatly reduce the incentive to engage in leveraged buyouts and other devices to substitute debt for equity. With a high capital gains tax, individuals have little interest in growth stocks or venture capital deals, which offer only the hope of dividends in the distant future. Instead, taxable investors now lean toward immediate payouts—from interest on municipal or junk bonds, commodity speculation, or dividends from established blue chip firms. A lower capital gains tax would increase individual demand for shares of firms that are too new to pay dividends, and too small to issue commercial paper. With the reduced pressure on companies to become overly leveraged, interest deductions from corporate profits would be reduced and therefore more revenue had from the corporate income tax.

Fourth, bonds are not held simply for the interest, which has lately been lower than on short-term securities, but for the possi-

bility of capital gains if interest rates fall. The relative appeal of such capital gains would increase with a lower tax rate, thus increasing the demand for bonds. The price of bonds would rise, increasing taxable gains, and the lower interest rates would also reduce the government's interest expense.

Fifth, the improved allure of capital gains would induce individuals to bid shares of venture-capital firms away from tax-exempt and foreign investors, who now pay no capital gains tax at all. If the new individual owners of such growth stocks and venture capital funds were subject to a 15% tax rate, rather than the zero rate due from the current owners, tax revenues would obviously increase. Dan Rostenkowski (D., Ill.), chairman of the House Ways and Means Committee, has noted that "most venture capital now comes from tax-exempt entities." But this would no longer be true if the capital-gains tax were less punitive, and a tax rate of 15% would obviously raise more money than a tax rate of zero. Amazingly, no revenue estimates even consider this effect.

Sixth, a lower capital gains tax would encourage investors to put more money into stocks and bonds and less into tax-exempt municipal bonds or housing (where capital gains can be postponed for decades, and then given a sizable exemption at age 55). Again, revenues unambiguously increase.

Seventh, all of these effects would be reflected in increased tax revenues for state governments, whose capital-gains tax revenues have collapsed as the federal tax rate increased. The added state receipts would alleviate the need for federal aid, or for state tax increases that make inroads into the federal tax base.

Since nobody has claimed that anyone would be injured by a lower capital gains tax, and both small enterprises and large governments have a lot to gain, the fact that bureaucrats have not bothered to estimate these revenue effects is no reason to doubt that they exist. The increased revenues and reduced outlays from a 15% tax on long-term capital gains would shave at least $20 billion a year from the federal deficit, and even more in later years. While the sources of these budgetary savings have at least been outlined here, those in charge of official estimates reveal nothing at all about where their estimates come from. If nobody asks the right questions, we are unlikely to get the right answers.●

ADDRESS OF SECRETARY OF EDUCATION AT RHODE ISLAND COLLEGE

● Mr. PELL. Mr. President, each year, during the months of May and June nearly every member of this distinguished body has the opportunity to visit an institution of higher learning to take part in its graduation ceremonies. It is both thrilling and comforting to sit on the dais, looking out over a sea of excited, successful graduates—our leaders of tomorrow—who are anxious to embark on their uncertain paths. It is thrilling because of the enormous potential embodied in the graduates, and it is comforting because these individuals are proof that ours is a country that continues to strive for excellence through education, and that these graduates are well-equipped for the future.

On May 20, 1989, I was fortunate to be up on such a dais, looking out at an eager group of graduates. The occasion was the commencement ceremony of Rhode Island College, and among the prominent individuals I joined was the U.S. Secretary of Education, Lauro Cavazos. The Secretary was invited to receive an honorary degree from the college, and although he was not the commencement speaker, he offered a most thoughtful and thought provoking address to the graduates. I would like to share with my distinguished colleagues Secretary Cavazos' sound advice for the day, and for the future. These are indeed words of wisdom from which we can all learn a great deal.

The address follows:

REMARKS MADE BY SECRETARY OF EDUCATION, LAURO CAVAZOS AT THE RHODE ISLAND COLLEGE COMMENCEMENT MAY 20, 1989

Thank you very much. Senator Pastore, Senator Pell, Senator Chafee, Governor DiPrete, Chairman Carlotti, President Guardo, Distinguished Guests, Faculty, Graduates, my Friends, my Classmates—soon to be—I salute you all. And I want to thank you very very much for inviting me here to this celebration of learning.

Graduates, I imagine that as you look to the future, you wonder, "I wonder where this is all going to go on from here?," because tomorrow does come after this beautiful day. Believe me, there will be life after this. You've faced it many times—your parents, your spouses—they've worked so hard to help you through here.

It's a little bit like that that confronted the great jurist Oliver Wendell Holmes. Seems that he once found himself on a train, and he couldn't locate his ticket. And while the conductor stood over him, Justice Holmes searched in his pockets, in his vest, and through his bag and he still couldn't find the ticket. Well, the conductor recognized him; he said, "Mr. Chief Justice, don't worry about it, just mail the ticket when you find it. That's all right." And Justice Holmes looked at the conductor sternly and replied, "My good man, the problem is not where is my ticket. The problem is, where am I going?!"

Well, so therefore, where do you go from here? I have no doubt that an exciting future awaits you. And it will be very challenging. These times so much remind me of the lines from *A Tale of Two Cities:* "the best of times and the worst of times." And I think it's appropriate that we recall what Dickens wrote. You remember, "It was the best of times and it was the worst of times, and it was the age of wisdom and the age of foolishness, and the epic of belief and the epic of incredulity; it was the season of light and the season of darkness; it was the spring of hope and the winter of despair."

Now you will be entering a period of time when technology is changing and bettering our lives almost daily. A time when that technology is developing opportunity in our economy never dreamed of before—and here it is. Our economy is strong, and thank heavens, America is at peace today.

On the international scene, we are enjoying a new, open relationship with a long-time adversary, the USSR—a nation that's undergoing great political upheaval and bringing greater freedom to its people. Certainly, point after point, you would say, "these are the best of times."

But these are also the worst of times. Violence in the Middle East continues to rock the Middle World. Terrorism casts a wider shadow than ever before. Drug abuse is reaching epidemic proportions in this country and our citizens—many of them—are drowning in a sea of illegal drugs. And tragically, the recent oil spill in Prince William's Sound reminds us of our stewardship of the environment and how fragile that environment is.

You've been well-prepared by this fine institution for the opportunities and challenges ahead, and I predict that you'll seize those, and you'll move ahead and make these, certainly, the best of times.

Now as I look out at you, I see a diverse student body. Diverse in background, in heritage, in plans, yet for the rest of your lives, you will be united by your accomplishments here. Have you ever thought about that? You are so fortunate to have a college education. My father told me when we were growing up, he said, "Son, educate yourself. It is the one thing that no one can ever take from you." And, certainly, we were fortunate and we went on to school. But when you really stop to think about it, so many people spend a lifetime accruing material goods, and those can change and be lost in a moment. But no one can ever take an education away from you. And for this reason, you have such a great opening and future ahead.

Think back on the first days that you arrived on this campus. Great day, excitement, anticipation, anxiety, concern; you were making that rather uncomfortable transition from a friendly high school into a large institution of higher learning. And during these past years under the guiding hands of your distinguished faculty, and your deans, and administrators, you've taken those steps to independence. And today you receive a degree to commemorate your success as a student.

But it also acknowledges receipt of much wider learning and accomplishment. Teddy Roosevelt once said that, "to educate a person in mind, and not morals, is to educate a menace to society." Now, I have always believed that education is much more than mastering words, understanding numbers and equations—the educational process should contain another issue. And that point is virtue. I mean, by virtue, doing what is right. Doing what is right. And virtue has three facets to it, three facets: it has courage, and temperance, and justice. And all three of these must be present. You cannot have justice without temperance and courage, or courage without justice and temperance, or temperance without courage and justice. And I submit that that issue of virtue is best explained in the second stanza of "America the Beautiful." I'll bet you never thought about that. And that first verse, every one of you can recite—it writes of the beauties of our nation—its beautiful mountains and its seas, the morphology of America. But in the second verse, there I find the classic concept of virtue, stated in an elegant manner:

Oh beautiful for pilgrims' feet,
Whose stern, impassioned steps,
A thoroughfare for freedom beat,
Across the wilderness.
America, America,
God mend thine every flaw.
Confirm thy soul and self-control,
Thy liberty in law.

In that verse, we find courage and temperance and justice. First, courage: "Across the

wilderness." And it took courage, obviously, to conquer the wilderness. Don't be afraid, graduates. Don't be afraid to dare, to dare greatly. Conquer any fears you might have about taking that big step forward. Fear of failure, fear of the unknown if not overcome or used as motivation are paralyzing and unworthy of people. Fear can make us ineffective, destroy our courage, cause us to substitute myth upon reality and reason. It feeds upon itself—fear creates fear creates fear.

This great nation of ours would not be, if our ancestors had allowed themselves to be overcome by these tremendous fears. Just think about it—the pilgrims traveled across this largely uncharted water and land to come to this area where there was death and disease at every turn. And the early Americans, like the people of today—magnificent people—those early Americans saw beyond the years of their lives, and you must do the same. One might think, "Mr. Secretary, there is no longer wilderness to conquer." I submit that there is still wilderness to conquer. There's the wilderness of hunger, the wilderness of disease, and the wilderness of hatred and racism. There is a lot of wilderness to conquer.

Let us look at the rest of what we see in "America the Beautiful:" "Confirm thy soul in self-control . . ." We could talk for an hour about temperance, couldn't we? "Thy liberty of law . . ."—justice, that we all crave so dearly. So therefore, let us take the lessons of virtue—doing what is right—and integrate them into your lives for the rest of your life. Think about that.

Graduates, with you this school has succeeded in its mission to educate the whole person, for the whole world, for your whole life. So what should your role be now, as you leave RIC? Only you, the individual, can decide that. But start by remembering that your decisions are important to a wider community than you ever belonged to or thought about before.

I am often reminded of John Donne's essay that he wrote over four-hundred years ago. In it, he reflects about death and interdependence. You all know this, as well as I do—that:

* * * No man is an island, entire of it self; every man is a piece of the continent, a part of the main; if a clod be washed away by the sea, Europe is the less, as well as the promontory were, as well as if a manor of thy friend's or thine own were; any man's death diminishes me, because I am involved in mankind. So never send to know for whom the bell tolls; It tolls for thee.

Although Donne wrote of death, he was writing about our interdependence, wasn't he? Any person's death, or lack of development of academic potential diminishes me as a person. Because I am a part of mankind with you. And it is interdependence that holds this civilization together. We make our contributions as individuals for the good of the fellow around us, the fellow person about us. To make your contribution, move ahead boldly, bravely. Don't be afraid of failure as you go. You'll face failure many times, and you will taste it, I guarantee you.

But the test of your character will come back, and how did you deal with that adversity? How did you handle it? How did you bounce back? As you move into the mainstream, I ask that you give some of yourself to those who are not as fortunate and may never have the opportunity to take full control over their destiny. As I referred to you earlier, those people are part of the main, our interdependence. And there are many in this nation who could use your help. From my vantage point as the U.S. Secretary of Education, let me suggest one area to where you might turn.

I see a lot of children who might never make it into the mainstream because our elementary and secondary educational system is failing them. These young people might never make it to college or even out of high school. As you know, today 1 out of 4 children drops out of school. And I oftentimes find myself thinking about numbers. I know that certain areas amongst the Hispanics—my own race—45 percent will drop out of school. And I start thinking about numbers and I pause, and I say, "No—I must think about the loss of human potential, the loss of a person, a person that I am interdependent on. If one person fails, I fail.

How do we know that in the loss of that one person we did not lose the mind of the person who could have brought us peace in this world? Who could have helped to solve the problem of AIDS or cancer? Who could give new direction for this nation? We all lose. And for those youngsters who do stay in school, what happens to them? The test scores indicate that they are not being educated properly, that they're not being educated to their fullest potential. When test scores of our high school students are compared to their peers in other countries, American students fare poorly.

By any measure that you want to put to it overall, our educational system in elementary and secondary school is stagnant. We have a serious education deficit. In this age of change and rapid technology, we get deeply concerned about what's happening. So often in Washington we speak of the trade deficit—this massive trade deficit—we've got to straighten that out. The budget deficits—they are real deficits. They can quantitate those to the nearest millions I presume, and they do it daily in Washington.

But I can quantitate the education deficit for you. Try 27 million illiterates in America today and 40-50 million people who can hardly read at the fourth grade level. An estimated 600,000-900,000 children drop out of high school every year—300,000 children every school day drop out. Measured in mathematics and science, we're at the bottom time after time against the industrialized measures of the world. SAT's, ACT's—flat—I can quantitate it. And I submit that we will not solve the budget deficit or trade deficit until we solve the education deficit.

I predicted that you would move out of here and that you would have challenges to improve on the conditions that you find. Well here's one for you: we are in the midst of educational reform movements in this country, and I ask every one of you to get yourself involved. The quality of students that show up here in the fall at this beautiful college will depend upon the quality of elementary and secondary education going on in this state and in this nation.

So therefore, what can you do? Well I know that we have a lot of great future teachers out there. This is a great profession. It is the first year in 35 years that I've not taught. I love it. But you're joining a great, great future. You can do great things, you have a marvelous tradition, be proud of your profession, and involve yourself.

And for others planning other careers in business or other challenging fields in law or medicine, there are many ways that you can help. Have you ever thought volunteering as a tutor at a local school? Ever thought about working in a literacy center? Becoming a role model for a struggling youth? The possibilities are endless, endless. We must involve ourselves in the educational reform that is moving ahead. It is going to happen—I guarantee you, our educational system will be restructured. It's going to happen.

Returning, then, to my original theme—welcome, graduates, to the best of times. There is much to look forward to as you begin your exciting life. Step bravely out there, fearlessly into the world of opportunity through the many challenges that you will face in what can be—sometimes—the worst of times.

As you go, you will be asked to demonstrate justice in your treatment of your fellow person, courage as you pursue your career, and temperance to balance the scale of want and need.

John Garner said, "A nation is never finished. You can't build it and leave standing as the Pharoahs did the pyramids. It has to be recreated for each new generation."

It's now your turn, your time to take the talents you developed at this great college and start working on the kind of future you envision for yourself and for others who will follow. And I know that if you will do this—and I know that you will—you will truly make this the best of times.

Godspeed you, God bless you.●

BRILLIANT PEBBLES

● Mr. BOSCHWITZ. Mr. President, I would like to take this opportunity to insert an article by James Frelk entitled "Brilliant Pebbles: Adding a Leg to Our Deterrent Triad." This article outlines the development of heat-seeking, space-based missiles, or "brilliant pebbles."

The development of "brilliant pebbles" could provide an important and effective defense against nuclear attack. It is one of the most promising technologies being developed within the strategic defense initiative. This article contains important information concerning our national strategic defense and I commend it to my colleagues.

The article follows:

BRILLIANT PEBBLES: ADDING A LEG TO OUR DETERRENT TRIAD

(By James Frelk)

The United States is planning to spend $300 billion on modernizing our nuclear arsenal in the next 10 years. Half the money goes for new submarines; the rest is for Stealth bombers and mobile ICBMs. There is a lot of talk around Washington about the need for mobile ICBMs in particular. Putting our missiles into holes in the ground, where accurate Soviet warheads can destroy them, no longer makes sense to anyone.

The Soviets, of course, are already going down this track, with their new ICBMs deployed on trucks and railway cars.

Suppose you were a Soviet commander, trying to respond to the $300 billion modernization program. Hunting down many mobile missiles, silent submarines and invisible bombers would seem a hopeless task.

But wait! Even if these nuclear weapons are hard to find, the Soviets know that they will only be used on authorization from the president and his chief defense advisers.

And the president will only give the order to fire when he gets a clear signal that the United States has been attacked. For the U.S. system to work, the top command must be alive and the chain of communications—up to the president and down again to the field commanders—must be intact. Decapitate the command structure, or break the chain in the middle, and the U.S. response to any attack is crippled. Why bother to go after thousands of elusive moving targets, when knocking out the U.S. chain of command and communications would cripple America's ability to retaliate just as effectively?

The chain is called the C-cubed network—for Command, Control and Communications. Its functioning depends on some 200 critical sites—command posts, launch control centers, satellite receiving stations, AT&T switching centers and the like—and the satellites, microwave towers and telephone lines connecting them. Many are in the United States, but some are scattered around the globe.

How vulnerable are these sites to a Soviet pre-emptive attack?

Take the Blue Cube—a large blue building a few miles from the Pacific Coast near Sunnyvale, Calif. The Blue Cube is one of the main control stations for the early warning satellites alerting the country to a Soviet attack. The building has no protection against missile attacks. It can be reached in minutes by missiles launched from an offshore Soviet submarine.

In Colorado, deep inside Cheyenne Mountain, caverns hollowed out of solid rock house the brains and nervous system of the entire U.S. air and space defense. The Soviet nuclear arsenal contains a number of 20-megaton warheads—weapons with the explosive power of 20 million tons of TNT.

No conceivable use exists for these monster weapons, except the destruction of exceptionally well-protected targets like Cheyenne Mountain. Placed inside an earth-penetrating warhead and exploded underground, a 20-megaton weapon would create shock waves that would radiate through the mountain, probably collapsing every cavern.

If the United States is attacked by missiles, information on the attack goes from the satellites controlled by the Blue Cube, and a few other places, to Cheyenne Mountain, and from there to the president for a decision on retaliation. Where is the attack coming from? Headed toward which targets? Accidental launch or massive attack? After he decides on a response, the orders flow down the chain of command through the C-cubed network to the commander in the field.

Break the chain and the forces poised for retaliation are paralyzed. The weapons are in place. The field commanders are ready. But they never receive the order to fire. The vulnerability of our C-cubed to Soviet weapons is the Achilles heel of the American nuclear deterrent. As long as the C-cubed network remains unprotected, the enormous expenditures on modernization of our nuclear forces could be wasted—hundreds of billions of dollars down the drain.

The Department of Defense spent $20 billion in the last eight years on the C-cubed network to remedy the situation. Objective experts say the Defense Department's program has hardened the network somewhat, especially against sabotage, but its vulnerability to destruction by Soviet missiles is nearly as great as ever.

What is to be done? Progress in SDI technologies since 1985 suggests an answer: Deploy a defense against Soviet missiles with simple, heat-seeking weapons, similar to the Stingers and Sidewinders used in air defense, but upgraded in speed so they can intercept Soviet warheads far above the earth. No "star wars" lasers are involved—just a small missile with eyes and a computer "brain," known to the specialists as a smart rock, that kills by impact.

This technology is in an advanced stage of testing and validation and recently received a go-ahead from the Defense Department for development. The system approved by defense is called Strategic Defense System I. It comprises two layers of "smart rocks"—one orbiting in space and the other on the ground—and costs $69 billion.

A new breakthrough promises to slash the cost of the "smart rock defense" to $50 billion. Livermore physicist Lowell Wood and his colleagues have drawn on the greatest strength of U.S. technology—the microminaturized compute—to pack so much electronic brain into a slug of metal that what used to be a "smart rock" now becomes a "brilliant pebble." The smart rocks weigh about 500 pounds; the new brilliant pebble weighs less than 100 pounds. With the cost of launching objects into space currently running about $5,000 a pound—the price of a pound of solid gold—that weight reduction makes a big difference.

The layer in space is critically important. If the entire defense is on the ground, it can be easily penetrated by a kind of attack called "laddering down," in which the attacker arranges a string of warheads to explode in a carefully timed sequence, one after the other, as they approach the target.

The explosion of the first warhead creates a radar blackout, blinding our defense and clearing the way for the second warhead, which is immediately behind it. That warhead explodes lower down, clearing the way for third warhead and so on. After three or four explosions, the ladder reaches the ground and the target is destroyed.

The Soviets can always break through a U.S. defense, by such a laddering-down attack, to destroy a critical target like Cheyenne Mountain or the Blue Cube, no matter how many "Sidewinders" are available on the ground to protect these key targets.

But the layer of the defense located in space, orbiting over the Soviet Union, prevents that from happening because it knocks out the Soviet missiles and warheads near the beginning of their flight. Since the Soviets can't tell beforehand which missiles and warheads are going to be knocked out by the space-based defense, they can't count on keeping their ladders intact. If a ladder loses one rung, that opens up a clear space through which U.S. defenses can see the next warhead and destroy it, as well as all the warheads that follow it. If even a single rung is missing, the ladder is useless.

On the other hand, a defense located in space can't by itself protect individual sites (like the C-cubed network) that are particularly important. Defenses located on the ground are needed for that, because they hit the Soviet warheads late in the flight, when we can see which targets the warheads are headed toward.

The ground-based defenses work even better if the United States practices "defense triage."

After the defensive weapons in space have destroyed a fraction—perhaps half—of the Soviet warheads, U.S. satellites and radars observe which targets the remaining warheads are heading for. Then the defenses located on the ground divide critical U.S. military sites into three parts:

First are the sites with no warheads headed for them; these are the "unwounded."

Second are sites that can easily be saved because only one or two warheads are headed their direction; the "lightly wounded."

Third are the sites with so many warheads headed for them that their rescue would consume a disproportionate amount of resources; these are the "badly wounded."

Now "triage" enters. The ground defenses ignore the unwounded sites, they ignore the badly wounded sites and they concentrate on saving the highly wounded sites. In this way, the defense ensures the survival of the largest possible number of important U.S. military sites.

A study by SRS Technologies shows that a missile defense similar to SDS I, but practicing defensive triage, can save 600 key sites in the United States from destruction, in the face of an all-out Soviet attack by 10,000 nuclear warheads.

With the deployment of SDS I, the Soviet will not be able to count on destroying the key U.S. C-cubed sites and retaliatory forces whose elmination would be necessary for a successful first strike. Knowing this, and knowing U.S. retaliation is sure to follow, the Russians will be deterred from attacking. This is the concept of defensive deterrence, which views SDS I not simply as an umbella over the United States, but as a critically important fourth leg of our deterrent—now no longer a triad, but a tetrad.

At $50 billion, the cost of SDS I with "brilliant pebbles" represents 16 percent of the cost of modernizing our retaliatory forces. It would restore the credibility of the U.S. nuclear deterrent, and provide the important bonus of protection for America and her allies in the Middle East and Europe against the growing menace of missile attacks by Third-World terrorist nations.●

CYPRUS SOLIDARITY WEEK

● Mr. LAUTENBERG. Mr. President, last week marked the fifteenth anniversary of the tragic Turkish invasion of Cyprus. Fifteen years ago Turkey invaded this small, defenseless island. The invasion resulted in the deaths of thousands of people and the displacement of over 200,000 Greek Cypriots from their homes, rendering them refugees in their own land.

The invasion and subsequent displacement of the Greek Cypriots allowed the settlement of thousands of Turkish emigrants in the occupied area. Those emigrants were given the houses and property rightfully belonging to the Greek Cypriot refugees. Today, Turkey continues its occupation of 37 percent of the island of Cyprus by some 30,000 Turkish soldiers, and the tragic division of the island continues.

The Green Line now divides Cyprus and in the past has been an area where tensions have erupted. The progress that we have seen recently in reducing conflicts along the Green Line was shattered last week. On Thursday, July 19, during a Greek-Cypriot womens' march to protest the continued Turkish occupation of

Cyprus, some 1,000 women and some men crossed the Green Line in central Nicosia and entered a chapel in a disputed area. While the entire group was being forcibly evicted by Turkish troops and police, some 100 individuals, a bishop, and an archdeacon were arrested. They stood trial before a Turkish tribunal, were found guilty of illegal entry and sentenced to 3 to 5 days in jail.

Incidents such as this one underscores the need to end the Turkish occupation of Cyprus and resolve the longstanding and tragic division of the island. The continued presence of occupation troops on Cyprus denies the Cypriots their internationally recognized rights to peace and self-determination.

On this 15th anniversary of the Turkish invasion, I call for the administration's active intervention in achieving a peaceful ending to the continued division of Cyprus. We must restore the sovereignty and integrity of Cyprus and return northern Cypriots to their homes.●

NOMINATION OF THOMAS D. LARSON

● Mr. CHAFEE. Mr. President, I am very pleased that the Senate has expeditiously confirmed Dr. Thomas Larson for the position of Administrator of the Federal Highway Administration. I believe the President made an excellent choice in nominating Dr. Larson for this position. His educational background and his past experience are extensive in the field of transportation. In my opinion, he will make a significant contribution as Administrator of the Federal Highway Administration.

The Environment and Public Works Committee conducted a hearing with Dr. Larson on July 17. I found his knowledge of the Federal-aid highway program and other transportation issues to be very impressive.

Dr. Larson's credentials are impressive as well. He received his Ph.D. degree in Civil Engineering from Pennsylvania State University and has been a member of the faculty at Penn State on several occasions since 1962.

Dr. Larson served as secretary of transportation for the Commonwealth of Pennsylvania for 8 years. As secretary, he was responsible for all modes of transportation and managed an agency with a budget of $3 billion and with 13,000 employees. He is credited with taking an agency and program experiencing difficulties and turning it into a model for efficient management and delivery of transportation services. He has had the experience of managing and implementing a program from the State point of view which will be very valuable as we undertake to reauthorize and restructure the Federal-aid highway program in 1991.

Dr. Larson has also done extensive writing and lecturing on the subject of transportation. He has served on numerous advisory committees, and has had leadership roles in many other transportation organizations. He has also received a number of awards recognizing his leadership capabilities.

Secretary of Transportation Sam Skinner has chosen Dr. Larson to direct his major effort to put in place a national strategic transportation plan by the beginning of next year. Obviously, he has recognized Dr. Larson's talents as well.

Mr. President, the Environment and Public Works Committee reported Dr. Larson's nomination unanimously, and I am pleased the Senate has confirmed his nomination.●

NOMINATION OF THOMAS D. LARSON FOR ADMINISTRATOR, FEDERAL HIGHWAY ADMINISTRATION

● Mr. BURDICK. Mr. President, I am delighted that the nomination of Thomas D. Larson, of Pennsylvania, to be Administrator of the Federal Highway Administration was confirmed by the Senate yesterday.

Dr. Larson's nomination hearing was held by the Committee on Environment and Public Works last Monday, July 17, and the nomination was favorably reported by a unanimous voice vote on Thursday, July 20. Dr. Larson has established an impressive reputation in the transportation field, and I would like to take this opportunity to insert into the RECORD his thoughtful testimony before the committee.

Dr. Larson has served for nearly 20 years on the faculty of Pennsylvania State University. From 1979 to 1987 he was Pennsylvania's Transportation Secretary. Throughout his career he has been a leader in developing innovative and sensitive solutions to transportation problems. He has also shown a remarkable ability to balance needs that sometimes compete—such as those between rural and urban areas, highway and transit interests, and short-term and long-term objectives.

The Environment and Public Works Committee has jurisdiction over the Federal-aid highway program and oversight responsibilities for the Federal Highway Administration [FHWA]. Dr. Larson will be heading the FHWA at a crucial juncture in its history as construction of the massive interstate system nears completion. The committee hopes to work very closely with the new Administrator in determining the future Federal role in highway transportation, and in developing legislation to reauthorize the program by the fast-approaching deadline of October 1, 1991.

Dr. Larson will be taking on a second job as well at the Department of Transportation. In addition to his duties at FHWA, the new Administrator has been asked by Secretary Skinner to chair the National Transportation Policy Working Group.

Dr. Larson has observed that we need a "bold new vision for a new century of transportation progress." He is indeed correct, and I think he will be able to provide that at FHWA and throughout DOT. Members of transportation Environment and Public Works Committee look forward to working with Dr. Larson in the effort to shape a truly effective national transportation policy.

I ask that Dr. Larson's testimony be printed in the RECORD.

STATEMENT OF THOMAS D. LARSON BEFORE THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Good afternoon Mr. Chairman and Members of this Committee. I am honored to appear before you as President Bush's nominee as Federal Highway Administrator. I also wish to express my sincere appreciation to Secretary Samuel Skinner for his confidence, support, and recommendation.

I have a brief statement concerning my role as Federal Highway Administrator, should I be confirmed to that position, and then I would be pleased to answer any questions.

My background is largely in transportation related areas— a number of years as a Professor of Civil Engineering, research and transportation planning here and in several foreign countries, work with a highway contractor, and then, most recently, 8 years as Secretary of Transportation for the Pennsylvania Transportation Department. Because of my many trans-careers, it may have seemed to some that I have had trouble holding a job and, since that may be so, it is certainly a signal honor to be here before this Committee seeking your support for the Nation's highest post in highway administration. All the changes appear to have been worthwhile!

My enthusiasm for service with the Federal Highway Administration follows in part from my background, for as just noted, this would provide a capstone to any transportation career. But even more, my enthusiasm springs from the opportunity to work with this Committee and others in Government and the private sector towards major highway legislation for 1992 and beyond.

Secretary Skinner has committed to a careful strategic planning exercise to help chart the path towards reauthorization. Participation in that planning activity and the reauthorization legislation is my highest priority.

Other opportunities are also important. Especially, we must assure that the Federal Highway Administration, one of the finest agencies in the Federal Government, continues its tradition of innovation as we move on to new courses to be set in 1991.

New technology will be an ever-accelerating force for change in transportation. I believe the Federal Highway Administration must be in the vanguard of highway technology worldwide. This has been our tradition—this must be our future. In our increasingly competitive global economy, the FHWA can play a role in facilitating use of U.S. know-how, and equipment and technology to the advantage of our U.S. businesses and our highway systems. I believe this will be an increasingly important opportunity.

And while all else is going on, the Federal Highway Administration has the great responsibility of assuring that billions of dollars in taxpayers' money are spent in accordance with the guidance provided by the Congress to the benefit of the entire U.S. population using the best and most effective management practices. I am personally committed to achieving this objective.

In closing, I would note my awareness of the difficulties attending this position, this highway enterprise—growing congestion in urban areas, diminished connectivity in rural areas, extensive bridge needs, unacceptable death and injury on our highways, threats to the environment, scarce resources and much more. Given such demanding intractable issues, it becomes increasingly important to remember that mobility remains a central empowering feature to our society and our economy. I look forward to your guidance in dealing with the tough issues and in providing for that mobility near the close of the 20th century and planning for it into the 21st Century. Thank you for your time and consideration.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 230, Lou Gallegos, to be Assistant Secretary of the Interior.

DEPARTMENT OF THE INTERIOR

The Senate proceeded to consider the nomination of Lou Gallegos, of New Mexico, to be an Assistant Secretary of the Interior.

Mr. MITCHELL. Mr. President, I further ask unanimous consent that the nominee be confirmed, that any statements appear in the RECORD as if read, that the motion to reconsider be laid upon the table, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF THE INTERIOR

Lou Gallegos, of New Mexico, to be an Assistant Secretary of the Interior

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR TOMORROW

RECESS UNTIL TOMORROW AT 9:30 A.M. AND MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Wednesday, July 26, and following the time for the two leaders there be a period for morning business not to extend beyond 10 a.m. with Senators permitted to speak therein for up to 5 minutes each.

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

RESUME CONSIDERATION OF S. 1352

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 10 a.m. the Senate resume consideration of S. 1352, the Department of Defense authorization bill.

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

PROCEED TO CONSIDERATION OF H.R. 2788

Mr. MITCHELL. Mr. President, I further ask unanimous consent that at 11 a.m., the Senate lay aside S. 1352, the Department of Defense authorization bill and begin consideration of H.R. 2788, the Interior appropriations bill.

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

Mr. DOLE. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. DOLE. Mr. President, I understand the Senate Foreign Relations Committee reported out eight nominees, Miss Della Newman, Ambassador to Western Samoa; Melvin F. Sembler, Ambassador to Australia; Joe Zappala, Ambassador to Spain; William Taft, to the NATO Council; Shirley Temple Black, Ambassador to Czechoslovakia; Mr. Keith Brown, Ambassador to Denmark; Joseph Gildenhorn, Ambassador to Switzerland; and Thomas Melady, Ambassador to the Vatican.

I was just making an inquiry of the majority leader whether or not it would be possible to dispose of these nominees before the August recess.

Mr. MITCHELL. As the distinguished Republican leader knows, I have cooperated with the President and the Secretary of State in moving promptly on nominations to positions of Ambassador and other important matters within the jurisdiction of the State Department, and I will, having just now seen that list for the first time, certainly review it and give it consideration.

I am advised that some of those nominees—I do not know how many or which ones—were controversial and confirmed on a close one-vote margin, and that some of the Senators on the committee would like an opportunity to prepare for the presentation of those matters before the Senate, to have an opportunity to express their views thereon. So I will take that into account and contact those Senators who may have such an interest, and we will advise the distinguished Republican leader at the earliest opportunity.

Mr. DOLE. Mr. President, if the majority leader will yield for another minute, since earlier today I have had an opportunity to discuss the drought legislation reported by the committee with some of my colleagues on both sides of the aisle. I know there is some hope that we can work out our differences on this, which would permit passage of this and rural development legislation.

It would seem to me that we could work out the differences, and I think it is doable, and those two bills would be passed rather quickly.

I know the majority leader is prepared to move on those bills whenever it is convenient in the schedule.

So I would say to my colleagues on both sides of the aisle in the Senate Agriculture Committee that perhaps sometime tomorrow or early Thursday morning or not later than Thursday noon we could maybe put together some agreement which would have the support of all of our colleagues. Farm legislation is difficult to pass at best, but I hope there is some room for a compromise on both sides.

Mr. MITCHELL. I thank the distinguished Republican leader. I know this is a matter in which he has a keen personal interest, as do many other Senators, particularly those representing farm States.

As the Republican leader has indicated and as I have stated many times, rural development legislation is a very high priority item for me personally and for many other Senators, I am sure, including the distinguished Republican leader. I hope very much that it will be possible to act on this legislation and on the disaster relief legislation. I think it is a critical matter in several States involving the interest of several Senators.

I am heartened by the distinguished Republican leader's words this evening and will encourage all concerned to cooperate in attempting to reach an agreement on that, because I would like very much to move that legislation as soon as possible and certainly before we leave for the August recess.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, before recessing, I want to call the attention of all Senators to the fact that it is my intention on Thursday, when we resume consideration of the DOD authorization bill, to seek unanimous consent to limit amendments to the DOD authorization bill to those which are filed as of the close of business on Thursday. I discussed this in the caucus of Democrats today. The distinguished Republican leader discussed it in the Republican caucus.

We want to finish this bill by next week. We have other pressing matters that we want to take up. The rural development and disaster relief bill, the three and possibly four appropriations bills, hopefully oilspill legislation, and extension of the debt limit, which the President and the Secretary of Treas-

ury have advised is of the utmost importance; that is, the debt limit extension bill.

So I hope all Senators who have an interest in the DOD bill who are considering amendments will take the opportunity between now and Thursday evening to review the report, review the legislation, discuss it with the managers and other interested parties and prepare their amendments so that we could leave here this week with the knowledge that we would be able to complete action on this bill in a relatively expeditious manner next week. This will have given every Senator nearly a week's exposure to the bill and over a week to the report and the opportunity to prepare their amendments.

So I hope all Senators will cooperate in that regard and we do not get in a situation where the longer we go, the more amendments we dispose of, the more that remain pending. Whoever invented the phrase "zero sum game" did not have Senate proceedings in mind as to amendments, that is for sure.

RECESS UNTIL 9:30 A.M. WEDNESDAY, JULY 26, 1989

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business and if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 9:30 a.m. on Wednesday, July 26.

There being no objection, the Senate at 7:39 p.m., recessed until 9:30 a.m., Wednesday, July 26, 1989.

NOMINATIONS

Executive nominations received by the Senate July 25, 1989:

DEPARTMENT OF STATE

RAYMOND G.H. SEITZ, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS ON MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE, VICE ROZANNE L. RIDGWAY, RESIGNED.

DEPARTMENT OF DEFENSE

MICHAEL P.W. STONE, OF CALIFORNIA, TO BE SECRETARY OF THE ARMY, VICE JOHN O. MARSH, JR., RESIGNED.

DEPARTMENT OF THE TREASURY

JOHN T. MARTINO, OF PENNSYLVANIA, TO BE SUPERINTENDENT OF THE MINT OF THE UNITED STATES AT PHILADELPHIA, VICE ANTHONY H. MURRAY, JR., RESIGNED.

DEPARTMENT OF THE INTERIOR

JOHN M. SAYRE, OF COLORADO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE JAMES W. ZIGLAR, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

STANLEY E. MORRIS, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR FOR SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY (NEW POSITION).

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. BRUCE R. HARRIS xxx-xx-xxxx U.S. ARMY.

CONFIRMATION

Executive nomination confirmed by the Senate July 25, 1989:

DEPARTMENT OF THE INTERIOR

LOU GALLEGOS, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Tuesday, July 25, 1989*

The House met at 9 a.m.

The Reverend William E. Wegener, pastor, Georgetown Lutheran Church, Washington, DC, offered the following prayer:

Ruler of the nations, at the beginning of another day, we come to You asking for Your blessing. Be with all who work in this place that they may have the strength to do the day's work, the wisdom to make worthy decisions, and the courage to stay with hard choices. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from South Carolina [Mr. SPENCE] will lead us in the Pledge of Allegiance.

Mr. SPENCE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 281. Joint resolution to approve the designation of the Cordell Bank National Marine Sanctuary, to disapprove a term of that designation, to prohibit the exploration for, or the development or production of, oil, gas, or minerals in any area of that sanctuary, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 83. An act to establish the United States Enrichment Corporation to operate the Federal uranium enrichment program on a profitable and efficient basis in order to maximize the long-term economic value to the United States, to provide assistance to the domestic uranium industry, and to provide a Federal contribution for the reclamation of mill tailings generated pursuant to Federal defense contracts at active uranium and thorium processing sites; and

S. 358. An act to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes.

THE REVEREND WILLIAM E. WEGENER

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, I am pleased to welcome and introduce to the House our guest chaplain this morning, the Reverend William Wegener. For the past 11 years Reverend Wegener has been the pastor of Georgetown Lutheran Church here in the District of Columbia as well as serving as the Lutheran Church in America's campus minister at American University and at Georgetown University. While I am a member of our Savior's Lutheran Church in Fond du Lac, WI, when we are in Washington, my family and I very much enjoy participating in the life of Reverend Wegener's congregation, where we are stimulated by and learn much from his sermons.

My colleagues in the House may be interested to learn that the gentleman who led us this morning in the Pledge of Allegiance, the gentleman from South Carolina [Mr. SPENCE], was a member of Reverend Wegener's congregation for many years while Reverend Wegener was there at St. Peters Lutheran Church in Lexington, SC.

I should also like to welcome the Reverend's wife, Ellie, other members of the Wegener family, and members of the congregation who have joined us on this occasion.

WHO GETS THE TAX BREAKS?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in 1980 Ronald Reagan said:

I'm going to cut your taxes, and I'm not going to stop there. I'm going to cut your boss' taxes, and when I do, you are going to have more money in your pocket and you can spend that money. Even though I cut your taxes, the Gross National Product is going to grow and our tax revenues are going to grow, even though you pay less taxes.

Well, here is how that worked. If you were a family of four making $25,000, you got a tax break about enough to take your family to a good dinner. If you made $250,000 you could take that tax break and buy a brand new Mercedes Benz, the best one made, and then take your family to dinner. So much for the tooth fairy!

Now President Bush wants to cut the capital gains tax. I say, right on, Speaker FOLEY, keep fighting before the cab drivers in New York are hauling Americans around in rickshaws.

THROUGH THE DRUG WAR MAZE IN 28 DAYS, DAY 6: HOUSE ENERGY AND COMMERCE COMMITTEE

(Mr. SMITH of Mississippi asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Mississippi. Mr. Speaker, I call attention today to the House Energy and Commerce Committee, as it relates to the war on drugs. Here is another committee that has jurisdiction over the Nation's drug-control efforts, and the work of the drug czar. Here is another part of the maze of more than 80 committees, subcommittees and select committees that the drug czar must pass through to arrive at a national drug-control strategy.

Mr. Speaker, the American people are expecting a lot from the war on drugs. My constituents in south Mississippi tell me drugs and crime are their No. 1 issue of concern. Surveys show the same is true across the country. Now, the people expect to see results.

Will it not be a shame if we cannot give them any results? Will it not be a shame if the drug czar, Bill Bennett, cannot get anything done because he has to spend from now until the middle of next year in a maze of congressional panels? Will it not it be a shame if the American people find out the war on drugs is just a public relations campaign?

Mr. Speaker, it is time for Congress to consolidate these panels into one effective committee. It is time to fight the war on drugs by troop, and not by choir. I urge my support for consolidation legislation.

SUPPORT VETERANS AGENT ORANGE LEGISLATION

(Ms. LONG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LONG. Mr. Speaker, I rise today to express my support for the veterans

agent orange legislation that my colleague, Mr. EVANS, will introduce this morning. This legislation will provide disability benefits to Vietnam veterans suffering from diseases associated with exposure to agent orange.

For years now, many Vietnam veterans have suffered with serious cancers, such as non-Hodgkins lymphoma and soft-tissue sarcoma, that have been linked to agent orange exposure. These veterans have applied for compensation for their disabilities, but have had their claims rebuffed by the VA, which has insisted on an excessively strict standard of proof.

The evidence is clear enough. These men and women, who went to Vietnam to serve their country, were exposed to a dangerous toxin and are now suffering the consequences. Although we cannot lessen their suffering, we can provide them with the justice they deserve and the compensation they long ago earned. I urge my colleagues to support this bill.

D.C. MURDER VICTIM NUMBER 242, A NEBRASKA BOY

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, D.C. murder victim No. 242 was a Nebraska boy recently moved to northeast Washington, DC.

Mistake—Nebraska plates on his car. He parked in front of his home on a street boasting expensive houses, a street where by day thieves break out the street lights so murder and mugging are facilitated by night.

Murder victim 242 obviously had not seen the NRA ad about D.C. the Murder Capital.

The rescuers tried to use the 911 call number but were put on hold.

The Washington Convention and Visitors Association says, "That's not the way it is here."

The Hotel and Restaurant Employees Union says, "The ad is giving the city a bad name."

Maybe they should try telling that to the Nebraska family of murder victim No. 242.

Meanwhile the animals run the streets and the joker runs the city.

By the way visitors and tourists do not call 911. You are much better off calling an Iranian taxi driver.

THE STRATEGIC DEFENSE INITIATIVE

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, in just a few moments we are going to begin debate on the strategic defense initiative. Yesterday the President of the United States, George Bush, said that the strategic defense initiative is one of his highest priorities. He said that it is a critical program for the defense of the free world.

Mr. Speaker, it is important for us to understand the options that we have before us. The Armed Services Committee reduced the President's request of $4.6 billion for SDI for fiscal year 1990 to $3.5 billion. We are going to have amendments to cut that to levels that would kill the program, and a level that would cripple the program severely with the Bennett amendment.

My amendment would fund SDI at zero real growth, that is to say $3.8 billion, taking last year's funding and simply adding inflation. Even at $3.8 billion, the program will be curtailed. It will have to be cut back in several significant areas; but I think it is the least that we can do here in the House of Representatives to take the bill to conference. The Senate Armed Services Committee has proposed funding of $4.3 billion for the strategic defense initiative.

□ 1910

I think it would be a big mistake for the House of Representatives to cut SDI funding below the $3.8 billion that I will be offering in my amendment. I hope my colleagues will listen to this debate very, very carefully, and when it is over, will support the Kyl amendment for SDI funding at zero real growth of $3.8 billion.

INTRODUCTION OF LEGISLATION PREVENTING PAYMENT OF REPARATIONS UNTIL RETURN OF HOSTAGES

(Mr. CHAPMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAPMAN. Mr. Speaker, my colleagues, today there are still hostages in the Middle East; nine Americans. A few days ago, I noticed that the President of the United States has proposed that we pay reparations to the surviving families, or the families of those who were on the Iranian airliner shot down by the U.S.S. *Vincennes.*

Mr. Speaker, while I certainly have sympathy for the victims of that incident, I think it is a mistake to open the U.S. Treasury before we have our hostages home. Today, I am going to be introducing legislation that would prevent the payment of reparations until the President of the United States certifies that there are no longer hostages, American hostages, held in the Middle East, either by Iran or groups controlled by the Government of Iran.

I hope that Members will join me in this effort. I hope that while we have sympathy for tragedies like this that we will do everything we can in this House to see to it that American hostages held in the Middle East are returned to their families, returned to their loved ones, and that we not give up any leverage that we may have to accomplish that goal. I hope that Members will join me in this effort.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1990

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, Tuesday, July 25, 1989, to file a privileged report on a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1990, and for other purposes.

Mr. MYERS of Indiana reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON THE TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1990

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, Tuesday, July 25, 1989, to file a privileged report on a bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1990, and for other purposes.

Mr. MYERS of Indiana reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND THE JUDICIARY APPROPRIATIONS BILL, 1990

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, Tuesday, July 25, 1989, to file a privileged report on a bill making appropriations for the Departments of Commerce, Justice, and

State, and the Judiciary, and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

Mr. MYERS of Indiana reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

DRUG TESTING TO OBTAIN DRIVER'S LICENSES

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, as we debate this defense authorization bill, I think it is important to call attention to the fact that this body several weeks ago voted down an amendment that I offered which would have required drug testing of all State Department personnel. That vote failed, and that amendment failed, by a vote of four votes. I think it is important to call attention to the Members that in 1980 when Ronald Reagan first took office, there was a reported drug use of 20 percent by the defense personnel of this country. After he started drug testing of all defense personnel, all enlisted men, all officers, that rate of use dropped from 20 percent down to 4 percent, all because of drug testing.

If we are going to lick this problem of drugs that we have throughout this country, we are going to have to establish a Federal policy of doing testing throughout our American society. That is the only way we will ever reduce the demand for illegal drugs.

Mr. Speaker, one way to start is by insisting that all of the States throughout this country have drug testing for driver's licenses. If we do that, all of these rich yuppies who drive into the ghettoes of this country buying crack and other illegal drugs and thereby pushing up the demand are going to stop if they are threatened with the loss of driving privileges.

Members are going to have an opportunity to vote several times before the end of this session on drug testing. Members should go home to their constituents over August and ask them how they feel about this. I think you will find overwhelming support for drug testing to reduce the demand for these illegal drugs that are maiming and killing our young people.

WE ARE LOSING AN ENTIRE GENERATION OF OUR CHILDREN

(Mr. DELLUMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELLUMS. Mr. Speaker and Members of the House, as I have done on numerous occasions, I awakened this morning, went out, picked up my Washington Post, poured a cup of coffee, and on the front page of the Washington Post I see another young person found shot to death as a victim of drug-related violence.

What it seems to me, Mr. Speaker and Members of the House, is that there truly is a war going on. Our children are dying in the streets of America all over this country. The real war that is taking place is a war on our children.

Mr. Speaker, we are about the business of losing an entire generation of our children to drugs and violence associated with it. It brought tears to my eyes this morning, Mr. Speaker, and I would challenge my colleagues as we go forward to debate the defense authorization bill to keep in mind that we are potentially losing a generation of our children, and that is, indeed, the war that we are really fighting, and that when we start to talk about cuts in the military budget, let us be mindful of the fact that we ought to be reprioritizing the national budget, that we ought to be spending billions of dollars addressing the human misery of people in our country trying to protect our children and, on a number of occasions, on a number of points in this bill during the course of this debate, I will continue to remind my colleagues that our children are dying in America as a result of directly related violence, not some abstract notion of some enemy that I believe the rationality will never put us in conflict with.

PERMISSION FOR SUBCOMMITTEE ON COURTS, INTELLECTUAL PROPERTY, AND ADMINISTRATION OF JUSTICE OF THE COMMITTEE ON THE JUDICIARY TO SIT TODAY DURING 5-MINUTE RULE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that the Subcommittee on Courts, Intellectual Property, and Administration of Justice of the Committee on the Judiciary may sit for the purposes of markup today during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I would just take this time to ask the gentleman if he has cleared it with the ranking minority member.

Mr. KASTENMEIER. If the gentleman will yield, yes, I cleared it with the gentleman from California [Mr. MOORHEAD], who is the ranking minority member.

Mr. SOLOMON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

APPOINTMENTS AS MEMBERS OF THE UNITED STATES COMMISSION ON IMPROVING THE EFFECTIVENESS OF THE UNITED NATIONS

The SPEAKER laid before the House the following communication from the Honorable ROBERT H. MICHEL, Republican leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 20, 1989.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Sec. 723(a)(1) (B) and (C) of Public Law 100-204, I hereby appoint the following individuals to serve as members of the United States Commission on Improving the Effectiveness of the United Nations:

The gentleman from Iowa (Mr. Leach) on the part of the House;

Edwin J. Feulner, Jr., Ph.D. of Alexandria, VA; and

Mr. Charles M. Lichenstein of Washington, D.C.

Sincerely yours,

ROBERT H. MICHEL,
Republican Leader.

APPOINTMENTS AS MEMBERS OF THE UNITED STATES COMMISSION ON IMPROVING THE EFFECTIVENESS OF THE UNITED NATIONS

The SPEAKER. Pursuant to the provisions of section 723, Public Law 100-204, the Chair appoints to the U.S. Commission on Improving the Effectiveness of the United Nations the following individuals on the part of the House:

From the House of Representatives: the gentleman from Ohio [Mr. FEIGHAN].

From the private sector: Mr. Walter Hoffmann, College Park, MD; and Mr. Jerome J. Shestack, Philadelphia, PA.

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1990

The SPEAKER. Pursuant to House Resolution 211 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2461.

□ 0919

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2461) to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such De-

partment for fiscal years 1990 and 1991, and for other purposes, with Mr. HALL of Texas (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Monday, July 24, 1989, all time for general debate had expired.

Pursuant to the rule, the Committee amendment in the nature of a substitute now printed in the reported bill is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the committee amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act, Fiscal Year 1990".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS.

This Act is divided into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Other National Defense Authorizations.

SEC. 3. EXPIRATION OF AUTHORIZATIONS FOR FISCAL YEARS AFTER FISCAL YEAR 1990.

Authorizations of appropriations, and of personnel strength levels, in this Act for any fiscal year after fiscal year 1990 are effective only with respect to appropriations made during the first session of the One Hundred First Congress.

SEC. 4. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions.
Sec. 3. Expiration of authorizations for fiscal years after fiscal year 1990.

DIVISION A—DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

PART A—FUNDING AUTHORIZATIONS

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense Agencies.
Sec. 105. Reserve components.
Sec. 106. Defense Inspector General.
Sec. 107. Chemical demilitarization program.
Sec. 108. Multiyear authorizations.
Sec. 109. Extension of authority provided the Secretary of Defense in connection with the NATO Airborne Warning and Control System (AWACS) program.
Sec. 110. Repeal of certain prior milestone authorizations.

PART B—STRATEGIC BOMBER PROGRAMS

Sec. 111. Limitation on production of B-2 Advanced Technology Bomber aircraft program.
Sec. 112. Independent assessment of B-2 aircraft program.
Sec. 113. Limitations on B-1B electronic countermeasures recovery program.

PART C—OTHER PROGRAM LIMITATIONS

Sec. 121. Program limitations.
Sec. 122. M-1 tank program.
Sec. 123. Army recovery vehicle.
Sec. 124. Chemical munitions European retrograde program.
Sec. 125. Chemical demilitarization cryofracture program.
Sec. 126. Funding for V-22 aircraft program.
Sec. 127. Procurement of F-14D aircraft.

PART D—WEAPONS ACQUISITION PROCEDURES

Sec. 131. Weapons acquisition risk assessment.
Sec. 132. Low-rate initial production.
Sec. 133. Live-fire testing program.
Sec. 134. Sense of Congress on placing greater emphasis on remanufacture of existing military equipment.
Sec. 135. Revision of limitation on transfer of certain technical data packages to foreign countries.
Sec. 136. Repeal of procurement requirement and limitation of funds for the Heavy Expanded Mobility Tactical Truck.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

PART A—AUTHORIZATIONS AND FUNDING FOR SPECIFIC PROGRAMS

Sec. 201. Authorization of appropriations for fiscal year 1990.
Sec. 202. Authorizations for basic research and exploratory development for fiscal years 1991-1994.
Sec. 203. Repeal of prior milestone authorizations.
Sec. 204. Prohibition on testing Mid-Infrared Advanced Chemical Laser program against an object in space.
Sec. 205. Grant for semiconductor cooperative research program.
Sec. 206. Funds for cooperative research and development projects with major non-NATO allies.
Sec. 207. Army Heavy Force Modernization program.

PART B—STRATEGIC DEFENSE INITIATIVE

Sec. 221. Funding level for the Strategic Defense Initiative.
Sec. 222. Limitation on development and testing of antiballistic missile systems or components.

PART C—OTHER PROGRAMS

Sec. 251. Report on Biological Defense Research Program.
Sec. 252. Chemical weapons convention compliance monitoring program.
Sec. 253. Revision of competition requirement for award of grants and contracts to colleges and universities for certain purposes.
Sec. 254. Interim Infantry Anti-Tank Weapon.

TITLE III—OPERATION AND MAINTENANCE

PART A—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Operation and maintenance funding.
Sec. 302. Working Capital funds.
Sec. 303. Department of Defense base closure account.
Sec. 304. Humanitarian assistance.
Sec. 305. Army aviation flight facility at Jackson, Tennessee.
Sec. 306. Assistance to schools to benefit children of military personnel on active duty and civilian personnel.
Sec. 307. Funding requirement for procurement technical assistance cooperative agreement program.

PART B—LIMITATIONS

Sec. 311. Prohibition on payment of severance pay to foreign nationals in the event of certain base closures.
Sec. 312. Prohibition on releasing civilian personnel at the San Antonio Real Property Maintenance Agency.
Sec. 313. Prohibition on joint use of the marine corps air station at El Toro, California, with civil aviation.
Sec. 314. Clarification of prohibition on certain depot maintenance workload competitions.
Sec. 315. Limitation on use of environmental restoration funds.

PART C—MISCELLANEOUS PERMANENT LAW CHANGES

Sec. 321. Repeal of limitation on the expenditure of funds for the participation of developing countries in combined exercises.
Sec. 322. Authorization to reduce under certain circumstances the rates for meals sold at a military dining facility.
Sec. 323. Improved and expedited disposal of lost, abandoned, or unclaimed personal property in the custody of the Armed Forces.
Sec. 324. Procurement of laundry and dry cleaning services from Navy exchanges.
Sec. 325. Procurement of supplies and services from military exchanges outside the United States.
Sec. 326. Tuition-free enrollment of dependents of employees of nonappropriated fund instrumentalities in schools of the defense dependents' education system.
Sec. 327. Authority to use appropriated funds to support student meal programs in Department of Defense overseas dependents' schools.
Sec. 328. Commercial sale of recording of Air Force Singing Sergeants.
Sec. 329. Transportation of motor vehicles of military and civilian personnel stationed on Johnston Island.
Sec. 330. Authority to provide certain assistance to annual conventions of national military associations.

PART D—CONTRACTING OUT

Sec. 341. Authority of base commanders over contracting for commercial activities.
Sec. 342. Exception from cost comparison procedures for purchase of products and services of the blind and other severely handicapped individuals.
Sec. 343. Commercial activities study for base support operations at Fort Benjamin Harrison.

PART E—ARMED FORCES RETIREMENT HOMES

Sec. 351. United States Soldiers' and Airmen's Home subject to annual authorizations of appropriations.
Sec. 352. Military stoppages, fines, and forfeitures to benefit armed forces retirement homes.

Sec. 353. Deductions from the pay of enlisted members and warrant officers to benefit armed forces retirement homes.
Sec. 354. Annual inspection of armed forces retirement homes by Inspector General of the Department of Defense.
Sec. 355. Report regarding the operation and management of the Armed Forces Retirement Homes.
Sec. 356. Definitions.
Sec. 357. Repeal of superseded provisions relating to the United States Soldiers' and Airmen's Home.

PART F—ENVIRONMENTAL RESTORATION

Sec. 361. Requirement for development of environmental data base.
Sec. 362. Report on defense expenditures for environmental compliance.
Sec. 363. Five-year plan for environmental restoration at bases to be closed.
Sec. 364. Report on environmental requirements and priorities.
Sec. 365. Requirement to use portion of working-capital funds for waste minimization projects.
Sec. 366. Prohibition on certain environmental restoration activities at Rocky Mountain Arsenal.

PART G—STUDIES, REPORTS, AND OTHER MATTERS

Sec. 371. Study of waste recycling.
Sec. 372. Report on military recruiting advertising expenditures.
Sec. 373. Sense of Congress on reducing the number of members of the Army stationed in the United States whose permanent duty assignment is unrelated to intermediate-range nuclear forces.
Sec. 374. Sense of Congress on reducing the number of units of the Armed Forces stationed in the continental United States.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

PART A—ACTIVE FORCES

Sec. 401. End strengths for active forces.
Sec. 402. Reduction in authorized end strength for the number of military personnel in Europe.

PART B—RESERVE FORCES

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. Increase in number of members in certain grades authorized to be on active duty in support of the Reserves.

PART C—MILITARY TRAINING STUDENT LOADS

Sec. 421. Authorization of training student loads.

PART D—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 431. Authorization of appropriations for military personnel for fiscal year 1990.
Sec. 432. Authorization of appropriations for Reserve Other Training and Support for fiscal year 1990.

TITLE V—PERSONNEL MANAGEMENT

Sec. 501. Delayed entry program and delayed entry training program for Reservists.
Sec. 502. Annual muster duty for Ready Reservists.
Sec. 503. Extension of certain Reserve officer management programs.
Sec. 504. Extension of authority to make temporary promotions of certain Navy lieutenants.
Sec. 505. Extension of single-parent enlistment authority in Reserve components.
Sec. 506. Report on Reserve general and flag officers.
Sec. 507. Title of the admissions officer of the United States Air Force Academy.
Sec. 508. Eligibility for prisoner-of-war medal of crew of the U.S.S. Pueblo captured by North Korea.
Sec. 509. Reimbursement of Department of Defense funds for members of the Armed Forces assigned to duty in connection with foreign military sales programs.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

PART A—PAY AND ALLOWANCES

Sec. 601. Military pay raise for fiscal year 1990
Sec. 602. Limitation on adjustments in variable housing allowance.

PART B—BONUSES AND SPECIAL AND INCENTIVE PAY

Sec. 611. Enlistment bonus for members in skills designated as critical.
Sec. 612. Extension of enlistment and reenlistment bonus authorities for Reserve forces.
Sec. 613. Nuclear-qualified officers.
Sec. 614. Lump-sum payment of initial overseas housing costs.

PART C—MILITARY AVIATORS

Sec. 621. Aviation career incentive pay.
Sec. 622. Aviator retention bonuses.
Sec. 623. Reduction in nonoperational flying duty positions.
Sec. 624. Report on minimum service requirement for aviators.
Sec. 625. Report on insurance.
Sec. 626. Report on aviator assignment policies and practices.

PART D—MONTGOMERY GI BILL AMENDMENTS

Sec. 631. Increase in amount payable under Montgomery GI Bill for critical specialties.
Sec. 632. Payments for vocational-technical training under Reserve-Component GI Bill.
Sec. 633. Limitation of active guard and Reserve personnel to active-duty program.

PART E—PERSONNEL AND COMPENSATION TECHNICAL AMENDMENTS

Sec. 641. Technical amendments to military retirement laws.
Sec. 642. Technical amendments to military survivor benefit plan.
Sec. 643. Inclusion of former spouses in social security offset provision.
Sec. 644. Repeal of certain obsolete and expired provisions.
Sec. 645. Other technical amendments.

PART F—MISCELLANEOUS

Sec. 651. Military relocation assistance programs.
Sec. 652. Report on technical training for recruits and members of the Reserve components.
Sec. 653. Clarification of allowance for transportation of household effects.
Sec. 654. Special duty assignment pay for enlisted members of the National Guard or a Reserve component.
Sec. 655. Extension of test program for reimbursement for adoption expenses.

TITLE VII—HEALTH CARE PROVISIONS

PART A—HEALTH CARE PROFESSIONS PERSONNEL MATTERS

Sec. 701. Authority to repay loans of certain health professionals who serve in the selected Reserve.
Sec. 702. Revision of military physician special pay structure.
Sec. 703. Accession bonus for registered nurses.
Sec. 704. Incentive pay for nurse anesthetists.
Sec. 705. Nurse officer candidate accession bonus.
Sec. 706. Program to increase use of certain nurses by the military departments.
Sec. 707. Grade relief for Navy nurse lieutenant commanders

PART B—HEALTH CARE MANAGEMENT

Sec. 711. Prohibition on charges for outpatient medical and dental care.
Sec. 712. Sharing of health-care resources with the Department of Veterans Affairs.
Sec. 713. Prohibition on reducing end strength levels for medical personnel as a result of base closures and realignments.
Sec. 714. Revised deadline for the use of diagnosis-related groups for outpatient treatment.
Sec. 715. Armed Forces health professions scholarship program.
Sec. 716. Uniformed Services University of the Health Services and Henry M. Jackson Foundation for the advancement of military medicine.
Sec. 717. Retention of funds collected from third-party payers of inpatient care furnished at facilities of the uniformed services.
Sec. 718. Reallocation of certain civilian personnel positions to medical support.
Sec. 719. Codification of appropriation provision relating to CHAMPUS.
Sec. 720. Clarification and correction of provisions providing health benefits for certain former spouses.
Sec. 721. Reallocation of Naval Reserve rear admirals authorized for health professions.

TITLE VIII—MILITARY CHILD CARE

Sec. 801. Short title; definitions.
Sec. 802. Funding for military child care for fiscal year 1990.
Sec. 803. Child care employees.
Sec. 804. Parent fees.
Sec. 805. Child abuse prevention and safety.
Sec. 806. Parent partnerships with child development centers.
Sec. 807. Report on five-year demand for child care.
Sec. 808. Deadline for regulations.

TITLE IX—ACQUISITION POLICY

Sec. 901. Acquisition laws technical amendments.
Sec. 902. Authority to contract with university presses for printing, publishing, and sale of History of the Office of the Secretary of Defense.

TITLE X—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

PART A—PROFESSIONAL MILITARY EDUCATION

Sec. 1001. Reports relating to courses of instruction at certain professional military education schools and professional military education requirements for promotion to general or flag rank.

Sec. 1002. The national defense university schools.

Sec. 1003. Eligible students and duration of principle course of instruction at the Armed Forces Staff College.

PART B—OTHER MATTERS

Sec. 1011. Limited availability of confidential aircraft mishap safety investigation reports.

TITLE XI—MILITARY DRUG INTERDICTION AND LAW ENFORCEMENT SUPPORT

Sec. 1101. Technical and clerical amendments relating to drug interdiction.

TITLE XII—GENERAL PROVISIONS

PART A—FINANCIAL AND BUDGET MATTERS

Sec. 1201. Transfer authority.

Sec. 1202. Restatement and clarification of requirement for consistency in the budget presentations of the Department of Defense.

Sec. 1203. Budgets for unified and specified commands.

PART B—NAVAL VESSELS AND SHIPYARDS

Sec. 1211. Handling of hazardous wastes in naval ship repair work.

Sec. 1212. Fiscal year 1990 prohibition on procuring anchor and mooring chain from foreign sources.

Sec. 1213. Progress payments under naval vessel repair contracts.

Sec. 1214. Restrictions on international agreements relating to naval nuclear propulsion.

Sec. 1215. Funding for ship production engineering.

Sec. 1216. Depot-level maintenance of ships homeported in Japan.

Sec. 1217. Report on alternatives to Navy oxygen breathing apparatus for shipboard firefighting.

Sec. 1218. Stripping of naval vessels to be used for experimental purposes.

PART C—FORCE STRUCTURE

Sec. 1221. Framework for determining conventional force requirements in a changing threat environment.

Sec. 1222. Advisory panel on military force structure.

Sec. 1223. Studies of close support for land forces.

Sec. 1224. Clarification of operational test requirement for close air support mission alternatives.

PART D—TECHNICAL CORRECTIONS AND GENERAL TECHNICAL AND CLERICAL AMENDMENTS

Sec. 1231. Clarification of requirement for completion of full tour of duty as qualification for selection as a Joint Specialty Officer.

Sec. 1232. Correction of pay grade for new Assistant Secretary of the Air Force.

Sec. 1233. Miscellaneous technical and clerical amendments to title 10, United States Code.

PART E—MISCELLANEOUS

Sec. 1241. Report regarding Trident submarine construction rate.

Sec. 1242. Limitation on expenditures for relocation of functions located at Torrejon Air Base, Madrid, Spain.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.

Sec. 2104. Authorization of appropriations, Army.

Sec. 2105. Extension of certain prior year authorizations.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Office and related space.

Sec. 2206. Extension of certain prior year authorizations.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvement to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

Sec. 2305. Extension of certain prior year authorizations.

Sec. 2306. Luke Air Force Base, Arizona.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized defense agencies construction and land acquisition projects.

Sec. 2402. Family housing.

Sec. 2403. Improvements to military family housing units.

Sec. 2404. Conforming storage facilities.

Sec. 2405. Authorization of appropriations, defense agencies.

Sec. 2406. Extension of certain previous authorizations.

Sec. 2407. Medical facility, Fort Sill, Oklahoma.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.

Sec. 2702. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

PART A—MILITARY CONSTRUCTION PROGRAM CHANGES

Sec. 2801. Family housing rental guarantee program.

Sec. 2802. Family housing leasing outside United States.

Sec. 2803. Long term facilities contracts.

Sec. 2804. Improvements to family housing units.

Sec. 2805. Domestic build-to-lease program.

Sec. 2806. Turn-key selection procedures.

Sec. 2807. Prohibition of funding for certain military construction contracts on Guam.

Sec. 2808. Authorized cost variations.

PART B—LAND TRANSACTIONS

Sec. 2811. Land conveyance, Pittsburgh, Pennsylvania.

Sec. 2812. Sale of land and replacement of certain facilities, Kapalama Military Reservation, Hawaii.

Sec. 2813. Conveyance of land at Marine Corps Air Station, El Toro, California, and construction of family housing at Marine Corps Air Station, Tustin, California.

Sec. 2814. Land Conveyance, Fort Knox, Kentucky.

PART C—MISCELLANEOUS PROVISIONS

Sec. 2821. White Sands Missile Range, New Mexico.

Sec. 2822. Community planning assistance.

Sec. 2823. Conveyance of facility, Little Rock, Arkansas.

Sec. 2824. Development of land and lease of facility at Henderson Hall, Arlington, Virginia.

DIVISION C—OTHER NATIONAL DEFENSE AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

PART A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

Sec. 3101. Operating expenses.

Sec. 3102. Plant and capital equipment.

Sec. 3103. Funding limitations.

PART B—RECURRING GENERAL PROVISIONS

Sec. 3121. Reprogramming.

Sec. 3122. Limits on general plant projects.

Sec. 3123. Limits on construction projects.

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TITLE I—PROCUREMENT
PART A—FUNDING AUTHORIZATIONS

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement for the Army as follows:

(1) For aircraft, $2,910,244,000.

(2) For missiles, $2,661,600,000.

(3) For weapons and tracked combat vehicles, $2,723,219,000.

(4) For ammunition, $1,704,800,000.

(5) For other procurement, $4,105,661,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) AIRCRAFT.—Funds are hereby authorized to be appropriated for fiscal year 1990 for aircraft for the Navy in the amount of $8,665,802,000.

(b) WEAPONS.—Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement of weapons (including missiles and torpedoes) for the Navy in the amount of $5,570,500,000. Amounts authorized under the preceding sentence are available as follows:

(1) For ballistic missile programs, $1,818,165,000.

(2) For other missile programs, $2,783,337,000.

(3) For torpedo programs, $697,996,000 as follows:

For the MK-48 torpedo program, $331,942,000.

For the SEA lance program, $1,799,000.

For the MK-50 torpedo program, $269,130,000.

For the ASW target program, $12,983,000.

For the ASROC program, $9,282,000.

For the modification of torpedoes and related equipment, $9,653,000.

For the torpedo support equipment program, $39,002,000.

For the antisubmarine warfare range support program, $24,205,000.

(4) For other weapons, $184,361,000, of which—

(A) $74,990,000 is for the MK-15 close-in weapon system; and

(B) $63,771,000 is for the close-in weapon system modification program.

(5) For spares and repair parts, $94,441,000.

The sum of amounts authorized to be appropriated for torpedo programs, other weapons, and spares and spare parts is reduced by $7,800,000.

(c) SHIPBUILDING AND CONVERSION.—Funds are hereby authorized to be appropriated for fiscal year 1990 for shipbuilding and conversion for the Navy in the amount of $9,925,306,000. Amounts authorized under the preceding sentence are available as follows:

For the Trident submarine program, $1,277,800,000.

For the SSN-688 nuclear attack submarine program, $806,300,000.

For the SSN-21 nuclear attack submarine program, $816,800,000.

For the aircraft carrier service life extension program (SLEP), $651,200,000.

For the Enterprise refueling/modernization program, $129,100,000.

For the DDG-51 guided missile destroyer program, $3,600,700,000.

For the LHD-1 amphibious assault ship program, $35,000,000.

For the LSD-41 cargo variant program, $229,300,000.

For the MCM mine countermeasures program, $341,500,000.

For the MHC coastal minehunter program, $282,000,000.

For the AO (Jumbo) conversion program, $35,700,000.

For the TAGOS ocean surveillance ship program, $155,800,000.

For the AOE fast combat support ship program, $356,400,000.

For the oceanographic research ship program, $278,100,000.

For the moored training ship program, $220,000,000.

For service craft and landing craft, $56,400,000.

For the landing craft, air cushion (LCAC) program, $219,300,000.

For the Fast Sealift ship program, $20,000,000

For ship production engineering, $63,906,000.

For outfitting and post delivery, $340,000,000.

For ship special support equipment, $10,000,000.

(d) OTHER PROCUREMENT, NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1990 for other procurement for the Navy in the amount of $5,840,000,000. Amounts authorized under the preceding sentence are available as follows:

(1) For the ship support equipment program, $1,721,713,000.

(2) For the communications and electronics equipment program, $1,647,194,000.

(3) For aviation support equipment, $536,398,000.

(4) For the ordnance support equipment program, $757,446,000.

(5) For civil engineering support equipment, $97,092,000.

(6) For supply support equipment, $156,081,000.

(7) For personnel and command support equipment, $409,471,000.

(8) For spares and repair parts, $529,905,000.

The sum of amounts authorized to be appropriated for ship support equipment, communications and electronics equipment, ordnance support equipment, and spares and repair parts is reduced by $15,300,000.

(e) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement for the Marine Corps in the amount of $1,202,700,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1990 for the Air Force as follows:

(1) For aircraft, $15,979,100,000.

(2) For missiles, $7,363,100,000.

(3) For other procurement, $8,605,200,000.

SEC. 104. DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement for the Defense Agencies in the amount of $1,321,200,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement of equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $404,000,000.

(2) For the Army Reserve, $75,000,000.

(3) For the Air National Guard, $142,500,000.

(4) For the Air Force Reserve, $285,500,000.

(5) For the Naval Reserve, $240,700,000.

(6) For the Marine Corps Reserve, $80,000,000.

SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement for the Defense Inspector General in the amount of $1,051,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1990 for the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 747), in the amount of $311,400,000.

SEC. 108. MULTIYEAR AUTHORIZATIONS.

(a) AUTHORIZED MULTIYEAR PROCUREMENTS.—The Secretary of the military department concerned may use funds appropriated for fiscal year 1990 to enter into multiyear procurement contracts in accordance with section 2306(h) of title 10, United States Code, for the following programs:

(1) ARMY.—For the Department of the Army:

(A) The M-1 Abrams tank program.

(B) The Bradley Fighting Vehicle program.

(C) The MH-47 helicopter program.

(D) The Palletized Loading System program.

(2) NAVY—For the Department of the Navy, the DDG-51 destroyer program.

(3) AIR FORCE.—For the Department of the Air Force:

(A) The KC-135 tanker aircraft program.

(B) The Combined Effects Munitions (CEM) program.

(C) The MH-60G helicopter program.

(b) REQUIRED MULTIYEAR PROCUREMENT.—The Secretary of the Army, using funds appropriated for fiscal year 1990 for procurement of aircraft for the Army, shall enter into a multiyear procurement contract for the AH-64 Apache helicopter program.

(c) DENIAL OF CERTAIN MULTIYEAR PROCUREMENTS.—The Secretary of the military department concerned may not use funds appropriated for fiscal year 1990 to enter into a multiyear procurement contract for any of the following programs:

(1) The E-2C aircraft program.

(2) The FA-18 aircraft program.

(3) The Maverick AGM65D missile program.

SEC. 109. EXTENSION OF AUTHORITY PROVIDED THE SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM.

Effective on October 1, 1989, section 103(a) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1100), is amended—

(1) by striking out "fiscal years 1988 and 1989" both places it appears and inserting in lieu thereof "fiscal year 1990"; and

(2) by inserting after "December 6, 1978," the following: "the Memorandum of Understanding for Operations and Support of the NATO Airborne Early Warning and Control Force, signed by the United States Ambassador to NATO, and other follow-on support agreements for the NATO E-3A between the United States Government and the commander of the NATO E-3A Force,".

SEC. 110. REPEAL OF CERTAIN PRIOR MILESTONE AUTHORIZATIONS.

Section 106 of Public Law 100-180 (101 Stat. 1034) is amended by striking out subsections (a)(2), (b)(2), (c)(2), and (d)(2).

PART B—STRATEGIC BOMBER PROGRAMS

SEC. 111. LIMITATION ON PRODUCTION OF B-2 ADVANCED TECHNOLOGY BOMBER AIRCRAFT PROGRAM.

(a) REQUIRED INFORMATION.—Funds appropriated to the Department of Defense for fiscal year 1990 may not be obligated or expended for procurement (including advance procurement) for production aircraft under the B-2 Advanced Technology Bomber aircraft program until the certification referred to in subsection (b) and the report required by subsection (c) have been submitted to the congressional defense committees.

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification in writing by the Secretary of Defense to the congressional defense committees of the following:

(1) That the performance milestones (including initial flight testing) for the B-2 aircraft for fiscal year 1990 (as contained in the B-2 full performance matrix program established under section 121 of Public Law 100-180 and section 232 of Public Law 100-456) have been met and that any proposed waiver or modification to the B-2 performance matrix will be provided in writing in advance to the congressional defense committees.

(2) That the cost reduction initiatives established for the B-2 program will be achieved (such certification to be submitted together with details of the savings to be realized).

(3) That the quality assurance practices and fiscal management controls of the prime contractor and major subcontractors associated with the B-2 program meet or exceed accepted United States Government standards.

(c) REPORT ON COST, SCHEDULE, AND CAPABILITY.—The Secretary of Defense shall submit to the congressional defense committees a report providing the following:

(1) An unclassified integrated B-2 program schedule that includes—

(A) the total cost of the B-2 program by fiscal year, including costs by fiscal year for research and development, procurement (including spares and modifications), military construction, operation and maintenance, and personnel, with all such costs to be expressed in both base year and then year dollars;

(B) the annual buy rate for the B-2 aircraft; and

(C) the flight test schedule and milestones for the B-2 program.

(2) A detailed mission statement and requirements for the B-2 aircraft, including the current and projected capability of the aircraft to conduct strategic relocatable target missions and conventional warfare operations.

(3) A detailed assessment of performance of the B-2 aircraft, together with a comparison of that performance with existing strategic penetrating bombers.

(4) A detailed assessment of the technical risks associated with the B-2 program, particularly those associated with the avionics systems and components of the aircraft.

(d) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—For purposes of this section, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

SEC. 112. INDEPENDENT ASSESSMENT OF B-2 AIRCRAFT PROGRAM.

(a) INDEPENDENT ASSESSMENT.—The Secretary of Defense shall provide for an independent assessment of the technological capabilities and performance of the B-2 aircraft. The Secretary shall appoint a panel of experts and shall use the resources of federally funded research and development centers (FFRDCs) to conduct the assessment. The Secretary shall provide the panel such resources as are necessary, including technical assistance by private contractors, to assist the panel in conducting the assessment. Individuals appointed to the panel shall be independent of the Air Force and shall have no arrangements with the Air Force that would constitute a conflict of interest.

(b) REPORT.—The panel shall report its findings to Congress in a classified report no later than September 1, 1990. The report shall include the findings of the panel concerning the following:

(1) The capability of air defense of the Soviet Union to defeat the B-2 aircraft during its service life, taking into consideration in particular—

(A) the low radar signature and anticipated performance of that aircraft;

(B) technological capabilities of the Soviet Union;

(C) developments by the Soviet Union of alternatives to defeat the B-2 aircraft; and

(D) the estimated cost to the Soviet Union to defeat the B-2 aircraft.

(2) The rationale for building the B-2 aircraft as a manned penetrating bomber, taking into consideration in particular—

(A) the missions of that aircraft;

(B) the abilities of that aircraft to complete those missions; and

(C) the ability of that aircraft to search, identify, and destroy mobile strategic targets.

(3) The opportunity costs associated with the B-2 program as compared to other available or emerging technologies and operational concepts that could perform the B-2 missions at lesser costs.

(4) The planned service life of the B-2 aircraft and its growth potential for extended service life through the incorporation of preplanned product improvements (P3I) and other modifications.

(5) The requirements for any follow-on aircraft or system that incorporates both low observable technology and high speed maneuverability.

(6) An assessment of the capability of the United States to defeat, identify, and destroy low observable vehicles, including manned aircraft and unmanned systems.

(c) FUNDING LIMITATION.—If the requirements of this section are not met by September 30, 1990, no funds may be obligated for the B-2 aircraft program after that date until the requirements of this section have been met.

SEC. 113. LIMITATIONS ON B-1B ELECTRONIC COUNTERMEASURES RECOVERY PROGRAM.

(a) GENERAL LIMITATION.—The Secretary of the Air Force may proceed with the recovery program for the B-1B aircraft electronic countermeasures (ECM) system only in accordance with this section.

(b) SOURCE OF FUNDING.—The Secretary may provide funds for the recovery program only as follows:

(1) The Secretary may use expired or lapsed funds (as defined in subsection (f)(2)) for the recovery program, but only to the extent that such funds are available from the B-1B program account. Such funds may be used only for the ALQ-161A CORE component of the recovery program.

(2) Other funds necessary for the recovery program may be derived from funds appropriated for fiscal year 1990 for Air Force strategic bomber programs pursuant to authorizations of appropriations in titles I, II, and III of this Act. Such funds may be used for the ALQ-161A CORE component and the Radar Warning Receiver program component of the recovery program. Funds may be used for the recovery program pursuant to this paragraph only after the Secretary of the Air Force submits to the congressional defense committees a report containing a description of the funds to be used, including the amount and the source of the funds.

No funds other than those described in paragraphs (1) and (2) may be used for the recovery program.

(c) CERTIFICATION BY SECRETARY OF THE AIR FORCE.—Funds may be obligated for the recovery program only after the Secretary of the Air Force submits to the congressional defense committees a report on the recovery program that includes a certification—

(1) that, as a result of the incorporation of the recovery program components into the B-1B aircraft, the B-1B aircraft will be able to perform the expected mission for that aircraft under the Single Integrated Operating Plan to penetrate the air space of the Soviet Union as a strategic bomber, as defined in section 243 of Public Law 100-180 (101 Stat. 1063); and

(2) that the recovery program can be accomplished (in terms of performance, cost, and schedule) in accordance with the plan of the Department of the Air Force set forth in the report of the Secretary of Defense entitled "Department of Defense Congressional Report: B-1B Program Plan", submitted pursuant to section 231(b) of Public Law 100-456 (102 Stat. 1943).

(d) SEMIANNUAL STATUS REPORTS.—The Secretary of the Air Force shall submit to the congressional defense committees a status report on the progress of the recovery program at the end of the second and fourth quarter of each fiscal year. Each such report shall be submitted not later than 30 days after the end of such fiscal year quarter. The first such report shall be submitted not later than May 1, 1990.

(e) ACCESS BY GAO.—(1) The Secretary of the Air Force shall ensure that the General Accounting Office has full, direct, and timely access to the documentation relating to the recovery program.

(2) The Comptroller General of the United States shall actively monitor the recovery program and shall provide periodic reports to the congressional defense committees on the status and effectiveness of the program.

(f) REPORT ON FUNDS IN TREASURY M ACCOUNT.—The Secretary of the Air Force shall submit to the congressional defense committees a report on the status of the availability of expired or lapsed funds of the Department of the Air Force in the Department of Treasury Account known as the "M Account". The report shall include an accounting of all B-1B aircraft program funds that have been transferred to that account and the amount of those funds that have been withdrawn or obligated from that account. The report shall be submitted in conjunction with the report under subsection (b)(2).

(g) DEFINITIONS.—For purposes of this section:

(1) The term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropria-

tions of the Senate and House of Representatives.

(2) The term "expired or lapsed funds" means funds previously appropriated to the Air Force the availability of which for obligation has expired or lapsed.

PART C—OTHER PROGRAM LIMITATIONS

SEC. 121. PROGRAM LIMITATIONS.

(a) MC-130H (COMBAT TALON).—(1) Funds appropriated pursuant to this Act may not be obligated or expended for the procurement of MC-130H Combat Talon aircraft until the Director of Operational Test and Evaluation determines (and certifies under paragraph (2)) that the results of the developmental qualification test and evaluation and of the qualification operational test and evaluation flight test conducted between October 1988 and April 1990 demonstrate that that aircraft (including the avionics components of the aircraft) meets all contract requirements and performance specifications.

(2) A certification under paragraph (1) shall be submitted in writing to the congressional defense committees.

(b) AC-130U GUNSHIP.—No funds may be obligated or expended after the date of the enactment of this Act for procurement of AC-130U Gunship aircraft until the Secretary of the Air Force certifies in writing to the congressional defense committees that the cost of any modification, correction of deficiencies, or retrofit that is required to address and to meet established contract specifications and performance requirements for AC-130U Gunship aircraft procured using funds appropriated for the Department of Defense for fiscal year 1988 or fiscal year 1989 will be borne by the prime contractor or an appropriate subcontractor.

(c) AMRAAM MISSILE.—(1) No funds may be obligated after the date of the enactment of this Act to undertake full-rate production of the Advanced Medium-Range Air-to-Air (AMRAAM) missile until the Director of Operational Test and Evaluation (pursuant to section 138 of title 10, United States Code) certifies (1) that all required testing of that missile has been conducted, and (2) that the results of that testing demonstrate (A) that the AMRAAM missile has met all established performance requirements, and (B) that stable missile production design and configuration (including its software) have been established.

(2) For purposes of paragraph (1), full-rate production of the AMRAAM missile is production of that missile at an annual production rate of 900 or more production-configured missiles.

(d) OVER-THE-HORIZON BACKSCATTER RADAR (OTHB).—(1) Funds appropriated pursuant to this Act may not be obligated or expended for the Over-the-Horizon Backscatter Radar system (other than to initiate site preparation activities for the Alaskan sector) until the Director of Operational Test and Evaluation of the Department of Defense determines, and certifies to the congressional defense committees, that the results of the integrated initial operational and evaluation test conducted with the three east coast region sectors demonstrate that such system meets all contract requirements and performance specifications, including specifications relating to small target detection capability.

(2) The Secretary of Defense (in consultation with appropriate elements of the intelligence community) shall submit to the congressional defense committees a report on the effect of the radar system described in paragraph (1) on the bomber threat to the continental territory of the United States under a Strategic Arms Reduction Treaty (START) regime.

(3) The Secretary of Defense shall submit to the congressional defense committees, in conjunction with the submission of the President's budget for fiscal year 1991, a report—

(A) stating the capability of the radar system described in paragraph (1) to detect next generation aircraft and missiles; and

(B) describing the feasibility and cost of modifying the existing system to improve its capabilities.

(e) MILSTAR SATELLITE/TERMINAL PROGRAM.—Funds appropriated pursuant to this Act may not be obligated or expended for any component of the Milstar system until the Secretary of Defense submits to the congressional defense committees—

(1) a Selected Acquisition Report on the total Milstar program;

(2) a comprehensive master plan on the program requirements, acquisition strategy, and program execution, schedule, management and architecture; and

(3) a feasibility analysis of establishing a cost sharing plan among all potential users of the system.

(f) STANDARD MISSILE II PROGRAM.—The Secretary of the Navy shall carry out the fiscal year 1990 acquisition for the Standard Missile II so as to preserve the existing dual-source production base for that missile.

(g) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—For purposes of this section, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

SEC. 122. M-1 TANK PROGRAM.

(a) LAY-AWAY OF DETROIT ARMY TANK PLANT.—None of the funds appropriated for the Army for fiscal year 1990 may be obligated to begin the lay-away of the Detroit Army Tank Plant.

(b) BLOCK II MODIFICATION PROGRAM.—Funds appropriated for the Army for fiscal year 1990 may not be obligated for long-lead items and nonrecurring costs for the Block II modification program for the M-1 tank until—

(1) the Secretary of Defense approves the program; and

(2) the Secretary of the Army submits to the Committees on Armed Services of the Senate and House of Representatives a report with respect to the program as described in subsection (c).

(c) REPORT ON BLOCK II PROGRAM.—A report under subsection (b)(2) shall—

(1) identify the total funding requirements for the Block II program;

(2) assess the proposed modifications under the program in terms of the results of the live-fire testing;

(3) describe operational implications of the weight increase for the M-1 tank under the proposed modifications; and

(4) identify decisions in the program that have an effect on the next generation tank.

SEC. 123. ARMY RECOVERY VEHICLE.

(a) TESTING.—The Secretary of the Army shall complete the technical and operational testing of the Improved Recovery Vehicle. The Secretary shall also study all potential modifications to the existing chassis for the M-88 vehicle to perform the mission for the Improved Recovery Vehicle.

(b) CONDITIONS ON PRODUCTION DECISION.—The Secretary may not make a decision to enter into production during fiscal year 1991 concerning a Recovery Vehicle until each of the following occurs:

(1) Operational testing of such vehicle is completed.

(2) An independent Operational Test and Evaluation agency certifies that such vehicle meets performance requirements.

(3) The Secretary of the Army completes a cost-effectiveness analysis that supports the proposed production decision.

SEC. 124. CHEMICAL MUNITIONS EUROPEAN RETROGRADE PROGRAM.

(a) LIMITATIONS ON RETROGRADE PROGRAM.—The Secretary of Defense may not obligate any funds appropriated for fiscal year 1990 or a prior year for the purpose of carrying out the chemical munitions European retrograde program involving the withdrawal from Europe of chemical munitions until each of the following occurs:

(1) The Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a certification—

(A) that an adequate United States binary chemical munitions stockpile will exist before any withdrawal of the existing stockpile from its present location in Europe is carried out; and

(B) that the plan for such retrograde program is based on—

(i) minimum technical risk;

(ii) minimum operational risk; and

(iii) maximum safety to the public.

(2) The Secretary submits to those committees a revised concept plan for such retrograde program that includes a description of—

(A) the full budgetary effect of the retrograde program; and

(B) the potential effect of the retrograde program on the chemical demilitarization program.

(b) LIMITATION ON TRANSFER OF FUNDS.—The Secretary of Defense may not transfer any funds from the chemical demilitarization emergency response program for the retrograde program referred to in subsection (a).

SEC. 125. CHEMICAL DEMILITARIZATION CRYOFRACTURE PROGRAM.

(a) PROGRAM.—The Secretary of Defense, to the extent funds are available for the purpose, shall proceed as expeditiously as possible with the project to develop an operational cryofracture facility at the Tooele Army Depot, Utah.

(b) USE OF FISCAL YEAR 1989 FUNDS.—Of the amount authorized and appropriated for fiscal year 1989 for the chemical demilitarization program, $16,300,000 shall be obligated immediately for continued research and development testing of the cryofracture program.

SEC. 126. FUNDING FOR V-22 AIRCRAFT PROGRAM.

Of the amount appropriated for procurement of aircraft for the Navy for fiscal year 1990—

(1) the amount of $157,000,000 shall be available only for the V-22 aircraft program; and

(2) the amount of $254,000,000 shall be available for CH-53E aircraft.

Any CH-53E aircraft procured with funds appropriated for fiscal year 1990 shall be available only for the heavy-lift mission of the Marine Corps.

SEC. 127. PROCUREMENT OF F-14D AIRCRAFT.

Of the amount appropriated for procurement of aircraft for the Navy for fiscal year 1990, the amount of $1,001,000,000 shall be available only for F-14D aircraft, of which—

(1) $857,000,000 shall be available only for procurement of 12 new production F-14D aircraft;

(2) $89,000,000 shall be available only for advanced procurement for 12 new production F-14D aircraft in fiscal year 1991; and

(3) $55,000,000 shall be available only for advanced procurement of 12 remanufactured F-14D aircraft in fiscal year 1991.

PART D—WEAPONS ACQUISITION PROCEDURES

SEC. 131. WEAPONS ACQUISITION RISK ASSESSMENT.

(a) ESTABLISHMENT OF POLICY.—The Secretary of Defense shall establish a policy for determining the amount of concurrency in a major weapons acquisition system and for assessing the degree of risk associated with the use of a concurrent acquisition strategy. That policy shall include policies for reporting those determinations to Congress.

(b) MATTERS TO BE INCLUDED IN RISK ASSESSMENTS.—The assessment of the risk of a concurrent acquisition strategy for a covered program shall include (at a minimum) consideration of the following with respect to that program:

(1) The degree of confidence in the enemy threat assessment for establishing the system's requirements.

(2) The type of contract involved.

(3) The degree of stability in program funding.

(4) The level of maturity of technology involved.

(5) The availability of adequate test assets, including facilities.

(6) The feasibility of the transition from development to production.

(c) INFORMATION TO BE INCLUDED IN SARs.—Information on the degree of concurrency and the required risk assessments for programs subject to the Selected Acquisition Report reporting system shall be included in quarterly SAR reports for reports submitted for fiscal-year quarters beginning no later than the first quarter of fiscal year 1991.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "concurrency" means the degree of overlap between the development and production processes of a weapon system and is measured as the percentage of initial production of the total program that occurs before either developmental or operational test and evaluation is completed.

(2) The term "major defense acquisition program" means a defense acquisition program that is a major defense acquisition program within the meaning of section 2430 of title 10, United States Code.

(3) The term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

(e) IMPLEMENTATION.—In the development and implementation of the policy required by subsection (a), the Secretary shall submit to the congressional defense committees a report on the policy, the criteria, and methodology that are used to prepare the required risk assessments. The report shall be submitted no later than September 30, 1990.

SEC. 132. LOW-RATE INITIAL PRODUCTION.

(a) DETERMINATION OF QUANTITIES TO BE PROCURED.—The determination of what quantity of a major weapon system should be procured for low-rate initial production shall be made at the Milestone II Defense Acquisition Board or, in the case of a nonmajor system, at the Milestone II equivalent of the military department concerned. The Milestone II decision shall also include any determination of quantities to be procured for preproduction verification articles. Any deviation from those quantities, as established by the Defense Acquisition Board (or the service equivalent), may only be made with the approval of a subsequent Defense Acquisition Board (or service equivalent). The Secretary of Defense shall include in the next Selected Acquisition Report on the program concerned a description of the approved quantities established under this subsection.

(b) LOW-RATE INITIAL PRODUCTION DEFINED.—Low-rate initial production with respect to a major weapon system is production under such system in quantities sufficient (1) to provide production-configured or representative articles adequate to conduct operational tests pursuant to section 138 of title 10, United States Code, and (2) to establish a production base for the system. The quantity of items required for operational testing shall be determined by the Director of Operational Test and Evaluation of the Department of Defense or, in the case of a non-major acquisition program, by the test agency of the military department concerned.

(c) WAIVER AUTHORITY.—In determining the appropriate low-rate initial production quantity for a major weapons system, the Secretary of Defense may waive the provisions of subsections (a) and (b) if the Secretary determines such waiver necessary for industrial-base considerations. If such a waiver is granted at Milestone II, the Secretary shall submit to Congress a report providing—

(1) an explanation of those industrial base considerations;

(2) a test master plan; and

(3) an approved acquisition strategy.

(d) ANNUAL REPORT.—The Secretary shall submit to the congressional defense committees an annual report on program execution according to the test matter plan.

SEC. 133. LIVE-FIRE TESTING PROGRAM.

(a) TESTING REPORT TO BE SUBMITTED BEFORE PRODUCTION.—Subsection (a)(1) of section 2366 of title 10, United States Code, is amended by inserting "and the report required by subsection (d) with respect to that testing has been submitted in accordance with that subsection" before the semicolon at the end of each of subparagraphs (A) and (B).

(b) AVAILABILITY OF PROCUREMENT FUNDS FOR LIVE-FIRE TESTING PROGRAMS.—Subsection (b)(3) of such section is amended by adding at the end the following: "The Secretary of Defense may, in the case of any such testing, provide funds for the conduct of such testing (and for evaluation of such testing) from funds available for procurement of the system being tested. The amount provided for such testing and evaluation of any such system for a fiscal year under the preceding sentence may not exceed one-third of 1 percent of the program acquisition cost of that system as shown in the most recent Selected Acquisition Report for that system.".

(c) CONTENT OF TESTING REPORT.—Subsection (d) of such section is amended by adding at the end the following: "Each such report shall describe the results of the survivability or lethality testing and shall give the Secretary's overall assessment of the testing.".

SEC. 134. SENSE OF CONGRESS ON PLACING GREATER EMPHASIS ON REMANUFACTURE OF EXISTING MILITARY EQUIPMENT.

It is the sense of Congress that the Secretary of Defense should place a greater emphasis on the remanufacture of existing military equipment as an interim measure to maintain readiness in light of budget constraints, production delays, and cost overruns of new equipment, in particular with regard to increasing the life of the existing fleet of medium tactical vehicles of the Army.

SEC. 135. REVISION OF LIMITATION ON TRANSFER OF CERTAIN TECHNICAL DATA PACKAGES TO FOREIGN COUNTRIES.

(a) COUNTRIES TO WHICH TRANSFERS MAY BE MADE.—Subsection (b) of section 4542 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "a friendly foreign country" and inserting in lieu thereof "a member nation of the North Atlantic Treaty Organization or a country designated as a major non-NATO ally";

(2) in paragraph (2)(B), by inserting ", except as provided in subsection (e)" before the semicolon at the end; and

(3) in paragraph (3), by inserting "or (d)" after "subsection (c)".

(b) COOPERATIVE PROJECT AGREEMENTS.—Such section is further amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following new subsections:

"(d) COOPERATIVE PROJECT AGREEMENTS.—An agreement under this subsection is a cooperative project agreement under section 27 of the Arms Export Control Act (22 U.S.C. 2767) which includes provisions that—

"(1) for development phases describe the technical data to be transferred and for the production phase prescribe the content of the technical data package or assistance to be transferred to the foreign country participating in the agreement;

"(2) require that at least the United States production of the defense item to which the technical data package or assistance relates be carried out by the arsenal concerned; and

"(3) require the Secretary of Defense to monitor compliance with the agreement.

"(e) LICENSING FEES AND ROYALTIES.—The limitation in subsection (b)(2)(B) shall not apply if the technology (or production technique) transferred is subject to nonexclusive license and payment of any negotiated licensing fee or royalty that reflects the cost of development, implementation, and proveout of the technology or production technique. Any negotiated license fee or royalty shall be placed in the operating fund of the arsenal concerned for the purpose of capital investment and technology development at that arsenal.".

(c) CONFORMING AMENDMENT.—Subsection (f) of such section (as redesignated by subsection (b)(1)) is amended by inserting "or a cooperative project" in paragraph (1) after "cooperative research and development program".

SEC. 136. REPEAL OF PROCUREMENT REQUIREMENT AND LIMITATION OF FUNDS FOR THE HEAVY EXPANDED MOBILITY TACTICAL TRUCK.

Section 129 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1045) is repealed.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

PART A—AUTHORIZATIONS AND FUNDING FOR SPECIFIC PROGRAMS

SEC. 201. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1990.

Funds are hereby authorized to be appropriated for fiscal year 1990 for the use of the Armed Forces for research, development, test, and evaluation as follows:

(1) For the Army, $5,858,500,000, of which $851,290,000 is authorized only for basic research and exploratory development.

(2) For the Navy, $10,313,999,000, of which $894,464,000 is authorized only for basic research and exploratory development.

(3) For the Air Force, $14,587,330,000, of which $854,801,000 is authorized only for basic research and exploratory development.

(4) For the Defense Agencies, $8,842,565,000, of which—

(A) $309,550,000, is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation);

(B) $124,500,000, is authorized for the Director of Operational Test and Evaluation; and

(C) $748,309,000, is authorized for the Director, Defense Research Advanced Projects Agency only for basic research and exploratory development.

SEC. 202. AUTHORIZATIONS FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT FOR FISCAL YEARS 1991–1994.

(a) AUTHORIZATIONS.—Funds are hereby authorized to be appropriated for the use of the Armed Forces for research, development, test, and evaluation, to be available only for basic research and exploratory development projects, as follows:

(1) For fiscal year 1991, $3,770,000,000.

(2) For fiscal year 1992, $3,865,000,000.

(3) For fiscal year 1993, $3,940,000,000.

(4) For fiscal year 1994, $4,015,000,000.

(b) BASIC RESEARCH AND EXPLORATORY DEVELOPMENT DEFINED.—As used in this section and section 201, the term "basic research and exploratory development" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. REPEAL OF PRIOR MILESTONE AUTHORIZATIONS.

Section 216 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1051) is amended by striking out subsections (a)(2), (b)(2), (c)(2)(A), and (c)(2)(B).

SEC. 204. PROHIBITION ON TESTING MID-INFRARED ADVANCED CHEMICAL LASER PROGRAM AGAINST AN OBJECT IN SPACE.

The Secretary of Defense may not carry out a test of the Mid-Infrared Advanced Chemical Laser (MIRACL) transmitter and associated optics against an object in space unless such testing is specifically authorized by law.

SEC. 205. GRANT FOR SEMICONDUCTOR COOPERATIVE RESEARCH PROGRAM.

Of the amount appropriated pursuant to section 201 for Defense Agencies, $100,000,000 shall be available only to make grants under section 272 of Public Law 100–180.

SEC. 206. FUNDS FOR COOPERATIVE RESEARCH AND DEVELOPMENT PROJECTS WITH MAJOR NON-NATO ALLIES.

Of the funds appropriated pursuant to section 201 that are available for NATO Cooperative Research and Development projects, not less than 10 percent shall be available for cooperative research and development projects with major non-NATO allies under section 1105 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661).

SEC. 207. ARMY HEAVY FORCE MODERNIZATION PROGRAM.

(a) FUNDING.—Of the amount appropriated for fiscal year 1990 for research, development, test, and evaluation for the Army, $58,000,000 shall be available to the Secretary of the Army only for competitive development of Advanced Technology Transition Demonstrators (ATTDs) for a common chassis for the Heavy Force Modernization program.

(b) LIMITATION ON USE OF FUNDING.—No funds may be obligated for such competitive development until—

(1) the Defense Acquisition Board for the Army's Heavy Force Modernization program makes a Milestone I decision for that program that includes proceeding with development of Advanced Technology Transition Demonstrators for the common chassis for that program; and

(2) after such decision, the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives a report described in subsection (c).

(c) REPORT.—A report under subsection (b)(2) is a report by the Secretary of Defense containing the following:

(1) A description of the actions of the Defense Acquisition Board referred to in subsection (b)(1), including a description of the demonstration and validation program approved.

(2) An updated Interagency Intelligence Memorandum providing current estimates (prepared within the preceding 12 months) for production, and for operational capabilities, of future tanks of the Soviet Union.

(3) Detailed cost estimates for research, development, test, and evaluation, and for procurement, for all programs expected to use the heavy common chassis to be selected pursuant to the competitive development under subsection (a).

(4) The criteria which the Secretary of Defense will use in determining whether—

(A) to proceed with a new tank program using the heavy common chassis to be selected pursuant to the competitive development under subsection (a) to replace the M1 tank; or

(B) to produce an M1A3 tank.

PART B—STRATEGIC DEFENSE INITIATIVE

SEC. 221. FUNDING LEVEL FOR THE STRATEGIC DEFENSE INITIATIVE.

(a) FISCAL YEAR 1990.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1990, not more than $3,538,000,000 may be obligated for the Strategic Defense Initiative.

(b) MANAGEMENT HEADQUARTERS SUPPORT.—Of the amount available for the Strategic Defense Initiative under subsection (a), not more than $26,384,000 shall be available for Management Headquarters Support.

SEC. 222. LIMITATION ON DEVELOPMENT AND TESTING OF ANTIBALLISTIC MISSILE SYSTEMS OR COMPONENTS.

(a) USE OF FUNDS.—(1) Funds appropriated to the Department of Defense for fiscal year 1990, or otherwise made available to the Department of Defense from any funds appropriated for fiscal year 1990 or for any fiscal year before 1990, shall be subject to the limitations prescribed in paragraph (2).

(2) The funds described in paragraph (1) may not be obligated or expended—

(A) for any development or testing of antiballistic missile systems or components except for development and testing consistent with the development and testing described in the January 1989 SDIO report; or

(B) for the acquisition of any material or equipment (including any long lead materials, components, piece parts, test equipment, or any modified space launch vehicle) required or to be used for the development or testing of antiballistic missile systems or components, except for material or equipment required for development or testing consistent with the development and testing described in the January 1989 SDIO report.

(3) The limitation under paragraph (2) shall not apply to funds transferred to or for the use of the Strategic Defense Initiative for fiscal year 1990 if the transfer is made in accordance with section 1201 of this Act.

(b) DEFINITION.—As used in this section, the term "January 1989 SDIO report" means the report entitled, "1989 Report to the Congress on the Strategic Defense Initiative", dated January 13, 1989, prepared by the Strategic Defense Initiative Organization and submitted by the Secretary of Defense to certain committees of the Senate and House of Representatives pursuant to section 231 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 10 U.S.C. 2431 note).

PART C—OTHER PROGRAMS

SEC. 251. REPORT ON BIOLOGICAL DEFENSE RESEARCH PROGRAM.

(a) REPORT.—Not later than March 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on research, development, test, and evaluation conducted by the Department of Defense during fiscal year 1989 under the Biological Defense Research Program. The report shall be submitted in both classified and unclassified form.

(b) CONTENT OF REPORT.—The report shall address the following matters:

(1) Each biological or infectious agent used in, or the subject of, research, development, test, and evaluation conducted under that program during that fiscal year and not previously listed in the Center for Disease Control Guidelines.

(2) The biological properties of each such agent.

(3) With respect to each agent, the location at which research, development, test, and evaluation under that program involving that agent is conducted and the amount of funds expended during that fiscal year under the program at that location.

(4) The biosafety level used in conducting that research, development, test, and evaluation.

(c) TYPES OF RESEARCH AFFECTED.—Subsection (a) applies to research, development, test, and evaluation conducted under the Biological Defense Research Program by the Department of Defense or by facilities under direct contract with the Department of Defense on etiological agents not listed in the Center for Disease Control Guidelines.

(d) DEFINITION.—In this section, the term "biosafety level" means the applicable biosafety level described in the publication entitled "Biosafety in Microbiological and Biomedical Laboratories" (CCC–NIH, 1984).

SEC. 252. CHEMICAL WEAPONS CONVENTION COMPLIANCE MONITORING PROGRAM.

Of the amount appropriated pursuant to section 201 for Defense Agencies, $15,000,000 shall be available to the Office of the Secretary of Defense only to conduct a program to develop and demonstrate compliance monitoring capabilities in support of efforts by the United States in the Conference on Disarmament at Geneva to achieve a verifiable convention on the prohibition of chemical weapons.

SEC. 253. REVISION OF COMPETITION REQUIREMENT FOR AWARD OF GRANTS AND CONTRACTS TO COLLEGES AND UNIVERSITIES FOR CERTAIN PURPOSES.

(a) COMPETITION REQUIREMENT.—Subsection (a) of section 2361 of title 10, United States Code, is amended by striking out "unless the grant" and all that follows

through the end of the subsection and inserting in lieu thereof "unless—

"(1) in the case of a grant, the grant is made using competitive procedures; and

"(2) in the case of a contract, the contract is awarded in accordance with section 2304 of this title (other than pursuant to subsection (c)(5) of that section).".

(b) CONSTRUCTION OF FUTURE PROVISIONS OF LAW.—Subsection (b) of such section is amended—

(1) by striking out "the date of the enactment of this section" and inserting in lieu thereof "September 30, 1989,";

(2) by inserting after "provisions of subsection (a)" the following: ", or as requiring funds to be made available by the Secretary of Defense to a particular college or university by grant or contract,"; and

(3) by striking out "specifically" and all that follows through the end of the subsection and inserting in lieu thereof "specifically—

"(1) refers to this section;

"(2) states that such provision of law modifies or supersedes the provisions of this section; and

"(3) directs that the grant or contract involved be awarded to a college or university designated in such provision of law without using competitive procedures.".

SEC. 254. INTERIM INFANTRY ANTI-TANK WEAPON.

(a) SELECTION OF INTERIM INFANTRY ANTI-TANK WEAPON.—(1) The Secretary of the Army shall conduct a side-by-side test and evaluation of the Bofors Bill weapon system and the Dragon II anti-tank weapon system. On the basis of performance of those systems in those tests, the Secretary of the Army shall select the superior weapon system as the interim infantry anti-tank weapon for the Army.

(2) Such test and evaluation shall be conducted, and such selection shall be made, not later than six months after the date of the enactment of this Act.

(3) The tests and criteria used for such evaluation shall be identical to those used for tests under section 114 of Public Law 100-456 (102 Stat. 1931).

(4) The Secretary shall manage the program for the weapon system selected so that such system is ready to enter into production no later than the beginning of fiscal year 1991.

(b) FUNDING OF TESTS.—The tests under subsection (a) shall be funded from—

(1) funds appropriated for fiscal year 1988 for evaluation of the Bofors Bill system and Milan system which remain unspent;

(2) funds appropriated for fiscal year 1989 for the terminated Dragon III program which remain unspent; and

(3) other funds available to the Secretary.

(c) INDEPENDENT ASSESSMENT.—The Comptroller General of the United States shall conduct an independent assessment of the operational tests and evaluations referred to in subsection (a). The Comptroller General shall submit a report on such assessment to the Committees on Armed Services of the Senate and House of Representatives no later than two months after the end of the tests.

TITLE III—OPERATION AND MAINTENANCE

PART A—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 1990 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

For the Army, $23,404,250,000.

For the Navy, $24,496,520,000.

For the Marine Corps, $1,703,500,000.

For the Air Force, $22,368,340,000.

For the Defense Agencies, $7,974,910,000.

For the Army Reserve, $863,000,000.

For the Naval Reserve, $917,200,000.

For the Marine Corps Reserve, $77,400,000.

For the Air Force Reserve, $984,387,000.

For the Army National Guard, $1,867,100,000.

For the Air National Guard, $1,999,793,000.

For the National Board for the Promotion of Rifle Practice, $3,970,000.

For the Defense Inspector General, $94,749,000.

For the Court of Military Appeals, $4,000,000.

For Environmental Restoration, Defense, $600,800,000.

For the Goodwill Games, as provided in section 305 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1949), $14,600,000.

For Humanitarian Assistance, $13,000,000.

(b) GENERAL AUTHORIZATION FOR CONTINGENCIES.—There is authorized to be appropriated for fiscal year 1990, in addition to the amounts authorized to be appropriated in subsection (a), such sums as may be necessary—

(1) for unbudgeted increases in fuel costs; and

(2) for unbudgeted increases as the result of inflation in the cost of activities authorized by such subsections.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1990 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working-capital funds in amounts as follows:

For the Army Stock Fund, $134,600,000.

For the Navy Stock Fund, $223,400,000.

For the Air Force Stock Fund, $339,300,000.

For the Defense Stock Fund, $104,100,000.

SEC. 303. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

There are authorized to be appropriated for fiscal year 1990 to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2631) the amount of $500,000,000.

SEC. 304. HUMANITARIAN ASSISTANCE.

(a) PURPOSE.—Funds appropriated pursuant to the authorization in section 301 for humanitarian assistance shall be used for the purpose of providing transportation for humanitarian relief for persons displaced or who are refugees because of the invasion of Afghanistan by the Soviet Union. Of the funds appropriated pursuant to such section for such purpose, not more than $3,000,000 may be used for distribution of humanitarian relief supplies to the non-Communist resistance organization at or near the border between Thailand and Cambodia.

(b) AUTHORITY TO TRANSFER FUNDS.—The Secretary of Defense may transfer to the Secretary of State not more than $3,000,000 of the funds appropriated pursuant to the authorization in section 301 for humanitarian assistance to provide for—

(1) the payment of administrative costs incurred in providing the transportation described in subsection (a); and

(2) the purchase or other acquisition of transportation assets for the distribution of humanitarian relief supplies in the country of destination.

(c) TRANSPORTATION UNDER DIRECTION OF THE SECRETARY OF STATE.—Transportation for humanitarian relief provided with funds appropriated pursuant to the authorization in section 301 for humanitarian assistance shall be provided under the direction of the Secretary of State.

(d) MEANS OF TRANSPORTATION TO BE USED.—Transportation for humanitarian relief provided with funds appropriated pursuant to the authorization in section 301 for humanitarian assistance shall be provided by the most economical commercial or military means available, unless the Secretary of State determines that it is in the national interest of the United States to provide transportation other than by the most economical means available. The means used to provide such transportation may include the use of aircraft and personnel of the reserve components of the Armed Forces.

(e) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization in section 301 for humanitarian assistance shall remain available until expended, to the extent provided in appropriation Acts.

(f) REPORTS TO CONGRESS.—

(1) REPORT REQUIREMENT.—The Secretary of Defense shall submit (at the times specified in paragraph (2)) to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report on the provision of humanitarian assistance under the humanitarian relief laws specified in paragraph (4).

(2) TIME OF SUBMISSION.—A report required by paragraph (1) shall be submitted—

(A) not later than 60 days after the date of the enactment of this Act;

(B) not later than June 1, 1990; and

(C) not later than June 1 of each year thereafter until all funds available for humanitarian assistance under the humanitarian relief laws specified in paragraph (4) have been obligated.

(3) CONTENT OF REPORT.—A report required by paragraph (1) shall contain (as of the date on which the report is submitted) the following information:

(A) The total amount of funds obligated for humanitarian relief under the humanitarian relief laws specified in paragraph (4).

(B) The number of scheduled and completed flights for purposes of providing humanitarian relief under the humanitarian relief laws specified in paragraph (4).

(C) A description of any transfer (including to whom the transfer is made) of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of title 10, United States Code.

(4) HUMANITARIAN RELIEF LAWS.—The humanitarian relief laws referred to in paragraphs (1), (2), and (3) are the following:

(A) This section.

(B) Section 305 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 617).

(C) Section 331 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1078).

(D) Section 303 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1948).

(5) REPEAL OF SUPERSEDED REPORT REQUIREMENT.—Section 303 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1948), is amended by striking out subsection (f).

SEC. 305. ARMY AVIATION FLIGHT FACILITY AT JACKSON, TENNESSEE.

(a) ESTABLISHMENT.—The Secretary of the Army shall establish an Army Aviation Flight Facility at McKellar Field in Jackson, Tennessee.

(b) AMOUNTS AUTHORIZED.—Of the amount appropriated pursuant to section 301 for fiscal year 1990 for operation and maintenance for the Army National Guard, the amount of $300,000 shall be available only to transfer the aviation section of the 30th Separate Armored Brigade of the Tennessee National Guard to the facility established pursuant to subsection (a).

SEC. 306. ASSISTANCE TO SCHOOLS TO BENEFIT CHILDREN OF MILITARY PERSONNEL ON ACTIVE DUTY AND CIVILIAN PERSONNEL.

(a) ASSISTANCE AUTHORIZED.—Of the amount appropriated for operation and maintenance of the active forces for fiscal year 1990, the amount of $10,000,000 shall be available to the Secretary of Defense only for the purpose of providing assistance to local educational agencies that—

(1) operate schools that include students who—

(A) are minor dependents of members of the Armed Forces on active duty or civilian officers and employees of the Department of Defense; and

(B) while in attendance at such schools, reside on Federal property; and

(2) the Secretary determines are unable to provide a minimum level of education for such students without the addition of such assistance.

(b) CRITERIA FOR ASSISTANCE.—Not later than December 31, 1989, the Secretary of Defense shall inform the Committees on Armed Services of the Senate and House of Representatives of the criteria and procedures by which the Secretary will select recipients for assistance under subsection (a).

(c) REPORT ON IMPACT AID.—Not later than December 31, 1989, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the feasibility and desirability of restoring to the Department of Defense by October 1, 1991, impact aid responsibilities for schools impacted by Department of Defense activities.

SEC. 307. FUNDING REQUIREMENT FOR PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM.

Of the amount appropriated for operation and maintenance for the Defense Agencies for fiscal year 1990, $8,000,000 shall be available only for the purpose of carrying out cooperative agreements entered into by the Secretary of Defense under chapter 142 of title 10, United States Code, to furnish procurement technical assistance to business entities.

PART B—LIMITATIONS

SEC. 311. PROHIBITION ON PAYMENT OF SEVERANCE PAY TO FOREIGN NATIONALS IN THE EVENT OF CERTAIN BASE CLOSURES.

(a) CERTAIN SEVERANCE PAY COSTS NOT ALLOWABLE COSTS WITH RESPECT TO SERVICE CONTRACTS PERFORMED OUTSIDE THE UNITED STATES.—(1) Section 2324(e)(1) of title 10, United States Code, is amended—

(A) by redesignating subparagraph (N) as subparagraph (O); and

(B) by inserting after subparagraph (M) the following new subparagraph (N):

"(N) Costs of severance pay paid by the contractor to a foreign national employed by the contractor under a service contract performed in a foreign country if the termination of the employment of the foreign national is the result of the closing of, or the curtailment of activities at, a United States military facility in that country at the request of the government of that country.".

(2) Subparagraph (N) of section 2324(e)(1) of title 10, United States Code, as added by paragraph (1), shall apply with respect to any covered contract (as defined in such section) entered into after the date of the enactment of this Act.

(b) PROHIBITION ON PAYMENT OF SEVERANCE PAY TO FOREIGN NATIONALS EMPLOYED BY THE DEPARTMENT OF DEFENSE.—(1) Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1592. Prohibition on payment of severance pay to foreign nationals in the event of certain overseas base closures

"Funds available to the Department of Defense may not be used to pay severance pay to a foreign national employed by the Department of Defense under a contract performed in a foreign country if the termination of the employment of the foreign national is the result of the closing of, or the curtailment of activities at, a United States military facility in that country at the request of the government of that country.".

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

"1592. Prohibition on payment of severance pay to foreign nationals in the event of certain overseas base closures.".

(3) Section 1592 of title 10, United States Code, as added by paragraph (1), shall apply with respect to the closing of, or the curtailment of activities at, a United States military facility located in a foreign country and occurring after the date of the enactment of this Act.

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

(1) in the event a United States military facility located in a foreign country is closed (or activities at the facility are curtailed) at the request of the government of that country, such government should be responsible for the payment of severance pay to foreign nationals in the country whose employment by the United States or by a contractor under a contract with the United States is terminated as a result of the closure or curtailment; and

(2) in negotiating a status-of-forces agreement or other country-to-country agreement with the government of a foreign country, the President should endeavor to include in the agreement a provision that the government of the foreign country shall pay severance pay to foreign nationals in the country whose employment is terminated as a result of the closing of a United States military facility (or the curtailment of activities at the facility) in the country at the request of the government.

SEC. 312. PROHIBITION ON RELEASING CIVILIAN PERSONNEL AT THE SAN ANTONIO REAL PROPERTY MAINTENANCE AGENCY.

(a) PROHIBITION.—(1) During the period between the date of the enactment of this Act and the date on which the Secretary of Defense abolishes the Real Property Maintenance Agency in San Antonio, Texas, the Secretary may not terminate the employment of, or lay off, any full-time, on-call, or temporary employee of the Department of Defense employed at that agency.

(2) Paragraph (1) may not be construed to limit the authority of the Secretary to terminate for cause the employment of a person referred to in such paragraph.

(b) HIRING FOR BASE CIVIL ENGINEERING OFFICES.—If the Secretary of Defense increases the number of civilian personnel at the base civil engineering offices being established in the San Antonio area, the Secretary shall achieve such increase, consistent with Office of Personnel Management guidelines—

(1) by the hiring of persons whose employment by the Department of Defense at the Real Property Maintenance Agency is terminated as a result of the abolishment of that agency; and

(2) by the transfer of employees of the Department of Defense employed at the Real Property Maintenance Agency in San Antonio, Texas.

SEC. 313. PROHIBITION ON JOINT USE OF THE MARINE CORPS AIR STATION AT EL TORO, CALIFORNIA, WITH CIVIL AVIATION.

The Secretary of the Navy may not enter into any agreement that would provide for, or permit, civil aircraft to use the Marine Corps Air Station at El Toro, California, with aircraft of the Navy or Marine Corps.

SEC. 314. CLARIFICATION OF PROHIBITION ON CERTAIN DEPOT MAINTENANCE WORKLOAD COMPETITIONS.

Section 2466 of title 10, United States Code, is amended—

(1) by striking out "may not require" and inserting in lieu thereof "shall prohibit";

(2) by striking out "or" after "Secretary of the Army" and inserting in lieu thereof "and"; and

(3) by striking out "to carry out" and inserting in lieu thereof "from carrying out".

SEC. 315. LIMITATION ON USE OF ENVIRONMENTAL RESTORATION FUNDS.

The Secretary of Defense may not obligate or expend $83,000,000 of the total amount appropriated under section 301 for environmental restoration for fiscal year 1990 until the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report on the manner in which the remainder of the funds appropriated for such purpose have been spent.

PART C—MISCELLANEOUS PERMANENT LAW CHANGES

SEC. 321. REPEAL OF LIMITATION ON THE EXPENDITURE OF FUNDS FOR THE PARTICIPATION OF DEVELOPING COUNTRIES IN COMBINED EXERCISES.

Section 2010 of title 10, United States Code, is amended by striking out subsection (e).

SEC. 322. AUTHORIZATION TO REDUCE UNDER CERTAIN CIRCUMSTANCES THE RATES FOR MEALS SOLD AT A MILITARY DINING FACILITY.

Section 1011(a) of title 37, United States Code, is amended—

(1) by striking out "or enlisted members" and all that follows through the period in the first sentence and inserting in lieu thereof "and enlisted members."; and

(2) by adding after the second sentence the following new sentence: "Notwithstanding the preceding sentence, if the Secretary determines that it is in the best interest of the United States, the Secretary may reduce a rate for meals established under this subsection by the amount of that rate attributable to operating expenses.".

SEC. 323. IMPROVED AND EXPEDITED DISPOSAL OF LOST, ABANDONED, OR UNCLAIMED PERSONAL PROPERTY IN THE CUSTODY OF THE ARMED FORCES.

(a) IN GENERAL.—Subsection (a) of section 2575 of title 10, United States Code, is amended—

(1) by striking out "120 days" in the third sentence and inserting in lieu thereof "45 days";

(2) by striking out "$25 or more" and all that follows through "three months" in the fourth sentence and inserting in lieu thereof "more than $300, the Secretary may not dispose of the property until 30 days"; and

(3) by inserting after the second sentence the following new sentence: "To the greatest extent practicable, the diligent effort to find the owner (or the heirs, next of kin, or legal representative of the owner) shall begin not later than seven days after the date on which the property comes into the custody or control of the Secretary and shall not exceed 45 days.".

(b) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) by striking out "owner, his heirs or next of kin, or his legal representative" each place it appears and inserting in lieu thereof "owner (or the heirs, next of kin, or legal representative of the owner)";

(2) in subsection (a)—

(A) by striking out "his department" and inserting in lieu thereof "the Secretary's department"; and

(B) by striking out "owner, his heirs or next of kin, or his legal representatives" and inserting in lieu thereof "owner (or heirs, next of kin, or legal representative of the owner)"; and

(3) in subsection (c), by striking out "he" and inserting in lieu thereof "that person".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to lost, abandoned, or unclaimed property that—

(1) is subject to section 2575 of title 10, United States Code; and

(2) comes into the custody or control of the Secretary of a military department or the Secretary of Transportation after the date of the enactment of this Act.

SEC. 324. PROCUREMENT OF LAUNDRY AND DRY CLEANING SERVICES FROM NAVY EXCHANGES.

(a) IN GENERAL.—Chapter 143 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2423. Laundry and dry cleaning services: procurement from facilities operated by the Navy Resale and Services Support Office

"(a) AUTHORITY.—The Secretary of Defense may authorize an element of the Department of Defense to enter into a contract (through the use of procedures other than competitive procedures) with a laundry and dry cleaning facility operated by the Navy Resale and Services Support Office to procure laundry and dry cleaning services for the armed forces outside the United States or for a recruit training command in the United States.

"(b) APPLICATION.—Subsection (a) shall apply only with respect to a laundry and dry cleaning facility of the Navy Resale and Services Support Office that began operating before October 1, 1989.".

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

"2423. Laundry and dry cleaning services: procurement from facilities operated by the Navy Resale and Services Support Office.".

SEC. 325. PROCUREMENT OF SUPPLIES AND SERVICES FROM MILITARY EXCHANGES OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Chapter 143 of title 10, United States Code, is amended by adding after section 2423 (as added by section 324) the following new section:

"§ 2424. Procurement of supplies and services from exchange stores outside the United States

"(a) AUTHORITY.—The Secretary of Defense may authorize an element of the Department of Defense to enter into a contract (through the use of procedures other than competitive procedures) with an exchange store operated under the jurisdiction of the Secretary of a military department outside the United States to procure supplies or services for use by the armed forces outside the United States.

"(b) LIMITATIONS.—(1) A contract may not be entered into under subsection (a) in an amount in excess of $50,000.

"(2) Supplies provided under a contract entered into under subsection (a) shall be provided from the then existing stocks of the exchange store.

"(3) Services provided under a contract entered into under subsection (a) may not depart from the types of services regularly provided by the exchange store.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2423 (as added by section 324) the following new item:

"2424. Procurement of supplies and services from exchange stores outside the United States.".

SEC. 326. TUITION-FREE ENROLLMENT OF DEPENDENTS OF EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES IN SCHOOLS OF THE DEFENSE DEPENDENTS' EDUCATION SYSTEM.

(a) INCLUSION WITHIN GROUP OF TUITION-FREE STUDENTS.—Section 1414(2)(B) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 932(2)(B)) is amended to read as follows:

"(B) a full-time civilian officer or employee of the Department of Defense who is a citizen or national of the United States.".

(b) CONFORMING AMENDMENT.—Section 1404(d)(1) of such Act (20 U.S.C. 923(d)(1)) is amended by striking out "(including employees of nonappropriated fund activities of the Department of Defense)" in subparagraph (A) and inserting in lieu thereof "(other than officers and employees described in subparagraph (B) of section 1414(2))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to periods of enrollment in schools of the defense dependents' education system after September 30, 1989.

SEC. 327. AUTHORITY TO USE APPROPRIATED FUNDS TO SUPPORT STUDENT MEAL PROGRAMS IN DEPARTMENT OF DEFENSE OVERSEAS DEPENDENTS' SCHOOLS.

(a) IN GENERAL.—(1) Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2243. Authority to use appropriated funds to support student meal programs in overseas dependents' schools

"(a) AUTHORITY.—Subject to subsection (b), amounts appropriated to the Department of Defense to operate the defense dependents' education system may be used to maintain the cost to a student of a meal provided by an overseas meal program at a cost equal to the average cost to a student of an equivalent meal under a comparable public school meal program in the United States.

"(b) LIMITATION.—The authority provided by subsection (a) may be used only if the Secretary of Defense determines that Federal payments and commodities provided under section 20 of the National School Lunch Act (42 U.S.C. 1769b) and section 20 of the Child Nutrition Act of 1966 (42 U.S.C. 1789) to support an overseas meal program are insufficient to provide a meal under such program at a cost to a student equal to the average cost to a student of an equivalent meal under a comparable public school meal program in the United States.

"(c) OVERSEAS MEAL PROGRAM DEFINED.—In this section, the term 'overseas meal program' means a program administered by the Secretary of Defense to provide breakfasts or lunches to students attending Department of Defense dependents' schools which are located outside the United States.".

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

"2243. Authority to use appropriated funds to support student meal programs in overseas dependents' schools.".

(b) EFFECTIVE DATE.—Section 2243 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1989.

SEC. 328. COMMERCIAL SALE OF RECORDING OF AIR FORCE SINGING SERGEANTS.

(a) AUTHORITY TO PARTICIPATE IN PRODUCTION OF RECORDING FOR COMMERCIAL SALE.—The musical organization known as the United States Air Force Singing Sergeants may participate with the Cincinnati Pops Orchestra in the production of an audio recording that is intended for commercial sale.

(b) AUTHORITY TO ENTER INTO CONTRACT.—The Secretary of the Air Force may enter into an appropriate contract, under such terms as the Secretary determines to be in the best interest of the Government, for the production and sale authorized by subsection (a).

SEC. 329. TRANSPORTATION OF MOTOR VEHICLES OF MILITARY AND CIVILIAN PERSONNEL STATIONED ON JOHNSTON ISLAND.

(a) AUTHORITY TO TRANSPORT.—(1) When a member of an Armed Force or an officer or employee of the Department of Defense is stationed on Johnston Island, one motor vehicle that is owned by the person (or a dependent of the person) may be transported at the expense of the United States to a location in the State of Hawaii from the old duty station of the person (or from a location of lesser distance) if the person designates Hawaii as the State in which the immediate family of the person will reside.

(2) After the member, officer, or employee no longer performs duties on Johnston Island, one motor vehicle that is owned by the person (or a dependent of the person) may be transported at the expense of the United States from the residence in the State of Hawaii of the dependents of the person to the new duty station of the person (or to such other location at the request of the person not to exceed the distance allowed under paragraph (1)).

(b) REGULATIONS.—Subsection (a) shall be carried out under regulations prescribed by the Secretary of the Army.

SEC. 330. AUTHORITY TO PROVIDE CERTAIN ASSISTANCE TO ANNUAL CONVENTIONS OF NATIONAL MILITARY ASSOCIATIONS.

(a) AUTHORITY.—(1) Chapter 134 of title 10, United States Code, is amended by adding at the end of subchapter II the following new section:

"§ 2254. National military associations: assistance at national conventions

"(a) AUTHORITY TO PROVIDE SERVICES.—The Secretary of a military department may provide services described in subsection (c) in

connection with an annual conference or convention of a national military association.

"(b) CONDITIONS FOR PROVIDING SERVICES.—Services may be provided under subsection (a) only if—

"(1) the provision of the services in any case is approved in advance by the Secretary concerned;

"(2) the services can be provided in conjunction with training in appropriate military skills; and

"(3) the services can be provided within existing funds otherwise available to the Secretary.

"(c) COVERED SERVICES.—Services referred to in subsection (a) are—

"(1) limited air and ground transportation;

"(2) communications;

"(3) medical assistance;

"(4) administrative support; and

"(5) security support.

"(d) NATIONAL MILITARY ASSOCIATIONS.—The Secretary of Defense shall designate those organizations which are national military associations for purposes of this section.".

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

"2254. National military associations: assistance at national conventions.".

(b) EFFECTIVE DATE.—Section 2254 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1989.

PART D—CONTRACTING OUT

SEC. 341. AUTHORITY OF BASE COMMANDERS OVER CONTRACTING FOR COMMERCIAL ACTIVITIES.

(a) IN GENERAL.—(1) Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2468. Military installations: authority of base commanders over contracting for commercial activities

"(a) AUTHORITY OF BASE COMMANDER.—The Secretary of Defense shall direct that the commander of each military installation shall have the authority and the responsibility to enter into contracts in accordance with this section for the performance of a commercial activity on the military installation.

"(b) YEARLY DUTIES OF BASE COMMANDER.—To enter into a contract under subsection (a) for a fiscal year, the commander of a military installation shall—

"(1) prepare an inventory for that fiscal year of commercial activities carried out by Government personnel on the military installation;

"(2) decide which commercial activities shall be reviewed under the procedures and requirements of Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy); and

"(3) conduct a solicitation for contracts for the performance of those commercial activities selected for conversion to contractor performance under the Circular A-76 process.

"(c) LIMITATIONS.—(1) The Secretary of Defense shall prescribe regulations under which the commander of each military installation may exercise the authority and responsibility provided under subsection (a).

"(2) The authority and responsibility provided under subsection (a) are subject to the authority, direction, and control of the Secretary.

"(d) ASSISTANCE TO DISPLACED EMPLOYEES.—If the commander of a military installation enters into a contract under subsection (a), the commander shall, to the maximum extent practicable, assist in finding suitable employment for any employee of the Department of Defense who is displaced because of that contract.

"(e) MILITARY INSTALLATION DEFINED.—In this section, the term 'military installation' means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a military department which is located within the United States, the Commonwealth of Puerto Rico, or Guam.".

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

"2468. Military installations: authority of base commanders over contracting for commercial activities.".

(b) EFFECTIVE DATE.—Section 2468 of title 10, United States Code (as added by subsection (a)), shall take effect on October 1, 1989.

SEC. 342. EXCEPTION FROM COST COMPARISON PROCEDURES FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED INDIVIDUALS.

Section 2461 of title 10, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection:

"(e) WAIVER FOR THE PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED INDIVIDUALS.—Subsections (a) through (c) 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 Wagner-O'Day Act; and

"(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.".

SEC. 343. COMMERCIAL ACTIVITIES STUDY FOR BASE SUPPORT OPERATIONS AT FORT BENJAMIN HARRISON.

(a) STUDY REQUIRED.—Commercial activities carried out by Government personnel at Fort Benjamin Harrison, Indiana, may not be converted to performance by private contractor under the procedures and requirements of Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy) until the Secretary of the Army completes a new commercial activities study for the military installation.

(b) CONTENTS.—The commercial activities study referred to in subsection (a) shall include—

(1) work-load data through fiscal year 1989; and

(2) sufficient data regarding the commercial activities examined for possible conversion to performance by private contractor to permit the use of fixed-price contracts for those commercial activities selected for conversion.

PART E—ARMED FORCES RETIREMENT HOMES

SEC. 351. UNITED STATES SOLDIERS' AND AIRMEN'S HOME SUBJECT TO ANNUAL AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—Section 1321(b) of title 31, United States Code, is amended—

(1) by inserting before the period in the third sentence the following: "and only if the appropriations are specifically authorized by law"; and

(2) by striking out the last sentence.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to appropriations for the operation of the United States Soldiers' and Airmen's Home made for fiscal years beginning after September 30, 1990.

SEC. 352. MILITARY STOPPAGES, FINES, AND FORFEITURES TO BENEFIT ARMED FORCES RETIREMENT HOMES.

(a) IN GENERAL.—(1) Subchapter XI of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by adding at the end the following new section (article):

"§ 941. Art. 141. Share of stoppages, fines, and forfeitures to benefit Armed Forces Retirement Homes

"(a)(1) The Secretary of the Army and the Secretary of the Air Force shall deposit in the United States Soldiers' and Airmen's Home Permanent Fund referred to in section 1321(a)(59) of title 31 a percentage (determined under paragraph (2)) of the following amounts:

"(A) The amount of stoppages and fines adjudged against an enlisted member or warrant officer in the Army or the Air Force by sentence of a court martial or under authority of section 815 of this title (article 15) over and above any amount that may be due from the member or warrant officer for the reimbursement of the United States or any individual.

"(B) The amount of forfeitures on account of the desertion of an enlisted member or warrant officer in the Army or the Air Force.

"(2) The board of commissioners for the United States Soldiers' and Airmen's Home shall determine, on the basis of the financial needs of the United States Soldiers' and Airmen's Home, the percentage to be used for purposes of paragraph (1).

"(b)(1) The Secretary of the Navy shall credit to the funds available for the operation of the Naval Home a percentage (determined under paragraph (2)) of the following amounts:

"(A) The amount of stoppages and fines adjudged against an enlisted member or warrant officer in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy) by sentence of a court martial or under authority of section 815 of this title (article 15) over and above any amount that may be due from the member or warrant officer for the reimbursement of the United States or any individual.

"(B) The amount of forfeitures on account of the desertion of an enlisted member or warrant officer in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy).

"(2) The Governor of the Naval Home shall determine, on the basis of the financial needs of the Naval Home, the percentage to be used for purposes of paragraph (1).".

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

"941. Art. 141. Share of stoppages, fines, and forfeitures to benefit Armed Forces Retirement Homes.".

(b) EFFECTIVE DATE.—(1) Subsection (a) of section 941 of title 10, United States Code, as added by subsection (a), shall apply with respect to stoppages, fines, and forfeitures adjudged after the date of the enactment of this Act.

(2) Subsection (b) of such section shall apply with respect to stoppages, fines, and forfeitures adjudged after September 30, 1990.

SEC. 353. DEDUCTIONS FROM THE PAY OF ENLISTED MEMBERS AND WARRANT OFFICERS TO BENEFIT ARMED FORCES RETIREMENT HOMES.

(a) IN GENERAL.—Section 1007 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(i)(1) There shall be deducted each month from the pay of each enlisted member and warrant officer of the armed forces on active duty an amount (determined under paragraph (3)) not to exceed 50 cents.

"(2) Amounts deducted under paragraph (1) shall be—

"(A) deposited in the United States Soldiers' and Airmen's Permanent Fund, in the case of deductions from the pay of enlisted members and warrant officers in the Army and Air Force; and

"(B) credited to the funds available for the operation of the Naval Home, in the case of deductions from the pay of enlisted members and warrant officers in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy).

"(3) The Secretary of Defense, after consultation with the Governor of the Naval Home and the board of commissioners for the United States Soldiers' and Airmen's Home, shall from time to time determine the amount to be deducted under paragraph (1) on the basis of the financial needs of the homes. The amount may be fixed at different amounts on the basis of grade or time in service, or both.

"(4) In this subsection, the term 'armed forces' does not include the Coast Guard when it is not operating as a service in the Navy.".

(b) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), subsection (i) of section 1007 of title 10, United States Code, as added by subsection (a), shall take effect on the first day of the first month beginning after the date of the enactment of this Act.

(2) With respect to deductions from the pay of an enlisted member or warrant officer in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy), such subsection shall take effect on October 1, 1989.

SEC. 354. ANNUAL INSPECTION OF ARMED FORCES RETIREMENT HOMES BY INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

The Inspector General of the Department of Defense shall—

(1) conduct an annual inspection of each Armed Forces Retirement Home, including the records of that retirement home; and

(2) submit to the administering authority of that retirement home, the Secretary of Defense, and the Committees on Armed Services of the Senate and House of Representatives a report describing the results of the inspection and containing such recommendations as the Inspector General considers appropriate.

SEC. 355. REPORT REGARDING IMPROVING THE OPERATION AND MANAGEMENT OF THE ARMED FORCES RETIREMENT HOMES.

(a) REPORT REQUIREMENT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report with regard to improving the operation and management of the Armed Forces Retirement Homes.

(b) CONTENTS OF THE REPORT.—The report required by subsection (a) shall—

(1) address the feasibility of consolidating the administration and management of the retirement homes;

(2) address the feasibility of standardizing (and include proposals to standardize)—

(A) the eligibility requirements for admission to the retirement homes for persons who served as enlisted members or warrant officers in the Armed Forces;

(B) the monthly fees paid by residents of the retirement homes; and

(C) the funding arrangements for the retirement homes through a single trust fund; and

(3) include proposals to administer the retirement homes through a joint board of directors.

(c) PREPARATION OF THE REPORT.—(1) The Secretary shall appoint a board of five members to review the administration and financing of the Naval Home and the United States Soldiers' and Airmen's Home and to prepare the report required by subsection (a).

(2) The members of the board shall be appointed from persons who—

(A) are not officers or employees of the United States; and

(B) are outstanding in the fields of gerontology, health care, or the provision of retirement care.

(d) EXPENSES OF PREPARATION.—The expenses of preparing the report required by subsection (a) shall be paid in equal amounts out of the funds available for the operation of the Naval Home and the United States Soldiers' and Airmen's Home.

(e) TIME FOR SUBMISSION.—The report required by subsection (a) shall be submitted not later than February 15, 1990.

SEC. 356. DEFINITIONS.

For purposes of this part:

(1) The terms "Armed Forces Retirement Home" and "retirement home" mean the Naval Home or the United States Soldiers' and Airmen's Home.

(2) The term "administering authority" means—

(A) the Governor of the Naval Home, in the case of that home; and

(B) the board of commissioners for the United States Soldiers' and Airmen's Home, in the case of that home.

(3) The term "Armed Forces" does not include the Coast Guard when it is not operating as a service in the Navy.

SEC. 357. REPEAL OF SUPERSEDED PROVISIONS RELATING TO THE UNITED STATES SOLDIERS' AND AIRMEN'S HOME.

The following provisions of law are repealed:

(1) Sections 4818 and 4820, and the first and third sentences of section 4819, of the Revised Statutes of the United States (24 U.S.C. 44, 44c, 51).

(2) Section 4 of the Act entitled "An Act prescribing regulations for the Soldiers' Home located at Washington in the District of Columbia, and for other purposes", approved March 3, 1883 (22 Stat. 564; 24 U.S.C. 60).

(3) Section 2(a) of Public Law 94-454 (90 Stat. 1518; 24 U.S.C. 44c).

PART F—ENVIRONMENTAL RESTORATION

SEC. 361. REQUIREMENT FOR DEVELOPMENT OF ENVIRONMENTAL DATA BASE.

(a) ENVIRONMENTAL DATA BASE.—The Secretary of Defense shall develop and maintain a comprehensive data base on environmental activities carried out by the Department of Defense pursuant to chapter 160 of title 10, United States Code, and all other applicable Federal and State environmental laws. At a minimum, the information in the data base shall include all the fines and penalties assessed against the Department of Defense pursuant to environmental laws and paid out by the Department, all notices of violations of environmental laws given to the Department, and all obligations and expenditures by the Department for compliance with environmental laws. The Secretary may include any other information he considers appropriate.

(b) REPORT.—At the same time as the President submits to Congress the budget for fiscal year 1991 (pursuant to section 1105 of title 31, United States Code), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the progress in development of the data base required under subsection (a). The report shall include a summary of the information collected for the data base with respect to environmental activities during 1989.

SEC. 362. REPORT ON DEFENSE EXPENDITURES FOR ENVIRONMENTAL COMPLIANCE.

(a) REPORT.—Section 2706 of title 10, United States Code, is amended—

(A) by inserting "(1)" before "The Secretary of Defense" in subsection (a);

(B) by striking out the subsection heading of subsection (b) and redesignating such subsection as paragraph (2); and

(C) by adding at the end the following new subsection:

"(b) ENVIRONMENTAL BUDGET REPORT.—(1) At the same time the President submits the budget for any fiscal year to Congress (pursuant to section 1105 of title 31), the Secretary of Defense shall submit to Congress a report on—

"(A) the funding levels required for the Department of Defense to comply with applicable environmental laws during the fiscal year for which the budget is submitted; and

"(B) the funding levels requested for such purposes in the budget as submitted by the President.

"(2) The Secretary shall include in the report an explanation of any differences in the funding level requirements and the funding level requests in the budget.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2706. Reports to Congress".

(2) The item relating to such section in the table of sections at the beginning of such chapter is amended to read as follows:

"2706. Reports to Congress.".

SEC. 363. FIVE-YEAR PLAN FOR ENVIRONMENTAL RESTORATION AT BASES TO BE CLOSED.

(a) PLAN.—The Secretary of Defense shall develop a comprehensive five-year plan for environmental restoration at military installations that will be closed or realigned during fiscal years 1991 through 1995, pursuant to title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526). The plan shall cover—

(1) the environmental restoration activities that the Secretary plans to carry out each year at the installations;

(2) the funding requirements needed for such activities; and

(3) such other information as the Secretary considers appropriate.

(b) REPORT.—At the same time the President submits to Congress the budget for fiscal year 1991 (pursuant to section 1105 of title 31, United States Code), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the five-year plan required under subsection (a). The report shall include an itemization of the funding requirements specified in the plan for environmental restoration activities during fiscal year 1991.

SEC. 364. REPORT ON ENVIRONMENTAL REQUIREMENTS AND PRIORITIES.

(a) REPORT REQUIREMENT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a comprehensive report on the long-range environmental challenges and goals of the Department of Defense.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following:

(1) A discussion of major environmental concerns that the Department of Defense will face world-wide in the next decade, and a qualitative and quantitative assessment, where practicable, of each concern.

(2) A status report of current efforts, programs, resources, and policies used to address the concerns identified under paragraph (1).

(3) An assessment of anticipated Federal, State, and local environmental regulatory requirements.

(4) An analysis of all the information described in paragraphs (1) through (3) and a discussion of potential courses of action, priorities, and goals of the Department of Defense.

(5) Such comments and recommendations as the Secretary considers appropriate.

(c) SUBMISSION OF REPORT.—The report required by subsection (a) shall be submitted not later than two years after the date of the enactment of this Act.

(d) FUNDING.—The Secretary may obligate or expend not more than $3,000,000 to carry out the requirements of this section.

SEC. 365. REQUIREMENT TO USE PORTION OF WORKING-CAPITAL FUNDS FOR WASTE MINIMIZATION PROJECTS.

The Secretary of Defense shall provide that of the total amount of payments received in fiscal year 1991 by funds established under section 2208 of title 10, United States Code, for industrial-type activities, not less than 1/2 of 1 percent shall be used during fiscal year 1992 for the purpose of carrying out waste minimization projects at such activities. Any such project shall be designed to achieve, not later than three years after the date on which the project begins, reductions in the cost of the disposal of hazardous or solid wastes generated by the activity in an amount which is not less than the cost of the project.

SEC. 366. PROHIBITION ON CERTAIN ENVIRONMENTAL RESTORATION ACTIVITIES AT ROCKY MOUNTAIN ARSENAL.

(a) PROHIBITION.—Subject to subsection (b), the Secretary of the Army may not conduct any on-post remedial investigation, endangerment assessment, or feasibility study for Rocky Mountain Arsenal, Colorado, except in furtherance of the goal expressed in paragraph 2.6 of the federal facility agreement described in subsection (c).

(b) EXCEPTION.—(1) The prohibition in subsection (a) does not apply if the Secretary of the Army authorizes, in writing—

(A) the use of some portion of Rocky Mountain Arsenal for commercial or light industrial purposes; and

(B) a remedial investigation, endangerment assessment, or feasibility study in connection with such purposes.

(2) At least 30 days before making such authorization, the Secretary of the Army shall notify the Committees on Armed Services of the Senate and House of Representatives of the intention to make such authorization and of the reasons for such authorization.

(c) FEDERAL FACILITY AGREEMENT.—The federal facility agreement referred to in subsection (a) is the agreement entered into pursuant to section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620), Docket No. CERCLA VIII-89-13, effective February 17, 1989, concerning Rocky Mountain Arsenal. The goal expressed in paragraph 2.6 of such agreement is that, following completion of necessary response actions, significant portions of Rocky Mountain Arsenal shall be available for use as open space for the public benefit (including, but not limited to, use as wildlife habitat and park).

PART G—STUDIES, REPORTS, AND OTHER MATTERS

SEC. 371. STUDY OF WASTE RECYCLING.

(a) STUDY.—The Secretary of Defense shall conduct a study on the following:

(1) Current practices and future plans for managing postconsumer waste at Department of Defense facilities such as commissary and exchange stores, cafeterias, mess halls, and other places where such waste is generated. For purposes of this section, the term "postconsumer waste" means garbage and refuse which includes, among other things, items after they have passed through their end use as a consumer item.

(2) The feasibility of such Department of Defense facilities participating in programs at military installations or in local communities to recycle the postconsumer waste generated at the facilities.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report that describes the findings and conclusions of the study required by this section.

SEC. 372. REPORT ON MILITARY RECRUITING ADVERTISING EXPENDITURES.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report evaluating—

(1) each of the types of media used for advertising for military recruiting; and

(2) the anticipated effects on military recruitment of increasing the portion of expenditures for such advertising that is for print media.

SEC. 373. SENSE OF CONGRESS ON REDUCING THE NUMBER OF MEMBERS OF THE ARMY STATIONED IN THE UNITED STATES WHOSE PERMANENT DUTY ASSIGNMENT IS UNRELATED TO INTERMEDIATE-RANGE NUCLEAR FORCES.

It is the sense of Congress that—

(1) the Secretary of the Army should not take any action with respect to implementing that part of the proposal—

(A) contained in the amended budget request of the President for fiscal year 1990; and

(B) relating to a reduction in the number of members of the Army stationed in the United States whose permanent duty assignment is unrelated to intermediate-range nuclear forces; and

(2) in lieu of implementing that part of the proposal referred to in paragraph (1), the Secretary of the Army should achieve the reduction sought in that proposal only by reducing the number of members of the Army—

(A) whose permanent duty assignments on the date of the enactment of this Act are related to intermediate-range nuclear forces and are unnecessary as a result of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-range and Shorter-range Missiles, signed on December 8, 1987 (commonly referred to as the "INF Treaty"); and

(B) who are stationed in Europe or are stationed in the United States at Fort Sill, Oklahoma, or in a duty assignment that is transient, trainee, holding, or student.

SEC. 374. SENSE OF CONGRESS ON REDUCING THE NUMBER OF UNITS OF THE ARMED FORCES STATIONED IN THE CONTINENTAL UNITED STATES.

It is the sense of Congress that any combat unit of battalion or squadron size (or larger size) that on the date of the enactment of this Act is stationed in the continental United States should not be deactivated unless a realignment of forces occurs as a result of the current negotiations regarding reduction of conventional forces in Europe.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

PART A—ACTIVE FORCES

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

(a) FISCAL YEAR 1990.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1990, as follows:

(1) The Army, 764,021.

(2) The Navy, 591,541, of whom not less than 72,493 shall be commissioned officers.

(3) The Marine Corps, 197,159.

(4) The Air Force, 567,474.

(b) FISCAL YEAR 1991.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1991, in the same strengths as authorized in subsection (a), except that in the case of the Air Force, the authorized strength is 562,415 and of the number authorized for the Navy, not less than 72,313 shall be commissioned officers.

SEC. 402. REDUCTION IN AUTHORIZED END STRENGTH FOR THE NUMBER OF MILITARY PERSONNEL IN EUROPE.

(a) REDUCTION REQUIRED.—Effective on September 30, 1991, section 1002(c)(1) of the Department of Defense Authorization Act, 1985 (Public Law 98-525), is amended by striking out "326,414" and inserting in lieu thereof "311,627".

(b) BASIS FOR REDUCTION.—The reduction required by subsection (a) is in an amount equal to the total of the number of permanent duty assignments in Europe for the Armed Forces—

(1) that were related to intermediate-range nuclear forces on December 8, 1987, and are unnecessary as a result of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-range and Shorter-range Missiles, signed on December 8, 1987 (commonly referred to as the "INF Treaty"); or

(2) that were selected for elimination by the Department of Defense as part of the actions of the Department to implement the report of the Deputy Inspector General of the Department entitled "Review of Unified and Specified Command Headquarters", completed in February 1988.

PART B—RESERVE FORCES

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) FISCAL YEAR 1990.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1990, as follows:

(1) The Army National Guard of the United States, 458,000.

(2) The Army Reserve, 321,977.

(3) The Naval Reserve, 153,940.

(4) The Marine Corps Reserve, 44,000.

(5) The Air National Guard of the United States, 116,800.

(6) The Air Force Reserve, 85,130.

(7) The Coast Guard Reserve, 13,575.

(b) FISCAL YEAR 1991.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1991, as follows:

(1) The Army National Guard of the United States, 458,800.

(2) The Army Reserve, 323,644.

(3) The Naval Reserve, 155,540.

(4) The Marine Corps Reserve, 44,100.

(5) The Air National Guard of the United States, 116,900.

(6) The Air Force Reserve, 85,430.

(7) The Coast Guard Reserve, 15,150.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) or (b) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) FISCAL YEAR 1990.—Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1990, the following number of Reserves to be serving on full-time active duty, or in the case of members of the National Guard, full-time National Guard duty, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 26,164.

(2) The Army Reserve, 13,707.

(3) The Naval Reserve, 22,708.

(4) The Marine Corps Reserve, 2,301.

(5) The Air National Guard of the United States, 8,565.

(6) The Air Force Reserve, 686.

(b) FISCAL YEAR 1991.—Within the end strengths prescribed in section 411(b), the reserve components of the Armed Forces are authorized, as of September 30, 1991, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 26,514.

(2) The Army Reserve, 14,081.

(3) The Naval Reserve, 23,565.

(4) The Marine Corps Reserve, 2,401.

(5) The Air National Guard of the United States, 8,516.

(6) The Air Force Reserve, 700.

SEC. 413. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) SENIOR ENLISTED MEMBERS.—(1) Effective on October 1, 1989, the table in section 517(b) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9	542	200	224	13
E-8	2,504	425	637	74".

(2) Effective on October 1, 1990, that table is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9	557	202	231	13
E-8	2,585	429	670	74".

(b) OFFICERS.—(1) Effective on October 1, 1989, the table in section 524(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,030	1,065	575	110
Lieutenant Colonel or Commander	1,448	520	476	75
Colonel or Navy Captain	351	188	190	25".

(2) Effective on October 1, 1990, that table is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	575	110
Lieutenant Colonel or Commander	1,524	520	532	75
Colonel or Navy Captain	364	188	194	25".

PART C—MILITARY TRAINING STUDENT LOADS

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) FISCAL YEAR 1990.—For fiscal year 1990, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 79,667.

(2) The Navy, 67,224.

(3) The Marine Corps, 21,656.

(4) The Air Force, 39,575.

(5) The Army National Guard of the United States, 19,168.

(6) The Army Reserve, 15,377.

(7) The Naval Reserve, 3,237.

(8) The Marine Corps Reserve, 4,179.

(9) The Air National Guard of the United States, 2,941.

(10) The Air Force Reserve, 1,752.

(b) FISCAL YEAR 1991.—For fiscal year 1991, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 74,760.

(2) The Navy, 66,517.

(3) The Marine Corps, 22,235.

(4) The Air Force, 37,757.

(5) The Army National Guard of the United States, 18,667.

(6) The Army Reserve, 15,963.

(7) The Naval Reserve, 3,259.

(8) The Marine Corps Reserve, 4,178.

(9) The Air National Guard of the United States, 2,939.

(10) The Air Force Reserve, 1,774.

(c) ADJUSTMENTS.—The average military student loads authorized in subsections (a) and (b) shall be adjusted consistent with the end strengths authorized in parts A and B. The Secretary of Defense shall prescribe the manner in which such adjustment shall be apportioned.

PART D—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL FOR FISCAL YEAR 1990.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1990 a total of $79,241,600,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1990.

SEC. 432. AUTHORIZATION OF APPROPRIATIONS FOR RESERVE OTHER TRAINING AND SUPPORT FOR FISCAL YEAR 1990.

Within the amount authorized by section 431, there is authorized to be appropriated for Reserve Other Training and Support a total of $4,372,890,000.

TITLE V—PERSONNEL MANAGEMENT

SEC. 501. DELAYED ENTRY PROGRAM AND DELAYED ENTRY TRAINING PROGRAM FOR RESERVISTS.

(a) DELAYED ENTRY PROGRAM ENLISTMENTS.—Section 511 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) A person with no prior military service who is qualified for enlistment for active duty in an armed force may (except as provided in paragraph (3)) be enlisted as a Reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve for a term of not less than six years nor more than eight years.

"(2) A person enlisted under this subsection shall, unless sooner ordered to active duty under chapter 39 of this title or another provision of law, be discharged from the reserve component in which enlisted and immediately enlisted in a regular component of an armed force within 365 days after enlistment in the reserve component. During the period beginning on the date on which the person enlists under paragraph (1) and ending on the date on which the person is enlisted in a regular component under the preceding sentence, the person shall be placed in the Ready Reserve of the armed force concerned.

"(3) A person who is under orders to report for induction into an armed force under the Military Selective Service Act (50 U.S.C. App. 451 et seq.), except as provided in clause (ii) or (iii) of section 6(c)(2)(A) of that Act, may not be enlisted under paragraph (1).

"(4) This subsection shall be carried out under regulations to be prescribed by the Secretary of Defense or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.".

(b) DELAYED ENTRY PROGRAM EXEMPTION FROM READY RESERVE TRAINING REQUIREMENTS.—Section 270(a) of title 10, United States Code, is amended by inserting "or 511(e)" after "section 269(b)" in the first sentence.

(c) DELAYED ENTRY TRAINING PROGRAM LONGEVITY FOR PAY.—Subsection (e) of section 205 of title 37, United States Code, is amended to read as follows:

"(e)(1) Notwithstanding subsection (a), a period of service described in paragraph (2) of a member who enlists in a reserve component may not be counted under this section.

"(2) Paragraph (1) applies to—

"(A) service performed while a member of a reserve component under an enlistment under section 511(b) of title 10 before the member begins service on active duty under that section (other than a period of active duty for training performed before beginning such service on active duty);

"(B) service performed while a member of a reserve component under an enlistment under section 511(d) of title 10 before the member begins an initial period of active duty for training under that section (other than a period of active duty for training performed before beginning such initial period of active duty for training); and

"(C) service performed while a member of a reserve component under an enlistment under section 511(e) of title 10.".

SEC. 502. ANNUAL MUSTER DUTY FOR READY RESERVISTS.

(a) ORDER TO ANNUAL MUSTER DUTY.—(1) Chapter 39 of title 10, United States Code is amended by adding at the end the following new section:

"§ 691. Ready Reserve: muster duty

"(a) Under regulations prescribed by the Secretary of Defense, a member of the Ready Reserve may be ordered to muster duty one time each year without his consent. A member on muster duty under this section shall be engaged for at least two hours on the day of muster in the performance of that duty.

"(b) The period which a member may be required to devote to muster duty under this section and to round-trip travel to and from the location of such duty may not total more than one day each calendar year.

"(c) Except as specified in subsection (d), muster duty under this section shall be treated as the equivalent of inactive-duty training for the purposes of this title and titles 37 and 38, including the determination of eligibility for and the receipt of benefits and entitlements prescribed in those titles for Reserves performing inactive-duty training and for their dependents and survivors.

"(d) Muster duty under this section shall not be credited in determining entitlement to, or in computing, retired pay under chapter 67 of this title.".

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

"691. Ready Reserve: muster duty.".

(b) ALLOWANCE FOR ANNUAL MUSTER DUTY.—(1) Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 433. Allowance for muster duty

"(a) Under uniform regulations prescribed by the Secretaries concerned, a member of the Ready Reserve who is not a member of the National Guard or of the Selected Reserve is entitled to an allowance for muster duty performed pursuant to section 691 of title 10 if the member is engaged in that duty for at least two hours.

"(b) The amount of the allowance under this section shall be 125 percent of the amount of the average per diem rate for the United States (other than Alaska and Hawaii) under section 404(d)(2)(A) of this title as in effect on September 30 of the year preceding the year in which the muster duty is performed.

"(c) The allowance authorized by this section may not be disbursed in kind and shall be paid to the member on or before the date on which the muster duty is performed. The allowance shall constitute the single, flat-rate monetary allowance authorized for the performance of muster duty and shall constitute payment in full to the member, regardless of grade or rank in which serving, as commutation for travel to the immediate vicinity of the designated muster duty location, transportation, subsistence, and the special or extraordinary costs of enforced absence from home and civilian pursuits, including such absence on weekends and holidays.

"(d) A member who performs muster duty is not entitled to compensation for inactive-duty training under section 206(a) of this title for the same period.".

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

"433. Allowance for muster duty.".

SEC. 503. EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT PROGRAMS.

(a) GRADE DETERMINATION AUTHORITY FOR RESERVE MEDICAL OFFICERS.—Sections 3359(b) and 8359(b) of title 10, United States Code, are amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

(b) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d) and 8380(d) of such title are amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360 note), is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

SEC. 504. EXTENSION OF AUTHORITY TO MAKE TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS.

Section 5721(f) of title 10, United States Code, is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

SEC. 505. EXTENSION OF SINGLE-PARENT ENLISTMENT AUTHORITY IN RESERVE COMPONENTS.

Section 523(d) of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 510 note) is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1990".

SEC. 506. REPORT ON RESERVE GENERAL AND FLAG OFFICERS.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report on the number and distribution of general and flag officers of the reserve components. The report shall be submitted not later than February 1, 1991.

(b) RESERVE GENERAL AND FLAG OFFICERS ON ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY.—The report shall include, with respect to reserve general and flag officers on active duty or full-time National Guard duty, the following:

(1) The number of such officers during fiscal year 1990 and a statement of the duty assignments held by those officers during that year.

(2) The change in the number of duty assignments held by such officers during each of fiscal years 1982 through 1991, shown by the number and percentage of that change from the preceding fiscal year.

(3) The projected requirement of the Department of Defense for such officers during fiscal year 1992 and each of fiscal years 1993 through 1996.

(c) RESERVE GENERAL AND FLAG OFFICERS IN AN ACTIVE STATUS.—The report shall also include, with respect to the number of reserve general and flag officers in an active status, the following:

(1) The total number of such officers required for the Armed Forces for each of fiscal years 1990 through 1998.

(2) The requirements of each of the Armed Forces for such officers for those fiscal years, shown by grade and by duty assignment and including a description of each such duty assignment and the reason that a general or flag officer is required for that duty assignment.

(d) METHODOLOGY.—The report shall be prepared using, to the maximum extent possible, comparable methodologies to those used in preparing the report submitted to Congress by the Secretary of Defense in 1988 entitled "Study on General and Flag Officer Requirements and Distributions in the Department of Defense", and the Department of Defense report entitled "Review of Unified and Specified Command Headquarters", dated February 1988.

(e) EXCLUSION OF COAST GUARD FLAG OFFICERS.—Flag officers of the Coast Guard Reserve shall not be counted for purposes of the report required by this section.

SEC. 507. TITLE OF THE ADMISSIONS OFFICER OF THE UNITED STATES AIR FORCE ACADEMY.

(a) CHANGE IN TITLE OF REGISTRAR.—Chapter 903 of title 10, United States Code, is amended as follows:

(1) Section 9331(b)(6) is amended by striking out "registrar" and inserting in lieu thereof "director of admissions".

(2) Section 9333(c) is amended by striking out "registrar" and inserting in lieu thereof "director of admissions".

(3) Section 9334(b) is amended by striking out "registrar" and inserting in lieu thereof "director of admissions".

(4) Section 9336(b) is amended by striking out "registrar" each place it appears and inserting in lieu thereof "director of admissions".

(b) CLERICAL AMENDMENTS.—(1) The heading of section 9336 of such title is amended to read as follows:

"§ 9336. Permanent professors; director of admissions".

(2) The item relating to such section in the table of sections at the beginning of chapter 903 of such title is amended to read as follows:

"9336. Permanent professors; director of admissions.".

SEC. 508. ELIGIBILITY FOR PRISONER-OF-WAR MEDAL OF CREW OF THE U.S.S. PUEBLO CAPTURED BY NORTH KOREA.

A member of the Armed Forces who was taken prisoner and held captive by the Democratic People's Republic of Korea as a result of the seizure of the U.S.S. Pueblo on January 23, 1968, is eligible for the prisoner-of-war medal under section 1128 of title 10, United States Code, without regard to paragraphs (1) through (3) of subsection (a) of that section.

SEC. 509. REIMBURSEMENT OF DEPARTMENT OF DEFENSE FUNDS FOR MEMBERS OF THE ARMED FORCES ASSIGNED TO DUTY IN CONNECTION WITH FOREIGN MILITARY SALES PROGRAMS.

(a) IN GENERAL.—(1) Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 983. Assignment to duty in connection with foreign military sales programs: reimbursement of appropriations

"The Secretary of a military department may assign a member of the Armed Forces to duty in connection with the administration of a program under the Arms Export Control Act (or any other provision of law respecting the sale of defense articles or services to another nation) only to the extent that applicable appropriations of that military department are reimbursed for that assignment.".

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

"983. Assignment to duty in connection with foreign military sales programs: reimbursement of appropriations.".

(b) EFFECTIVE DATE.—Section 983 of title 10, United States Code, as added by subsection (a), shall apply with respect to duty assignments to become effective after September 30, 1989.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

PART A—PAY AND ALLOWANCES

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1990

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1990 shall not be made.

(b) INCREASE IN BASIC PAY, BASIC ALLOWANCE FOR QUARTERS, AND BASIC ALLOWANCE FOR SUBSISTENCE.—The rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 3.6 percent effective on January 1, 1990.

(c) INCREASE IN CADET AND MIDSHIPMAN PAY.—Effective on January 1, 1990, section 203(c)(1) of title 37, United States Code, is amended by striking out "525" and inserting in lieu thereof "543.90".

SEC. 602. LIMITATION ON ADJUSTMENTS IN VARIABLE HOUSING ALLOWANCE.

Section 403a(c)(2) of title 37, United States Code, is amended by inserting before the period the following: ", except that the monthly amount of a variable housing allowance for a member may not be reduced to the extent that the total of basic pay, basic allowance for quarters, basic allowance for subsistence, and variable housing allowance of the member is reduced, as a result of such a reduction, below the monthly total of those items for the month preceding the effective date of the most recent increase in the rate of basic pay of the member".

PART B—BONUSES AND SPECIAL AND INCENTIVE PAY

SEC. 611. ENLISTMENT BONUS FOR MEMBERS IN SKILLS DESIGNATED AS CRITICAL.

(a) INCREASE IN AUTHORIZED BONUS AND FIRST INSTALLMENT.—Section 308a(a) of title 37, United States Code, is amended—

(1) by striking out "$8,000" in the first sentence and inserting in lieu thereof "$12,000"; and

(2) by striking out "$5,000" in the second sentence and inserting in lieu thereof "$7,000".

(b) LIMITATION ON PAYMENTS.—The total amount of payments made during fiscal year 1990 under section 308a(a) of title 37, United States Code, by the Secretary of the Army may not exceed $66,400,000.

SEC. 612. EXTENSION OF ENLISTMENT AND REENLISTMENT BONUS AUTHORITIES FOR RESERVE FORCES.

Sections 308b(g), 308c(f), 308e(e), 308g(h), 308h(g), and 308i(i) of title 37, United States Code, are amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1995".

SEC. 613. NUCLEAR-QUALIFIED OFFICERS.

(a) EXTENSION OF SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING ACTIVE DUTY.—Section 312(e) of title 37, United States Code, is amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1995".

(b) EXTENSION OF NUCLEAR CAREER ACCESSION BONUS PROGRAM.—Section 312b(d) of title 10, United States Code, is amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1995".

(c) EXTENSION OF NUCLEAR CAREER ANNUAL INCENTIVE BONUS PROGRAM.—Section 312c of title 37, United States Code, is amended by striking out "October 1, 1990" in subsections (a)(1), (b)(1), and (e) and inserting in lieu thereof "October 1, 1995".

SEC. 614. LUMP-SUM PAYMENT OF INITIAL OVERSEAS HOUSING COSTS.

(a) PAYMENTS AUTHORIZED.—Section 405 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(d) In the case of a member of the uniformed services authorized to receive a per diem allowance under subsection (a), the Secretary concerned may make a lump-sum payment for nonrecurring expenses incurred by the member in initially occupying private housing outside of the United States. Expenses for which a payment is made under this subsection may not be considered for purposes of determining the per diem allowance of the member under subsection (a).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to expenses incurred after August 31, 1990.

PART C—MILITARY AVIATORS

SEC. 621. AVIATION CAREER INCENTIVE PAY.

(a) ENTITLEMENT REQUIREMENTS.—(1) Section 301a(a)(4) of title 37, United States Code, is amended—

(A) by striking out "6 of the first 12, and 11 of the first 18 years of his aviation service." in the first sentence and inserting in lieu thereof "9 of the first 12, and 12 of the first 18, years of the aviation service of the officer.";

(B) by striking out "at least 9 but less than 11 of the first 18 years of his aviation service, he" in the second sentence and inserting in lieu thereof "at least 10 but less than 12 of the first 18 years of the aviation service of the officer, the officer"; and

(C) by striking out "his officer service" in the second sentence and inserting in lieu thereof "the officer's service as an officer".

(2) Section 301a(b)(1) of such title is amended by striking out "6 years" each place it appears after the portion of the table designated as Phase II and inserting in lieu thereof "9 years".

(b) WAIVER OF ENTITLEMENT REQUIREMENTS BY THE SECRETARY CONCERNED.—Section 301a(a)(5) of such title is amended by inserting after the first sentence the following new sentence: "The Secretary concerned may permit, on a case by case basis for the needs of the service, an officer to continue to receive continuous monthly incentive pay despite the failure of the officer to perform the prescribed operational flying duty requirements during the prescribed periods of time so long as the officer has performed those requirements for not less than 6 years of aviation service.".

(c) COMPUTATION OF YEARS OF AVIATION SERVICE AND YEARS OF SERVICE TO INCLUDE ONLY PERIODS OF ACTIVE DUTY.—Section 301a(a) of such title is amended by adding at the end the following:

"(7) For purposes of this subsection and subsection (b), in computing years of service as an officer under section 205 of this title and years of aviation service, the Secretary concerned may include only periods when the officer is on active duty.".

(d) MONTHLY RATES.—(1) Section 301a(b)(1) of such title is amended—

(A) by striking out "400" in the portion of the table designated as Phase I and inserting in lieu thereof "650"; and

(B) by striking out the portion of the table designated as Phase II and inserting in lieu thereof the following:

"Phase II

"Years of service as an officer:	Monthly rate:
Over 18	$585
Over 20	495
Over 22	385
Over 25	250".

(2) Section 301a(b)(2) of such title is amended by striking out "400" in the portion of the table designated as Phase I and inserting in lieu thereof "650".

(e) REPORT ON NUMBER OF OFFICERS RECEIVING A WAIVER.—Section 301a of such title is amended by adding at the end the following new subsection:

"(f) The Secretary of Defense shall submit a report to the Congress before October 1 of each year specifying—

"(1) the total number of officers during the preceding fiscal year who were determined under subsection (a)(5) to have failed to perform the minimum prescribed operational flying duty requirements;

"(2) the number of those officers who continued to receive continuous monthly incentive pay despite their failure to perform the minimum prescribed operational flying duty requirements and the extent to which they failed to perform those requirements; and

"(3) the reasons for each waiver under subsection (a)(5) of those requirements.".

(f) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made—

(A) by subsections (c) and (d) shall take effect on October 1, 1989; and

(B) by subsections (a), (b), and (e) shall take effect on October 1, 1991.

(2) The Secretary of a military department may delay, subject to the approval of the Secretary of Defense, the implementation of the amendment made by subsection (d) with respect to the department of that Secretary until such time as the Secretary concerned determines that implementation of the amendment is necessary to meet the needs of that department.

(3) If the Secretary of a military department delays under paragraph (2) the implementation of the amendment made by subsection (d) beyond October 1, 1991, the Secretary may also delay implementation of the amendments made by subsections (a), (b), and (e) until the date on which the Secretary implements the amendment made by subsection (d). During the delay in implementation, the provisions of section 301a of title 37, United States Code, as in effect on September 30, 1989, (and as amended by subsection (c)), shall continue to apply in the case of such department to the payment of avia-

tion career incentive pay under such section.

(g) TRANSITION.—(1) If, as of the date the amendments made by subsections (a), (b), and (e) take effect, an officer of a uniformed service has performed the prescribed operational flying duties (including flight training but excluding proficiency flying) for 6 of the first 12 years, or 11 of the first 18 years, of the aviation service of such officer, such officer shall be entitled to continuous monthly incentive pay at the rates provided in section 301a(b) of title 37, United States Code (as amended by this section), notwithstanding the failure of the officer to satisfy the entitlement requirements that take effect on such date. Such officer shall be required to continue to comply with the entitlement requirements in effect on September 30, 1991.

(2) The Secretary concerned may provide transitional entitlement requirements to allow an officer of a uniformed service who completes an initial operational flying assignment before the date the amendments made by subsections (a), (b), and (e) take effect to remain entitled to continuous monthly incentive pay under section 301a of title 37, United States Code (as amended by this section), if the Secretary concerned determines that—

(A) the officer would likely satisfy the entitlement requirements in effect on September 30, 1991; and

(B) the officer is unlikely to satisfy the requirements added by subsection (a).

(h) DEFINITIONS.—(1) For purposes of subsections (f) and (g), the terms "Secretary concerned" and "uniformed services" have the meaning given to such terms in section 101 of title 37, United States Code.

(2) For purposes of subsection (g), the definitions of the terms in section 301a(6) of title 37, United States Code, shall apply to the corresponding terms used in subsection (g).

SEC. 622. AVIATOR RETENTION BONUSES.

(a) EXTENSION AND CODIFICATION OF CURRENT PROGRAM.—Section 301b of title 37, United States Code, is amended to read as follows:

"§ 301b. Special pay: aviation career officers extending period of active duty

"(a) BONUS AUTHORIZED.—An aviation officer described in subsection (b) who, during the period beginning on January 1, 1989, and ending on September 30, 1991, executes a written agreement to remain on active duty in aviation service for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

"(b) COVERED OFFICERS.—An aviation officer referred to in subsection (a) is an officer of a uniformed service who—

"(1) is entitled to aviation career incentive pay under section 301a of title 37, United States Code;

"(2) is in a pay grade below pay grade 0-6;

"(3) is qualified to perform operational flying duty;

"(4) has completed at least six but less than 13 years of active duty;

"(5) has completed any active duty service commitment incurred for undergraduate aviator training; and

"(6) is in an aviation specialty designated by the Secretary concerned (with the approval of the Secretary of Defense in the case of the Secretary of a military department) as a critical aviation specialty.

"(c) AMOUNT OF BONUS.—The amount of a retention bonus paid under this section shall be not more than—

"(1) $12,000 for each year covered by the written agreement, if the officer agrees to remain on active duty to complete 14 years of commissioned service; or

"(2) $6,000 for each year covered by the written agreement, if the officer agrees to remain on active duty for one or two years.

"(d) PRORATION.—The term of an agreement under subsection (a) and the amount of the bonus under subsection (c) may be prorated as long as such agreement does not extend beyond the date on which the officer making such agreement would complete 14 years of commissioned service.

"(e) PAYMENT OF BONUS.—Upon the acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed and may be paid by the Secretary in either a lump sum or installments.

"(f) ADDITIONAL PAY.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

"(g) REPAYMENT OF BONUS.—(1) If an officer who has entered into a written agreement under subsection (a) and has received all or part of a retention bonus under this section fails to complete the total period of active duty specified in the agreement, the Secretary concerned may require the officer to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid under this section.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1). This paragraph applies to any case commenced under title 11 after January 1, 1989.

"(h) REGULATIONS.—Each Secretary concerned shall prescribe regulations to carry out this section with regard to the department of that Secretary. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.

"(i) REPORTS.—(1) Not later than February 15 of each year, each Secretary concerned shall submit to the Secretary of Defense a report analyzing the effect of the provision of retention bonuses to aviation officers during the preceding fiscal year on the retention of qualified aviators in the department of the Secretary concerned. Each report shall include—

"(A) a comparison of the cost of paying bonuses to officers who enter into an agreement for the period referred to in subsection (c)(1) with the cost of paying bonuses to officers who enter into an agreement for a period referred to in subsection (c)(2);

"(B) a description of the increase in the retention of qualified aviators as a result of the program; and

"(C) an examination of the desirability of targeting the retention bonus program toward officers in a critical aviation specialty rather than on the basis of experience or other criteria.

"(2) Not later than March 15 of each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives copies of the reports submitted to the Secretary under paragraph (1) with regard to the preceding fiscal year, together with such comments and recommendations as the Secretary considers appropriate.

"(j) LIMITATION ON PAYMENTS FOR A FISCAL YEAR.—(1) The total amount of payments made under this section to officers of the Air Force during fiscal year 1990 may not exceed $78,000,000.

"(2) The total amount of payments made under this section to officers of the Navy during fiscal year 1990 may not exceed $30,000,000.

"(k) DEFINITIONS.—In this section:

"(1) The term 'aviation service' means the service performed by an officer holding an aeronautical rating or designation (except a flight surgeon or other medical officer).

"(2) The term 'aviation specialty' means a community of pilots or other designated aeronautical officers identified by type of aircraft or weapon system.

"(3) The term 'critical aviation specialty' means an aviation specialty in which there exists a shortage of officers on the date of designation under subsection (b).

"(4) The term 'operational flying duty' has the meaning given such term in section 301a(a)(6)(A) of this title.".

(b) CONFORMING AMENDMENT.—Section 611 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1977), is amended by striking out subsection (e).

(c) PRIOR AGREEMENTS.—(1) The amendment made by subsection (a) shall not affect an agreement entered into under section 301b of title 37, United States Code (as in effect on September 30, 1989), and, except as provided in paragraph (2), the provisions of such section as in effect on such day shall continue to apply with respect to such agreement.

(2) For pay periods beginning after September 30, 1989, an officer serving under an agreement entered into under section 301b of such title before October 1, 1987, shall be entitled during the remainder of the agreement to the monthly rate of aviation career incentive pay specified in section 301a(b) of such title and corresponding to the years of aviation service or years of service as an officer of the office.

SEC. 623. REDUCTION IN NONOPERATIONAL FLYING DUTY POSITIONS.

(a) REDUCTIONS REQUIRED.—(1) Not later than September 30, 1991, the Secretary of Defense shall reduce the number of nonoperational flying duty positions in the Armed Forces by a number equal to not less than two percent of the total number of such positions in existence on September 30, 1989.

(2) Not later than September 30, 1992, the Secretary of Defense shall reduce the number of nonoperational flying duty positions in the Armed Forces by a number equal to not less than five percent of the total number of such positions in existence on September 30, 1989.

(b) LIMITATION ON INCREASES IN NONOPERATIONAL FLYING DUTY POSITIONS AFTER FISCAL YEAR 1991.—No increase in the number of nonoperational flying duty positions in the Armed Forces (as a percentage of all flying duty positions in the Armed Forces) may be made after September 30, 1991, unless the increase is specifically authorized by law.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "Armed Forces" does not include the Coast Guard.

(2) The term "nonoperational flying duty position" means a position in a military de-

partment identified by the Secretary of that department as a position that—

(A) requires the assignment of an aviator; and

(B) does not include operational flying duty (as defined in section 301a(6)(A) of title 37, United States Code).

SEC. 624. REPORT ON MINIMUM SERVICE REQUIREMENT FOR AVIATORS.

(a) REPORT REQUIRED.—Not later than eight months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the minimum active duty obligations imposed on aviation officers. The report shall include—

(1) a description of the reasons for the disparate obligations imposed by the military departments;

(2) an examination of the legitimacy of the differences in light of the operational requirements of each military department; and

(3) a recommendation regarding the desirability of establishing uniform minimum active duty obligations for aviation officers.

(b) DEFINITION.—For purposes of subsection (a), the term "active duty obligation" means the period of active duty required to be served after completion of undergraduate training in an aviation specialty.

SEC. 625. REPORT ON INSURANCE.

(a) REPORT REQUIRED.—Not later than February 15, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the adequacy of the current Servicemen's Group Life Insurance program and the practicality and desirability of providing an accidental death insurance plan for aviators and other aviation crew members serving on active duty that provides for the payment of death benefits in the amount of $100,000 for death resulting directly from the performance of operational flying duty. The report shall include a legislative proposal containing the recommendations of the Secretary following such evaluation and a recommendation on the advisability of providing an accidental death insurance plan for other members of the Armed Forces on active duty in an occupational specialty characterized as hazardous.

(b) DEFINITION.—For purposes of subsection (a), the term "operational flying duty" has the meaning given to that term in section 301a(a)(6)(A) of title 37, United States Code.

SEC. 626. REPORT ON AVIATOR ASSIGNMENT POLICIES AND PRACTICES.

Not later than February 15, 1990, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the aviator assignment policies and practices of the Armed Forces. The report shall include an analysis of the effectiveness and efficiency of the aviator assignment policies and practices of the Armed Forces, including an analysis of the policies and practices followed in accommodating the assignment preferences of aviators within operational needs of the Armed Forces.

PART D—MONTGOMERY GI BILL AMENDMENTS

SEC. 631. INCREASE IN AMOUNT PAYABLE UNDER MONTGOMERY GI BILL FOR CRITICAL SPECIALTIES.

(a) INCREASE.—Section 1415(c) of title 38, United States Code, is amended by striking out "$400 per month" and inserting in lieu thereof "$700 per month".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to enlistments after September 30, 1989.

SEC. 632. PAYMENTS FOR VOCATIONAL-TECHNICAL TRAINING UNDER RESERVE-COMPONENT GI BILL.

(a) IN GENERAL.—Section 2131(c)(1) of title 10, United States Code, is amended to read as follows:

"(c)(1) Educational assistance may be provided under this chapter for pursuit of any program of education that is an approved program of education for purposes of chapter 30 of title 38 other than a program of education in a course of instruction beyond the baccalaureate degree level.".

(b) AMOUNT OF ASSISTANCE.—Section 2131 of such title is amended—

(1) in subsection (b)—

(A) by striking out "Each" and inserting in lieu thereof "Except as provided in subsections (d) through (f), each"; and

(B) by inserting ", through the Secretary of Veterans Affairs," after "Secretary concerned"; and

(2) by adding at the end the following:

"(d)(1) Except as provided in paragraph (2), the amount of the monthly educational assistance allowance payable to a person pursuing a full-time program of apprenticeship or other on-the-job training under this chapter is—

"(A) for each of the first six months of the person's pursuit of such program, 75 percent of the monthly educational assistance allowance otherwise payable to such person under this chapter;

"(B) for each of the second six months of the person's pursuit of such program, 55 percent of such monthly educational assistance allowance; and

"(C) for each of the months following the first 12 months of the person's pursuit of such program, 35 percent of such monthly educational assistance allowance.

"(2) In any month in which any person pursuing a program of education consisting of a program of apprenticeship or other on-the-job training fails to complete 120 hours of training, the amount of the monthly educational assistance allowance payable under this chapter to the person shall be limited to the same proportion of the applicable full-time rate as the number of hours worked during such month, rounded to the nearest 8 hours, bears to 120 hours.

"(3)(A) Except as provided in subparagraph (B), for each month that such person is paid a monthly educational assistance allowance under this chapter, the person's entitlement under this chapter shall be charged at the rate of—

"(i) 75 percent of a month in the case of payments made in accordance with paragraph (1)(A);

"(ii) 55 percent of a month in the case of payments made in accordance with paragraph (1)(B); and

"(iii) 35 percent of a month in the case of payments made in accordance with paragraph (1)(C).

"(B) Any such charge to the entitlement shall be reduced proportionately in accordance with the reduction in payment under paragraph (2).

"(e)(1) The amount of the monthly educational assistance allowance payable to a person pursuing a cooperative program under this chapter shall be 80 percent of the monthly allowance otherwise payable to such person under this chapter.

"(2) For each month that a person is paid a monthly educational assistance allowance for pursuit of a cooperative program under this chapter, the person's entitlement under this chapter shall be charged at the rate of 80 percent of a month.

"(f)(1)(A) The amount of the educational assistance allowance payable under this chapter to a person who enters into an agreement to pursue, and is pursuing, a program of education exclusively by correspondence is an amount equal to 55 percent of the established charge which the institution requires nonveterans to pay for the course or courses pursued by such person.

"(B) For purposes of subparagraph (A), the term 'established charge' means the lesser of—

"(i) the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency; or

"(ii) the actual charge to the person for such course or courses.

"(C) Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the person and serviced by the institution.

"(2) In each case in which the amount of educational assistance is determined under paragraph (1), the period of entitlement of the person concerned shall be charged with one month for each $140 which is paid to the individual as an educational assistance allowance.".

(c) CONFORMING AMENDMENTS.—Section 2136(b) of such title is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "Except as otherwise provided in this chapter, the provisions of sections 1434(b), 1663, 1670, 1671, 1673, 1674, 1676, 1682(g), and 1683 of title 38 and the provisions of subchapters I and II of chapter 36 of such title (with the exception of sections 1780(c), 1780(g), 1786(a), 1787, and 1792) shall be applicable to the provision of educational assistance under this chapter."; and

(2) by striking out ", as used" in the second sentence and inserting in lieu thereof "and the term 'a person', as used".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any person who after September 30, 1989, or the date of the enactment of this Act, whichever is later, meets the requirements set forth in subparagraph (A) or (B) of section 2132(a)(1) of title 10, United States Code.

SEC. 633. LIMITATION OF ACTIVE GUARD AND RESERVE PERSONNEL TO ACTIVE-DUTY PROGRAM.

(a) LIMITATION.—Section 2132(d) of title 10, United States Code, is amended by adding at the end the following new sentence: "However, a person may not receive credit under the program established by this chapter for service (in any grade) described in subparagraph (B) or (C) of section 523(b)(1) of this title.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1989, or the date of the enactment of this Act, whichever is later.

(c) REFERENCES TO ADMINISTRATOR OF VETERANS' AFFAIRS.—Chapter 106 of title 10, United States Code, is amended—

(1) by striking out "Administrator of Veterans' Affairs" in sections 2131(b)(4), 2132(c), 2132(d), and 2136(a) and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(2) by striking out "to the Administrator" in section 2132(c) and inserting in lieu thereof "to that Secretary".

(d) OTHER TECHNICAL AMENDMENTS.—(1) Section 2131(b) of such title is amended by striking out "and educational" in the matter preceding paragraph (1) and inserting in lieu thereof "of an educational".

(2) Section 2132(d) of such title is amended by striking out "An individual" and inserting in lieu thereof "A person".

PART E—PERSONNEL AND COMPENSATION TECHNICAL AMENDMENTS

SEC. 641. TECHNICAL AMENDMENTS TO MILITARY RETIREMENT LAWS.

(a) CLARIFICATION OF COMPUTATION OF RETIRED PAY UNDER HIGH-THREE SYSTEM.—Section 1407 of title 10, United States Code, is amended—

(1) in subsection (b), by inserting "or (d)" after "subsection (c)";

(2) by striking out subsections (c), (e), (f) and (g);

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (b) the following new subsections (c) and (d):

"(c) COMPUTATION OF HIGH-THREE AVERAGE FOR MEMBERS ENTITLED TO RETIRED OR RETAINER PAY FOR REGULAR SERVICE.—

"(1) GENERAL RULE.—The high-three average of a member entitled to retired or retainer pay under any provision of law other than section 1204 or 1205 or section 1331 of this title is the amount equal to—

"(A) the total amount of monthly basic pay to which the member was entitled for the 36 months (whether or not consecutive) out of all the months of active service of the member for which the monthly basic pay to which the member was entitled was the highest, divided by

"(B) 36.

"(2) SPECIAL RULE FOR SHORT-TERM DISABILITY RETIREES.—In the case of a member who is entitled to retired pay under section 1201 or 1202 of this title and who has completed less than 36 months of active service, the member's high-three average (notwithstanding paragraph (1)) is the amount equal to—

"(A) the total amount of basic pay to which the member was entitled during the period of the member's active service, divided by

"(B) the number of months (including any fraction thereof) of the member's active service.

"(d) COMPUTATION OF HIGH-THREE AVERAGE FOR MEMBERS AND FORMER MEMBERS ENTITLED TO RETIRED PAY FOR NONREGULAR SERVICE.—

"(1) RETIRED PAY UNDER CHAPTER 67.—The high-three average of a member or former member entitled to retired pay under section 1331 of this title is the amount equal to—

"(A) the total amount of monthly basic pay to which the member or former member was entitled during the member or former member's high-36 months (or to which the member or former member would have been entitled if the member or former member had served on active duty during the entire period of the member or former member's high-36 months), divided by

"(B) 36.

"(2) NONREGULAR SERVICE DISABILITY RETIRED PAY.—The high-three average of a member entitled to retired pay under section 1204 or 1205 of this title is the amount equal to—

"(A) the total amount of monthly basic pay to which the member was entitled during the member's high-36 months (or to which the member would have been entitled if the member had served on active duty during the entire period of the member's high-36 months), divided by

"(B) 36.

"(3) SPECIAL RULE FOR SHORT-TERM DISABILITY RETIREES.—In the case of a member who is entitled to retired pay under section 1204 or 1205 of this title and who was a member for less than 36 months before being retired under that section, the member's high-three average (notwithstanding paragraph (2)) is the amount equal to—

"(A) the total amount of basic pay to which the member was entitled during the entire period the member was a member of a uniformed service before being so retired (or to which the member would have been entitled if the member had served on active duty during the entire period the member was a member of a uniformed service before being so retired), divided by

"(B) the number of months (including any fraction thereof) which the member was a member before being so retired.

"(4) HIGH-36 MONTHS.—The high-36 months of a member or former member whose retired pay is covered by paragraph (1) or (2) are the 36 months (whether or not consecutive) out of all the months before the member or former member became entitled to retired pay for which the monthly basic pay to which the member or former member was entitled (or would have been entitled if serving on active duty during those months) was the highest. In the case of a former member, only months during which the former member was a member of a uniformed service may be used for purposes of the preceding sentence.".

(b) CLARIFICATION OF APPLICABILITY OF PROVISIONS TO FORMER MEMBERS ENTITLED TO RETIRED PAY.—Chapter 71 of title 10, United States Code, is amended as follows:

(1) Section 1401a is amended—

(A) in subsection (b)(3), by inserting "and former member" after "member" the first place it appears;

(B) in subsection (e), by inserting "or former member" after "member" the first and third places it appears; and

(C) in subsection (f), by inserting "or former member" in the second sentence after "member".

(2) Section 1407(b) is amended by striking out "member" and "member's" and inserting in lieu thereof "person" and "person's", respectively.

(3) Section 1409(a)(1) is amended by striking out "who is retired" and inserting in lieu thereof "who is entitled to that pay".

(4) Section 1410 is amended—

(A) in the matter preceding paragraph (1), by inserting "or former member" after "member" each place (other than the second place) it appears; and

(B) in paragraph (1), by striking out "member's retired pay" and inserting in lieu thereof "retired pay of the member or former member".

(c) PAYMENTS FROM MILITARY RETIREMENT FUND.—Section 1463(a) of such title is amended—

(1) in paragraph (1), by striking out "persons" and inserting in lieu thereof "members";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) retired pay payable under chapter 67 of this title to former members of the armed forces (other than retired pay payable by the Secretary of Transportation);".

SEC. 642. TECHNICAL AMENDMENTS TO MILITARY SURVIVOR BENEFIT PLAN.

Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(1) Section 1447 is amended—

(A) in paragraph (5), by striking out "this clause" both places it appears and inserting in lieu thereof "this paragraph";

(B) in paragraph (11), by inserting "paid under section 6330 of this title" after "retainer pay"; and

(C) by adding at the end the following new paragraph:

"(14) The term 'reserve-component retired pay' means retired pay under chapter 67 of this title.".

(2) Sections 1447(2)(B), 1447(2)(C)(ii), 1448(a)(1)(B), 1448(a)(2)(B), 1448(f)(1)(A), 1448(f)(1)(B), and 1450(l)(1) are amended by striking out "retired pay under chapter 67 of this title" and inserting in lieu thereof "reserve-component retired pay".

(3) Sections 1447(2)(C)(i), 1447(3), 1447(4), 1448(a)(4)(A), 1449, and 1450(l)(2) are amended by striking out "or retainer".

(4) Section 1450(f)(3)(B) is amended—

(A) by striking out "before October 1, 1985, or"; and

(B) by striking out ", whichever is later".

(5) Section 1451(c) is amended—

(A) in paragraph (3), by inserting "who first became a member of a uniformed service before September 8, 1980" after "of this title"; and

(B) in paragraph (4), by inserting "by reason of the service of a person who first became a member of a uniformed service before September 8, 1980" after "of this title".

(6) Section 1451(e)(1) is amended by striking out "plan" in the matter preceding subparagraph (A) and inserting in lieu thereof "Plan".

(7) Section 1451(e)(1)(B) is amended—

(A) by striking out "is" each place it appears and inserting in lieu thereof "was";

(B) by striking out "has" in clause (ii) and inserting in lieu thereof "had"; and

(C) by striking out "would be" in clause (iii) and inserting in lieu thereof "would have been".

(8) Section 1451(e)(2) is amended by striking out "(as the base amount is adjusted from time to time under section 1401a of this title)" in subparagraphs (A) and (B).

(9) Section 1452(h) is amended—

(A) by inserting "(or any other provision of law)" after "of this title" the first place it appears; and

(B) by striking out "increased under section 1401a of this title" and inserting in lieu thereof "so increased".

SEC. 643. INCLUSION OF FORMER SPOUSES IN SOCIAL SECURITY OFFSET PROVISION.

(a) CONFORMANCE WITH POLICY FOR SURVIVING SPOUSES.—Section 1451(e) of title 10, United States Code, is amended by inserting "or former spouse" in paragraphs (3)(A) and (4)(A) after "widow or widower".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply only with respect to the computation of an annuity for a person who becomes a former spouse under a divorce that becomes final after the date of the enactment of this Act.

SEC. 644. REPEAL OF CERTAIN OBSOLETE AND EXPIRED PROVISIONS.

(a) TITLE 10.—Title 10, United States Code, is amended as follows:

(1)(A) Section 971(a) is amended by striking out ", under an appointment accepted after June 25, 1956,".

(B) The limitation in section 971(a) of title 10, United States Code, shall not apply with respect to a period of service referred to in that section while also serving under an

appointment as a cadet or midshipman accepted before June 26, 1956.

(2) Section 971(b) is amended—

(A) in paragraph (1), by striking out ", if he was appointed as a midshipman or cadet after March 4, 1913"; and

(B) in paragraph (2), by striking out ", if he was appointed as a midshipman or cadet after August 24, 1912".

(3) Section 1482(e) is amended by striking out "the effective date of this subsection, or the date of death," and inserting in lieu thereof "the date of death".

(4) Sections 3014(f), 5014(f), and 8014(f) are each amended by striking out paragraph (5).

(5) Section 6330(a) is amended by striking out "under—" and all that follows through "this section." and inserting in lieu thereof "under this section.".

(6) Section 8925(a) is amended by striking out "and service computed under section 8683 of this title".

(7) Section 8926 is amended—

(A) in subsection (a)—

(i) by inserting "and" at the end of paragraph (1);

(ii) by striking out the semicolon at the end of paragraph (2) and inserting in lieu thereof a period; and

(iii) by striking out paragraphs (3) and (4); and

(B) by striking out subsection (d).

(b) TITLE 37.—Title 37, United States Code, is amended as follows:

(1) Sections 308b(e) and 308c(e) are each amended by striking out the second sentence.

(2) Section 308c(a) is amended by striking out ", after September 30, 1978,".

(3) Section 416(a) is amended by striking out ", after July 9, 1952,".

SEC. 645. OTHER TECHNICAL AMENDMENTS.

(a) AMENDMENTS FOR STYLISTIC CONSISTENCY.—Title 10, United States Code, is amended as follows:

(1) Section 502 is amended by striking out "or affirmation".

(2) Section 603(f) is amended—

(A) by striking out "terminates—" and inserting in lieu thereof "terminates on the earliest of the following:";

(B) by striking out "on the" in paragraph (1) and inserting in lieu thereof "The";

(C) by striking out the semicolon at the end of paragraph (1) and inserting in lieu thereof a period;

(D) by striking out "at the" in paragraph (2) and inserting in lieu thereof "The";

(E) by striking out "; or" at the end of paragraph (2) and inserting in lieu thereof a period;

(F) by striking out "on the" in paragraph (3) and inserting in lieu thereof "The"; and

(G) by striking out the semicolon at the end of paragraph (3) and all that follows and inserting in lieu thereof a period.

(3) Section 671b(a) is amended by striking out "Armed Forces of the United States" and inserting in lieu thereof "armed forces".

(4) Section 1076 is amended by striking out "1 year" in subsection (e)(3)(C) and inserting in lieu thereof "one year".

(5) Section 1408(a) is amended—

(A) by striking out "(26 U.S.C. 3402(i))" in paragraph (4)(D); and

(B) by inserting "entitled to retired pay under section 1331 of this title" in paragraph (5) after "a former member".

(6) Section 1482(a) is amended—

(A) by striking out "expenses of—" and inserting in lieu thereof "expenses of the following:";

(B) by capitalizing the first letter of the first word in each of paragraphs (1) through (11);

(C) by striking out the semicolon at the end of paragraphs (1) through (9) and inserting in lieu thereof a period;

(D) by striking out "; and" at the end of paragraph (10) and inserting in lieu thereof a period; and

(E) in paragraph (11)—

(i) by striking out "clause" each place it appears and inserting in lieu thereof "paragraph"; and

(ii) by striking out "decedent; for the" and inserting in lieu thereof "decedent. For the".

(b) CORRECTION OF TABLE HEADING.—Section 305a(b) of title 37, United States Code, is amended by inserting "COMMISSIONED" before "OFFICERS" in the heading of the table in that subsection relating to officers in pay grades O–1 through O–6.

(c) CORRECTIONS TO AMENDMENTS MADE BY PUBLIC LAW 100–456.—(1) Section 411g(a) of title 37, United States Code, is amended by striking out "to" after "may be paid".

(2) Section 419 of such title is amended—

(A) by striking out "a officer" both places it appears and inserting in lieu thereof "an officer"; and

(B) by striking out "to" after "may be paid".

(d) PUNCTUATION AMENDMENT.—Section 209(c) of title 37, United States Code, is amended by striking out the period after "title 10" the first place it appears.

(e) CROSS REFERENCE CORRECTIONS.—(1) Section 1094(c)(2) of title 10, United States Code, is amended by striking out "subsections (b) and (d) through (g)" and inserting in lieu thereof "subsections (c) and (e) through (h)".

(2) Section 403(b)(1)(B) of Public Law 99-661 (10 U.S.C. 521 note) is amended by striking out "3033," and "8033," and inserting in lieu thereof "3021," and "8021,", respectively.

(f) REFERENCE TO THE CANAL ZONE.—Section 708(a) of title 32, United States Code, is amended by striking out "governor of each State and Territory, Puerto Rico, and the Canal Zone" and inserting in lieu thereof "Governor of each State or Territory and Puerto Rico".

PART F—MISCELLANEOUS

SEC. 651. MILITARY RELOCATION ASSISTANCE PROGRAMS.

(a) REQUIREMENT TO PROVIDE ASSISTANCE.—In order to help neutralize the negative effects of relocation on retention, readiness, and morale, the Secretary of Defense shall provide relocation assistance to members of the Armed Forces and their families as provided in this section. In addition, the Secretary of Defense shall make every effort, consistent with readiness objectives, to stabilize and lengthen tours of duty to neutralize the adverse effects of relocation.

(b) TYPES OF ASSISTANCE.—(1) The Secretary of Defense shall provide relocation assistance, through military relocation assistance programs described in subsection (c), for a member of the Armed Forces who is ordered to make a change of permanent station (and for dependents of such member who are authorized to move in connection with the change of permanent station) as follows:

(A) Destination area information and preparation, to be provided before the change of permanent station takes effect, with emphasis on information with regard to moving costs, housing costs and availability, child care, spouse employment opportunities, cultural adaptation, and community orientation.

(B) Counseling about financial management, home buying and selling, renting, stress management aimed at intervention and prevention of abuse, property management, and shipment and storage of household goods (including motor vehicles and pets).

(C) Settling-in services, with emphasis on available government living quarters, private housing, child care, spouse employment assistance information, cultural adaptation, and community orientation.

(D) Home finding services, with emphasis on locating adequate, affordable temporary and permanent housing.

(c) MILITARY RELOCATION ASSISTANCE PROGRAMS.—(1) The Secretary of Defense shall provide for the establishment of military relocation assistance programs to provide the relocation assistance described in subsection (b). The Secretary shall establish a program in each geographic area in which at least 500 members of the Armed Forces are assigned to or serving at a military installation. A member who is not stationed within a geographic area that contains such a program shall be given access to such a program. The Secretary shall ensure that persons on the staff of each program are trained in the techniques and delivery of professional relocation assistance.

(2) The Secretary shall ensure that, not later than September 30, 1991, information available through each military relocation assistance program shall be managed through a computerized information system that can interact with all other military relocation assistance programs of the military departments, including programs located outside the continental United States.

(3) Duties of each military relocation assistance program shall include assisting personnel offices on the military installation in using the computerized information available through the program to help provide members of the Armed Forces who are deciding whether to reenlist information on locations of possible future duty assignments.

(d) DIRECTOR.—The Secretary of Defense shall appoint a Director of Military Relocation Assistance Programs in the office of the Assistant Secretary of Defense (Force Management and Personnel) to oversee development and implementation of the military relocation assistance programs.

(e) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense.

(f) REPORT.—The Director of Military Relocation Assistance Programs shall submit to Congress a report each year. The report shall provide the following:

(1) An objective assessment of available, affordable economy housing for members of the Armed Forces and their families, to assist in making decisions on housing construction and variable housing allowance levels.

(2) An objective assessment of the actual nonreimbursed costs incurred by members of the Armed Forces and their families who are ordered to make a change of permanent station, to assist in making decisions on whether additional entitlements should be provided.

(3) Information on where members of the Armed Forces live, shown by military installation, including the number of members of the Armed Forces who live on a military installation and the number who do not live on a military installation.

(4) Information on the effects of the relocation assistance programs established under this section on the quality of life of members of the Armed Forces and their families and on retention and productivity of members of the Armed Forces.

(g) INAPPLICABILITY TO COAST GUARD.—This section does not apply to the Coast Guard.

(h) DEADLINE FOR REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement this section not later than 90 days after the date of the enactment of this Act.

(i) REPORT ON COSTS.—Not later than 90 days after regulations are prescribed under subsection (h), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on a plan for the full implementation of this section.

SEC. 652. REPORT ON TECHNICAL TRAINING FOR RECRUITS AND MEMBERS OF THE RESERVE COMPONENTS.

(a) REPORT REGARDING PROVISION OF TECHNICAL TRAINING.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report, prepared as provided in paragraph (2), evaluating the practicality and desirability of—

(A) providing persons who desire to enlist in the Armed Forces with technical training before enlistment;

(B) using civilian institutions of higher education and vocational schools to provide such training; and

(C) using civilian institutions of higher education and vocational schools to provide training in individual technical skills for members of the reserve components.

(2) Subject to the availability of appropriated funds, the Secretary shall make a grant to, or enter into a contract with, an independent and nonprofit organization to prepare the report required by paragraph (1). Such organization shall be an independent and nonprofit organization that the Secretary determines—

(A) has no obligation to any institution of higher education, vocational school, or governmental entity that could create a conflict of interest in the preparation of the report; and

(B) has the requisite expertise regarding programs offered by institutions of higher education and vocational schools and technical skills training provided for persons enlisting in the Armed Forces.

(3) The Secretary shall inform the Committees on Armed Services of the Senate and House of Representatives not later than 60 days after the effective date of this section regarding plans to obtain the report required by paragraph (1).

(4) The report required by paragraph (1) shall include—

(A) a comparison of technical skills training provided by the Armed Forces and technical skills training available in civilian institutions of higher education and vocational schools;

(B) a description of a program by which a person eligible for enlistment in the Armed Forces would receive technical training in an institution of higher education or vocational school (and a stipend to pursue such training) before enlistment in exchange for a commitment to serve in the Armed Forces;

(C) a description of the personnel and other savings that would result from the implementation of such a program;

(D) a description of a program by which institutions of higher education and vocational schools would enhance the readiness of the Reserve components by supplementing active-duty individual skills training;

(E) a description of the specific training improvements that would result from the implementation of such a program; and

(F) a proposal for a demonstration program to implement such programs, on a limited basis as determined by the Secretary, and a description of the cost of such demonstration.

(5) The report required by paragraph (1) shall be submitted not later than February 1, 1991.

(b) DEFINITIONS.—For purposes of this section:

(1) The term "institution of higher education" has the meaning given to such term in section 435(b) of the Higher Education Act of 1965 (20 U.S.C. 1085(b)).

(2) The term "nonprofit organization" means an organization—

(A) described in section 501(c) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)); and

(B) exempt from taxation under section 501(a) of such Code (26 U.S.C. 501(a)).

(3) The term "Secretary" means the Secretary of Defense.

(4) The term "technical training" means training in noncombat technical skills, including electricity, machinery, welding, surveying, journalism, and photography.

(5) The term "vocational school" has the meaning given to such term in section 435(c) of the Higher Education Act of 1965 (20 U.S.C. 1085(c)).

(c) EFFECTIVE DATE.—This section shall take effect on October 1, 1989.

SEC. 653. CLARIFICATION OF ALLOWANCE FOR TRANSPORTATION OF HOUSEHOLD EFFECTS.

(a) WAIVER FOR SUBSTANTIAL HARDSHIP.—(1) Section 406(b)(1) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

"(D) If the Secretary concerned determines that application of a weight allowance specified in subparagraph (C) for a pay grade below pay grade O–6 would result in significant hardship to a member entitled to that weight allowance or the dependents of the member, the Secretary may authorize, in connection with the change of temporary or permanent station of the member, a higher weight allowance not to exceed the weight allowance specified in subparagraph (C) for pay grades O–6 to O–10. Any such determination shall be made under regulations prescribed by the Secretary of Defense.".

(b) TECHNICAL AMENDMENT.—Such section is further amended by inserting "in pounds" in subparagraph (C) after "weight allowance" in the matter preceding the table.

(c) EFFECTIVE DATE.—The authority provided in subparagraph (D) of such section, as added by subsection (a), shall apply with respect to the transportation of baggage and household effects occurring after June 30, 1989.

SEC. 654. SPECIAL DUTY ASSIGNMENT PAY FOR ENLISTED MEMBERS OF THE NATIONAL GUARD OR A RESERVE COMPONENT.

(a) IN GENERAL.—Section 307 of title 37, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b)(1) An enlisted member described in paragraph (2) may, in addition to other compensation or allowances to which the member is entitled, receive special duty assignment pay at the rate of 1/30 of the monthly special duty assignment pay payable under subsection (a).

"(2) An enlisted member referred to in paragraph (1) is an enlisted member of the National Guard or a Reserve component who—

"(A) is entitled to compensation under section 206 of this title; and

"(B) is performing duties that are comparable to the duties for which special duty assignment pay is paid under subsection (a) to an enlisted member who is entitled to basic pay under section 204 of this title.

"(3) An enlisted member referred to in paragraph (1) may receive special duty assignment pay under such paragraph for duty during periods in which the member is entitled to compensation under paragraphs (1) or (2) of section 206(a) of this title.".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking out "subsection (b) of this section" in subsection (a) and inserting in lieu thereof "subsection (c)"; and

(2) by striking out "subsection (a) of" in subsection (c) (as redesignated by subsection (a)).

(c) EFFECTIVE DATE.—Section 307(b) of title 37, United States Code (as added by subsection (a)), shall apply with respect to duty performed on or after the first day of the fourth calendar month following the month in which this Act is enacted.

SEC. 655. EXTENSION OF TEST PROGRAM FOR REIMBURSEMENT FOR ADOPTION EXPENSES.

Subsection (h) of section 638 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (101 Stat. 1108; 10 U.S.C. 113 note) is amended by striking out "before October 1, 1989" and inserting in lieu thereof "before October 1, 1990".

TITLE VII—HEALTH CARE PROVISIONS

PART A—HEALTH CARE PROFESSIONS PERSONNEL MATTERS

SEC. 701. AUTHORITY TO REPAY LOANS OF CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.

(a) EXPANSION OF EDUCATION LOANS THAT QUALIFY FOR REPAYMENT.—Subsection (a) of section 2172 of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(4) a loan made, insured, or guaranteed by a State, the District of Columbia, or a territory or possession of the United States if that loan was used to finance basic or advanced health professions education.".

(b) EXTENSION OF AUTHORITY.—Subsection (d) of section 2172 of title 10, United States Code, is amended by striking out "October 1, 1990" and inserting in lieu thereof "October 1, 1992".

(c) TECHNICAL AMENDMENTS.—(1) Subsection (a) of section 2172 of title 10, United States Code, is amended by striking out "a portion of" in paragraph (1).

(2) Subsection (c) of such section is amended by striking out "portion of" in paragraph (2) and inserting in lieu thereof "amount of".

(d) REPORT ON LOAN REPAYMENTS FOR HEALTH PROFESSIONALS.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—

(A) evaluating the loan repayment program for certain health professionals established under section 2172 of title 10, United States Code (as amended by this section); and

(B) containing a legislative proposal to establish a comprehensive and coordinated program in the military departments to repay education loans for health profession-

als who serve on active duty or in a reserve component.

(2) The report required by paragraph (1) shall be submitted not later than January 15, 1990.

SEC. 702. REVISION OF MILITARY PHYSICIAN SPECIAL PAY STRUCTURE.

(a) REVISION IN RATES OF SPECIAL PAY.—Section 302 of title 37, United States Code, is amended as follows:

(1) Subsection (a)(2) is amended—

(A) by striking out "$10,000" in subparagraph (C) and inserting in lieu thereof "$12,000";

(B) by striking out "$9,500" in subparagraph (D) and inserting in lieu thereof "$11,500";

(C) by striking out "$9,000" in subparagraph (E) and inserting in lieu thereof "$11,000";

(D) by striking out "$8,000" in subparagraph (F) and inserting in lieu thereof "$10,000";

(E) by striking out "$7,000" in subparagraph (G) and inserting in lieu thereof "$9,000";

(F) by striking out "$6,000" in subparagraph (H) and inserting in lieu thereof "$8,000"; and

(G) by striking out "$5,000" in subparagraph (I) and inserting in lieu thereof "$7,000".

(2) Subsection (a)(4) is amended—

(A) by striking out "(A)";

(B) by striking out "who has less than ten years of creditable service";

(C) by striking out "$9,000" and inserting in lieu thereof "$15,000"; and

(D) by striking out subparagraph (B).

(3) Subsection (a)(5) is amended—

(A) by striking out "$2,000" in subparagraph (A) and inserting in lieu thereof "$2,500";

(B) by striking out "$2,500" in subparagraph (B) and inserting in lieu thereof "$3,500";

(C) by striking out "$3,000" in subparagraph (C) and inserting in lieu thereof "$4,000";

(D) by striking out "$4,000" in subparagraph (D) and inserting in lieu thereof "$5,000"; and

(E) by striking out "$5,000" in subparagraph (E) and inserting in lieu thereof "$6,000".

(4) Subsection (b)(1) is amended—

(A) by striking out "$8,000" and inserting in lieu thereof "$20,000"; and

(B) by striking out "unless the Secretary concerned determines" and all that follows through "wartime skill".

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) by inserting "VARIABLE, ADDITIONAL, AND BOARD CERTIFICATION SPECIAL PAY.—" in subsection (a) after "(a)";

(2) by inserting "INCENTIVE SPECIAL PAY.—" in subsection (b) after "(b)";

(3) by inserting "ACTIVE-DUTY AGREEMENT.—" in subsection (c) after "(c)";

(4) by inserting "REGULATIONS.—" in subsection (d) after "(d)";

(5) by inserting "FREQUENCY OF PAYMENTS.—" in subsection (e) after "(e)";

(6) by inserting "REFUND FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—" in subsection (f) after "(f)";

(7) by inserting "DETERMINATION OF CREDITABLE SERVICE.—" in subsection (g) after "(g)";

(8) by inserting "RESERVE MEDICAL OFFICERS SPECIAL PAY.—" in subsection (h) after "(h)";

(9) by inserting "EFFECT OF DISCHARGE IN BANKRUPTCY.—" in subsection (i) after "(i)"; and

(10) by striking out "of this section" and "of this subsection" each place they appear (other than in subsection (g)).

(c) LIMIT ON FISCAL YEAR 1990 EXPENDITURES FOR MEDICAL SPECIAL PAY.—The amount that may be paid for incentive special pay for medical officers under section 302(b) of title 37, United States Code, during fiscal year 1990 may not exceed $55,600,000.

(d) TRANSITION.—(1) An officer who executed a written agreement under section 612 of the National Defense Authorization Act, Fiscal Year 1989 (102 Stat. 1979), to receive a medical officer retention bonus shall be given the opportunity, before accepting the next payment due under such agreement, to terminate such agreement.

(2) An officer who elects to terminate such an agreement shall be entitled to special pay under section 302 of title 37, United States Code (as amended by this section).

(3) Until such termination, and in the case of an officer who elects not to terminate such an agreement, the officer shall not be entitled to additional special pay under subsection (a)(4) of section 302 of such title in excess of the rates in effect for such pay on September 30, 1989.

(e) REPORTS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives the following reports:

(1) A report describing the manner by which the Secretary of each military department will provide incentive special pay to medical officers under section 302(b) of title 37, United States Code (as amended by subsection (a)) during fiscal year 1990. Such report shall be submitted not later than the earlier of—

(A) December 1, 1989; and

(B) the date that is 30 days before the date such section is first executed.

(2) A report describing the manner by which the Secretary of each military department will provide incentive special pay to medical officers under such section during fiscal year 1991 and including such recommendations for modification of the program as the Secretaries consider appropriate. Such report shall be submitted not later than March 1, 1990.

(3) A report evaluating the Medical Officer Retention Bonus program authorized by section 612 of the National Defense Authorization Act, Fiscal Year 1989 (102 Stat. 1979), and including an assessment of the effect on the retention of medical officers of bonus levels for agreements of different lengths. Such report shall be submitted not later than February 1, 1990.

(f) EFFECTIVE DATE.—(1) The amendments made by paragraphs (1) and (3) of subsection (a) shall take effect on January 1, 1990.

(2) The amendments made by paragraphs (2) and (4) of subsection (a) shall apply to an agreement entered into under section 302(c)(1) of title 37, United States Code, on or after the later of—

(A) the date of the enactment of this Act; and

(B) October 1, 1989.

SEC. 703. ACCESSION BONUS FOR REGISTERED NURSES.

(a) ACCESSION BONUS AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by adding after section 302c the following new section:

"§ 302d. Special pay: accession bonus for registered nurses

"(a) ACCESSION BONUS AUTHORIZED.—(1) A person who is a registered nurse and who, during the period beginning on October 1, 1989, and ending on September 30, 1990, executes a written agreement described in subsection (c) to accept a commission as an officer and remain on active duty for a period of not less than four years may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

"(2) The amount of an accession bonus under paragraph (1) may not exceed $5,000.

"(b) LIMITATION ON ELIGIBILITY FOR BONUS.—A person is not eligible for a bonus under subsection (a) if—

"(1) the person received financial assistance from the Department of Defense to pursue a baccalaureate degree; or

"(2) the Secretary concerned determines that the person is not qualified as a registered nurse.

"(c) AGREEMENT.—The agreement referred to in subsection (a) shall provide that the individual agrees to accept a commission as an officer with a view toward placement as an officer of the Nurse Corps of the Army or Navy, an officer of the Air Force designated as a nurse, or an officer designated as a nurse in the commissioned corps of the Public Health Service.

"(d) REPAYMENT.—(1) An officer who receives a payment under subsection (a) and who fails to remain licensed as a registered nurse during the period for which the payment is made shall refund to the United States an amount equal to the full amount of such payment.

"(2) An officer who voluntarily terminates service on active duty before the end of the period agreed to be served under subsection (a) shall refund to the United States an amount that bears the same ratio to the amount paid to the officer as the unserved part of such period bears to the total period agreed to be served.

"(3) An obligation to reimburse the United States imposed under paragraph (1) or (2) is for all purposes a debt owed to the United States.

"(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or this subsection. This paragraph applies to any case commenced under title 11 after October 1, 1989.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302c the following new item:

"302d. Special pay: accession bonus for registered nurses.".

(b) ADMINISTRATION AND IMPLEMENTATION.—Section 303a of title 37, United States Code, is amended by inserting "302d," after "302c," each place it appears.

(c) REPORT ON IMPLEMENTATION.—Not later than March 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the manner in which the authority provided in section 302d of title 37, United States Code (as added by subsection (a)), is implemented.

SEC. 704. INCENTIVE PAY FOR NURSE ANESTHETISTS.

(a) AUTHORIZATION FOR INCENTIVE PAY.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 302d (as added by section 703) the following new section:

"§ 302e. Special pay: nurse anesthetists

"(a) SPECIAL PAY AUTHORIZED.—(1) An officer described in subsection (b) who executes a written agreement to remain on active duty for a period of one year or more may, upon the acceptance of the agreement by the Secretary concerned, be paid incentive special pay in an amount not to exceed $6,000 for any 12-month period.

"(2) The Secretary concerned shall determine the amount of incentive special pay to be paid to an officer under paragraph (1). In determining that amount, the Secretary concerned shall consider the term of the agreement under that paragraph.

"(b) COVERED OFFICERS.—An officer referred to in subsection (a) is an officer of a uniformed service who—

"(1) is an officer of the Nurse Corps of the Army or Navy, an officer of the Air Force designated as a nurse, or an officer designated as a nurse in the commissioned corps of the Public Health Service;

"(2) is a qualified certified registered nurse anesthetist; and

"(3) is on active duty under a call or order to active duty for a period of not less than one year.

"(c) TERMINATION OF AGREEMENT.—Under regulations prescribed by the Secretary of Defense, with respect to the Army, Navy, and Air Force, and the Secretary of Health and Human Services, with respect to the Public Health Service, the Secretary concerned may terminate an agreement entered into under subsection (a). Upon termination of an agreement, the entitlement of the officer to special pay under this section and the agreed upon commitment to active duty of the officer shall end. The officer may be required to refund that part of the special pay corresponding to the unserved period of active duty.

"(d) PAYMENT.—Special pay payable to an officer under subsection (a) of this section shall be paid annually at the beginning of the 12-month period for which the officer is to receive that payment.

"(e) REPAYMENT.—(1) An officer who voluntarily terminates service on active duty before the end of the period agreed to be served under subsection (a) shall refund to the United States an amount that bears the same ratio to the amount paid to the officer as the unserved part of such period bears to the total period agreed to be served.

"(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or this subsection. This paragraph applies to any case commenced under title 11 after October 1, 1989.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302d (as added by section 703) the following new item:

"302e. Special pay: nurse anesthetists.".

(b) ADMINISTRATION AND IMPLEMENTATION.—Section 303a of title 37, United States Code (as amended by section 703(b)) is further amended by inserting "302e," after "302d," each place it appears.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1989.

(d) REPORT ON MILITARY USE OF CERTIFIED REGISTERED NURSE ANESTHETISTS.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the use of Certified Registered Nurse Anesthetists by the military departments. The report shall include—

(A) a description of restrictions imposed by the military departments on the use of such nurses;

(B) a comparison of such restrictions with restrictions imposed by other entities on the use of such nurses;

(C) a description of the number of persons who annually receive training by the military departments to be Certified Registered Nurse Anesthetists; and

(D) the desirability and cost of expanding the capability of the military departments to provide such training.

(2) The report required by paragraph (1) shall be submitted not later than March 1, 1990.

SEC. 705. NURSE OFFICER CANDIDATE ACCESSION BONUS.

(a) BONUS AUTHORIZED.—Chapter 105 of title 10, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER III—NURSE OFFICER CANDIDATE ACCESSION PROGRAM

"Sec.
"2130a. Financial assistance: nurse officer candidates.

"§ 2130a. Financial assistance: nurse officer candidates

"(a) BONUS AUTHORIZED.—(1) An individual described in subsection (b) who executes a written agreement in accordance with subsection (c) to accept an appointment as a nurse officer may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus of not more than $5,000. The bonus shall be paid in periodic installments, as determined by the Secretary concerned at the time the agreement is accepted, except that the first installment may not exceed $2,500.

"(2) In addition to the accession bonus payable under paragraph (1), an individual selected under such paragraph shall be entitled to a monthly stipend of not more than $500 for each month the individual is enrolled as a full-time student in an accredited baccalaureate degree program in nursing at a civilian educational institution that does not have a Senior Reserve Officers' Training Program established under section 2102 of this title. The continuation bonus may not be paid for more than 24 months.

"(b) ELIGIBLE STUDENTS.—An individual eligible to enter into an agreement under subsection (a) is an individual who—

"(1) has completed the second year of an accredited baccalaureate degree program in nursing and has more than 6 months of academic work remaining before graduation;

"(2) is enrolled as a full-time student in an accredited baccalaureate degree program in nursing at a civilian educational institution that does not have a Senior Reserve Officers' Training Program established under section 2102 of this title; and

"(3) meets the qualifications for appointment as an officer of a reserve component of the Army, Navy, or Air Force as set forth in section 591 of this title or, in the case of the Public Health Service, section 207 of the Public Health Service Act (42 U.S.C. 209) and the regulations of the Secretary concerned.

"(c) REQUIRED AGREEMENT.—The agreement required to receive the bonus and stipend payable under subsection (a) shall provide that the individual agrees to the following:

"(1) That the individual will complete the nursing degree program described in subsection (b).

"(2) That, upon acceptance of the agreement by the Secretary concerned, the individual will enlist in a reserve component of an armed force;

"(3) That the individual will accept an appointment as an officer in the Nurse Corps of the Army or the Navy or as an officer designated as a nurse officer in the Air Force or commissioned corps of the Public Health Service upon graduation from the nursing degree program.

"(4) That the individual will serve on active duty as such an officer—

"(A) for a period of 4 years in the case of an individual whose agreement was accepted by the Secretary concerned during the individual's fourth year of the nursing degree program;

"(B) for a period of 5 years in the case of an individual whose agreement was accepted by the Secretary concerned during the individual's third year of the nursing degree program.

"(d) REFUND OF PAYMENTS.—An individual shall refund a bonus paid under subsection (a) if the individual—

"(1) fails to complete the nursing degree program in which the individual is enrolled;

"(2) having completed the nursing degree program, fails to accept an appointment, if tendered, as an officer of the Nurse Corps of the Army or the Navy or as an officer designated as a nurse officer of the Air Force or commissioned corps of the Public Health Service; or

"(3) fails to complete the period of obligated active service required under the agreement.

"(e) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section.".

(b) CLERICAL AMENDMENT.—The table of subchapters at the beginning of chapter 105 of title 10, United States Code, is amended by adding at the end the following new item:

"III. Nurse Officer Candidate Accession Program ..... 2130a".

SEC. 706. PROGRAM TO INCREASE USE OF CERTAIN NURSES BY THE MILITARY DEPARTMENTS.

(a) PROGRAM REQUIRED.—(1) Not later than September 30, 1991, the Secretary of each military department shall implement a program to appoint persons who have an associate degree or diploma in nursing (but have not received a baccalaureate degree in nursing) as officers and to assign such officers to duty as nurses.

(2) An officer appointed pursuant to the program required by subsection (a) shall be appointed in a warrant officer grade or in a grade not to exceed O–3. Such officer may not be promoted beyond the grade of O–3 unless the officer receives a baccalaureate degree in nursing.

(b) REPORT ON IMPLEMENTATION.—Not later than April 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on steps taken by the military departments to implement the program required by this section.

SEC. 707. GRADE RELIEF FOR NAVY NURSE LIEUTENANT COMMANDERS.

(a) INCREASE IN AUTHORIZED NUMBER FOR FISCAL YEAR 1991.—During fiscal year 1991, the limitation specified in section 523(a)(2) of title 10, United States Code, with respect

to the grade of lieutenant commander is increased by 173. The Secretary of the Navy shall provide that all of the increase in authorized strength in grade under the preceding sentence shall be allocated to the Nurse Corps for nurses in duty assignments involving direct patient care.

(b) REPORT ON GRADE TABLE RESTRICTIONS.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a comprehensive report on the adequacy of the strength-in-grade limitations prescribed by section 523(a) of title 10, United States Code, particularly as those limitations affect the ability to recruit and retain nurses and other health professionals on active duty. The report shall discuss the advantages and disadvantages of the current limitations for each of the armed forces and shall include such recommendations as the Secretary considers appropriate.

(2) The report shall be submitted not later than March 1, 1990.

(c) MATTERS TO BE CONSIDERED BY PROMOTION BOARDS.—The Secretary of each military department, under uniform regulations prescribed by the Secretary of Defense, shall direct that each promotion board considering officers on the active-duty list in a health-professions competitive category for promotion to a grade below colonel or, in the case of the Navy, captain, shall give consideration to clinical proficiency and skill as a health professional to at least as great an extent as the board gives to administrative and management skills.

(d) REPORT ON CONSTRUCTIVE CREDIT FOR NURSES.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the awarding of constructive credit to military nurses for education, training, or experience. The report shall discuss existing provisions of law providing for such constructive credit, including a discussion of any inequities which the Secretary considers that such provisions may have created. If the Secretary determines that any such inequities have been created, the report shall include recommendations by the Secretary for ways to eliminate or reduce those inequities.

(2) The report shall be submitted not later than March 1, 1990.

PART B—HEALTH CARE MANAGEMENT

SEC. 711. PROHIBITION ON CHARGES FOR OUTPATIENT MEDICAL AND DENTAL CARE.

During fiscal years 1990 and 1991, the Secretary of Defense may not impose a charge for the receipt of outpatient medical or dental care at a military medical treatment facility.

SEC. 712. SHARING OF HEALTH-CARE RESOURCES WITH THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1104. Sharing of health-care resources with the Department of Veterans Affairs

"(a) SHARING OF HEALTH-CARE RESOURCES.—Health-care resources of the Department of Defense may be shared with health-care resources of the Department of Veterans Affairs in accordance with section 5011 of title 38 or under section 1535 of title 31.

"(b) REIMBURSEMENT FROM CHAMPUS FUNDS.—Pursuant to an agreement entered into under section 5011 of title 38 or section 1535 of title 31, the Secretary of a military department may reimburse the Secretary of Veterans Affairs from funds available for that military department for the payment of medical care provided under section 1079 or 1086 of this title.

"(c) CHARGES.—The Secretary of Defense may prescribe by regulation a premium, deductible, copayment, or other charge for health care provided to covered beneficiaries under this chapter pursuant to an agreement entered into under section 5011 of title 38 or section 1535 of title 31.

"(d) PROVISION OF SERVICES DURING WAR OR NATIONAL EMERGENCY.—Members of the armed forces on active duty during and immediately following a period of war, or a national emergency involving the use of the armed forces in armed conflict, may be provided health-care services by the Department of Veterans Affairs in accordance with section 5011A of title 38.".

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

"1104. Sharing of health-care resources with the Department of Veterans Affairs.".

SEC. 713. PROHIBITION ON REDUCING END STRENGTH LEVELS FOR MEDICAL PERSONNEL AS A RESULT OF BASE CLOSURES AND REALIGNMENTS.

(a) PROHIBITION.—The end strength levels for medical personnel for each component of the Armed Forces, and the number of civilian personnel of the Department of Defense assigned to military medical facilities, may not be reduced as a result of the closure or realignment of a military installation under section 2687 of title 10, United States Code, or title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526).

(b) MEDICAL PERSONNEL DEFINED.—For purposes of subsection (a), the term "medical personnel" has the meaning given that term in subparagraph (D) of section 115(b)(1) of title 10, United States Code.

SEC. 714. REVISED DEADLINE FOR THE USE OF DIAGNOSIS-RELATED GROUPS FOR OUTPATIENT TREATMENT.

The regulations required by section 1101(a) of title 10, United States Code, to establish the use of diagnosis-related groups as the primary criteria for the allocation of resources to health care facilities of the uniformed services shall be prescribed to take effect not later than October 1, 1991, in the case of outpatient treatments.

SEC. 715. ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM.

(a) SPECIALIZED TRAINING DEFINED.—Section 2120 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The term 'specialized training' means advanced training in a health professions specialty received in an accredited program beyond the basic education required for appointment as an officer in a health profession.".

(b) EXPANSION OF PROGRAM.—Section 2121 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "health professions scholarship program" and inserting in lieu thereof "health professions scholarship and financial assistance program";

(2) in subsection (b), by inserting "and specialized training" after "study"; and

(3) in subsection (c)—

(A) by striking out "of the program" in the second sentence and inserting in lieu thereof "pursuing a course of study"; and

(B) by inserting after the second sentence the following new sentence: "Members pursuing specialized training shall serve on active duty in a pay grade commensurate with their educational level, as determined by appointment under section 3353, 5600, or 8353 of this title, with full pay and allowances of that grade for a period of 14 days during each year of participation in the program.".

(c) ELIGIBILITY.—Paragraph (1) of section 2122(a) of title 10, United States Code, is amended by striking out "in a course of study" and all that follows through the semicolon and inserting in lieu thereof "in a course of study or selected to receive specialized training;".

(d) FINANCIAL ASSISTANCE.—(1) Section 2127 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) A person participating as a member of the program in specialized training shall be paid an annual grant of $15,000 in addition to the stipend under section 2121(d) of this title. The amount of the grant shall be increased annually by the Secretary of Defense, effective July 1 of each year, in the same manner as provided for stipends.".

(2) The heading of such section is amended to read as follows:

"§ 2127. Contracts for scholarships or financial assistance: payments".

(3) The item relating to such section in the table of sections at the beginning of subchapter I of chapter 105 of such title is amended to read as follows:

"2127. Contracts for scholarships or financial assistance: payments.".

(e) REPORT ON IMPLEMENTATION.—Not later than March 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the manner in which the new authority provided by this section is implemented.

(f) REPORT ON SUCCESS OF FINANCIAL ASSISTANCE PROGRAM.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—

(A) evaluating the success of the financial assistance program established by this section; and

(B) describing the number of participants in the program receiving specialized training payments under subsection (e) of section 2127 of title 10, United States Code (as added by subsection (d)) and the projected number of officers to be gained by specialty as a result of the program for each military department.

(2) The report required by paragraph (1) shall be submitted not later than March 1, 1990.

(g) DELAY IN TARGETING SCHOLARSHIPS FOR CRITICALLY NEEDED WARTIME SKILLS.—Notwithstanding section 712(b)(2) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180, 10 U.S.C. 2124 note), section 2124 of title 10, United States Code, as in effect on September 30, 1989, shall remain in effect through September 30, 1990.

(h) CLERICAL AMENDMENTS.—(1) Section 2120 of title 10, United States Code, is amended by striking out "the Armed Forces Health Professions Scholarship program" each place it appears and inserting in lieu thereof "the Armed Forces Health Professions Scholarship and Financial Assistance program".

(2) The subchapter heading of subchapter I of chapter 105 of such title is amended to read as follows:

"SUBCHAPTER I—HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM FOR ACTIVE SERVICE".

(3) The item relating to such subchapter in the table of subchapters at the beginning of such chapter is amended to read as follows:

"I. Health Professions Scholarship and Financial Assistance Program for Active Service..... 2120".

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1989.

SEC. 716. UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SERVICES AND HENRY M. JACKSON FOUNDATION FOR THE ADVANCEMENT OF MILITARY MEDICINE.

(a) INCREASED NUMBER OF EXEMPTIONS FROM DUAL-PAY PROVISION.—Subsection (f)(2) of section 2113 of title 10, United States Code, is amended by striking out "two exemptions" in the last sentence and inserting in lieu thereof "five exemptions".

(b) GRANT AUTHORITY.—Subsection (j)(1)(A) of section 2113 of title 10, United States Code, is amended by inserting ", accept grants from, and make grants to" after "contracts with".

(2) Subsection (g)(1) of section 178 of title 10, United States Code, is amended by inserting ", accept grants from, and make grants to" after "contracts with".

(c) DUAL EMPLOYMENT.—Subsection (h) of section 178 of title 10, United States Code, is amended to read as follows:

"(h) A person who is a full-time or part-time employee of the Foundation may be an employee (full-time or part-time) of the United States so long as compensation is within guidelines established by the Secretary of Defense.".

SEC. 717. RETENTION OF FUNDS COLLECTED FROM THIRD-PARTY PAYERS OF INPATIENT CARE FURNISHED AT FACILITIES OF THE UNIFORMED SERVICES.

(a) RETENTION AUTHORIZED.—Section 1095 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) To the extent provided in appropriation Acts, amounts collected under this section from a third-party payer for the costs of inpatient hospital care provided at a facility of the uniformed services shall be credited to the appropriation supporting the maintenance and operation of the facility.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 1989, and shall apply to amounts collected under section 1095 of title 10, United States Code, on or after that date.

SEC. 718. REALLOCATION OF CERTAIN CIVILIAN PERSONNEL POSITIONS TO MEDICAL SUPPORT.

(a) REALLOCATION OF POSITIONS REQUIRED.—In implementing the Report of the Deputy Inspector General of the Department of Defense entitled "Review of Unified and Specified Command Headquarters" (completed in February 1988), the Secretary of the Army and the Secretary of the Navy shall reallocate the 939 civilian positions selected for elimination to medical support positions.

(b) REPORT.—(1) The Secretary of the Army and the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing, as of the date such report is submitted—

(A) the medical support positions created pursuant to subsection (a);

(B) the location of such positions; and

(C) the duties of the civilian personnel in such positions.

(2) The report required by paragraph (1) shall be submitted not later than March 1, 1990.

SEC. 719. CODIFICATION OF APPROPRIATION PROVISION RELATING TO CHAMPUS.

(a) Subsection (c) of section 1074 of title 10, United States Code, is amended by adding at the end the following new sentence: "If the private facility or health care provider providing care under this subsection is a health care provider under the Civilian Health and Medical Program of the Uniformed Services, the Secretary of Defense, after consultation with the other administering Secretaries, may by regulation require the institutional or individual provider to provide such care in accordance with the same payment rules (subject to any modifications considered appropriate by the Secretary) as apply under that program.".

SEC. 720. CLARIFICATION AND CORRECTION OF PROVISIONS PROVIDING HEALTH BENEFITS FOR CERTAIN FORMER SPOUSES.

(a) ELIGIBILITY OF CERTAIN FORMER SPOUSES.—Section 1072(2) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of clause (F);

(2) by striking out the period at the end of clause (G) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new clause:

"(H) a person who would qualify as a dependent under clause (G) but for the fact that the date of the final decree of divorce, dissolution, or annulment of the person is on or after April 1, 1985, except that the term does not include the person after the end of the one-year period beginning on the date of that final decree.".

(b) AVAILABILITY OF CONVERSION HEALTH POLICIES AND EXTENSION OF ELIGIBILITY FOR MEDICAL AND DENTAL CARE.—(1) Chapter 55 of such title is amended by inserting after section 1086 the following new section:

"§ 1086a. Certain former spouses: extension of period of eligibility for health benefits

"(a) AVAILABILITY OF CONVERSION HEALTH POLICIES.—The Secretary of Defense shall inform a person who is a dependent for a one-year period under section 1072(2)(H) of this title of the availability of a conversion health policy for purchase by the person.

"(b) EFFECT OF PURCHASE.—(1) Subject to paragraph (2), if a person who is a dependent for a one-year period under section 1072(2)(H) of this title purchases a conversion health policy within that period (or within a reasonable time after that period as prescribed by the Secretary of Defense), the person shall continue to be eligible for medical and dental care in the manner described in section 1076 of this title and health benefits under section 1086 of this title until the end of the one-year period beginning on the later of—

"(A) the date the person is no longer a dependent under section 1072(2)(H) of this title; and

"(B) the date of the purchase of the policy.

"(2) The extended period of eligibility provided under paragraph (1) shall apply only with regard to a condition of the person that—

"(A) exists on the date on which coverage under the conversion health policy begins; and

"(B) for which care is not provided under the policy solely on the grounds that the condition is a preexisting condition.

"(c) CONVERSION HEALTH POLICY DEFINED.—In this section, the term 'conversion health policy' means a health insurance policy with a private insurer, developed through negotiations between the Secretary of Defense and the private insurer, that is available for purchase by or for the use of a person who is a dependent for a one-year period under section 1072(2)(H) of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1086 the following new item:

"1086a. Certain former spouses: extension of period of eligibility for health benefits.".

(c) CONFORMING AMENDMENTS.—(1) Subsection (f) of section 1076 of such title is repealed.

(2) Paragraph (3) of section 1086(c) of such title is amended to read as follows:

"(3) A dependent covered by clause (F), (G), or (H) of section 1072(2) of this title who is not eligible under paragraph (1).".

(d) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—(1) The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to a person referred to in section 1072(2)(H) of title 10, United States Code (as added by subsection (a)), whose decree of divorce, dissolution, or annulment becomes final on or after that date.

(2) The amendments made by this section shall also apply to a person referred to in such section whose decree of divorce, dissolution, or annulment became final during the period beginning on September 29, 1988, and ending on the day before the date of the enactment of this Act, as if the amendments became effective on September 29, 1988.

(e) TRANSITION.—(1) In the case of a person who was qualified as a dependent under section 645(c) of the Department of Defense Authorization Act, 1985 (98 Stat. 2549), on September 28, 1988, the Secretary of Defense shall make a conversion health policy available for purchase by the person during the remaining period the person is considered to be a dependent under that section (or within a reasonable time after that period as prescribed by the Secretary of Defense).

(2) Purchase of a conversion health policy under paragraph (1) by a person shall entitle the person to health care for preexisting conditions in the same manner and to the same extent as provided by section 1086a(b) of title 10, United States Code (as added by subsection (b)), until the end of the one-year period beginning on the later of—

(A) the date the person is no longer qualified as a dependent under section 645(c) of the Department of Defense Authorization Act, 1985; and

(B) the date of the purchase of the policy.

(3) For purposes of this subsection, the term "conversion health policy" has the meaning given that term in section 1086a(c) of title 10, United States Code (as added by subsection (b)).

SEC. 721. REALLOCATION OF NAVAL RESERVE REAR ADMIRALS AUTHORIZED FOR HEALTH PROFESSIONS.

Section 5457(a) of title 10, United States Code, is amended—

(1) by striking out "Medical Corps—7" and inserting in lieu thereof "Medical Corps—5"; and

(2) by inserting after and below paragraph (7) the following:

"(8) Nurse Corps—1.

"(9) Medical Service Corps—1.".

TITLE VIII—MILITARY CHILD CARE

SEC. 801. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This title may be cited as the "Military Child Care Act of 1989".

(b) DEFINITIONS.—For purposes of this title:

(1) The term "military child development center" means a facility on a military installation (or on property under the jurisdiction of a military installation) at which child care services are provided for children of members of the Armed Forces.

(2) The term "child care employee" means a civilian employee of the Department of Defense who is employed to work in a military child development center (regardless of whether the employee is paid from appropriated or nonappropriated funds).

SEC. 802. FUNDING FOR MILITARY CHILD CARE FOR FISCAL YEAR 1990.

(a) FISCAL YEAR 1990 FUNDING.—(1) Of the total estimated operating expenses of the Department of Defense during fiscal year 1990 for military child development centers, the Secretary of Defense shall make available, from funds appropriated pursuant to this Act, a sufficient amount for military child care equal to 70 percent of those expenses. In using those funds, the Secretary shall give priority to increasing the number of child care employees who are directly involved in providing child care and to expanding the availability of child care for members of the Armed Forces.

(2) The Secretary may waive the requirements of subsection (b) and of section 803(e) if the Secretary determines that those requirements cannot be carried out in an orderly manner.

(3) Not later than December 31, 1989, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on how the Secretary intends to use the funds referred to in paragraph (1), including how the Secretary intends to achieve the priority specified in the second sentence of that paragraph. The Secretary shall include in the report a description of any use made, or proposed to be made, of the authority provided by paragraph (2), including a statement of the reasons for any such waiver (together with supporting cost information and other information justifying the waiver). If the Secretary uses such authority after December 31, 1989, the Secretary shall promptly inform the committees of the waiver and of the reasons for the waiver.

(b) FUNDS DERIVED FROM PARENTS FEES TO BE USED FOR EMPLOYEE COMPENSATION.—(1) During fiscal year 1990, nonappropriated funds of the Department of Defense described in paragraph (2) that are used for the purpose of providing child care for members of the Armed Forces may be used only for compensation of child care employees who are directly involved in providing child care.

(2) Funds referred to in paragraph (1) are those nonappropriated funds derived from fees paid by members of the Armed Forces for child care services.

SEC. 803. CHILD CARE EMPLOYEES.

(a) TRAINING.—(1) The Secretary of Defense shall establish, and prescribe regulations to implement, a uniform training program for child care employees as a condition of employment.

(2) Under those regulations, the Secretary shall require that each child care employee shall complete the training program not later than six months after the date on which the employee begins to work as a child care employee (except that, in the case of a child care employee hired before the date on which the training program is established, the Secretary shall require that the employee complete the program not later than six months after such date).

(3) The training program established under this subsection shall cover, at a minimum, training in the following:

(A) Early childhood development.

(B) Activities and disciplinary techniques appropriate to children of different ages.

(C) Child abuse prevention and detection.

(D) Cardiopulmonary resuscitation and other emergency medical procedures.

(b) PAY.—(1) The Secretary of Defense shall increase the compensation of child care employees of the Department of Defense who are directly involved in providing child care in accordance with paragraph (2).

(2) For the purpose of enabling child care development centers to compete favorably for a qualified and stable civilian workforce, child care employees who are directly involved in providing child care and who are paid from nonappropriated funds shall be paid compensation at rates comparable to that of other employees with comparable training, seniority, and experience at the same military installation (whether such employees are paid from appropriated or nonappropriated funds).

(3) The Secretary of Defense shall implement the requirement of paragraph (1) not later than six months after the date of the enactment of this Act.

(c) TRAINING AND CURRICULUM CHILD CARE EMPLOYEES.—(1) The Secretary of Defense shall require that at each military child development center at least one employee shall be a training and curriculum child care employee. Such position shall be in addition to existing civil service positions at military child development centers as of the date of the enactment of this Act.

(2) The Secretary shall require appropriate credentials and experience for such employees. The duties of such employees shall include the following:

(A) Special teaching activities at the center.

(B) Daily oversight and instruction of other child care employees at the center.

(C) Daily assistance in the preparation of lesson plans.

(D) Assistance in the center's child abuse prevention and detection program.

(E) Advising the director of the center on the performance of other child care employees.

(2) Each training and curriculum child care employee shall be an employee in a competitive service position.

(d) EMPLOYMENT PREFERENCE FOR MILITARY SPOUSES.—The Secretary of Defense shall provide a preference for qualified spouses of members of the Armed Forces in hiring for, or promoting within, the position of child care employee in a position paid from nonappropriated funds if the spouse is among persons determined to be best qualified for the position. A spouse who is provided a preference under this subsection at a military child development center is not precluded from obtaining another preference, in accordance with section 806 of the Military Family Act of 1985 (10 U.S.C. 113 note), in the same geographical area as the military child development center.

(e) ADDITIONAL CHILD CARE POSITIONS.—Not later than September 30, 1990, at least 3,700 competitive service positions shall be made available in the Department of Defense for child care personnel in addition to the number of such positions available as of September 30, 1989. Positions for which such personnel may be used include—

(1) training and curriculum child care employees under subsection (c);

(2) child care administrators;

(3) supplemental care administrators;

(4) director of military child development centers; and

(5) family day care coordinators.

(f) COMPETITIVE SERVICE POSITION DEFINED.—For purposes of this section, the term "competitive service position" means a position to which an employee is appointed and paid in accordance with chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

SEC. 804. PARENT FEES.

The Secretary of Defense shall prescribe regulations on fees to be charged parents for the attendance of children at military child development centers. Those regulations shall be uniform for the military departments and shall require that fees charged to parents for child care be based on family income.

SEC. 805. CHILD ABUSE PREVENTION AND SAFETY.

(a) ABUSE TASK FORCE.—The Secretary of Defense shall establish and maintain a special task force to respond in the case of allegations of widespread child abuse at a military child development center. The task force shall be composed of personnel (from both within the Department of Defense and outside the Department of Defense) from a variety of disciplines, including medicine, psychology, childhood development, and building safety. The task force shall provide assistance to base commanders and parents in helping them to deal with such allegations.

(b) NATIONAL HOTLINE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish and publicize a national telephone hotline for persons to report (anonymously if desired) suspected child abuse or safety violations at a military child development center or family day care home. The Secretary shall establish a mechanism to follow up on complaints and information received over the hotline.

(c) ASSISTANCE FROM LOCAL AUTHORITIES.—The Secretary of Defense shall prescribe regulations requiring that in a case of allegations of child abuse at a military child development center, the commander of the military installation or the task force established under subsection (a) shall seek the assistance of local child protective authorities if such assistance is available.

(d) SAFETY REGULATIONS.—The Secretary of Defense shall prescribe uniform regulations on safety and operating procedures at military child development centers.

(e) INSPECTIONS.—The Secretary of Defense shall require that each military child development center be inspected at least four times a year. The inspections shall be unannounced. At least one inspection a year shall be carried out by a representative of the base that the center is serving, and one inspection a year shall be carried out by a representative of the major command under which the base operates.

(f) REMEDIES FOR VIOLATIONS.—(1) Except as provided in paragraph (2), any violation of a law or regulation (discovered at an inspection or otherwise) of a military child development center shall be remedied immediately.

(2) In the case of a violation that is not life threatening, the commander of the major command under which the base (that the military child development center is serving) operates may waive the requirement for immediate remediation of the vio-

lation for a period of up to 90 days beginning on the date of the discovery of the violation. The violation must be remedied at the end of that 90-day period. If the violation is not remedied as of the end of the period, the military child development center shall be closed until it is remedied unless the Secretary of the military department concerned authorizes the center to remain open in a case in which the violation cannot reasonably be remedied with 90 days or in which major facility reconstruction is required.

(3) In the event of a closing of a military child development center under paragraph (2), the Secretary of the military department concerned shall promptly submit to the Committees on Armed Services of the Senate and House of Representatives a report notifying those committees of the closing. The report shall include notice of the violation that caused the closing, the cost of remedying the violation, and the reasons why the violation has not been remedied as of the time of the report.

(g) REPORT ON COOPERATION WITH DEPARTMENT OF JUSTICE.—(1) The Secretary of Defense shall study areas of interdepartmental concern in military child care. Those areas shall include the following:

(A) Improving communication between the Department of Defense and the Department of Justice in investigations of child abuse at military child development centers and in the coordination of the conduct of such investigations.

(B) Eliminating overlapping responsibilities between those departments.

(C) Making better use of government and non-government experts in child abuse investigations and prosecutions.

(D) Improving communication between agencies and affected families.

(2) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the study required by paragraph (1). The report shall include recommendations on methods for improving the areas studied.

(3) The study shall be carried out, and the report shall be prepared, in consultation with the Comptroller General.

SEC. 806. PARENT PARTNERSHIPS WITH CHILD DEVELOPMENT CENTERS.

(a) PARENT BOARDS.—The Secretary of Defense shall require the establishment of a board of parents at each military child development center, to be composed of parents of children attending the center. Each such board shall meet periodically with staff at the military child development center and the commander of the base that the center is serving for the purpose of discussing problems and concerns. The board, together with the center staff, shall be responsible for coordinating the parent participation program described in subsection (b).

(b) PARENT PARTICIPATION PROGRAMS.—(1) The Secretary of Defense shall require the establishment of a parent participation program at each military child development center. Under such a program, parents of children attending the center shall—

(A) participate in activities related to the military child development center; or

(B) be required to pay a higher fee (as prescribed by the Secretary of Defense in regulations) for the attendance of children at the center.

(2) The Secretary of Defense may exempt a parent from the requirements of the participation program in the case of hardship or special local considerations.

SEC. 807. REPORT ON FIVE-YEAR DEMAND FOR CHILD CARE.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report on the expected demand for child care by military and civilian personnel of the Department of Defense over the five-year period beginning on the date of the submission of the report.

(b) PLAN FOR MEETING DEMAND.—The report shall include a plan for meeting that demand and shall set forth the cost of implementing that plan.

(c) MONITORING OF FAMILY DAY CARE PROVIDERS.—The report shall also include a description of methods for monitoring family day care programs of the military departments. For purposes of the preceding sentence, a family day care program is a program in which an individual certified by the Secretary of the military department concerned provides child day care in the individual's home.

(d) TIME FOR SUBMISSION.—The report shall be submitted not later than six months after the date of the enactment of this Act.

SEC. 808. DEADLINE FOR REGULATIONS.

Regulations required to be prescribed by this title shall be prescribed not later than 90 days after the date of the enactment of this Act.

TITLE IX—ACQUISITION POLICY

SEC. 901. ACQUISITION LAWS TECHNICAL AMENDMENTS.

(a) REPEAL OF DUPLICATE PROVISION; RESTORATION OF INADVERTENTLY STRICKEN PROVISION.—(1) Section 2324 of title 10, United States Code, is amended—

(A) by striking out "(l)(1)" and all that follows through "In subsection (k):" and inserting in lieu thereof "(6) In this subsection:";

(B) by redesignating subsection (l) as subsection (m); and

(C) by inserting after subsection (k) the text of subsection (k) of such section as in effect on the day before the date of the enactment of the Major Fraud Act of 1988 (Public Law 100-700; 102 Stat. 4631 et seq.), with such text designated as subsection (l).

(2) Section 833(c) of Public Law 100-456 (102 Stat. 2024) is amended by striking out "section 2324(k)" and inserting in lieu thereof "section 2324(m)".

(b) REFERENCES TO FAR.—(1) Section 2320(a) of title 10, United States Code, is amended—

(A) in paragraph (1), by inserting "issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1))" before the period at the end of the second sentence; and

(B) by striking out paragraph (4).

(2) Clause (i) of section 2324(k)(5)(B) of such title is amended by striking out "the single" and all that follows through the period and inserting in lieu thereof "the Federal Acquisition Regulation issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)).".

(c) PROCUREMENT MANAGEMENT PERSONNEL CLARIFICATIONS.—(1) Section 1622(b)(2) of title 10, United States Code, is amended by striking out "acquisition, support, and maintenance of weapon systems," and inserting in lieu thereof "acquisition of weapon systems or related items of supply,".

(2) Section 1621(2) of such title is amended by inserting after "Army Material Command," the following: "the Army Information Systems Command, the Army Strategic Defense Command,".

(3) The amendments made by this subsection shall take effect on July 1, 1989.

(d) CORRECTION OF REFERENCE.—Section 2304(b)(2) of title 10, United States Code, is amended—

(1) by striking out "An executive agency" and inserting in lieu thereof "The head of an agency"; and

(2) by inserting "concerns" before "other than".

SEC. 902. AUTHORITY TO CONTRACT WITH UNIVERSITY PRESSES FOR PRINTING, PUBLISHING, AND SALE OF HISTORY OF THE OFFICE OF THE SECRETARY OF DEFENSE.

The Government Printing Office, on behalf of the Secretary of Defense, shall contract for services for the printing, publishing, and sale of volumes III and IV of the publication entitled "History of the Office of the Secretary of Defense", using procurement procedures that exclude sources other than university presses.

TITLE X—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

PART A—PROFESSIONAL MILITARY EDUCATION

SEC. 1001. REPORTS RELATING TO COURSES OF INSTRUCTION AT CERTAIN PROFESSIONAL MILITARY EDUCATION SCHOOLS AND PROFESSIONAL MILITARY EDUCATION REQUIREMENTS FOR PROMOTION TO GENERAL OR FLAG RANK.

(a) SERVICE SECRETARIES REPORTS.—(1) The Secretary of each military department shall submit to the Secretary of Defense a report—

(A) evaluating the principal courses of instruction at each intermediate or senior professional military education school operated by that department in light of the mission of that school; and

(B) recommending the appropriate duration for those courses and the level and courses of professional military education that should be required before an officer is selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half).

(2) The reports required by paragraph (1) shall be prepared independently of the report required by subsection (b) and independently of each other.

(3) The reports required by paragraph (1) shall be submitted at such time as may be required by the Secretary of Defense.

(b) SECRETARY OF DEFENSE REPORT.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—

(A) containing copies of the reports submitted to the Secretary under subsection (a), together with such comments on each report as the Secretary considers appropriate;

(B) evaluating the principal courses of instruction at each intermediate or senior professional military education school in light of the mission of that school; and

(C) recommending the appropriate duration for those courses and the level and types of professional military education that should be required before an officer is selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half).

(2) The report required by paragraph (1) shall be submitted not later than April 2, 1990.

(c) OTHER MATTERS TO BE INCLUDED IN THE REPORTS.—The reports required by subsection (a) and subsection (b) shall include a discussion of the following:

(1) The implications of establishing by law a minimum length of 10 months duration for the principal courses of instruction at each intermediate or senior professional military education school.

(2) The implications of requiring by law, beginning January 1, 1999, that a prerequisite for selection of an officer for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half) shall be graduation from an intermediate professional military education school and a senior professional military education school.

(3) The practicability of providing that—

(A) the promotion eligibility of an officer may not be adversely affected by the attendance of the officer at a professional military education course of 10 months or more at an intermediate or senior professional military education school; and

(B) an officer who attends a professional military education course of 10 months or more at an intermediate or senior professional military education school shall be entitled to an additional year of service for each such course to prevent prejudice when considering the officer for discharge or retirement pursuant to subchapter III of chapter 36 of title 10, United States Code—

(i) for failure of selection for promotion; or

(ii) for years of service.

(d) INTERMEDIATE OR SENIOR PROFESSIONAL MILITARY EDUCATION SCHOOL DEFINED.—For purposes of this section, the term "intermediate or senior professional military education school" means any of the following:

(1) The Army War College.

(2) The College of Naval Warfare.

(3) The Air War College.

(4) The United States Army Command and General Staff College.

(5) The College of Naval Command and Staff.

(6) The Air Command and Staff College.

(7) The Marine Corps Command and Staff College.

SEC. 1002. THE NATIONAL DEFENSE UNIVERSITY SCHOOLS.

(a) JOINT PROFESSIONAL MILITARY EDUCATION.—Section 663(b) of title 10, United States Code, is amended in the first sentence by striking out "(and of any other joint professional military education school)".

(b) CONFORMING AMENDMENTS.—Section 663(d) of such title is amended by striking out "joint professional military education school" both places it appears and inserting in lieu thereof "school of the National Defense University".

SEC. 1003. ELIGIBLE STUDENTS AND DURATION OF PRINCIPLE COURSE OF INSTRUCTION AT THE ARMED FORCES STAFF COLLEGE.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2011. Armed Forces Staff College: eligible students; duration of principal course of instruction

"(a) ELIGIBLE STUDENTS.—(1) To be eligible to attend a course of instruction at the Armed Forces Staff College of the National Defense University, an officer shall have completed a course of instruction at a professional military education school operated by a military department.

"(2) In this subsection, the term 'professional military education school operated by a military department' means any of the following:

"(A) The Army War College.

"(B) The College of Naval Warfare.

"(C) The Air War College.

"(D) The United States Army Command and General Staff College.

"(E) The College of Naval Command and Staff.

"(F) The Air Command and Staff College.

"(G) The Marine Corps Command and Staff College.

"(b) DURATION OF PRINCIPAL COURSE OF INSTRUCTION.—The duration of the principal course of instruction offered at the Armed Forces Staff College may not be less than three months.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of title 10, United States Code, is amended by adding at the end the following new item:

"2011. Armed Forces Staff College: eligible students; duration of principal course of instruction.".

PART B—OTHER MATTERS

SEC. 1011. LIMITED AVAILABILITY OF CONFIDENTIAL AIRCRAFT MISHAP SAFETY INVESTIGATION REPORTS.

(a) AVAILABILITY TO CERTAIN MEMBERS OF CONGRESS.—Whenever there is a class A aircraft accident with respect to which the Secretary of the military department concerned conducts a mishap safety investigation, the Secretary shall make a copy of the report on the investigation available to the chairmen and ranking minority members of the Committees on Armed Services of the Senate and House of Representatives. The report shall be made available pursuant to the preceding sentence not later than seven days after the date on which the written report containing the results of the investigation is completed.

(b) DELETION OF NAMES OF WITNESSES.—The Secretary concerned shall delete from the copy of the report made available pursuant to subsection (a) the name of any witness providing a statement included in the report.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "class A aircraft accident" means an accident involving a military aircraft that results in—

(A) property damage in the amount of $1,000,000 or more;

(B) the destruction of the aircraft; or

(C) the death or permanent disability of an individual.

(2) The term "mishap safety investigation", with respect to an accident involving a military aircraft, means an investigation—

(A) that is conducted by the Secretary of the military department concerned to determine the cause of the accident and to obtain information to prevent the occurrence of similar accidents; and

(B) in which information is obtained on the promise of confidentiality.

TITLE XI—MILITARY DRUG INTERDICTION AND LAW ENFORCEMENT SUPPORT

SEC. 1101. TECHNICAL AND CLERICAL AMENDMENTS RELATING TO DRUG INTERDICTION.

(a) CHAPTER HEADING.—(1) The heading of the chapter following chapter 17 of title 10, United States Code (relating to drug interdiction and military cooperation with civilian law enforcement officials), is amended to read as follows:

"CHAPTER 18—DRUG INTERDICTION AND SUPPORT FOR CIVILIAN LAW ENFORCEMENT AGENCIES".

(2) The items relating to such chapter in the table of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, of such title are amended to read as follows:

"18. Drug Interdiction and Support for Civilian Law Enforcement Agencies..... 371".

(b) REFERENCE TO TARIFF SCHEDULES.—Section 374(b)(4) of such title is amended by striking out "general headnote 2 of the Tariff Schedules of the United States" in subparagraph (A)(iii) and inserting in lieu thereof "general note 2 of the Harmonized Tariff Schedule of the United States".

(c) CROSS-REFERENCE AMENDMENT.—Section 374(c) of such title is amended by striking out "paragraph (2)" and inserting in lieu thereof "subsection (b)(2)".

TITLE XII—GENERAL PROVISIONS

PART A—FINANCIAL AND BUDGET MATTERS

SEC. 1201. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division between any such authorizations (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $3,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON OBLIGATION LIMITATIONS.—A transfer made under the authority of this section increases by the amount of the transfer the obligation limitation provided in this division on the account (or other amount) to which the transfer is made.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1202. RESTATEMENT AND CLARIFICATION OF REQUIREMENT FOR CONSISTENCY IN THE BUDGET PRESENTATIONS OF THE DEPARTMENT OF DEFENSE.

(a) RESTATEMENT AND CLARIFICATION.—(1) Chapter 2 of title 10, United States Code, is amended by inserting after section 114 the following new section:

"§ 114a. Five-Year Defense Program: submission to Congress; consistency in budgeting

"(a) The Secretary of Defense shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, the current five-year defense program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in the budget submitted to Congress by the President for that year.

"(b)(1) The Secretary of Defense shall ensure that amounts described in subparagraph (A) of paragraph (2) are consistent with amounts described in subparagraph (B) of paragraph (2).

"(2) Amounts referred to in paragraph (1) are the following:

"(A) The amounts specified in program and budget information submitted to Congress by the Secretary in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31 for any fiscal year, as shown in the five-year defense program submitted pursuant to subsection (a).

"(B) The total amounts of estimated appropriations necessary to support the programs, projects, and activities of the Department of Defense included pursuant to paragraph (5) of section 1105(a) of title 31 in the budget submitted to Congress under that section for any fiscal year.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 114 the following new item:

"114a. Five-Year Defense Program: submission to Congress; consistency in budgeting.".

(b) CONFORMING AMENDMENT.—Section 114 of title 10, United States Code, is amended by striking out subsections (f) and (g).

SEC. 1203. BUDGETS FOR UNIFIED AND SPECIFIED COMMANDS.

Section 166 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "for such activities of each of the unified and specified combatant commands as may be determined under subsection (b)" and inserting in lieu thereof "for each of the unified and specified combatant commands"; and

(2) in subsection (b)—

(A) by striking out "the Secretary" in the first sentence and all that follows through "include" in the second sentence; and

(B) by adding at the end the following:

"(5) Command and control.".

PART B—NAVAL VESSELS AND SHIPYARDS

SEC. 1211. HANDLING OF HAZARDOUS WASTES IN NAVAL SHIP REPAIR WORK.

(a) REVISION OF REQUIRED CONTRACT PROVISIONS.—Section 7311 of title 10, United States Code, is amended to read as follows:

"§ 7311. Repair or maintenance of naval vessels: handling of hazardous waste

"(a) CONTRACTUAL PROVISIONS.—The Secretary of the Navy shall ensure that each contract entered into for work on a naval vessel (other than new construction) includes the following provisions:

"(1) IDENTIFICATION OF HAZARDOUS WASTES.—Provisions in which the Navy identifies the types and amounts of hazardous wastes that are required to be removed by the contractor from the vessel, or that are expected to be generated, during the performance of work under the contract, with such identification by the Navy to be in a form sufficient to enable the contractor to comply with Federal and State laws and regulations applicable to information required with respect to the storage, transportation, or disposal of hazardous waste.

"(2) COMPENSATION.—Provisions specifying that the contractor shall be compensated under the contract for work performed by the contractor for duties of the contractor specified under paragraph (3).

"(3) STATEMENT OF WORK.—Provisions mutually acceptable to the Navy and the contractor specifying the responsibilities of the Navy and of the contractor, respectively, for the removal (and the handling, storage, transportation, and disposal) of hazardous wastes arising out of the performance of the contract.

"(b) CONTRACTOR INDEMNIFICATION.—(1) A contract covered by subsection (a) shall also include provisions (hereinafter in this section referred to as 'contract indemnification provisions') under which the United States agrees to indemnify the contractor against a covered claim, loss, or damage to the extent that the covered claim, loss, or damage—

"(A) arises out of, or results from, the removal by the contractor of hazardous wastes generated by the Navy from the naval vessel on which the work is being performed (or the handling, storage, transportation, or disposal by the contractor of such wastes); and

"(B) is not otherwise compensated for by insurance or otherwise.

"(2) For purposes of contract indemnification provisions, a covered claim, loss, or damage is—

"(A) a claim (including reasonable expenses of litigation and settlement) by a third person (including the United States and its agencies, the several States and their agencies, and employees of the contractor) for—

"(i) death or personal injury;

"(ii) loss of, damage to, or loss of use of property; or

"(iii) loss of, damage to, or loss of use of natural resources; or

"(B) loss of, or damage to, property of the contractor and loss of use of such property (other than loss of profit).

"(3) Such contract indemnification provisions shall also provide that in the case of any covered claim, loss, or damage, the United States will defend the contractor against the claim, loss, or damage to the same extent that the United States is required to indemnify the contractor under paragraph (1).

"(4) Such contract indemnification provisions shall also provide—

"(A) that the contractor shall not be entitled to be indemnified under such provisions to the extent that the claim, loss, or damage is within the deductible amounts (as of the time the contract is entered into) of the contractor's insurance; and

"(B) that, in a case in which a claim, loss, or damage is caused by failure of the contractor to comply with an applicable Federal or State law or regulation, the contractor shall not be indemnified under such provisions.

"(5) Contract indemnification provisions shall also provide that the rights and obligations of the Navy and of the contractor under those provisions shall survive the termination, expiration, or completion of the contract to which they apply.

"(6) Contract indemnification provisions shall also provide that—

"(A) the contractor may, with the prior written approval of the contracting officer, agree to indemnify the subcontractor in any subcontract under the contract against claims, loss, or damage in the same manner, and subject to the same limitations, as apply to the contractor under paragraph (1);

"(B) that the contracting officer for the contract may also approve indemnification of subcontractors at any lower tier, under the same terms and conditions; and

"(C) that the United States shall indemnify the contractor against liability to subcontractors incurred under subcontract provisions approved under this paragraph by the contracting officer.

"(7) The contract indemnification provisions shall also provide that, in the case of any payment to be made by the United States under those provisions, the United States may make the payment to the contractor or subcontractor being indemnified or may make the payment directly to the party to whom the contractor or subcontractors may be liable.

"(c) RENEGOTIATION OF CONTRACT.—The Secretary of the Navy shall renegotiate a contract described in subsection (a) if—

"(1) the contractor, during the performance of work under the contract, discovers hazardous wastes different in type or amount from those identified in the contract; and

"(2) those hazardous wastes originated on, or resulted from material furnished by the Government for, the naval vessel on which the work is being performed.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any contract for work on a naval vessel (other than new construction) entered into after the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 1212. FISCAL YEAR 1990 PROHIBITION ON PROCURING ANCHOR AND MOORING CHAIN FROM FOREIGN SOURCES.

Funds appropriated pursuant to this Act may not be used for the purchase of welded shipboard anchor and mooring chain manufactured outside the United States, except in the case of chain with a diameter greater than 4 inches.

SEC. 1213. PROGRESS PAYMENTS UNDER NAVAL VESSEL REPAIR CONTRACTS.

Section 7312 of title 10, United States Code, is amended—

(1) by striking out "90 percent" and "85 percent" in subsection (a) and inserting in lieu thereof "95 percent" and "90 percent", respectively; and

(2) by striking out "(other than a nuclear-powered vessel) for work required to be performed in one year or less" in subsection (b).

SEC. 1214. RESTRICTIONS ON INTERNATIONAL AGREEMENTS RELATING TO NAVAL NUCLEAR PROPULSION.

Section 144 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2164(c)) is amended—

(1) by inserting "(1)" after "c.";

(2) by inserting "subject to paragraph (2)," before "communicate" in paragraph (2);

(3) by inserting "or militarily sensitive information" after "Restricted Data" in paragraph (2) and in the material appearing after paragraph (2);

(4) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

(5) by adding at the end the following new paragraphs:

"(2) No agreements relating to communication or exchange of Restricted Data or militarily sensitive information concerning the uses for naval nuclear propulsion may be entered into after the date of the enactment of the National Defense Authorization Act, Fiscal Year 1990. In the case of any such agreement in existence on such date, any Restricted Data or militarily sensitive information that is to be conveyed under such an agreement may not be conveyed until the President—

"(A) meets the requirements of section 123 and of this section; and

"(B) determines and reports to Congress that—

"(i) the receiving nation has established a policy firmly against the further proliferation of any naval nuclear propulsion technology;

"(ii) the receiving nation has identified and implemented those measures necessary to assure that its use of the information will not adversely affect United States naval nuclear propulsion work;

"(iii) the receiving nation has supplied unequivocal indemnity to the United States Government and its contractors that holds them harmless from any injury sustained as a consequence of the use of such information; and

"(iv) if the information is for actual research, development, or design of a naval nuclear propulsion plant, the receiving

nation has provided clear evidence of the existence of the technical and programmatic infrastructure and commitment of resources necessary for the safe execution of such a project.

"(3) For purposes of this subsection, the term 'militarily sensitive information' means—

"(A) unclassified information that is prohibited from unauthorized dissemination pursuant to section 148 of this Act; and

"(B) technical data with military or space application that is withheld from public disclosure pursuant to section 130 of title 10, United States Code.".

SEC. 1215. FUNDING FOR SHIP PRODUCTION ENGINEERING.

(a) CATEGORY FOR FUNDING.—Any request submitted to Congress for appropriations for ship production engineering necessary to support the procurement of any ship included (at the time the request is submitted) in the five-year shipbuilding and conversion plan of the Navy shall be set forth in the Shipbuilding and Conversion account of the Navy (rather than in research and development accounts).

(b) APPLICABILITY.—Subsection (a) shall apply only with respect to appropriations for a fiscal year after fiscal year 1990.

SEC. 1216. DEPOT-LEVEL MAINTENANCE OF SHIPS HOMEPORTED IN JAPAN.

(a) REQUIREMENT FOR WORK TO BE PERFORMED IN UNITED STATES.—The Secretary of the Navy shall require that not less than one-half of the depot-level maintenace work described in subsection (b) (measured in cost) shall be carried out in shipyards in the United States (including the territories of the United States).

(b) COVERED WORK.—Depot-level maintenance work referred to in subsection (a) is depot-level maintenance work for naval vessels that is scheduled as of October 1, 1989, to be carried out in Japan during fiscal years 1990, 1991, and 1992.

SEC. 1217. REPORT ON ALTERNATIVES TO NAVY OXYGEN BREATHING APPARATUS FOR SHIPBOARD FIREFIGHTING.

(a) STUDY.—The Secretary of the Navy shall evaluate alternatives to the Oxygen Breathing Apparatus (OBA) of the Navy used in shipboard firefighting. The evaluation shall include consideration of—

(1) firefighting breathing devices which are used by other government agencies;

(2) firefighting breathing devices which are commercially available; and

(3) undeveloped technologies which could lead to the development of a more effective breathing device for shipboard firefighting.

(b) CRITERIA.—In performing the evaluation under subsection (a), the Secretary shall consider the following criteria for firefighting breathing devices:

(1) Uninterrupted breathing duration.

(2) Adaptability to shipboard space limitations.

(3) Portability in use.

(4) Training requirements for effective use.

(5) Cost.

(6) Availability.

(c) REPORT.—(1) The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the evaluation under subsection (a). The report shall include an acquisition plan for providing an improved breathing apparatus for shipboard firefighting as soon as possible. In preparing that plan, the Secretary shall consider the use of any available expedited research and development and acquisition procedures.

(2) The report shall be submitted no later than 180 days after the date of the enactment of this Act.

SEC. 1218. STRIPPING OF NAVAL VESSELS TO BE USED FOR EXPERIMENTAL PURPOSES.

Section 7306 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "The Secretary of the Navy,"; and

(2) by adding at the end the following:

"(b)(1) Before using any vessel for an experimental purpose pursuant to this section, the Secretary shall carry out such stripping of the vessel as is practicable.

"(2) Amounts received as a result of stripping of vessels pursuant to this subsection shall be credited to applicable appropriations available for the procurement of scrapping services under this subsection, to the extent necessary for the procurement of those services. Amounts received which are in excess of amounts necessary for procuring those services shall be deposited into the general fund of the Treasury.

"(3) In providing for stripping of a vessel pursuant to this subsection, the Secretary shall ensure that such stripping does not destroy or diminish the structural integrity of the vessel.".

PART C—FORCE STRUCTURE

SEC. 1221. FRAMEWORK FOR DETERMINING CONVENTIONAL FORCE REQUIREMENTS IN A CHANGING THREAT ENVIRONMENT.

(a) EVALUATION OF EFFECT OF WARSAW PACT REDUCTIONS AND OF POSSIBLE C.F.E. AGREEMENT.—(1) The Secretary of Defense shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a report providing the Secretary's evaluation of the effect that the unilateral force reductions being implemented by the Warsaw Pact countries may be expected to have upon requirements of the United States for conventional forces and for military spending.

(2) As part of the evaluation under paragraph (1), the Secretary shall address the potential effect that an agreement described in paragraph (3) at the negotiations in Geneva on reductions in conventional forces in Europe (referred to as the C.F.E. talks) would have upon conventional force requirements of the United States.

(3) An agreement referred to in paragraph (2) is an agreement establishing rough parity in conventional forces in Europe between forces of the North Atlantic Treaty Organization and the Warsaw Pact at equal levels (at approximately 90 percent of NATO's current inventory) of tanks, artillery, armored troop carriers, combat helicopters, and land-based tactical aircraft.

(b) MATTERS TO BE INCLUDED IN EVALUATION.—In carrying out the evaluation required by subsection (a) of the unilateral force reductions referred to in paragraph (1) of that subsection and the potential effect of an agreement referred to in paragraph (1) of that subsection, the Secretary shall include in the evaluation (at a minimum) the following (stated for both the near-term and mid-term):

(1) The effect on the defense strategy of the United States for meeting its NATO commitments in the changing threat environment.

(2) The effect on—

(A) the mix of active and reserve forces;

(B) the ratio of conventional forces deployed in the European theater and in the continental United States; and

(C) air and sea lift requirements.

(3) The effect on operational military concepts such as Follow-on Forces Attack (FOFA), AirLand Battle, Maritime Strategy, and Rapid Reinforcement that were initially developed to counter the large advantage of the Warsaw Pact in conventional land forces in the European theater.

(4) The effect on equipment requirements of the United States for meeting its NATO commitments in the 1990s.

(c) TIME FOR SUBMISSION.—The report required by subsection (a) shall be submitted concurrently with the submission to Congress of the President's budget for fiscal year 1991 pursuant to section 1105 of title 31, United States Code.

SEC. 1222. STUDY OF MILITARY FORCE STRUCTURE.

(a) STUDY OF FORCE STRUCTURE.—The Secretary of Defense shall provide for a study of the military force structure of the United States, particularly in terms of the mix of forces between the active and reserve components. The study shall be carried out by an advisory panel to be established by the Secretary and to be composed of equal numbers of (1) senior-level active-duty military officers, (2) reserve-component officers, and (3) non-Department of Defense participants. The panel shall review, and shall make specific recommendations concerning, the most effective force structure mix between active and reserve forces. Meetings of the panel may be closed to the public in connection with the consideration of classified material.

(b) SUPPORT.—The Secretary shall ensure that the panel, in carrying out its duties and responsibilities, shall have access to federally funded research centers (FFRCs) and other necessary support.

(c) MATTERS TO BE CONSIDERED.—In carrying out the study required by subsection (a), the panel shall do the following:

(1) Review and make specific recommendations on methodology used by the Department of Defense in determining assignment and reassignment of missions to the active and reserve components, including methodology to be used in distributing force reductions among the active and reserve components.

(2) Specifically analyze the factors considered in determining the force structure, and the mix of active and reserve components, for each of the Army, Navy, Air Force, and Marine Corps. The following should be incorporated in such analysis as a minimum:

(A) Response times for unit deployments.

(B) Equipment distribution and modernization.

(C) Training time and costs required for mission qualification by skill.

(D) Personnel availability in terms of active component accession requirements and the capability of reserves to fulfill the mission.

(E) Cost-benefit analysis for various options.

(F) Rotation base of people and equipment required to meet worldwide missions.

(G) Analysis of component units that are identified for employment during the first 30 days of a mobilization and that are not mission ready (as defined by the Chairman of the Joint Chiefs of Staff).

(3) Analyze the military force structure required to meet the threat as outlined in assessments prepared pursuant to section 153 of title 10, United States Code.

(4) In conjunction with paragraph (2), examine the effect of reduced total United States military force requirements, based on each of the following, before addressing the optimum mix of active and reserve forces:

(A) Current conventional arms control proposals.

(B) Burdensharing adjustments within the member nations of the North Atlantic Treaty Organization.

(C) Diminished threat.

(5) Evaluate the total force structure and the optimum mix of active and reserve forces in the context of the available budget resources (and not solely on the basis of unconstrained budget plans).

(6) Examine the rationale for the current force structure in terms of readiness of the military components as well as the sustainability of forces, and any change (additive or reductions) to that structure on a fiscal basis.

(7) Evaluate separately and collectively the readiness and sustainability of the active and reserve forces and the respective contributions they make to the military capability of the United States.

(8) Analyze the capability of the active and reserve forces, both jointly and separately considered, to meet various levels of contingency before reliance on the next step in the mobilization process.

(9) Analyze the chain of responsibility for evaluating and integrating active force requirements and the relationship to responsibility of each authority in the process, and in the Department of Defense budget process, in terms of time and function.

(10) Make such recommendations to the Secretary of Defense that the panel considers appropriate regarding specific proposals for such legislation necessary to effect mission changes that are not otherwise advanced to Congress, including proposals for clarification of section 673 of title 10, United States Code, pertaining to implications of call up of reserve components, and revisions to the War Powers Act.

(d) REPORTS.—The panel shall report its findings to the Secretary of Defense at such times as the Secretary may require. The Secretary shall submit an interim report on the findings of the panel to the defense committees of the Senate and House of Representatives no later than March 1, 1990, and shall submit a final report, together with the recommendations of the Secretary, no later than September 1, 1990.

(e) INTERIM PRESERVATION OF EXISTING FORCE STRUCTURE.—Until the final report of the advisory panel is received under subsection (d), the Secretary of Defense may not carry out any action to implement a reduction to the existing force structure except as the Secretary determines necessary—

(1) to accommodate programmed changes for new reserve force missions and programmed equipment modernization programs; or

(2) to reflect the attrition of personnel.

SEC. 1223. STUDIES OF CLOSE SUPPORT FOR LAND FORCES.

(a) SECRETARY OF DEFENSE STUDY.—The Secretary of Defense shall conduct a study of close support, including close air support.

(b) CONTRACTOR STUDY.—In conducting the study required by subsection (a), the Secretary shall provide for a study to be conducted by the Institute for Defense Analysis, a Federal contract research center. The Institute shall submit a report to the Secretary on such study at such time before March 1, 1990, as the Secretary may require.

(c) JCS STUDY.—The Chairman of the Joint Chiefs of Staff shall conduct a study of close support, including close air support. The Chairman shall submit a report to the Secretary of Defense on such study at such time before March 1, 1990, as the Secretary may require.

(d) STUDIES TO BE INDEPENDENT.—Each study under subsections (a), (b), and (c) shall be conducted independently of the others.

(e) MATTERS TO BE INCLUDED.—The studies conducted under subsections (a), (b), and (c) shall include consideration of each of the following:

(1) The nature of the present, and anticipated future, battlefield across a representative set of conflict levels.

(2) The requirements of the land force for close support across this representative set of conflict levels in terms of targets and time, including the lessons of recent combat experience.

(3) With regard to the battlefields and close support requirements identified pursuant to paragraphs (1) and (2), the current and anticipated ground and air systems capable of meeting these requirements.

(4) With regard to these major systems, their significant characteristics in terms of effectiveness, integration with allies, command and control, survivability, and life-cycle cost.

(5) The implications (in terms of roles and missions) of the selection of, or failure to select, each of these major systems as part of an appropriate force structure.

(f) REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress a report on the studies conducted under this section. The report shall include—

(1) the findings, conclusions, and recommendations of the Secretary in the study conducted by the Secretary under subsection (a) with respect to each of the matters set forth in subsection (e);

(2) copies of the reports to the Secretary under subsections (b) and (c), including the findings, conclusions, and recommendations contained in those reports; and

(3) such comments on those reports as the Secretary considers appropriate.

(g) TIME FOR SUBMISSION.—The report required under subsection (f) shall be submitted not later than March 1, 1990.

(h) CLOSE AIR SUPPORT DEFINED.—For purposes of this section, the term "close air support", as defined in Joint Chiefs of Staff Publication 1, dated June 1, 1987, means air action against hostile targets which are in close proximity to friendly forces and which require detailed integration of each air mission with the fire and movement of those forces.

SEC. 1224. CLARIFICATION OF OPERATIONAL TEST REQUIREMENT FOR CLOSE AIR SUPPORT MISSION ALTERNATIVES.

In carrying out section 108 of Public Law 100-526 (102 Stat. 2626), the Secretary of Defense shall ensure that—

(1) the tests conducted under that section are operational (rather than developmental) in nature;

(2) the tests are conducted in a manner consistent with the March 31, 1989, test plan of the Director of Defense Operational Test and Evaluation, including the elements of that plan stipulating that the Army shall serve as the test directorate and that the tests shall be conducted at Ft. Hood, Texas; and

(3) the tests include evaluation of any fixed-wing aircraft, helicopter, ground system, and unmanned aerial vehicle which is a potential alternative for the close support mission.

PART D—TECHNICAL CORRECTIONS AND GENERAL TECHNICAL AND CLERICAL AMENDMENTS

SEC. 1231. CLARIFICATION OF REQUIREMENT FOR COMPLETION OF FULL TOUR OF DUTY AS QUALIFICATION FOR SELECTION AS A JOINT SPECIALTY OFFICER.

Section 661(c) of title 10, United States Code, is amended by striking out "(as described in section 664 (f)(1) or (f)(3) of this title)" in paragraphs (1)(B) and (3)(A) and inserting in lieu thereof "(as described in section 664(f) of this title (other than in paragraph (2) thereof))".

SEC. 1232. CORRECTION OF PAY GRADE FOR NEW ASSISTANT SECRETARY OF THE AIR FORCE.

(a) EXECUTIVE SCHEDULE IV.—Section 5315 of title 5, United States Code, is amended by striking out "(3)" after "Assistant Secretaries of the Air Force" and inserting in lieu thereof "(4)".

(b) INCREASE IN TOTAL NUMBER OF EXECUTIVE SCHEDULE POSITIONS IN DEPARTMENT OF DEFENSE.—Section 8037 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 102 Stat. 2270-23), is amended by striking out "39 individuals" and inserting in lieu thereof "40 individuals".

SEC. 1233. MISCELLANEOUS TECHNICAL AND CLERICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) CORRECTION OF DUPLICATE SECTION NUMBERS.—The second section 7313 of title 10, United States Code (enacted by section 1225 of Public Law 100-456), is redesignated as section 7314, and the item relating to that section in the table of sections at the beginning of chapter 633 of such title is revised to reflect that redesignation.

(b) TRANSFER AND REDESIGNATION OF SECTION.—(1) Section 975 of title 10, United States Code, is transferred to chapter 141, inserted after section 2389, and redesignated as section 2390.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2389 the following new item:

"2390. Prohibition on the sale of certain defense articles from the stocks of the Department of Defense.".

(3) The table of sections at the beginning of chapter 49 of such title is amended by striking out the item relating to section 975.

(c) PUNCTUATION AND CAPITALIZATION CORRECTIONS.—Title 10, United States Code, is further amended as follows:

(1) Section 113(j)(2)(B) is amended by striking out "Five-Year Defense Program" and inserting in lieu thereof "five-year defense program".

(2) The item relating to section 421 in the table of sections at the beginning of chapter 21 is amended to read as follows:

"421. Funds for foreign cryptologic support.".

(3) Section 421(c) is amended—

(A) by inserting "of Representatives" after "of the House"; and

(B) by striking out "National Security Act of 1947, as amended, and funds" and inserting in lieu thereof "National Security Act of 1947 (50 U.S.C. 413 et seq.). Funds".

(4) Section 1482(e) is amended by striking out "chapter 10, title 37" and inserting in lieu thereof "chapter 10 of title 37".

(4) Section 2325(d) is amended by striking out "previously-developed" and inserting in lieu thereof "previously developed".

(5) Subparagraph (D) of section 2326(g)(1) is amended by striking out "(D) Congressionally-mandated" and inserting in lieu thereof "(D) Congressionally mandated".

(6) Sections 2463(b) and 2464(b)(3)(A) are amended by striking out "Committee on Appropriations" and inserting in lieu thereof "Committees on Appropriations".

(7) Section 7309(a) is amended by inserting a comma after "armed forces".

(d) REVISION TO PART HEADING.—

(1) The heading of part III of subtitle A of title 10, United States Code, is amended to read as follows:

"PART III—TRAINING AND EDUCATION".

(2) The item relating to that part in the table of chapters at the beginning of subtitle A of that title is amended to read as follows:

"PART III.—TRAINING AND EDUCATION".

(e) DEFINITIONS.—Title 10, United States Code, is further amended as follows:

(1) Section 138(a)(2) is amended—

(A) by striking out "(A) 'Operational'" and inserting in lieu thereof "(A) The term 'operational'"; and

(B) by striking out "(B) 'Major'" and inserting in lieu thereof "(B) The term 'major'".

(2) Section 1032(d) is amended—

(A) by striking out "(1) 'Dependent" and inserting in lieu thereof "(1) The term 'dependent"; and

(B) by inserting "The term" after "(2)".

(3) Section 1094(d) is amended—

(A) by striking out "(1) 'License" and inserting in lieu thereof "(1) The term 'license"; and

(B) by striking out "(2) 'Health-care" and inserting in lieu thereof "(2) The term 'health-care".

(4) Section 1586(g) is amended—

(A) by striking out "For the purposes of this section—" and inserting in lieu thereof "In this section:";

(B) by inserting "The term" in paragraphs (1) and (2) after the paragraph designation; and

(C) by striking out "; and" at the end of paragraph (1) and inserting in lieu thereof a period.

(5) Sections 1095(g), 4348(d), and 9348(d) are amended by inserting "the term" after "In this section,".

(6) Section 1408(a) is amended—

(A) by inserting "The term" in each paragraph after the paragraph designation; and

(B) by revising the first word after the open quotation marks in each paragraph so that the initial letter of that word is lower case.

(7) Section 1461(b) is amended by inserting "the term" after "In this chapter,".

(8) Sections 5441, 6964(a), and 7081(a) are amended by inserting ", the term" after "In this chapter".

(f) AMENDMENTS FOR STYLISTIC CONSISTENCY.—Title 10, United States Code, is further amended as follows:

(1) Section 2575(a) is amended by striking out "of this section" in the first sentence.

(2) Section 7422(c)(2)(B) is amended by striking out "one hundred eighty days prior to" and inserting in lieu thereof "180 days before".

(g) DATE OF ENACTMENT REFERENCE.—Section 6334(a) of title 10, United States Code, is amended by striking out "the date of the enactment of this section" and inserting in lieu thereof "December 4, 1987".

PART E—MISCELLANEOUS

SEC. 1241. REPORT REGARDING TRIDENT SUBMARINE CONSTRUCTION RATE.

(a) REPORT REQUIREMENT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a written report, in both a classified and unclassified version, evaluating the practicality and desirability of reducing the rate at which Trident submarines are procured.

(b) PREPARATION AND CONTENT.—In preparing the report required by subsection (a), the Secretary shall consider alternative construction rates for the Trident submarine slower than one ship per year. The report shall include for each of such alternative rates—

(1) an evaluation of the effect of the alternative rate on—

(A) the availability and capability of the Trident submarine to perform the mission assigned to the Trident submarine; and

(B) the level and stability of the work force in the naval shipbuilding industry; and

(2) a discussion of the practicality and desirability of accelerating the procurement of other vessels for the Navy with funds saved by using the alternative rate.

(c) TIME FOR SUBMISSION.—The report required by subsection (a) shall be submitted concurrently with the submission of the budget of the United States Government for fiscal year 1991 under section 1105 of title 31, United States Code.

SEC. 1242. LIMITATION ON EXPENDITURES FOR RELOCATION OF FUNCTIONS LOCATED AT TORREJON AIR BASE, MADRID, SPAIN.

(a) LIMITATION.—During the period beginning on June 27, 1989, and ending on October 1, 1993, not more than $250,000,000 may be obligated or expended from funds available to the Department of Defense for the purpose of relocating functions of the Department of Defense located at Torrejon Air Base, Madrid, Spain, on June 15, 1989, to any other location outside the United States.

(b) COUNTING OF NATO INFRASTRUCTURE CONTRIBUTIONS.—For purposes of subsection (a), contributions for the North Atlantic Treaty Organization Infrastructure program pursuant to section 2806 of title 10, United States Code, that are used (directly or indirectly) for the purpose of relocations described in subsection (a) shall be included in determining the amount expended on such relocations.

(c) COUNTING OF REPAYMENTS FOR NATO INFRASTRUCTURE FAMILY HOUSING COMMITMENTS.—(1) All amounts which the United States is obligated to pay under a housing reimbursement agreement described in paragraph (2) shall be deemed to be amounts obligated for purposes of subsection (a), regardless of when the agreement is entered into or when payments pursuant to the agreement are to be made.

(2) A housing reimbursement agreement for purposes of paragraph (1) is an agreement calling for the United States to make a series of annual payments as repayment for advances for the cost of construction, through the NATO Infrastructure program, of military family housing in connection with the relocations described in subsection (a).

(d) EXCLUSION FOR PERSONNEL EXPENSES.—There shall be excluded from the determination of amounts expended on relocations described in subsection (a) amounts spent for expenses associated with permanent change of station moves and other personnel-related expenses.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act, 1990".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ALABAMA

Anniston Army Depot, $2,300,000.
Fort McClellan, $2,750,000.
Redstone Arsenal, $18,390,000.
Fort Rucker, $3,600,000.

ALASKA

Fort Richardson, $3,350,000.

ARIZONA

Fort Huachuca, $9,900,000.
Yuma Proving Ground, $11,400,000.

CALIFORNIA

Fort Irwin, $4,950,000.
Fort Ord, $2,450,000.
Sacramento Army Depot, $3,900,000.

COLORADO

Fitzsimons, Army Medical Center, $2,100,000.
Fort Carson, $4,700,000.

FLORIDA

Key West Naval Air Station, $6,100,000.

GEORGIA

Fort Benning, $10,100,000.
Fort Gordon, $4,000,000.
Fort Stewart, $5,200,000.

HAWAII

Fort Shafter, $9,300,000.
Schofield Barracks, $10,000,000.

ILLINOIS

Savanna Army Depot, $850,000.

INDIANA

Fort Benjamin Harrison, $359,000.

KANSAS

Fort Leavenworth, $3,000,000.
Fort Riley, $12,680,000.

KENTUCKY

Fort Campbell, $30,450,000.
Fort Knox, $7,620,000.

LOUISIANA

Fort Polk, $23,350,000.

MARYLAND

Aberdeen Proving Ground, $1,700,000.
Fort Detrick, $1,300,000.
Fort Meade, $6,200,000.
Fort Ritchie, $630,000.

MASSACHUSETTS

Fort Devens, $3,550,000.

MISSOURI

Fort Leonard Wood, $10,450,000.

NEW JERSEY

Fort Monmouth, $8,600,000.
Picatinny Arsenal, $11,800,000.

NEW YORK

Fort Drum, $70,600,000.
United States Military Academy, $3,450,000.

NORTH CAROLINA

Fort Bragg, $65,400,000.

OKLAHOMA

Fort Sill, $13,170,000.
McAlester Army Ammunition Plant, $2,200,000.

PENNSYLVANIA

New Cumberland Army Depot, $14,000,000.

TEXAS

Corpus Christi Army Depot, $5,200,000.
Fort Bliss, $16,600,000.
Fort Hood, $21,400,000.

UTAH

Dugway Proving Ground, $2,400,000.

VIRGINIA

Fort Belvoir, $23,000,000.
Fort Lee, $10,050,000.
Fort Monroe, $1,100,000.
Fort Story, $3,350,000.

WASHINGTON

Fort Lewis, $770,000.

VARIOUS LOCATIONS

Classified Location, $3,900,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

GERMANY

Ansbach, $2,900,000.
Augsburg, $600,000.
Hanau, $14,800,000.
Hohenfels, $4,950,000.
Mainz, $26,400,000.
Stuttgart, $9,400,000.
Wuerzburg, $12,000,000.
Vilseck, $3,320,000.
Various locations, $4,150,000.

KOREA

Camp Casey, $24,200,000.
Camp Garry Owen, $4,200,000.
Camp Hovey, $15,300,000.
H-220 Heliport, $4,050,000.

KWAJALEIN ATOLL

Kwajalein, $9,500,000.

PUERTO RICO

Fort Buchanan, $690,000.

TURKEY

Location 276, $1,950,000.

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Army may construct or acquire family housing units (including land acquisition), using amounts appropriated pursuant to section 2104(a)(6)(A), at the following installations in the number of units, and in the amounts, shown for each installation:

Fort Rucker, Alabama, two units, $400,000.
Helemano, Hawaii, ninety units, $10,322,000.
Hickam Air Force Base, Hawaii, twenty units, $2,500,000.
Kaneohe, Hawaii, forty units, $4,700,000.
Oahu, Hawaii, various, three hundred units, $30,000,000.
Fort Lee, Virginia, one unit, $210,000.

(b) PLANNING AND DESIGN.—The Secretary of the Army may, using amounts appropriated pursuant to section 2104(a)(6)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $1,349,000.

(c) WAIVER OF SPACE LIMITATIONS.—(1) The family housing units authorized by subsection (a) to be constructed at Fort Rucker, Alabama, and at Fort Lee, Virginia, shall be constructed for assignment to general officers, who hold positions as commanders or who hold special command positions (as designated by the Secretary of Defense), and notwithstanding section 2826 of title 10, United States Code, the units may be constructed with the maximum net floor area of 3,000 square feet.

(2) For the purpose of this subsection, the term "net floor area" has the meaning given that term by section 2826(f) of title 10, United States Code.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Army may, using amounts appropriated pursuant to section 2104(a)(6)(A), improve existing military family housing in an amount not to exceed $89,329,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Army may—

(1) carry out projects to improve existing military family housing units at the following installations in the number of units shown and in the amount shown, for each installation:

(A) Fort Leavenworth, Kansas, one unit, $95,900, of which $86,900 is for concurrent repairs; and

(B) Pusan, Korea, twenty units, $1,250,000; and

(2) carry out projects to improve four units at Fort Sill, Oklahoma, the improvement of which was authorized by the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), in the amount of $178,088.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,283,359,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $493,619,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $138,410,000.

(3) For the construction of the Central Distribution Center, Phase III, Red River Army Depot, Texas, as authorized by section 2101 of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), $39,000,000.

(4) For unspecified minor construction projects authorized under section 2805 of title 10, United States Code, $11,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United Sates Code, $74,420,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $138,810,000; and

(B) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,383,000,000, of which not more than $319,142,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $5,100,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2105. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS.

(a) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1985 PROJECTS.—Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1495), authorization for the following projects authorized in section 101 of that Act, as extended by section 2107(b) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4012) and section 2105(a) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1179), and section 2106(a) of the Military Construction Authorization Act, 1989 (Public Law 100-456; 102 Stat. 2087) shall remain in effect until October 1, 1990, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Barracks modernization in the amount of $660,000 at Argyroupolis, Greece.

(2) Barracks modernization in the amount of $660,000 at Perivolaki, Greece.

(b) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1986 PROJECTS.—Notwithstanding the provisions of section 603(a) of the Military Construction Act, 1986 (Public Law 99-167; 99 Stat. 961), authorizations for the following projects authorized in sections 101 and 102 of that Act, as extended by section 2105(b) of the Military Construction Authorization Act 1988 and 1989 (division B of Public Law 99-180; 101 Stat. 1179) and section 2106(b) of the Military Construction Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), shall remain in effect until October 1, 1990, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Modified record fire range in the amount of $2,850,000 at Nuernberg, Germany.

(2) Family housing, new construction, 6 units, in the amount of $596,000 at Fort Myer, Virginia.

(3) Flight simulator building in the amount of $2,900,000 at Wiesbaden, Germany.

(c) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1987 PROJECTS.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4012), authorizations for the following projects authorized in sections 2101, 2102, and 2103 of that Act as extended by section 2106(c) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), shall remain in effect until October 1, 1990, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Aircraft maintenance hangar in the amount of $7,100,000 at Hanau, Germany.

(2) Family housing, new construction, 40 units in the amount of $4,100,000 at Crailsheim, Germany.

(d) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1988 PROJECTS.—Notwithstanding the provisions of section 2171 of the Military Construction Authorization Act of 1988 (division B of Public Law 100-180), authorizations for the following projects authorized in sections 2101 and 2102 of that Act shall remain in effect until October 1, 1990, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Child Development Center in the amount of $1,050,000 at Rheinberg, Germany.

(2) Training Exercise Facility in the amount of $5,900,000 at Einsiedlerhof, Germany.

(3) Operations Building Modifications in the amount of $5,400,000 at Stuttgart, Germany.

(4) Hardstand/Tactical Equipment Shop in the amount of $2,250,000 at Wiesbaden, Germany.

(5) Servicemember Support Complex in the amount of $5,700,000 at Fort Rucker, Alabama.

(6) Family Housing, new construction, 25 units, in the amount of $2,200,000 at Fort A.P. Hill, Virginia.

(7) Family Housing, new construction, 106 units, in the amount of $11,200,000 at Bamberg, Germany.

(8) Family Housing, new construction, 152 units, in the amount of $12,600,000 at Baumholder, Germany.

(9) Troop Support Facility Upgrade in the amount of $4,150,000 in Honduras.

(10) Wartime Host Nation Support in the amount of $4,500,000, in Europe, various locations.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ALABAMA

Mobile, Navy Station, $3,965,000.

ALASKA

Adak, Naval Air Station, $18,870,000.

ARIZONA

Yuma, Marine Corps Air Station, $900,000.

CALIFORNIA

Camp Pendleton, Marine Corps Air Station, $2,100,000.

Camp Pendleton, Marine Corps Base, $57,600,000.

China Lake, Naval Weapons Center, $17,500,000.

Concord, Naval Weapons Station, $5,640,000.

Coronado, Naval Amphibious Base, $7,770,000.

Coronado, Surface Warfare Officers School Command Detachment, $4,360,000.

El Centro, Naval Air Facility, $7,200,000.

Lemoore, Naval Air Station, $2,100,000.

Moffett Field, Naval Air Station, $1,000,000.

Monterey, Fleet Numerical Oceanography Center, $6,760,000.

Monterey, Naval Post Graduate School, $2,000,000.

North Island, Naval Air Station, $6,160,000.

San Diego, Fleet Anti-Submarine Warfare Training Center, Pacific, $820,000.

San Diego, Fleet Combat Training Center, Pacific, $3,670,000.

San Diego, Fleet Intelligence Training Center, Pacific, $2,500,000.

San Diego, Fleet Training Center, $12,800,000.

San Diego, Integrated Combat Systems Test Facility, $4,100,000.

San Diego, Marine Corps Recruit Depot, $3,070,000.

San Diego, Naval Hospital, $7,500,000.

San Diego, Naval Ocean Systems Center, $1,300,000.

San Diego, Naval Station, $1,000,000.

San Diego, Naval Submarine Base, $10,800,000.

San Diego, Naval Training Center, $7,150,000.

San Diego, Naval Public Works Center, $4,400,000.

San Francisco, Navy Public Works Center, $3,910,000.

Seal Beach, Naval Weapons Station, $9,000,000.

Tustin, Marine Corps Air Station, $2,990,000.

Twentynine Palms, Marine Corps Air-Ground Combat Center, $3,140,000.

Vallejo, Mare Island Naval Shipyard, $9,000,000.

CONNECTICUT

New London, Naval Submarine Base, $24,250,000.

New London, Naval Submarine School, $8,200,000.

New London, Naval Underwater Systems Center, $12,600,000.

DISTRICT OF COLUMBIA

Washington, Commandant, Naval District, $420,000.

Washington, Naval Observatory, $2,500,000.

FLORIDA

Cecil Field, Naval Air Station, $1,970,000.

Jacksonville, Naval Hospital, $2,080,000.

Mayport, Naval Station, $20,000,000.

Orlando, Naval Training Center, $18,400,000.

Panama City, Naval Diving and Salvage Training Center, $4,300,000.

Panama City, Naval Experimental Diving Unit, $2,900,000.

Pensacola, Navy Public Works Center, $2,100,000.

GEORGIA

Albany, Marine Corps Logistics Base, $1,300,000.

Athens, Navy Supply Corps School, $1,000,000.

Kings Bay, Naval Submarine Base, $66,690,000.

HAWAII

Kaneohe Bay, Marine Corps Air Station, $13,150,000.

Lualualei, Naval Magazine, $4,600,000.

Pearl Harbor, Naval Submarine Base, $18,600,000.

Pearl Harbor, Naval Submarine Training Center, Pacific, $5,550,000.

Pearl Harbor, Navy Public Works Center, $750,000.

ILLINOIS

Great Lakes, Naval Hospital, $12,270,000.

Great Lakes, Naval Training Center, $15,900,000.

INDIANA

Crane, Naval Weapons Support Center, $3,200,000.

Indianapolis, Naval Avionics Center, $8,000,000.

MAINE

Brunswick, Naval Air Station, $1,000,000.

Brunswick, Naval Branch Medical Clinic, $2,650,000.

Kittery, Portsmouth Naval Shipyard, $1,000,000.

MARYLAND

Indian Head, Naval Explosive Ordnance Disposal Technology, Center, $7,700,000.

Indian Head, Naval Ordnance Station, $10,670,000.

Patuxent River, Naval Air Test Center, $17,000,000.

St. Inigoes, Naval Electronic Systems Engineering Activity, $2,950,000.

MISSISSIPPI

Meridian, Naval Air Station, $11,800,000.

Pascagoula, Naval Station, $2,220,000.

NEVADA

Fallon, Naval Air Station, $1,000,000.

NEW JERSEY

Bayonne, Navy Publications and Printing Service Detachment Office, $1,000,000.

Earle, Naval Weapons Station, $14,270,000.

NEW MEXICO

Elephant Butte, Naval Space Surveillance Field Station, $4,700,000.

NEW YORK

New York, Naval Station, $25,640,000.

NORTH CAROLINA

Camp Lejeune, Marine Corps Base, $21,210,000.

Cherry Point, Marine Corps Air Station, $10,750,000.

New River, Marine Corps Air Station, $21,100,000.

OKLAHOMA

Tinker Air Force Base, Naval Air Detachment, $21,500,000.

PENNSYLVANIA

Philadelphia, Naval Shipyard, $9,700,000.

RHODE ISLAND

Newport, Naval Education and Training Center, $8,290,000.

SOUTH CAROLINA

Beaufort, Marine Corps Air Station, $4,920,000.

Charleston, Naval Supply Center, $700,000.

Charleston, Naval Weapons Station, $4,600,000.

TENNESSEE

Memphis, Naval Air Station, $10,000,000.

TEXAS

Ingleside, Naval Station, $19,720,000.

Lackland Air Force Base, Naval Technical Training Center Detachment, $4,500,000.

VIRGINIA

Chesapeake, Naval Security Group Activity, Northwest, $1,300,000.

Dahlgren, Naval Surface Warfare Center, $1,000,000.

Dam Neck, Marine Environmental Systems Facility, $8,000,000.

Little Creek, Naval Amphibious Base, $6,500,000.

Norfolk, Naval Air Station, $4,400,000.

Norfolk, Naval Eastern Oceanography Center, $680,000.

Norfolk, Naval Supply Center, $6,500,000.

Oceana, Naval Air Station, $12,555,000.

Portsmouth, Norfolk Naval Shipyard, $9,700,000.

Williamsburg, Cheatham Annex, Naval Supply Center, $18,500,000.

Yorktown, Naval Weapons Station, $21,420,000.

WASHINGTON

Bremerton, Naval Hospital, $1,000,000.

Bremerton, Puget Sound Naval Shipyard, $19,900,000.

Bremerton, Puget Sound Naval Supply Center, $690,000.

Everett, Naval Station, $11,200,000.

Keyport, Naval Undersea Warfare Engineering Station, $1,850,000.

Oso, Jim Creek Naval Radio Station, $1,200,000.

VARIOUS LOCATIONS

Land Acquisition, $21,000,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

ASCENSION ISLAND

Naval Communication Detachment, $3,500,000.

AUSTRALIA

Exmouth, Harold E. Holt Naval Communication Station, $610,000.

GUAM

Camp Covington, Mobile Construction Battalion, $4,300,000.

Fleet Surveillance Support Command, $27,000,000.

Navy Public Works Center, $4,150,000.

ICELAND

Keflavik, Naval Air Station, $7,500,000.

Keflavik, Naval Communication Station, $8,450,000.

ITALY

Naples, Naval Support Activity, $46,600,000.

JAPAN

Atsugi, Naval Air Facility, $14,900,000.

Okinawa, Camp Smedley D. Butler Marine Corps Base, $3,200,000.

Okinawa, Futenma Marine Corps Air Station, $7,450,000.

PUERTO RICO

Roosevelt Roads, Naval Communication Station, $1,300,000.

SPAIN

Rota, Naval Station, $880,000.

UNITED KINGDOM

Edzell, Scotland, Naval Security Group Activity, $5,820,000.

London, Naval Activities, $10,130,000.

VARIOUS LOCATIONS

Classified Location, $5,800,000.

Host Nation Infrastructure Support, $1,000,000.

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Navy may, using amounts appropriated pursuant to section 2204(a)(6)(A), construct or acquire family housing units (including land acquisition), at the following installations in the number of units, and in the amount, shown for each installation:

Camp Pendleton, Marine Corps Base, California, four hundred and twelve units, $35,150,000.

El Toro, Marine Corps Air Station, California, two hundred units, $15,000,000.

Long Beach, Naval Station, California, three hundred units, $24,900,000.

Moffett Field, Naval Air Station, California, seventy-four units, $6,600,000.

San Francisco, Navy Public Works Center, California, five hundred and ninety-four units, $50,750,000.

Thurmont, Naval Support Facility, Maryland, eleven units, $1,160,000.

Ballston Spa, Nuclear Power Training Unit, New York, one hundred units, $7,900,000.

Guantanamo Bay, Naval Station, Cuba, two hundred and fifty-four units, $31,669,000.

Keflavik, Naval Air Station, Iceland, one hundred and twelve units, $23,213,000.

(b) PLANNING AND DESIGN.—The Secretary of the Navy may carry out architectural and engineering services and construction design activities, using amounts appropriated pursuant to section 2204(a)(6)(A), with respect to the construction or improvement of military family housing units in an amount not to exceed $6,100,000.

(c) PROJECT.—(1) The Secretary of the Navy may construct one family housing unit, at a cost not to exceed $140,000, on the Naval Air Station at Kingsville, Texas, in accordance with applicable provisions of law.

(2) Funds appropriated to the Department of the Navy for any fiscal year before fiscal year 1991 for military family housing projects that remain available, as savings, for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, to carry out paragraph (1).

(3) The authority to carry out this subsection shall expire on October 1, 1994.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may, using amounts appropriated pursuant to section 2204(a)(6)(A), improve existing military family housing units in the amount of $65,448,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Navy may carry out projects to improve existing military family housing units at the following installations in the number of units, and in the amount, shown for each installation:

Long Beach, Naval Station, California, forty-four units, $2,208,200.

San Diego, Navy Public Works Center, California, one unit, $79,900.

Great Lakes, Navy Public Works Center, Illinois, two hundred and sixty-two units, $17,198,100.

Lakehurst, Naval Air Engineering Center, New Jersey, thirty-two units, $1,946,400.

Lakehurst, Naval Air Engineering Center, New Jersey, one unit, $80,100.

New York, Naval Station, New York, ten units, $842,000.

New York, Naval Station, New York, ten units, $719,100.

Cherry Point, Marine Corps Air Station, North Carolina, two hundred and fourteen units, $13,398,000.

Newport, Naval Education and Training Center, Rhode Island, two hundred and twenty units, $13,700,000.

Portsmouth Norfolk, Naval Shipyard, Virginia, one hundred and twenty-five units, $5,785,700.

Bangor, Naval Submarine Base, Washington, one hundred units, $5,844,200.

Guantanamo Bay, Naval Station, Cuba, one unit, $104,700.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,063,654,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $869,790,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $152,590,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $14,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $84,970,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $5,810,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $267,890,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $668,604,000 of which not more than $41,488,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) LIMITATION.—None of the funds appropriated pursuant to the authorizations made by subsection (a)(2) may be obligated or expended for the construction of the Command, Control, Communications, and Intelligence Building at the Capodichino Airfield, Italy, until the Secretary of the Navy—

(1) explores the availability and suitability of alternative sites for such building; and

(2) transmits, by October 15, 1989, to the Committees on Armed Services of the Senate and the House of Representatives a report that specifies—

(A) sites (including the Capodichino Airfield) within 50 miles of Agnano, Italy, to which the building could be relocated; and

(B) the costs and benefits of relocating functions to each such site.

SEC. 2205. OFFICE AND RELATED SPACE.

(a) PROHIBITION.—The Secretary of the Navy may obligate or expend funds with respect to leases or other agreements entered into, or extended or otherwise amended, after the date of the enactment of this Act for the provision of office and related space within the National Capitol Area Region only after the issuance of a solicitation of proposals by the Administrator of General Services for the acquisition of such space from all areas of the National Capitol Region, including the District of Columbia and the areas of the States of Maryland and Virginia that are within such Region.

(b) STUDY AND PLAN.—(1) The Secretary shall carry out a study to determine the amount of office and related space of the Department of the Navy in the National Capital Area Region that could be relocated outside the Region as part of a plan to maximize the effectiveness and efficiency of the administrative operations of the Department. In carrying out such study, the Secretary shall identify those functions of the Department that are most effectively and efficiently carried out in such Region, taking into consideration the needs of the Department and the functions carried out by the other military departments in such Region.

(2) The Secretary shall, within 120 days of the date of the enactment of this Act, transmit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(A) the findings and conclusions reached as a result of the study carried out under paragraph (1); and

(B) a plan for the phased reduction of office and related space used by the Department in the National Capitol Area Region as part of an effort to maximize the effectiveness and efficiency of the administrative operations of the Department.

(c) DEFINITION.—For purposes of this section, the term "National Capitol Area Region" means the District of Columbia and

any area within 50 miles of the District of Columbia.

SEC. 2206. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS.

Notwithstanding the provisions of section 2171(a) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1179), authorizations for the following projects authorized in section 2121 of that Act shall remain in effect until October 1, 1990, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Physical security improvements in the amount of $2,460,000 at Naval Air Station, Sigonella, Italy.

(2) Cold-iron utilities support in the amount of $7,480,000 at Naval Support Office, La Maddalena, Italy.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the installations and locations inside the United States:

ALABAMA

Gunter Air Force Base, $12,100,000.
Maxwell Air Force Base, $2,200,000.

ALASKA

Clear Air Force Station, $5,000,000.
Eielson Air Force Base, $11,000,000.
King Salmon Airport, $8,000,000.
Shemya Air Force Base, $22,700,000.

ARKANSAS

Little Rock Air Force Base, $8,500,000.
Eaker Air Force Base, $4,050,000.

ARIZONA

Davis-Monthan Air Force Base, $4,200,000.
Luke Air Force Base, $3,970,000.
Williams Air Force Base, $1,850,000.

CALIFORNIA

Beale Air Force Base, $13,472,000.
Castle Air Force Base, $12,580,000.
Edwards Air Force Base, $12,400,000.
McClellan Air Force Base, $26,530,000.
Onizuka Air Force Station, $14,800,000.
Travis Air Force Base, $9,000,000.
Vandenberg Air Force Base, $8,150,000.

COLORADO

Lowry Air Force Base, $21,250,000.

DELAWARE

Dover Air Force Base, $4,100,000.

DISTRICT OF COLUMBIA

Bolling Air Force Base, $5,900,000.

FLORIDA

Cape Canaveral Air Force Station, $89,000,000.
Eglin Air Force Base, $12,100,000.
Eglin Air Force Base, Auxiliary Field 9, $21,900,000.
Homestead Air Force Base, $7,350,000.
MacDill Air Force Base, $4,490,000.
Patrick Air Force Base, $3,800,000.
Tyndall Air Force Base, $8,500,000.

GEORGIA

Robins Air Force Base, $32,250,000.

HAWAII

Hickam Air Force Base, $530,000.

INDIANA

Grissom Air Force Base, $6,800,000.

KANSAS

McConnell Air Force Base, $5,200,000.

LOUISIANA

Barksdale Air Force Base, $7,700,000.
England Air Force Base, $2,700,000.

MAINE

Loring Air Force Base, $8,500,000.

MARYLAND

Andrews Air Force Base, $5,550,000.

MASSACHUSETTS

Hanscom Air Force Base, $5,600,000.

MISSISSIPPI

Columbus Air Force Base, $1,200,000.

MISSOURI

Whiteman Air Force Base, $97,500,000.

MONTANA

Malmstrom Air Force Base, $32,100,000.

NEBRASKA

Offutt Air Force Base, $1,150,000.

NEVADA

Nellis Air Force Base, $4,800,000.

NEW JERSEY

McGuire Air Force Base, $4,900,000.

NEW MEXICO

Holloman Air Force Base, $17,350,000.
Kirtland Air Force Base, $18,350,000.

NEW YORK

Griffiss Air Force Base, $7,400,000.
Plattsburgh Air Force Base, $9,900,000.

NORTH CAROLINA

Seymour Johnson Air Force Base, $4,500,000.

NORTH DAKOTA

Grand Forks Air Force Base, $1,900,000.

OHIO

Newark Air Force Base, $2,300,000.
Wright Patterson Air Force Base, $610,000.

OKLAHOMA

Altus Air Force Base, $5,200,000.
Tinker Air Force Base, $55,250,000.

SOUTH CAROLINA

Charleston Air Force Base, $4,650,000.
Myrtle Beach Air Force Base, $2,350,000.
Shaw Air Force Base, $5,700,000.

SOUTH DAKOTA

Ellsworth Air Force Base, $11,350,000.

TEXAS

Bergstrom Air Force Base, $2,400,000.
Carswell Air Force Base, $650,000.
Goodfellow Air Force Base, $3,300,000.
Kelly Air Force Base, $17,200,000.
Lackland Air Force Base, $34,250,000.
Lackland Training Annex, $1,994,000.
Laughlin Air Force Base, $5,350,000.
Randolph Air Force Base, $630,000.
Reese Air Force Base, $4,630,000.

UTAH

Hill Air Force Base, $15,650,000.

VIRGINIA

Langley Air Force Base, $3,300,000.

WASHINGTON

Fairchild Air Force Base, $14,200,000.

WYOMING

F.E. Warren Air Force Base, $104,850,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

CANADA

Various Locations, $24,000,000.

GERMANY

Hahn Air Base, $7,920,000.
Ramstein Air Base, $2,800,000.
Sembach Air Base, $3,050,000.
Spangdahlem Air Base, $5,950,000.
Zweibrucken Air Base, $6,100,000.

GUAM

Andersen Air Force Base, $6,500,000.

ICELAND

Naval Air Station, Keflavik, $7,400,000.

ITALY

Aviano Air Base, $6,050,000.
San Vito Air Station, $2,750,000.

JAPAN

Kadena Air Base, $4,300,000.
Yokota Air Base, $4,700,000.

KOREA

Kunsan Air Base, $13,140,000.
Osan Air Base, $7,550,000.

PORTUGAL

Lajes Field, $7,700,000.

SPAIN

Zaragoza Air Base, $1,950,000.

TURKEY

Ankara Air Station, $4,200,000.
Balikesir Radio Relay Site, $3,600,000.
Erhac Air Base, $2,750,000.
Incirlik Air Base, $5,910,000.

UNITED KINGDOM

Bovingdon Radio Relay Site, $400,000.
High Wycombe Air Station, $4,100,000.
RAF Alconbury, $4,200,000.
RAF Barford St. John, $490,000.
RAF Bentwaters, $5,400,000.
RAF Christmas Common Radio Relay Site, $210,000.
RAF Fairford, $10,950,000.
RAF Lakenheath, $860,000.
RAF Mildenhall, $5,050,000.
RAF Upper Heyford $5,350,000.

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(7)(A), construct or acquire family housing units (including land acquisition) at the following installations in the number of units, and in the amount, shown for each installation:

Kelly Air Force Base, Texas, eleven units, $1,619,000.

Ramstein Air Base, Germany, two hundred units, $20,660,000.

(b) PLANNING AND DESIGN.—The Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(6)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $8,000,000.

SEC. 2303. IMPROVEMENT TO MILITARY FAMILY HOUSING UNITS.

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(7)(A), improve existing military family housing units in an amount not to exceed $220,411,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Air Force may carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Maxwell Air Force Base, Alabama, eight units, $357,000; eight units, $800,000; one unit, $108,000; thirty-two units, $1,548,000; seven units, $728,000.

Elmendorf Air Force Base, Alaska, eighty-eight units, $9,578,000.

Etelson Air Force Base, Alaska, fifty-one units, $5,669,000.

Davis-Monthan Air Force Base, Arizona, five units, $200,000.

Eaker Air Force Base, Arkansas, one hundred and eighty-eight units, $11,500,000.

Travis Air Force Base, California, one hundred and forty-two units, $7,691,000; one hundred and forty-four units, $7,560,000.

Peterson Air Force Base, Colorado, thirty-two units, $1,438,000.

Bolling Air Force Base, District of Columbia, forty units, $1,683,000.

MacDill Air Force Base, Florida, forty-four units, $2,456,000.

Tyndall Air Force Base, Florida, forty units, $2,441,000.

Scott Air Force Base, Illinois, four units, $250,000; eighty units, $4,076,000.

England Air Force Base, Louisiana, one hundred and one units, $4,208,000.

Whiteman Air Force Base, Missouri, fifteen units, $970,000.

Nellis Air Force Base, Nevada, thirty-two units, $1,727,000.

Holloman Air Force Base, New Mexico, one hundred and twenty-three units, $5,710,000; one unit, $47,000.

Myrtle Beach Air Force Base, South Carolina, one hundred and twenty-five units, $5,549,000.

Bergstrom Air Force Base, Texas, two units, $149,000.

Carswell Air Force Base, Texas, one hundred and nineteen units, $5,432,000.

Kelly Air Force Base, Texas, seventy-nine units, $3,650,000; thirty-three units, $1,750,000.

Randolph Air Force Base, Texas, one hundred and twenty-four units, $4,136,000; one unit, $78,000.

Hill Air Force Base, Utah, two units, $158,000.

Langley Air Force Base, Virginia, eighty-six units, $5,398,000.

Fairchild Air Force Base, Washington, two hundred and thirty units, $12,162,000.

Ramstein Air Base, Germany, one unit, $137,000; twenty-four units, $2,180,000; thirty-eight units, $2,681,000.

Spangdahlem Air Base, Germany, four units, $302,000.

Andersen Air Base, Guam, two hundred units, $17,817,000.

Kadena Air Base, Japan, one unit, $127,000; seventy-five units, $5,851,000.

Misawa Air Base, Japan, one hundred and eleven units, $9,028,000.

Clark Air Base, Philippines, seventy-seven units, $3,234,000.

RAF Alconbury, United Kingdom, one unit, $55,000.

RAF Bentwaters, United Kingdom, eighty-three units, $4,610,000.

RAF Chicksands, United Kingdom, thirty-four units, $3,027,000.

RAF Lakenheath, United Kingdom, fourteen units, $1,153,000, sixty units, $3,408,000.

RAF Mildenhall, United Kingdom, two units, $89,000.

(c) WAIVER OF SPACE LIMITATIONS FOR FAMILY HOUSING UNITS.—(1) To support the United States Air Forces in Europe and Military Airlift Command, the Secretary of the Air Force may carry out improvement projects to add to and alter existing family housing units and, notwithstanding section 2826(a) of title 10, United States Code, to—

(A) increase the net floor area of one family housing unit at Ramstein Air Base, Germany, to not more than 3,045 square feet; and

(B) increase the net floor area of four family housing units at Scott Air Force Base, Illinois, to not more than 2,470 square feet.

(2) To support the Air Force Logistics Command and Pacific Air Forces, the Secretary of the Air Force may, notwithstanding section 2826(a) of title 10, United States Code, carry out new construction projects to build five family housing units at Kelly Air Force Base, Texas, to not more than 3,000 square feet.

(3) To support the Air Force Logistics Command, the Secretary of the Air Force may carry out family housing improvement projects to add to and alter existing family housing units and notwithstanding section 2826(a) of title 10, United States Code, increase the net floor area of two family housing units at Hill Air Force Base, Utah, to not more than 2,315 square feet.

(4) For purposes of this subsection, the term "net floor area" has the same meaning given that term by section 2826(f) of title 10, United States Code.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,303,406,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $930,586,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $165,330,000.

(3) For the construction of the Large Rocket Test Facility, Arnold Engineering Development Center, Tennessee, as authorized by section 2301(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), $66,000,000.

(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, $7,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $106,000,000.

(6) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $3,000,000.

(7) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $250,690,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $774,800,000 of which not more than $101,592,000 may be obligated or expended, for leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) PROJECT.—The Secretary of the Air Force may provide not more than $7,250,000 of the amount appropriated pursuant to the authorization in subsection (a)(1) to the Douglas School District, South Dakota, for the construction of a middle school primarily for the dependents of Armed Forces personnel assigned to duty at Ellsworth Air Base, South Dakota.

SEC. 2305. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS.

(a) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1986 PROJECT.—Notwithstanding the provisions of section 606(a) of the Military Construction Authorization Act, 1986 (Public Law 99-167; 99 Stat. 961), authorization for the following project authorized in section 301 of that Act shall remain in effect until October 1, 1990, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

GEODSS Site 5, Portugal, Composite Support Facility in the amount of $2,250,000 and Spacetrack Observation Facility in the amount of $12,400,000.

(b) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1987 PROJECT.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4012), authorization for the following project authorized in section 2301 of that Act shall remain in effect until October 1, 1990, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

KC-135 CPT Simulator Facility in the amount of $760,000 at Beale Air Force Base, California.

(c) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1988 PROJECTS.—Notwithstanding the provisions of section 2171(a) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1179), authorization for the following projects authorized in sections 2131 and 2132 of that Act shall remain in effect until October 1, 1990, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) KC-135 CPT Simulator Facility, in the amount of $1,150,000 at Loring Air Force Base, Maine.

(2) Thirty-four family housing units in the amount of $2,530,000 at Holbrook, Arizona.

SEC. 2306. LUKE AIR FORCE BASE, ARIZONA.

(a) IN GENERAL.—Section 2301(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087) is amended—

(1) by striking out "Williams Air Force Base, $11,130,000." and inserting in lieu thereof "Williams Air Force Base, $9,230,000."; and

(2) by striking out "Luke Air Force Base, $4,550,000." and inserting in lieu thereof "Luke Air Force Base, $6,450,000.".

(b) LIMITATION.—(1) Except as provided in paragraph (2) of this subsection and notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), authorization for a Simulator Maintenance Training Facility in the amount of $1,900,000 at Luke Air Force Base, Arizona, authorized in section 2301(a) of such Act, as amended by subsection (a), shall remain in effect until October 1, 1991, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later.

(2) The limitation made by paragraph (1) shall not apply if appropriated funds are obligated for such facility by October 1, 1991, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of

the following installations and locations inside the United States:

DEFENSE LOGISTICS AGENCY

Defense Depot, Tracy, California, $24,000,000.

Defense Reutilization and Marketing Office, Eglin Air Force Base, Florida, $2,750,000.

Defense Construction Supply Center, Columbus, Ohio, $26,600,000.

Defense Personnel Support Center, Philadelphia, Pennsylvania, $3,800,000.

Defense General Supply Center, Richmond, Virginia, $6,066,000.

Defense Fuel Support Point, Manchester, Washington, $22,600,000.

DEFENSE MEDICAL FACILITIES OFFICE

Maxwell Air Force Base, Alabama, $1,600,000.

Naval Air Station, Mobile, Alabama, $3,000,000.

Marine Corps Air Station, Twenty-Nine Palms, California, $38,000,000.

Fitzsimons Army Medical Center, Colorado, $5,200,000.

Hurlburt Field, Florida, $6,000,000.

Naval Air Station, Jacksonville, Florida, $2,400,000.

Patrick Air Force Base, Florida, $2,700,000.

Andrews Air Force Base, Maryland, $2,900,000.

Naval Station, Pascagoula, Mississippi, $2,548,000.

Nellis Air Force Base, Nevada, $62,000,000.

Lackland Air Force Base, Texas, $6,000,000.

Naval Station, Ingleside, Texas, $2,300,000.

Portsmouth Naval Hospital, Virginia, $330,000,000.

DEFENSE NUCLEAR AGENCY

Armed Forces Radiobiology Research Institute, Bethesda, Maryland, $900,000.

NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, $21,444,000.

OFFICE OF THE SECRETARY OF DEFENSE

Defense Language Institute, Monterey, California, $10,600,000.

The Pentagon, Arlington, Virginia, $3,500,000.

Classified Location, $4,500,000.

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Bethesda, Maryland, $600,000.

STRATEGIC DEFENSE INITIATIVE ORGANIZATION

Nellis Air Force Base, Nevada, $6,542,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

DEFENSE MEDICAL FACILITIES OFFICE

Camp Carroll, Korea, $1,500,000.

Camp Garry Owen, Korea, $800,000.

DEFENSE NUCLEAR AGENCY

Johnston Atoll, $6,168,000.

DEPARTMENT OF DEFENSE SCHOOLS

Naval Air Station, Bermuda, $4,810,000.

Augsburg, Germany, $6,300,000.

Frankfurt, Germany, $7,101,000.

Grafenwoehr, Germany, $4,186,000.

Hohenfels, Germany, $17,079,000.

Royal Air Force, Bicester, United Kingdom, $6,275,000.

Royal Air Force, Upwood, United Kingdom, $4,175,000.

Various Locations, $6,600,000.

DEPARTMENT OF DEFENSE SECTION VI SCHOOLS

Fort Buchanan, Puerto Rico, $1,155,000.

Roosevelt Roads, Puerto Rico, $6,541,000.

NATIONAL SECURITY AGENCY

Classified Location, $23,000,000.

SEC. 2402. FAMILY HOUSING.

The Secretary of Defense, may, using amounts appropriated pursuant to section 2405(a)(10)(A), construct or acquire three family housing units (including land acquisition) at classified locations in the total amount not to exceed $400,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 to title 10, United States Code, the Secretary of Defense may, using amounts appropriated pursuant to section 2405(a)(10)(A), improve existing military family housing units in an amount not to exeed $200,000.

SEC. 2404. CONFORMING STORAGE FACILITIES.

Section 2404(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4012) is amended to read as follows:

"(a) AUTHORITY TO CONSTRUCT.—The Secretary of Defense may, using not more than $10,000,000 appropriated for fiscal year 1987, using not more than $5,000,000 appropriated for fiscal year 1988, using not more than $9,300,000 appropriated for fiscal year 1989, and using not more than $11,000,000 appropriated for fiscal year 1990, carry out military construction projects not otherwise authorized by law for conforming storage facilities.".

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $552,620,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $225,050,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $95,690,000.

(3) For military construction projects at Fort Sill, Oklahoma, as authorized by section 2401(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), $27,000,000.

(4) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4012), $53,000,000.

(5) For military construction projects at Fort Lewis, Washington, authorized by section 101(a) of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1495), $16,000,000.

(6) For unspecified minor constructed projects under section 2805 of title 10, United States Code, $13,100,000.

(7) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(8) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $80,480,000.

(9) For conforming storage facilities construction under the authority of section 2404 of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4012), $11,000,000.

(10) For military family housing functions—

(A) for construction and acquisition of military family housing facilities, $600,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $20,700,000, of which not more than $17,825,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 may not exceed—

(1) the total amount authorized to be appropriated under paragraph (1) and (2) of subsection (a);

(2) $321,500,000 (the balance of the amount authorized under section 2141(a) for the construction of a medical facility at Portsmouth Naval Hospital, Virginia); and

(3) $52,000,000 (the balance of the amount authorized by section 2141(a) for the construction of a hospital at Nellis Air Force Base, Nevada).

SEC. 2406. EXTENSION OF CERTAIN PREVIOUS AUTHORIZATIONS.

(a) EXTENSION OF CERTAIN 1987 PROJECT.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4012), the authorization for the Defense Fuel Support Point, Charleston, South Carolina, in the amount of $5,590,000, in section 2401(a) of that Act shall remain in effect until October 1, 1990, or until the date of enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later.

(b) EXTENSION OF CERTAIN 1988 PROJECTS.—Notwithstanding the provisions of section 2171(a) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1179), authorizations for the following projects authorized in section 2141 of that Act shall remain in effect until October 1, 1990, or until the date of enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Fuel Tankage, in the amount of $9,400,000 at Defense Fuel Supply Point, Key West, Florida.

(2) Connector Warehouse, in the amount of $18,500,000 at Defense General Supply Center, Richmond, Virginia.

SEC. 2407. MEDICAL FACILITY, FORT SILL, OKLAHOMA.

(a) PROJECT AMOUNT.—Section 2401 of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat 2087) is amended in the items listed under the heading "Defense Medical Facilities Office", by striking out "Fort Sill, Oklahoma, $54,000,000." and inserting in lieu thereof "Fort Sill, Oklahoma, $68,000,000.".

(b) TITLE TOTAL.—Section 2407(b)(2) of such Act is amended by striking out "$27,000,000" and inserting in lieu thereof "$41,000,000".

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of

the amount authorized to be appropriated for this purpose in section 2502 of this Act and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2501 of this Act, in the amount of $424,714,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the total amount of $556,567,000, as follows:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $182,372,000, and

(B) for the Army Reserve, $80,505,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $56,600,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $190,890,000, and

(B) for the Air Force Reserve, $46,200,000.

TITLE XXVII—EXPIRATION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER TWO YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI, XXII, XXIII, XXIV, and XXV for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor) shall expire on October 1, 1991, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later.

(b) EXCEPTION.—The provisions of subsection (a) do not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before October 1, 1991, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later, for construction contracts, land acquisitions, family housing projects and facilities, or contributions to the NATO Infrastructure Program.

SEC. 2702. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on October 1, 1989, or the date of enactment of this Act, whichever is later.

TITLE XXVIII—GENERAL PROVISIONS

PART A—MILITARY CONSTRUCTION PROGRAM CHANGES

SEC. 2801. FAMILY HOUSING RENTAL GUARANTEE PROGRAM.

Section 802(b) of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note) is amended—

(1) in paragraph (11), by striking out "rendering the agreement null and void" and inserting in lieu thereof "rendering the agreement null and void or providing such other remedy as is deemed appropriate";

(2) by striking out "and" at the end of paragraph (11);

(3) by striking out the period at the end of paragraph (12) and inserting in lieu thereof a semicolon; and

(4) by adding after paragraph (12) the following—

"(13) may provide that utilities, trash collection, snow removal, and entomological services will be furnished by the Federal Government, at no cost to the occupant, to the same extent that these items are provided to other occupants of government-owned housing; and

"(14) may require that rent collection and the operation and maintenance of the housing be accomplished through the use of separate agreements or the use of government personnel.".

SEC. 2802. FAMILY HOUSING LEASING OUTSIDE UNITED STATES.

Section 2828 of title 10, United States Code, is amended—

(1) in subsection (e)(1), by striking out the first sentence and inserting in lieu thereof the following: "Expenditures for the rental of family housing in foreign countries (including the costs of utilities, maintenance, and operation) may not exceed $20,000 per unit per annum as adjusted for foreign currency fluctuation from October 1, 1987."; and

(2) in subsection (e)(2), by striking out "38,000" and inserting in lieu thereof "53,000".

SEC. 2803. LONG TERM FACILITIES CONTRACTS.

Section 2809 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(B)(ii), by striking out "Potable" and inserting in lieu thereof "Utilities, including potable";

(2) in subsection (b), by inserting before the period the following: "and utility plants"; and

(3) in subsection (c), by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1990".

SEC. 2804. IMPROVEMENTS TO FAMILY HOUSING UNITS.

Section 2825(b)(1) of title 10, United States Code, is amended by adding at the end thereof the following: "This limitation shall not apply to improvements that are necessary to accommodate the needs of the handicapped and the cost of which does not exceed $60,000 per unit.".

SEC. 2805. DOMESTIC BUILD-TO-LEASE PROGRAM.

Section 2828(g) of title 10, United States Code, is amended—

(1) in paragraph (8)(C)—

(A) by striking out "2,000" in clause (ii) and inserting in lieu thereof "4,000"; and

(B) by striking out "2,100" in clause (iii) and inserting in lieu thereof "3,600"; and

(2) in paragraph (9), by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1990".

SEC. 2806. TURN-KEY SELECTION PROCEDURES.

Section 2862 of title 10, United States Code, is amended by striking out subsection (a)(1) and inserting in lieu thereof the following:

"(a)(1) The Secretaries of the military departments and the heads of defense agencies may use one-step turn-key selection procedures for the purpose of entering into contracts for the construction of authorized military construction projects, except that such procedures may be used by the head of a defense agency only with the approval of the Secretary of Defense.".

SEC. 2807. PROHIBITION OF FUNDING FOR CERTAIN MILITARY CONSTRUCTION CONTRACTS ON GUAM.

(a) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding after section 2243 (as added by section 327) the following new section:

"§ 2244. Military construction contracts on Guam

"(a) IN GENERAL.—Except as provided in subsection (b), no funds appropriated for military construction may be obligated or expended with respect to any contract for a military construction project on Guam if any work is carried out on such project by any person who is a nonimmigrant alien described in section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)).

"(b) EXCEPTION.—In any case in which there is no acceptable bid made in response to a solicitation by the Secretary of a military department for bids on a contract for a military construction project on Guam and the Secretary concerned makes a determination that the prohibition contained in subsection (a) is a significant deterrent to obtaining bids on such contract, the Secretary concerned may make another solicitation for bids on such contract and the prohibition contained in subsection (a) shall not apply to such contract after the 21-day period beginning with the date on which the Secretary concerned transmits a report concerning such contract to the Committees on Armed Services of the Senate and the House of Representatives.".

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding after the item relating to section 2243 (as added by section 327) the following:

"2244. Military construction contracts on Guam.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into, amended, or otherwise modified on or after the date of the enactment of this Act.

SEC. 2808. AUTHORIZED COST VARIATIONS.

Section 2853 of title 10, United States Code, is amended to read as follows:

"§ 2853. Authorized cost variations

"(a) Except as provided in subsection (c) or (d), the cost authorized for a military construction project or for the construction, improvement, and acquisition of a military family housing project may be increased by not more than 25 percent of the amount appropriated for such project by the Congress or 200 percent of the minor construction project ceiling established pursuant to section 2805(a)(1) of this title, whichever is less, if the Secretary concerned determines that such an increase in cost is required for the sole purpose of meeting unusual variations in cost and that such variations in cost could not have reasonably been anticipated at the time the project was approved originally by the Congress.

"(b) Except as provided in subsection (c), the scope of work for a military construction project or for the construction, im-

provement, and acquisition of a military family housing project may be reduced by not more than 25 percent from the amount approved by the Congress.

"(c) The limitations on cost increases in subsection (a) and the limitations on scope reductions in subsection (b), do not apply if the increase in cost or reduction in scope is approved by the Secretary concerned and 21 days have elapsed from the date of submission by the Secretary concerned to the appropriate committees of the Congress of a written notification of the rationale for the proposed increase in cost or reduction in scope.

"(d) The limitations on cost increases in subsection (a) do not apply to within scope modifications to existing contracts or to the settlement of contractor claims under existing contracts if the increase in cost is approved by the Secretary concerned and a written notification of the facts relating to the proposed increase in cost is submitted by the Secretary concerned to the appropriate committees of the Congress.".

PART B—LAND TRANSACTIONS

SEC. 2811. LAND CONVEYANCE, PITTSBURGH, PENNSYLVANIA.

(a) IN GENERAL.—Subject to subsections (b) through (e), the Secretary of the Navy may convey to Carnegie-Mellon University all right, title, and interest of the United States in and to approximately 1.29 acres of land located at 4902 Forbes Avenue, Allegheny County, Pittsburgh, Pennsylvania, together with any improvements thereon, comprising the Naval and Marine Corps Reserve Center in Pittsburgh.

(b) CONSIDERATION.—In consideration for the sale and conveyance, the University shall pay to the United States the fair market value, as determined by the Secretary, of the property to be conveyed by the United States under subsection (a).

(c) USE OF FUNDS.—(1) Funds received by the Secretary under subsection (b) may be used to pay for the acquisition or construction of a replacement facility, including the acquisition of land, in the greater Pittsburgh area to be used as a Naval and Marine Corps Reserve Center.

(2) Funds received by the Secretary under subsection (b) and not used for the acquisition or construction of replacement facilities shall be deposited into the miscellaneous receipts of the Treasury within 60 months of receipt thereof.

(d) LEGAL DESCRIPTION OF LAND.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey which is satisfactory to the Secretary. The cost of such survey shall be borne by the University.

(e) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2812. SALE OF LAND AND REPLACEMENT OF CERTAIN FACILITIES, KAPALAMA MILITARY RESERVATION, HAWAII.

Section 2332 of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180, 101 Stat. 1223) is amended—

(1) in subsection (a)—

(A) by striking out "convey" and inserting in lieu thereof "sell and convey to the State of Hawaii"; and

(B) by striking out "43.72" and inserting in lieu thereof "35.92";

(2) in subsection (b)—

(A) by striking out "the purchasers of such property" and inserting in lieu thereof "the State of Hawaii";

(B) by inserting after "United States" the following: "no less than the fair market value, as determined by the Secretary, of the property to be conveyed by the United States under subsection (a). The Secretary shall use the proceeds received from the sale authorized by this section";

(C) by striking out "in a manner determined by the Secretary," in paragraph (1);

(D) by inserting "sale under subsection (a) and" immediately before "relocation" in paragraph (2);

(E) by adding "and" at the end of paragraph (1) and by striking out "; and" at the end of paragraph (2) and inserting in lieu thereof a period; and

(F) by striking out paragraph (3);

(3) by striking out subsection (c) and redesignating subsection (d) as subsection (c);

(4) in subsection (c), as so redesignated, by striking out "If the fair market value" and all that follows through "may use such amount" and inserting in lieu thereof "The Secretary may use any proceeds remaining after paying all costs related to the sale and replacement";

(5) by striking out subsection (e) and redesignating subsections (f) and (g) as subsections (d) and (e), respectively; and

(6) by striking out "the purchaser" in subsection (d), as so redesignated, and inserting in lieu thereof "the State of Hawaii".

SEC. 2813. CONVEYANCE OF LAND AT MARINE CORPS AIR STATION, EL TORO, CALIFORNIA, AND CONSTRUCTION OF FAMILY HOUSING AT MARINE CORPS AIR STATION, TUSTIN, CALIFORNIA.

(a) IN GENERAL.—Subject to subsections (b) through (d), the Secretary of the Navy may—

(1) convey to the County of Orange, California, or its designee, or both, all right, title, and interest of the United States in and to approximately 77 acres of real property, and the improvements thereon, consisting of three severable parcels at Marine Corps Air Station, El Toro, California; and

(2) accept monetary consideration equal to the fair market value of such property and expend it for the construction of additional military family housing and associated support facilities at Marine Corps Air Station, Tustin, California.

(b) CONDITIONS.—(1) The Secretary shall provide that all conveyances under this section are subject to the retention of appropriate interests to ensure that future use of the conveyed property is compatible with military activities.

(2) Conveyances under this section shall be in exchange for fair market value monetary compensation, as determined by an independent appraisal satisfactory to the Secretary and paid for by the County or its designees, or both.

(3) All construction authorized under this section shall be awarded through competitive procedures.

(4) The Secretary may not enter into any contract for construction under this section until after the 21-day period beginning on the date on which the Secretary transmits to the Committee on Armed Services and the Committee on Appropriations, of the Senate and the House of Representatives, a report of the full details of a proposed contract.

(5) Proceeds from the conveyances authorized by this section that are not expended in the construction of military family housing and associated support facilities described in subsection (a)(2) shall be deposited into the general fund the Treasury within 60 months of receipt.

(c) DESCRIPTION OF REAL PROPERTY.—The exact acreage and and legal descriptions of real property to be conveyed under this section shall be based on surveys that are satisfactory to the Secretary. The cost of such surveys shall be borne by the County or its designee, or both.

(d) ADDITIONAL TERMS AND CONDITIONS.—Any agreement entered into under this section shall be subject to such other terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2824. LAND CONVEYANCE, FORT KNOX, KENTUCKY.

(a) IN GENERAL.—Subject to subsections (b) through (e), the Secretary of the Army may sell and convey all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 12 acres, together with improvements thereon, contiguous to the corporate limits of the City of Radcliff, Kentucky, and bounded on the east by U.S. Highway 31W, by the Radcliff city park on the south, by residential property to the west, and by Fort Knox to the north.

(b) COMPETITIVE BID REQUIREMENT; MINIMUM SALE PRICE.—(1) The Secretary shall use competitive procedures for the sale of the property referred to in subsection (a).

(2) In no event may any of the property referred to in subsection (a) be sold for less than the fair market value of the property, as determined by the Secretary.

(c) USE OF PROCEEDS.—(1) The Secretary shall use the proceeds from the sale of the property referred to in subsection (a) for the construction of up to four units of military family housing at Fort Knox, Kentucky.

(2) Any proceeds of the sale not used for such purpose shall be used for repairs or improvements to existing family housing at Fort Knox, Kentucky.

(d) LEGAL DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The costs of such survey shall be borne by the purchaser of the property.

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

(f) ADDITIONAL AUTHORITY.—The military family housing authorized by this section is in addition to any military family housing otherwise authorized by law.

PART C—MISCELLANEOUS PROVISIONS

SEC. 2821. WHITE SANDS MISSILE RANGE, NEW MEXICO.

(a) IN GENERAL.—The Secretary of the Army shall, subject to such terms and conditions as the Secretary deems appropriate to protect the interests of the United States, issue a revocable license to the Ova Noss Family Partnership, a California limited partnership, to conduct a search for treasure trove in the Victorio Peak region of White Sands Missile Range, New Mexico, and may provide the Ova Noss Family Partnership with necessary processing, administration, and support incident to the license, including transportation, communications, safety and security, ordnance disposal services, housing, and public affairs assistance that the Ova Noss Family Partnership cannot contract for directly.

(b) REIMBURSEMENT.—(1) The Secretary of the Army shall require the Ova Noss Family Partnership to reimburse the Department of the Army for—

(A) all costs related to providing such processing, administration, and support; and

(B) other costs or losses incurred by the Department of the Army in connection with or as a result of the search.

(2) Reimbursements for such costs shall be credited to the Department of the Army appropriation from which the costs were paid.

(c) REPORT.—For each fiscal year in which any action is carried out under this section, the Secretary shall transmit a report to the Committees on Armed Services of the Senate and the House of Representatives containing an accounting of all funds expended and received under this section.

SEC. 2822. COMMUNITY PLANNING ASSISTANCE.

The Secretary of Defense may use funds appropriated to the Department of Defense for fiscal year 1990 for planning and design purposes to provide community planning assistance in the following amounts to the following communities:

(1) Not to exceed $250,000 of the planning and design funds of the Department of the Army for communities located near the newly established light infantry division posts at Fort Drum, New York.

(2) Not to exceed $250,000 of the planning and design funds of the Department of the Navy for communities located near the newly established Navy strategic dispersal program homeport at Everett, Washington.

(3) Not to exceed $250,000 of the planning and design funds of the Department of the Air Force for communities located near Whiteman Air Force Base, Knob Noster, Missouri.

SEC. 2823. CONVEYANCE OF FACILITY, LITTLE ROCK, ARKANSAS.

The Secretary of the Army may convey, without reimbursement, to the University of Arkansas at Little Rock, Arkansas, the facility being utilized as the Army Reserve Center at such University as soon as the Secretary determines that such facility is no longer needed for Reserve activities.

SEC. 2824. DEVELOPMENT OF LAND AND LEASE OF FACILITY AT HENDERSON HALL, ARLINGTON, VIRGINIA.

(a) IN GENERAL.—The Secretary of the Navy may—

(1) using funds provided by the Navy Mutual Aid Association, design, supervise, construct, and inspect a multipurpose facility of approximately 62,000 square feet to be located at Henderson Hall, Arlington, Virginia; and

(2) lease, without reimbursement, to the Navy Mutual Aid Association approximately one-third of the square footage of the facility to be constructed.

(b) TERMS OF LEASE.—The lease entered into under subsection (a) shall—

(1) be for a term of 50 years;

(2) be in full consideration for the funds provided to the Secretary by the Navy Mutual Aid Association pursuant to subsection (a);

(3) provide that in the event the lease is canceled by the Secretary before expiration, the Secretary shall, as determined by the Secretary, provide comparable alternative space or, subject to the availability of funds, reimburse the Navy Mutual Aid Association for the unamortized cost of the building; and

(4) allow, at the discretion of the Secretary, for the Navy Mutual Aid Association to continue to use the space after the initial 50-year term, in compliance with laws and regulations applicable at that time.

(c) CONDITIONS.—(1) Title to the facility described in subsection (a)(1) shall be and remain in the United States.

(2) All construction authorized under this section shall be awarded through competitive procedures.

(3) Any lease or other agreement entered into under the authority of this section shall be subject to such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

DIVISION C—OTHER NATIONAL DEFENSE AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

PART A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

SEC. 3101. OPERATING EXPENSES.

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1990 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For weapons activities, $3,804,970,000, to be allocated as follows:

(A) For research and development, $1,070,370,000.

(B) For weapons testing, $532,600,000.

(C) For production and surveillance, $2,104,097,000.

(D) For program direction, $97,903,000.

(2) For defense nuclear materials production, $1,654,691,000, to be allocated as follows:

(A) For production reactor operations, $578,049,000.

(B) For processing of defense nuclear materials, including naval reactors fuel, $589,609,000, of which $78,744,000 shall be used for special isotope separation.

(C) For supporting services, $282,868,000.

(D) For uranium enrichment for naval reactors, $168,900,000.

(E) For program direction, $35,265,000.

(3) For environmental restoration and management of defense waste and transportation, $1,119,639,000, to be allocated as follows:

(A) For environmental restoration, $436,293,000. Such funds may also be used for plant and capital equipment.

(B) For waste operation and projects, $568,167,000.

(C) For waste research and development, $90,225,000.

(D) For hazardous waste process planning, $10,163,000.

(E) For transportation management, $11,841,000.

(F) For program direction, $2,950,000.

(4) For verification and control technology, $149,146,000.

(5) For nuclear materials safeguards and security technology development program, $82,241,000.

(6) For security investigations, $41,200,000.

(7) For new production reactors, $203,500,000.

(8) For naval reactors development, $562,800,000.

SEC. 3102. PLANT AND CAPITAL EQUIPMENT.

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1990 for plant and capital equipment (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

(1) For weapons activities:

Project 90-D-101, general plant projects, various locations, $28,130,000.

Project 90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $1,000,000.

Project 90-D-103, environment, safety, and health improvements, various locations, $10,700,000.

Project 90-D-121, general plant projects, various locations, $30,850,000.

Project 90-D-122, production capabilities for the nuclear depth/strike bomb (ND/SB), various locations, $8,000,000.

Project 90-D-123, follow on to lance warhead production facilities, various locations, $3,000,000.

Project 90-D-124, high explosives (HE) synthesis facility, Pantex Plant, Amarillo, Texas, $1,800,000.

Project 90-D-125, steam plant ash disposal facility, Y-12 Plant, Oak Ridge, Tennessee, $1,500,000.

Project 90-D-126, environmental, safety, and health enhancements, various locations, $26,700,000.

Project 89-D-122, production waste storage facilities, Y-12 Plant, Oak Ridge, Tennessee, $9,200,000.

Project 89-D-125, plutonium recovery modification project, Rocky Flats Plant, Golden, Colorado, $45,000,000.

Project 89-D-126, environmental, safety, and health upgrade, Phase II, Mound Plant, Miamisburg, Ohio, $3,500,000.

Project 88-D-102, sanitary wastewater systems consolidation, Los Alamos National Laboratory, Los Alamos, New Mexico, $3,100,000.

Project 88-D-104, safeguards and security upgrade, Phase II, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 88-D-105, special nuclear materials research and development laboratory replacement, Los Alamos National Laboratory, Los Alamos, New Mexico, $44,000,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $94,400,000.

Project 88-D-122, facilities capability assurance program, various locations, $83,099,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, $5,500,000.

Project 88-D-124, fire protection upgrade, various locations, $5,400,000.

Project 88-D-125, high explosive machining facility, Pantex Plant, Amarillo, Texas, $36,000,000.

Project 87-D-104, safeguards and security enhancement, Phase II, Lawrence Livermore National Laboratory, Livermore, California, $7,000,000.

Project 87-D-122, short-range attack missile II (SRAM II) warhead production facilities, various locations, $41,200,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $5,200,000.

Project 86-D-130, tritium loading facility replacement, Savannah River Plant, Aiken, South Carolina, $24,025,000.

Project 85-D-105, combined device assembly facility, Nevada Test Site, Nevada, $9,460,000.

(2) For materials production:

Project 90-D-141, Idaho chemical processing plant fire protection, Idaho National Engineering Laboratory, Idaho, $3,500,000.

Project 90-D-142, coal storage facility environmental upgrade, Feed Materials Production Center, Fernald, Ohio, $920,000.

Project 90-D-143, plutonium finishing plant fire safety and loss limitation, Richland, Washington, $800,000.

Project 90-D-146, general plant projects, various locations, $36,802,000.

Project 90-D-149, plantwide fire protection, Phase I, Savannah River, South Carolina, $4,900,000.

Project 90-D-150, reactor safety assurance, Phase I, Savannah River, South Carolina, $12,700,000.

Project 90-D-151, engineering center, Savannah River, South Carolina, $7,000,000.

Project 89-D-140, additional separations safeguards, Savannah River, South Carolina, $10,300,000.

Project 89-D-141, M-area waste disposal, Savannah River, South Carolina, $7,800,000.

Project 89-D-142, reactor effluent cooling water thermal mitigation, Savannah River, South Carolina, $40,000,000.

Project 89-D-148, improved reactor confinement system, design only, Savannah River, South Carolina, $7,100,000.

Project 88-D-153, additional reactor safeguards, Savannah River, South Carolina, $6,400,000.

Project 87-D-159, environmental, health, and safety improvements, Phases I, II, and III, Feed Materials Production Center, Fernald, Ohio, $55,111,000.

Project 86-D-148, special isotope separation project, Idaho Falls, Idaho, $40,000,000.

Project 86-D-149, productivity retention program, Phases I, II, III, and IV, various locations, $81,780,000.

Project 86-D-152, reactor electrical distribution system, Savannah River, South Carolina, $3,164,000.

Project 86-D-156, plantwide safeguards systems, Savannah River, South Carolina, $6,181,000.

Project 85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $75,000,000.

(3) For defense waste and environmental restoration:

Project 90-D-170, general plant projects, various locations, $29,036,000.

Project 90-D-171, laboratory ventilation and electrical system upgrade, Richland, Washington, $1,100,000.

Project 90-D-172, aging waste transfer lines, Richland, Washington, $1,300,000.

Project 90-D-173, B plant canyon crane replacement, Richland, Washington, $1,500,000.

Project 90-D-174, decontamination laundry facility, Richland, Washington, $2,800,000.

Project 90-D-175, landlord program safety compliance-I, Richland, Washington, $4,200,000.

Project 90-D-176, transuranic (TRU) waste facility, Savannah River, South Carolina, $3,100,000.

Project 90-D-177, RWMC transuranic (TRU) waste treatment and storage facility, Idaho National Engineering Laboratory, Idaho Falls, Idaho, $5,000,000.

Project 90-D-178, TSA retrieval containment building, Idaho National Engineering Laboratory, Idaho Falls, Idaho, $6,000,000.

Project 89-D-171, Idaho National Engineering Laboratory road renovation, Idaho, $7,400,000.

Project 89-D-172, Hanford environmental compliance, Richland, Washington, $27,600,000.

Project 89-D-173, tank farm ventilation upgrade, Richland, Washington, $15,400,000.

Project 89-D-174, replacement high level waste evaporator, Savannah River, South Carolina, $9,360,000.

Project 89-D-175, hazardous waste/mixed waste disposal facility, Savannah River, South Carolina, $6,440,000.

Project 88-D-173, Hanford waste vitrification plant, Richland, Washington, $29,100,000.

Project 87-D-173, 242-A evaporator crystallizer upgrade, Richland, Washington, $700,000.

Project 87-D-181, diversion box and pump pit containment buildings, Savannah River, South Carolina, $2,790,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, $14,140,000.

(4) For verification and control technology:

Project 90-D-186, center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico, $1,000,000.

(5) For new production reactor:

Project 88-D-154, new production reactor capacity, various locations, $100,000,000.

(6) For naval reactors development:

Project 90-N-101, general plant projects, various locations, $8,500,000.

Project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $3,600,000.

Project 90-N-103, advanced test reactor off-gas treatment system, Idaho National Engineering Laboratory, Idaho, $200,000.

Project 90-N-104, facilities renovation, Knolls Atomic Power Laboratory, Niskayuna, New York, $3,900,000.

Project 89-N-102, heat transfer test facility, Knolls Atomic Power Laboratory, Niskayuna, New York, $6,500,000.

Project 89-N-103, advanced test reactor modifications, Test Reactor Area, Idaho National Engineering Laboratory, Idaho, $3,100,000.

Project 89-N-104, power system upgrade, Naval Reactors Facility, Idaho, $6,400,000.

Project 88-N-102, expended core facility receiving station, Naval Reactors Facility, Idaho, $3,000,000.

(7) For capital equipment not related to construction:

(A) For weapons activities, $304,175,000, including $24,040,000 for the defense inertial confinement fusion program.

(B) For materials production, $104,425,000.

(C) For defense waste and environmental restoration, $50,126,000.

(D) For verification and control technology, $9,732,000.

(E) For nuclear safeguards and security, $4,967,000.

(F) For naval reactors development, $54,000,000.

SEC. 3103. FUNDING LIMITATIONS.

(a) PROGRAMS, PROJECTS, AND ACTIVITIES OF THE DEPARTMENT OF ENERGY RELATING TO STRATEGIC DEFENSE INITIATIVE.—Of the funds appropriated to the Department of Energy for fiscal year 1990 for operating expenses and plant and capital equipment, not more than $250,700,000 may be obligated or expended for programs, projects, and activities of the Department of Energy relating to the Strategic Defense Initiative.

(b) INERTIAL CONFINEMENT FUSION.—Of the funds appropriated to the Department of Energy for fiscal year 1990 for operating expenses and plant and capital equipment, not less than $184,240,000 shall be obligated or expended for the defense inertial confinement fusion program.

(c) SPECIAL ISOTOPE SEPARATION PROJECT.—The funds authorized for Project 86-D-148, special isotope separation project, Idaho Falls, Idaho, may not be used for site preparation, construction, or procurement of long-lead materials or equipment.

PART B—RECURRING GENERAL PROVISIONS

SEC. 3121. REPROGRAMMING.

(a) NOTICE TO CONGRESS.—(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) $10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may be taken after a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives of notice from the Secretary of Energy (in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed $1,200,000.

(b) REPORT TO CONGRESS.—If at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,200,000, the Secretary shall immediately furnish a complete report to the Committees on Armed Services and on the Committees on Appropriations of the Senate and House of Representatives explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3102 of this title, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken after a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives of notice from the Secretary of Energy (in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) IN GENERAL.—Funds appropriated pursuant to this title may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

(b) SPECIFIC TRANSFER.—The Secretary of Defense may transfer to the Secretary of Energy not more than $100,000,000 of the funds appropriated for fiscal year 1990 to the Department of Defense for research, development, test, and evaluation for the Defense Agencies for the performance of work on the Strategic Defense Initiative. Funds so transferred—

(1) may be used only for research, development, and testing for nuclear directed energy weapons, including plant and capital equipment related thereto;

(2) shall be merged with the appropriations of the Department of Energy; and

(3) may not be included in calculating the amount of funds obligated or expended for purposes of the funding limitation in section 3103(a).

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) IN GENERAL.—(1) Within the amounts authorized by this title for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In any case in which the total estimated cost for such planning and design exceeds $300,000, the Secretary shall notify the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN.

In addition to the advance planning and construction design authorized by section 3102, the Secretary may perform planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses or for plant and capital equipment may remain available until expended.

PART C—MISCELLANEOUS PROVISIONS

SEC. 3131. MAJOR DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

(a) MAJOR PROGRAM DEFINED.—In this section, the term "major Department of Energy national security program" means a research and development program (which may include construction and production activities), a construction program, or a production program—

(1) that is designated by the Secretary of Energy as a major Department of Energy national security program; or

(2) that is estimated by the Secretary of Energy to cost more than $500,000,000 (based on fiscal year 1989 constant dollars).

(b) REQUIRED REPORTS.—(1) Except as provided in paragraph (3), the Secretary of Energy shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives at the end of each calendar-year quarter a report on each major Department of Energy national security program.

(2) Each such report shall include, at a minimum, the following information:

(A) A description of the program, its purpose, and its relationship to the mission of the national security program of the Department of Energy.

(B) The program schedule, including estimated annual costs.

(C) A comparison of the current schedule and cost estimates with previous schedule and cost estimates, and an explanation of changes.

(3) A report under this section need not be submitted for the first, second, or third calendar-year quarter if the comparison between current schedule and cost estimates and schedule and cost estimates contained in the last submitted report shows that there has been—

(A) less than a 5 percent change in total program cost; and

(B) less than a 90-day delay in any significant schedule item of the program.

(c) SUBMISSION OF REPORT.—Each report under this section shall be submitted not later than 30 days after the end of each calendar-year quarter. The first report shall cover the fourth quarter of 1989 and shall be submitted not later than January 30, 1990.

(d) IDENTIFICATION OF PROGRAMS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall submit a report to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives that identifies all programs of the Department of Energy that are major Department of Energy national security programs, as defined in subsection (a).

SEC. 3132. FIVE-YEAR BUDGET PLAN REQUIREMENT.

(a) PLAN REQUIREMENT.—The Secretary of Energy each year shall prepare a five-year budget plan for the national security programs of the Department of Energy. The plan shall contain the estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the national security programs and shall be at a level of detail comparable to that contained in the budget submitted by the President to Congress under section 1105 of title 31, United States Code.

(b) SUBMISSION OF PLAN.—The Secretary shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives the plan required under subsection (a) at the same time as the President submits to Congress the budget pursuant to section 1105 of title 31, United States Code.

SEC. 3133. AMENDMENT TO ATOMIC COMMUNITY ACT OF 1955.

Section 91 c. of chapter 9 of the Atomic Community Act of 1955 (42 U.S.C. 2391(c)) is amended by adding at the end the following sentence: "No payments may be made under this section for a fiscal year to a governmental entity unless such entity provides satisfactory assurances to the Secretary of Energy that the payments will be used to supplement and not supplant the level of State and local funds that would otherwise be available to the entity were the Federal funds not paid to the entity for that fiscal year.".

SEC. 3134. PROHIBITION AND REPORT ON BONUSES TO CONTRACTORS OPERATING DEFENSE NUCLEAR FACILITIES.

(a) PROHIBITION.—The Secretary of Energy may not provide any bonuses, award fees, or other form of performance- or production-based awards to a contractor operating a Department of Energy defense nuclear facility unless, in evaluating the performance or production under the contract, the Secretary of Energy considers the contractor's compliance with all applicable environmental, safety, and health statutes, regulations, and practices for determining both the size of, and the contractor's qualification for, such bonus, award fee, or other award. The prohibition in this subsection applies with respect to contracts entered into, or contract options exercised, after the date of the enactment of this Act.

(b) REPORT ON ROCKY FLATS BONUSES.—The Secretary of Energy shall investigate the payment, from 1981 to 1988, of production bonuses to Rockwell International, the contractor operating the Rocky Flats Plant (Golden, Colorado), for purposes of determining whether the payment of such bonuses was under fraudulent circumstances. Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of that investigation, including the Secretary's conclusions and recommendations.

(c) DEFINITION.—In this section, the term "Department of Energy defense nuclear facility" has the meaning given such term by section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2268g).

(d) REGULATIONS.—The Secretary of Energy shall promulgate regulations to implement subsection (a) not later than 90 days after the date of the enactment of this Act.

SEC. 3135. PREFERENCE FOR ROCKY FLATS WORKERS.

In any contract awarded by the Secretary of Energy to carry out any cleanup, decontamination, or decommissioning of the Rocky Flats Plant (Golden, Colorado), the Secretary of Energy shall require the contractor to give first preference in hiring employees to those employees who worked at

the Rocky Flats Plant before it was closed and who are qualified to carry out the duties for the positions, as determined by the contractor.

SEC. 3136. AUTHORIZATION AND FUNDING FOR ROCKY FLATS AGREEMENT.

(a) AUTHORIZATION.—Using funds available pursuant to subsection (b), the Secretary of Energy may make such payments as may be necessary—

(1) to carry out the agreement entered into on June 16, 1989, between the Department of Energy and the State of Colorado with respect to the Rocky Flats Plant; and

(2) to enable the State of Colorado to ensure the safety, purity, and cleanliness of the drinking water of those communities whose water supply flows through, runs off, or is otherwise affected by air or water emissions of, the Rocky Flats Plant, by means of testing and related activities.

(b) FUNDING.—Of the funds appropriated to the Department of Energy for fiscal year 1990 pursuant to the authorization in this Act for environmental restoration and management of defense waste, up to $3,435,000 shall be obligated or expended to carry out such agreement and to provide for testing and related activities authorized under subsection (a)(2).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1990 $10,000,000 for the establishment and operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2268 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. STRATEGIC AND CRITICAL MATERIALS DEVELOPMENT, RESEARCH, AND CONSERVATION.

Section 8 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98g) is amended by adding at the end the following new subsections:

"(c) The President shall make scientific, technologic, and economic investigations concerning the feasibility of—

"(1) developing domestic sources of supply of materials (other than materials referred to in subsections (a) and (b)) determined pursuant to section 3(a) to be strategic and critical materials; and

"(2) developing or using alternative methods for the refining or processing of a material in the stockpile so as to convert such material into a form more suitable for use during an emergency or for storage.

"(d) The President shall encourage the conservation of domestic sources of any material determined pursuant to section 3(a) to be a strategic and critical material by making grants or awarding contracts for research regarding the development of—

"(1) substitutes for such material; or

"(2) more efficient methods of production or use of such material.

"(e) A grant or contract under this section for the performance of development and research (or for the construction of a facility for the performance of such development and research) may be made or awarded only—

"(1) using competitive procedures, in the case of a grant, or in accordance with section 2304 of title 10, United States Code (other than subsection (c)(5)), in the case of a contract; and

"(2) if the President determines at the time of making such grant or awarding such contract that such grant or contract shall serve national defense needs identified in a report submitted under section 14(c).

"(f) A provision of law enacted after the date of the enactment of this subsection may not be construed as modifying or superseding the requirements specified in subsection (e) unless that provision of law specifically refers to subsection (e) and specifically states that such provision of law modifies or supersedes such requirements.".

SEC. 3302. DEVELOPMENT OF DOMESTIC SOURCES.

(a) AUTHORITY OF THE PRESIDENT.—The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.) is amended by adding at the end the following new section:

"DEVELOPMENT OF DOMESTIC SOURCES

"SEC. 15. (a) Subject to subsection (c), and to the extent the President determines such action is required for the national defense, the President shall encourage the development of domestic sources of materials determined pursuant to section 3(a) to be strategic and critical materials—

"(1) by purchasing, or making a commitment to purchase, strategic and critical materials of domestic origin when such materials are needed for the stockpile; and

"(2) by contracting with domestic facilities, or making a commitment to contract with domestic facilities, for the processing or refining of strategic and critical materials in the stockpile when processing or refining is necessary to convert such materials into a form more suitable for storage and subsequent disposition.

"(b) Purchases and commitments to purchase made under subsection (a) may be made for periods of up to five years for such quantities and on such terms and conditions, including advance payments, as the President considers to be necessary.

"(c)(1) Transactions to carry out the authority provided in subsection (a) shall be included in the appropriate annual materials plan submitted to Congress under section 11(b). Changes to any such transaction, or the addition of a transaction not included in such plan, shall be made in the manner provided by section 5(a)(2).

"(2) The authority of the President to enter into obligations under this section is effective for any fiscal year only to the extent of the availability of amounts in the National Defense Stockpile Transaction Fund.

"(d) The authority provided to the President in subsection (a) includes the authority to transport and to incur other incidental expenses related to carrying out such subsection.

"(e) The President shall provide information with respect to activities conducted under this section in the reports required under section 11(a).".

(b) USE OF NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.—Section 9(b)(2) of such Act (50 U.S.C. 98h(b)(2)) is amended by adding at the end the following new subparagraph:

"(F) Activities authorized under section 15.".

SEC. 3303. NATIONAL DEFENSE STOCKPILE MANAGER.

(a) REDESIGNATION AND TRANSFER OF SECTION.—Section 6A of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e–1) is—

(1) transferred to appear after section 15 of such Act (as added by section 3302); and

(2) redesignated as section 16.

(b) AUTHORITY OF THE PRESIDENT.—Such section is amended—

(1) by striking out "sections 7, 8, and 13" each place it appears and inserting in lieu thereof "sections 7 and 13";

(2) by adding at the end of subsection (c) the following new sentence: "The President may not delegate functions of the President under sections 7 and 13."; and

(3) by striking out "section 6(b) or 6(d)" in subsection (d) and inserting in lieu thereof "section 6(a)(6)".

SEC. 3304. AUTHORITY TO DISPOSE OF MATERIALS IN THE STOCKPILE FOR INTERNATIONAL CONSUMPTION.

Section 6 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e) is amended—

(1) in subsection (b)—

(A) by striking out paragraph (3);

(B) by inserting "and" at the end of paragraph (1); and

(C) by striking out "; and" at the end of paragraph (2) and inserting in lieu thereof a period; and

(2) by striking out "paragraph (1), (2), or (3)" in subsection (d) and inserting in lieu thereof "paragraph (1) or (2)".

SEC. 3305. INFORMATION INCLUDED IN REPORTS TO CONGRESS.

Section 11(a)(5) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-2(a)(5)) is amended by striking out "made from the fund" and inserting in lieu thereof "made to the fund, and obligations to be made from the fund,".

SEC. 3306. CHANGES IN STOCKPILE REQUIREMENTS.

Pursuant to section 3(c)(4) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 90b(c)(4)), the National Defense Stockpile Manager may revise quantities of materials to be stockpiled under that Act in accordance with the following table:

Material	Current Quantity	Revised Quantity
Aluminum oxide, abrasive grain group	638,000 short tons (contained)	374,000 short tons (contained)
Antimony	36,000 short tons	88,500 short tons
Asbestos, amosite	17,000 short tons	0 short tons
Bauxite, refractory	1,400,000 long calcined tons	1,240,000 long calcined tons
Bismuth	2,200,000 pounds	1,060,000 pounds
Chromite, refractory grade ore	850,000 short dry tons	695,000 short dry tons
Columbium group	4,850,000 pounds (contained)	12,520,000 pounds (contained)
Diamond, industrial group	29,730,000 carats	7,730,000 carats
Fluorspar, acid grade	1,400,000 short dry tons	900,000 short dry tons

Material	Current Quantity	Revised Quantity
Fluorspar, metallurgical grade	1,700,000 short dry tons	310,000 short dry tons
Germanium	146,000 kilograms	78,000 kilograms
Graphite, natural, malagasy, crystalline	20,000 short tons	14,200 short tons
Graphite, natural, other than Ceylon and Malagasy graphite	2,800 short tons	1,930 short tons
Manganese, battery grade group	87,000 short dry tons	50,000 short dry tons
Mica, muscovite block, stained and better	6,200,000 pounds	2,500,000 pounds
Natural insulation fibers	1,500,000 pounds	0 pounds
Platinum group metals, iridium	98,000 troy ounces	86,000 troy ounces
Platinum group metals, palladium	3,000,000 troy ounces	2,150,000 troy ounces
Quartz crystals	600,000 pounds	240,000 pounds
Talc, steatite block and lump	28 short tons	0 short tons
Tungsten group	50,666,000 pounds (contained)	70,090,000 pounds (contained)

SEC. 3307. AUTHORIZED DISPOSALS.

(a) AUTHORITY.—Notwithstanding section 5(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(b)), and subject to subsection (c), the National Defense Stockpile Manager may during fiscal years 1990 and 1991 dispose of materials in the National Defense Stockpile in accordance with this section. The value of materials disposed of may not exceed $180,000,000 during each of such fiscal years, and such disposal may be made only as specified in subsection (b).

(b) MATERIALS AUTHORIZED TO BE DISPOSED.—Any disposal under subsection (a) shall be made from quantities of materials in the National Defense Stockpile previously authorized for disposal by law or from the following quantities of materials currently held in the National Defense Stockpile, such quantities having been determined to be excess to stockpile requirements:

(1) 34,000 short tons of asbestos, amosite.

(2) 255,400 pounds of bismuth.

(3) 8,000,000 carats of diamond, industrial, crushing bort.

(4) 15,000 short dry tons of fluorspar, metallurgical grade.

(5) 3,635 short tons of graphite, natural, malagasy, crystalline.

(6) 873 short tons of graphite, natural, other than Ceylon and Malagasy graphite.

(7) 15,000 flasks of mercury.

(8) 10,000 pounds of mica, muscovite block, stained and better.

(9) 690 short tons of silicon carbide.

(10) 15,000,000 troy ounces of silver.

(11) 28 short tons of talc, block and lump.

(12) 5,000 metric tons of tin.

(c) LIMITATION ON DISPOSALS DURING FISCAL YEARS 1990 AND 1991.—The National Defense Stockpile Manager may dispose of materials under this section during each of the fiscal years 1990 and 1991 only to the extent that the total amount received (or to be received) from such disposals for each such fiscal year does not exceed the amount obligated from the National Defense Stockpile Transaction Fund during such fiscal year for the purposes authorized under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

SEC. 3308. AUTHORIZATION OF ACQUISITIONS.

(a) ACQUISITIONS.—During each of the fiscal years 1990 and 1991, the National Defense Stockpile Manager shall obligate $180,000,000 out of funds of the National Defense Stockpile Transaction Fund (subject to such limitations as may be provided in appropriations Acts) for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

(b) UPGRADE PROGRAMS.—Of the amount specified in subsection (a), at least $30,000,000 shall be obligated during each of such fiscal years for programs not already required by law for upgrading stockpile materials.

(c) PURCHASE OF GERMANIUM.—Of the amount specified in subsection (a) for fiscal year 1990, at least $12,000,000 shall be obligated during that fiscal year to acquire germanium for the National Defense Stockpile.

TITLE XXXIV—CIVIL DEFENSE

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $151,535,000 for the fiscal year ending September 30, 1990, to carry out the provisions of the Federal Civil Defense Act of 1950.

Amend the title so as to read: "A bill to authorize appropriations for fiscal year 1990 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 CHAIRMAN pro tempore. No amendments to said substitute are in order except amendments designated in House Report 101-168. Said amendments shall be considered only in the order and manner specified and shall be considered as having been read. Said amendments, except those printed in part 2 of said report, may only be offered by the Member designated for said amendment in House Report 101-168, or the rule, or his designee. Debate time specified for each amendment shall be equally divided and controlled by the proponent of the amendment and a Member opposed thereto, except as specified in the rule or House Report 101-168.

Said amendments are not subject to amendment, except as specified in the rule or House Report 101-168, or to a demand for a division of the question. Any general debate specified in the rule shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

It shall be in order for the chairman of the Committee on Armed Services, or his designee, to offer amendments en bloc, including modifications in the text of any amendment which is germane thereto, printed in parts 2 or 3 of said report. Said amendments en bloc are considered as having been read and are not subject to amendment or to a demand for a division of the question. Said amendments en bloc shall be debatable for 60 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The original proponents of the amendments offered en bloc shall have permission to insert statements in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may postpone recorded votes, if ordered, on any first degree amendment until a designated point later that legislative day or until the next legislative day. The Chair may reduce to a minimum of 5 minutes the period of time within which a recorded vote, if ordered, may be taken on all amendments following the first vote in the series.

If the Committee of the Whole does not complete consideration of any amendment printed in parts 1 or 2 of said report, it shall be in order on any subsequent legislative day for the chairman of the Committee on Armed Services, after consultation with the ranking minority member and after giving at least 1 hour's notice, to request the Chair to recognize the proponent of said amendments, and the Chair may recognize the proponents of said amendments, notwithstanding the order of amendments specified in said report. If the chairman of the Committee on Armed Services does not give such notice or make such request, said amendments may be offered by their proponents following the disposition of all other amendments contained in part 2 of said report.

The proponent of any amendment printed in part 3 of the House Report 101-168 not considered in the order specified in the rule may offer that amendment at the conclusion of con-

sideration of all other amendments printed in part 2 of said report.

The Chair will announce the number of the amendment made in order by the rule and the name of its sponsor in order to give notice to the Committee of the Whole as to the order of recognition.

It is now in order to debate the subject matter of the strategic defense initiative.

Pursuant to the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 30 minutes and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

□ 0920

Mr. ASPIN. Mr. Chairman, I ask unanimous consent that I be allowed to strike the last word to talk a little bit about the schedule today.

The CHAIRMAN pro tempore (Mr. HALL of Texas). Without objection, the gentleman from Wisconsin [Mr. ASPIN] is recognized for 5 minutes.

There was no objection.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from California [Mr. DELLUMS].

PARLIAMENTARY INQUIRY

Mr. DELLUMS. Mr. Chairman, I thank my colleague for yielding.

Mr. Chairman, I would like to propound the following parliamentary inquiry: I understand we are now proceeding to debate the strategic defense initiative. The rule provides 1 hour, evenly divided between the gentleman from Wisconsin [Mr. ASPIN], who chairs the committee, and the gentleman from Alabama [Mr. DICKINSON], who is the ranking minority member.

There are three amendments, one amendment that goes forward with the strategic defense initiative, one amendment that stops it, and one amendment that slows it down.

The question that I would raise with the Chair is what is the rationale for dividing the time evenly between the gentleman from Alabama [Mr. DICKINSON] and the gentleman from Wisconsin [Mr. ASPIN] when it appears as if this is to some extent unfair? On the other side of the aisle the majority position is to support the gentleman from Arizona [Mr. KYL], so I think that one could argue, and I think legitimately, that the gentleman from Arizona [Mr. KYL] then has approximately 30 minutes of the general debate time. There are two amendments on this side, which means we end up, even if you give us half of the time, with 15 minutes, and I think that there is some lack of equity in this regard.

The parliamentary inquiry I would raise is this: What is the rationale for dividing the time and who is perceived as proponents and opponents in this debate? I think the gentlewoman from California [Ms. BOXER] and the gentleman from California [Mr. DELLUMS] should be perceived as opponents, and we should then have half the time to debate against any SDI amendments, since we want to stop SDI. And we think that the process, with all due respect to the Rules Committee seems to be unfair at this point, and I ask it not in controversy, but simply to try to get an explanation.

The CHAIRMAN pro tempore. The gentleman from California might be advised that the chairman and ranking minority member who control the time under the rule have the right to yield. That is for any general debate on this bill and it is traditionally so divided, as it as been divided here.

Mr. DELLUMS. I thank the distinguished Chair.

Mr. ASPIN. Mr. Chairman, I would like to discuss a little bit with the gentleman from Alabama today's schedule just so that Members understand what we are doing before we start on this day, which promises to be a long one.

Let me just announce that the schedule for today is that the first issue that the Committee of the Whole will consider under the defense bill is, as the gentleman from California said, the SDI amendments. The plan is to have general debate on the subject for an hour, followed by a 10-minute debate on each amendment. The amendments are first the Kyl amendment; 5 minutes for, 5 minutes against and a vote. Followed by the Dellums-Boxer amendment; 5 minutes for, 5 minutes against and a vote.

Finally, the Bennett amendment; 5 minutes for, 5 minutes against and a vote.

Following the conclusion of the issue on the SDI funding, there will be, according to the rule, three separate add-ons. If any of the amendments has passed in the Committee of the Whole to cut SDI, there will be three amendments offered to add money for specific programs. Each of them has a 15-minute debate time to be divided between the proponents and opponents; 15 minutes debate and a vote. The first is on the Bennett amendment to add $232 million to conventional forces; second, is the Spratt amendment to add $300 million for DOE environmental cleanup; and, third, the Mavroules amendment to add $450 million for drug interdiction.

Following that, and I do not know how long that will take, there will be a number of votes. The next issue is two amendments relating to burden-sharing. It is the rule's stipulation that the Schroeder amendment and the Ireland amendment, both relating to burden-sharing, are both in order and both have a 30-minute debate time and a vote.

At the conclusion of that, the rule calls for consideration of part 2 amendments. Part 2 amendments are general amendments that are listed in part 2 of the rule, are listed in order by author and subject. They will be called up in order; and author will have 5 minutes in support of his amendment, and opponents to the amendment will have 5 minutes in opposition to the amendment.

It is possible that when we come to that point, any votes that are desired will be clustered and will come at the end of the process.

What amendments come up next is the gentleman from Alabama. [Mr. DICKINSON] the ranking Republican on the committee, who will at that point offer in effect the Cheney budget for the procurement part of the bill. Under the rule there is 40 minutes debate time, 20 minutes to be controlled by the gentleman from Alabama [Mr. DICKINSON] and 20 minutes by the opposition to the amendment, and that will be followed by a vote.

Depending on how that comes out, we may or may not then be following on with the Weldon amendment. The Weldon amendment would add back the F-14, and V-22 and the Guard and Reserves.

That in essence is the outline of the program today. Whenever we get to the end of that, we will be finished for the day.

I would say that there is some disconnect between consideration of the part 2 amendments and then considering the Cheney budget. What we have talked about, and I have been talking with the gentleman from Alabama about this, is it seems to me to be fair to the authors of the amendments and be fair to the Cheney budget if what we do in this process is to make sure that we do not consider any part 2 amendment that relates to the procurement today.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. ASPIN] has expired.

(By unanimous consent, Mr. ASPIN was allowed to proceed for 5 additional minutes.)

Mr. ASPIN. We will in effect do any part 2 amendments that relate to the procurement part of the bill tomorrow or the next day, or put them off until the end of the part 2 amendments.

□ 0930

The purpose of this is that if we pass any part 2 amendments, then that will be affected, procurement could be wiped out by a subsequent vote on the Cheney budget.

So to be fair, out of consideration for the Cheney budget and to be fair to the people who want to offer amendments, part 2 amendments to the procurement part of the bill, we want to make sure that we put those off until another day.

So what we will consider, in consideration of the part 2 amendments,

that is listed here in the rule, we will make sure that those amendments will be the ones that affect R&D, affect personnel, affect readiness, we can consider all of those because the Cheney package which the gentleman from Alabama will offer affects only the procurement part of the bill.

I wanted to at least take the time at the beginning of today to explain all of this because I think it is going to be a long day and we want people to be treated as fairly as we can but also we want to deal with the process expeditiously, and hopefully we can get through not too late tonight.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, the chairman has stated the situation as correctly as I understand it, and as we have discussed. I think it makes eminently good sense and is an orderly way to proceed, since there will be a Cheney amendment offered which deals only with procurement and would prohibit the add-back of programs not in the budget. Those amendments of part 2, would come following the Cheney amendment rather than preceding it, since the Cheney amendment, if it passed, would wipe out all that had been passed in the debate and the votes would go for naught.

I think this is a reasonable approach, and I think it is a commonsense approach.

I know that I am speaking correctly when I say that the chairman and staff will notify the authors of the various amendments, since we will not be going sequentially, so they will be notified in ample time so that they can be over here to speak on behalf of their amendments.

Mr. ASPIN. Yes.

Mr. DICKINSON. After the Cheney amendment is considered, regardless of whether it passes or not, the balance of the bill dealing with procurement funding will then be brought up in order at any time that the chairman cares to call for it.

Mr. ASPIN. That is correct.

Mr. DICKINSON. This is my understanding and I am certainly in agreement.

The CHAIRMAN pro tempore (Mr. HALL of Texas). Pursuant to the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 30 minutes, and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I yield 4 minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. I thank the chairman for yielding.

Mr. Chairman, the current Star Wars Program is the "Would you believe?" system of the military budget. Do you remember the TV program, "Get Smart?" The main character on that program was the hapless agent, Maxwell Smart. He would start to weave some fantastic story or theory to get himself out of trouble and when his listener looked skeptical, he would utter that famous line, "Would you believe * * *?" and come up with another plan.

That, to me, sums up the history of star wars. This program has run its course. It lacks a coherent mission, except as a great threat to arms control. It has cost billions and we cannot afford it anymore. That is why I am proud to support and join in the Dellums-Boxer star wars amendment.

The Dellums-Boxer amendment would dismantle the office of star wars that administers this ever-changing program, but it would authorize sufficient funding at $1.3 billion to continue basic research into ballistic missile defense technology. This is about the level at which this program would have been before the wild idea came into play.

Mr. Chairman, I do not understand how Members on the other side of the aisle who say they are so concerned about the budget could stand here with all the budgetary pressures we face and seriously consider pouring billions more into this chameleon program which changes every day according to the political climate.

Since its birth in the imagination of President Reagan 6 years and $17 billion ago, we have seen the star wars salesmen of the Reagan and Bush administrations change their star wars pitch in three basic areas: its mission, its technology, and its cost.

Let me briefly review this "Would you believe" program and its would you believe mission. Star wars was first billed as a total population defense. Every man, woman, and child would be protected.

We saw those TV commercials of the little child throwing a shield over his house. That did not last very long. Because after a while even the scientists admitted it would not work. So the only person who really believed it to the end was President Reagan and for a while former Secretary of Defense "Cap" Weinberger.

Even the Joint Chiefs of Staff acknowledged that there would be leaks in this shield, that the fact is we could not protect our people from such a missile attack.

So they said, "Would you believe," and we were told star wars' purpose now was really to protect military installations. It would be a deterrent.

Well, we have a deterrent, my friends: many nuclear warheads and the memory of Hiroshima and Nagasaki.

Let us look at this "would you believe" technology. In March 1983, when star wars was announced, TV screens were full of seductive video images. Since then we have learned that such technologies are decades and decades away if they can ever come at all.

So they changed their story. They said, "Would you believe," and all of a sudden there was a shift of priorities from research on long-term so-called exotic technologies to some of the old ideas discarded in the 1970's of rockets intercepting other rockets.

Regardless of whether these technologies were at all effective, the administration promised they could be tested and deployed in a few years. That is what mattered, tests of real objects that people could see on TV.

So they decided to do tests on television that we could see. But who cared if those tests ran up against the ABM Treaty? But Congress balked. We said, "No." Then one day the chairman of the Senate Armed Services Committee said, "Would you believe," a new idea for star wars? A new idea that it would be protecting us against accidental launch. There must have been panic among the star warriors. So a new idea was born, brilliant pebbles, an idea that Mr. Bennett called crazy marbles. I have to agree with Mr. Bennett on that.

Let me talk about cost: Brilliant pebbles is billed as a bargain at a mere $10 billion comapred to the $69 billion. A bargain? Why should we believe this or any other cost estimate trotted out by the administration? We have seen the costs of the B–2. We simply cannot afford it.

So all I want to say to my colleagues in summing up is you have three options to choose from today. I say stop this "would you believe" system, get back to reality and support the Dellums-Boxer amendment.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we enter into the debate on SDI, I think it is very important that we keep certain facts in mind. First, it is my recollection that nobody has ever seriously contended that SDI would be a leakproof, 100-percent assured protection. As I understood it, as ranking Republican on the Subcommittee on Research and Development, it has always been a shield that would allow some degree of protection, perhaps as little as 50 percent, with the idea that if SDI could defeat 50 to 60 percent of incoming Soviet missiles, it would put great uncertainty into the minds of Soviet planners.

□ 0940

SDI would so confound Soviet offensive planners they could never launch a first strike on the United States.

That is what deterrence is all about. No one said it is 100-percent guaranteed. I never understood, and I do not think the members of the Armed Services Committee understood, that SDI is supposed to be a 100-percent guarantee.

To review some of the SDI budget figures, the Reagan budget, as it initially came over, had a total of $5.9 billion for SDI. The Bush administration, when they came in, reduced SDI by $1 billion, to $4.9 billion. The Bush R&D funding was $4.6 billion.

The funding level of the amendment being offered by my colleague from Arizona, Mr. KYL, would leave SDI at this year's level of $3.7 billion, plus inflation, which provides zero real growth for the program.

The Bennett amendment will provide $3.1 billion for SDI. If you take out the Department of Energy portion, the Bennett number is $2.8 billion. Finally, the gentleman from California [Mr. DELLUMS] will offer an amendment to reduce SDI to $1.3 billion.

I have just read a recent statement by the former SDI Program director, Lieutenant General Abrahamson. The thrust of his statement was that if we continue this up-and-down funding profile we are, in fact, washing the whole program. Congress cannot go year to year, going from funding peak to valley. I would urge the Members to fund SDI at the year's level, plus inflation. I realize that it is appealing for people to say, "Hey, we've got a great big pot of money in SDI we can use to fund drug wars." I want Members to know that we are spending hundreds of millions of dollars to fight the drug wars, without taking additional moneys out of SDI. As for toxic waste clean up, we have a Superfund, and many hundreds of millions of dollars already committed to the problem. These funds do not have to come out of SDI.

I would urge the Members to vote for stability in SDI funding so that we can rationally plan ahead. This means funding SDI at this year's level, plus inflation. If we need other funds to do other jobs, we should authorize and appropriate them separately. We should not always use SDI as the bill payer for every motherhood issue that might be popular at the time. SDI is an important program. We need it. It is justified. It is doable. We certainly should not deny ourselves the capacity to prove the feasibility of strategic defenses. I would urge all the Members to listen to the debates that will ensue. When the votes occur, support the Kyl $3.8 billion amendment—this year's level, plus inflation.

I reserve the balance of my time.

Mr. PICKETT. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, all Members, I think, want to have a stronger national defense. I do not know of any Member who does not.

The problem we are facing is the fact that today we do not have adequate funds to do the things that we would like, and know we should be doing if we could afford the funds. So we have to meet these problems in a very restrictive way.

I have suggested the figure of $3.1 billion, and that would be the amendment I will offer on SDI. The reason for that is because it has passed the House twice. That has been the figure we have had. That is one of the reasons. Another reason is we had hearings on the amount that would be needed. In those hearings, although they were diverse in the amount of money that was suggested, I do not think any person suggested more than $3.5 billion, and some suggested as small as $2 billion. The thing that was consistent with every person who testified was that it ought to be stable, if possible. Since this is the figure that has passed most frequently in the House, it seems logical to take $3.1 billion as the figure.

Now Congress has not meddled in the way in which SDI should be done. In almost every other program that we have, the Federal Government is somewhat structured by Congress in the details of it. There is some justification for that. Under the Constitution, Congress is responsible for providing for national defense. The President is not. The Congress is, by the terms of the Constitution. So we do have a right to look into the matter and to be corrective and suggestive with regard to what the Pentagon will do. We actually have not done that with regard to SDI. We have left that up to the Pentagon mostly to do, and tried to arrive at a stable figure.

The figure I suggest is a good stable figure, fits in the middle. Actually a little higher than the middle of the people who testified for a Democratic caucus task force on SDI that I set up 2 years ago and chaired. A logical figure is $3.1 billion. We spent $15 billion or more already on the research, and we should go forward with research. The greatest weakness about SDI is it has a good answer. It is not, as the gentleman from Alabama said, a complete shield, it is not a thing that guarantees that nukes are going to be obsolete and none will get through. Therefore, since some will get through, we have to listen to what the general from Russia said a week or so ago in our committee. He said, "Since that is so, we are going to have to have more nuclear weapons. That is the only way to make it possible for us to suggest we would be willing to have this shield, even though partial, and want to bring down the number of nuclear weapons posed toward you." The reverse of that position would be an illogical position to take from their viewpoint; and they do not intend to take it. Actually, Gorbachev said sometime ago when asked the question of what would the reply be to SDI, and he said, "to create more ICBMs, and also to have diversionary things, decoys," and things like that, to see to it that their missiles are more penetrable then otherwise.

A few have spoken about the first strike. Of course, there are two ideas that went through people's mind talking of first strike. One, the first to strike. Everyone agrees that is not what first strike means. The second definition is a strike by a weapon which makes it impossible for the other side to reply. Of course, there is no such weapon. No country has that. If we are entirely wiped out, we would still have our submarines and could entirely wipe them out after that. The same thing is true on the other side, just with their submarines alone. So there is not any first strike weapon. All that garbage about first strike is a bunch of stuff, because if Members look at the definition of first strike, it means either one or the other. Everyone agrees that it does not mean the first to strike. The other meaning is ability to strike so no one can respond. There is not any weapon like the latter, with or without SDI. There is no possibility of that because we have the ability from underwater at least to make a reply that is very devastating, completely devastating to the other side.

□ 0950

Mr. Chairman, I support the figure of $3.1 billion because I think it is a solidly arrived at figure. It is one that was arrived at after hundreds of hours of testimony as to what the figure ought to be. It is not one which meddles in any kind of micromanagement or anything like that. It is a figure which is one that will let us go forward with research and will not put us into deployment, which, of course, in my opinion would be a very great mistake. Deployment is not only contrary to our treaties but also a very dangerous thing for the future, particularly for our own country.

Mr. DICKINSON. Mr. Chairman, I yield 10 minutes to the very distinguished gentleman from Arizona [Mr. KYL], who will be offering the principal amendment in support of SDI.

(Mr. KYL asked and was given permission to revise and extend his remarks.)

Mr. KYL. Mr. Chairman, Monday, yesterday, President Bush made the following statement as he began a meeting with Members of the other body at 10 o'clock in the Cabinet Room. This is what he said:

I just wanted to just briefly say that—as we begin the critical debate, that I strongly support what we sent up there to the Hill. SDI, in my view, is critical, it's critically important. We've got a good program there and I think it's essential that it go forward.

Mr. Chairman, in a letter dated July 24, 1989, to our ranking member, the gentleman from Alabama [Mr. DICKINSON], the President said as follows:

I have taken another hard look at SDI and confirmed that the goal of the program—providing the basis for an informed decision on deployment of defenses that would strengthen deterrence—remains sound. We owe it to ourselves and our children to pursue that goal. I am personally and deeply committed to doing so.

Moreover, SDI is at a critical juncture. The technological progress we have made means that we need to conduct large scale realistic, and therefore expensive, tests to prove the feasibility of defenses. Already, because of cuts required in the overall Defense budget, I have reluctantly submitted a revised budget, cutting over $1 billion from the program. If the Congress cuts even more deeply, our ability to investigate and test the most promising options will be seriously damaged. We will be unable to determine, in a meaningful way, whether we can rely more on defenses for our security. The American people are entitled to that assessment.

The President is absolutely right. As to the question that some of my colleagues have asked, "Can we afford SDI?" I would like to point out to my colleagues that the budget set forth by Secretary Cheney, which already cut $1 billion from the original request, represents only about 1½ percent of our defense budget. That is 1½ percent, and it represents only about four-tenths of 1 percent of the entire Federal budget.

Just to illustrate the point, Mr. Chairman, there is a chart here that describes what we spend in this country on various things. We see that Americans spend $80 billion-plus on alcoholic beverages, we spend about $30 billion on soft drinks, we spend about the same on jewelry and watches, we spend over $40 billion on tobacco products, and we spend almost as much on pantyhose in this country as it is suggested we should spend on SDI.

Where are our priorities? We owe it to the American people to provide a defense and a deterrence against an attack by the Soviet Union. The Members can see that the far bar on this chart show the strategic defense initiative as the very smallest item in our priorities. No one is arguing that the American consumer should not spend money on the various goods we want to enjoy in this country. That is the difference between the United States and the Soviet Union. We have a balance in this country. We make tough choices. We decide how much we want to spend on defense and how much our people are going to spend on themselves. That is not the way they do it in the Soviet Union.

But where are our priorities if we argue that we cannot afford to spend 1½ percent of the defense budget on SDI, or four-tenths of 1 percent of our Federal budget?

There is also a point to be made here, Mr. Chairman, with respect to the effect of further cuts; and I would simply like to note the fact that further deep cuts in SDI would be debilitating to the program. Let me just quote a couple of comments for the Director of the Strategic Defense Initiative Organization, Gen. George Monahan. He says that further cuts would be devastating and would "wreak havoc with the research program." He said that it would "jeopardize the really astonishing technical and strategic successes we have achieved in the program." He went on further to say that it would disrupt the entire program, and that it "not only could shut down existing projects, but could turn away some of the country's best scientists and engineers."

He said further:

In short, funding the program below the President's request will not allow us to achieve the program's objectives.

Then he said:

The cuts will be costly and result in dismantling programs and losing much of the skilled workforce participating in Strategic Defense research and development.

I say to my colleagues that we all know that once these people are gone, they are gone. We cannot bring them back in any meaningful way.

General Monahan then went on to say:

An SDI program funded below the President's request will lower the level of research in important technologies, areas of technical risk and cost reduction. It will cause program disruption, cancellation of planned experiments and validation tests, and we will waste the progress SDI has achieved to date.

Mr. Chairman, many of my colleagues say, "Well, we don't know whether it will work." Yet they are not willing to fund it and do the tests to find out whether it will work. I challenge them to provide this modest level of funding to enable us to answer these questions so we can make a deployment decision within the next 4 years.

To reduce funding to the level of the Bennett amendment or the Dellums-Boxer amendment would, as the chart shows, deny deployment options in this century. We would have no capability any longer to be able to deploy a system in this century.

Further, it would limit our flexibility in arms control negotiations. I covered this yesterday in two different presentations I made to my colleagues. SDI provides an insurance policy; it will make it much easier for us to agree to drastic limits in the START talks if we know we have that strategic defense to protect us against cheating by the Soviets. Otherwise we will have to cancel the research effort, and we will have to cancel contracts, shelve technology, delay experiments, stop alternative approaches, and lose the interest of private industry which, after all, has to see something in the program in order to continue its effort. We will lose scientists and engineers.

As General Monahan's comments indicate, 8,000-plus employees will have to be let go from this project at the funding level suggested by the gentleman from Florida [Mr. BENNETT]. Obviously there would be a much more drastic cut than that if the Dellums-Boxer amendment were to pass.

Finally, Mr. Chairman, we would have to rely forever on nuclear retaliation rather than a balanced mix of offense and defense as the deterrent for the United States in the 21st century.

It has always puzzled me why those who want to avoid nuclear war believe that the best way to do it is to threaten mutual suicide with the Soviets. Does it not make sense to provide for our people a protection against attack, not only a massive attack by a country like the Soviet Union but also an accidental launch, or protection against a Third World country attack?

According to William Webster, the CIA Director, in the next decade 15 Third World nations are going to acquire ballistic missile technology. They already have the technology to put a chemical warhead on those missiles. They would be able to blackmail not only the United States but other allies around the world. If we have a strategic defense system that blackmail would no longer succeed because we would be able to protect our citizens.

The gentlewoman from California says:

Well, the program is no longer designed to protect citizens, it is now designed to protect our military assets.

It protects both, because it deters an attack. But as to the precise mission, should an attack occur, it still protects both. On an accidental launch, for example, or launch by a Third World country it protects the people of the United States of America.

The bottom line, of course, is that when we have a program that so disrupts the planning of the Soviets, as SDI will—and we all know how afraid the Soviet Union is of SDI—if we disrupt the planning process of the Soviet Union to the extent that SDI would do so, we deter an attack. That is the reason why we have SDI in the first place.

So, Mr. Chairman, the effect of further cuts would be to ruin the SDI program, to preclude us from making the kind of deployment decision we need to make in this century, and that is why I urge my colleagues to support

the Kyl amendment, which would at least fund SDI at zero real growth level. That is last year's level plus inflation.

That level is not too much to ask. The administration reluctantly supports that amendment. They would rather have the $4.6 billion that the Cheney budget requested; but at a minimum, I say to my colleagues, we should support zero real growth. We should reject the Bennett amendment at $2.8 billion and the Dellums-Boxer amendment at a significantly lower level than that.

So, Mr. Chairman, I ask my colleagues, when the time comes, to vote to support the Kyl amendment and reject both the Dellums-Boxer amendment and the Bennett amendment.

Mr. Chairman, I include with my remarks the following letter:

THE WHITE HOUSE,
Washington, DC, July 24, 1989.

Hon. WILLIAM L. DICKINSON,
Committee on Armed Services,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN DICKINSON: When the Fiscal Year 1990 Defense Authorization Bill comes to the floor next week, you and your colleagues will make critical decisions affecting the future of deterrence and arms control for the balance of the century. Before you vote, I want to be certain that you understand my reasons for the strategic modernization program I have proposed.

Taken together, these strategic programs are essential to preserve a capable, survivable and effective deterrent. They are an integrated package that deals with the evolving threat and is flexible enough to hedge against uncertainties. They also undergird our arms control negotiations and provide incentives to the Soviets to continue the internal changes they appear to be making. Each represents, not simply modestly improved capability but fundamental change in strategy or system performance.

I am optimistic about what we are beginning to see in the Soviet Union. The Soviets may finally be willing to make significant changes in the character and size of their military forces. This willingness is at least in part the result of our commitment to a modern, capable deterrent force. Weakening the commitment now could undermine the positive trends we see emerging in Soviet forces.

I have taken another hard look at SDI and confirmed that the goal of the program—providing the basis for an informed decision on deployment of defenses that would strengthen deterrence—remains sound. We owe it to ourselves and our children to pursue that goal. I am personally and deeply committed to doing so.

Moreover, SDI is at a critical juncture. The technological progress we have made means that we need to conduct large scale realistic, and therefore expensive, tests to prove the feasibility of defenses. Already, because of cuts required in the overall Defense budget, I have reluctantly submitted a revised budget, cutting over $1 billion from the program. If the Congress cuts even more deeply, our ability to investigate and test the most promising options will be seriously damaged. We will be unable to determine, in a meaningful way, whether we can rely more on defenses for our security. The American people are entitled to that assessment.

The B-2 is also at a critical point. The aircraft is based on revolutionary technology that will guarantee the effectiveness of the penetrating bomber well into the next century. Without it, the strategic Triad, which has been the bedrock of our nuclear strategy, will virtually disappear. The B-2 is also the core of our START strategy for achieving stable deterrence at reduced levels. Indeed, under the terms of our current arms control proposal, the bomber force will be assigned a very large percentage of our targets. I have no doubt that the B-2 is worth its cost and deserves your support.

ICBM modernization has been marked with considerable controversy and strong opinion. Yet there is broad agreement that mobility is required for our land-base missiles to improve their survivability and enhance their unique capabilities. After careful review of the issue, I have determined that we should deploy, in a carefully phased manner, the Rail-garrison Peacekeeper and the Small road mobile ICBM. I am committed to doing so.

Rail-garrison Peacekeeper will improve the survivability of the ICBM force quickly and at modest cost, while preserving the considerable military capability of this system. The Small ICBM represents the future of the ICBM force. It offers a high degree of survivability, even with virtually no warning. But, it will not be ready to deploy as soon as Rail-garrison and will obviously be more expensive than a multiple warhead system. We can field Rail-garrison in the near term while at the same time continuing development of the Small ICBM for 1997 deployment. We likewise need to commit to an ICBM mobility program to avoid a deadlock in the START negotiations on the mobile issue.

In addition to the requirement for these forces as the heart of our nuclear deterrent strategy, in which they form an integrated and inseparable whole, there is the role which this modernization program plays in our arms control strategy. We are entering a very important and promising state in our strategic arms control negotiations. We have already introduced some changes in our position and we are actively considering others which could make a significant contribution to the stability of the nuclear balance. To pull the rug out from under me at this crucial juncture by weakening my program could destroy this opportunity to make real progress. Indeed, it could even prevent the conclusion of an arms control agreement. I need the negotiating flexibility which this dynamic and sensible modernization program provides. Don't prevent me from achieving a treaty which could make great strides toward reducing the chances of nuclear conflict.

Let me add two cautionary notes. First, good arms control cannot be legislated. I seek and welcome the advice and counsel of the Congress and regularly consult you on the full range of arms control issues. But, in the final analysis, I must be responsible for negotiating arms control agreements. The many arms control amendments that are customarily proposed to the defense bills only undercut me and our foreign policy and frequently have an effect opposite to that intended by their sponsors.

Second, the pressures to play one modernization program off against another or to pay for one with cuts in another threaten the balanced strategy behind our programs. Secretary Cheney and I have had to make hard choices in these times of tight budgets—this budget is the best balance of needs and affordability and represents an integrated strategic approach.

As you begin final debate on the defense bill, I ask you to carefully consider the affordable, integrated plan we have designed to strengthen deterrence, to reinforce the incentives for change in the Soviet Union, and to further our goal of negotiating arms control agreements that will reduce the likelihood of nuclear war. We cannot afford to lower our defenses because of Gorbachev's rhetoric; we cannot afford to pull the rug out from our negotiators, and we cannot afford to forfeit the investments we have made in strategic modernization. We can afford to make the needed improvements provided by this cohesive, fiscally sound package. It deserves your support.

Sincerely,

GEORGE BUSH.

Mr. SKEEN. Mr. Chairman, today I rise as a strong supporter of this Nation's Strategic Defense Initiative [SDI] Program.

On March 23, 1983, President Reagan challenged scientists to undertake research aimed at eliminating the threat posed by strategic nuclear missiles. To be examined were possible technologies for a defensive system that could intercept and destroy offensive missiles before they reached their targets. The concept was labeled "star wars."

It did not take long for SDI to become the cornerstone of the Nation's Peace Through Strength Program.

Since the beginning of SDI's research and development and testing, it's not surprising that the Russians have come to the bargaining table and negotiated arms control treaties. Our nations—and the rest of the world—have significantly benefited from these treaties.

And what has been the price of SDI? Very minuscule, as compared to the benefits of enhanced peace and freedom throughout the world. This Nation's defense superstar, in fiscal year 1989, had a contract which represents slightly more than 1 percent of this Nation's total defense budget and only three-tenths of 1 percent of our entire Federal budget. That's quite a bargain for proven results.

Further research and development is critical to the SDI Program. We are at the point of being able to demonstrate and validate important technologies through planned experiments, many of which would be delayed or canceled as a result of severe funding cuts.

In my district in New Mexico, White Sands Missile Range is home to some of the Nation's most successful SDI research and development. The MIRACL laser has already fired successfully in tests with drone missiles. We are holding great prospects for other directed energy programs at White Sands including the ground-based free electron laser and the nuclear particle beam.

Mr. Chairman, today I strongly urge my colleagues to vote in favor of the gentleman from Arizona's [Mr. KYL] amendment which would fund SDI at current levels and keep pace with inflation.

The other amendments offered, if accepted and ultimately adopted, could place the world's most effective peace through strength program in mothballs. Is that the way to reward success? I strongly urge rejection of

the two amendments which would cut SDI funding by over $1 billion next year.

□ 1000

Mr. PICKETT. Mr. Chairman, I yield 2 minutes to the gentleman from Maine [Mr. BRENNAN].

Mr. BRENNAN. Mr. Chairman, when the United States develops a new weapons system, we do not do this in a vacuum. You can be absolutely certain that there is going to be a response from the Soviets.

In the case of star wars, one very logical response is for the Soviets to build more intercontinental ballistic missiles to overwhelm our star wars system. If that is the reasoned predicted response to a star wars system, I ask, how have we made the United States or the world a safer place by star wars, I think the answer is we have made the world a less safe place, for the result of star wars will be more Soviet missiles, not fewer, and an escalation of the arms race.

Star wars was sold to us by President Reagan as some sort of astrodome over the United States that would protect all of us from nuclear assault. Now its purpose has changed more to protecting our offensive weapons, and as a general, but rather vague, deterrent.

Keep in mind, there are many very respected scientists from the very prestigious National Academy of Science who say overwhelmingly that star wars is simply a pipe dream and it will not work, and besides, it could cost up to $1 trillion ultimately.

For all these reasons, I urge my colleagues to support the Dellums-Boxer amendment that calls for some research to keep abreast of the technology at a moderate level and that gets away from the crash program.

The Dellums-Boxer amendment also saves us $3 billion and keeps us from going down the road with a program that could ultimately cost $1 trillion, and it keeps us from building a system that would force the Soviets to build more intercontinental ballistic missiles aimed at the United States.

Mr. Chairman, I urge support for the Dellums-Boxer amendment of $1.3 billion for some research. Let us save that money. Let us try to make this Nation and this world a safer place.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. Mr. Chairman, there are several considerations that I think are of highest importance when we consider SDI. First of all, we must ask what the effective way is to achieve disarmament. Is it unilaterally? If we disarm unilaterally, will that improve security for this Nation and this world? My judgment is that it will not, that achieving reductions of weapons can best be done mutually, not unilaterally. That is the question we face with SDI. Shall we unilaterally reduce the amount we provide for research and development of technology in this important area, or should we insist that any reductions be carried out mutually. Shouldn't the Russians be asked to reduce their research in this area just as we are considering today?

I think that reductions ought to be accomplished mutually in this area. To unilaterally reduce this research, as has been suggested, I believe is a great mistake.

Second, Mr. Chairman, I think it is important for us to ask ourselves what is the most effective way we can compete with the Soviet Union in terms of building a reliable defense system. Will we be able to match the Soviet Union with only conventional weapons? I think not. Their armed services personnel are more than double ours. With our current budget, we do not have the resources to match them in conventional weapons and numbers of troops.

The simple fact is we do not have the money to do it, but we can and indeed will match them in terms of effectiveness if we use our high-technology advantages.

If we are committed to finding the most cost-effective method of defending this country, we are forced to use our edge in advance technology.

Mr. Chairman, I believe it would be a mistake to cut SDI funding unilaterally.

Mr. PICKETT. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, I rise in support of the amendment offered by my good friend and distinguished colleague from Florida. We have collaborated on a similar amendment during the debate on the last three Defense authorization bills and CHARLIE BENNETT remains, in my view, one of the most thoughtful Members to serve in Congress in recent decades.

The amendment we offer this morning reflects a consensus we believe exists to continue a robust Strategic Defense Initiative Program without spending funds that can be more wisely spent elsewhere.

SDI is a critical and necessary part of an overall program to improve our strategic defenses. It should not be crippled at this time by amendments like the one that will be offered by my colleagues from California. Most analysts agree that Soviet missile improvements require that we improve the survivability of our ICBM's in the 1990's. We must not put our President in a "use or lose" position due to vulnerability of our ICBM force.

Nor should we simply commit the American taxpayer to spending as much as $89 billion, according to CBO estimates—with inflation—to deploy a limited defense that could be achieved with considerably less funds. The SDI mission continues to evolve—the leakproof shield is history and now we are only discussing enhanced deterrence. Enhanced deterrence is absolutely essential but it takes many different forms and comes with a variety of price tags.

The figure we propose to spend for SDI next year, $3.1 billion, is not a reduction for reduction for reduction's sake. It is a figure that many scientists within and outside the SDIO organization say is enough to maintain a robust SDI research program. My colleagues, take a look at what CBO estimates it would take, in 1991, to put the following SDI options on track:

The sum of $2.98 billion in 1991 to deploy a SDI mission based on an accidental launch protection system to render a limited attack ineffective, to maintain a hedge in case the Soviets were to deploy their own system and to have a useful countermeasures program that includes decoys. Under this approach, the military would learn to operate and integrate ALPS with other systems of command and control and this effort could be valuable in deciding whether to deploy a larger system of defenses.

The sum of $3.15 billion in 1991 to deploy a SDI mission based on protecting silo-based ICBM's, to maintain a hedge against the Soviets and to have a useful countermeasures program. This approach would provide a similar experience in terms of operating and integrating a defense system with the additional benefit of increasing the number of warheads likely to survive a nuclear attack.

This amendment does not advocate either option but the funds provided, $3.1 billion, could pay for either. Most importantly, these figures illustrate that $3.1 billion does not come close to gutting this program—you could expect $500 million to be spent on directed energy weapons, $370 million to be spent on kinetic energy weapons, $560 million for surveillance, $310 million for systems analysis, $245 million for survivability, $275 million to develop and deploy an exatmospheric ground-based interceptor, $105 million to develop and deploy the ground-based surveillance and tracking system, $165 million to develop and deploy a ground-based radar, $525 million for command, control and integration and $100 million for countermeasures. This amendment does not require that funds be spent in this manner. But, this is what CBO estimates the defense Department could do with $3.1 billion—in other words, plenty.

The sum of $3.1 billion is a sensible level of spending for a program that continues to evolve as its mission continues to be redefined and the ap-

proach to its mission continues to change. It is a sensible level of spending for a program with many still unproven technologies that may never overcome technologies that provide for countermeasures. It is a sensible level of spending because it does not put all of our eggs in the SDI basket.

This spring, the Joint Chiefs of Staff urged for restraint on SDI spending. The Joint Chiefs recommended the lowest of several options for SDI spending and proposed that the United States no longer insist on the right to eventually deploy extensive antimissile defenses. In my view, they were calling for the kind of balance provided for in this amendment—balancing our strategic and conventional needs and balancing our desire for more defense with the state of current technology.

Since 1984, $17 billion has been spent on SDI research. The Pentagon proposes to spend an additional $31 billion over the next 5 years and current estimates for deployment of phase I are in the $74 to $89 billion range. As SDI consumes more and more, conventional readiness and other strategic programs will suffer.

Congressman BENNETT and I share a concern for the need to adequately fund our conventional forces. If this amendment is approved by this Chamber, we will immediately offer an amendment which restores $150 million for some of the Army's most critical needs which would not be met under the current bill. This amendment will repair helicopters in Texas, procure artillery rockets, procure much-needed ammunition and restore funding for research on high priority conventional weapons programs. Other Members will offer amendments to use the funds in other ways.

But the point remains that, without this amendment, our defense spending is out of balance and that balance must be restored. We cannot afford to waste critical defense dollars on a crash program of unproven technologies when we have other programs that are more than lean. Many of our conventional programs are being starved to death by this need to find an immediate fix. My colleagues, we must pursue the SDI fix but keep in mind that the fix will not be immediate no matter how many dollars we throw at it.

I ask for your support for the Bennett-Ridge amendment. It offers the proper balance of solid, credible support for a most important Strategic Defense Program [SDI] with our other immediate national security needs.

□ 1010

Mr. DICKINSON. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, as we go out to our districts from time to time, we are asked the question in the various places we speak of what would happen if the Soviet Union deployed an SS-18, what actual defense do we have. In all candor, I think the only answer we could give is absolutely nothing. We have no defense.

Mr. Chairman, SDI is a massive undertaking. Its potential for protecting the United States from nuclear attack is enormous, and more and more credible scientists and engineers are endorsing the concept of space defense against nuclear missiles. These experts have scrutinized SDI with facts and data, not with myths and politically motivated allegations.

We always hear this question or statement that says it will not work. I remember it was not too many years ago that the President from Massachusetts, Mr. Kennedy, stood up at that pulpit and made the statement that we would put a man on the Moon and return him safely. The answer came from many folks that it would not work. All the experts are saying it will not work. I have researched all those who said it will not work, and we then had another President on the project known as the Manhattan Project, and he was told by the best explosives experts in the world that, "Mr. President, it will not work," and now we are hearing the same thing again that, "It will not work."

We know that SDI offers amazing possibilities that were not previously thought possible.

Apparently someone else has come to believe that SDI will work, Mikhail Gorbachev. He has made a long-term commitment to strategic defense, a Soviet strategic defense. The Soviets have deployed their fifth generation of anti-ballistic missiles around Moscow, and they would like to keep us from doing the same.

But as we debate SDI, let's focus on the real issue. SDI moves our technological expertise away from offensive systems to defensive systems.

I can think of no greater way to bring real reductions in the nuclear arsenals on both sides than with SDI. The Strategic Defense Initiative complements our nuclear weapons reduction efforts. It offers the potential possibility of making all intercontinental ballistic missiles obsolete. We have the opportunity to make the Soviets think twice about expanding their nuclear forces, and I think we should take advantage of that opportunity.

SDI should be judged on the extent to which it can save lives and enhance deterrence, not on whether it will offer 100 percent protection against incoming missiles. If a Soviet missile takes off and lands on American soil, it is going to kill American people. We do not want Americans killed by a Soviet ICBM.

Mr. Chairman, let us keep up this technology, and I urge Members to support the Kyl amendment.

Mr. PICKETT. Mr. Chairman, I yield 3½ minutes to the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. Mr. Chairman, I rise in support of the Bennett amendment, and I also rise in support of the SDI program. I rise in support of steady funding for that program to get it to the point where we really know what we are doing. We know what we can do technically, and we know what it is going to cost us. We also know how we are going to deal with the conflict with the Soviet Union and other countries with regard to deploying.

I have been opposed to various schemes to promote this program by escalating its dollars.

Members may remember that 3 or 4 years ago we had demonstration projects where we had early deployment, and that was the big thing. Then, based on some pressure from the Congress, they came up with the idea of phase I, which was sort of a half-baked partial answer to the problem. It was based on some planning, however, and it would be ready in about the late 1990's.

This year now we have a new promotional gimmick, and that is brilliant pebbles. I do not know for sure what a brilliant pebble is, but I can tell the Members for sure that it has not been designed yet, and it is not something that exists in any form. Nobody knows whether it is good for us or not.

Mr. Chairman, I do not think we need to accelerate this program. We never did need to accelerate the program.

Scientists who have followed this program since its beginning in about 1985 have settled on a level of around $3 billion as the level of research that it is really going to take for us to get ahold of the technologies and get them to the point where we know what we are doing.

Another reason that we have been asked to escalate the program has been the fear of the Soviet Union and the claims that have been bade about the Soviet Union's progress.

One development and test facility frequently referred to by the people who are trying to push this escalation has been the Sary Shagan test site in the Soviet Union, in the lower part of the country, in the middle of the country, where they said there is a multimegawatt laser which exists which could be part of the air defense and ABM program or Asat.

Mr. Chairman, 2 weeks ago I joined JOHN SPRATT and BOB CARR and some American scientists, and we visited that location as guests of the Russian

Soviet Academy of Sciences. We found there not a laser that was going to shoot something out of the sky. We found a college-level laser, a small ruby laser, and about a 2-kilowatt Co_2 laser which were working together out of a common beam director. There is no way that one could describe this facility as any kind of a threat to the United States either presently of in the future. The scientists who were there said that the power level of this laser was somewhere between 1,000 and 10,000 times lower capacity than our own lasers that are in current development. One scientist said, "Had we known what this decision really was, we would have saved $10 billion."

Mr. Chairman, what this tells me is that there is no clear and present danger. We need this program. We need to know what can be accomplished, and we need to know what our adversaries can accomplish.

We are on the right path with about a $3-billion level of funding. We need to make that a steady level that people can count on.

I urge all of my colleagues to vote for the Bennett amendment and let this program be technology driven, and have it make sense.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, I had the opportunity recently to visit the test bed facility for SDI and was absolutely amazed at the process that they have made.

In fact, one of the statements that was made to me was that in spite of the fact that we have only received about half as much as we thought was necessary to this stage for SDI, we have accomplished about twice as much as we dreamed possible. In fact, those scientists do not even question anymore the doability of it. One of the people who certainly believes in the doability of it, or in our doability of it, is Mr. Gorbachev.

If we remember in Iceland when President Reagan was desperately trying to get a treaty signed right at the last moment, Gorbachev threw SDI on the table and said, "This has to be a part of it." Mr. Reagan folded his papers and said, "Forget it."

Mr. Chairman, Gorbachev is convinced we can make it work and that he cannot. I was told by one of the top Reagan advisers during the Reagan administration that Gorbachev repeatedly at those conferences told Ronald Reagan, "Why do you make such a big deal about SDI? He said, "All we want is what your own Congress wants with SDI."

I am afraid I saw that during the deliberations on this budget this year, and members of the committee were doing exactly what Gorbachev is trying to convince us to do at Geneva.

Why would we not want a defensive system? Why are there those who seem to feel that there is something evil about us defending ourselves? Mr. BENNETT says that some will get through, some of the missiles will get through. There has never been a question. We know some of the missiles could get through in a massive attack. Some will get through. That is not the question.

Mr. Chairman, the question is to raise a doubt in the Soviet military planner's mind as to whether or not they could simultaneously strike enough targets to make the risk worthwhile, and this will do this.

I would encourage my colleagues to support the Kyl amendment to this budget to keep this a robust program that will move us as quickly as possible to the position where we can make honest, logical decisions about whether this is something we would want to deploy. Let us support the Kyl amendment and keep this going.

□ 1020

Mr. PICKETT. Mr. Chairman, I yield 8 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, again this year I join my distinguished colleague, the gentlewoman from California [Mrs. BOXER] in offering an amendment whose practical effect would be to terminate the program that we euphemistically refer to as star wars.

We provide for funds in excess of $1 billion that would allow us to continue to engage in fundamental and basic research, not to go forward to develop a system.

Question: Why does the gentleman from California [Mr. DELLUMS] or the gentlewoman from California [Mrs. BOXER] continue to offer this so-called radical amendment? Do they not realize that we now have a new and improved and different and moderate Strategic Defense Initiative Program? The answer is yes, we realize that the Strategic Defense Initiative Program has indeed changed. but our argument, Mr. Chairman, has never been rooted in the question of the impossibility of the technology of the strategic defense initiative, but rather we have questioned the strategic irrationality of proceeding with this program.

The reality is that the strategic defense initiative would violate both the terms and indeed the logic of the ABM Treaty. While debate has gone forward with respect to answering the question at what point do tests violate or abrogate the ABM Treaty, no argument has really gone forward in a full-blown fashion to really address this issue. The question that this gentleman put to General Monahan, who is now the Director for the Strategic Defense Initiative Office, I asked him in my capacity as subcommittee chairperson for the Research and Development Subcommittee, I said:

> General, if we proceed with the strategic defense initiative, don't we at some point become required to abrogate the ABM Treaty?

The general was very candid and very forthcoming, quite refreshing for a Pentagon witness, and he said:

> Yes indeed, at some point it will become a responsibility of this country to decide whether or not it will indeed abrogate the treaty, because to proceed with the strategic defense initiative will require abrogation.

My challenge to this body is as follows, if Members believe in the ABM Treaty and the logic of the ABM Treaty, then by definition they must oppose the strategic defense initiative, because it is, at minimum, Mr. Chairman, an ABM system. We ought to always be walking in a very delicate and fragile way when we begin to proceed down the road toward abrogation of a treaty.

The overwhelming majority of my colleagues on several occasions when the question has been put: Do you support the narrow or the broad interpretation of ABM, the majority of my colleagues have supported the narrow interpretation of ABM, thereby saying that they do not choose to abrogate the treaty. I would ask Members to look at their own logic. If they believe that we should not abrogate this treaty, they cannot go forward with SDI because SDI requires abrogation of the treaty.

With respect to the logic of ABM, the framers of that treaty realized that absent an ABM Treaty, we would go forward with a defense missile arms race that would cause us to spend billions and billions of dollars, making the world a very dangerous place, that we would also have a corresponding offensive arms race because offensive weapons can overwhelm the strategic defense initiative. Absent that treaty, we would spend megabillions of dollars in this twin arms race. So both parties signed ABM.

I would suggest in no uncertain terms to proceed with the strategic defense initiative would require that we move down this road with these twin arms races, requiring us to spend megabillions of dollars that would not make the world a safer place, perhaps an even more dangerous place, and certainly setting the priorities of this Nation on their head.

Let us look at the fallacy of this notion of the astrodome concept of the strategic defense initiative. President Reagan attempted to sell America on the notion that we could produce this astrodome over America rendering nuclear weapons impotent and obsolete, in theory perhaps a wonderful idea, but the practical reality is

that even the Bush administration has come to realize that this is a fanciful idea. No serious supporter, serious supporter of the strategic defense initiative will argue that we will protect the population. Every honest broker in that regard has come to realize that the strategic defense initiative, even in its new and improved form, is simply an effort to defend missiles, missiles, not protect the American population.

So in that regard, when President Reagan said I want to develop a program that would move us beyond the immoral notions of mutual assured destruction, what we euphemistically refer to as MAD, I would suggest, and I would be willing to debate in open session if the rule allowed us to exchange and really have an honest debate rather than each side giving speeches, that this program only expands the concept of mutual assured destruction. It is not in lieu of it, it only supports it, because once we get to the point where we are talking about the survivability of mobile ICBM's, we are not talking about protecting the American people, we are only talking about protecting military assets.

Mr. KYL. Mr. Chairman, will the gentleman yield for just a moment?

Mr. DELLUMS. I yield to the gentleman from Arizona.

Mr. KYL. Mr. Chairman, I do not want to take the gentleman's time. I just want to make the point the gentleman and I would like to have more time to debate these kinds of issues because they are critically important, and the gentleman from California makes some very important points that need to be responded to.

Let me just ask the gentleman one question. Is it not correct that the American population would be protected from an accidental launch or a Third World missile attack on the United States?

Mr. DELLUMS. I appreciate the gentleman's argument and I would simply say to my colleagues that the ABM Treaty expressly prohibits a territorial defense. In order to even develop a moderate ALPS Program, small Strategic Defense Initiative Program, it would require abrogation of the ABM Treaty. The ABM Treaty allows 100 launches to protect a specific area. The United States decided to reject that notion because they realized that it gave us nothing.

But if we develop an ALPS Program, it would require territorial defense expressly prohibited by the ABM Treaty.

I would further suggest to my colleagues and the distinguished gentleman from Arizona [Mr. KYL], even if we assumed that ALPS could work, it would only be effective against ICBM's, not cruise missiles, not low trajectory weapons, not bombers, not bombs that could be carried in on backpacks, and so it is an impotent program.

We ask that Members save the American taxpayers megabillions of dollars and support the Dellums-Boxer amendment that would put this program to sleep. It serves no useful purpose. Let us go to the table and negotiate, use this atmosphere that is pregnant with potential for peace.

I thank the gentleman for his generosity.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I tracked very carefully what the prior gentleman said, and if the ABM Treaty abrogates this Nation's right to defend ourselves from a terrorist weapon of nuclear capability or from any kind of a Third World strike, given the growing terrorism around the world, then the ABM Treaty is inherently immoral. It is unethical to tell a nation that it cannot defend itself from a terrorist attack.

I just want to underscore a lot of the things that that gentleman from Arizona [Mr. KYL] said yesterday in the debate.

□ 1030

And to point out that if the Bennett amendment gives us a stable program, I do not know what the word "stable" means. What gives us a stable program is the Kyl amendment, which is a no-growth situation.

The Bennett money, even with a small amount allocated to the Department of Energy, is more than a 70-percent cut.

Here are just six points briefly of what it does, again: The national work force currently planned for SDI researcHwould be reduced by 8,000 personnel. Do you think these Ph.D.'s and M.A.'s, these talented men and women, are ever going to be coaxed back into this program again? An initial deployment would be delayed until well after the year 2000. That is two, maybe three Presidents from now, with no provision for any follow-on systems to offset the Soviet countermeasures to the initially deployed system.

All aspects of the system would be fund-limited rather than free to advance at a pace which the technology develops. If we are to continue development of layered defenses that meet the JCS requirements, directed energy and advanced technology programs for follow-on systems would all have to be canceled and/or minimally funded.

Fifth, U.S. funding for most allied cooperative programs would be terminated unless of course we fence the money for political purposes to some countries, which I will end up supporting but which is certainly an insult to other allied nations.

A final point: The funding level could not support the research and testing needed to make an informed decision within 4 years, which is what I thought we all wanted.

Mr. PICKETT. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I rise in support of the Dellums-Boxer amendment.

Back in 1983, Ronald Reagan had a dream. The Russians were the Evil Empire, we were going to be Luke Skywalker, and star wars weapons were going to defend us against Soviet missiles. We all know who inspired Reagan's dream, it was ET. Not the cuddly little alien from the Steven Spielberg movie, but the original ET: Edward Teller.

When the program started out back in 1983 and 1984, the x-ray laser was the superstar of star wars and Edward Teller was telling senior Reagan administration officials not to reach any arms control agreements that limited SDI because we were just 3 years away from getting an x-ray laser that would allow "a single x-ray laser module the size of an executive desk which applied this technology [to] potentially shoot down the entire Soviet land-based missile force, if it were to be launched into the module's field-of-view."

But we soon found that there weren't going to be any desk-sized x-ray lasers to eliminate the threat of nuclear war. Those in charge of x-ray laser program now acknowledge that they are 10 years and a billion dollars away from even establishing the basic feasibility of the x-ray laser.

With the early expiration of the desk-sized x-ray laser, the star warriors came up with a new scheme—electro-magnetic railguns. But we soon found we didn't have the technology for high velocity railguns and could do better job with traditional anti-missile rockets at lower velocities.

When these problems derailed the rail gun the star warriors turned to the neutral particle beam. But technical problems soon neutralized the neutral particle beam and sent the star warriors scurrying back to their drawing boards where they came up with a new idea: Free electron lasers.

When they found that free electron lasers weren't going to be a free ride either, the star warriors turned to kinetic kill vehicles, also known as KKV's or smart rocks. KKV's were anti-missile missiles that were going to be housed in orbiting satellite "garages" from which they would await a Soviet missile launch. Then someone figured out that those KKV smart rock garages were really going to be big dumb sitting ducks in space.

Today, the star warriors have now come up with a new pet rock called

brilliant pebbles, which has been brought to us by the same guys who gave us the desk-sized x-ray laser—Edward Teller and Lowell Wood.

Brilliant pebbles are small KKV's without the garages. Lowell Wood claims to be able to develop computer the size of a deck of playing cards that have the power of our most sophisticated Cray supercomputers. He wants to put up to 100,000 of these pebbles up in space and promises it will cost us only $50,000 to $100,000 apiece.

If you believe this latest scheme will work, I've got a desk-size x-ray laser I'd like to sell you.

Like all of its predecessors, brilliant pebbles will ultimately be ground down into dumb dust when they're hit by the cold reality of cost and countermeasures. By this stage in the game we've seen enough to know that when those brilliant pebbles crumble, the star warriors will come right back in with another scheme to bilk the American taxpayer. We'll be seeing viewgraphs on "genius dust" and leaks in Aviation Week about "magnificant microbes," or other fancy new scheme which is supposed to make America safe from nuclear war.

I say its time we called a halt to the star wars shuffle, and turned this program back into a basic research effort.

It's time we passed the Dellums-Boxer amendment.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, what will keep America safe and at peace, what our adversaries fear most, is not our numbers or our courage, but instead our scientific genius and our technological capabilities.

In 1983, President Reagan challenged America's best minds to develop a new system to protect our country from nuclear attack, not by a threat to obliterate any potential enemy, but instead to offer a degree of protection.

In the years since, few programs have come under such verbal attack and ridicule than SDI. Opponents first said it could never work, they then said it was too expensive. It was called a fantasy.

Nevertheless, when I was part of a delegation to the Soviet Union in 1985, it was crystal clear that nothing we were doing so concerned the bosses in the Kremlin than America's commitment to developing its strategic defenses.

If SDI is a waste of money, if it is unworkable, an impossible dream—why have our adversaries been so focused on it? If this system is as impractical as our opponents suggest, why would the Soviet Union not be encouraging us to waste our resources?

We are now in our sixth year of SDI research and the program is already an overwhelming success. The cost estimates for providing America a degree of protection has been going down, not up. Our adversaries in the Soviet Union are in total disarray, which, I believe, is in no small degree due to our commitment, made during the Reagan years, to rebuilding our defenses, including the development of SDI.

We have in these 6 years reached an agreement to, for the first time, reduce the number of nuclear weapons in the arsenals of the United States and the Soviet Union. Our commitment to SDI has been an incentive to our adversary to reach such agreements.

In the future, it will give us the means of achieving even more extensive arms reduction agreements. The fear that one side may be cheating is far less frightening if a system is in place that affords some protection, while threatening no one.

This is not a time to turn back. America can expand the potential for the cause of peace and freedom, if we are willing to stay on course and bring to play our greatest asset, our scientific and technological genius, we can create a more peaceful world. Instead of a sword to the throat of our adversaries, let us build a shield for ourselves.

I urge my colleagues to keep faith with the future. I urge full funding for SDI and the cause of technology, peace, and freedom.

Mr. DICKINSON. Mr. Chairman, I yield 2½ minutes, the balance of our time, to the distinguished gentleman from Arizona [Mr. KYL] in order to close debate.

Mr. KYL. Mr. Chairman, there has been a lot of discussion here about a stable level of funding. I want all of our colleagues to be very clear about one thing: The Bennett amendment does not represent a stable level of funding. The Bennett amendment calls for DOD funding level of $2.8 billion. That is $1 billion below last year's DOD funding level of $3.8 billion.

So the Bennett amendment does not equal stable funding, it represents a deep, deep, significant cut in SDI funding.

Now my funding level, the Kyl amendment, is at $3.8 billion, exactly what we spent last year. It is a zero-growth figure.

If we are interested in stable funding, the Kyl amendment is the amendment to support.

Second, Mr. Chairman, a lot of our colleagues who oppose SDI have said, "we don't know whether it will work. Let's don't spend too much money on this until we know what we are doing, until we know whether it will work."

Mr. Chairman, that is what R&D funding is for, to find out the answers to these questions.

We know that the technology we have been developing is extremely promising. That is what the Soviets are concerned about, as my colleague from California just spoke about a moment ago.

If they were not so concerned about it, they would not be holding up SDI as the one obstacle to some kind of arms agreement. So, clearly, the Soviets are concerned that our R&D is going to show that these concepts do work.

My colleagues cannot have it both ways. If you want to know the answers to the questions, if you really want to know the answers, then you have got to be willing to support funding on at least a level that will answer these questions, at a stable level of funding, no less then zero growth.

My amendment should provide enough money to provide those answers.

Finally, Mr. Chairman, let there be no doubt about the actual impact of the Bennett level of funding.

I am going to refer to a Department of Defense paper on the potential impact of SDI at various levels and, I would say the probable impact of the Bennett amendment. These are the results of the Bennett level of funding:

□ 1040

Space surveillance and tracking systems, this is SSTS critical components of SDI: canceled. The exoatmospheric interceptor [ERIS]: canceled. Space-based interceptor: canceled. HEDI: canceled. Airborne optical adjunct: canceled. ARROW missile: canceled. Extended range interceptor: canceled. Chemical laser, free electron laser, neutral particle beam: all canceled.

We cannot have the Bennett level and still continue with a program that will actually find out the answers to the questions about SDI.

Mr. RICHARDSON. Mr. Chairman, New Mexico is taking a leadership role in SDI's directed energy program. The critical ground-based free electron laser project is located at the White Sands Missile Range in New Mexico. The purpose of this experiment is to determine that a high-energy, free-electron laser beam can be generated and propagated through the atmosphere from a ground-based facility. This technology is leading to significant advances with incalculable applications.

First and foremost, this program is designed to eliminate the threat of ballistic missiles and provide increased United States and allied security.

Second, the SDI Office for Technology Applications is applying laser technology to a host of medical applications with exceptional results, such as purging leukemia cells from bone marrow. Laser technology is also shortening the time for delicate surgical procedures, such as the placement of fractured hip joints in elderly patients.

Third, the directed energy program has also created over 800 procurement opportunities

for small minority and disadvantaged businesses in 21 States. The associated general contractors estimates that for every $1 spent at the White Sands project, an additional expenditure of approximately $2.50 is generated in local economies.

Mr. Chairman, the SDI Program has advanced significantly since its inception in 1983 while costing less than 1 percent of the cumulative defense budget. In view of this progress, I am particularly concerned about reductions in the design and construction phase for the ground-based laser program over the last several years by SDIO. The present level of $5.6 million is a substantial reduction from the anticipated level of between $40 to $57 million. The continued success of this experiment requires state-of-the-art facilities.

Mr. Chairman, I urge that every effort be made by SDIO to ensure that the ground-based laser program continues to be a priority of the strategic defense initiative.

The CHAIRMAN pro tempore. It is now in order to consider the amendments relating to the strategic defense initiative printed in part 1 of House Report 101-168, by, and if offered by, the following Members or their designees, which shall be considered in the following order only: by Representative KYL; by Representative DELLUMS or Representative BOXER; and by Representative BENNETT.

If more than one of said amendments is adopted, only the last such amendment which is adopted shall be considered as finally adopted and reported back to the House.

AMENDMENT OFFERED BY MR. KYL

Mr. KYL. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KYL:

At the end of part B of title II (page 50, after line 18), insert the following new section:

SEC. 223. FUNDING FOR THE STRATEGIC DEFENSE INITIATIVE.

(a) FUNDING LEVEL.—Notwithstanding any other provision of this Act, of the amount provided in section 201 for Defense Agencies, $3,836,000,000 shall be available for the Strategic Defense Initiative.

(b) FUNDING ADJUSTMENTS.—(1) The amount provided in section 201 for the Army is hereby reduced by $70,000,000. None of such amount shall be available for the Chemical Verification program, $36,000,000 of such amount shall be available for the Tactical Missile Defense program, and $20,000,000 of such amount shall be available for the Infrared Focal Plane.

(2) The amount provided in section 201 for the Navy is hereby reduced by $30,000,000. None of such amount shall be available for the Torpedo Detection Processor program and $2,000,000 of such amount shall be available for the Laser Sub Communication program.

(3) The amount provided in section 201 for the Air Force is hereby reduced by $153,000,000. Of such amount, $157,000,000 shall be available for the National Aerospace Plane and $10,400,000 shall be available for the Satellite Survivability program.

(4) The amount provided in section 201 for the Defense Agencies is hereby increased by $251,500,000. Of such amount, $10,000,000 shall be available for the Lightsat program and $24,500,000 shall be available for the Nuclear Monitoring program.

The CHAIRMAN pro tempore (Mr. BRUCE). Pursuant to the rule, the gentleman from Arizona [Mr. KYL] will be recognized for 5 minutes in support of his amendment, and the gentleman from California [Mr. DELLUMS] will be recognized for 5 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Arizona [Mr. KYL].

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. DICKINSON. It is my understanding there will be no vote at the conclusion of the debate on each of the three amendments proposed to be offered, but if a vote is requested, at the end of all three, they will be bunched and voted on at that time, is that correct?

The CHAIRMAN pro tempore. The Chair has that discretion, under the rule, but the Chair has not been advised that he should exercise that discretion. The Chair presently plans to put the question on each amendment at the conclusion of debate on each amendment.

Mr. DICKINSON. Mr. Chairman, it was my understanding that they would be bunched, and I did not know if the rule provided that or simply makes it discretionary by the Chair. Is it the Chair's ruling that he intends to vote on each at the end of the ten-minute segments?

The CHAIRMAN pro tempore. The Chair is willing to consult with Members during the pending amendment, but at the present time it is the Chair's intention to allow the vote at the conclusion of debate on each amendment, but obviously the Chair will consult with Members.

The gentleman from Arizona [Mr. KYL] is recognized for 5 minutes in support of his amendment.

Mr. KYL. Mr. Chairman, I am going to take a minute to reiterate something I said a moment ago, because we are now at the question of what funding level we will provide for SDI for the upcoming fiscal year.

My amendment is for $3.8 billion for the Department of Defense funding level. That represents zero growth. If my colleagues are really interested in stable funding for this program, I do not understand how they could reject the Kyl amendment which is precisely stable funding. It represents zero real growth.

The Bennett amendment, on the other hand, and the Dellums-Boxer amendment, would drastically cut the SDI funding even further—to a point, as I said a moment ago, that very significant elements of the program would have to be canceled. Mr. Chairman, the point is this: If we are really going to find out the answer of the questions so many of my colleagues have raised, as to whether or not the program will work, we need to fund the program at the levels that will provide Members with those answers. That is what the stable funding level, zero growth level of the Kyl amendment—$3.8 billion—will do.

Mr. Chairman, my amendment could not be more reasonable. It is supported by the administration. I urge my colleagues to support it.

I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, I would like to respond to the argument of "stability" that we have heard in support of Kyl amendment.

Make no mistake about it, $3.8 billion was last year's aggregate DOD funding level. Not the House version, but last year's aggregate. As today is Tuesday, we know, for a fact, that when this measure goes to conference with the other body there will be substantial additions as is historically the case when the House funds SDI at a lower level. The proponents of the Kyl amendment are not asking for stability. They are really asking for more. Every Member in support of the Kyl amendment knows that once it goes into conference, we can anticipate a $400 to $800 million added on.

Do not be misled or beguiled by the argument that the Kyl amendment provides stability in funding. It does not. Proponents are looking for more. We should not give it to them.

Mr. KYL. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, we are not responsible for what the other House of this Congress does. We are responsible for setting out a policy that we believe will bring our country to a position of peace and protect our freedom.

I urge support for the Kyl amendment because any other approach would be either a hesitation or a reversal on a path that has brought America to a point where we have reached agreement with the Soviet Union for reductions of our nuclear arsenals. We have come a long way, because we have looked into a new potential, our scientific genius has been mobilized, and now is not the time to turn off the light, but to increase the electricity going into that light in order to seek out new potential for the future.

America needs not another sword to put at the throats of our enemies but

instead to develop a field that will protect Americans. Protection is a moral method that we should look at, and that the President of the United States in 1983 mobilized the scientific community behind. We should not be turning back. I urge support of this amendment.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Let me simply take a little time to respond to some of the arguments I have written down. One of my distinguished colleagues on the other side of the House quoted the Kyl amendment, suggesting that the Soviets are worried about strategic defense initiatives. Of course they are, because the SDI can also be an antisatellite capability. Not only able to shoot down missiles, but also shoot down satellites, to shoot down command patrol, very potentially frightening and potentially very, very dangerous.

The fact of the matter is, Mr. Chairman, that one of the reasons why the Soviets are frightened of this program is that they perceive it as part of a nuclear war fighting strategy, and I suggest anyone who believes that we can engage in a nuclear war fighting scenario is living in an absurd and insane world calculated to destroy human life on this planet beyond our comprehension.

The second argument my colleague makes, is the Soviet Union is now in disarray. Granted, but I would suggest that if the Member picks up a newspaper of every major city in this country, our children are dying all over America, we are in disarray with poverty and hunger and disease and drug addiction and violence associated with it, and rendering ourselves impotent in our capacity to cope in the real world, to save a generation of our children while engaging in an abstract idea, while the moment is pregnant with the potential of peace, not violence, peace not war, and we ought to be getting away from the obsolete notion of the cold war, and engaged in the realities of the possibility of arms control and negotiation and not spending mega billions of dollars, pouring it down a rathole for some illusionary defense weapon. We ought to be addressing the realities.

Finally, the argument that is made that people think it will not work. We have not cast our major argument in the impossibilities of the technological capacity of this thing to work. We have stated that we have challenged the irrationality of the strategic idea itself. It will indeed abrogate the ABM Treaty, with all due respect to my distinguished colleague from Arizona, I have a different conclusion. That is, I do not believe the American people will support abrogation of the ABM Treaty. I believe that once the American people realize that they have been sold a propagandized bill of goods, that this is not a program designed to protect them, but to protect military assets, they will realize that we are back in the old mad bag we have been before, and they will reject this notion.

I reserve the balance of my time.

The CHAIRMAN pro tempore. The Chair would advise the gentleman from California [Mr. DELLUMS] he has 1 minute remaining.

□ 1050

PARLIAMENTARY INQUIRY

Mr. KYL. Mr. Chairman, I have a parliamentary inquiry.

First of all, Mr. Chairman, how much time do we have remaining on this side, and, second, do I have the right to close debate on my amendment?

The CHAIRMAN pro tempore (Mr. BRUCE). The gentleman from Arizona [Mr. KYL] has 3 minutes remaining, and the gentleman from Arizona has the right to close debate.

Mr. KYL. Mr. Chairman, I yield myself 1 minute to respond to the two arguments that have just been made.

My colleague, the gentleman from Pennsylvania [Mr. RIDGE], made the argument that obviously we are going to make a deal with the Senate and, therefore, we need to have a low-funding level here because the Senate level is much higher and we would end up with stable funding if we have a very low level coming out of the House. The truth of the matter is that, based on last year's funding level, the only way we can come out with a funding level close to last year's with not even real growth, is to have the committee mark, which will only occur if all the amendments are defeated here.

The only way to have zero real growth, that is to say, last year's funding level plus inflation, is to adopt the Kyl amendment and then agree in conference to an even split with the Senate Armed Services Committee level.

So if we are talking about a compromise with the Senate, splitting the difference with them in order to come out at last year's funding level is to support the Kyl amendment.

Mr. DELLUMS. Mr. Chairman, it is my pleasure to yield the remainder of my time, 1 minute, to the distinguished gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, there is only one thing to know about star wars: If we build it, the Soviets are going to build one, too, and a Soviet SDI will help the Russians zap us between the eyes.

If star wars works, it will work better as a first strike offense than as a defense. Star wars will depend on satellites, but if star wars works for us against Soviet missiles, it will work even better for the Soviets to blow our star wars satellites out of the sky, including our early warning satellites. That leaves us a blind victim of Soviet aggression.

I do not think that star wars supporters intentionally want to give the Soviets a first strike, but if it works and it is affordable, that is what they are going to be doing. So if we in the Chamber value America's security, we should ban star wars. We should not build it.

Mr. Chairman, we can begin by defeating the Kyl amendment and supporting the Dellums-Boxer amendment.

Mr. KYL. Mr. Chairman, I yield myself the balance of my time, 2 minutes.

Mr. Chairman, in response to a comment made by my colleague just a moment ago, I think the American people would much rather have an arms race if it involves a race in defensive weapons, weapons that we cannot use to strike each other, than they would to have the current situation where the only arms race is with offensive weapons, which can obviously do both sides great damage.

We have been relying on the notion of mutually assured destruction, although the Soviets have never bought off on that theory—the idea that if they strike us, we will retaliate by striking them, and, therefore, they will not try to strike us.

How much longer can we afford to rely upon that outmoded doctrine? Is it not better to have a defense which so complicates the Soviets planning that they would be deterred from attacking us in the first place? And if, as my colleagues suggest, that causes the Soviets to engage in an arms race with us to develop their own defense, then I say, more power to them. It is much better to have a race in defensive weapons than it is to have a race in offensive weapons.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield briefly to me?

Mr. KYL. I just have a limited amount of time; in a moment.

Mr. Chairman, my colleague, the gentleman from California, suggested that the American people would not support abrogating the ABM Treaty. I suggest to my colleagues that when it comes to protecting themselves, for example, from an accidental launch or from a Third World country attack, I think the American people would be willing to abrogate the treaty for that purpose.

Mr. Chairman, I will yield very briefly to my colleague, the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I would simply say that because we know you can overwhelm the strategic defense initiative, it will not just be a

defense arms race but a corresponding offensive arms race as well.

Mr. KYL. Mr. Chairman, I appreciate my colleague's making that point, but our arms negotiators are very supportive of the SDI Program and do not want us to give away that point unilaterally now. Congress' underfunding of the SDI Program this year will work against our arms negotiators at the very time they are trying to negotiate these very deep offensive arms reductions with the Soviets. So I think that, while arms negotiations are not the justification for SDI, they certainly are an argument for it.

Mr. Chairman, I think it is much better to build shields than to build swords. The Kyl funding level is for zero real growth, and I urge my colleagues to support the Kyl amendment.

Mr. FRENZEL. Mr. Chairman, the committee's mark of $3.8 billion is admittedly short of the amount required, about $4.1 billion, to keep SDI at current spending levels. However, with the Senate at $4.5 billion, and assuming the normal split, the committee's figure would seem to bring us out somewhere near a freeze.

Because I believe the SDI technology ought to go forward until limited by mutual agreement with other nations, I support the extension of the program. I do not, however, want to see SDI expenses escalate too rapidly.

Therefore, I shall vote against the Kyl amendment because I believe it will result in a final figure well above last year's spending.

I shall also vote against amendments to reduce the committee's mark. One, the Dellums amendment, seems to me to be a radical reduction which would amount to killing the SDI Program. Others, like the Bennett amendment, which provide for smaller reductions, are harder to assess. That one, again assuming the usual split with the Senate, would slow down the program a bit, but not ruin it.

However, in case of doubt, I usually side with the Commander in Chief, who is charged with the responsibility to defend the country and who must negotiate with our adversaries. Hence my vote for the committee's figure, and against all amendments.

Mr. GARCIA. Mr. Chairman, the strategic defense initiative [SDI], or the so-called star wars program, is typical of so many of the defense plans proposed by President Reagan and now President Bush. It is too expensive, untested, unproven, and according to many experts, impossible, and unnecessary.

When originally proposed, star wars was billed as a peace shield which would keep the entire United States under an umbrella of lasers and magically shoot down incoming Soviet missiles. Despite the protests of highly knowledgeable scientists who denounced the plan as technologically unfeasible, the administration continued support and funding for SDI.

When more facts became known about the improbability of such a device ever working, the scope of star wars changed. No longer would the cities and general population of the United States be protected, only strategic bases and missile sites would be protected by the revised systems of electron lasers, projectiles, and brilliant pebbles which would intercept the thousands of speeding missiles. No longer was it a peace shield, but an expensive peace sieve, which would according to the Joint Chiefs of Staff, ward off only 30 percent of incoming ICBM's, 30 percent of the SLBM's, and zero percent of the air launched missiles. This rate of success does not provide a very strong deterrence to launching the thousands of missiles and ICBM's which the Soviets have in their arsenals. Yet research and development continued at billions of dollars per year.

It is time that we faced the reality of budget constraints and current technology. Star wars will not work, and we are spending too much money on a program which may hamper strategic arms reductions more than bring the Soviets to the bargaining table. Pursuing this program may lead the United States to violate 1972 Anti-Ballistic Missile Treaty and reverse the progress we have made in negotiating arms reductions with the Soviet Union.

It is possible that the research of such technologies will lead to a breakthrough in defense weapons or nondefense applications. However, the levels of funding which SDI has received are outrageous considering what we have sacrificed to produce such tiny results. Education, housing, the environment, AIDS research, drug programs, transportation. All of these important social programs have been cut to the bone to provide money for such unproven and unneeded measures such as star wars.

The days of unlimited defense spending and waste are over. We must now face the dilemma of how to restore the cuts on our society which have been made in the past 9 years. We must concentrate on educating our children, housing our homeless, feeding our hungry, curing our sick, and employing our jobless. Tough decisions need to be made, but one thing is clear. We cannot afford to spend billions of dollars on a program which is unproven and impractical when we desperately need money to help people get off the streets, off drugs, and off welfare. I urge my colleagues to vote against continued funding for the strategic defense initiative.

Mr. GARCIA. Mr. Chairman, the recent roll down the runway and following flight of the B-2 Stealth bomber was touted as a remarkable breakthrough in aviation and defense technology. What is remarkable about this first flight, however, is not any new technology or deterrence capability, but is rather the amount of time, money, and resources which have been used in getting this project this far.

The B-2, which will supposedly be nearly invisible to enemy radar, have extended range, and use new radar jamming technology, is neither affordable nor necessary. It is already the most expensive single weapon system in history, costing over $70 billion. Experts estimate that the cost of a single Stealth bomber will exceed $600 million, and $75 billion for the whole 132-plane program. $23 billion was spent on this plane before its first flight. This is no reason to spend an additional $50 billion on a plane whose technology is questionable and its mission undefined.

We need only to look at the problems we have encountered with the B1-B to determine what types of challenges we will face with the B-2. The B-1 used relatively mature and proven technologies and designs. Billions of dollars were spent on research and development of this bomber before it was produced, and still we learn about the problems with its radar and jamming systems. The B-2 incorporates much more radical and controversial airframe designs, avionics, and stealth technology, all of which must be developed and tested. And yet, even though the costs are enormous and the technology questionable, the administration wants us to purchase 132 of these planes for $70 billion. Before we spend this much money on anything, we should know what we are buying.

Not only is the expense of the B-2 a strong deterrence for supporting it, the mission of the Stealth bomber is undefined and flawed. Its original mission was supposed to be to attack strategic mobile targets and hardened missile silos deep inside the Soviet Union. The Air Force now admits that the technology to find and destroy mobile targets is years away, and hardened silos can be hit by cruise missiles and sea-launched ballistic missiles at a fraction of the cost. Neither would I support sending a half-a-billion dollar plane on an anti-terrorist mission when we have much less expensive F-14's, F-16's, F-111's, E-6's, and other attack planes which are well suited to the job.

Recent GAO reports indicate that the Defense Department will have a $125 billion funding deficit over the next 5 years. It is not logical to spend great sums of money on a questionable product when so many other tried and tested projects can be produced with these funds. The $50 billion which we can save by mothballing the production line for the B-2 could feed millions of hungry people, buy thousands of books for our schools, house many of New York City's homeless for years, wipe out the drug violence epidemic, and still have pocket change to spare. This measure would not eliminate our budget deficit, but it would go a long way toward funding many other more necessary and practical programs.

I urge my colleagues to vote against any further funding for the B-2 Stealth bomber.

Mr. LEWIS of Florida. Mr. Chairman, I rise in strong support of the F-14 Tomcat fighter. The F-14 is simply our best and most versatile carrier based fighter. It makes no sense to cut it with the slim hope that the advanced tactical fighter, which is still on paper, will be ready to take over its mission. Even if the ATF is ready in time, the Navy will have an unacceptable shortfall in the mid-1990's.

The argument that this will save money is without merit. This money will not go back to the Treasury, it will be used for other military projects.

Leaving the obvious arguments on the merit of the F-14 aside, there are several other reasons for keeping the F-14. First, cutting the F-14 will leave only one major supplier of naval combat aircraft, McDonnell-Douglas. While McDonnell-Douglas is a reputable company, we should have learned the dangers

posed by a lack of competition a long time ago.

In addition, the Grumman corporation invested several hundred million dollars to retool their production lines because they had every reason to believe that the Navy would not back out on their agreement to buy F-14's. What kind of message are we sending to all our Government contractors if we lead them on to invest, and then back out of our agreement?

Mr. Chairman, it was F-14 Tomcats that shot down two Libyan fighters in 1982 and flew support during the Grenada invasion. As late as January of this year, F-14's were once again called upon to engage and shoot down two Soviet-made Libyan jets. Clearly, the Tomcat's usefulness is far from over.

Many of the opponents of the F-14 frame their debate in terms of tough choices. However, as I explained earlier, cutting the F-14 will not save the taxpayer money.

Finally, Mr. Chairman, I am not one to avoid tough choices. But I am one who will oppose bad choices. Cutting out the F-14 is a bad choice. We must ensure that our carrier fleets are adequately protected, and that our naval aviation industry remains strong and competitive.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Arizona [Mr. KYL].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. KYL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 117, noes 299, not voting 15, as follows:

[Roll No. 151]

AYES—117

Armey	Gillmor	Miller (WA)
Ballenger	Gilman	Moorhead
Barnard	Goss	Morrison (WA)
Bartlett	Hall (TX)	Myers
Barton	Hammerschmidt	Oxley
Bentley	Hancock	Packard
Bilirakis	Hansen	Parris
Bliley	Harris	Pashayan
Boehlert	Hastert	Patterson
Broomfield	Hefley	Paxon
Browder	Herger	Quillen
Brown (CO)	Hiler	Rhodes
Bunning	Holloway	Richardson
Burton	Hutto	Ritter
Callahan	Inhofe	Robinson
Coleman (MO)	Ireland	Rohrabacher
Coleman (TX)	James	Roth
Combest	Kasich	Rowland (CT)
Cox	Kolbe	Sarpalius
Craig	Kyl	Schaefer
Crane	Lagomarsino	Schiff
Dannemeyer	Lewis (CA)	Shaw
DeLay	Lewis (FL)	Shumway
DeWine	Livingston	Shuster
Dickinson	Lowery (CA)	Skeen
Dornan (CA)	Lukens, Donald	Slaughter (VA)
Douglas	Madigan	Smith (MS)
Dreier	Marlenee	Smith (NE)
Edwards (OK)	Martin (IL)	Smith (TX)
Emerson	Martin (NY)	Smith, Robert (NH)
Fawell	McCandless	
Fields	McCollum	Solomon
Flippo	McCrery	Spence
Gallegly	McEwen	Stangeland
Gekas	Miller (OH)	Stearns
Stump	Walsh	Wylie
Thomas (CA)	Weber	Young (AK)
Upton	Whittaker	Young (FL)
Vucanovich	Wilson	
Walker	Wolf	

NOES—299

Ackerman	Gallo	Moakley
Akaka	Garcia	Mollohan
Alexander	Gaydos	Montgomery
Anderson	Gejdenson	Moody
Andrews	Gephardt	Morella
Annunzio	Gibbons	Morrison (CT)
Anthony	Glickman	Mrazek
Applegate	Gonzalez	Murphy
Aspin	Goodling	Murtha
Atkins	Gordon	Nagle
AuCoin	Gradison	Natcher
Baker	Grandy	Neal (MA)
Bateman	Grant	Neal (NC)
Bates	Gray	Nelson
Beilenson	Green	Nielson
Bennett	Guarini	Nowak
Bereuter	Hall (OH)	Oakar
Berman	Hamilton	Oberstar
Bevill	Hatcher	Obey
Bilbray	Hawkins	Olin
Boggs	Hayes (IL)	Ortiz
Bonior	Hayes (LA)	Owens (NY)
Borski	Hefner	Owens (UT)
Bosco	Henry	Pallone
Boucher	Hertel	Panetta
Boxer	Hoagland	Parker
Brennan	Hochbrueckner	Payne (NJ)
Brooks	Hopkins	Payne (VA)
Brown (CA)	Horton	Pease
Bruce	Houghton	Pelosi
Bryant	Hoyer	Penny
Buechner	Hubbard	Perkins
Bustamante	Huckaby	Petri
Byron	Hughes	Pickett
Campbell (CA)	Jacobs	Pickle
Campbell (CO)	Jenkins	Porter
Cardin	Johnson (CT)	Poshard
Carper	Johnson (SD)	Price
Carr	Johnston	Pursell
Chandler	Jones (GA)	Rahall
Chapman	Jones (NC)	Rangel
Clarke	Jontz	Ravenel
Clay	Kanjorski	Ray
Clement	Kaptur	Regula
Clinger	Kastenmeier	Ridge
Coble	Kennedy	Rinaldo
Conte	Kennelly	Roberts
Conyers	Kildee	Roe
Cooper	Kleczka	Rogers
Costello	Kolter	Rose
Coughlin	Kostmayer	Rostenkowski
Coyne	LaFalce	Roukema
Crockett	Lancaster	Rowland (GA)
Darden	Lantos	Roybal
Davis	Laughlin	Russo
DeFazio	Leach (IA)	Sabo
Dellums	Leath (TX)	Saiki
Derrick	Lehman (CA)	Sangmeister
Dicks	Lehman (FL)	Savage
Dingell	Leland	Sawyer
Dixon	Lent	Saxton
Donnelly	Levin (MI)	Scheuer
Dorgan (ND)	Levine (CA)	Schneider
Downey	Lewis (GA)	Schroeder
Duncan	Lightfoot	Schulze
Durbin	Lloyd	Schumer
Dwyer	Long	Sensenbrenner
Dymally	Lowey (NY)	Sharp
Dyson	Luken, Thomas	Shays
Early	Machtley	Sikorski
Eckart	Manton	Sisisky
Edwards (CA)	Markey	Skaggs
Engel	Martinez	Skelton
English	Matsui	Slattery
Erdreich	Mavroules	Slaughter (NY)
Espy	Mazzoli	Smith (FL)
Evans	McCloskey	Smith (IA)
Fascell	McCurdy	Smith (NJ)
Fazio	McDade	Smith (VT)
Feighan	McDermott	Smith, Denny (OR)
Fish	McGrath	
Flake	McHugh	Smith, Robert (OR)
Foglietta	McMillan (NC)	
Ford (MI)	McMillen (MD)	Snowe
Ford (TN)	McNulty	Solarz
Frank	Meyers	Spratt
Frenzel	Miller (CA)	Staggers
Frost	Mineta	Stallings
Stark	Torres	Waxman
Stenholm	Torricelli	Weiss
Stokes	Towns	Weldon
Studds	Traficant	Wheat
Sundquist	Traxler	Whitten
Swift	Udall	Williams
Synar	Unsoeld	Wise
Tallon	Valentine	Wolpe
Tanner	Vento	Wyden
Tauke	Visclosky	Yates
Tauzin	Volkmer	Yatron
Thomas (GA)	Walgren	
Thomas (WY)	Watkins	

NOT VOTING—15

Archer	Gingrich	Mfume
Collins	Gunderson	Michel
Courter	Hunter	Molinari
de la Garza	Hyde	Schuette
Florio	Lipinski	Vander Jagt

The Clerk announced the following pairs:

On the vote:

Mr. Gingrich for, with Mr. Florio against.
Mr. Michel for, with Mr. Mfume against.
Mr. Hunter for, with Mrs. Collins against.

Messrs. THOMAS A. LUKEN, SENSENBRENNER, JONES of Georgia, WAXMAN, PEASE, GOODLING, and PORTER changed their vote from "aye" to "no."

Mr. McCOLLUM changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELLUMS:

Strike out section 221 (page 48, line 19 through page 49, line 6) and insert in lieu thereof the following:

SEC. 221. STRATEGIC DEFENSE INITIATIVE LIMITATIONS.

(a) TERMINATION OF SIDO.—The Secretary of Defense shall terminate the organization within the Department of Defense known as the Strategic Defense Initiative Organization and shall reassign the functions of that organization to the military departments and the Defense Agencies as the Secretary considers appropriate.

(b) LIMITATION OF FUNCTIONS TO BASIC RESEARCH.—Fund appropriated or otherwise made available for the Strategic Defense Initiatve for fiscal year 1990 may only be obligated for basic research programs.

(c) FISCAL YEAR 1990 FUNDING.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for fiscal year 1990 for research, development, test, and evaluation, not more than $1,300,000,000 may be obligated for the Strategic Defense Initiative. The amount provided in section 201 for the Defense Agencies is hereby reduced by $2,238,000,000.

The CHAIRMAN pro tempore. (Mr. BRUCE). Pursuant to the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Mr. KYL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Arizona (Mr. KYL) will be recognized for 5 minutes in opposition to the amendment.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

□ 1120

Mr. DELLUMS. Mr. Chairman, I yield one-half of my time, 2½ minutes, to the gentlewoman from California [Mrs. BOXER], coauthor of the amendment.

Mrs. BOXER. Mr. Chairman, in this business we really need a sense of humor as well as a serious side, and the ever changing nature of star wars, it seems to me, lends itself to some humor.

Two comedians come to mind. First, there is the late Gilda Radner. She had a character called Emily Latella. We remember Emily Latella; every time she got caught in a fix, she would say, "Never mind," and then she would try again. Then there was Maxwell Smart. When he was caught in a tall tale, he would say, "Would you believe," and then he would spin another.

Star wars is the "Would-you-believe, never-mind" system of the military budget, and now the gentleman from Arizona [Mr. KYL] in his debate, I think, brought some more of a sense of humor to this debate when he says that America spends almost as much on panty hose as it does on star wars. I cannot help but bring a sense of humor to that analogy.

My colleagues, take it from me, panty hose is affordable. Star wars is not. Panty hose has a clear function. Star wars does not. Panty hose gives us 100 percent support. Star wars does not. Panty hose has a mission that does not change every day. The star wars mission has changed from a protective shield to military installation defense to accidental launch protection to brilliant pebbles to terrorist deterrence. Let us face it, star wars has changed more times than Imelda Marcos has changed her shoes.

Mr. Chairman, I say it is time to bring some reality to this program. The Dellums-Boxer amendment, by taking the program back to $1.3 billion, would allow us to have a good and robust research program. It is the right thing to do. It is what we should do if we believe in arms control. It is what we should do if we believe in budgetary control.

I thank the Members for their attention.

PARLIAMENTARY INQUIRY

Mr. DELLUMS. Mr. Chairman, I have a parliamentary inquiry.

Mr. CHAIRMAN pro tempore (Mr. BRUCE). The gentleman will state his parliamentary inquiry.

Mr. DELLUMS. Mr. Chairman, I rise just to inquire, as author of the amendment, we are, indeed, entitled to close debate? Is that not correct?

The CHAIRMAN pro tempore. The Chair would advise that under these circumstances, the gentleman from California [Mr. DELLUMS] will be allowed to close debate.

Mr. DELLUMS. Mr. Chairman, may I further inquire, did the gentlewoman from California yield back any of the 2½ minutes?

The CHAIRMAN pro tempore. The gentlewoman used exactly her 2½ minutes.

Mr. DELLUMS. Mr. Chairman, I reserve the balance of my time.

Mr. KYL. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Chairman, throughout this decade, the United States of America and the Soviet Union have embarked on unprecedented negotiations. We all in this House hailed that historic intermediate nuclear force treaty when we for the first time in history began to reduce an entire class of nuclear weapons.

We now know that there are many in this House and many around the country who have consistently said that star wars, the strategic defense initiative, as I like to call it, is a fantasy and it will never work. The fact of the matter is that while there are people in the United States who believe that it will not work, we know full well that the Soviets truly believe that it will work. They believe it will work, because we know that they have spent some 8 to 10 times as much on their own strategic defense as we have in the United States.

We also know that as we look toward the prospect of continued negotiations, the goal of eliminating SDI would seriously jeopardize any chance for continued negotiations, and that is why the gentleman from Arizona [Mr. KYL] offered a truly balanced approach, zero real growth, last year's level plus inflation.

□ 1130

This proposed package by my good friends from California, Mr. DELLUMS and Ms. BOXER, is a package which will in fact endanger the chance for us to bring about a further reduction in nuclear weapons.

It was March 23 of 1983 that President Reagan threw out his proposal for the peace shield. Many on both sides of the aisle have said that goal was impractical. But I do believe, Mr. Chairman, that that goal is one which we should pursue, and proceeding with research and development is something that we must do.

I urge opposition to this amendment which truly could jeopardize continued peace.

Mr. KYL. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. Mr. Chairman, I thank the gentleman from Arizona for yielding time to me.

Mr. Chairman, I believe the decision before the House with this amendment is a very simple and straightforward one. Do Members believe in unilateral reductions in SDI or do they believe in mutual reductions.

The record shows that mutual disarmament is far more effective. If Members believe that, they are going to conclude that reductions in spending not only in SDI but in other functions should be negotiated, and they ought to be mutual. The Soviet Union ought to reduce its expenditures in this area, not just the United States.

If we pass this amendment, Members are saying they think the best way to handle this area is to unilaterally cut advanced weapons research in this area. The record is very clear, when we have insisted that disarmament be mutual, we have had a promising reaction from the Soviet Union. When we try unilateral disarmament, our record has been unsuccessful.

Adoption of this amendment sends the wrong message. Unilateral concessions make lasting peace less likely.

Mr. KYL. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, I would like to close the debate on our side by first of all acknowledging the humor of the gentlewoman from California [Ms. BOXER] with respect to pantyhose. I appreciate the injection of a little humor into this debate.

But, Mr. Chairman, as all of us here who have been debating this issue have acknowledged, this is a very serious proposition. The deterrence to attack by the Soviet Union is an extremely serious matter. The argument is made here that SDI is not "100 percent effective." That is to say, a missile might get through or some missiles might get through. I hope my colleagues understand that the purpose of SDI is not to provide a perfect shield over the globe. Rather, it is to provide enough of a deterrent effect to so complicate the Soviet planning for an attack that they would never choose to attack in the first place. That is the whole idea of deterrence, and I hope that my colleagues are not persuaded by the argument that any weapon has to be 100 percent effective in order to be funded.

That gets us to the final point. A lot of my colleagues have said they are just not sure whether it will work. Mr. Chairman, the point here is to provide a funding level sufficient to find out the answer to that question.

My amendment would have done that. The gentleman from Florida [Mr. BENNETT] will argue that his amendment will do it. I do not think it

will. But I think all of us understand that the Boxer-Dellums amendment will not even begin to get close to providing those funds necessary to conduct the tests to find out whether SDI will work so that we can make an informed judgment.

The level of funding that the Dellums-Boxer amendment would provide is only sufficient for basic research to understand what the Soviets are doing. It will never get us to that level necessary for us to make an informed decision, to know whether or not we can deploy SDI.

So I would urge my colleagues to vote no on the Dellums-Boxer amendment. It would not provide the level of funding necessary to make the crucial decisions that the President has asked the Congress to make. It would result in the elimination of thousands of jobs, minimum of 8,000 jobs. Obviously, it is not a level of funding sufficient to actually carry out the program.

Therefore, I urge my colleagues to vote no on the Dellums-Boxer amendment.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Mr. Chairman, I rise in support of the Dellums-Boxer amendment.

Mr. Chairman, since former President Reagan started us tilting at the SDI windmill in 1984, with illusory promises that it would "render nuclear weapons impotent and shield all of us from the scourge of nuclear attack," America has spent more than $21 billion on SDI. What do we have to show for this enormous outlay of public funds, while we have been running up record deficits as far as the eye can see? The answer is: Very little.

I rise in support of the Dellum-Boxer amendment to limit SDI activities to $1.3 billion next year. For America to continue to spend at least $3 billion a year on SDI is illogical and wrong-headed.

At the end of May, no less authorities than the Joint Chiefs of Staff warned against recklessly moving away from and abandoned the 1972 Anti-Ballistic Missile Treaty in pursuit of rapid deployment of Anti-missile defenses, assuming that such SDI-related defense become feasible at any time. They understand that SDI, in whatever form, does not offer civilian protection against cruise and other low-trajectory missiles, bomber attacks, or small tactical weaponry. To continue to proceed with funding as though we have an unassailable right to deploy SDI-related defenses invites the very costly nightmare and instability that the ABM Treaty was negotiated to prevent—defensive as well as offensive arms races.

I give the Bush administration credit for owning up to the fact that SDI cannot possibly provide a secure nuclear umbrella for all of the American people. Rather they now seek increased SDI funding primarily to develop better systems to protect our ICBM's, not our civilian population. But isn't that also the principal mission for the funding in this bill for more mobile land-based missile systems like the Midgetman and the rail-based MX weaponry?

In view of these considerations and our ongoing budget crisis, the time has come to stop SDI funding, other than for the most basic research programs.

Mr. DELLUMS. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, we come to the close of the debate on this issue. All of the issues, it seems to me, have been addressed. My colleagues are clearly aware what this amendment does. It would, in effect, terminate the Strategic Defense Initiative Program, allow for $1.3 billion to continue to engage in basic and fundamental research.

In the time that I have remaining, I would like to respond to two points.

First of all, it is important for all of my colleagues to understand that once you abandon the concept of the astrodome, that is defending the American population, what you really are down to are defending ICBM's, other missiles. Think about this. In order to enhance the survivability of our ICBM's, you want the strategic defense initiative that will cost us hundreds of billions of dollars, the MX Missile Rail Garrison, costing us billions of dollars, the Midgetman that will cost us billions of dollars. All of these programs are designed to enhance the survivability not of the American people, but of missiles. We are back to mutual assured destruction. This is not some new concept.

Finally, let me make one other argument, if I can have the attention of my colleagues. It is extremely difficult, Mr. Chairman. I think the American people frankly ought to be ashamed of how we conduct ourselves on a matter of such great importance when we are talking about national security, and we have 15 or 20 conversations going on that can go off of this floor and at least allow those of us who are serious about the issue we are talking about to be able to command the attention of our people.

Mr. Chairman, I make this final argument: I think many of my colleagues are very serious when they suggest that our amendment would in some way endanger arms control negotiations. I want to make this assertion very aggressively. It is the strategic defense initiative that will endanger arms control, and let me tell Members why.

The gentleman from Arizona [Mr. KYL] suggests that this would only create a defensive arms race. Yet when he yielded to me, he agreed that it would also create a corresponding offensive arms race, because you can overwhelm a strategic defense initiative. Think about this.

If the other guy knows that you are going to build the strategic defense initiative, you can overwhelm it with offensive weapons, why then should the person sit down and negotiate a reduction in their own offensive weapons? I would suggest in no uncertain terms that you remove the incentive for arms control and you make the world a more dangerous place.

If Members really want arms control, do not lift up the strategic defense initiative, removing the Soviets' incentive to come to the table for arms control. Gorbachev is saying let us remove nuclear weapons from our lives by the year 2000. We owe this to our children and our grandchildren.

Reject the strategic defense initiative. Make the world a better place for all Americans and the entire world. Join us in supporting the Dellums-Boxer amendment to bring back some sanity and save the American people $3 billion to allow us to address other issues.

Mr. MFUME. Mr. Chairman, I join my colleagues in strong support of the Dellums-Boxer amendment to limit funding for SDI activities to $1.3 billion which would be used for basic research.

We have spent more than $16 billion on SDI and still do not know in what direction this program takes us. In the early 1980's, the SDI Program was presented to the American people as a financially and technologically feasible ballistic defense system. Supposedly, it is capable of protecting our cities and missile silos from a Soviet missile attack. Now, 5 years later and after spending billions of dollars, I haven't seen enough progress to warrant increased funding of this program other than for basic research as provided by the amendment offered by the gentleman from California [Mr. DELLUMS].

Before we invest $69.1 billion which only pays for the first phase of the program, let's make sure that the SDI Program is consistent with our current treaty agreements and objectives. In fact, a deployed SDI system as presented would certainly be in direct conflict with the 1972 ABM Treaty. I do, however, support continued research to keep pace with advancing technology until we can better define how this program can and should proceed.

Furthermore, the United States and the Soviet Union are at a critical juncture in seriously negotiating substantive arms control agreements. When we may have an opportunity to move forward with negotiations stemming from the INF Treaty, it would be foolish to push for advance deployment of a defensive system that would only serve to thwart those efforts. The Soviets have already indicated that their response to developing a deployable system will be to build more ICBM's at a much cheaper cost to overwhelm SDI capabilities. Our only response would be to spend hundreds of billions of dollars on additional defensive systems or resume building our offensive arsenal which would lead back a costly arms race.

Mr. Chairman, in light of the uncertainties of the program and the difficulty of allocating funds to incresingly scacre resources for all of the programs competing in the defense budget, I urge my colleagues to support the Dellums-Boxer amendment.

Mr. DURBIN. Mr. Chairman, I rise in support of the Dellums-Boxer amendment to H.R. 2461, the Defense Authorization Act of 1989. I do so because I strongly believe that the Nation's scarce resources are being squandered on the strategic defense initiative [SDI], and that it is time to put this idea to rest once and for all.

The SDI was not the product of careful, thoughtful scientific research, but the brainchild of a handful of self-interested nuclear theorists. Before this costly and complicated idea could be scrutinized by independent scientists, President Reagan mounted an enormous public relations campaign for the SDI. Before any research had gotten underway, President Reagan had already announced that the United States favored scrapping our longstanding commitment to the ABM treaty in order to pursue the SDI fantasy. Even as mounting budget deficits suggested that we needed to take a second look at programs like the SDI, the President refused to listen and urged even higher levels of spending.

Mr. Chairman, we have already spent $20 billion pursuing President Reagan's pipedream. First we were promised a comprehensive defensive shield against incoming ballistic missiles. Scientist after scientist said it couldn't be done, but the SDI project went forward anyway. When research indicated the scientists were right, supporters of SDI came up with the idea of a limited defensive shield that would enhance deterrence by stopping some unknown percentage of incoming missiles. When scientists again demonstrated the flaws of this limited shield, the SDI boosters developed the "Brilliant Pebbles" concept, a space-based defense depending on small rockets being able to intercept enemy missiles during the boost phase.

So what have we bought at the end of this mad search? Certainly not a defensive shield. Certainly not a feasible, affordable defensive system that would enhance our security. Certainly not commercial applications of the SDI technology. No, what we have bought is a huge budget deficit and a pile of glossy briefing books describing our former President's dream.

That is why the Joint Chiefs of Staff this past April recommended a significantly lower level of spending for SDI and stated that the United States "should not insist on the explicit right eventually to deploy extensive antimissile defenses." I share the skepticism of the Joint Chiefs, and their concern for the ABM treaty, and I suggest that in this time of budgetary constraints, we do the smart thing and abandon the goal of quick deployment of SDI technologies.

Let us instead rely on the proven worth of our strategic deterrent, pursue arms control talks with the Soviet Union, and keep SDI research at the reasonable level proposed in the Dellums-Boxer amendment.

□ 1140

The CHAIRMAN pro tempore (Mr. BRUCE). All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. DELLUMS].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KYL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 137, noes 286, not voting 8, as follows:

[Roll No. 152]

AYES—137

Ackerman	Gray	Panetta
Akaka	Hall (OH)	Payne (NJ)
Atkins	Hawkins	Pease
AuCoin	Hayes (IL)	Pelosi
Bates	Hertel	Perkins
Beilenson	Jacobs	Poshard
Berman	Johnson (SD)	Rahall
Bonior	Jones (NC)	Rangel
Boucher	Jontz	Roybal
Boxer	Kanjorski	Russo
Brennan	Kastenmeier	Sabo
Brooks	Kennedy	Sangmeister
Bruce	Kennelly	Savage
Bryant	Kildee	Sawyer
Campbell (CA)	Kleczka	Scheuer
Carper	Kolter	Schneider
Carr	LaFalce	Schroeder
Clay	Leach (IA)	Schumer
Conte	Lehman (CA)	Shays
Conyers	Lehman (FL)	Sikorski
Coyne	Leland	Skaggs
Crockett	Levin (MI)	Slaughter (NY)
DeFazio	Levine (CA)	Smith (FL)
Dellums	Lewis (GA)	Solarz
Dingell	Lowey (NY)	Staggers
Dixon	Markey	Stark
Dorgan (ND)	Matsui	Stokes
Downey	Mavroules	Studds
Durbin	McDermott	Swift
Dymally	McHugh	Synar
Early	Mfume	Torres
Eckart	Miller (CA)	Towns
Edwards (CA)	Mineta	Traficant
Engel	Moakley	Traxler
Espy	Moody	Udall
Evans	Morrison (CT)	Unsoeld
Feighan	Mrazek	Vento
Flake	Murphy	Visclosky
Foglietta	Nagle	Waxman
Ford (MI)	Neal (MA)	Weiss
Ford (TN)	Nowak	Wheat
Frank	Oakar	Williams
Garcia	Oberstar	Wolpe
Gejdenson	Obey	Wyden
Gephardt	Owens (NY)	Yates
Glickman	Owens (UT)	

NOES—286

Alexander	Bunning	Donnelly
Anderson	Burton	Dornan (CA)
Andrews	Bustamante	Douglas
Annunzio	Byron	Dreier
Anthony	Callahan	Duncan
Applegate	Campbell (CO)	Dwyer
Archer	Cardin	Dyson
Armey	Chandler	Edwards (OK)
Aspin	Chapman	Emerson
Baker	Clarke	English
Ballenger	Clement	Erdreich
Barnard	Clinger	Fascell
Bartlett	Coble	Fawell
Barton	Coleman (MO)	Fazio
Bateman	Coleman (TX)	Fields
Bennett	Combest	Fish
Bentley	Cooper	Flippo
Bereuter	Costello	Frenzel
Bevill	Coughlin	Frost
Bilbray	Cox	Gallegly
Bilirakis	Craig	Gallo
Bliley	Crane	Gaydos
Boehlert	Dannemeyer	Gekas
Boggs	Darden	Gibbons
Borski	Davis	Gillmor
Bosco	de la Garza	Gilman
Broomfield	DeLay	Gingrich
Browder	Derrick	Gonzalez
Brown (CA)	DeWine	Goodling
Brown (CO)	Dickinson	Gordon
Buechner	Dicks	Goss
Gradison	McCandless	Saxton
Grandy	McCloskey	Schaefer
Grant	McCollum	Schiff
Green	McCrery	Schulze
Guarini	McCurdy	Sensenbrenner
Gunderson	McDade	Sharp
Hall (TX)	McEwen	Shaw
Hamilton	McGrath	Shumway
Hammerschmidt	McMillan (NC)	Shuster
Hancock	McMillen (MD)	Sisisky
Hansen	McNulty	Skeen
Harris	Meyers	Skelton
Hastert	Michel	Slattery
Hatcher	Miller (OH)	Slaughter (VA)
Hayes (LA)	Miller (WA)	Smith (IA)
Hefley	Mollohan	Smith (MS)
Hefner	Montgomery	Smith (NE)
Henry	Moorhead	Smith (NJ)
Herger	Morella	Smith (TX)
Hiler	Morrison (WA)	Smith (VT)
Hoagland	Murtha	Smith, Denny (OR)
Hochbrueckner	Myers	
Holloway	Natcher	Smith, Robert (NH)
Hopkins	Neal (NC)	
Horton	Nelson	Smith, Robert (OR)
Houghton	Nielson	
Hoyer	Olin	Snowe
Hubbard	Ortiz	Solomon
Huckaby	Oxley	Spence
Hughes	Packard	Spratt
Hunter	Pallone	Stallings
Hutto	Parker	Stangeland
Inhofe	Parris	Stearns
Ireland	Pashayan	Stenholm
James	Patterson	Stump
Jenkins	Paxon	Sundquist
Johnson (CT)	Payne (VA)	Tallon
Johnston	Penny	Tanner
Jones (GA)	Petri	Tauke
Kaptur	Pickett	Tauzin
Kasich	Pickle	Thomas (CA)
Kolbe	Porter	Thomas (GA)
Kostmayer	Price	Thomas (WY)
Kyl	Pursell	Torricelli
Lagomarsino	Quillen	Upton
Lancaster	Ravenel	Valentine
Lantos	Ray	Vander Jagt
Laughlin	Regula	Volkmer
Leath (TX)	Rhodes	Vucanovich
Lent	Richardson	Walgren
Lewis (CA)	Ridge	Walker
Lewis (FL)	Rinaldo	Walsh
Lightfoot	Ritter	Watkins
Livingston	Roberts	Weber
Lloyd	Robinson	Weldon
Long	Roe	Whittaker
Lowery (CA)	Rogers	Whitten
Luken, Thomas	Rohrabacher	Wilson
Lukens, Donald	Rose	Wise
Machtley	Rostenkowski	Wolf
Madigan	Roth	Wylie
Manton	Roukema	Yatron
Marlenee	Rowland (CT)	Young (AK)
Martin (IL)	Rowland (GA)	Young (FL)
Martin (NY)	Saiki	
Mazzoli	Sarpalius	

NOT VOTING—8

Collins	Hyde	Molinari
Courter	Lipinski	Schuette
Florio	Martinez	

□ 1158

The Clerk announced the following pairs:

On this vote:

Mr. Martinez for, with Mr. Florio against.

Mrs. Collins for, with Mr. Courter against.

Mr. COX changed his vote from "aye" to "no."

Mr. SHAYS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1200

AMENDMENT OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. BRUCE). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BENNETT:

Strike out section 221(a) (page 48, line 21 through page 49, line 2) and insert in lieu thereof the following:

(a) FISCAL YEAR 1990.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1990, not more than $2,844,500,000 may be obligated for the Strategic Defense Initiative. The amount provided in section 201 for Defense Agencies is hereby reduced by $693,500,000.

Strike out section 3103(a) (page 338, lines 11 through 18) and insert in lieu thereof the following:

(a) PROGRAMS, PROJECTS, AND ACTIVITIES OF THE DEPARTMENT OF ENERGY RELATING TO THE STRATEGIC DEFENSE INITIATIVE.—Of the funds appropriated to the Department of Energy for fiscal year 1990 for operating expenses and plant and capital equipment, not more than $245,000,000 may be obligated or expended for programs, projects, and activities of the Department of Energy relating to the Strategic Defense Initiative.

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. BENNETT] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair will inquire, is the gentleman from Alabama [Mr. DICKINSON] in opposition to the amendment?

Mr. DICKINSON. I am, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Alabama will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I support strategic defense, but in the case of SDI, less may just be more. A cut in the SDI budget could actually be a plus for the program. It would lengthen the time horizon for deployment, to be sure, I readily admit that, but it could also lift the sights of SDI's managers to a further horizon, causing them to concentrate more on longer term technologies, like the free electron laser that held the promise perhaps of providing a strategic defense, and lesson near term choices, like Zenith Star and Brilliant Pebble, which are not survivable and probably will not be cost effective.

Second, in my opinion, we need to go in low, at the level of Bennett-Ridge, to come out of conference at about where SDI ought to be. At this level the SDI budget is likely to be flattened out or a little less for the next couple of years or for next year at least. The Bush administration wants to spend $32 billion over the next 5 years on SDI, $6 billion in 1992, $7 billion in 1993, and $8 billion in 1994.

Mr. Chairman, by voting for Bennett-Ridge, we position ourselves for conference and serve notice on the administration to bring this futuristic program down into the world of budget reality.

Mr. DICKINSON. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, this is not the first time we have had this debate.

Mr. Chairman, the purpose of this amendment, I think, is laudible. The gentleman from Florida [Mr. BENNETT] would like to see more funds allocated to the conventional weaponry of this country and less to our strategic defense. As far as increasing our conventional weapons capability, it is true and it is fact that we need to do more. We have neglected it in the past, and we need to do more.

For the Army, we have cut back on our production of tanks and we are decimating Army aviation by terminating the AHIP and the Apache helicopters.

Yes, we need more funds. The problem is, however, that we are taking them from the wrong source. Each year we make a run at SDI, and SDI becomes a "cash cow;" a pool to dip into to fund various other programs. There comes a point when, if we keep embezzling from this particular program, we are going to kill it.

Everyone who has spoken on SDI, whether they are for or against a funding cut, recognizes that it is essential for us to continue with robust research and development, and to continue to work to prove its feasibility. At a minimum, this is necessary to force the Soviets to negotiate with us seriously in Geneva. We would not have had an INF Treaty if we had not deployed the Pershing II's and GLCM's which brought the Soviets to the table. We deployed the capability, they came to the table, and they negotiated with us.

What we are doing here is sytematically killing the SDI Program by "nickel-and-diming" it to death. The causes we are funding, whether it be toxic cleanup, whether it be drug wars, or whether it be contentional armaments are worthwhile. But we are killing the SDI Program in the meantime.

Mr. Chairman, I urge the Members to support the committee position and vote against the $3.1 billion Bennett amendment. Let us at least maintain the committee position of $3.5 billion, which is still negative spending over last year's budget.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. HOCHBRUECKNER].

Mr. HOCHBRUECKNER. Mr. Chairman, let me remind my colleagues that I come from an engineering background, and I look at things from a very practical point of view. As we all know, we have listened to this debate enough to know that star wars or SDI was sold as an impenetrable shield that would protect the American people. That is no longer the goal of the program.

The fact of the matter is that today star wars is merely another form of deterrence. Its present purpose is to protect our missiles from attack by other missiles, so that American people have very little in SDI to protect them directly. If we want more deterrence, we should buy more deterrence, but there are less expensive ways to buy more deterrence than fielding SDI. Buy the Midgetman or other missiles, what-have-you. We do not need to support star wars to the extent requested.

I realize that we must avoid technological surprise on the part of the Russians. Therefore, it makes sense to continue a robust research effort. Clearly, the $3.1 billion is more than enough funding to provide a continuing appropriate research program for star wars.

Mr. Chairman, I support the Bennett amendment, and I hope all the Members will support that amendment.

Mr. DICKINSON. Mr. Chairman, I yield one minute to the gentleman from California [Mr. HUNTER].

□ 1210

Mr. HUNTER. Mr. Chairman, the gentleman from New York [Mr. HOCHBRUECKNER] who preceded me and many others talked about deterrence and buying deterrence. Deterrence requires one prime ingredient. It requires rationality on the part of one's adversary, and we have always hoped for that rationality in the Politburo in Moscow, but we have to look now for deterrence not to Moscow. We have to look in the near future, I think, to Libya. We may be looking to North Korea.

In fact, Mr. Chairman, our projections by our intelligence agencies tells us that by the year 2000 some 15 nations will have intercontinental ballistic missile capability. That means a deterrence that might have worked with the Soviet Union may not work in Libya. It may not work in North Korea. It may not work in China.

Mr. Chairman, SDI is an experiment to see if defense will work. We have to spend the money to get the answers, and I would urge my colleagues to deny this amendment to take us below the House position.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. Mr. Chairman, the Bennett amendment is not only the com-

promise position on this issue. It really is the only one that makes sense.

Three years ago we were looking at forecast funding for the SDI program of 5, 6, 7 and even $8 billion. It is interesting that this year for the first time even the administration has pulled back some. The gentleman from Arizona [Mr. KYL] is only talking 4.1 billion, and the reason for that is that the plan for SDI never did support funding much over the $3 billion level.

Mr. Chairman, it is also true that the Armed Services Committee of the Senate has passed 4.5 billion. Bennett is at 3.1. I say to my colleagues, "You compromise those two, you get 3.8, and that's not only enough for the research to continue at 3 billion, but it even supplies money for whatever promotional activities seem to be necessary."

Mr. Chairman, this is the commonsense provision. I hope that Members of the House in general will take a look at it. It makes sense. It supports the research. It stabilizes the program at a level that is plenty adequate for all purposes.

Mr. DICKINSON. Mr. Chairman, I yield my remaining 1½ minutes to the gentleman from Arizona [Mr. KYL].

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of the strategic defense initiative and the amendment offered by Mr. KYL of Arizona to fund the SDI at its fiscal year 1989 level of $3.8 billion. I am strongly opposed to the Dellums-Boxer amendment which, in reality, kills the SDI Program and the Bennett amendment which further reduces critical SDI funding.

It should be recognized that the Armed Services Committee has already slashed SDI funding by 22 percent authorizing only $3.8 billion of the administration's requested $4.9 billion. If we are to provide America with the strategic defense shield it needs, which I strongly believe we should, we must provide realistic, sufficient funding for the program. The Kyl amendment does just that.

The concept of pursuing defenses is not new. In fact, it is wholly consistent with deterrence. It was actually being pursued during the Carter administration, but not in a very comprehensive or cohesive way. The reasoning behind the SDI is very logical and responsible. The policy of mutually assured destruction [MAD] has worked so far, but the costs of a potential breakdown are too great. I believe it is far safer and certainly less threatening to protect America with a shield rather than rely on the sword of nuclear holocaust as we presently do. In addition, an effective strategic defense can enhance deterrence by greatly complicating the war plans of the attacking nation. If greater uncertainty about the outcome of initiating such an attack can be achieved, defenses will have contributed to deterrence and stability.

Many of my colleagues believe the answer to strategic security lies not with the SDI but only in reaching further arms control agreements. Unfortunately, history has proven that arms control agreements alone do not provide security and safety. Recent Soviet violations of arms control agreements—accords we unilaterally uphold—dictate that we back up arms control with some sort of insurance. The SDI provides that. Examining the track record of Soviet compliance—or lack thereof—with arms control agreements dictates that realism, not blind trust, will lead to successful, effective arms control measures equally beneficial to both sides.

Critics assert that the SDI cripples arms control. This is not true. Obviously the Soviets believe that the two, arms control and strategic defense, go together. They are pursuing both. I will give Mikhail Gorbachev credit for what he is trying to do and for the slick PR work he has done. His propaganda against our defensive efforts have pulled the wool over the eyes of many. In discrediting our legitimate defensive needs, he has managed to distract attention from his own, greater, more intensive strategic defense system. Within the last decade the CIA estimates that the Kremlin has spent over $150 billion on it's version of the SDI. During an interview with "NBC News" General Secretary Gorbachev admitted that the Soviets are working on their own SDI. According to respected Soviet dissident scientists, including some we in Congress helped emigrate, the Soviets devote much more of its efforts and resources into its SDI Program than we do into ours. They also warned that the Soviet Union would likely continue to proceed with its SDI even if it signed an agreement not to. They recommended that we not yield on development of the strategic defense peace shield.

In addition, the Soviets continue to strengthen their antiballistic missile capability, often in violation of the ABM Treaty. The Krasnoyarsk radar clearly proves that. The development of a two-layer ABM system, modernization of the galosh ABM system around Moscow and advances in laser technology also indicate that regardless of the ABM treaty, the Soviets are moving along rapidly toward deploying their SDI while we debate about funding research and development of our system. In fact, Soviet ballistic missile defense activities are so extensive that Moscow now has the potential to break out of the ABM Treaty much more rapidly than the United States can respond. Incidentally, our SDI Program remains, by law, within the confines of the ABM Treaty.

SDI has enhanced arms control. As Zbigniew Brzezinski, President Carter's National Security Advisor, said, the Soviets would not even be at the negotiating table with us had it not been for President Reagan's commitment to the SDI. The SDI is a very promising arms control mechanism. By providing a defensive shield, it reduces the need for nuclear missiles making reduction agreements—like the ongoing start talks to cut our strategic nuclear arsenals in half—more attractive and obtainable. The SDI coupled with arms reductions makes the argument that the Soviets can overwhelm our defense moot. Even at partial effectiveness, the SDI denies any power the ability to carry out a successful first strike, thereby even further enhancing deterrence and making arms reduction proposals more acceptable. To those who still disagree I point out that over the past few years we have made real progress in arms reduction—the INF Treaty and new progress on START and conventional arms cuts. All this has happened while we have been pursuing the SDI.

Clearly the SDI has helped, not hurt arms control. And, that's only natural because SDI works best with arms control and vise-versa. However, if we were to damage the SDI Program by further cuts, as advocated by the Bennett amendment or the killer Dellums/Boxer amendment, we are weakening the position of our negotiators in Geneva and lessening the chances for real progress on start and other agreements.

With Gorbachev's new policies of Glasnost and Peristroika, some believe the Soviets and their nuclear missiles to be less of a threat. While encouraging rhetoric is coming from behind the Iron Curtain, the Soviets continue to modernize and expand their war machine—including their strategic nuclear weapons systems. Furthermore, as recent events in China have shown, the reforming Communist Government can quickly and harshly reverse themselves. It is important for us to remain strong and maintain a credible defense.

While many focus on the threat from the Soviets, the SDI is critical to American security because we also face other nuclear missile threats. The chaotic events in China further underscore the need for SDI. The same leaders who ordered the massacre in Tiananmen Square also control China's strategic nuclear arsenal. Of even greater concern is the control, or possible lack thereof, over China's nuclear weapons should the present or some future political turmoil factionalize the military and top Communist leadership. While the power struggles and factionalization apparently have been kept to a manageable level at this time, the history of chaos and violence associated with governing Communist China and the real potential for future anarchy provide very valid and serious reasons for the SDI.

Other countries around the globe are also developing ballistic missiles. While some of these countries do not, at present, have nuclear weapons some do have chemical and biological weapons. Both Iraq and Iran are developing missiles and both have used chemical weapons. The SDI would provide protection against any threats posed by these missiles—whether they were armed with nuclear, chemical, biological or conventional warheads.

Today the United States has absolutely no protection against ballistic missiles. We have no way to protect against any of the threats I've mentioned. Again, the SDI would provide that protection.

Some critics claim the SDI will not work. However, great strides have been made in our ability to track and intercept missiles before they reach their targets in many different stages of flight. In this debate, opponents of the SDI will cite Nobel laureats and other distinguished physicists in arguing that the SDI is neither feasible nor safe. I urge my colleagues to carefully examine the details of the reports they are quoting. Unfortunately, many are flawed in important respects and include misleading information. Last year during debate on the SDI, I provided members with an article

detailing these flaws. I stand ready to share it again this year.

Throughout history there have been expert nay-sayers who argued we could never fly, make a steam engine, or reach the Moon. They were wrong. I submit that many of today's critics fall into that same category.

Since President Reagan proposed the SDI, we have continued to make outstanding progress. Now is not the time to stop. It is important for us to continue to show the world that we are committed to peace and security based on full armor—a shield and a small sword, not just the sword. I strongly urge my colleagues to support the Kyl amendment and oppose the Dellums/Boxer and Bennett amendments.

Mr. KYL. Mr. Chairman, I thank the gentleman from Alabama [Mr. DICKINSON] for yielding.

Mr. Chairman, I rise in opposition to this amendment. The choice now is between the Bennett amendment at $2.8 billion and the committee mark of $3.5 billion. I think we ought to support the committee mark of $3.5 billion and reject the Bennett amendment.

Mr. Chairman, my colleague, the gentleman from South Carolina [Mr. SPRATT] said that at this juncture we have to make a decision whether to fund the short-term SDI Program or the long-term SDI Program.

My colleagues, that is not really a choice presented by the Bennett level. As a matter of fact, the gentleman from New York [Mr. HOCHBRUECKNER], our colleague, just confirmed that point when he said that the Bennett amendment will allow enough funding for a basic research program. That is correct, but I think it will allow precious little more than that.

As a result, Mr. Chairman, I do not think we can say that we are going to be funding a robust SDI Program with the Bennett level. As a matter of fact, according to the Department of Defense, the potential impacts on long-term projects like the chemical laser, the free-electron laser and the neutral particle beam are to cancel all three of those programs, and those are all long-range programs.

So, let us not be deceived. This level of funding will not permit us to move forward. It provides essentially for a basic level of research only.

Mr. Chairman, in conclusion, the Bennett amendment is not the compromise position. Last year SDI was funded at a little bit over $4 billion. The Senate's position this year in the committee was $4.3 billion. The House committee mark is $3.5 billion, and the Bennett amendment is $2.8 billion.

Mr. Chairman, the Bennett amendment is not the compromise at this point. The Bennett amendment is the low mark. I urge my colleagues to support the Committee on Armed Services' mark, the level that the Committee on Armed Services overwhelmingly voted to support at $3.5 billion, by rejecting the Bennett amendment of $2.8 billion.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, in the few moments I have in this debate I would like to share a few thoughts with my colleagues.

Right now the SDI Program consumes about 10 percent of the Pentagon's research budget. If we let the proposed funding escalation occur over the next 4 years, it will be in excess of 20 percent of all the Pentagon's research.

What the gentleman from Florida [Mr. BENNETT] tries to do in a reasonable, rationale way is put a cap on it, provide some stable funding so that research for this year, and hopefully foreseeable years, is around 10 percent.

The gentleman from Florida [Mr. BENNETT] and I are not dictating the research that should be done. We are not trying to micromanage. We are just saying to them, "You're going to realize funding somewhere between $3.1 billion and $4.5 billion. You know what needs to be done for short-term or long-term deployment. You must prioritize, make a decision, but you can't fund everything."

Mr. Chairman, we think there is certainly enough money in that range, between $3.1 and $4.5 billion, for the Pentagon to engage in a long-term research program with short-run deployment possibilities. My colleagues, politicians and generals can say what they want for SDI, but it is clear that we should only listen to the scientists to identify what they need. The scientific community will say that they need what the gentleman from Florida [Mr. BENNETT] has suggested, $3.1 billion. I urge my colleagues to support his amendment.

Mr. BENNETT. Mr. Chairman, I yield myself the remaining 1 minute to close the debate.

Mr. Chairman, this amendment of 3.1 is arrived at after hearings, after study, as being the proper figure. It is actually a little more generous than the evidence that we had before as to what is needed for a good SDI research program. It is not something picked out of space. It is based upon hearings which were actually had.

Mr. Chairman, we feel like the action of the Joint Chiefs of Staff spoke eloquently on this matter when they chose the least of the alternatives which were offered to them for support for research of SDI, and my colleagues will note this amendment does not do any micromanaging at all. All the micromanagement that has been done on this floor today has been done by people who oppose this amendment. They have suggested things will have to be cut, but this amendment does not suggest that at all. It leaves the alternatives with the actual management of SDI.

Mr. Chairman, I think this is a reasonable amendment, and I hope it will overwhelmingly pass.

Mr. FAZIO. Mr. Chairman, I rise today in strong support of the Bennett-Ridge-Fazio-Olin-Shays-Hochbrueckner amendment to the Department of Defense authorization bill for fiscal year 1990.

The Bennett-Ridge amendment provides $3.1 billion for the strategic defense initiative [SDI]. This represents a reduction of $700 million from the funding level reported by the Armed Services Committee and $1.7 billion from the administration's request. This bipartisan amendment will allow for a generous research and development program without sacrificing modernization of our conventional forces. Scientists associated with the SDI program testified that $2 billion to $3 billion per year is adequate for research in advanced weapon technology. In addition, earlier this year, the Joint Chiefs of Staff recommended a much lower level of appropriations for the SDI program than was advocated by civilian Defense Department officials. It is clear that $4.8 billion for SDI is unrealistic and unncessary.

As Co-Chairman of last year's task force on the Strategic Defense Initiative, I had the opportunity to hear from knowledgeable experts on strategic defense. After 6 months of hearings, meetings and intensive research, the task force developed a number of recommendations. I believe it is important to remember one particular conclusion:

Funding for this research must be based on a realistic assessment of priorities within the defense budget and must not undercut more pressing defense needs, particularly in areas of conventional force improvements. All of our defenses are a deterrent against war; funds spent on strategic defense will be funds not spent to strengthen other forces.

Our amendment today to reduce SDI to $3.1 billion represents a commitment to research which will allow us to maintain our Nation's qualitative advantage in this critical area, while simultaneously maintaining our commitments to other vital defense programs.

I urge my colleagues to support the amendment.

The CHAIRMAN pro tempore (Mr. BRUCE). All time has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. BENNETT].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BENNETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 248, noes 175, not voting 8, as follows:

[Roll No. 153]

AYES—248

Ackerman	Applegate	Bennett
Akaka	Aspin	Bereuter
Alexander	Atkins	Berman
Anderson	AuCoin	Bilbray
Annunzio	Bates	Boggs
Anthony	Beilenson	Bonior

Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Coble
Conte
Conyers
Cooper
Costello
Coughlin
Coyne
Crockett
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Goodling
Gordon
Grandy
Grant
Gray
Green
Guarini
Hall (OH)
Hamilton
Hawkins
Hayes (IL)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Horton
Hoyer
Hubbard
Huckaby
Hughes
Jacobs
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lightfoot
Long
Lowey (NY)
Luken, Thomas
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Moakley
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Porter
Poshard
Price
Pursell
Rahall
Ray
Regula
Ridge
Roe
Rose
Rostenkowski
Roukema
Roybal
Russo
Sabo
Saiki
Sangmeister
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shays
Sikorski
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (VT)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NOES—175

Andrews
Archer
Armey
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bentley
Bevill
Bilirakis
Bliley
Boehlert
Broomfield
Browder
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Clinger
Coleman (MO)
Coleman (TX)
Combest
Cox
Craig
Crane
Dannemeyer
Darden
Davis
DeLay
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Dyson
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Flippo
Frenzel
Gallegly
Gallo
Gekas
Gillmor
Gilman
Gingrich
Goss
Gradison
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Herger
Hiler
Holloway
Hopkins
Houghton
Hunter
Hutto
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Kasich
Kolbe
Kyl
Lagomarsino
Laughlin
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Lowery (CA)
Lukens, Donald
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Michel
Miller (OH)
Miller (WA)
Mollohan
Montgomery
Moorhead
Morrison (WA)
Murtha
Myers
Nelson
Nielson
Oxley
Packard
Parker
Parris
Pashayan
Patterson
Paxon
Pickett
Pickle
Quillen
Ravenel
Rhodes
Richardson
Rinaldo
Ritter
Roberts
Robinson
Rogers
Rohrabacher
Roth
Rowland (CT)
Rowland (GA)
Sarpalius
Saxton
Schaefer
Schiff
Shaw
Shumway
Shuster
Sisisky
Skeen
Skelton
Slaughter (VA)
Smith (MS)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stearns
Stump
Sundquist
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Whittaker
Whitten
Wilson
Wolf
Wylie
Young (AK)
Young (FL)

NOT VOTING—8

Collins
Courter
Florio
Hyde
Lipinski
Molinari
Rangel
Schuette

□ 1236

Mr. KLECZKA changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. It is now in order to consider the amendments relating to the SDI add-backs printed in part 1 of House Report 101-168, by, and if offered by, the following Members or their designees, which shall be considered in the following order only: by Representative BENNETT; by Representative SPRATT; and by Representative MAVROULES.

AMENDMENT OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BENNETT: Page 36, after line 16, insert the following new section:

SEC. 128. INCREASED FUNDING FOR PROCUREMENT OF CONVENTIONAL FORCES FOR FISCAL YEAR 1990.

(a) ARMY AIRCRAFT PROCUREMENT.—The amount specified in section 101 for Army aircraft procurement is hereby increased by $47,000,000, to be available for procurement of additional spare parts and supplies needed during fiscal year 1990 to repair Army helicopters damaged in recent storms.

(b) ARMY MISSILE PROCUREMENT.—The amount specified in section 101 for Army missile procurement is hereby increased by $41,000,000, to be available for procurement of conventional, nonchemical munition Multiple-Launch Rocket System (MLRS) rockets.

(c) ARMY AMMUNITION PROCUREMENT.—The amount specified in section 101 for Army ammunition procurement is hereby increased by $30,000,000, to be available for procurement of conventional ammunition war reserve stocks and training rounds.

Page 48, after line 17, insert the following new section:

SEC. 208. INCREASED FUNDING FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR CONVENTIONAL FORCES FOR FISCAL YEAR 1990.

The amount specified in section 201 for research, development, test, and evaluation for Defense Agencies is hereby increased by $32,000,000, to be available for the Balanced Technology Initiative.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Florida [Mr. BENNETT] will be recognized for 7½ minutes, and the gentleman from Arizona [Mr. KYL] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, this bipartisan amendment is offered by myself and Congressmen TOM RIDGE, VIC FAZIO, JIM OLIN, GEORGE HOCHBRUECKNER, and CHRISTOPHER SHAYS. It is a special pleasure to work with the gentleman from Pennsylvania, TOM RIDGE, who is an infantry soldier like myself, and who has contributed enormously to our national defense.

Our amendment would add back $150 million for important conventional forces. It would not compete for dollars with any other add-back amendment which will be considered later today.

Since this is a modest amendment, I would like to emphasize that about $1 billion was already cut from the SDI budget request in committee, which used those funds for conventional forces in two ways. First, some $400 million went to new initiatives, including technology base enhancements that will allow breakthroughs in the capability of our conventional forces. Second, and more importantly, the general availability of the $1 billion from SDI meant that the committee could fund many more conventional forces than would have been true otherwise. These include the F-14D, the V-22, the Guard and Reserve enhancements, and others. Some of these might not have been possible if SDI hadn't been reduced by $1 billion in committee.

The amendment we are offering today was crafted to respond to the priorities of our military. Our top soldier, the chairman of the Joint Chiefs of Staff, Admiral Crowe, testified to

the Armed Services Committee April 25 that:

> The most glaring weakness in our global posture is our inability of adequately defend Western Europe conventionally.

Our amendment would add funds for four conventional items. These were chosen because they are high military priorities, because they are procurement success stories, and because they make sense in an era of tight budgets and possible arms control.

First, the amendment would provide full funding, $47 million, to repair Army helicopters damaged by the severe storms at Fort Hood, TX, on May 13, 1989. The Army has made an urgent request to Congress for these funds. Because the storm happened after the President's budget came to Congress, the bill as reported contains no money for this important item. Our amendment would fully fund repair of these helicopters.

Second, the amendment would restore funding for MLRS Army artillery rockets closer to last year's level. The MLRS rocket is the Army's best artillery fire support weapon, and the Army has recently doubled its requirement for these rockets from 400,000 to 800,000. But the bill as reported would halve procurement of MLRS rockets compared to last year. The most efficient rate or procurement of these rockets is 72,000 per year. But the budget request and the bill as reported would procure MLRS rockets at an extremely inefficient rate—24,000 per year. This stretchout would cause a 21-percent increase in the cost of each rocket compared to last year.

The amendment increases funding for these rockets by $41 million, enough to boost rocket procurement to almost 30,000 per year.

Third, the amendment restores some funds, $30 million, for Army ammunition. Army ammunition was cut in the budget request and bill by $300 million compared to last year. Since 1985, funding for ammunition procurement has declined by almost 50 percent after inflation. As a former infantry soldier, I assure you that having enough ammunition should be a No. 1 concern of our defense posture. However, Gen. Thomas Richards, the Deputy Commander in Chief of the U.S. European Command, has testified to Congress that: "all the services—Army, Navy, Air Force, Marine Corps—all have shortages, severe shortages of preferred munitions."

That is why our amendment would add some money, and leave it up to the Army to decide which type of conventional ammunition most needs an increase.

Fourth, the amendment would restore funds for the Balanced Technology Initiative [BTI], a conventional weapons research program started in 1986 by Senator SAM NUNN and myself. Our amendment adds $32 million to bring the total BTI funding back to the original funding level requested by President Reagan, $238 million, before reductions in the Bush budget request.

The BTI was started as a counter to SDI, which had been gobbling up military research funds. The purpose of the BTI is to address gaps in our conventional defense by applying breakthrough technologies that potentially render obsolete entire elements of the enemy defense structure.

I hope Members can support this amendment.

□ 1240

Mr. KYL. Mr. Chairman, I yield back the balance of my time.

Mr. BENNETT. Mr. Chairman, I yield the remainder of my time to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, this amendment is as important for what it says as for what it does. I would like to just share a few thoughts with Members about it.

Clearly the gentleman from Florida [Mr. BENNETT] and I are trying to restore some dollars to provide for funding in the conventional arena. We are preoccupied today and tomorrow with very, very expensive, high-technology, very sophisticated, complex equipment and the procurement of that equipment. The gentleman from Florida and I feel that during the defense debate over the past 3 or 4 years we have truly lost sight of what should be an equally important priority, and that is our conventional fighting capability.

One of the four items contained in the Bennett amendment, and one of the four items that we are trying to restore, ladies and gentlemen, is basic ammunition. We will talk about $3 billion or $4 billion for SDI, and we are going to talk about $500 million for each Stealth bomber. But while these debates have been going on the past couple of years, we have seen a depletion of our ammunition stores in NATO. So what the gentleman from Florida is trying to do is bring us back to Earth to think about our conventional capability.

Ultimately the soldier in any kind of conflict must take and retain ground. It is the toughest physical and psychological warfighting mission. If you are engaged in combat, your ultimate mission is to take and retain ground.

We can talk about SDI and we can talk about Stealth bombers, and we can talk about a lot of other expensive strategic and nuclear systems, but we also better start talking about readiness, we had better start talking about sustainability, we had better start talking about what kind of equipment we give to those men who are conventional fighters, who have the toughest, the most important mission in the Department of Defense.

One of my personal frustrations throughout the defense debate over the past 3 or 4 years has been the absence of any interest in this body to provide our infantry with an effective light antitank weapon, a light, shoulder-held antitank weapon. That is not real sexy, not too many headlines are written for those with an interest in conventional armaments. Next to his M-16 or whatever rifle he may employ, the antitank weapon is the most important piece of equipment an infantry soldier can carry. A few of us have tried for 3 years to convince them to have a test of the six or seven available antitank weapons in the world today. We want them to be tested under realistic, live fire conditions, and then we want the best one purchased and delivered to our soldiers.

I would just congratulate the gentleman from Florida [Mr. BENNETT] for elevating in this very small but significant way the whole question of conventional capability and urge my colleagues to support this amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the amendment offered by the gentleman from Florida [Mr. BENNETT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BENNETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 375, noes 43, not voting 13, as follows:

[Roll No. 154]

AYES—375

Ackerman	Brown (CA)	Dixon
Akaka	Brown (CO)	Donnelly
Alexander	Bruce	Dorgan (ND)
Anderson	Bryant	Dornan (CA)
Andrews	Buechner	Douglas
Annunzio	Bunning	Downey
Anthony	Burton	Dreier
Applegate	Bustamante	Duncan
Archer	Byron	Durbin
Armey	Callahan	Dwyer
Aspin	Campbell (CO)	Dyson
Atkins	Cardin	Eckart
AuCoin	Carr	Edwards (CA)
Baker	Chapman	Edwards (OK)
Ballenger	Clarke	Emerson
Barnard	Clay	Engel
Bartlett	Clement	English
Barton	Clinger	Erdreich
Bateman	Coble	Espy
Bennett	Coleman (MO)	Evans
Bentley	Coleman (TX)	Fascell
Bereuter	Combest	Fawell
Berman	Conte	Fazio
Bevill	Cooper	Feighan
Bilbray	Costello	Fields
Bilirakis	Cox	Fish
Bliley	Craig	Flake
Boehlert	Crane	Foglietta
Boggs	Dannemeyer	Ford (MI)
Bonior	Darden	Ford (TN)
Borski	Davis	Frank
Bosco	de la Garza	Frost
Boucher	DeLay	Gallegly
Boxer	Derrick	Gallo
Brennan	DeWine	Garcia
Brooks	Dickinson	Gaydos
Broomfield	Dicks	Gekas
Browder	Dingell	Gephardt

Gibbons	Matsui	Sarpalius
Gillmor	Mavroules	Sawyer
Gilman	Mazzoli	Saxton
Gingrich	McCandless	Schaefer
Glickman	McCloskey	Schiff
Gonzalez	McCollum	Schneider
Gordon	McCrery	Schroeder
Goss	McCurdy	Schulze
Gradison	McDade	Schumer
Grandy	McDermott	Sharp
Grant	McEwen	Shaw
Gray	McGrath	Shays
Green	McHugh	Shuster
Guarini	McMillan (NC)	Sikorski
Gunderson	McMillen (MD)	Sisisky
Hall (OH)	McNulty	Skaggs
Hall (TX)	Meyers	Skeen
Hamilton	Mfume	Skelton
Hammerschmidt	Michel	Slattery
Hansen	Miller (CA)	Slaughter (NY)
Harris	Miller (OH)	Slaughter (VA)
Hastert	Miller (WA)	Smith (FL)
Hatcher	Mineta	Smith (IA)
Hawkins	Moakley	Smith (MS)
Hayes (IL)	Mollohan	Smith (NE)
Hayes (LA)	Montgomery	Smith (NJ)
Hefley	Moorhead	Smith (TX)
Hefner	Morella	Smith (VT)
Hertel	Morrison (CT)	Smith, Denny (OR)
Hiler	Morrison (WA)	Smith, Robert (OR)
Hoagland	Mrazek	Snowe
Hochbrueckner	Murphy	Solarz
Hopkins	Murtha	Spence
Horton	Myers	Spratt
Houghton	Nagle	Staggers
Hoyer	Natcher	Stallings
Hubbard	Nelson	Stangeland
Hughes	Nielson	Stark
Hunter	Nowak	Stearns
Hutto	Oakar	Stenholm
Inhofe	Oberstar	Stokes
Ireland	Olin	Studds
Jacobs	Ortiz	Stump
James	Owens (UT)	Sundquist
Jenkins	Oxley	Swift
Johnson (CT)	Packard	Synar
Johnson (SD)	Pallone	Tallon
Johnston	Panetta	Tanner
Jones (GA)	Parker	Tauzin
Jontz	Parris	Thomas (CA)
Kanjorski	Pashayan	Thomas (GA)
Kaptur	Patterson	Thomas (WY)
Kasich	Paxon	Torres
Kennedy	Payne (NJ)	Torricelli
Kennelly	Payne (VA)	Towns
Kildee	Pease	Traficant
Kleczka	Pelosi	Traxler
Kolbe	Penny	Udall
Kolter	Perkins	Unsoeld
Kostmayer	Pickett	Upton
Kyl	Pickle	Valentine
Lagomarsino	Poshard	Vander Jagt
Lancaster	Price	Visclosky
Lantos	Pursell	Volkmer
Laughlin	Quillen	Vucanovich
Leach (IA)	Rahall	Walgren
Leath (TX)	Rangel	Walsh
Lehman (CA)	Ravenel	Watkins
Lehman (FL)	Ray	Waxman
Lent	Regula	Weber
Levin (MI)	Rhodes	Weldon
Levine (CA)	Richardson	Wheat
Lewis (CA)	Ridge	Whittaker
Lewis (FL)	Rinaldo	Whitten
Livingston	Ritter	Williams
Lloyd	Roberts	Wilson
Long	Robinson	Wise
Lowery (CA)	Roe	Wolf
Lowey (NY)	Rogers	Wolpe
Luken, Thomas	Rohrabacher	Wyden
Lukens, Donald	Rose	Wylie
Machtley	Rostenkowski	Yates
Madigan	Roukema	Yatron
Manton	Rowland (CT)	Young (AK)
Markey	Rowland (GA)	Young (FL)
Marlenee	Russo	
Martin (IL)	Sabo	
Martin (NY)	Saiki	

NOES—43

Bates	Conyers	Dellums
Bellenson	Coughlin	Dymally
Campbell (CA)	Coyne	Early
Carper	Crockett	Frenzel
Chandler	DeFazio	Gejdenson
Goodling	Neal (MA)	Sensenbrenner
Hancock	Obey	Shumway
Henry	Owens (NY)	Smith, Robert (NH)
Herger	Petri	Solomon
Holloway	Porter	Tauke
Huckaby	Roth	Vento
Kastenmeier	Roybal	Walker
LaFalce	Sangmeister	Weiss
Lewis (GA)	Savage	
Lightfoot	Scheuer	

NOT VOTING—13

Collins	Jones (NC)	Moody
Courter	Leland	Neal (NC)
Flippo	Lipinski	Schuette
Florio	Martinez	
Hyde	Molinari	

□ 1305

Mr. LEWIS of Georgia changed his vote from "aye" to "no."

Mr. SMITH of Vermont changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SPRATT:

In title XXXI, page 327, line 25, strike out: "$1,119,639,000, to be allocated as follows:" and insert in lieu thereof "$1,419,639,000. Of that amount, $1,119,639,000 shall be allocated as follows:".

The CHAIRMAN pro tempore. Under the rule, 15 minutes of debate is allowed on this amendment, 7½ minutes on each side.

The Chair recognizes the gentleman from South Carolina [Mr. SPRATT] for 7½ minutes in support of his amendment.

Mr. SPRATT. Mr. Chairman, the effect of this amendment is to add $300 million for defense, waste, and environmental restoration in the DOE Department of Energy component of this Defense Authorization bill.

That means we will be appropriating, authorizing next year $1,636,000,000 for defense, waste, and environmental restoration. In effect, closing the loop.

The Committee on the Budget first came to the floor with a budget resolution, accompanied by a committee report, recommending that we plus up this account by $300 million. Our committee followed suit and looked favorably, the subcommittee on energy and water development of the Committee on Appropriations has already beat Members to the punch. They brought to the floor a bill which provided for a $5 million increase in these accounts.

Our bill contains $35 million of that in the way of authorization. We are now providing the $300 million addition to it. This particular amendment affects States all over the United States. There are 17 States where the defense production complex for nuclear materials are located including Washington State, California, Colorado, Idaho, South Carolina, Tennessee and Ohio.

One of those States is Tennessee, and I yield 1 minute to the gentlewoman from Tennessee [Mrs. LLOYD]

Mrs. LLOYD. Mr. Chairman, I rise in support of the amendment offered by my colleague from South Carolina to increase funding for the Department of Energy's defense waste management and environmental restoration account by $300 million.

Solving the waste management and environmental problems associated with the Department of Energy's nuclear weapons complex will require tremendous dedication from the Department, as well as billions of dollars from Congress over the next two decades. Secretary of Energy, Admiral Watkins, has pledged to devote the time and energies of his Department to solving its environmental problems. He has promised to usher in a new era at DOE, an era in which environmental concerns are as important as production of nuclear materials. For this the Secretary deserves high praise and our full support.

The Oak Ridge DOE complex has been working very hard since 1983 to correct its environmental problems. The Department has been successful in changing attitudes about waste handling and caring for the environment on the Oak Ridge reservation. DOE instituted a waste minimization program throughout the Oak Ridge operations. Oak Ridge has performed at a commendable level considering the financial limitations we have placed on them. It is time that we give Oak Ridge and other DOE facilities working to solve their environmental problems the resources they need to get the job done.

We can begin today by agreeing to this amendment and adding $300 million to the Department's defense waste and environmental restoration account. This would increase the total funding in this account to just over $1.6 billion. Secretary Watkins has announced his support for congressional efforts to add $300 million to the cleanup account. This measure is also supported by the Armed Services Committee, and by passing this amendment we would bring the authorizing legislation into agreement with the appropriations legislation, which provided for an additional $300 million for the cleanup account.

It is no longer possible for DOE to place production goals ahead of environmental considerations when operating facilities in the nuclear weapons complex. Our national security requires that both be given equal time and consideration. Secretary Watkins has pledged to do so. By passing this amendment, the Congress will be

pledging its support for this goal and giving the Secretary the resources he needs to carry it out.

If we are serious about wanting the weapons complex cleaned up, and if we plan to hold DOE responsible for that activity, it is critical that we give the Department the support, tools, and most importantly, the funding to carry out that mission. Mr. Chairman, I urge my colleagues to support this amendment.

□ 1310

The CHAIRMAN pro tempore (Mr. DURBIN). The Chair will inquire, does the gentleman from Alabama [Mr. DICKINSON] seek recognition on this amendment?

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, I have a parliamentary inquiry.

Is there a division of time on this? Do I control part of the time?

The CHAIRMAN pro tempore. Is the gentleman opposed to the amendment?

Mr. DICKINSON. I am, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] is entitled, then, to 7½ minutes, under the rule.

Mr. DICKINSON. That being the case, Mr. Chairman, I yield 2 minutes to the lovely and very distinguished gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman for his generosity in yielding time to me, and I rise in strong support of the amendment.

Mr. Chairman, since the House with my support has adopted an amendment to cut SDI funding, I now rise in support of the Spratt amendment which would transfer $300 million in SDI funds to environmental restoration activities at the Nation's nuclear weapons facilities. This amendment would simply bring the defense bill in line with the House-passed fiscal year 1990 energy and water appropriations bill and thereby authorize $1.6 billion next year for this important purpose. I believe this amendment makes eminently good sense.

The environmental degradation at Rocky Flats, CO; Fernald, OH; Savannah River, SC; and Hanford, WA, and other facilities will cost this Nation untold billions in cleanup expenditures in decades to come. The General Accounting Office has estimated that up to $155 billion will be required in the next 20 years to clean up these facilities. As if the S&L mess wasn't enough for the American taxpayer.

Under the delusion that "the Russians are coming," the managers of the Nation's nuclear weapons facilities for too long have put health and safety a distant second to production. Last week, the House took a strong step toward correcting these outrageous abuses by rejecting gutting amendments to the Eckart bill which will rightly subject Federal Government facilities to the same environmental standards that the Federal Government imposes on businesses and local governments.

But, we need to do more. If we delay in committing adequate resources to control the presently out-of-control environmental problems at these facilities, the cost to the taxpayer will only skyrocket in the future. Let's not change the meaning of S&L to "safety later." For the American taxpayer and for the environment, health, and safety of this Nation, vote "yes" on the Spratt amendment.

Mr. SPRATT. Mr. Chairman, one State that is particularly affected by this matter is the State of Colorado, and I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from South Carolina for yielding time to me, and I want to say that this is really a very, very important amendment.

For so long, DOE thought that they were above the Federal laws, the environmental laws, and in fact in my very State of Colorado, when they got sued by the EPA for a number of violations, they went to the Justice Department and said, "You can't enforce this against us. It is a Federal agency suing a Federal agency."

Nobody wants to see that kind of thing continue. I think that having some money for cleanup is absolutely essential.

I had hoped to be able to offer an amendment which the Rules Committee did not allow me to offer to go even one step further, to take some more money and put it out there for safety enforcement by State health departments and other agencies that are looking at this, because I think that is the only way DOE facilities are going to be able to continue. This is the way they can continue to have some trust, which they do not have now. This would be a beginning, that we are really going to enforce DOE's new life.

Mr. Chairman, I support the amendment, and I urge an "aye" vote on the amendment.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I was the author of the language that provided the original $300 million for the cleanup and that was cosponsored with the Speaker of the House, Mr. FOLEY. We have Fernald and Mound located in Ohio. We have a tremendous problem and tremendous responsibility to clean up the waste that exists in our nuclear plants. At Fernald in Ohio, even the Government inspectors refused to enter the plant, it was so dangerous.

People in the area are very worried about their health for the long term, with not only short-term but long-term implications from this problem.

What we are simply doing here is adding a little bit more money to probably what is about a $110 billion problem, according to the GAO. It is going to take a long time. The gentleman from Arizona [Mr. KYL] has done a very good job on this, along with the gentleman from Georgia [Mr. RAY]. Everybody is trying to focus on how we can responsibly find the resources over the long haul to address this problem.

Mr. Chairman, I ask the Members to support the amendment, and I am pleased to say that I believe we are about to adopt this amendment.

Mr. SPRATT. Mr. Chairman, I thank the gentleman from Ohio [Mr. KASICH] for his comments, and I should say that he started the ball rolling, taking the initiative in the Budget Committee to get this approved.

Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. DICKS], whose State is also affected by this problem.

Mr. DICKS. Mr. Chairman, I want to say that this is one amendment that the gentleman from Ohio [Mr. KASICH] and I agree upon.

The cleanup of the waste at the defense facilities around the country is a pressing national priority. It has been estimated by GAO that the cost of this cleanup could be as high as $150 billion to $200 billion.

I want to compliment the new administration for taking an enlightened approach, but clearly the Spratt amendment is necessary. It is needed to keep us moving down that road.

The State of Washington has entered a consent agreement with the Department of Energy. We have got to turn around the public perception, which is that the Department of Energy and the Department of Defense are not doing a good job at these facilities, that there are serious health risks there because of this waste not being taken care of.

I want to commend the gentleman from South Carolina [Mr. SPRATT] for his leadership on this and the gentleman from Wisconsin [Mr. ASPIN], the chairman of the committee, for putting this ad hoc group together and giving them the authority to work. I have enjoyed being a member of it, and I think it is essential that we pass the Spratt amendment.

The CHAIRMAN pro tempore. The gentleman from South Carolina [Mr. SPRATT] has 3 minutes remaining, and the gentleman from Alabama [Mr. DICKINSON] has 4½ minutes remaining.

Mr. DICKINSON. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I think that this is a very good purpose to which these funds will be put. For that reason, we are not fighting the amendment.

I was opposed to making the cuts, but once the cuts have been made, I think toxic cleanup is a fine purpose. I would caution all the Members and say that, when we go to conference, if part of the SDI funds are restored, then the restoration has got to come from somewhere. I would think that these things we are putting back now would be a logical target.

So, Mr. Chairman, I raise that issue as a caution flag and a point of interest for the Members.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Idaho [Mr. STALLINGS].

Mr. STALLINGS. Mr. Chairman, I rise in strong support of the Spratt amendment.

Mr. Chairman, I think it is critical not only to the people of the State of Idaho but to the national nuclear defense facilities. I believe the people of this Nation are crying out for the Government to clean up the mess they have created around these nuclear facilities. I believe that it is becoming their No. 1 concern.

The people of Idaho have told me loud and clear that cleanup should not take a back set to new production facilities and should not take a back seat to new programs.

It should be the top priority, they say, and I certainly agree.

This amendment and how the department uses the money will make a difference in how the public perceives and accepts or rejects those nuclear facilities. So I believe it is incumbent upon this Congress to do something that we have not done for the last 40 years, and that is to take care of the waste we have generated at these facilities.

Our Governor of Idaho, I think, set the trend when he told the department that Idaho would accept no more waste, and I think that has created an atmosphere in which this department must deal with the issue or we are going to close down these nuclear facilities.

Mr. SPRATT. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I rise in strong support of the Spratt amendment, and I ask that it be adopted.

Mr. DICKINSON. Mr. Chairman, since I have no further requests for time, I yield myself the balance of my time.

Mr. Chairman, I would like to re-emphasize what I said earlier. I think the add-back for drug enforcement is a salutary, commendable purpose to which these funds can be put. The same is true with toxic waste; something must be done to deal with the problem. The point is there are funds that are already being used for these purposes. But since SDI cuts have been made, I have no problem with allocating them for the purposes which have been announced.

I do want to emphasize though, to all the Members, that if any of the SDI funds are restored in conference, the restoration has to come from somewhere. I would anticipate that these things that are being added back because of SDI funding cuts would be very likely targets, to be diminished by the amount of the add-back.

Mr. Chairman, I just thought that the Members might be interested in knowing the practical problem that we will have in dealing with this matter in the conference. Certainly, the purpose to which the funds are being put after the cut is something that we have no problem with.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The gentleman from South Carolina [Mr. SPRATT] has 2 minutes remaining.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I rise in strong support of this amendment.

Mr. Chairman, I think that even the old Secretary of Energy, James Watkins, has acknowledged that one of the major tasks of the Department of Energy is not to build more nuclear weapons but to cleanup the existing problems, whether they be at Fernald, OH, at Rocky Flats, or at numerous other facilities around the country.

I would like to ask the author of the amendment, in terms of the research and development for the cleanup of some of these facilities, what role does the gentleman foresee for the Los Alamos and Sandia laboratories and Oak Ridge, those that have been in the vanguard of building some of these weapons? Does the gentleman see a role in the cleanup for these institutions?

□ 1320

Mr. SPRATT. Mr. Chairman, before we determined the amount, we asked the department for a list of projects that were worthwhile to undertake, and they gave us such a list, and there are waste problems at the laboratory for the first part.

Second, Admiral Watkins has emphasized that he wants to apply new technology to find solutions for the radioactive and toxic waste problems, and the labs should be essential to that.

Mr. RICHARDSON. Mr. Chairman. I submit an article I wrote on waste cleanup research.

[From the Albuquerque (NM) Tribune, July 17, 1989]

NEW MEXICO LABS SHOULD TAKE LEAD IN WASTE CLEANUP RESEARCH

(By Bill Richardson)

The Department of Energy faces a difficult task: cleaning up its own back yard.

Potentially explosive material lingers in waste sites. Volatile organic compounds threaten our ground water. Solvents and gasoline contaminate our aquifers. The highly publicized environmental troubles at DOE facilities are so severe that corrective action must be taken immediately.

The question is no longer "are we going to clean up the sites?" The question is "how are we as a nation going to do it now?"

Surprisingly, many of the major problems at the DOE weapons facilities involve not radiation but non-nuclear hazardous and toxic wastes. Because these problems are similar to those faced by the Department of Defense and segments of United States industry, technologies developed for the DOE could have much broader applications.

I propose a tough but flexible program that uses the strengths of our national laboratories, government agencies, universities and private industry.

In this comprehensive program, national laboratories, working with industry and universities, will develop new technologies and apply them in pilot programs at the laboratories. Once we know these technologies are effective, industry can take them over and begin large-scale cleanup. It makes no sense to clean up the DOE complex with dump-truck technology, merely moving waste from one site to another.

The national laboratories should take a leadership role in resolving our federal facilities' environmental problems. I am now working with the DOE to put our two New Mexico laboratories, Los Alamos and Sandia, in this leadership position.

In a hearing before the House Energy and Commerce Committee, I emphasized to Energy Secretary James D. Watkins that the national laboratories have the expertise and experience to play a significant role in cleaning up the DOE complex.

Secretary Watkins responded positively and spoke of a "lead laboratory" concept to focus and utilize specialty capabilities currently available in the DOE laboratories.

Most recently, in a major move, the secretary announced the implementation of a series of 10 initiatives to strengthen environmental protection and waste management activities at DOE's production, research and testing facilities. I commend the secretary's foresight and support for the laboratories' environmental management technologies.

Los Alamos and Sandia have already begun researching many of these environmental technologies. At Los Alamos, creative approaches to waste disposal and cleanup have brought far-reaching accomplishments. Lab scientists are experimenting with bacteria that "eat" explosives and organic chemicals, making them biodegradable in as little as six months. This biological remediation is one-tenth the cost of hauling off the explosives and burning or burying them.

Enhanced oil recovery technologies from the petroleum industry have potential application to hazardous-waste problems. Working with the petroleum industry and universities, Los Alamos is exploring ways to use these techniques to isolate and clean up "in situ" underground plumes of hazardous

materials. These technologies can be applied to contaminated ground water and inactive waste sites. In addition, several of the methods used for petroleum recovery or mining should apply to removal of underground contaminants.

Also under way is the development of a portable instrument that will change wastesite chemical analysis from a complicated process lasting several days to an easy 10-minute task. Other projects include using certain strong acids called superacids to process radioactive elements. Using superacids, the separation of plutonium from radioactive waste takes only minutes while alternative techniques normally require four to six hours.

Meanwhile, at Sandia, scientists are working to use sunlight in conjunction with tailored catalysts to destroy toxic chemicals in waste streams. Two processes are under development: one for decontaminating large volumes of slightly contaminated wastewaters, the other for high-temperature destruction of concentrated wastes.

Sophisticated numerical codes are being modified at Sandia to help predict chemical migration so that safe disposal sites can be identified. In addition, Sandia is pioneering the application of robotics and artificial intelligence to waste management activities. Cutting-edge techniques, first developed for radioactive waste handling, will be applied to hazardous chemical problems.

Cleanup of the DOE weapons facilities must be a top government priority because the public's health is at risk. New Mexico's laboratories for decades have been at the top of technological innovation when approaches to solving national problems are needed. The laboratories are once again in the position to take the lead on this matter of extreme national importance—environmentally related research and development technologies. Collaboration among our national laboratories, universities, and industry is an innovative, efficient, and cost-effective approach.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from South Carolina [Mr. SPRATT] has 1 minute remaining.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, I thank the gentleman from South Carolina [Mr. SPRATT] for yielding to me. I appreciate his good work on this amendment, and I urge my colleagues to support the amendment.

As my colleagues know, when it comes to bomb production and the cleaning up of the wastes that are attendant to bomb production in this country, the Department of Energy's sense of priorities has basically been bomb production has an A, if one is going to go on an alphabetical list of priorities, and cleaning up the wastes is about a Z. What the gentleman's amendment does is turn those priorities around and clean up the mess as we are producing these weapons.

Mr. Chairman, I think that it is long overdue that Congress take concrete steps, such as the gentleman from South Carolina [Mr. SPRATT] proposes, so that those who make bombs in the name of protecting us insure that the DOD, the DOE does something to prohibit this Nation from being poisoned through the wastes that are being created through the production of these weapons.

So, Mr. Chairman, I thank the gentleman from South Carolina [Mr. SPRATT] for his good work, and I am happy to have worked with him on his efforts.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from South Carolina [Mr. SPRATT].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 400, noes 22, not voting 9, as follows:

[Roll No. 155]

AYES—400

Ackerman	Coleman (TX)	Gejdenson
Akaka	Conte	Gephardt
Alexander	Conyers	Gibbons
Anderson	Cooper	Gillmor
Andrews	Costello	Gilman
Annunzio	Coughlin	Gingrich
Anthony	Cox	Glickman
Applegate	Coyne	Gonzalez
Archer	Craig	Gordon
Armey	Crockett	Goss
Aspin	Darden	Gradison
Atkins	Davis	Grandy
AuCoin	de la Garza	Grant
Baker	DeFazio	Gray
Ballenger	DeLay	Green
Barnard	Dellums	Guarini
Bartlett	Derrick	Gunderson
Bateman	DeWine	Hall (OH)
Bates	Dicks	Hall (TX)
Beilenson	Dingell	Hamilton
Bennett	Dixon	Hammerschmidt
Bentley	Donnelly	Harris
Berman	Dorgan (ND)	Hastert
Bevill	Dornan (CA)	Hatcher
Bilbray	Douglas	Hawkins
Bilirakis	Downey	Hayes (IL)
Bliley	Dreier	Hayes (LA)
Boehlert	Duncan	Hefley
Boggs	Durbin	Hefner
Bonior	Dwyer	Henry
Borski	Dymally	Herger
Bosco	Dyson	Hertel
Boucher	Early	Hiler
Boxer	Eckart	Hoagland
Brennan	Edwards (CA)	Hochbrueckner
Brooks	Edwards (OK)	Hopkins
Broomfield	Emerson	Horton
Browder	Engel	Houghton
Brown (CA)	English	Hoyer
Brown (CO)	Erdreich	Hubbard
Bruce	Espy	Hughes
Bryant	Evans	Hunter
Buechner	Fascell	Hutto
Bunning	Fawell	Inhofe
Burton	Fazio	Ireland
Bustamante	Feighan	Jacobs
Byron	Fields	James
Callahan	Fish	Jenkins
Campbell (CO)	Flake	Johnson (CT)
Cardin	Flippo	Johnson (SD)
Carper	Foglietta	Johnston
Carr	Ford (MI)	Jones (GA)
Chandler	Ford (TN)	Jones (NC)
Chapman	Frank	Jontz
Clarke	Frenzel	Kanjorski
Clay	Frost	Kaptur
Clement	Gallegly	Kasich
Clinger	Gallo	Kennedy
Coble	Garcia	Kennelly
Coleman (MO)	Gaydos	Kildee
Kleczka	Nielson	Skelton
Kolbe	Nowak	Slattery
Kolter	Oakar	Slaughter (NY)
Kostmayer	Oberstar	Slaughter (VA)
Kyl	Obey	Smith (FL)
LaFalce	Olin	Smith (IA)
Lagomarsino	Ortiz	Smith (MS)
Lancaster	Owens (NY)	Smith (NE)
Lantos	Owens (UT)	Smith (NJ)
Laughlin	Oxley	Smith (TX)
Leach (IA)	Panetta	Smith (VT)
Leath (TX)	Parker	Smith, Denny (OR)
Lehman (CA)	Parris	Smith, Robert (NH)
Lehman (FL)	Pashayan	Smith, Robert (OR)
Leland	Patterson	Snowe
Lent	Paxon	Solarz
Levin (MI)	Payne (NJ)	Spence
Levine (CA)	Payne (VA)	Spratt
Lewis (CA)	Pease	Staggers
Lewis (FL)	Pelosi	Stallings
Lewis (GA)	Penny	Stangeland
Livingston	Perkins	Stark
Lloyd	Petri	Stearns
Long	Pickett	Stenholm
Lowery (CA)	Pickle	Stokes
Lowey (NY)	Porter	Studds
Luken, Thomas	Poshard	Sundquist
Lukens, Donald	Price	Swift
Machtley	Pursell	Synar
Madigan	Quillen	Tallon
Manton	Rahall	Tanner
Markey	Rangel	Tauke
Martin (IL)	Ravenel	Tauzin
Martin (NY)	Ray	Thomas (CA)
Martinez	Regula	Thomas (GA)
Matsui	Rhodes	Torres
Mavroules	Richardson	Torricelli
Mazzoli	Ridge	Towns
McCandless	Rinaldo	Traficant
McCloskey	Ritter	Traxler
McCollum	Roberts	Udall
McCrery	Robinson	Unsoeld
McCurdy	Roe	Upton
McDade	Rogers	Valentine
McDermott	Rohrabacher	Vander Jagt
McEwen	Rose	Vento
McGrath	Rostenkowski	Visclosky
McHugh	Roth	Volkmer
McMillan (NC)	Roukema	Vucanovich
McMillen (MD)	Rowland (CT)	Walgren
McNulty	Rowland (GA)	Walker
Meyers	Roybal	Walsh
Mfume	Russo	Watkins
Michel	Sabo	Waxman
Miller (CA)	Saiki	Weber
Miller (OH)	Sangmeister	Weiss
Miller (WA)	Sarpalius	Weldon
Mineta	Savage	Wheat
Moakley	Sawyer	Whittaker
Mollohan	Saxton	Whitten
Montgomery	Schaefer	Williams
Moody	Scheuer	Wise
Moorhead	Schiff	Wolf
Morella	Schneider	Wolpe
Morrison (CT)	Schroeder	Wyden
Morrison (WA)	Schulze	Wylie
Mrazek	Schumer	Yates
Murphy	Sharp	Yatron
Murtha	Shaw	Young (AK)
Myers	Shays	Young (FL)
Nagle	Shuster	
Natcher	Sikorski	
Neal (MA)	Sisisky	
Neal (NC)	Skaggs	
Nelson	Skeen	

NOES—22

Barton	Goodling	Packard
Bereuter	Hancock	Sensenbrenner
Campbell (CA)	Hansen	Shumway
Combest	Holloway	Solomon
Crane	Huckaby	Stump
Dannemeyer	Kastenmeier	Thomas (WY)
Dickinson	Lightfoot	
Gekas	Marlenee	

NOT VOTING—9

Collins	Hyde	Pallone
Courter	Lipinski	Schuette
Florio	Molinari	Wilson

□ 1342

Mr. McEWEN changed his vote from "no" to "aye."

Mr. TRAFICANT changed his vote from "present" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

LEGISLATIVE PROGRAM

(By unanimous consent, Mr. GEPHARDT was allowed to proceed out of order.)

Mr. GEPHARDT. Mr. Chairman, I take this moment to try to give Members a sense of what the rest of the day might look like, although we never know for sure, but so they can have a better plan of their time for the rest of the day.

We are now going to have the Mavroules amendment, according to the schedule. That will then be followed by the amendment by the gentlewoman from Colorado [Mrs. SCHROEDER] and the gentleman from Florida [Mr. IRELAND] on burdensharing. I am told that that may not take as long as we thought it would, and in fact the amendments this morning in some cases have not taken as long as we thought they would. That amendment by the gentlewoman from Colorado [Mrs. SCHROEDER] and the gentleman from Florida [Mr. IRELAND] will be followed by a series of amendments, what we call section 2 amendments. We would like to, by this announcement, be telling Members who have amendments in that section that they need to be on the floor in the next 3 hours in order to make those amendments, and then following those, we will try to move to the amendment by the ranking member, the gentleman from Alabama [Mr. DICKINSON], better known as the Dickinson amendment.

We believe now, and we could be wrong, but we believe all of that business may be able to be accomplished by around 7 o'clock this evening. If we see or feel that that cannot be done, our hope was to have a period of time for Members to be able to go to dinner around 6 o'clock, and then resume voting after that at 7 or 7:30. It now appears that we can finish what we had scheduled for today by about 7 o'clock, and if we can do that, we intend to do that.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. GEPHARDT. I am happy to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I just want to make sure that my understanding of it is the same as has been accounced.

Following the Mavroules amendment, which deals with allocation of part of the SDI funds as an add-back for drug enforcement, then as the gentleman said, we would go to two amendments, one by the gentleman from Florida [Mr. IRELAND], and one by the gentlewoman from Colorado [Mrs. SCHROEDER], dealing with burdensharing. Then we get into the section 2 amendments.

In my discussion with the chairman, these were of two types. One had nothing to do with money, but the procurement types we had discussed the possibility of, and if I might have the chairman's attention, of letting those come after the Cheney amendment, since they were directly impacted by the Cheney amendment, so we would handle everything that had nothing to do with Cheney, dispose of those, take up the Cheney, and then if it passed, it would affect those money amendments, and if it did not pass, then the money amendments would just be taken up in due course. That was my informal understanding with the chairman.

Mr. Chairman, I wonder if the majority leader would explain if what he has said changes that. Is that different?

Mr. ASPIN. Mr. Chairman, will the majority leader yield?

Mr. GEPHARDT. I am happy to yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, let me just, in regard to the question raised by the gentleman from Alabama, say that it would be my understanding that the arrangement that he and I made still holds, that we would do when we come to consideration of the part II amendments, which we would proceed with right after the Schroeder and the Ireland amendment, that we would deal with those part 2 amendments which did not relate to procurement. There are six or seven of those part 2 amendments that relate to procurement.

In order to be fair to the authors of those amendments and in order to be fair to the author of the Cheney amendment, we would not want to cloud up the debate by passing those before we considered Cheney.

It would be the intention of the chairman of the committee that we would put those off until another time. I would point out to the gentleman from Alabama that according to the rule which the Committee on Rules granted, there are two other points at which we will consider part 2 amendments, one tomorrow and another on Thursday.

It would be my intention to consider those amendments relating to procurement at that time and not deal with them today.

Mr. DICKINSON. If the majority leader will continue to yield, I thank the gentleman. This was what we had agreed to, because those amendments that were in the part 2 amendments dealt directly with procurement. Cheney deals only with procurement. So the outcome of the Cheney amendment directly affects those that follow after that, and so this, we felt, was the most commonsense approach to it, and if what the majority leader has said does not alter that, we all are in harmony, and I think we could proceed most expeditiously and perhaps get out early today.

I just might say on the drug thing to follow and on the Schroeder-Ireland, I do not anticipate any big fight about it. I think we pretty well are in accord, which expedites things more, and it seems like the authors of the amendment, out of our pride of authorship, are asking for the votes. We are not asking for them over here. That time could be saved if they did not want the credit.

Mr. GEPHARDT. That is correct. That is our understanding.

Mr. HOPKINS. Mr. Chairman, will the majority leader yield?

Mr. GEPHARDP. I am happy to yield to the gentleman from Kentucky.

Mr. HOPKINS. Mr. Chairman, would the majority leader clarify his most recent target for today then? Would it be for the final vote to occur around 7:00? Is that correct?

Mr. GEPHARDT. Mr. Chairman, I do not want to mislead Members and say that we know that that can happen. I am just trying to alert Members to the fact that the schedule we envisioned that would have taken us into the evening tonight is beginning to change, because we are going through amendments faster than we thought we could, and it could be that we can finish all of the business we had scheduled today by 7. If we cannot do that, we will continue on until we finish.

We had also hoped, if we were going to 10 or 11 or 9, to have a dinner hour so that Members could eat dinner between, say, 6 and 7 o'clock. If we see later that the schedule is going to go to 9 or 10, we will still try to cluster votes to get that dinner hour.

□ 1350

But if we can finish everything by 7, that is what we are going to do.

Mr. HOPKINS. Mr. Chairman, will the gentleman yield further?

Mr. GEPHARDT. I yield to the gentleman from Kentucky.

Mr. HOPKINS. If that target changes, will the gentleman from Missouri keep us advised a little bit later on?

Mr. GEPHARDT. We will endeavor to keep Members updated.

AMENDMENT OFFERED BY MR. MAVROULES

Mr. MAVROULES. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MAVROULES: Strike out title XI (page 220, lines 1 through line 24), and insert in lieu thereof the following:

TITLE XI—MILITARY DRUG INTERDICTION AND LAW ENFORCEMENT SUPPORT

SEC. 1101. FINDINGS.

Congress makes the following findings:

(1) The large volume for illegal drugs entering the United States from foreign sources poses a direct and immediate threat to the national security of the United States.

(2) The Department of Defense has the responsibility to protect and defend the United States against all threats, foreign and domestic.

(3) The Department of Defense has vast air, ground, and sea reconnaissance, tracking, and intercept capabilities which can be readily adapted to the mission of drug interdiction.

(4) In light of these capabilities, title XI of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456), assigned the following three missions to the Department of Defense specifically related to preventing the transit of illegal drugs into the United States:

(A) Being the lead Federal agency responsible for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States.

(B) Having responsibility to integrate into an effective communications network the command, control, communications, and technical intelligence assets of the United States that are dedicated to drug interdiction.

(C) Having responsibility to oversee an enhanced drug interdiction and law enforcement role for the National Guard under the direction of State governors.

(5) Assignment of these missions to the Department of Defense, at no additional cost to the taxpayer, is intended—

(A) to use Department of Defense capabilities to permit law enforcement agencies to eliminate or reduce their performance of certain functions and more efficiently focus their effort on direct law enforcement; and

(B) to make additional funding available for demand reduction programs.

(6) There is a need for the Department of Defense to increase and focus its actions in implementing the provisions of the National Defense Authorization Act, Fiscal Year 1989, related to drug interdiction and law enforcement support, as evidenced by the following:

(A) Required reports concerning the role of the Armed Forces in drug interdiction have been poorly prepared, late, and incomplete.

(B) Agreements between the Department of Defense and all Federal law enforcement agencies involved in drug interdiction have not been completed.

(C) The amended budget request of the President for fiscal year 1990 for the Department of Defense and the most recent five-year defense program submitted to Congress under section 114(g) of title 10, United States Code, do not contain any provisions for the funding of the drug interdiction effort by the Department of Defense.

(D) The Department of Defense and law enforcement agencies have not established an effective intelligence sharing network.

(E) The Department of Defense has failed to undertake policies to eliminate duplication of effort between the Department of Defense and law enforcement agencies involved in drug interdiction.

(F) The Department of Defense has assigned few personnel to the joint task forces created for drug interdiction.

SEC. 1102. TRAINING EXERCISES IN DRUG-INTERDICTION AREAS.

(a) EXERCISES REQUIRED.—Subsection (b) of section 371 of title 10, United States Code, is amended to read as follows:

"(b)(1) The Secretary of Defense shall direct that the armed forces, to the maximum extent practicable, shall conduct military training exercises (including training exercises conducted by the reserve components) in drug-interdiction areas.

"(2) Not later than December 1 of each year, the Secretary shall submit to the Congress a report on the implementation of paragraph (1) during the fiscal year ending on September 30 of that year. The report shall include—

"(A) a description of the exercises conducted in drug-interdiction areas and the effectiveness of those exercises in assisting civilian law enforcement officials; and

"(B) a description of those additional actions that could be taken (and an assessment of the results of those actions) if additional funds were made available to the Department of Defense for additional military training exercises in drug-interdiction areas for the purpose of enhancing interdiction and deterrence of drug smuggling.

"(3) In this subsection, the term 'drug-interdiction areas' includes land and sea areas in which, as determined by the Secretary of Defense, the smuggling of drugs into the United States occurs or is believed by the Secretary to have occurred.".

(b) FIRST REPORT REQUIRED.—The first report required by section 371(b)(2) of title 10, United States Code (as added by subsection (a)), shall be submitted not later than December 1, 1990.

SEC. 1103. OPERATION OF EQUIPMENT USED AT POINTS OF ENTRY OR USED TO TRANSPORT CIVILIAN LAW ENFORCEMENT PERSONNEL.

(a) PURPOSES FOR WHICH EQUIPMENT MAY BE OPERATED.—Setion 374(b)(2) of title 10, United States Code, is amended—

(1) by striking out subparagraph (C) and inserting in lieu thereof the following new subparagraph:

"(C) Inspection of cargo, vehicles, vessels, and aircraft at points of entry into the land area of the United States."; and

(2) by striking out ", and the Attorney General" and all that follows through "outside the land area of the United States" in subparagraph (E) and inserting in lieu thereof "and the Attorney General (and the Secretary of State in the case of a law enforcement operation outside of the land area of the United States)".

(b) CONFORMING AMENDMENTS.—(1) Section 374(b) of title 10, United States Code, is further amended—

(A) by striking out paragraph (3);

(B) by redesignating paragraph (4) as paragraph (3); and

(C) by striking out "paragraph (4)(A)" both places it appears and inserting in lieu thereof "paragraph (3)(A)".

(2) Section 379 of such title is amended—

(A) by striking out "section 374(b)(4)(A)" in subsection (c) and inserting in lieu thereof "section 374(b)(3)(A)"; and

(B) by striking out "section 374(b)(4)(B)" in subsection (d) and inserting in lieu thereof "section 374(b)(3)(B)".

SEC. 1104. SUPPORT NOT TO AFFECT ADVERSELY MILITARY PREPAREDNESS TO A SUBSTANTIAL DEGREE.

(A) CHANGE IN LIMITATION ON SUPPORT.—Section 376 of title 10, United States Code, is amended—

(1) by inserting "the Secretary of Defense determines that" after "under this chapter if" in the first sentence; and

(2) by inserting "to a substantial degree" before the period in both sentences.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 376. Support not to affect adversely military preparedness to a substantial degree".

(2) The item relating to such section in the table of sections preceding section 371 of such title is amended to read as follows:

"376. Support not to affect adversely military preparedness to a substantial degree".

SEC. 1105. REIMBURSEMENT.

(A) IN GENERAL.—Section 377 of title 10, United States Code, is amended to read as follows:

"§ 377. Reimbursement

"Notwithstanding section 1535 of title 31 or any other provision of law, a civilian law enforcement agency to which support is provided under this chapter is not required to reimburse the Department of Defense for that support."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to support provided by the Department of Defense after the date of the enactment of this Act.

SEC. 1106. ENHANCED DRUG INTERDICTION AND LAW ENFORCEMENT SUPPORT BY THE DEPARTMENT OF DEFENSE

(a) IN GENERAL.—(1) Subtitle A of title 10, United States Code, is amended by inserting after section 380 the following new sections:

§ 381. Detection and monitoring of aerial and maritime transit of illegal drugs: Department of Defense to be lead agency

"(a) The Department of Defense shall serve as the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the land area of the United States.

"(b)(1) To carry out subsection (a), Department of Defense personnel may operate equipment of the Department to intercept a vessel or an aircraft detected outside the land area of the United States for the purposes of—

"(A) identifying and communicating with that vessel or aircraft; and

"(B) directing that vessel or aircraft to go to a location designated by appropriate civilian officials.

"(2) In cases in which a vessel or an aircraft is detected outside the land area of the United States, Department of Defense personnel may begin or continue pursuit of that vessel or aircraft over the land area of the United States.

"(c) The limitation on providing support to civilian law enforcement officials specified in section 376 of this title shall not apply to the activities of the Department of Defense under this section.

§ 382. Drug interdiction and law enforcement support: budget proposals

"The Secretary of Defense shall include in the annual budget of the Department of Defense submitted to Congress a separate budget proposal for the activities of the Department of Defense related to drug interdiction and support for civilian law enforcement agencies.

§ 383. National Guard: enhanced drug interdiction and enforcement role

"(a) If the Governor of a State or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard submits a plan to the Secretary of Defense under subsection (b), the Secretary may provide to that Governor or commanding general sufficient funds for the pay, allowances, clothing, subsistence, gratuities, travel and related expenses of personnel of the National Guard of that State or the District of Columbia used—

"(1) for the purpose of drug interdiction and enforcement operations; and

"(2) for the operation and maintenance of the equipment and facilities of that National Guard used for that purpose.

"(b) A plan referred to in subsection (a) shall—

"(1) specify how personnel of the National Guard are to be used in drug interdiction and enforcement operations;

"(2) certify that those operations are to be conducted at a time when the personnel involved are not in Federal service; and

"(3) certify that participation by National Guard personnel in those operations is service in addition to annual training required under section 502 of title 32.

"(c) Before funds are provided under subsection (a), the Secretary of Defense shall consult with the Director of National Drug Control Policy regarding the adequacy of the plan submitted under subsection (b).

"(d) Nothing in this section shall be construed as a limitation on the authority of any unit of the National Guard of a State or the District of Columbia, when such unit is not in Federal service, to perform law enforcement functions authorized to be performed by the National Guard by the laws of the entity concerned.

"(e) The Secretary of Defense shall prescribe and enforce training criteria for the National Guard to enhance the capability of the National Guard to assist in drug interdiction and law enforcement support.

"(f) In this section, the term 'State' means each of the several States, the Commonwealth of Puerto Rico, and any territory and possession of the United States.

"§ 384. Annual report on drug interdiction

"Not later than December 1 of each year, the Secretary of Defense shall submit to Congress a report on the drug interdiction activities of the Department of Defense under this chapter and other applicable provisions of law during the preceding fiscal year. The report shall include—

"(1) specific information as to the size, scope, and results of Department of Defense drug interdiction operations;

"(2) specific information on the nature and terms of interagency agreements with other law enforcement agencies relating to drug interdiction; and

"(3) any recommendations for additional legislation that the Secretary determines would assist in furthering the ability of the Department to perform its mission under this chapter or to assist other agencies.".

(2) The table of sections preceding section 371 of such title is amended by adding at the end the following new items:

"381. Detection and monitoring of aerial and maritime transit of illegal drugs: Department of Defense to be lead agency.

"382. Drug interdiction and law enforcement support: budget proposals.

"383. National Guard: enhanced drug interdiction and enforcement role.

"384. Annual report on drug interdiction.".

(b) CONFORMING REPEALS.—Sections 1102 and 1105 of the National Defense Authorization Act, Fiscal Year 1989 (102 Stat. 2042, 2047), are repealed.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1989.

SEC. 1107. RESTRICTION ON DIRECT PARTICIPATION BY MILITARY PERSONNEL.

Section 375 of title 10, United States Code, is amended to read as follows:

"§ 375. Restriction on direct participation by military personnel

"The Secretary of Defense shall prescribe such regulations as may be necessary to ensure that any activity (including the provision of any equipment or facility or the assignment or detail of any personnel) under this chapter does not include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search and seizure, an arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law.".

SEC. 1108. AUTHORIZATION OF APPROPRIATIONS RELATED TO DRUG INTERDICTION.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts otherwise authorized to be appropriated by this Act, there is hereby authorized to be appropriated to the Department of Defense—

(1) $450,000,000 for fiscal year 1990; and

(2) $600,000,000 for fiscal year 1991.

(b) OPERATIONS OF THE DEPARTMENT OF DEFENSE.—Of the amounts appropriated pursuant to subsection (a), $135,000,000 of the amount appropriated for fiscal year 1990 and $275,000,000 of the amount appropriated for fiscal year 1991 shall be available only to carry out the mission of the Department of Defense relating to drug interdiction and law enforcement support (other than for purpose specified in subsections (c) through (g)).

(c) NATIONAL GUARD.—Of the amounts appropriated pursuant to subsection (a), $70,000,000 shall be available during each of the fiscal years 1990 and 1991 shall be available only to provide assistance to the National Guard under section 383 of title 10, United States Code (as added by section 1106).

(d) INTEGRATION OF C31 ASSETS.—Of the amounts appropriated pursuant to subsection (a), $50,000,000 of the amount appropriated for fiscal year 1990 and $60,000,000 of the amount appropriated for fiscal year 1991 shall be available only to continue the activities of the Department of Defense under section 1103 of the National Defense Authorization Act, Fiscal Year 1989 (10 U.S.C. 374 note).

(e) AIRCRAFT CONVERSION.—Of the amounts appropriated pursuant to subsection (a), $49,000,000 of the amount appropriated for fiscal year 1990 and $48,000,000 of the amount appropriated for fiscal year 1991 shall be available only to convert existing Marine Corps Reserve OV-10A aircraft for improved drug interdiction performance.

(f) USE OF CERTAIN FACILITIES.—Of the amounts appropriated pursuant to subsection (a), $20,000,000 shall be available during each of the fiscal years 1990 and 1991 only to carry out—

(1) research and development activities under the plan prepared pursuant to section 6163(a) of the Anti-Drug Abuse Act of 1988 (102 Stat. 4350), and

(2) other research and development related to drug interdiction and law enforcement support.

(g) CIVIL AIR PATROL.—Of the amounts appropriated pursuant to subsection (a), $1,000,000 of the amount appropriated for fiscal year 1990 and $2,000,000 of the amount appropriated for fiscal year 1991 shall be available only to support Civil Air Patrol activities in support of civil law enforcement agencies.

(h) DETECTION AND MONITORING EQUIPMENT.—Of the amounts appropriated pursuant to subsection (a), $125,000,000 shall be available during each of the fiscal years 1990 and 1991 only for the purchase of detection and monitoring systems and associated equipment.

SEC. 1109. REPORTS.

(a) BY THE PRESIDENT.—Not later than April 1, 1990, the President shall submit to Congress a report—

(1) describing the progress made on implementation of the plan required by section 1103 of the National Defense Authorization Act, Fiscal Year 1989 (10 U.S.C. 374 note);

(2) containing an analysis of the feasibility of establishing a National Drug Operations Center for the integration, coordination, and control of all drug interdiction operations; and

(3) describing how intelligence activities relating to narcotics trafficking can be integrated, including—

(A) coordinating the collection and analysis of intelligence information;

(B) ensuring the dissemination of relevant intelligence information to officials with responsibility for narcotics policy and to agencies responsible for interdiction, eradication, law enforcement, and other counternarcotics activities; and

(C) coordinating and controlling all counternarcotics intelligence activities.

(b) BY THE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—(1) Not later than December 1, 1989, the Director of National Drug Control Policy shall submit to Congress a report—

(A) on the feasibility of detailing not more than 200 officers in the Judge Advocate General's Corps of the military departments to the Department of Justice to assist in the prosecution of drug cases in areas in which there is a lack of sufficient prosecutorial resources; and

(B) on the feasibility of permitting the employment of former and retired members of the Armed Forces as law enforcement officers even though they are over age 35 at the time of initial employment.

(2) In preparing the report required by paragraph (1), the Director of National Drug Control Policy shall consult with the Attorney General, the Secretary of Defense, and other appropriate heads of agencies.

(c) BY THE SECRETARY OF DEFENSE.—(1) Not later than December 1, 1989, the Secretary of Defense shall submit a report to Congress—

(A) on the specific drug-related research and development projects to be funded, and the planned allocation of funding for such projects, under section 1108(f); and

(B) containing a plan to increase the employment of the resources and personnel of the Special Operations Command in drug interdiction and law enforcement support.

(2) Not later than April 1, 1990, the Secretary of Defense, in coordination with the Secretary of Transportation and Director of National Drug Control Policy, shall submit a report to Congress on—

(A) the feasibility of establishing aerial and maritime navigational corridors by which civilian aircraft and vessels may

travel through drug interdiction areas, as defined in section 371(b)(3) of title 10, United States Code (as added by section 1102);

(B) the feasibility of requiring the submission of navigational plans for all civilian aircraft and vessels that will travel in such areas; and

(C) the funding considered necessary to implement a plan to carry out the matters referred to in subparagraphs (A) and (B).

SEC. 1110. TECHNICAL AND CLERICAL AMENDMENTS RELATING TO DRUG INTERDICTION.

(a) CHAPTER HEADING.—(1) The heading of the chapter following chapter 17 of title 10, United States Code (relating to drug interdiction and military cooperation with civilian law enforcement officials), is amended to read as follows:

"CHAPTER 18—DRUG INTERDICTION AND SUPPORT FOR CIVILIAN LAW ENFORCEMENT AGENCIES".

(2) The items relating to such chapter in the table of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, of such title are amended to read as follows:

"18. Drug Interdiction and Support for Civilian Law Enforcement Agencies ..... 371".

(b) REFERENCE TO TARIFF SCHEDULES.—Section 374(b)(3) of such title (as redesignated by section 1103(b)) is amended by striking out "general headnote 2 of the Tariff Schedules of the United States" in subparagraph (A)(iii) and inserting in lieu thereof "general note 2 of the Harmonized Tariff Schedule of the United States".

(c) CROSS-REFERENCE AMENDMENT.—Section 374(c) of such title is amended by striking out "paragraph (2)" and inserting in lieu thereof "subsection (b)(2)".

The CHAIRMAN pro tempore. Under the rule, 15 minutes of debate is allotted for this amendment.

The gentleman from Massachusetts [Mr. MAVROULES] will be recognized for 7½ minutes.

Is the gentleman from Alabama [Mr. DICKINSON] rising in opposition to the amendment?

Mr. DICKINSON. Mr. Chairman, in order to control the time in opposition, I would have to say that I was opposed to the amendment, is that correct?

The CHAIRMAN pro tempore. The gentleman is correct. Is the gentleman from Alabama opposed to the amendment?

Mr. DICKINSON. In order to control the time, Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] will be recognized for 7½ minutes in opposition to the amendment.

The Chair recognizes the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today, the gentleman from Kentucky, my colleague and ranking member on Investigations Subcommittee, and I bring before the House a drug interdiction package based on extensive hearings and staff work. This is a package that the House can be proud of—not a quick response to the floor action and politics of the moment.

In last year's Defense authorization bill, the Congress seized the initiative and, under the leadership of our late colleague, Bill Nichols, created a new role for the military in drug interdiction. Today, we clarify, strengthen and fund that new role.

Let me tell you what this package is not:

It is not the answer to the enormous drug problem in this country.

It is not a program which will destroy the readiness of the Armed Forces.

It is not a plan to put the military on the streets enforcing the laws of this country.

This package calls upon the military to help fight the real threat to our national security in a way that enhances conventional readiness, without making the military a law enforcement agency.

Last year we put our money where our mouth was to the tune of $300 million. We are making progress. We have seen some successes, some changing patterns of smuggling, and some changing attitudes on the part of the Department of Defense. This year we put our money where our mouth is to the tune of $450 million.

Here is what we fund: $100 million for operations—steaming days and flying hours, $125 million for equipment such as radars and aerostats and associated communications, $70 million for State National Guard operations, $50 million for interoperable communications gear for law enforcement agencies, $48 million for aircraft conversions (Marine OV-10), $35 million for intelligence support, $20 million for drug-related R&D for law enforcement agencies, and $1 million for Civil Air Patrol flying hours in support of law enforcement agencies.

Once again Congress must seize the initiative because the President's and Defense Secretary's budget contained no funding for drug interdiction. We know what the people of this country are concerned about in the area of national security—and drugs is their number one concern. Make no mistake about it, this is a national security matter. Congress must respond and this package keeps the initiative in the Congress. I urge my colleagues on both sides of the aisle to get behind this program and send a clear message to our citizens and the drug smugglers alike.

The CHAIRMAN pro tempore. The gentleman from Massachusetts [Mr. MAVROULES] has consumed 3½ minutes.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the ranking member, the distinguished gentleman from Kentucky [Mr. HOPKINS].

Mr. HOPKINS. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, I am proud to join my friend and Chairman of the Investigations Subcommittee, NICK MAVROULES, in bringing this comprehensive military drug interdiction amendment before the House. I want to extend my congratulations to the gentleman for his leadership in this area.

Everyone in this Chamber knows that the war on drugs is being lost.

Look at our schools, look at our streets, look at the borders and in our Nation's Capital City the drug smugglers and drug traffickers are laughing at the best efforts of our law enforcement community. They need help.

It should be clear that America must deploy whatever resources, like the military and use them where prudent and necessary.

For the past 2 years, the House has adopted amendments during this debate strongly directing the Department of Defense to help out in this war on drugs.

Last year, the House-Senate conference yielded an agreement which established a brand new mission for the military in the area of drug interdiction.

Predictably, the military's immediate knee-jerk reaction was one of skepticism and opposition, but I believe this is changing. They wouldn't volunteer, so we drafted them.

After a number of hearings and extensive consultation with the Joint Chiefs of Staff, I am pleased to report that progress is being made.

The Department of Defense is beginning to formulate the necessary plans and resources to put together a credible and effective drug enforcement plan.

Last year, we not only gave them the charter, we also gave them funds to get this effort off the ground and meet the challenge head on.

With our amendment today, we are ready to take the second step.

We have crafted a responsible, measured and effective package which deserves the strong support of this House.

In the future—consider using—special operations like SEAL teams who I think would welcome to help with drug interdiction.

But for now, vote "yes" on the Mavroules drug interdiction amendment.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. HUGHES] for the purpose of a colloquy.

Mr. HUGHES. Mr. Chairman, I want to thank the gentleman from Massachusetts for yielding me 1 minute, and want to thank him and his colleague the gentleman from Kentucky for doing good work in this entire area. I have a question of the gentleman.

I appreciate the work the gentleman has done to strengthen and refine the role of the military in drug interdiction. I agree that the military can help, but I want to confirm that the gentleman's amendment, by implication or expressly, does not place the military in the position of being directly involved in law enforcement.

Mr. MAVROULES. Mr. Chairman, if the gentleman will yield, absolutely not. As a matter of fact, at the suggestion of the gentleman, we have strengthened and expanded the statutory prohibition against military participation in direct law enforcement. We do not want the military enforcing the law on the streets of this country and this amendment reinforces that clear and important public policy.

Mr. HUGHES. Mr. Chairman, I thank the gentleman, and I support his amendment.

□ 1400

Mr. DICKINSON. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I rise in strong support for this amendment because it emphasizes that illegal drugs pose a direct and immediate threat to the national security of our country. And that message needs to be hammered home throughout our Government.

We have been studying the drug issue in the Intelligence Committee for several months, and I am convinced we are in danger of turning our so-called war on drugs into a costly failure.

The Defense Department—and all our agencies—need to understand that we are changing priorities in this country—that the drug war is a crucial mission. This is new, and uncomfortable for both DOD and the intelligence community. But they must adjust their thinking. DOD's 1990 budget request did not contain any provisions for funding drug interdiction efforts, and that reflects a mindset that has got to change.

But this amendment is only a step in the right direction. The crucial test of our commitment to the war on drugs will come when Bill Bennett submits his master plan to the President on September 5. It will not be worth the paper it's written on unless the drug czar is given the authority and responsibility to run this war. Right now Bill Bennett is a general without an army. Our war on drugs is going off in many, well-meaning, uncoordinated directions. Heightening and defining DOD's responsibilities, as this amendment does, is progress, but this war is going to be lost unless a unified command is created to run the show.

Mr. MAVROULES. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GARCIA].

Mr. GARCIA. Mr. Chairman, I rise in strong support of this amendment. If we ever needed an amendment to this bill, this is it.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment. Let me say that the use of the National Guard in drug interdiction has been a total success.

Mr. Chairman, I had the privilege last fall of going down to Florida and watching the Guard working with Customs officers. It is a good program. Under this amendment, $70 million would be added to drug interdiction to go to the National Guard.

They are now getting $40 million in the budget. This money will be helpful in that all 50 States, Mr. Chairman, have submitted plans to have drug interdiction with the National Guard doing that work.

Actually, if you were going to use the military, the best way to go at it is to use the Guard forces because the Governors of the States can call these guardsmen up, call up a certain number, and the Federal Government does not have to federalize these National Guardsmen. They can give them the mission to each of the different States, the Governors call up these National Guardsmen.

They are paid by the Federal Government. Drug interdiction is working with the Guard, and I support the amendment.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I just wanted to say to the gentleman from Mississippi [Mr. MONTGOMERY] that the Guard and Reserve have performed admirably under the plan that we put into effect last year. They have caught thousands of pounds of cocaine and marijuana, hundreds of thousands of rounds of ammunition have been captured by the Guard and Reserve in their interdiction operations.

Let me thank the gentleman from Massachusetts [Mr. MAVROULES] for his wonderful work on this and also the gentleman from Kentucky [Mr. HOPKINS].

Let me commend also the gentleman from Alabama [Mr. DICKINSON], who had the temerity last year to go against the chairman of the full committee and offer the bill that basically gave the Guard and the Reserve and the DOD the lead agency role in detection of drug planes and drug ships coming in.

Mr. DICKINSON offered the Hunter-Robinson amendment that got the wheels moving.

Senator WILSON, on the other side, offered that counterpart.

We moved out and we have this thing basically in effect right now. It has been very effective, particularly with respect to the Guard and Reserve elements.

I want to especially thank the chairman for his sticking to this very important critical problem.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the very distinguished gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of this amendment.

Mr. Chairman, I would like to take this opportunity to commend my colleague from Massachusetts and the gentleman from Kentucky for their hard work and effort that they put into this package. This amendment is a result of this subcommittee's effort to develop the military's role in the war on drugs.

Mr. Chairman, 2 months ago I met with an advisory committee on crime and drugs. It was a distinguished group of experts in Rhode Island who gave me an insight into how best to fight the drug problem.

Mr. Chairman, I came away from that meeting with a clear message that we are in fact at war. We are being invaded, our shores are being invaded, and they are penetrating our airspace.

They are the drug lords and the drug dealers.

Let us today in this historic Chamber declare that war against drugs. Let us send a message to these people that we will use whatever military force is available and appropriate to win this war.

Mr. Chairman, we must protect our shores. I urge strong support of this amendment.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Chairman, I rise to support the amendment being offered by the distinguished gentleman from Massachusetts. I do so because I am convinced that the magnitude of the drug problem in this country demands the involvement of the assets of the military, especially those of the National Guard in each of our 50 States.

I emphasize the National Guard because of its nationwide presence and because of the diversity of skills and capabilities contained in its many units. In addition, Guard units operate under the control of their respective Governor, all of whom must confront the drug problem within their jurisdictions.

No one is suggesting the use of military units, active or reserve, in a law enforcement role. We seek only to use military resources to supplement and complement the herculean work being done by the thousands of men and women in law enforcement agencies at every level of government in this country.

There is no doubt that military units can be of invaluable assistance to those agencies. Operations coordinated between law enforcement and the military have already resulted in documented success. Military aircraft have assisted in the apprehension of aircraft used in drug trafficking. National Guard units have participated in the seizure of tons of marijuana and cocaine. Those smuggling this chemical poison into our country are finding that they must contend with military technology and equipment and the great skill of those operating it.

This amendment is being offered because the administration regretably chose not to include funds for drug interdiction in its Defense Department request. I urge my colleagues to rectify this deficiency by supporting this amendment.

Mr. MAVROULES. Mr. Chairman, I yield one-half minute to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. I thank the gentleman for yielding.

Mr. Chairman, this amendment is simple; it is trading star wars for drug wars. It is trading an ephemeral war which we hopefully and probably will never fight, for a war that the people of our country wage on their streets every day.

We cannot be the greatest power in the world unless we deal with the crime problem that is ravaging our streets, unless we deal with the human resources that are wasted by it, unless we deal with the real problem that our people face every day when they wake up in the morning.

Mr. Chairman, this is a good amendment. I compliment the gentleman from Massachusetts [Mr. MAVROULES] for introducing it.

Mr. DICKINSON. Mr. Chairman, I yield the balance of my time to the very distinguished gentleman from Florida [Mr. SHAW].

The CHAIRMAN pro tempore. The gentleman from Florida is recognized for 30 seconds.

Mr. SHAW. I thank the gentleman for his great generosity.

Mr. Chairman, this is a very important amendment. We have been very proud of the successes that our military have scored in the war against drugs.

□ 1410

We have the whole underbelly of the United States undefended by aerostat. This will expedite this program.

Every place that we have gotten the military involved we have had successes. We must get them even more involved. This is a very important amendment, and this is a very important first step in a long, long journey that we must go together to get the military even more involved if we are going to win this war against drugs.

Mr. MAVROULES. Mr. Chairman, I yield the final minute to the gentleman from Maine [Mr. BRENNAN].

Mr. BRENNAN. Mr. Chairman, I strongly support the very important Mavroules amendment which adds $450 million to our Defense Department action in the war on drugs.

If we are serious about addressing the drug epidemic that is plaguing this country, support for this amendment is needed. Every single day we are confronted with more news about drug-related crime. Here in our Nation's capital we are seeing violence that threatens to wipe out an entire generation. Witness the tragic death of a 13-year-old boy just yesterday.

As a Nation, we can do a lot better than we are doing in the war against drugs. As a member of the Subcommittee on Investigations, I have heard Defense Department witnesses testify with very tepid endorsements of their role in the drug war. I believe our military must play an active and aggressive role in fighting drugs if our Nation is to win the war against drugs. We can show our commitment to fighting drugs by supporting this badly needed funding for our military's role, and I hope the military gets the message that this Congress is serious about that war. It is very important.

Mrs. LLOYD. Mr. Chairman, I rise today in support of the amendment offered by my distinguished colleague from Massachusetts to authorize $450 million in fiscal year 1990 and $600 million in fiscal year 1991 for drug interdiction and law enforcement activities by the military.

Last year, during debate on the fiscal year 1989 Defense authorization bill, Congress approved an amendment which assigned the military a role in this Nation's war against drugs. The military was assigned responsibility for detecting and monitoring the transit of illegal drugs into the United States. The Congress also established a special program to fund State National Guard anti-drug efforts. I supported these actions because I felt one of the gravest threats to our national security was the flow of illegal drugs into this country. I continue to believe that one of the Nation's top priorities must be its war against drugs, and I believe that the amendment before us today steps up that war and builds upon the successes of the past year.

During the past year the active forces and the Guard and Reserve have been of tremendous assistance to America's civilian law enforcement agencies fighting the war against drugs. Aircraft attempting to smuggle drugs into the United States have been detected by military radar and communication centers, such as the command and control center at NORAD, tracked by Guard and Reserve aircraft who have provided the smugglers' landing point to law enforcement officials, allowing them to arrest the smugglers at the point of contact before their cargo was allowed to poison the streets and communities of this country.

The amendment before us today authorizes $70 million to expand the National Guard's involvement in drug interdiction activities, $125 million to purchase five aerostats, radars, sites, and deployment, and $50 million for communications equipment for loan to law enforcement agencies. This will allow the military to better utilize the capabilities it has in the fight against drugs.

Mr. Chairman, the United States faces a grave threat to its security in the flow of drugs across its borders and into its schools, streets, and communities. We need to do all we can to fight and win the war against drugs. I urge my colleagues to support this amendment as a method of doing just this.

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the amendment offered by the gentleman from Massachusetts [Mr. MAVROULES].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MAVROULES. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 410, noes 10, not voting 11, as follows:

[Roll No. 156]

AYES—410

Ackerman	Bryant	Dornan (CA)
Akaka	Buechner	Douglas
Alexander	Bunning	Downey
Anderson	Burton	Dreier
Andrews	Bustamante	Duncan
Annunzio	Byron	Durbin
Anthony	Callahan	Dwyer
Applegate	Campbell (CA)	Dymally
Archer	Campbell (CO)	Dyson
Armey	Cardin	Early
Aspin	Carper	Eckart
Atkins	Carr	Edwards (CA)
AuCoin	Chandler	Edwards (OK)
Baker	Chapman	Emerson
Ballenger	Clarke	Engel
Barnard	Clay	English
Bartlett	Clement	Erdreich
Barton	Clinger	Espy
Bateman	Coble	Evans
Bates	Coleman (MO)	Fascell
Beilenson	Coleman (TX)	Fawell
Bennett	Combest	Fazio
Bentley	Conte	Feighan
Bereuter	Cooper	Fields
Berman	Costello	Fish
Bevill	Coughlin	Flake
Bilbray	Cox	Flippo
Bilirakis	Coyne	Foglietta
Bliley	Craig	Ford (MI)
Boehlert	Crane	Ford (TN)
Boggs	Crockett	Frank
Bonior	Darden	Frenzel
Borski	Davis	Frost
Bosco	DeFazio	Gallegly
Boucher	DeLay	Gallo
Boxer	Dellums	Garcia
Brennan	Derrick	Gaydos
Brooks	DeWine	Gejdenson
Broomfield	Dickinson	Gekas
Browder	Dicks	Gephardt
Brown (CA)	Dixon	Gibbons
Brown (CO)	Donnelly	Gillmor
Bruce	Dorgan (ND)	Gilman

Gingrich	Matsui	Savage
Glickman	Mavroules	Sawyer
Gonzalez	Mazzoli	Saxton
Gordon	McCandless	Schaefer
Goss	McCloskey	Scheuer
Gradison	McCollum	Schiff
Grandy	McCrery	Schneider
Grant	McCurdy	Schroeder
Gray	McDade	Schulze
Green	McEwen	Schumer
Guarini	McGrath	Sensenbrenner
Gunderson	McHugh	Sharp
Hall (OH)	McMillan (NC)	Shaw
Hall (TX)	McMillen (MD)	Shays
Hamilton	McNulty	Shuster
Hammerschmidt	Meyers	Sikorski
Hancock	Mfume	Sisisky
Hansen	Miller (CA)	Skaggs
Harris	Miller (OH)	Skeen
Hastert	Miller (WA)	Skelton
Hatcher	Mineta	Slattery
Hawkins	Moakley	Slaughter (NY)
Hayes (IL)	Mollohan	Slaughter (VA)
Hayes (LA)	Montgomery	Smith (FL)
Hefley	Moody	Smith (IA)
Hefner	Moorhead	Smith (MS)
Henry	Morella	Smith (NE)
Herger	Morrison (CT)	Smith (NJ)
Hertel	Morrison (WA)	Smith (TX)
Hiler	Mrazek	Smith (VT)
Hoagland	Murphy	Smith, Denny (OR)
Hochbrueckner	Murtha	Smith, Robert (NH)
Holloway	Myers	Smith, Robert (OR)
Hopkins	Nagle	Snowe
Horton	Natcher	Solarz
Houghton	Neal (MA)	Solomon
Hoyer	Neal (NC)	Spence
Hubbard	Nelson	Spratt
Huckaby	Nielson	Staggers
Hughes	Nowak	Stallings
Hunter	Oakar	Stangeland
Hutto	Oberstar	Stark
Inhofe	Obey	Stearns
Ireland	Olin	Stenholm
Jacobs	Ortiz	Stokes
James	Owens (NY)	Studds
Jenkins	Owens (UT)	Sundquist
Johnson (CT)	Oxley	Swift
Johnson (SD)	Packard	Synar
Johnston	Pallone	Tallon
Jones (GA)	Panetta	Tanner
Jones (NC)	Parker	Tauke
Jontz	Parris	Tauzin
Kanjorski	Pashayan	Thomas (CA)
Kaptur	Patterson	Thomas (GA)
Kasich	Paxon	Thomas (WY)
Kennedy	Payne (NJ)	Torres
Kennelly	Payne (VA)	Torricelli
Kildee	Pease	Towns
Kleczka	Pelosi	Traficant
Kolter	Penny	Traxler
Kostmayer	Perkins	Udall
Kyl	Petri	Unsoeld
LaFalce	Pickett	Upton
Lagomarsino	Pickle	Valentine
Lancaster	Porter	Vander Jagt
Lantos	Poshard	Vento
Laughlin	Price	Visclosky
Leach (IA)	Pursell	Volkmer
Leath (TX)	Quillen	Vucanovich
Lehman (CA)	Rahall	Walgren
Lehman (FL)	Rangel	Walker
Leland	Ravenel	Walsh
Lent	Ray	Watkins
Levin (MI)	Regula	Waxman
Levine (CA)	Rhodes	Weber
Lewis (CA)	Richardson	Weiss
Lewis (FL)	Rinaldo	Weldon
Lewis (GA)	Ritter	Wheat
Lightfoot	Roberts	Whittaker
Livingston	Robinson	Whitten
Lloyd	Roe	Wilson
Long	Rogers	Wise
Lowery (CA)	Rohrabacher	Wolf
Lowey (NY)	Rose	Wolpe
Luken, Thomas	Rostenkowski	Wyden
Lukens, Donald	Roth	Wylie
Machtley	Roukema	Yates
Madigan	Rowland (CT)	Yatron
Manton	Rowland (GA)	Young (AK)
Markey	Roybal	Young (FL)
Marlenee	Russo	
Martin (IL)	Saiki	
Martin (NY)	Sangmeister	
Martinez	Sarpalius	

NOES—10

Dannemeyer	Michel	Stump
Goodling	Ridge	Williams
Kastenmeier	Sabo	
Kolbe	Shumway	

NOT VOTING—11

Collins	Dingell	McDermott
Conyers	Florio	Molinari
Courter	Hyde	Schuette
de la Garza	Lipinski	

□ 1430

Mr. DICKINSON and Mr. BEREUTER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1430

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider the amendments related to burden-sharing printed in part 1 of House Report 101-168 by and if offered by the following Members or designees which shall be considered in the following order: First, by the gentlewoman from Colorado [Mrs. SCHROEDER]; second, by the gentleman from Florida [Mr. IRELAND].

For what purpose does the gentlewoman from Colorado [Mrs. SCHROEDER] rise?

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. SCHROEDER:

At the end of title XII (page 253, after line 15), insert the following new section:

SEC. 1243. LIMITATION ON FUNDING FOR UNITED STATES MILITARY FACILITIES IN CERTAIN FOREIGN COUNTRIES.

(a) LIMITATION.—The Secretary of Defense may not use any funds appropriated for the Department of Defense to operate, construct, or maintain facilities at a United States military installation in a foreign country unless the Secretary of Defense determines that the agreement with that foreign country providing for the use of such installation is not conditioned, directly or indirectly, on—

(1) the provision of economic or security assistance to that country by the United States; or

(2) an agreement by an official of the executive branch to use best efforts to obtain economic or security assistance to that country by the United States.

(b) EFFECTIVE DATE.—(1) Subsection (a) shall not apply with respect to an agreement in effect before the date of enactment of this Act.

(2) With respect to an amendment to an agreement referred to in subsection (a), subsection (a) shall apply to an amendment entered into on or after the date of enactment of this Act.

(3) The limitation in subsection (a) shall not apply with respect to funds appropriated before the enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I ask unanimous consent to offer a modification to that amendment.

The CHAIRMAN pro tempore. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mrs SCHROEDER:

At the end of title XII (page 253, after line 15), insert the following new section:

SEC. 1243. LIMITATION ON FUNDING FOR UNITED STATES MILITARY FACILITIES IN NATO MEMBER COUNTRIES.

(a) LIMITATION.—The Secretary of Defense may not use any funds appropriated for the Department of Defense to operate, construct, or maintain facilities at a United States military installation in a foreign country which is a member nation of the North Atlantic Treaty Organization (NATO) unless the Secretary of Defense determines that the agreement with that country providing for the use of such installation is not conditioned, directly or indirectly, on—

(1) the provision of economic or security assistance to that country by the United States; or

(2) an agreement by an official of the executive branch to use best efforts to obtain economic or security assistance to that country by the United States.

(b) EFFECTIVE DATE.—(1) Subsection (a) shall not apply with respect to an agreement in effect before the date of enactment of this Act.

(2) With respect to an amendment to an agreement referred to in subsection (a), subsection (a) shall apply to an amendment entered into on or after the date of enactment of this Act.

(3) The limitation in subsection (a) shall not apply with respect to funds appropriated before the enactment of this Act.

Mrs. SCHROEDER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

The CHAIRMAN pro tempore. The unanimous-consent request is still pending before the House for the modification.

Mr. MARTIN of New York. Mr. Chairman, reserving the right to object, and under my reservation I am going to ask the gentlewoman from Colorado [Mrs. SCHROEDER] to explain not only the amendment, but the modification. As it was originally drafted, it was this Member's feeling that he would have to voice strenuous objection because of the substantial reduction in the flexibility it gives the U.S. Government in negotiating base rights agreements, and we do not now

know about situations down the road where we might require, in times of emergency particularly, a great deal of flexibility. As I understand the gentlewoman from Colorado [Mrs. SCHROEDER] and her modification amendment, it resolves at least this gentleman's problem.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of New York. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, at the suggestion of Congressman SOLARZ, I decided to modify my amendment to just cover NATO countries. The effect of this modification is to exclude the Philippines from the limitation.

Frankly, I think there should be no linkage between base rights and foreign aid for the Philippines as for other countries. Nevertheless, we are about to enter into base rights negotiations with the Philippines. An abrupt change in the ground rules, which enactment of my amendment would surely cause, might be viewed in the Philippines as directed specifically at that country. It might be seen as a sign of decreased American support for the government of Corazon Aquino. My amendment does not carry that message. To avoid any possibility of misunderstanding, I have agreed to modify my amendment to only cover NATO nations.

There are some special circumstances which apply to NATO nations. They are on the front lines with the Eastern bloc. As such, these countries should best understand the value of their mutual defense arrangements with the United States.

Moreover, Europe is about to become economically unified in 1992. As such, the appropriateness of American foreign aid to NATO nations becomes questionable.

That said, I still think this limitation should apply worldwide and expect to attempt to expand it in future years.

The CHAIRMAN pro tempore. The Chair desires to announce that this discussion in relation to the modification is coming from the time allotted to the debate on this issue.

Does the gentleman from New York [Mr. MARTIN] persist in his reservation?

Mr. MARTIN of New York. Mr. Chairman, further reserving the right to object, I would like to say at this point that we are going to do everything we can to expedite this, and I think, as modified, there will be no requirement, in the interests of time, to have a vote on this.

However, Mr. Chairman, I think it is important under the reservation to say to the gentlewoman from Colorado [Mrs. SCHROEDER], and I discussed this with her, that in the report language, as well as when we go to conference, we want to make sure that the concern over words in the amendment, direct or indirect, are explained so that every little side conversation at a negotiating city would not be considered as something violative of this provision.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of New York. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I think the gentleman from New York [Mr. MARTIN] knows that would be our intent. Obviously that is why we specifically limited it in the modification to the Secretary of Defense and what he understands the general purpose was rather than getting into also the Secretary of State, which would then bring in every little nuance and every little thing that went along.

So, we tried to do it by doing it in that way, and I understand some people are nervous about that selection. We will be happy to talk to them about it, but the real thing is that we do not want the direct linkage, the strong, direct linkage, that we have been seeing going on and that I think that the State Department and the Defense Department are trying to change.

Mr. MARTIN of New York. Mr. Chairman, I have no objections as long as we have that modification.

Mr. Chairman, I withdraw my reservation of objection.

Mr. WALKER. Mr. Chairman, I reserve the right to object.

Mr. Chairman, I reserve the right to object simply to comment that this is one of those areas where there is a penalty involved in writing rules as strictly as we have written the rule on this particular bill. The advantage to writing these kinds of rules is the fact that we do get efficiency. The committee does know what amendments are coming at it. The committee does have some feel for what Members may be doing with regard to their bill in the floor, and the membership itself has some feel for the kinds of amendments that are going to be before us.

Mr. Chairman, the problem is that we also find ourselves then locked into amendments as they were presented to the Committee on Rules. Now I understand that what the gentlewoman from Colorado [Mrs. SCHROEDER] is attempting to do with her modification is to take care of problems that have arisen since that language was submitted to the Committee on Rules, and I appreciate her willingness to attempt to compromise the language.

I would also have to say that I am concerned that this may become a pattern in the course of the deliberations on this bill.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I will yield to the gentlewoman from Colorado [Mrs. SCHROEDER] in just a moment.

Mr. Chairman, I am concerned that we may get into a pattern here where amendments that were presented to the Committee on Rules and are defined by the rule will be modified, will be changed, will be substantially revised, and that we will end up then having the rule only apply one way, and that would be a concern.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I think the concern of the gentleman from Pennsylvania [Mr. WALKER] really goes in the other direction. I announced in full committee that we would be offering this; our burden-sharing panel was talking about this. It was not offered in the Committee on Armed Services because of the joint referral problems, so we tried to specifically narrow it that way.

Mr. Chairman, it has been printed, it has been around, and just in the last hour we heard discussions about how they would like it narrowed to just NATO, so our modification is attempting to be agreeable.

I personally would like to have all bases decoupled from foreign aid. I think that is the way we should go. However I was convinced, and people said to me, "Well, let's narrow it. There's been to many things going on."

So, I hear the concern of the gentleman from Pennsylvania [Mr. WALKER], but actually this went just the opposite way, trying to narrow rather than expand it.

Mr. WALKER. Mr. Chairman, further reserving the right to object, I do not think it alleviates my concern. I think it, in fact, demonstrates the concern that I have, and that is that we have had an amendment which has been around now for weeks, and all of a sudden at the very end of the process, then we modify it on the floor by unanimous consent.

Mr. Chairman, what I am suggesting to the gentlewoman from Colorado [Mrs. SCHROEDER] is that, if we were operating under the 5-minute rule, there would be absolutely no problem with this process. Somebody can come with an amendment to the amendment of the gentlewoman from Colorado [Mrs. SCHROEDER], and we would have absolutely no problem with the process. Operating by the process that we are now under, it does in fact limit the Members, and it strangles off some of the ability of members to modify that which is brought to the floor.

□ 1440

I do not intend to object to this request, but I am putting the Members

on notice that this is probably the last one that will not have an objection to it, because I am using this opportunity to present fair warning that if we have a series of these modifications and so on, this gentleman is not going to be willing to allow those modifications to take place.

Mr. MARTIN of New York. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from New York.

Mr. MARTIN of New York. Mr. Chairman, I would point out to the gentleman, and I agree with what he is saying, and in this particular instance it was this gentleman that requested the modification.

Mr. WALKER. I understand, and for that reason, I will not object.

Mr. MARTIN of New York. I was put on notice months ago about this amendment.

Mr. WALKER. The Members did not have an opportunity to understand what the position of this gentleman would be, but I will say I do not think this should become a pattern of modifying amendments by unanimous consent under the rule under which we are operating.

Mr. MARTIN of New York. Mr. Chairman, I thank the gentleman.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The CHAIRMAN pro tempore (Mr. DURBIN). Is there objection to the request of the gentlewoman from Colorado for the modification of her amendment?

There was no objection.

The CHAIRMAN pro tempore. The modification to the amendment of the gentlewoman from Colorado is agreed to.

Mrs. SCHROEDER. Mr. Chairman, I ask unanimous consent that the time consumed during this debate on the modification be restored to me.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

Mr. CHAIRMAN pro tempore. Pursuant to the rule, 30 minutes is allotted to the amendment, as modified; 15 minutes to the gentlewomen from Colorado and 15 minutes to a Member in opposition.

Is there a Member in opposition to this amendment?

Mr. DICKINSON. Mr. Chairman, in order to control the time, I will go on record as opposing it; but I must say that on the last vote I did the same thing then. I went on record as opposing it, but I was so overwhelmed by the eloquence of the arguments and the persuasiveness and the common sense that was put forth that in the final conclusion I had to change my vote and vote for it.

I will go on record as opposing this amendment and ask to control the time from the table.

The CHAIRMAN pro tempore. The Chair takes note of that phenomenon and will recognize the gentleman from Alabama [Mr. DICKINSON] in opposition to the amendment.

The Chair now recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, my amendment would sever the link between base rights and foreign aid in NATO countries. Today, the United States is being held up to the tune of $2 billion a year worldwide in foreign aid payments to nations with U.S. bases. This is nearly one-quarter of our foreign aid budget. Just 15 years ago, we spent only $200 million for the same purpose.

My amendment takes foreign aid off the table in base rights negotiations. It tells our negotiators to work agreements with host nations based on all the other matters which are negotiated in base rights talks: mutual defense, domestic security, local employment, access, construction preference, and, where necessary, rent. But, the amendment says that our negotiators may not promise any foreign aid or any "best efforts" to secure foreign aid.

Is this realistic? You bet it is. Up until recently, no one ever thought to link foreign aid to base rights. And, just last year, we negotiated a new base rights agreement with Spain which explicitly eliminated any use of foreign aid as a condition for base rights. The United States can secure base rights without paying for them through the foreign aid budget.

Currently four nations—the Philippines, Turkey, Greece, and Portugal—receive foreign aid under base rights agreements. My amendment would only relate to three of these countries and exclude the Philippines. It would not undo these base rights agreements. It would not force us to leave these countries. Rather, my amendment applies only to new agreements and says that any new base rights agreement could not be conditioned on foreign aid.

Now, some have argued that my amendment would effectively have us withdraw from these countries. Nonsense. The Government of Turkey will make its decision on whether to extend our base rights at Incirlik, Ankara, and Izmir based on factors like Turkish national security, the effect of bases on mutual security obligations, domestic politics, jobs of Turkish citizens, and economic stimulus. The Greek Government will decide whether to extend our base rights at Hellenikon based on similar factors.

My amendment also does not cut off foreign aid to these, or any other, countries. I am a big supporter of foreign aid to Turkey. I think we should be doing more and should be encouraging Japan and our NATO allies to provide far more untied developmental assistance to Turkey. I just do not want this aid linked to base rights.

In considering this amendment, keep in mind the reason for our bases around the world. The United States has mutual defense pacts which oblige us to defend the territory of allies, including Turkey, Greece, and Portugal. One important reason we have bases in these countries is to meet these mutual defense obligations. It is bewildering to me how we got ourselves in the position of paying for the privilege of protecting our allies.

This is really the heart of burdensharing. We and our allies have a common defense burden. Yet, we have been paying huge sums to meet this burden while our allies have kept their defense budgets low. I think we should say, fine. You assess your defense needs and fund them accordingly. And, we will decide on our own vital interests and fund them. No longer can you depend on us to provide your defense needs for you. When the proposition is put this way, I am confident that our allies will decide that American base rights are in their interest, even without a linkage to foreign aid.

I urge support of the amendment.

Mr. MARTIN of New York. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from New York.

Mr. MARTIN of New York. Mr. Chairman, about the questions and concerns I had, and appreciate that the gentlewoman recognizes that sensitive negotiations are ongoing.

I agree wholeheartedly on the expanded version, if that would work in the practical world, but unfortunately, for every country with their different mores, different societies, different politics, we find that if we do not have flexibility, it would be difficult to have any type of arrangement or agreement with all of them. That is the reason why I appreciate the gentlewoman restricting it to the NATO countries. There have been abuses in the past, without question, but many times it is in our best interests to give our Government and foreign governments the flexibility they need to reach an agreement.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from New York and I appreciate his help on this matter.

Mr. DICKINSON. Mr. Chairman, I have no requests for time, and I yield back the balance of my time.

Mrs. SCHROEDER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER], as modified.

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. IRELAND

Mr. IRELAND. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. IRELAND:

At the end of part B of title III (page 68, after line 9), insert the following new section:

SEC. 316. REDUCTION IN THE NUMBER OF CIVILIAN PERSONNEL ASSIGNED TO DUTY IN EUROPE.

(a) REDUCTION REQUIRED.—The number of civilian officers and employees of the Department of Defense assigned to duty in Europe on the date of the enactment of this Act shall be reduced by a number equal to the number of employment assignments for officers and employees of the department that—

(1) were related to intermediate-range nuclear forces on December 8, 1987; and

(2) are unnecessary as a result of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-range and Shorter-range Missiles, signed on December 8, 1987 (commonly referred to as the "INF Treaty").

(b) TIME FOR REDUCTION. The reduction in the number of employment assignments required by subsection (a) shall be completed not later than October 1, 1991.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Florida [Mr. IRELAND] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Is there a Member in opposition to the amendment? If not, the gentleman from Florida [Mr. IRELAND] is recognized for 15 minutes.

Mr. IRELAND. Mr. Chairman, I rise to offer my last and final amendment relating to DOD personnel assigned to ground launched cruise and Pershing missile units slated for deactivation under the INF treaty.

The pending amendment would reduce the number of DOD civilians on duty in Europe by 1,017—the number assigned to INF units there.

The bill, as presented on the floor today, incorporates the bulk of my INF initiative, which has two parts: First, it lowers the troop ceiling in Europe from 326,414 to 311,627—a reduction of 14,787; and second, it cuts Air Force end-strength by an additional 4,385. Since the Army had already planned to cut its INF personnel, no further Army end-strength cuts were in order. Proposed cutbacks would be phased in over 2 years to coincide with the schedule for unit deactivations.

Mr. Speaker, I want to extend a special word of thanks to the able chairwoman of the Military Personnel Subcommittee BEVERLY BYRON and her staff assistant Debbie Lee for their advice, assistance, and support. Somehow they were able to bring order and direction to a complex issue.

While the main part of the INF issue was resolved at the committee level, the full committee decided to defer action on the civilian employees assigned to INF units, pending further investigation. I then asked the GAO and DOD to provide me with the latest available information on the disposition of those employees. Information papers were subsequently provided by DOD and GAO, indicating that most of these employees are scheduled to be eliminated from the work force by the end of fiscal year 1991

With that information in hand, I decided to modify and refocus the final piece of the INF initiative.

Consistent with my amendments relating to military personnel assigned to INF units, the modified amendment, which I offer today, reduces the number of DOD civilians in Europe by 1,017. The recommended reduction would take effect by the end of fiscal year 1991.

The approach taken in the case of the civilians is identical to the approach taken in the case of military personnel: First, reduce the number of personnel in Europe; and second, cut the end-strength or work force. Another approach would be to establish a ceiling on civilian personnel in Europe, but I know the committee is adamantly opposed to such a policy, so I selected a more acceptable approach.

A United States-Soviet treaty has been signed, ratified, and taken effect. That treaty eliminates an entire mission and class of weapons. The need for those civilians no longer exists, therefore the total number of DOD civilians assigned to duty in Europe should be decreased accordingly.

The latest DOD information suggests, however, that the trend is in the opposite direction—civilian strength in Europe is creeping upward. Between September 30, 1988, shortly after the INF treaty took effect, and March 31, 1989, the number of civilians in Europe increased from 105,284 to 106,630—an increase of 1,346. This is the continuation of a trend that began in the early 1980's when there were about 95,000 civilians in Europe. And there is room for expansion. A large number of authorized and funded civilians positions in Europe lie vacant. The Air Force, for example, which has 96 percent of the INF civilians in Europe (974 of 1,017), has close to 900 vacant slots in Europe.

Further increases in the number of DOD civilians in Europe must be halted. This trend must be reversed, or else the Appropriations Committee will put a much tighter lid on the number of civilians overseas and in Europe, and I will help them to it. My approach is a more reasonable one.

The need for 1,017 civilian positions in Europe no longer exists. I urge you to support my amendment.

Mr. Speaker, in conclusion, I would like to thank the chairman of the Readiness Subcommittee the gentleman from Florida [Mr. HUTTO] and his assistant, Will Confer, for their support and cooperation. I understand that the committee is prepared to accept my amendment. If that is indeed the case, then I urge its adoption.

Reports referred to follow:

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, July 17, 1989.

Hon. ANDY IRELAND,
House of Representatives,
Washington, DC.

DEAR MR. IRELAND: After the issuance of our June 8, 1989, report ("INF Treaty: Army and Air Force Personnel Reductions", GAO/NSIAD-89-173FS), Mr. Charlie Murphy of your staff asked us to verify the disposition of the 1,099 Air Force civilian positions scheduled to be eliminated as a result of the Intermediate Range Nuclear Forces [INF] Treaty. According to the Department of Defense, all civilian billets associated with INF have been taken out of its budget submission.

After reviewing Air Force Justification of Estimates for fiscal years 1990/1991 submitted to the Congress in January 1989, we have documented that these civilian positions are scheduled to be eliminated by 1991. All positions are included in the Operations and Maintenance Justification Book Tracks. Of the 1,099 positions, 432 are scheduled to be eliminated in fiscal year 1989, 31 positions in fiscal year 1990, and 636 positions in fiscal year 1991.

If you have any additional questions, please call Albert H. Huntington, III, Assistant Director on 557-1469, or Mary K. Quinlan, Evaluator-in-Charge, on 557-1524.

Sincerely yours,

JOSEPH E. KELLEY,
Director, Security and International Relations Issues.

FACT ISSUE PAPER

Question. Reference 1,142 civilian personnel reductions as a result of INF implementation, Mr. Murphy requests an information paper which lays out the accounts in which the reductions occurred and, if these spaces have been applied elsewhere, identify the accounts and the number of spaces by which they have been increased.

Answer. All Air Force civilian manpower associated with the GLCM program has been eliminated from the operation and maintenance account of the FYDP—resulting in a 1,099 Air Force civilian end strength reduction. The following table shows the GLCM manpower baseline in FY 88 (prior to INF) and tracks the annual GLCM end strength changes through FY 91 (there is no difference in GLCM end strength between the Reagan and Bush budgets).

GLCM CIVILIAN END STRENGTH TRACK

[In fiscal years]

GLCM end strength	1988–89 PBA		1990–91 Reagan/Bush Budgets					
			1989		1990		1991	
	CONUS	EUR	CONUS	EUR	CONUS	EUR	CONUS	EUR
Programmed	125	974	125	542	111	525	0	0
Drawdown	0	0	0	−432	−14	−17	−111	−525

Note.—Increases in other high priority Air Force requirements in NATO Europe were accommodated through offsets from other programs across the Air Force. GLCM savings were not used to fund these NATO Europe requirements. In fact, GLCM savings were not applied against any other programs throughout the Air Force—they were reduced from the FYDP.

Source: Provided by Office of the Comptroller of the Department of Defense, July 20, 1989.

□ 1450

Mr. HUTTO. Mr. Chairman, will the gentleman yield?

Mr. IRELAND. I am happy to yield to the gentleman from Florida.

Mr. HUTTO. Mr. Chairman, as the gentleman knows, in our committee markup when he offered the amendment, I asked him if he would hold off on it until we could gather more information. I appreciate the way the gentleman has gone about this and his working with us.

The amendment that he has now is acceptable to the Subcommittee on Readiness and to the committee on this side of the aisle.

As I understand it, the modified amendment appears at section 316 of the report on providing for the consideration of this bill. It is acceptable to the committee and to the Department of Defense now because all civilian positions will have been eliminated by September 30, 1991, which is 1 day before that required by the amendment. The amendment is a good one and is completely acceptable.

Mr. IRELAND. Mr. Chairman, I thank the gentleman for his words and also for his assistance and help.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. IRELAND. I am happy to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I want to congratulate the gentleman from Florida for being so tenacious on this. He has been very, very good in following through and getting the right numbers, and it has not been an easy task.

One would think that this would be a very simple task. It is really not at all. I really appreciate him, and I think this is going to save lots of money.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. IRELAND. I am happy to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, we have studied the amendment on this side of the aisle, and I think it is a good amendment. We will certainly be willing to accept it.

Mr. IRELAND. Mr. Chairman, I yield back the balance of my time.

Mr. DURBIN. Mr. Chairman, I rise in support of the amendment offered by my colleague, Mr. IRELAND, that would reduce by 1,017 the number of U.S. troops stationed in Western Europe.

Forty years ago, in the aftermath of World War II, the United States took the lead in rebuilding and defending the war-torn nations of Europe and Japan. Through the formation of the North Atlantic Treaty Organization [NATO] and the Marshall Plan, we were able to contain the spread of communism and allow the economic recovery of Europe and Japan. The decision to aid our allies was both right and farsighted.

Now, however, the situation has changed dramatically. Our adversary throughout the could war, the Soviet Union, is struggling with ethnic and labor unrest at home and political liberalization in the neighboring Warsaw Pact countries of Hungary and Poland. At the same time, our European allies and Japan are enjoying stronger economic growth and lower budget deficits than is true in the United States, where we face enormous budget deficits and a trillion dollar debt.

Despite these changes, the Department of Defense has estimated that 60 percent of the U.S. defense budget can be attributed to the defense of our European allies and Japan. In 1990 alone, the U.S. contribution will total over $180 billion, or almost three times the cost of the entire B–2 program.

Mr. Chairman, the United States can no longer afford to be the principal guarantor of our allies' defense. It is unfair to ask American citizens to continue paying $1,300 in taxes to pay for the defense of our allies when the average Japanese citizen only pays $130. It is unfair for the United States to contribute over 6.8 percent of its GDP to defense when our allies only contribute 3.3 percent of their GDP on average.

In 1977, each of the NATO allies pledged to increase defense expenditures annually by 3 percent above inflation. Yet from 1978 through 1985, when the United States increased defense spending by 5.7 percent, the allies only averaged 2.2 percent growth in defense spending. Despite numerous new studies documenting this gap in contributions to the common defense, and despite repeated promises from our allies to shoulder a greater share of the burden, the situation has not changed.

The plain fact is that our allies are being treated to a free ride on the back of the American taxpayer, and they will not get off until we tell them to. We need to say to them, directly and candidly, that we will not help them unless they begin to help themselves.

The amendment offered by Mr. IRELAND is a modest step in the right direction. It advances the principle that the savings realized by arms control agreements such as the INF pact should be reflected in reduced numbers of troops stationed in Europe.

I had hoped that we could have a more far-reaching debate on defense burdensharing. In particular, I think we need to explore the possibility of reducing the number of U.S. troops in Europe and transferring some of the money saved to our National Guard programs. An increased commitment to our National Guard programs would save money, would keep spending on defense within the United States where it would bolster local economies, and would tie the defense of our great country more closely to our communities.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida [Mr. IRELAND].

The amendment was agreed to.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore (Mr. DURBIN). Without objection, the gentleman from Wisconsin [Mr. ASPIN] is recognized for 5 minutes.

Mr. ASPIN. Mr. Chairman, a point of inquiry: We are now going to go to the section 2 amendments, which is the 5-minutes-on-a-side amendments. I have a question of the Chair: Is it the intention of the Chair to put the amendments, if we come to votes on the amendments, put them together en bloc at the end of the process here today?

The CHAIRMAN pro tempore. Under the rule that decision is within the discretion of the Chair, and the Chair would exercise that discretion, after consultation with the floor managers on both sides.

Mr. ASPIN. Mr. Chairman, it would be, I think, our hope that we would do that. I would like to get the gentleman from Alabama into the discussion. I think it was our anticipation that if we got to that, if we could get the Chair to use his discretion in putting the amendments en bloc, with a 15-minute vote for the first one and 5 minutes for the subsequent votes. That would be all right with the gentleman on this side.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I am happy to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, this was our discussion, and it was for this reason that we urged the Committee on Rules to make this in order. They had made it at the discretion of the Chair, which is fine. We felt that this would be very time-saving in view of the number of hours that are already scheduled for the floor. We thought this would be very beneficial and helpful to the Members, and I would urge on the Chair that that would be the procedure that we follow.

The CHAIRMAN pro tempore. The Chair is inclined to exercise its discretion in that manner. I think at this time we should proceed with the amendments under section 2.

Mr. ASPIN. Mr. Chairman, I also would like to announce that pursuant to the prior discussion with the gentleman from Alabama, the section 2 amendments numbered 1, 2, 3, 5, 6, and 7 will be deferred until a point later in the proceedings.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. WEISS

Mr. WEISS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WEISS: Page 36, after line 16, insert the following new section:

SEC. 128. PROHIBITION OF RETROFITTING TRIDENT SUBMARINES TO CARRY D-5 MISSILES.

(a) PROHIBITION.—The Secretary of the Navy may not carry out the conversion of any Trident submarine to enable it to carry Trident II (D-5) missiles.

(b) REDUCTION IN FUNDING.—The amount specified in section 102(d) for Other Procurement for the Navy for fiscal year 1990 is hereby reduced by $6,800,000.

The CHAIRMAN pro tempore. The gentleman from New York [Mr. WEISS] will be recognized for 5 minutes, and Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let me at the outset address the issue which I thought was being discussed earlier just a moment ago about the sequence of votes. I think that it is difficult enough when one has amendments of great substance which are limited to 5 minutes of debate on each side, but, OK, one can sort of accept that. But the rule proviso which then says we are going to lump our votes together at the end, I think, is a real travesty. I understand the Committee on Rules had little choice, because they were given directions as to how much time they could provide for this bill, but coming from a nonsupported amendment where the committee opposed it, under the best of circumstances, it is difficult to get serious consideration when, in fact, one then has a 2-hour delay between the debate on that amendment and the final vote. That is fact removes whatever chance there is of serious consideration, and that, I think, is absolutely wrong.

Mr. Chairman, I would hope that it there is discretion to be exercised by the Chair, that he would keep that in mind. Beyond that, I would hope that we are never faced with this kind of situation again.

Mr. Chairman, Let me say that this D-5 amendment, the Trident II missile, is different from those that we have offered in years preceding.

Mr. Chairman, for the past 4 or 5 years this gentleman has offered amendments to delete funding for the D-5 missile program, and we have lost, and that fight is really over. At this point, the amendment that I offer has nothing to do with canceling the D-5 program.

Mr. Chairman, I rise in support of the amendment. This amendment would cancel the D-5 refit program. It is a modest amendment. It is a practical amendment.

The D-5 program is moving full steam ahead. After some delay due to problems in the testing phase, the first Trident submarine equipped with D-5 missiles is scheduled for deployment in March of 1990.

Let me underscore that this is not an amendment to cancel the D-5 program. I understand that there have been some misconceptions about my amendment in this regard.

The amendment we are discussing would not prohibit the continuation of the D-5 program. It would, however, cancel a portion of the program which is strategically and fiscally unnecessary. My amendment would eliminate the $6.8 million in this year's authorization for the refit program and prohibit any further funding for the program in the future.

From now on, every Trident submarine deployed will carry D-5 missiles. Eventually this submarine force will exceed 20 according to the Navy's 5-year defense plan. In addition, the Navy, beginning in 1993, plans to call back all eight Tridents currently equipped with C-4 missiles and replace them with D-5's. The so-called refit program is expected to cost in excess of $6 billion. This particular section of the D-5 program is the subject of my amendment.

Many Members of Congress are excited about the new D-5 missile. The missile has an incredibly high yield and pinpoint accuracy. With the D-5, the United States will, for the first time, have the capacity to strike Soviet hard targets from the sea leg of our nuclear triad. While we have debated the merits of this program in the past, this new capability is a fait accompli. No matter what your views on that debate, I believe supporting this amendmnent is entirely consistent.

People say, "I'm a supporter of the D-5. I can't support this amendment." This is fundamentally untrue. Even with the passage of this amendment, the United States will deploy 660 D-5 missiles equipped with either 12 Mark IV warheads, or 8 of the more powerful Mark V warheads.

However, it is important to keep in mind that the primary purpose of our sea-launched ballistic missiles is to deter a Soviet first strike. In fact, the C-4 missiles have served this purpose quite adequately. C-4's have over 100 times the explosive yield of the bombs dropped on Hiroshima and Nagasaki. No one questions the retaliatory capability of the C-4.

In fact, C-4 missiles can do almost every thing the D-5's can do. They can destory airfields, troop concentrations, naval bases, industrial facilities, and governmental centers. The C-4 can reach its target in 10 to 20 minutes, the same as the D-5, and has the same range—4,000 to 6,000 miles, depending on payload. The only significant difference is that the D-5 can dig Soviet land-based missiles out of their silos.

Today's amendment deals with the eventual makeup of our seabased missile force. If there were no refit program, our Trident force would contain at least 12 submarines equipped with D-5's. These submarines would have the capacity to aim well over 2,000 hard-target warheads. For point of reference, the Soviet Union has a total under 1,300 silo-based ICBM's. I remind those supporters of the D-5 program to consider this fact.

Clearly, even without the additional capability that would result from backfitting the first eight Trident subs with D-5's, our sea-based hard-target capability would be overwhelming. When land- and air-based forces are taken into account, our ability to strike hard targets would be much greater still. Mr. Chairman, the Navy admits that our sea-based missile force will target not only hard targets but also those softer targets covered by C-4's. That is to say, the Navy plans to replace the C-4's with D-5's even though our C-4's are more than adequate to destroy their current targets. For $6 billion, we can aim D-5's at targets which are already adequately covered by C-4's.

This is not an anti-D-5 amendment. It in no way compromises our strategic forces. And it has no impact on our ability to deter Soviet aggression.

Instead, this amendment allows for a commonsense way to save a significant sum of money without altering the strategic assumptions of the D-5 program. The United States no longer has the luxury of deploying every weapon system that may appeal to us. In the future, decisions about military spending must be made much more stringently. The D-5 refit program simply does not pass the test of a strategically necessary program.

Mr. BENNETT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in strong opposition to the Weiss amendment. In short, this amendment would relegate eight of our most survivable, stable, and capable strategic systems to second-rate status for their entire lifetimes. Not only would this be a detriment to our strategic capability, it would also be a terrible waste of the taxpayers' money. Allow me to elaborate.

This body has agonized over the years and will no doubt do so this year over the survivability of various parts of our strategic triad. Raging debates over the MX rail garrison basing mode, the mobile Midgetman missile, the B-1 and B-2 bombers, and other systems all revolve around the bedrock issue of survivability and how to achieve it. But in all of these debates one system stands out as a beacon of survivability; an example of a system that does not suffer from the "use it or lose it" syndrome. That system is the Trident submarine. And so, Mr. Chairman, I submit that we should ensure that each of these survivable platforms has all of the capability we can muster for it. In the case of the

Trident submarine that means the D-5 missile.

From the very outset nearly two decades ago the Trident submarine has been conceived, designed, and outfitted to carry the larger, more capable Trident II or D-5 missile. To date the Congress has authorized 16 of these ships, with the 17th in this bill. The taxpayers of this country have bought and paid for this capability. They expect us to follow through on our promise made many years ago to make all Trident submarines fully capable. That means equipping them with the D-5 missile. At the beginning, we were able to build the submarines faster than the missiles, so eight of these ships initially went to sea with the older, less capable Trident I or C-4 missile. We are now nearing the point when we will fulfill our promise and equip them with the D-5 missile, the missile for which they were built.

This body has rejected attempts to halt production of the D-5 missile seven times in recent years. Why is this so? Simply put, it is because the D-5 can carry either greater payloads or equivalent payloads to longer ranges than its predecessor, thereby providing a much greater scope of opportunities to our strategic planners, opportunities that mean greater flexibility and survivability for our strategic forces.

Relegating our first eight Tridents to second-rate status may save money in the short run. But the savings would be illusory. The Navy estimates that perpetuation of the C-4 missile system in just these eight boats would cost over $1 billion more than if they carried D-5 missiles over the next decade and a half. This is truly a false economy. The added costs come from: First, the necessity of extending the life of C-4 missiles by 20 years and; second, the added upkeep costs for two versus one system.

If the proponents of this amendment are worried about the potential effects of a START agreement on the size of the Trident force I would invite their attention to two matters. First, if it became necessary to reduce warheads at sea the Navy has assured the committee it could reduce the number of missile tubes per submarine. And if that is insufficient, I would invite proponents of this amendment to join me in examining a slowdown of the Trident submarine building rate in the future. If they wish to save money on strategic programs that would be the way to do it, not but foregoing improvements to submarines already built.

In summary, Mr. Chairman, this amendment would prevent us from realizing the full capability of our most survivable and stable strategic platforms for some inflated claims of cost savings. I urge my colleagues to join me in voting to defeat this amendment.

□ 1500

Mr. WEISS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the C-4 missiles can do almost everything the D-5's can do. They can destroy airfields, troop concentrations, naval bases, industrial facilities, and government centers. They can reach their targets in about the same time as the D-5. They have the same range, 4,000 to 6,000 miles. They have 100-kiloton capacity or power compared to the D-5's 475-kiloton capacity, and that is because the D-5 really was constructed to dig missiles out of silos, land-based silos.

But what it is important to remember is that the Navy has said all along that even after the D-5's come on line there will still be soft target utilization capacity that will be required so that all we are saying is that since the 12 D-5 submarines that will be coming on line will be more than enough to overwhelm the hard targets that the Soviet Union has, for example, we can save $6 billion by simply allowing the C-4's that are on the Trident submarines right now to be used for soft target capacity.

I think the time has long since gone when we can afford the most exotic weapons and two of every kind just because somebody decided to have it. This is not necessary in this instance. It does not deter any of our strategic considerations. In fact, it is a simple, clear-cut way of saving $6 billion over the course of the next 5 to 8 years. I would think that this body should want to do that.

I urge that the membership vote for this amendment when it comes time to do so.

Mr. BENNETT. Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman. I rise in opposition to the amendment. This amendment is simply "old wine in new bottles." It seeks to curtail, in a new way, the Trident II D-5 missile program, something this body has refused to do seven times in the recent past.

I would like to concentrate on two aspects of this amendment that are especially troubling: The loss of effectiveness it would impose on our strategic forces, and the inflated claims of cost savings being made by the proponents.

We already know that the Trident submarine is our most survivable, stable, and enduring strategic system. So it makes sense to make these submarines as capable as we can. Failing to backfit the first eight ships with the D-5 missile would preclude us from realizing the full potential of the Trident. Without the backfit program, for example, we would be unable to cover all potential targets from both oceans; we would not have the missile accuracy to reduce collateral damage; and we would lose the deterrent value of the D-5 missile's greater range, payload, and accuracy.

Contrary to the proponents' claims we need these additional hard-target capable warheads at sea. Counting one warhead per Soviet missile silo significantly understates the requirement for such capability.

Now let me address the cost savings issue for a moment. Claims of savings of $6 billion for failing to backfit the first eight Tridents are inflated, because they simply ignore the costs of maintaining the older, less capable C-4 missile system over 20 years longer than originally intended. When account is taken of the costs of maintaining two separate missile systems into the 21st century; the cost of extending the C-4 design life for 20 more years; and the costs of replacing aging C-4 missiles, this amendment could end up costing us in excess of $1 billion more over the next decade and a half!

In short, Mr. Chairman, this amendment would result in a less-then-fully capable Trident force and could very well end up costing us money. Doesn't make much sense, does it? I urge my colleagues to join me to defeat this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New York [Mr. WEISS].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. WEISS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore (Mr. DURBIN). Pursuant to the provisions of paragraph 5 of section 2, House Resolution 211, and the Chair's prior announcement, the vote on the amendment offered by the gentleman from New York [Mr. WEISS] will be postponed until after consideration of amendment No. 29 to be offered by the gentleman from Michigan [Mr. BROOMFIELD] in part two of House Report 101-168.

The next amendment before the committee is the amendment of the gentleman from California [Mr. DELLUMS].

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELLUMS:

At the end of part A of title II (page 48, after line 17) insert the following new section:

SEC. 208. LIMITATION ON FUNDING FOR FOLLOW-ON-TO-LANCE MISSILE PROGRAM.

(a) LIMITATION.—None of the funds appropriated or otherwise made available to the Department of Defense for fiscal year 1990 may be used for full-scale development for the Follow-on-to-Lance missile program. Of amounts appropriated for fiscal year 1990 for research, development, test, and evaluation for the Army, not more than $16,000,000 shall be available for the Follow-on-to-Lance missile program, which may be used only for continuation of studies.

(b) REDUCTION IN FUNDING.—The amount provided in section 201 for the Army is hereby reduced by $16,819,000.

The CHAIRMAN pro tempore. Under the rule, the gentleman from California [Mr. DELLUMS] is recognized for 5 minutes in support of the amendment.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the brief time that I have I would like to point out that what this amendment would do is cut $16 million from the R&D portion of this budget for the purposes of full-scale development of the weapons system known as Follow-on-to-Lance.

For Members who are not aware of the history, in the 1983 Montebello Agreement, the NATO allies came together and agreed upon a program to modernize their nuclear weapons.

However, I would like to point out that since 1983, a new development has occurred. That is the INF Agreement where the United States and the Soviet Union signed a treaty to limit our intermediate-range nuclear weapons. The Follow-on-to-Lance is an effort to modernize our short-range nuclear weapons.

The present range of the so-called aging Lance missile is 20 kilometers. I find it fascinating and interesting, Mr. Chairman, that the range of the anticipated follow-on to Lance is some 480 kilometers, interestingly enough only 20 kilometers short of the 500-kilometer limitation proposed in the INF Treaty.

I would suggest, Mr. Chairman, that this is a modernization program of the aging Lance. First of all, we already have a modernized conventional missile delivered by the Lance system, so why is there need for us to engage in modernization of our nuclear weapon version of the Lance missile? Under what scenario, Mr. Chairmam, would there be a tactical nuclear war? Anyone who believes that we can engage in a surgical strike, a limited nuclear war, is living in never-never land. Once the genie is out of the bottle, the nuclear genie will expand and include us in a global, strategic war. Make no mistake about that.

What scenario would allow us to just use tactical nuclear weapons given the incredible capacity of our awesome nuclear arsenal, including the French as well as the British?

□ 1510

There is no convincing argument, in my humble opinion. Therefore, if you remove the usefulness of our follow-on to the Lance in a tactical nuclear war, there are only two reasons why you would go forward with this modernization. One is deterrence, and the second is as a bargaining chip.

With respect to deterrence, I would humbly point out that we already have the enormous capacity to deter nuclear war in Europe.

The Soviets are clearly aware of that.

At this incredible period of budget austerity, why are we marching down the road to begin to spend millions that will, in turn, become the billions of dollars on a new weapons system when we already have deterrence?

This small additional menace that would be created by this weapons system is grossly offset by the enormous capacity of our weapons system.

If it is for a bargaining chip, I would suggest that it is unlikely useful as a bargaining chip since the Soviet Union has already said, "Let us go to the table to negotiate removal of short-range nuclear weapons, expand the INF agreement to include short-range nuclear weapons."

I hasten to point out that we are the Nation that has at this point refused to do so.

So if it is a bargaining chip, the door is already open, the Soviets are already prepared to go to the table to negotiate this weapon.

Therefore, I would suggest that my amendment would allow for research on a modernized weapon but would not allow limited full-scale development of these weapons.

This is intended, Mr. Chairman, and members of the committee, first to allow West Germany to deal with the political question of whether or not they will allow these weapons on their soil. And you and I know that is an extremely controversial matter.

Second, it would provide time for the United States and the Soviet Union to negotiate their limitation.

Therefore, I am asking my distinguished colleagues to join with me in this amendment to remove $16 million from full-scale development.

Mr. Chairman, I reserve the balance of my time for the purpose of closing debate.

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment, and I yield 5 minutes to the distinguished gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Mr. Chairman, I thank the gentleman for yielding me his time.

Mr. Chairman, in response to the gentleman from California's amendment, let me say that he mentioned the German position on this. I think that is a very important thing to consider. When you really cut it in half, the research and development moneys are for a follow-on to the Lance missile, the whole issue of modernizing the Lance, has of course precipitated recent concerns between Germany and NATO and United States/German relations.

Resolution of this was made by the President prior to the NATO conference with the German Government. That was to provide a framework in which negotiations might proceed after the conventional arms negotiations in Vienna were to proceed and to be successful.

In other words, we want the conventional forces to be addressed first but continue to possibly hold open the possibility of an SNF negotiation later on.

This placated the German officials and the German Government and really put off until after their 1990 December elections the issue of whether or not to totally modernize the Lance missiles.

I recently was in Bonn and asked the chancellor, Helmut Kohl, a direct question about the concerns of the German Government regarding this research and development money because it was, at least, quoted in the press as being a divisive issue.

The chancellor, in direct response to the question I made on it, said it was good for America to continue to research and develop the follow-on to Lance. In other words, I think he recognizes that to not do so, to vote for the Dellums amendment, would be to undermine our negotiating position with the Soviets on the SNF negotiations that might occur.

The Germans have not yet closed the door on the Lance or the follow-on to Lance, they have not closed the door on any modernization issue. Yes, it is a political question. Yes, we are addressing ourselves to political questions this entire week on this bill.

So I think that what we need to say to the Germans and to our NATO allies and, yes, to the Soviets, is that we support full funding of the R&D on the follow-on to Lance. To do otherwise I think is actually breaking the word that we gave to both our NATO allies, the Germans and certainly sends the wrong signal to the Soviet Union at this very important time.

Mr. Chairman, I yield back the balance of my time to the gentleman from Alabama [Mr. DICKINSON].

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Missouri [Mr. COLEMAN], yields back 2 minutes to the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume and then will yield part of it to my colleague, the gentleman from Arizona [Mr. KYL].

Let me say, Mr. Chairman, that we have on three different occasions, in Montebello in 1983, again in 1985 and in 1988, we made an agreement; a solemn agreement with our NATO allies that we would modernize our nuclear forces in Europe. We are attempting to do this; there will be no deployment decision made until 1992. This is matter of common sense if we need to modernize.

Let me comment to the analogy that my friend from California made about negotiating without having any chips when we sit down at the table. I do not know if my good friend plays poker or not, but if he and I decided to play poker, we would sit down at the table and he would say "would you play?" and I would say "yes". I would say "put your chips on the table." He puts his on the table, and wants me to put chips on the table that I do not have.

How are we going to play? No, because there is nothing to negotiate. If we do not have any chips, you cannot even begin to talk.

Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. KYL].

Mr. KYL. I thank the gentleman for yielding.

Mr. Chairman, I am going to ask that we insert in the RECORD at the conclusion of my remarks three letters, one from the National Security Adviser, Brent Scowcroft to our ranking minority Member; the second from Secretary Cheney; and the third one from the Secretary of the Air Force. In all three of these letters officials of our administration are asking the Congress to fund the follow-on to the Lance program at its full level.

I would point out that the Committee on Armed Services, by a very wide margin, supported full funding for the follow-on to Lance.

The existing Lance is an old weapon, it is close to out of date, and would be by the mid-1990's. FOTL is simply the new technology.

Yes, it has longer range than the old Lance. Our guys in the field appreciate that. It makes it safer for them.

Our NATO allies want us to continue with this program, the administration wants us to continue with this program and, therefore, I would urge that our colleagues vote "no" on the Dellums amendment.

THE WHITE HOUSE,
Washington, DC, June 22, 1989.

Hon. WILLIAM DICKINSON,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN DICKINSON: I am writing to add my concern to that expressed by Secretary Cheney about the funding cuts proposed in the Defense Authorization bill for the follow-on to LANCE (FOTL) and the Short-Range Attack Missile-Tactical (SRAM/T).

Both of these systems represent long-standing NATO requirements. In particular, last month's NATO Summit reaffirmed Alliance support for continued U.S. development of the FOTL. The President strongly supports continued development of both these systems, as vital components of our theater nuclear deterrent.

Our successes at the NATO Summit were possible because we have a firm and stable security posture. One of the most serious mistakes we could make would be to begin anticipating arms control progress, and, by our own actions, undermine our security posture.

I urge you to support the modest funding levels for both FOTL and SRAM/T in our budget request. Failure to do so would not only send the wrong signal to other NATO countries, but would also foreclose NATO's options to deploy these systems in the future.

Sincerely,

BRENT SCOWCROFT.

THE SECRETARY OF DEFENSE,
Washington, DC., June 21, 1989.

Hon. WILLIAM L. DICKINSON,
Ranking Member, Subcommittee on Research and Development, Armed Services Committee, House of Representatives, Washington, DC.

DEAR BILL: I am writing to express my deep concern about funding cuts proposed in the Defense Authorization bill for two critical programs to maintain our theater nuclear deterrent—the follow-on to Lance (FOTL) and the Short-Range Attack Missile-Tactical (SRAM/T).

I am concerned over the misperception that the SRAM/T circumvents the spirit of INF. The requirement for SRAM/T predates the INF Treaty and is in no way a circumvention of the spirit or letter of the Treaty. It is widely supported throughout NATO as a system that will enhance aircraft survivability and permit significant reductions in NATO's nuclear stockpile.

Our theater nuclear forces requirements are based on the overall Warsaw Pact threat—both conventional and nuclear—and what we require to maintain deterrence. In this context, the Soviet Union maintains a massive superiority in theater nuclear forces—the result of an aggressive, decade-long modernization program. This program includes replacement of the old and inaccurate Frog rocket with the much more advanced and highly accurate SS-21 missile, and replacement of the SS-23 missile with the Scud missile as the SS-23s are eliminated under the INF treaty. The Scud missile, with a range of 300 kilometers, is being improved qualitatively. The Soviets have also modernized their air-delivered missile forces, including the introduction of the new AS-16 tactical air-to-surface missile.

Both the FOTL and the SRAM/T programs represent long-standing requirements. In 1983, NATO Ministers agreed at Montebello, Canada, to reduce the nuclear stockpile in Europe by 1400 weapons, while at the same time agreeing that the remaining weapons must be responsive, survivable, and effective. In order to implement the Ministerial decision, the Supreme Allied Commander, Europe (SACEUR) specified in 1985—and reaffirmed in 1988—a number of modernization requirements for NATO's nuclear forces, including FOTL and SRAM/T. SACEUR determined that deployment of these systems is needed to maintain a credible nuclear deterrent and to shift the emphasis to longer ranges. This requirement is in response to the Warsaw Pace posture and not a consequence of the INF Treaty.

The Montebello Decision and further work by NATO's Nuclear Planning Group have provided a clear road map for ensuring the continued credibility of NATO's deterrent strategy with a minimum number of nuclear weapons. While we have agreed at the recent NATO Summit that specific deployment decisions from our Allies are not needed now, the requirements for FOTL and SRAM/T remain valid, and NATO nations have consistently and publicly—most recently at the Summit—expressed their continued support for U.S. research and development efforts to meet those requirements and provide needed options for future deployment decisions.

The current LANCE system does not meet NATO requirements. Its limited range, complex loading procedures, and the limited number of launchers from which the system can be fired all degrade significantly the system's survivability. A FOTL of longer range—and which is fully compliant with the INF Treaty—will enhance deep target coverage, including important fixed and mobile targets. Moreover, FOTL will permit increased use of NATO's dual-capable aircraft (DCA) for even deeper targets and will allow these aircraft to be available for their important conventional roles. It will provide for enhanced system survivability by permitting greater setback and will provide greater operational flexibility, such as support to adjacent corps. Use of the MLRS launcher for FOTL will ensure opportunities for widespread basing, which demonstrates Alliance solidarity and underlines the collective contribution and commitment of NATO to Alliance security objectives.

Similarly, a tactical air-to-surface missile for NATO's dual-capable aircraft is essential. The role of DCA in providing deterrence and coupling the defense of Europe to U.S. strategic forces will increase with the elimination of INF missiles. A TASM, widely deployed on NATO DCA, will counter improvements in Warsaw Pact air defenses and improve our capability to hold at risk heavily defended targets, especially those deep in Warsaw Pact territory. The extension of effective DCA range, enhanced aircraft survivability, and increased penetrativity associated with deployment of TASM will measurably enhance NATO's deterrent posture.

In conclusion, I urge you to support full funding in FY90 for FOTL and SRAM/T. Failure to do so would send the wrong signal to our NATO Allies, who fully support our continued research and development efforts to provide options for future deployment decisions. It would also jeopardize NATO's capability to maintain a credible nuclear deterrent to support Alliance strategy in the future. The requirement remains valid and consistent with past INF Warsaw Pact actions, not a circumvention of INF.

Best regards,

DICK CHENEY.

SECRETARY OF THE AIR FORCE,
Washington, DC.

Hon. RONALD V. DELLUMS,
Chairman, Subcommittee on Research and Development, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: During Air Force testimony before your committee in March, you expressed concern over a potential INF

treaty violation by acquiring the Short Range Attack Missile—Tactical (SRAM-T). This letter further clarifies the justification for the SRAM-T and substantiates why it will not violate the INF treaty.

The INF Treaty specifically addresses ground-launched missiles with a range of 500 to 5,500 kilometers. SRAM-T is air-launched with a maximum range well under 500 kilometers. These are critically important distinctions. NATO air delivered weapons were carefully excluded from the INF treaty as were comparable Soviet weapons, such as their AS-X-16 Kickback missile and the longer range AS-3 and AS-4 missiles carried on the Backfire bomber.

Additionally, the SRAM-T promotes nuclear arms reduction. Deploying the SRAM-T will decrease overall nuclear stockpile requirements for Europe, without jeopardizing our deterrent capability, due to its projected high reliability and survivability, and the inherent flexibility of air delivery. This lessens the requirement for other air delivered nuclear weapons which would otherwise be required to achieve an acceptable level of deterrence. Thus, developing SRAM-T directly supports NATO's 1983 Montebello decision to unilaterally reduce Western Europe's nuclear stockpile by replacing numerous older weapons with fewer, more modern weapons. It will fill a crucial role in continuing the credibility of NATO's doctrine of flexible response.

We remain committed to our national efforts for arms reduction, but we must also continue to develop and deploy weapons that meet our validated military requirements. We stand ready to discuss the SRAM-T program and provide you with any additional information you may require.

Sincerely,

DONALD B. RICE.

Mr. DELLUMS. Mr. Chairman, I will have to speak very quickly.

As I tried to argue with respect to the intermediate-range weapons, when Members try to make the military-strategic arguments I said deploying those weapons is really political, not military. It turned out that it was political.

We spent hundreds of millions of dollars deploying weapons in Europe that make no sense.

We built towns in Europe when we ought to be dealing with the homeless in this country; that made no sense then. This is a political issue.

If it is a political issue, our major allies have deferred the issue until 1990 and we can defer the issue of full-scale development.

What I do is allow the research and development to go forward. We do not have to build these weapons at this particular point. Let us go forward with the conventional talks. If the Germans can put off a decision until 1990, we certainly can put off a decision to go forward with full-scale development.

The research-and-development funds are there, Mr. Chairman.

Again, this is an incredible waste of time, waste of energy, waste of money to develop a weapons system that ultimately we and the Soviets will sit down to negotiate.

But what can you do once you have built these weapons? You cannot feed people, our American people, you cannot house American people, you cannot educate American children. You have wasted these resources.

We have a modernized conventional weapon, we have enormous nuclear forces in Europe. This is the time we ought to reap the benefits of the potential for peace. Let us sit down and negotiate. Let us not waste $16 million to go ahead with full-scale development.

I ask my colleagues to support the amendment.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. DELLUMS].

RECORDED VOTE

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

□ 1520

Pursuant to the provisions of paragraph 5, section 2, House Resolution 211, and the Chair's prior announcement, the vote on the amendment offered by the gentleman from California [Mr. DELLUMS] will be postponed until after consideration of amendment No. 29 in part 2 of Report No. 100-168.

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELLUMS.

At the end of part A of title II (page 48, after line 17) insert the following new section:

SEC. 208. DENIAL OF FUNDING FOR SRAM-T MISSILE PROGRAM.

(a) LIMITATION.—None of the funds appropriated or otherwise made available to the Department of Defense for fiscal year 1990 may be used for research, development, test, and evaluation for the SRAM-T missile program.

(b) REDUCTION IN FUNDING.—The amount provided in section 201 for the Air Force is hereby reduced by $55,000,000.

The CHAIRMAN pro tempore. The gentleman from California [Mr. DELLUMS] will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I might preface my remarks by saying that I realize this is an efficient rule, but it certainly does not permit any substantive discussion of critical issues. The issue of the follow on to LANCE, the weapon I am going to talk about, and the SRAM-T, these are issues that most Members do not know about. The response will be knee jerk.

We have awesome responsibility as members of the Committee on Armed Services to attempt to be educative, but I suggest it is difficult to be educative in the context of this march forward approach with 5 minutes to discuss major concerns.

Having said that, what this amendment will do is, it will save the American taxpayers $55 million in R&D funds for the weapons system known as SRAM-T. This is a tactical air-to-surface missile that we have designed or prepared to design to again deploy in Europe. I find it fascinating, Mr. Chairman, that this is an air-to-surface missile with roughly the same range as the limitations again of the INF agreement. As a matter of fact, sitting in my capacity as chairman of the Subcommittee on Research and Development, I asked the Air Force general in charge of this program, "Are you attempting to regain the capability with the SRAM-T missile that we have ostensibly given up in the INF treaty?" In a moment of candor, he said, "Yes, that is what we are attempting to do, but we are not in violation of the treaty." Of course, not in technical violation of the treaty, because the INF treaty deals with ground launch weapons, not air-to-surface missiles.

However, I ask all of my colleagues, why should we go forward with a missile system that we allow the Pentagon to undermine the spirit of the INF agreement by taking a weapon that was a limited ground launch weapon, limited in the INF treaty, tack it onto a plane and continue to have the same capability? The American people thought that we were limiting these weapons in the INF agreement.

I am suggesting, under the guise of modernizing our nuclear forces, we have developed a SRAM-T missile that, in my humble opinion, regains the capability. I do not think we need it. I think while it is not technically violative of the INF, it undermines the purpose. We are attempting to save $55 million. Let Members stop this program at this point. I make the same argument I made with respect to the follow on to LANCE.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from California [Mr. DELLUMS] has 2 minutes remaining.

Mr. KYL. Mr. Chairman, I rise in opposition to the amendment. I think it is important for our colleagues to know that the President of the United States, the Secretary of Defense, the National Security Adviser, the Secretary of the Air Force, all support the SRAM-T.

Let me read a letter from Gen. Brent Scowcroft, National Security Adviser. He said:

I am writing to add my concern to that expressed by Secretary Cheney about the funding cuts proposed in the Defense Authorization bill for the follow-on to LANCE (FOTL) and the Short-Range Attack Missile-Tactical (SRAM-T).

Both of these systems represent longstanding NATO requirements. In particular, last month's NATO Summit reaffirmed Alliance support for continued U.S. development of the FOTL. The President strongly supports continued development of both these systems, as vital components of our theater nuclear deterrent.

Our successes at the NATO Summit were possible because we have a firm and stable security posture. One of the most serious mistakes we could make would be to begin anticipating arms control progress, and, by our own actions, undermine our security posture.

I urge you to support the modest funding levels for both FOTL and SRMA-T in our budget request. Failure to do so would not only send the wrong signal to other NATO countries, but would also foreclose NATO's options to deploy these system in the future.

Mr. Chairman, the Committee on Armed Services overwhelmingly supported the SRAM-T. It is not an expensive program. The level of funding that is requested for this program for this fiscal year is $55 million. The total of the research and development costs, including the integration in the F-15E aircraft, are projected to be only $270 million. This weapon is needed because there is currently no standoff nuclear weapon for technical dual capabilities aircraft in Europe. Dual capability meaning for our allies there, for their aircraft as well as our own.

The requirement for the SRAM-T grew out of the 1983 Montebello decision and was officially established by the SACEUR in 1985, and reconfirmed in 1988. So this is nothing new.

Clearly, the requirement was established prior to the INF treaty, and therefore, is not some kind of kneejerk reaction to the treaty's limitation. As a matter of fact, the weapon that we are talking about right now, the SRAM-T, is SACEUR's No. 1 priority. NATO's dual capability aircraft with the SRAM-T will have the capacity of theaterwide, all-weather, 24-hour-a-day flying. That is very, very important for that part of the world. The SRAM-T increases aircraft survivability because it allows the targets to be attacked from a standoff range rather than requiring aircraft of fly over the target.

Finally, the standoff capability, in combination with specific missile characteristics that allow it to attack hardened and defended targets, provides great target flexibility for SACEUR. As a result, Mr. Chairman, this is one of those weapons that all of our NATO allies are asking the United States to develop. It is time now to fund this weapon.

As my colleague pointed out just a moment ago, it is not the time to begin negotiating away these weapons at the very time we are sitting down at the bargaining table with the Soviets. It is NATO's possession of exactly this kind of theater type of weapon, not a strategic weapon but a theater type of weapon, that has brought the Soviets to the negotiating table to talk about reducing their overwhelming superiority in conventional arms. The whole purpose of those negotiations is to get them to reduce their conventional arms to a level that does not threaten NATO.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I want to commend the gentleman on his argument. He is absolutely right, by the United States showing the will of the West and going forward with the ground launch cruise missile and the Pershing missile, we brought the Soviets to the bargaining table. Members could use exactly the same argument that it was a waste of money to have ever built these in the first place, but the facts are, if we had not built these, the Soviets would never have removed the SS-20 that they were intimidating our allies with.

This is a very important manifestation of the will, not only of this country but of the Western alliance. Mr. Gorbachev has been over there driving the wedge, and we need to show our allies that it has not worked, and show our adversaries that it has not worked. I commend the gentleman.

Mr. KYL. Mr. Chairman, SRAM-T is the No. 1 priority of SACEUR, a weapon that our National Security Adviser and Secretary of Defense have written to us saying, whatever you do, do not reduce the funding of this very, very important program.

As a result, Mr. Chairman, I urge all Members to vote no on the Dellums amendment to zero out the funding for this very important tactical weapon in Europe, the SRAM-T. I urge all Members to vote no on the Dellums amendment.

Mr. DELLUMS. Mr. Chairman, first, I suggest that we already have the SRAM-T missile. The opponents of my amendment suggest that the SRAM-T missile being deployed in Europe is unsafe, it would not meet European standards, but the SRAM-T is deployed here. I find that fascinating. That is not acceptable on the context of Europe, but it is acceptable to be deployed here among the American people. I do not understand that argument.

No. 2, we still have assigned to NATO 1,500 warheads, plus bombers, plus Trident submarines, assigned to NATO. Fifteen hundred warheads, bombers, and Trident submarines, but not enough, not only to destroy Europe, but the entire world. Why would we need these two additional weapons systems?

My colleagues suggest that R&D is only $270 million. That is just the nose under the tent.

□ 1530

Once we go to full scale development, once we go to production, we are talking about billions of dollars, and now we are talking about real money. We are not talking about simply R&D; we are talking about billions of dollars to build these weapons that we do not need and that we can negotiate away.

Finally, Mr. Chairman, I would suggest to my colleagues that we ought to wake up and smell the coffee. The world is changing, the cold war is over. Let us quit marching into the well talking about the "Evil Empire." This is not the cold war era. If Margaret Thatcher, who is no flaming radical by any stretch of the imagination, can awaken to the reality that the cold war is over, can we not in this body understand that there are new emerging realities in the world?

We do not need SRAM-T, and we do not need the follow-on to Lance. What we need is people with enough courage and enough heart to sit down and exploit the potential of this movement, to take the world toward peace, to take the world toward disarmament. We continue to be the hawks here, assuming that we can engage in nuclear war.

Mr. Chairman, our children do not need it. Neither do our children's children. I ask the Members to join me in stopping this $55 billion.

Mrs. LLOYD. Mr. Chairman, I want to voice my opposition to the amendment to eliminate authorization for the SRAM-T. With all due respect to my honorable colleague from California, I do not believe that in funding the SRAM-T the Air Force violated the spirit of the INF Treaty.

The INF Treaty is very clear as to the types and ranges of the missiles it sought to eliminate. They were ground-launched missiles with a range of 500 to 5,000 kilometers. The SRAM-T missile is air launched and its maximum range would be well under 500 kilometers. Further discussion of this point is not possible because we are in open session.

Furthermore, I wish to point out that in developing a missile such as the SRAM-T, the United States will match an already existing Soviet capability. Soviet missile systems, such as the AS-X-16 Kickback, and the longer range AS-3 and AS-4, carried on Backfire bombers, are all comparable to the SRAM-T. During negotiations, which I hasten to point were painstaking and thorough, a decision was made to exclude such missiles from the INF Treaty. This coupled with the fact that similar Soviet systems already exist, suggest that in no way is the SRAM-T a violation of the spirit of the INF Treaty.

Mr. Chairman, I urge my colleagues to restore funding to the SRAM-T Program. Devel-

oping and deploying the system is consistent with U.S. and NATO interests.

The CHAIRMAN pro tempore (Mr. DURBIN). All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. DELLUMS].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the provisions of paragraph 5 of section 2 of House Resolution 211 and the prior announcement of the Chair, the vote on the amendment offered by the gentleman from California [Mr. DELLUMS] will be postponed until after consideration of amendment No. 29 in part two of House Report 101-168.

AMENDMENT OFFERED BY MR. HOPKINS

Mr. HOPKINS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOPKINS: At the end of title XII (page 253, after line 15), insert the following new section:

SEC. 1243. ARMY HELICOPTER PROGRAMS.

(a) DENIAL OF FUNDING FOR LHX PROGRAM.—None of the amount appropriated for fiscal year 1990 for research, development, test, and evaluation for the Army shall be available for the Light Armed Scout Helicopter (LHX) program. The amount provided in section 201 for the Army is hereby reduced by $240,728,000.

(b) ARMY HELICOPTER IMPROVEMENT PROGRAM.—Of the amount provided in section 101 for procurement of aircraft for the Army for fiscal year 1990, $240,728,000 shall be available for continued production of the Army Helicopter Improvement Program (AHIP). The amount provided in that section for aircraft for the Army is hereby increased by $240,728,000.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Kentucky [Mr. HOPKINS] will be recognized for 5 minutes in support of the amendment, and a Member in opposition will also be recognized for 5 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. HOPKINS].

Mr. HOPKINS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, with this amendment, Members of the House will have an opportunity to say no to a new expensive and totally unnecessary program that will eventually cost $42 billion.

The program in question is the LHX helicopter. Its price tag is outrageous. It adds nothing to national security, and in short, we cannot afford it, we do not need it, we should not start it, we ought to kill it, and the time to do that is right now.

It zeroes out the $240 million proposed in the bill to fund the startup costs of LHX and transfers those funds to the Army's current fleet of proven, workable, more affordable, and needed helicopters like the AHIP.

Mr. Chairman, this is no time to commit the American taxpayer to a new $42 billion extravaganza when we can get the same results for a tiny fraction of the cost.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] is recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment to delete the funding for the LHX.

The Army has designated the LHX as its follow-on to current helicopter programs with an admittedly optimistic assessment of a 1995 initial operating capability. All three military services keep follow-on programs on the drawing board because the development time is lengthy—usually 12 to 14 years. So, the Army has the LHX just as the Air Force has its ATF and the Navy its ATA.

The Army has the LHX as its own follow-on to existing helicopter programs. It will be a light, maneuverable, air-to-air capable helicopter. It is not an insignificant program.

We took a vote on Mr. HOPKINS' anti-LHX amendment in committee. While the AHIP add back was not a part of it, the committee rejected the anti-LHX initiative on a vote of 41 to 8.

Mr. Chairman, I support the AHIP. I think it is a good program, but we would be foolish to kill the LHX in order to get it. There will be another amendment offered by my colleague from Texas [Mr. LEATH] to restore the AHIP with Army-identified offsets. We do not have to kill the LHX to buy the AHIP. So the AHIP should not be a player in this debate. The Army wants LHX. The LHX is the linchpin of the Army's future in aviation. They have planned their aviation future around the LHX, and we would be very shortsighted indeed to terminate the program.

Mr. Chairman, I urge all Members to vote no on the Hopkins amendment because if enacted, it would deny the Army a capability it needs very much.

Mr. DARDEN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I would be pleased to yield to the gentleman from Georgia.

Mr. DARDEN. Mr. Chairman, I appreciate the gentleman's yielding.

Mr. Chairman, I reluctantly rise in opposition to the amendment offered by my friend, the gentleman from Kentucky [Mr. HOPKINS], which would cancel the LHX Program and restore funding for the Advanced Helicopter Improvement Program known as AHIP.

I am going to support AHIP today as well because I think AHIP is a good program. However, I do not think it ought to be restored if it has to be restored at the expense of the LHX.

Mr. Chairman, the Army wants AHIP today to fix its most pressing aviation deficiency—seeing the battlefield at night. They wanted it bad enough that during the DOD budget process they identified two sources of funding to reinstate the AHIP program. LHX was never on either list.

AHIP is a good day-night reconnaissance aircraft and, when armed provides an excellent solution for the armored cavalry units—replacing both the Cobras and older OH-58 with one aircraft. But it is a modification to existing aircraft—and there is little potential to modify it again to incorporate 21st century technology. For the future we need LHX.

LHX is an attempt to bring in new technology whose design should support future technology growth—keeping its capabilities ahead of the emerging threat. LHX is the future and without it, our future Army aviators will be at a distinct disadvantage. We simply cannot afford to terminate this program. As needed as AHIP is, it is not worth terminating LHX.

I urge my colleagues not to support this amendment.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] has 1 minute remaining, and the gentleman from Kentucky [Mr. HOPKINS] has 4 minutes remaining.

Mr. HOPKINS. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, let me tell the Members what happened and go back into history, as the gentleman from Alabama [Mr. DICKINSON] said. Someone in the Defense Department said, "We need a new helicopter that will do everything, and let's call it the LHX."

In the meantime, the Army said that to help pay for this $42 billion helicopter, we will have to downsize the regular Army helicopter units and we have to downsize the National Guard and Reserve units, and we will even have to eliminate some National Guard helicopter units.

But, Mr. Chairman, we still have not seen an LHX that has been built. Not one of them has been built. We have good helicopters in the Apaches, the Blackhawks, the Cobras, and the AHIP. The Army's aim is to take helicopters away from the Guard and the

Reserve and someday they say we will get the LHX.

Mr. Chairman, the Guard and the Reserve have got to have something that will fly. The army is taking these helicopters away, and they are going to sell these helicopters, when they take them from the Reserve, to the U.S. Forest Service. That is not right.

Mr. Chairman, this is a good amendment, and we should eliminate the LHX.

□ 1540

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I rise in strong opposition to the amendment of the gentleman from Kentucky [Mr. HOPKINS].

The Army needs a new Scout helicopter with air-to-air capability. This has gone through the Research and Development Subcommittees, and it has strong bipartisan support. The full committee rejected this amendment previously by a vote of 8 in favor and 41 against. The Apache has too large an airframe to be survivable in the future, and the new technology should reduce maintenance and increase maneuverability.

Mr. Chairman, today we have invested over $644 million in this technology. The Army should be able to make a decision. The Army wants to have a modernized helicopter fleet, rotor fleet, and I think the LHX is a good program.

Mr. Chairman, we have done a lot to address the concerns of technologists and other people who have opposed it in the past. I think the Army has finally settled on a program. We are making progress. We should continue the progress. We should not cling to the outdated programs of the past.

Mr. Chairman, it is time to move forward, and I urge a no vote on the amendment of the gentleman from Kentucky [Mr. HOPKINS].

Mr. HOPKINS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. My colleagues, I support the amendment of the gentleman from Kentucky [Mr. HOPKINS] for the simple reason that the LHX in my estimation is clinging to the programs of the past. It is not a quantum leap in technology, and the experts who will come over and brief us will admit that the LHX will be a system that can be shot down by a peasant operating a .51-caliber machine gun. Most of the helicopters that we lost in Vietnam were lost to gunfire. They were not lost as a result of having too large a radar signature.

In fact what happened; the gentleman from Mississippi stated it exactly right, is that the Army had a bag of deficiencies, and they tried to build this into a single system, and that is what LHX is going to do.

The V-22 is a quantum leap in technology, and, if the Army had bought onto V-22, the Marine Corps system, they would not have moved forward with LHX.

It is true that Mr. Cheney has said that we have too many programs. We cannot nickel-and-dime the programs to death. Some of them will absolutely have to be eliminated.

Mr. Chairman, the gentleman from Kentucky [Mr. HOPKINS] had the good sense to move this amendment. I think we ought to kill this $42 billion program because we have Apache that flies at night, and we have a good Scout helicopter, and we need V-22.

Mr. HOPKINS. Mr. Chairman, I yield myself 1½ minutes, the balance of my time.

Mr. Chairman, I ask my colleagues a simple question: What are we getting for $42 billion? Are we really going to get $42 billion worth of national security? I ask my colleagues to keep in mind that this is the most single most expensive Army program ever proposed. Yet not even its proponents can offer convincing evidence that the LHX program can justify a $42 billion expenditure.

Mr. Chairman, I hear my colleagues on the other side, the great salesmen that they are, trying to make it easier for the rest of us, telling us to take out our little credit cards and put them in the box because today is just a small down payment. Only $240 million. But they do not say that the total cost is going to be $42 billion.

My colleagues, we have all bought cars where the saleman says, "It's so easy. Just one small little payment." But I am here to tell my colleagues that the taxpayers will grow weary in the years ahead when payments continue year after year and when the tires get slick and the muffler starts dragging on the LHX, the taxpayer's you committed them to, got a very bad deal.

Today is the day to stop it, stop it while it is still just on paper. There is time, I think, Mr. Chairman, to use some economic discipline.

I ask my colleagues to vote yes on the Hopkins amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). All time under the rule has expired.

The question is on the amendment offered by the gentleman from Kentucky [Mr. HOPKINS].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HOPKINS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the provisions of paragraph (5) of section 2, House Resolution 211, and the Chair's prior announcement, the vote on the amendment offered by the gentleman from Kentucky [Mr. HOPKINS] will be postponed until after consideration of amendment No. 29 in part 2 of House Report 101-168.

AMENDMENT OFFERED BY MR. OWENS OF UTAH

Mr. OWENS of Utah. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OWENS of Utah: Strike out section 251 (page 50, line 20 through page 52, line 4) and insert in lieu thereof the following:

SEC. 251. IDENTIFICATION OF BIOLIGICAL AGENTS USED IN BIOLOGICAL DEFENSE RESEARCH PROGRAM.

(a) ANNUAL PUBLICATION IN FEDERAL REGISTER.—(1) Chapter 139 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2370. Identification of biological agents used in Biological Defense Research Program: publication in Federal Register

"(a) IDENTIFICATION REQUIRED.—Not later than December 1 of each year, the Secretary of Defense shall publish in the Federal Register a report with respect to research conducted by the Department of Defense during the preceding fiscal year under the Biological Defense Research Program. Each such report shall identify the following:

"(1) Each biological agent used in, or the subject of, research conducted under that program during that fiscal year.

"(2) The unique and complete biological properties of each such agent.

"(3) With respect to each such agent, the location at which research under that program involving that agent is conducted and the amount of funds expended during that fiscal year under the program at that location.

"(4) The biosafety level used in conducting that research.

"(b) TYPES OF RESEARCH PROJECTS AFFECTED.—Subsection (a) applies to all research conducted under the Biological Defense Research Program, including research performed by contract with, or by grant to, educational or research institutions or private businesses or with other agencies of the United States.

"(c) EXCEPTION FOR CLASSIFIED INFORMATION.—(1) Subsection (a) does not require the identification of a biological agent used in, or the subject of, research conducted under the Biological Defense Research Program if the Secretary determines that identification of that agent or subject would involve the disclosure of classified information.

"(2) If in any year the Secretary withholds, under paragraph (1), identification of a biological agent, or the subject of research, otherwise required to be identified in a report under this section, the Secretary shall—

"(A) prepare a classified version of the report required by subsection (a) which includes all the information required by that subsection; and

"(B) submit that report to Congress not later than the date on which the unclassified report for that year is published in the Federal Register.

"(d) DEFINITIONS.—In this section:

"(1) The term 'biosafety level' means the applicable biosafety level described in the publication entitled 'Biosafety in Microbiological and Biomedical Laboratories' (CDC-NIH, 1984).

"(2) The term 'research' means research, development, test, and evaluation.".

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

"2370. Identification of biological agents used in Biologcial Defense Research Program: publication in Federal Register.".

(b) EFFECTIVE DATE.—Section 2370 of title 10, United States Code, as added by subsection (a), shall take effect with repsect to fiscal year 1989. Notwithstanding the time specified in subsection (a) of that section for publication of reports under that section, the report with respect to fiscal year 1989 shall be published not later than (1) December 1, 1989, or (2) 60 days after the date of the enactment of this Act, whichever is later.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Utah [Mr. OWENS] is recognized for 5 minutes in support of the amendment, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, the horrors of biological warfare—the rampant, indiscriminate destruction wrought by these weapons—have been known ever since the 14th century, when the Tartars catapulted the dead bodies of their own plague-infested soldiers into enemy cities. Today, with the advent of sophisticated delivery systems and genetically engineered or other highly infectious agents, the prospects of a biological war are all the more terrifying.

Our best deterrent against biological proliferation is the 1972 Biological Weapons Convention, which outlaws the production or use of biological weapons. The United States and 100 other countries are signatories to that treaty. To maintain our defensive posture, however, the Department of the Army conducts the Biological Defense Research Program in at least 29 different States throughout the country. This research, using highly lethal and contagious micro-organisms, develops protective measures and treatments to counter potential biological warfare agents.

Over the last 8 years, there has been a 400-percent increase in funding for our Biological Defense Program. Unfortunately, this sharp increase in funding has not been accompanied by a corresponding increase in public information. While all the work done under this program is unclassified, public health officials around the country—the people whose job it is to respond to biological disasters—are forced to rely on often incomplete or fragmented information.

Of world significance, this unnecessary secrecy also raises concerns internationally that the United States is producing biological weapons. By publishing readily accessible unclassified information on the Biological Defense Program, we send a clear signal that our research is strictly defensive.

This amendment, which is strongly endorsed by two past presidents of the American Public Health Association, requires the DOD to publish in the Federal Register four things:

One, a list of each unclassified biological agent used in its research program; two, the biological properties of each unclassified agent; three, the location at which biological research is conducted, and the amount of funds expended at each facility; and four, the biosafety level used in conducting the research.

This amendment does not, in any way, require the publication of classified material. The Biological Defense Research Program is unclassified to begin with. All of their research is available to the public. By the terms of this amendment, any information which reveals U.S. deficiencies, vulnerability, significant technological breakthroughs—in short, all classified information—will be exempt from the publication requirement.

The bill before us today already requires that a classified and an unclassified report be submitted with this information to the Armed Services Committee in the House and Senate. This amendment will only supply vital information to the people who need it most, without uncertainty and without redtape. This amendment will give public health officials the tools they need to combat lethal biological warfare agents in the event of an emergency. I urge your support.

Mr. HANSEN. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Utah [Mr. OWENS].

Mr. Chairman, this particular amendment has been offered before. We saw this amendment in committee, and we thought we had resolved it in committee, that we had some agreement that this was worked out.

Let me point out that many people really do not understand biological warfare. We are talking BL2, BL3, and BL4 facilities. These facilities handle different types of things that could be very, very detrimental.

Mr. Chairman, for us to take this information and now publish it in the Federal Register, it just kind of amazes me a little bit. We might as well send a copy of it to Qadhafi and everyone else of our enemies.

What does this mean? It means we turn around and say, "What effect does biological warfare have on the use of a helicopter and a person using a certain rifle? What does this mean with someone who has a certain type of suit that he is wearing? What can a man or woman do as they are operating under a very serious situation with this particular type of thing?"

So, Mr. Chairman, we looked at those areas, and I really do not think it would be wise for us to take it upon ourselves to now publish this in the Federal Register. If we are going to do that, we might as well do away with biological warfare.

□ 1550

Let me point out that the committee was concerned about that. If you turn to page 51 of the bill, you will see what we have said should not have happened, on line 4:

(b) CONTENT OF REPORT.—The report shall address the following matters:

(1) Each biological or infectious agent used in, or the subject of, research, development, test, and evaluation conducted under that program during that fiscal year and not previously listed in the Center for Disease Control Guidelines.

It goes on to talk about these; so in response to my friend, the gentleman from Utah, let me just say that I really do not see a need for this. I think it is opening this up way beyond where we want to go. I think it would be detrimental to the security of America, and I would ask that we resist this amendment and vote "no" on the amendment.

Mr. OWENS of Utah. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Chairman, I appreciate my colleague, the gentleman from Utah, yielding me this time.

Mr. Chairman, as a member of the Armed Services Committee, I rise in strong support of the Owens amendment.

In section 251 of the bill, the committee has already approved the text of this amendment. Section 251 requires the Secretary of Defense to submit a report to the House and Senate Armed Services Committees disclosing all etiological or infectious agents used in research, development, testing, and evaluation that is conducted by the Department of Defense under the Biological Defense Research Program.

All the Owens amendment does is expand on the committee position and ensure that this information is made available to the general public.

Mr. Chairman, there is no question that research on biological elements is potentially hazardous. The American people have a right to know just exactly what is being tested, where it is being tested, and how safe the tests are.

I must also point out that this amendment does not call for the disclosure of any classified materials or information. But, this amendment ensures that those biological agents and tests that are unclassified will be made public.

The committee bill supports disclosing this information to the appropriate congressional committees. I believe we should disclose this information to the American people.

Mr. HANSEN. Mr. Chairman, I really have no argument on the right to know. I am sure we all feel comfortable about that, but we have asked the Secretary to give us a classified and an unclassified area, so we have put the onus on the Secretary. He can say, "Yes, there is a right to know in certain areas, and I will make that open to the American public."

But there is not a right to know in other areas, so that has already been taken care of.

I personally feel that we handled this in the committee. The gentleman from California [Mr. DELLUMS] and I worked this out. I can see no reason at all why we should have to go ahead with this amendment. I really feel it would be detrimental to those people who are working so diligently in the BL-3 and BL-4 institutions.

Mr. OWENS of Utah. Mr. Chairman, I yield my last 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague, the gentleman from Utah [Mr. OWENS]. I am pleased to be a cosponsor of the legislation which underlies this amendment, H.R. 806, the Biological Defense Safety Act, and I wish to commend the gentleman and our assembled colleagues for taking the opportunity to consider this important measure.

Mr. Chairman, this amendment will require the disclosure of nonclassified information relating to the properties and contents of chemicals and biological materials used in the Biological Defense Research Program [BDRP]. While the United States does not produce biological weapons, there nonetheless has been a 400-percent increase in funding for biological weapons research over the last 8 years. This amendment will rectify the significant public health threat which this research entails by allowing public health officials to make adequate preparations necessary to ensure the public safety.

Mr. Chairman, it is my understanding that this amendment will require the disclosure of no information which would be deemed to compromise U.S. national security interests. Rather, this amendment will merely require the Secretary of Defense to codify information which is otherwise publicly available into one coherent and complete list for publication in the Federal Register. This information will allow local safety officials to take adequate precautions and ensure against calamity as we pursue the important research efforts necessary to provide for our common defense.

Mr. Chairman, this amendment represents an important effort to protect the public health and safety in the conduct of our defense policy. Accordingly, I urge my colleagues to fully support the measure.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Utah [Mr. OWENS].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OWENS of Utah. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the provisions of paragraph (5) of section 2, House Resolution 211, and the Chair's prior announcement, the vote on the amendment offered by the gentleman from Utah [Mr. OWENS] will be postponed until after consideration of amendment No. 29 in part 2 of House Report 101-168.

AMENDMENT OFFERED BY MR. EVANS

Mr. EVANS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. EVANS: At the end of title V (page 118, after line 2), insert the following new section:

SEC. 510. PROHIBITION AGAINST REQUIRING CIVILIAN EMPLOYEES OF THE NATIONAL GUARD TO WEAR MILITARY UNIFORMS WHILE PERFORMING CIVILIAN SERVICE.

(a)(1) Subchapter I of chapter 59 of title 5, United States Code, is amended by adding at the end thereof the following:

"§ 5904. Prohibition against requiring civilian employees of the National Guard to wear military uniforms while performing civilian service

"(a) A civilian employee of the National Guard may not be required, by regulation or otherwise, to wear a military uniform while performing civilian service.

"(b) For the purpose of this section—

"(1) the term 'civilian employee of the National Guard means an employee appointed by an adjutant general designated by the Secretary concerned under section 709(c) of title 32;

"(2) the term 'military uniform' means the uniform, or a distinctive part of the uniform, of the Army or Air Force (as defined under regulations prescribed by the Secretary of Defense); and

"(3) the term 'civilian service' means service other than service compensable under chapter 3 of title 37.".

(2) The analysis for chapter 59 of title 5, United States Code, is amended by adding after the item relating to section 5903 the following:

"5904. Prohibition against requiring civilian employees of the National Guard to wear military uniforms while performing civilian service.".

(b) Section 5903 of title 5, United States Code, is amended by striking out "this subchapter." and inserting in lieu thereof "sections 5901 and 5902 of this title.".

(c) The amendments made by this section shall take effect as of the first pay period beginning after the expiration of the sixty-day period beginning on the date of the enactment of this Act.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Illinois [Mr. EVANS] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Chairman, I am offering an amendment to prohibit the National Guard from requiring civilian technicians to wear military uniforms during the performance of their civilian duties. For too long, civilian technicians have been forced by the National Guard to wear military uniforms, for no apparent reason, at the expense of the American taxpayer. It is time for this wasteful practice to end.

The differences between civilian technicans and military personnel are obvious. Civilian technicans are classified and paid in the same manner and at the same rates as other civilian employees of the Department of Defense. They participate in normal Guard activities for one weekend a month and for 2 weeks of annual training. In this capacity, on annual training and on weekend training, they train as members of the National Guard units to which they belong, and they proudly wear their uniforms; but otherwise they are asking for the right not to be coerced to wear those uniforms.

Civilian technicians are not given the medical or dental care given to military personnel; they receive no housing allowance; and they have no post exchange or commissary privileges. They are not military employees, they hold no military rank, and they do not enjoy the same privileges as military personnel. Civilian technicians are not even covered by military regulations, they are covered by civilian personnel regulations. Yet, they are still required to wear costly and inappropriate military uniforms to their civilian jobs every working day of the year—at a cost to the Federal Government now estimated to be around $10 million a year. Since the early 1970's, the Federal Service Impasses Panel, a Federal labor relations panel, has heard arguments from a number of State units of the Association of Civilian Technicians, the National Federation of Federal Employees and National Guard units from those States concerning the wearing of military uniforms by nonmilitary civilian technicians. In nearly every case, the panel agreed that these employees should have the option of wearing either the military uniform or agreed-upon civilian attire without the display of military rank.

Civilian technicians are proud to wear the uniform when in military service, but they object when they are

required to wear the uniform in the performance of their civilian duties. They are not asking for any special privileges, just for the right to perform these duties, unhindered, as civilians. This means being treated the same as their civilian colleagues throughout the Department of Defense. We should end the false notion that they are something that they are not once and for all. I urge you to vote for my amendment.

Mr. BATEMAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Illinois [Mr. EVANS] to prohibit the National Guard from requiring military technicians to wear military uniforms while they are serving in a civilian pay status.

Military technicians are Federal employees whose job is to train and administer the National Guard and maintain its equipment. They are one element in a cadre of full-time support personnel responsible for the readiness and day-to-day operation of the National Guard—a military element of the total force. Military technicians are there basically to ensure that the part-timers get maximum benefit from their weekend drills. The day-to-day duties of the technicians are military in nature; their work environment is governed by military standards, policies, and regulations. The military chain of command and the requirement that they be active members of the National Guard make it clear that the National Guard technician is not a regular civil service employee.

Wearing the military uniform has a rational relationship to the military purpose of full-time support manning in the National Guard. I urge my colleagues to defeat this ill-advised amendment.

□ 1600

Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the amendment from my good friend who has offered this, the gentleman from Illinois [Mr. EVANS].

Mr. Chairman, the amendment says that guardsmen on work during their duty hours would not have to wear the uniform of the National Guard or the uniform of this country.

The Enlisted Association of the National Guard of the United States, which represents all of these enlisted personnel, says this is a bad amendment: "We want to wear the uniform when we work."

I am not trying to be too hard on my fellow guardsmen, but if they do not want to wear the uniform, then I would say let them get out of the National Guard and get other jobs. These technician jobs are some of the best jobs in the Federal Government, and these people ought to be proud that they serve our country and that they can wear the uniform.

Let me set an example of why it is so important that these guardsmen wear these uniforms during the workday. Take the Sioux City, flight 232, crash of that airliner. There is an Air Guard unit on base there. They were wearing their uniforms when the crash came about. They were over there, over 100 of them, and participated in their uniforms. They did things that had to be done, helping out these passengers that were in trouble. Can anyone imagine walking over in civilian clothes and not knowing whether they were in the Guard or what they were doing there?

I have a great admiration for my friend, the gentleman from Illinois, but, quite frankly, this is a bad, bad amendment. These technicians, as I said earlier, have some of the best jobs in the Federal Government, and if they are going to serve in the National Guard, serve our country, they have to wear the uniform.

Mr. BATEMAN. Mr. Chairman, I yield the balance of my time, 2 minutes, to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Chairman, as chairman of the Subcommittee on Military Personnel and Compensation, I rise in opposition to the gentleman's amendment. I would add that the Department of Defense and the National Guard oppose this measure as well.

Mr. Chairman, the Army National Guard and the Air National Guard are an integral part of the first line military defenses of the United States. To fulfill its Federal role, the National Guard trains toward readiness for immediate response to, deployment with, and integration into the active Army and Air Force. National Guard technicians are Federal employees employed to train and administer the National Guard and maintain its equipment. Those affected by this amendment are required by Federal law to hold and maintain military status and compatible military rank and duties as National Guardsmen as a prerequisite to employment as technicians. Technicians, while Federal employees, have always been considered military technicians. They work in a completely military environment.

It is the universally held position of military command authorities that the wearing of the military uniform by technicians when performing National Guard duties is essential to the mission of the National Guard. Wearing of the uniform fosters military discipline, promotes uniformity and regularity, encourages esprit de corps, increases readiness for early deployment, but more importantly, enhances the identification of the National Guard as a professional, prepared military organization in the eyes of the local community, our allies, and hostile nations.

This regulation governing the wear of the military uniform by military technicans has withstood a variety of judicial and administrative challenges by individuals and unions. Circuit courts, district courts, and the Federal Labor Relations Authority have all held that the military uniform requirement for technicians is reasonably related to the military purposes of the National Guard. In a series of recent decisions, five circuit courts ruled that State National Guards need not negotiate, in collective bargaining, the requirement for wearing of the military uniform. The courts affirmed that the military uniform requirement is a management right negotiable only at the election of the agency.

In short, Mr. Chairman, this amendment is bad policy. I urge my colleagues to reject this measure.

The courts have said no; the Guard has said no; the Committee has said no; and now we can say no.

Mr. EVANS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I will briefly summarize. The Association of Civilian Technicians and the National Federation of Federal Employees, representing the civilian technicians themselves, support this amendment.

We do all, of course, commend the Iowa National Guard for their quick response, but I will remind my chairman, the gentleman from Mississippi [Mr. MONTGOMERY], that most of those Air National Guard and National Guard members responding so quickly were in their civilian outfits when the crash occurred and responded very quickly.

We just want to give these civilian technicians the same rights that Army and Air Force Reserve technicians have. They are able to wear civilian clothing when they are working as technicians and wear their military uniforms when serving on active duty with Army and Air Force Reserve units. We just want to give the same right to National Guard civilians.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. EVANS. I am happy to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I have been listening to the gentleman's words. Let me ask him just straight out, because I really do not understand this: If one were going to work for the National Guard and they have a requirement that they wear a uniform, and the individual understands that when he goes to work, and just like going to work in a hotel, a bellhop is required to wear a bellhop uniform, and if they are a doorman, they expect

the employee to wear a doorman's uniform, or whatever it is. That is the job.

Why should not a technician working for the National Guard wear a military uniform when he is working? I do not understand that. Why not?

Mr. EVANS. Reclaiming my time, the balance of my time, basically they are not on active military service at that time. It is confusing, I think, to the personnel to assume that those members wearing a uniform are then on active duty.

Mr. DICKINSON. Is he working in the armory? Is he working on military property? Is he working in the armory?

Mr. EVANS. They are not on military status at that time.

Mr. DICKINSON. Is he working in the military establishment at that time? Is he in the armory, or is he on the military reservation?

Mr. EVANS. The gentleman is correct.

Mr. DICKINSON. Why should he not wear a military uniform? He has the job. I do not understand that.

Mr. BONIOR. Mr. Chairman, I would like to express my support for the Evans amendment to H.R. 2461, the National Defense Authorization Act. My good friend and colleague, Congressman LANE EVANS, has introduced an amendment which would change National Guard policy by not requiring civilian technicians to wear military uniforms while performing civilian service.

The amendment is a commonsense piece of legislation. Not only would this amendment end the current discrepancy between the treatment of civilian technicians and military personnel, but this amendment would also save the Federal Government $10 million per year. Today we have debated some very costly weapon systems. It is refreshing to support an amendment that would both simplify current policies and save us a considerable amount of money.

The issue we are dealing with in this amendment is very clear. Civilian technicians are not military employees, they hold no military rank. Yet civilian technicians are required to wear costly and inappropriate military uniforms to their civilian jobs every working day of the year. Civilian technicians are classified and paid the same rates as other civilian employees of the Department of Defense. Civilian technicians do not receive the medical care, housing allowances, or commissary privileges given to military personnel. In this instance, the only similarity between civilian technicians and military personnel is the uniform they wear.

Civilian technicians are responsible for maintaining our vital National Guard units which contribute greatly to the defense of our country. Under the current National Guard policy, civilian technicians' uniforms reflect only their rank in the National Guard but do not accurately reflect their position as civilian technicians. Constituents of mine who happen to be senior-ranking civilian technicians may wear uniforms with military rankings that are far below their civilian stature. Although civilian technicians are not part of the military chain of command, in their uniform they are indistinguishable from military personnel.

Frequently, military personnel of higher rank give orders to civilian technicians who, according to their uniforms, are of lesser rank but as civilian technicians do not fit into the military hierarchy and are, therefore, not subject to a military officer's authority. This disparity between civilian technicians' uniforms and their actual responsibilities has reduced morale among civilian technicians.

The Department of Defense supplies civilian technicians their uniforms at a cost of $10 million per year. Changing this needless policy would allow this $10 million to be diverted to programs more essential to our national security. This amendment affords us a rare opportunity to save some money, improve morale, and shore up our national defense. Mr. Speaker, it is time that we change the National Guard policy which forces civilian technicians to wear military uniforms.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Illinois [Mr. EVANS].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. EVANS. Mr. Chairman, I demand a recorded vote.

A recorded vote, was ordered.

The CHAIRMAN pro tempore. Pursuant to the provisions of paragraph 5 of section 2, House Resolution 211, and the Chair's prior announcement, the vote on the amendment offered by the gentleman from Illinois [Mr. EVANS] will be postponed until after consideration of amendment No. 29 in part 2 of House Report 101-168.

AMENDMENT OFFERED BY MR. EVANS

Mr. EVANS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. EVANS: At the end of part D of title III (page 82, after line 6), insert the following new section:

SEC. 344. PROTESTS AND JUDICIAL REVIEW OF DECISIONS RELATING TO CONVERSION TO CONTRACTOR PERFORMANCE.

(a) IN GENERAL.—(1) Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2468. Conversion to contractor performance: protests and judicial review

"(a) APPLICABILITY OF PROTEST SYSTEM TO CONVERSION CONTRACTS.—(1) The procurement protest system under subchapter V of chapter 35 of title 31 shall apply to any contract awarded for the purpose of converting any commercial or industrial type activity from performance by civilian employees of the Department of Defense to contractor performance of such activity.

"(2) For purposes of applying the protest system to such a contract—

"(A) the term 'protest' includes an objection that a relevant performance work statement is inaccurate or incomplete;

"(B) the term 'interested party' includes—

"(i) any labor organization accorded, under section 7111 of title 5, exclusive recognition to represent an appropriate unit (determined under section 7112 of such title) that includes the employees referred to in paragraph (1); and

"(ii) in any case in which no labor organization has been accorded exclusive recognition, any representative of a majority of such employees, determined as provided in regulations issued by the Comptroller General; and

"(C) the term 'regulation' includes Office of Management and Budget Circular A-76 and any other order or directive issued by the President, the Director of the Office of Management and Budget, or the head of an agency (as defined in section 2302(1) of this title) that sets out standards, procedures, or requirements for converting any commercial or industrial type activity from performance by civilian employees of the Department of Defense to contractor performance of such activity.

"(b) JUDICIAL REVIEW.—(1) A determination by the head of an agency (as defined in section 2301(1) of this title) to award a contract for the purpose of converting any commercial or industrial type activity from performance by employees of the Department of Defense to contractor performance of such activity (including any executive agency action in connection with such a determination) is subject to judicial review pursuant to chapter 7 of title 5. The reviewing court may conduct a trial de novo in order to determine the facts relevant to such determination, including the accuracy and completeness of a performance work statement relevant to such contract.

"(2) For purposes of chapter 7 of title 5, each of the following parties shall be considered an aggrieved person with respect to a contract or proposed contract referred to in paragraph (1):

"(A) Any labor organization accorded under section 7111 of title 5, exclusive recognition to represent an appropriate unit (determined under section 7112 of such title) that includes the employees referred to in paragraph (1).

"(B) In any case in which no labor organization has been accorded exclusive recognition, any representative of a majority of such employees.

"(3) Section 701(a)(2) of title 5 does not apply to a determination or an executive agency action referred to in paragraph (1).".

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

"2468. Conversion to contractor performance: protests and judicial review.".

(b) EFFECTIVE DATE.—Section 2468 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts for which solicitations are issued after the end of the -day period beginning on the date of the enactment of this Act.

The CHAIRMAN. Under the rule, the gentleman from Illinois [Mr. EVANS] is recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I am offering an amendment to the fiscal year 1990-91 Defense authorization bill that addresses one aspect of an issue that has received considerable attention by Members of Congress in the past.

This amendment provides DOD employees with the same opportunities for appeal which are currently afforded to private contractors who lose Government bids under contracting out procedures.

In 1983 the Office of Management and Budget's Circular A-76, which provides the guidelines for governing the contracting out of commercial and industrial activities, was revised to provide the administration with unprecedented authority to transfer Federal functions to the private sector. This revision resulted in the loss of thousands of Federal jobs and has cost the Government in terms of contract abuses, shoddy workmanship, and cost overruns.

As my colleagues might recall, the issue of contracting out certain functions was a controversial issue during last year's House-Senate conference on the Defense authorization bill. The House bill contained a provision prohibiting contract conversions in certain instances and even annulled the contracting out of trainer aircraft maintenance jobs. The Senate, though, successfully opposed that legislation, and the contract for aircraft maintenance was let. It is no secret, however, that in less than a year from the issuance of the contract to a private contractor, the Air Force admitted that the contract was fatally flawed and would have to be totally reworked.

The Department of Defense spends billions of dollars annually to private contractors for essential goods and services. Thousands of other activities performed by DOD employees are under continuous review for possible transfer to the private sector. Yet, the requirements for converting Federal activities, such as proper cost comparison studies, which are outlined in OMB Circular A-76 are constantly abused and ignored.

While it is extremely important that A-76 reviews are properly conducted, it is also critical that the interested parties have the right to appeal the award of the contract. Federal employees who perform the function know better than anyone whether a contractor has made a realistic bid. Under existing law, when employees observe what they believe to be an improperly written contract, they can only appeal using internal appeal procedures, the scope of this internal appeals process is narrow and heavily biased to uphold the original award of the contract. On the other hand, private contractors who believe a contract was unfairly awarded can take their case directly to an independent authority at the GAO for resolution.

By amending the Competition in Contracting Act, we will provide DOD employees, whose Government function is contracted out the right to appeal under the General Accounting Office procurement protest system if they believe the performance of the function was improperly awarded to a contractor. According to the GAO, the average time to resolve a contractor's bid protest is 32 days. If DOD employees or their representatives use internal appeal procedures, then attempt to appeal to an arbitrator under a negotiated grievance procedure, the case can take months or even years.

In allowing employees the right to appeal to GAO, we can avoid situations in which the Government accepts unreasonably low bids by contractors, who within months of receiving the contract, request costly modifications that result in the taxpayers' paying even more for the performance of the function than they would have if the work had stayed in-house. I believe that an adequate appeals process for all interested parties is critical to ensure that taxpayer dollars are spent wisely.

Mr. Chairman, I have long been a staunch opponent of the contracting out process, it is my strong belief that in most cases the process works to greatly weaken the morale of local workers and usually results in wasteful spending. However, whether one believes contracting out is effective or not, it is inconceivable how anyone can argue that the system should not treat all parties involved equally. That is why I am offering this amendment today. Thank you.

□ 1610

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Illinois [Mr. EVANS] has 1 minute remaining.

Mr. HUTTO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. HUTTO] is recognized for 5 minutes.

Mr. HUTTO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in reluctant opposition to the amendment by my good friend, the gentleman from Illinois, because I too have felt for a long time that the Defense Department often times has gone overboard in contracting out. As a matter of fact, the Defense Department has contracted out far more than any other agency of the Federal Government it is my understanding.

But we have never had any hearings on this particular procedure being proposed by the gentleman from Illinois. And although the Defense Department has a goal of studying 30,000 civilian positions a year, they have only studied about 11,000. This amendment I believe goes a little too far. There is already a provision for the aggrieved civilian employees, for the civilian who have been studied and then contracted to go through to try to get some kind of relief. Of course, they are also offered first refusal by the contractor of a job, and if that is not satisfactory, often times they could be transferred to another position within the Federal Government.

So I reluctantly oppose the amendment of the gentleman. I think it will clog up the works, so to speak, and hamper the orderly process that we are going through on contracting out. Certainly we cannot go overboard, but I think we are looking to try to protect and make sure that we do not go overboard.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. HUTTO. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I thank the gentleman for yielding.

I have to confess I really do not feel that I am in a position to appreciate the full impact or import of the gentleman's amendment. Has the subcommittee of the gentleman from Florida or whatever subcommittee where it properly would come had an opportunity to have hearings on this subject?

Mr. HUTTO. No, we have not had hearings on this procedure.

Mr. DICKINSON. I have received word that the Department of Defense strongly opposes this amendment because it really makes substantial interference with their ability to even comply with what they have been directed to do in the past in studying additional jobs.

But I would hope that next year, if this does not pass, and I do not know if the offeror of the amendment would be willing to withdraw it, but I would hope with the assurance that we will give this serious consideration, and let us have hearings, let us let the Department of Defense come in and tell us why it is bad, because I do not know that much about it, except that they say it is going to mess them up and they think it is bad, but I say let us give the proponents their day in court, let them come in and make a case, and let the Department of Defense convince us, if they can, why it is a bad thing. I would hope the gentleman from Illinois would be willing to do that, with the assurance that we will get a hearing, and we will set a date and have all sides heard, if that would be reasonable.

Mr. EVANS. Mr. Chairman, will the gentleman yield.

Mr. HUTTO. I yield to the gentleman from Illinois.

Mr. EVANS. Mr. Chairman, I thank the ranking Republican member for making that suggestion, and I would be willing to withdraw my amendment

if we could have the assurance of some hearings.

Mr. HUTTO. As the chairman of the Subcommittee on Readiness, I assure the gentleman from Illinois that we will be happy to hold a hearing on this subject.

Mr. EVANS. Mr. Chairman, I ask unanimous consent to withdraw my amendment at this time.

The CHAIRMAN pro tempore (Mr. DURBIN). Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

Mr. ASPIN. Mr. Chairman, we are awaiting the author of the next amendment, the gentleman from California [Mr. BERMAN], but he is not here. The other amendments have all been put en bloc and are not going to be offered today.

I would suggest that the Chair call on the gentleman from Ohio [Mr. TRAFICANT], who has amendment No. 21.

The CHAIRMAN pro tempore. Is there objection to pursuing the order as described by the gentleman from Wisconsin?

There was no objection.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: At the end of title IX (page 212, after line 21), add the following new section:

SEC. 903. BUY-AMERICAN REQUIREMENT.

(a) DETERMINATION BY SECRETARY OF STATE.—(1) If the Secretary of State, with the concurrence of the United States Trade Representative and the Secretary of Commerce, determines that the public interest so requires, the Secretary of Defense may award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(A) the final product of the domestic firm will be completely assembled in the United States;

(B) when completely assembled, not less than 50 percent of the final product of the domestic firm will be domestically produced; and

(C) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

(2) In determining under this subsection whether the public interest so requires, the Secretary of State shall take into account United States international obligations and trade relations.

(b) LIMITED APPLICATION.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) LIMITATION.—This section shall apply only to contracts for which—

(1) amounts are authorized by this Act to be made available; and

(2) solicitations for bids are issued after the date of the enactment of this Act.

(d) REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress a report on contracts covered under this section and entered into with foreign entities in fiscal years 1990 and 1991, including—

(1) the number of contracts that meet the requirements of subsection (a) but that are determined by the United States Trade Representative to be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party; and

(2) the number of contracts for which amounts are authorized by this Act and which are awarded pursuant to this section.

(e) DEFINITIONS.—For purposes of this section—

(1) the term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States; and

(2) the term "foreign firm" means a business entity not described in paragraph (1).

The CHAIRMAN. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, the Pentagon, in terms of assets, is bigger than the top 30 Fortune 500 companies in America.

Democrats keep saying around election time they want to cut massive defense spending and waste. Republicans keep saying they want to cut the deficit. There are not too many places, but I say this is one.

The reason I say that, Mr. Chairman, is that it is common accounting knowledge that the best-run corporations in America have a 10-percent waste factor. I am saying that we have no more defense than we had in 1980. What we have are some high-priced, high-ticket items. We have Trident missiles that are like Shamu, they do cartwheels, and our level of spending has increased by 80 percent since 1980.

I have discussed with the leadership my Buy America amendment, which is so important to me, and they have agreed with some modifications to accept the language.

I would like to engage in a brief colloquy here before that amendment is called forward. We have discussed some modifications and changes. If the subcommittee chairman would so provide this information, we have talked with staff and worked out some arrangements on my Buy American language, and I would like to know if the chairman and if both sides of the aisle are going to accept that modification so that I can move forward on this.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, as staff has explained it to me, this amendment has been significantly modified. I think the gentleman has provided for a 6-percent figure instead of 50 percent. I think it is a fair amendment, and we would be prepared to accept it over here, if the majority will.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. Mr. Chairman, we also have reviewed this very carefully. Changes have been quite significant. I think they are very meaningful, by the way, and therefore we do not have an objection, and we would accept the amendment at this point, and would be delighted to accept it.

MODIFICATION OFFERED BY MR. TRAFICANT TO THE AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that the modification language to the Buy American language be placed to order.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN pro tempore. The amendment is modified.

The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified offered by Mr. TRAFICANT: At the end of title IX (page 212, after line 21), add the following new section:

SEC. 903. BUY-AMERICAN REQUIREMENT.

(a) DETERMINATION BY SECRETARY OF STATE.—(1) If the Secretary of State, with the concurrence of the United States Trade Representative and the Secretary of Commerce, determines that the public interest so requires, the Secretary of Defense may award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(A) the final product of the domestic firm will be completely assembled in the United States;

(B) when completely assembled, not less than 50 percent of the final product of the domestic firm will be domestically produced; and

(C) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

(2) In determining under this subsection whether the public interest so requires, the Secretary of State shall take into account United States international obligations and trade relations.

(b) LIMITED APPLICATION.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that the application of this section would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party and the country in which

the foreign firm produces the item does not discriminate against U.S. products of the same type.

(c) LIMITATION. —This section shall apply only to contracts for which—

(1) amounts are authorized by this Act to be made available; and

(2) solicitations for bids are issued after the date of the enactment of this Act.

(d) REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress a report on the amount of DOD purchases with foreign entities in fiscal years 1990 and 1991, including—

(1) the amount of DOD purchases that meet the requirements of subsection (a) but that are determined by the United States Trade Representative to be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party; and

(2) the amount of DOD purchases for which amounts are authorized by this Act and which are awarded pursuant to this section.

(e) DEFINITIONS.—For purposes of this section—

(1) the term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States; and

(2) the term "foreign firm" means a business entity not described in paragraph (1).

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Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. DURBIN). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I offer the amendment, as modified.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment, as modified, was agreed to.

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that amendment No. 15 in part 2 relating to the 6 percent cut be withdrawn.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT OFFERED BY MR. BERMAN

Mr. BERMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BERMAN: Page 250, after line 21, insert the following new part (and redesignate the succeeding part and sections accordingly):

PART E—MISSILE TECHNOLOGY CONTROL REGIME

SEC. 1241. POLICY.

(a) IN GENERAL.—It should be the policy of the United States to take all appropriate measures—

(1) to discourage the proliferation, development, and production of the weapons, material, and technology necessary and intended to produce or acquire missiles that can deliver weapons of mass destruction;

(2) to discourage Communist-bloc countries from aiding and abetting any states from acquiring such weapons, material and technology;

(3) to strengthen the Missile Technology Control Regime and other aspects of the United States control regime to prohibit the flow of United States materials, equipment, and technology that would assist countries in acquiring the ability to produce or acquire missiles that can deliver weapons of mass destruction, including missiles, warheads and weaponization technology, targeting technology, test and evaluation technology, and range and weapons effect measurement technology.

(4) to discourage private companies in non-Communist countries from aiding and abetting any states in acquiring such material and technology; and

(5) to monitor closely the development, sale, acquisition, and deployment of missiles, destabilizing offensive aircraft, and other weapons delivery systems which can be used to deliver weapons of mass destruction, and to make every effort to discourage such activity when such delivery systems seem likely to be used for such purposes.

(b) MULTILATERAL DIPLOMACY.—The United States should seek to pursue the policy described in subsection (a) to the extent practicable and effective through multilateral diplomacy.

(c) UNILATERAL ACTIONS.—The United States retains the right to and should take unilateral actions to pursue the objective in subsection (a) until such multilateral efforts prove effective and, at that time, to support and enhance the multilateral efforts.

SEC. 1242. ENFORCEMENT OF MISSILE TECHNOLOGY CONTROL REGIME.

(a) DETERMINATION BY THE PRESIDENT.—Whenever there is reliable evidence, as determined by the President—

(1) that a United States person—

(A) is exporting, transferring, or otherwise engaged in the trade of any MTCR item in violation of the provisions of section 38 of the Arms Export Control Act (22 U.S.C. 2778) or section 5 or 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404 or 2405), or any regulations issued under any such provisions,

(B) is conspiring to or attempting to engage in such export, transfer, or trade, or

(C) is knowingly facilitating such export, transfer, or trade by any other person, or

(2) that a foreign person—

(A) is exporting, transferring, or otherwise engaged in the trade of any MTCR item for which an export license would be denied if such export, transfer, or trade were subject to those provisions of law and regulations referred to in paragraph (1)(A),

(B) is conspiring to or attempting to engage in such export, transfer, or trade, or

(C) is knowingly facilitating such export, transfer, or trade by any other person, or

(3) that a less developed state or entity—

(A) is importing MTCR items or long-range missile systems for the delivery of weapons of mass destruction, or

(B) is equipping its forces with new or additional missile systems or other weapons delivery systems configured to use weapons of mass destruction,

then, subject to subsection (c), the President shall impose not less than one of the applicable sanctions described in subsection (b).

(b) SANCTIONS.—

(1) The sanctions which apply to a United States person under subsection (a) are the following:

(A) Denying such United States person all export licenses under section 38 of the Arms Export Control Act (22 U.S.C. 2778) and sections 5 and 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404 and 2405).

(B) Prohibiting all contracting with, or procurement of any products and services from, such United States person by any department, agency, or instrumentality of the United States Government.

(C) In a case in which the President determines that the violation under subsection (a) is an initial violation and is nondestabilizing, the sanctions described in subparagraphs (A) and (B), but only with respect to MTCR items.

(2) The sanctions which apply to a foreign person under subsection (a) are the following:

(A) Denying the issuance of any export license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) or section 5 or section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404, 2405) if such foreign person is the designated consignee or end-user in the application for such export license or if the President has reason to believe that such foreign person will benefit from the issuance of such export license.

(B) Prohibiting all contracting with, or procurement of any products and services from, such foreign person by any department, agency, or instrumentality of the United States Government.

(C) In a case in which the President determines that the violation under subsection (a) is an initial violation and is nondestabilizing, the sanctions described in subparagraphs (A) and (B), but only with respect to MTCR items.

(3) The President shall take appropriate steps to dissuade less developed states or entities from developing and deploying destabilizing offensive missiles. Whenever the President determines that such missiles may be used to deliver weapons of mass destruction, one or more of the following sanctions shall be applied to a state or entity under subsection (a):

(A) Denying or reducing all technical assistance.

(B) Denying transfer of all or selected technology in aviation, electronics, missiles, or space systems or equipment under the control of the United States Government.

(4) Sanctions shall be imposed under this section for a period of not less than 2 years and not more than 5 years.

(c) WAIVER.—The President may waive the imposition of sanctions on a person under subsection (a) with respect to a product or service if the President certifies to the Congress that—

(1) the product or service is essential to the national security of the United States;

(2) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments; and

(3) the end-user of such product or service is the United States Government.

(d) INAPPLICABILITY TO FOREIGN PERSONS LICENSED BY AN MTCR COUNTRY.—If a foreign person has been issued an export license by the government of an MTCR country under any provision of law of such country similar to a provision of law or regula-

tions referred to in subsection (a)(1)(A) and such foreign person is a national of such country or, in the case of a business entity, is established pursuant to the laws of such country, subsection (a) does not apply with respect to any exporting, transferring, or other trading activity covered by such export license.

SEC. 1243. REPORTS ON THE PROLIFERATION OF LONG-RANGE MISSILE AND DESTABILIZING OFFENSIVE AIRCRAFT.

(a) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader and Minority Leader of the Senate, the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives and the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Banking, Housing, and Urban Affairs of the Senate a report described in subsection (b).

(b) CONTENTS OF REPORT.—(1) Each report referred to in subsection (a) shall detail the efforts of all foreign countries to acquire long-range missiles and destabilizing offensive aircraft, and to acquire the material and technology to produce and deliver such weapons, together with an assessment of the present and future capability of those countries to produce and deliver such weapons.

(2) Each report under this section shall include an assessment of whether and to what degree any communist-bloc country has aided or abetted any foreign country in its efforts to acquire weapons systems, material, and technology described in paragraph (1).

(3) Each such report shall also list—

(A) each company which in the past has aided or abetted any foreign country in those efforts; and

(B) each company which continues to aid and abet any foreign country in those efforts, as of the date of the report.

(4) Such report shall also include an assessment as to whether any company listed in paragraph (3)(A) or (3)(B) aware that the assistance provided was for the purpose of developing a long-range missile or offensive aircraft.

(5) Each report under this section shall provide any confirmed or credible intelligence or other information that any non-Communist country has aided or abetted any foreign country in those efforts, either directly or by selling such missiles or aircraft or by facilitating the activities of the companies listed in paragraph (3)(A) or (3)(B), but took no action to halt or discourage such activities.

(c) INTERPRETATION.—Nothing in this section—

(1) requires the disclosure of information in violation of Senate Resolution 400 of the Ninety-fourth Congress or otherwise alters, modifies, or supersedes any of the authorities contained in that resolution; or

(2) shall be construed as requiring the President to disclose any information which, in his judgment, would seriously—

(A) jeopardizes the national security of the United States;

(B) undermine existing and effective efforts to meet the policy objectives outline in section 1241; and

(C) compromise sensitive intelligence operations, with resulting grave damage to the national security of the United States.

(d) EXCLUDED INFORMATION.—If the President, consistent with subsection (c)(2), decides not to list any company or countries in that part of the report required under paragraphs (3) and (5) of subsection (b) which would have been listed otherwise, the President shall include that fact in that report, and his reasons therefor.

SEC. 1244. REVIEW BY THE SECRETARY OF STATE OF CERTAIN LICENSE APPLICATIONS.

Section 6(a)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(a)(5)) is amended by adding at the end thereof the following: "The Secretary shall refer all license applications for the export of missile equipment and technology that is not contained on the United States Munitions List to the Secretary of State for review by the Secretary of State, in consultation with the Secretary of Defense.".

SEC. 1245. DEFINITIONS.

For purposes of this part:

(1) The term "United States person" means "United States person" as defined in section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(2)).

(2) The term "foreign person" means any person other than a United States person.

(3) The term "person" means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and includes the singular and plural of such natural persons and entities, and any successors of such entities.

(4) In the case of Communist-bloc countries, where it may be impossible to identify a specific governmental entity, "person" shall mean all activities of that government relating to the development or production of any technology affected by the Missile Technology Control Regime, plus all activities of that government affecting the development or production of aircraft, electronics, and space systems or equipment.

(5) The term "otherwise engaged in the trade of" means, with respect to a particular export or transfer, to be a freight forwarder or designated exporting agent, or a consignee or end user of the item to be exported or transferred.

(6) The term "MTCR item" means any item listed in the Equipment and Technology Annex of the Missile Technology Control Regime which was adopted by the governments of Canada, France, the Federal Republic of Germany, Italy, Japan, the United Kingdom, and the United States on April 7, 1987, and in accordance with which the United States Government agreed to act beginning on April 16, 1987.

SEC. 1246. REGULATORY AUTHORITY.

The President may issue such regulations, licenses, and orders as are necessary to carry out this part.

The CHAIRMAN pro tempore. Under the rule, the gentleman from California [Mr. BERMAN] will be recognized for 5 minutes in support of the amendment and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I ask unanimous consent that the amendment be modified.

The CHAIRMAN. The clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mr. BERMAN: Page 250, after line 21, insert the following new part (and redesignate the succeeding part and sections accordingly):

PART E—MISSILE TECHNOLOGY CONTROL REGIME

SEC. 1241. POLICY.

(a) IN GENERAL.—It should be the policy of the United States to take all appropriate measures—

(1) to discourage the proliferation, development, and production of the weapons, material, and technology necessary and intended to produce or acquire missiles that can deliver weapons of mass destruction;

(2) to discourage Communist-bloc countries from aiding and abetting any states from acquiring such weapons, material and technology;

(3) to strengthen the Missile Technology Control Regime and other aspects of the United States control regime to prohibit the flow of United States materials, equipment, and technology that would assist countries in acquiring the ability to produce or acquire missiles that can deliver weapons of mass destruction, including missiles, warheads and weaponization technology, targeting technology, test and evaluation technology, and range and weapons effect measurement technology;

(4) to discourage private companies in non-Communist countries from aiding and abetting any states in acquiring such material and technology; and

(5) to monitor closely the development, sale, acquisition, and deployment of missiles, destabilizing offensive aircraft, and other weapons delivery systems which can be used to deliver weapons of mass destruction, and to make every effort to discourage such activity when such delivery systems seem likely to be used for such purposes.

(b) MULTILATERAL DIPLOMACY.—The United States should seek to pursue the policy described in subsection (a) to the extent practicable and effective through multilateral diplomacy.

(c) UNILATERAL ACTIONS.—The United States retains the right to and should take unilateral actions to pursue the objectives in subsection (a) until such multilateral efforts prove effective and, at that time, to support and enhance the multilateral efforts.

SEC. 1242. ENFORCEMENT OF MISSILE TECHNOLOGY CONTROL REGIME.

(a) DETERMINATION BY THE PRESIDENT.—Subject to subsection (c), the President shall impose not less than one of the applicable sanctions described in subsection (b) whenever there is reliable evidence, as determined by the President, of any of the following:

(1) That a United States person—

(A) is exporting, transferring, or otherwise engaged in the trade of any MTCR item in violation of the provisions of section 38 of the Arms Export Control Act (22 U.S.C. 2778) or section 5 or 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404 or 2405), or any regulations issued under any such provisions,

(B) is conspiring to or attempting to engage in such export, transfer, or trade, or

(C) is knowingly facilitating such export, transfer, or trade by any other person.

(2) That a foreign person—

(A) is exporting, transferring, or otherwise engaged in the trade of any MTCR item for which an export license would be denied if such export, transfer, or trade were subject

to those provisions of law and regulations referred to in paragraph (1)(A),

(B) is conspiring to or attempting to engage in such export, transfer, or trade, or

(C) is knowingly facilitating such export, transfer, or trade by any other person.

(3) That a developing country—

(A) is importing MTCR items or long-range missile systems for the delivery of weapons of mass destruction, or

(B) is equipping its forces with new or additional missile systems or other weapons delivery systems configured to use weapons of mass destruction.

(b) SANCTIONS.—

(1) The sanctions which apply to a United States person under subsection (a) are the following:

(A) Denying such United States person all export licenses under section 38 of the Arms Export Control Act (22 U.S.C. 2778) and sections 5 and 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404 and 2405).

(B) Prohibiting all contracting with, or procurement of any products and services from, such United States person by any department, agency, or instrumentality of the United States Government.

(C) In a case in which the President determines that the violation under subsection (a) is an initial violation and is nondestabilizing, the sanctions described in subparagraphs (A) and (B), but only with respect to MTCR items.

(2) The sanctions which apply to a foreign person under subsection (a) are the following:

(A) Denying the issuance of any export license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) or section 5 or section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404, 2405) if such foreign person is the designated consignee or end-user in the application for such export license or if the President has reason to believe that such foreign person will benefit from the issuance of such export license.

(B) Prohibiting all contracting with, or procurement of any products and services from, such foreign person by any department, agency, or instrumentality of the United States Government.

(C) In a case in which the President determines that the violation under subsection (a) is an initial violation and is nondestabilizing, the sanctions described in subparagraphs (A) and (B), but only with respect to MTCR items.

(3) The sanctions which apply to a developing country under subsection (a) are the following:

(A) Denying or reducing all technical assistance in aviation, electronics, missiles, or space systems or equipment under the control of the United States Government.

(B) Denying transfer of all or selected technology in aviation, electronics, missiles, or space systems or equipment under the control of the United States Government.

(4) Sanctions under this section shall be imposed for a period of not less than two years and not more than five years.

(c) WAIVER.—The President may waive the imposition of sanctions on a person under subsection (a) with respect to a product or service if the President submits to Congress a certification that—

(1) the product or service is essential to the national security of the United States;

(2) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments; and

(3) the end-user of such product or service is the United States Government.

(d) INAPPLICABILITY TO FOREIGN PERSONS LICENSED BY AN MTCR COUNTRY.—If a foreign person has been issued an export license by the government of an MTCR country under any provision of law of such country similar to a provision of law or regulations referred to in subsection (a)(1)(A) and such foreign person is a national of such country or, in the case of a business entity, is established pursuant to the laws of such country, subsection (a) does not apply with respect to any exporting, transferring, or other trading activity covered by such export license.

SEC. 1243. SEMI-ANNUAL REPORTS ON THE PROLIFERATION OF LONG-RANGE MISSILE AND DESTABILIZING OFFENSIVE AIRCRAFT.

(a) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress a report described in subsection (b).

(b) CONTENTS OF REPORT.—(1) Each report under subsection (a) shall describe in detail the efforts of all foreign countries to acquire long-range missiles and destabilizing offensive aircraft and to acquire the material and technology to produce and deliver such weapons and shall include an assessment of the present and future capability of those countries to produce and deliver such weapons.

(2) Each report under subsection (a) shall include an assessment of whether and to what degree any Communist-bloc country had aided or abetted any foreign country in its efforts to acquire weapons systems, materials, and technology described under paragraph (1).

(3) Each such report shall also list—

(A) each company which in the past has aided or abetted any foreign country in those efforts; and

(B) each company which continues to aid and abet any foreign country in those efforts, as of the date of the report.

(4) Each such report shall also include an assessment as to whether any company listed under paragraph (3)(A) or (3)(B) was aware that the assistance provided was for the purpose of developing a long-range missile or offensive aircraft.

(5) Each such report shall also provide any confirmed or credible intelligence or other information that any non-Communist country has aided or abetted any foreign country in those efforts, either directly or by selling such missiles or aircraft or by facilitating the activities of the companies listed under paragraph (3)(A) or (3)(B), but took no action to halt or discourage such activities.

(c) INTERPRETATION OF SECTION.—Nothing in this section—

(1) requires the disclosure of information in violation of Senate Resolution 400 of the Ninety-fourth Congress or otherwise alters, modifies, or supersedes any authority contained in that resolution; or

(2) shall be construed as requiring the President to disclose any information which, in his judgment, would seriously—

(A) jeopardize the national security of the United States;

(B) undermine existing and effective efforts to meet the policy objectives outlined in section 1241; and

(C) compromise sensitive intelligence operations, with resulting grave damage to the national security of the United States.

(d) EXCLUDED INFORMATION.—If the President, consistent with subsection (c)(2), decides not to list any company or countries in that part of the report required under paragraphs (3) and (5) of subsection (b) which would have been listed otherwise, the President shall include that fact in that report, and his reasons therefor.

SEC. 1244. REVIEW BY THE SECRETARY OF STATE OF CERTAIN LICENSE APPLICATIONS.

Section 6(a)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(a)(5)) is amended by adding at the end thereof the following: "The Secretary shall refer all license applications for the export of missile equipment and technology that are not contained on the United States Munitions List to the Secretary of State for review by the Secretary of State, in consultation with the Secretary of Defense.".

SEC. 1245. DEFINITIONS.

For purposes of this part:

(1) The term "United States person" has the meaning given that term in section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(2)).

(2) The term "foreign person" means any person other than a United States person.

(3)(A) The term "person" means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and any successor of any such entity.

(B) In the case of Communist-bloc countries (where it may be impossible to identify a specific governmental entity) the term "person" means—

(i) all activities of that government relating to the development or production of any technology affected by the Missile Technology Control Regime; and

(ii) all activities of that government affecting the development or production of aircraft, electronics, and space systems or equipment.

(4) The term "otherwise engaged in the trade of" means, with respect to a particular export or transfer, to be a freight forwarder or designated exporting agent, or a consignee or end user of the item to be exported or transferred.

(5) The term "MTCR item" means any item listed in the Equipment and Technology Annex of the Missile Technology Control Regime which was adopted by the governments of Canada, France, the Federal Republic of Germany, Italy, Japan, the United Kingdom, and the United States on April 7, 1987, and in accordance with which the United States Government agreed to act beginning on April 16, 1987.

(6) The term "developing country" means a country that is listed as a country with a low-income economy or a middle-income economy on pages 164 and 165 of the report of the World Bank entitled "World Development Report 1989", published by Oxford University Press.

SEC. 1246. REGULATORY AUTHORITY.

The President may issue such regulations, licenses, and orders as are necessary to carry out this part.

SEC. 1247. EFFECTIVE DATE.

Section 1242(a) shall take effect at the end of the six-month period beginning on the date of the enactment of this Act.

Mr. BERMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN pro tempore. Is there objection to the initial request of the gentleman from California [Mr. BERMAN] that the amendment be modified?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from California [Mr. BERMAN] is recognized for 5 minutes in support of his modified amendment.

Mr. BERMAN. I thank the chairman very much.

Mr. Chairman, I appreciate the opportunity to offer my amendment to the Department of Defense authorization bill.

My amendment deals with the dangerous problem of ballistic missile technology proliferation.

The amendment is based on legislation I originally introduced last year along with my colleagues, Congressman SOLOMON, KASICH, LEVINE of California and DOWNEY. The amendment, like the bill, mandates the denial of certain privileges of doing business with the United States to companies which irresponsibly transfer dangerous missile equipment and technology to other countries.

Missiles, because of their speed, their ability to carry weapons of mass destruction and because they are unrecallable, pose a unique threat to world stability.

Already the U.S.S.R. has provided at least eight countries in the Middle East, Africa, and Asia with ballistic missiles; China has supplied them to one country. Iran, Israel, North Korea and South Korea are producing missiles. Argentina, Brazil, Egypt, India, Taiwan, Iraq, Pakistan and South Africa are trying to gain the capability too. Some of these may have developed certain components by themselves, but most have acquired missile technology from the industrialized countries.

Two years ago the United States and six of its allies decided to adhere to a set of export guidelines, incorporated in the missile technology control regime, which forbid the export of goods and technology to ballistic missile programs in other countries.

Yet practically every day, even after we have entered into this regime with our allies, we see an example of how a usually Western company evades the principles embodied in the MTCR, so far without punishment in the several instances with which I am familiar.

Some of these companies continue to do serious defense business with the United States. It has been alleged in numerous public documents that some of the technology transferred to one joint project of Argentina, Iraq, and Egypt—the Condor project—was state-of-the-art United States Pershing technology transferred via scientists who worked on both projects.

This kind of behavior is simply unacceptable. I understand that some member countries are trying to toughen up their laws to crack down on the violating countries, but I think we can effect the desired halt in this kind of activity with tools readily at our disposal.

The amendment before you would require the President to make a determination as to whether a company was exporting MTCR items in a way which would be prohibited in the United States.

If he so determined, he would be required to impose at least one sanction on that company. The sanctions include denial of U.S. Government contracts and denial of advanced technology which requires a U.S. Government export license.

A separate provision of the amendment, section 1244, assures that missile technology items listed on the MTCR annex which are only on the commodity control list, but not on the munitions list, are reviewed by both the State and Defense Departments.

In addition, the legislation provides the President with a range of options to dissuade less-developed countries from acquiring ballistic missile technology. These include denial or reduction of U.S. technical assistance or high-technology goods to that country.

While I was not initially drawn to the idea of sanctions against these importing countries, stories such as the one that appeared in last week's papers incline me more and more toward parallel efforts toward that end.

The most recent story was of Brazil's attempts to squeeze out of France ballistic missile technology in return for awarding French companies a contract sought also by other companies, including American ones. Brazil, according to the deal, would give the French company the contract to launch two Brazilian communications satellites in return for technology related to the Viking liquid rocket engine France uses to launch the Ariane space-launch vehicle. McDonnell Douglas, Ariane's competitor, is forbidden to transfer such kind of technology to Brazil.

It is important and instructive to note that there is a longstanding association between Brazil and Libya in developing ballistic missiles. Libya has offered to pay $2 billion for Brazil's latest theater ballistic missiles. There have been numerous reports of its financing much of Brazil's missile development. This kind of activity is atrocious, and I think it is within our power to do something about it.

Fundamentally, the superpowers seek to try to approach stability to arms control through sensible rationalization of our defense systems.

We find that more and more of this question of ballistic missile proliferation and ancillary proliferation of chemical weapons and nuclear weapons adds to the instability in the world. We in the United States, our Western allies and the Soviet Union have a high interest in bringing a halt to this proliferation. I think this amendment is a helpful step along that road, and I would ask for its adoption.

Mr. WELDON. Mr. Chairman, I rise in opposition to the Berman amendment, and I have several objections.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON. Mr. Chairman, I rise reluctantly in opposition to my friend and colleague from California [Mr. BERMAN] on this amendment. I have several objections.

First, on procedure, I am disturbed that the Committee on Rules has made this amendment, which would not be referred to the Committee on Armed Services, in order while barring consideration of dozens of amendments that are germane to this particular piece of legislation.

This amendment was not considered by our committee because it is not germane to our bill.

The sponsors apparently could not get their bill out of their own committee of jurisdiction and have now gone shopping for a vehicle.

My second objection relates to what is contained in the bill. It is a very blunt instrument. The philosophy is to force the President to use the brute force of sanctions against foreign countries or companies that export missile technology. The amendment says we are not being tough enough on the Germans and the French and the Italians, so let us clobber them over the head. It is not terribly subtle.

My third objection is the arrogance implicit in the bill. It seeks to impose on others our standards. If you look at section 1242(d), it states that sanctions will be imposed on a foreign firm even if it holds a valid export license from its own government, if that license was not issued under a law or regulation similar to American laws or regulations. If a British company is given a license by the British Government to export an item we would not license for export, the President is supposed to impose sanctions on that British company. Ladies and gentlemen, what would you think if the British Government tried to impose British standards on American firms? What would you think if the German Government im-

posed sanctions on us for not abiding by the standards of the German Government in our trade with third countries?

□ 1630

This is a doctrine of extraterritoriality. When other countries do it to the United States, we scream. There is such an arrogance when we then do it to others.

My fourth objection is to what is not in the bill. Mr. Chairman, this bill assumes that there is a fixed standard, understood by all, as to what the International Agreement on Missile Technology Control means. On the contrary, there are hassles every day within the administration, within our Government, over precisely what is or is not covered by the agreement. Before we start trying to discipline others, I think we ought to get our own shop in order.

Mr. Chairman, very simply put, this amendment does not belong on this bill. As a freestanding piece of legislation, it was referred to the Committee on Foreign Affairs, not to the Committee on Armed Services. The principal sponsor of the bill sits on the principal committee of jurisdiction. Just last month, the House considered a 600-page bill, brought to Members by the Committee on Foreign Affairs. The amendment now before us relates to the Arms Export Control Act. The amendment before us last month rewrote the Arms Control Export Act. This amendment did not make it into that massive rewrite. It appears that this amendment has little standing with the members of the principal committee of jurisdiction.

Now we are being asked to respond to it in a 10-minute debate on the floor of the House with no hearings before the full committee or any of our subcommittees. This amendment proposes to make major changes in import policy. It may or may not be a good idea. I have only listed a few concerns, but I do not think we want to make such major changes with no committee report before us on a mere 10 minutes of floor debate. The proper thing to do, Mr. Chairman, is to send this amendment back to the proper committee of jurisdiction. Let them act on it before it comes to the floor for final consideration. We should not be dealing with a topic like this so offhandedly.

Mr. Chairman, I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, first on the substantive point, if the gentleman turned to page 7 of the amendment, he would see very clearly that the provision entitled "Inapplicability to foreign persons licensed by an MTCR country," member country who grants export license, subsection does not apply in this case, which is directly opposite to the point the gentleman made.

Mr. WELDON. That may be the case. If there is a consideration, I should have looked at it. I apologize.

However, the point is, we have not considered this legislation in the committee. It is unfair to ask members in the Committee on Armed Services to add a substantive piece of legislation in this nature without giving members the opportunity to debate to air the pros and cons, and to have 5 minutes back and forth on this issue. I do not think we should vote.

Mr. BERMAN. If the gentleman would yield further, procedurally, the Committee on Foreign Affairs has conducted hearings on this subject.

The committees to which this bill has been referred in its freestanding form have consented to the jurisdiction of this committee. The chairman of the Committee on Armed Services was informed of this amendment.

Mr. WELDON. Mr. Chairman, why was it not part of the bill last month on the Arms Control Export Act rewriting?

Mr. BERMAN. If the gentleman will further yield, because at that point, it was not ready.

The CHAIRMAN pro tempore (Mr. DURBIN). All time has expired.

The question is on the amendment, as modified, offered by the gentleman from California [Mr. BERMAN].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BERMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the provisions of paragraph 5, section 2, House Resolution 211, and the Chair's prior announcement, the vote on the amendment, as modified, offered by the gentleman from California [Mr. BERMAN] will be postponed until after consideration of amendment No. 29, part 2, of House Report 101-168.

AMENDMENT OFFERED BY MR. RAVENEL

Mr. RAVENEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RAVENEL: Page 220, after line 24, insert the following new section:

SEC. 1102. REPORT REGARDING THE USE OF THE ARMED FORCES TO STOP THE AERIAL AND MARITIME TRANSIT OF ILLEGAL DRUGS INTO THE UNITED STATES.

(a) REPORT REQUIREMENT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing—

(1) a detailed plan under which the Armed Forces would be used to stop the aerial and maritime transit of illegal drugs into the United States;

(2) legislative proposals to provide authority to the Secretary to carry out the plan; and

(3) an estimate of the funds necessary to implement the plan.

(b) CONTENT.—(1) The report required by subsection (a), shall include proposals to—

(A) designate authorized corridors by which civilian aircraft and vessels may travel through drug-interdiction areas; and

(B) require the submission of navigational plans for all civilian aircraft and vessels that will travel in drug-interdiction areas.

(2) For purposes of this subsection, the term "drug-interdiction area" has the meaning given that term in section 379(d) of title 10, United States Code.

(c) TIME FOR SUBMISSION.—The report required by subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from South Carolina [Mr. RAVENEL] will be recognized for 5 minutes in support of his amendment, and the gentleman from Massachusetts [Mr. MAVROULES] will be recognized for 5 minutes in opposition to the amendment.

Mr. RAVENEL. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, our country continues to lose the war on drugs because we persist in waging the war with our hands tied and most of our weapons sheathed. It is my often-voiced opinion that we are not going to win this war until we actively employ our military to stop the flow of drugs pouring into our country.

What we need to do is close our borders except for strictly designated, well-published and constantly patrolled corridors of exit and entry for civilian ships and planes. All crafts seeking to enter the United States outside these corridors should then, upon some identification, be shot down or sunk by our Armed Forces.

To those who say the task cannot be done, cannot be accomplished by the military, I say then what is our military for? If we cannot stop the invasion of drugs into the United States, how can they be expected to defend our shores from invasions by foreign countries? Our military can win this war on drugs, and they can do it quickly.

I have advocated this course of action in a meeting with our drug czar, William Bennett, who is not adverse to my contention. Endless talk, bleeding-heart wailing, and short-term jail sentences in comfortable quarters for our enemies never won any war. This conflict against drugs will ultimately be won with the assistance of air-to-air missiles and ship-to-ship missiles. How many more millions of American lives will be ruined or lost before we really get serious and fight to win?

All that the current law and that proposed in this bill for the military in this losing war is a standard, "Hi, fellows," to the enemy when they have

been detected and are on their way into our country with their lethal cargo. Currently, invading units routinely are throwing our people the bird, literally, then turning around and going home to make their run at another time.

What a farce. What has America come to? Where is our will to fight to win? What an immediate difference air-to-air missiles blowing these scum to bits will have in this war, and to the applause, pride, and satisfaction of the American people.

Mr. Chairman, I reserve the balance of my time.

Mr. MAVROULES. Mr. Chairman, I rise in great reluctance in opposition to the proposed amendment put forth by the gentleman from South Carolina [Mr. RAVENEL].

Let me assure him that the frustrations he is feeling certainly are being felt by this Member and all Members throughout the country. I think today we made a very significant move with relation to a drug war on the part of DOD. Four hundred and fifty million dollars that was added back, and hopefully next year we can improve upon that, would give the country the necessary funds to really, really put on a good war on interdiction.

However, I must rise in opposition to my colleague's amendment, and I want to make a couple of points, very briefly. The drug interdiction package passed by the House earlier today contained many, many, many of the gentleman's provisions. We worked with him and incorporated, including studying navigation corridors for vessels and aircraft entering this country.

No. 2, what we could not incorporate and cannot now support is any implications, even by requiring a report, that we favor the military being involved in direct law enforcement, much less shooting down civilian aircraft. So I tell my colleague that we believe firmly that the military has a proper role to play in drug interdiction, and that we must strengthen and support this role.

□ 1640

But we must be very, very careful to oppose any suggestion that the military get into the direct law enforcement. Therefore, Mr. Chairman, I say to my colleagues that I very reluctantly as a matter of fact oppose the amendment and urge the House to oppose the gentleman's amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Massachusetts [Mr. MAVROULES] has 3 minutes remaining, and the gentleman from South Carolina [Mr. RAVENEL] has 2 minutes remaining.

Mr. RAVENEL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the language in my amendment does not provide for the unleashing of any missiles. All it does is instruct the Secretary of Defense to prepare a detailed plan under which our military would be used to stop the aerial and maritime transit of illegal drugs into the United States if and when called upon. It is just providing some preliminary planning.

Mr. Chairman, I say to my colleagues that full military involvement is what is ultimately coming if this Congress can ever find the guts to win this war. So I ask why not let us get ready for it?

Mr. Chairman, I yield back the balance of my time.

Mr. MAVROULES. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. RAVENEL].

The amendment was rejected.

POSTPONEMENT OF CONSIDERATION OF CERTAIN AMENDMENTS

The CHAIRMAN pro tempore. The Chair will inquire of the gentleman from New Mexico [Mr. RICHARDSON], does the gentleman have an amendment at the desk?

Mr. RICHARDSON. I have two amendments at the desk, Mr. Chairman, and I am asking for unanimous consent to put these off until tomorrow. I yield to the chairman of the committee for an answer. I understand the minority agrees.

Mr. ASPIN. Mr. Chairman, if the gentleman will withhold his request, let me ask unanimous consent to strike the last word.

The CHAIRMAN pro tempore. Without objection, the gentleman from Wisconsin is recognized for 5 minutes.

There was no objection.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from New Mexico for an explanation. Do I understand that what the gentleman is saying is that he would like to take up his two amendments having to do with Los Alamos tomorrow and not today; is that true?

Mr. RICHARDSON. Yes, Mr. Chairman, and if the gentleman will yield, the reason is that the minority and I are working on an accommodation. This would avoid a recorded vote today which I would ask for, but hopefully we can work it out tomorrow.

Mr. ASPIN. Mr. Chairman, let me yield to the gentleman from Alabama [Mr. DICKINSON]. If it is all right with him, it is all right with me.

Mr. DICKINSON. Mr. Chairman, it is my understanding that there is in the works an agreement or an accommodation that could possibly settle the whole issue without a vote or without a formal amendment, and they are in the process of negotiating at the present time. I think in the interest of comity and common sense also perhaps, putting it off until tomorrow would give them an opportunity to negotiate, at which time, if they are not successful, we could then have a vote and not lose anything. So I would like to go along with the gentleman's request.

Mr. ASPIN. Mr. Chairman, that would be all right with us, so let us put that one off until tomorrow.

Let me also announce to the Chair and to the Members that amendment No. 28, the amendment to be offered by the gentleman from Texas [Mr. COLEMAN], is now in acceptable form, and we are putting it in the en bloc amendments.

If I could, I would like to enter into a colloquy with the gentleman from Alabama and talk a little bit about where we are. We are then left with one remaining amendment, which is the only other amendment we are going to consider in the category B amendments this afternoon, and that is the amendment of the gentleman from Michigan [Mr. BROOMFIELD], who I see is here. At that point we are finished with those amendments. So I would like to announce to the members of the full committee at this point that the last amendment now that we are going to consider before we start the clustered voting is an amendment that is allotted 10 minutes, 5 pro and 5 con, the amendment from the gentleman from Michigan [Mr. BROOMFIELD].

Without the amendment offered by the gentleman from Michigan, my count is that we have eight votes. I do not know what the count of the Chair is. Does the Chair concur?

The CHAIRMAN pro tempore. It is the Chair's opinion that we have seven votes, not counting the amendment offered by the gentleman from Michigan [Mr. BROOMFIELD].

Mr. ASPIN. The Chair is correct. We have 7 votes, not counting the vote on the amendment offered by the gentleman from Michigan. Depending on how that turns out, we will have either 7 votes or 8 votes, at which point, as I understand the way the Chair has been putting the question, the first of those 7 votes would be a 15-minute vote, and it would be followed by 6 or 7 votes, depending upon the disposition of the Broomfield amendment, and those votes would be 5-minute votes. Is that the understanding of the Chair?

The CHAIRMAN pro tempore. Yes, that is the understanding of the Chair.

Mr. ASPIN. At that point we would have finished with the category B amendments for the day, and the rest of the schedule, according to the rule granted by the Rules Committee, is that we would go to the next order of business, which is the offering of the Cheney budget by the ranking Republican, the gentleman from Alabama [Mr. DICKINSON]. That would be a 40-

minute debate, pro and con, and a 15-minute vote. If that amendment is defeated, it is the end for the day. If that amendment carries, we would then have in order the Weldon amendment, which would also be a 40-minute debate and a vote.

So we will have a series of votes coming up right now, followed by a 40-minute debate and a vote on the amendment on the Cheney budget, and then after that perhaps followed by 40 minutes of debate on the Weldon amendment.

Is that the understanding of the gentleman from Alabama and the Chairman of the Committee of the Whole?

Mr. DICKINSON. Mr. Chairman, if the gentleman will yield, that is our understanding. In discussing this matter with the staff, the statement of the chairman of the committee is correct, as I understand it, and it is certainly agreeable with this side of the aisle.

Mr. ASPIN. That is fine.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The Chair would advise the members of the committee that the first vote is likely to occur near 5 p.m. after consideration of the amendment offered by the gentleman from Michigan [Mr. BROOMFIELD].

AMENDMENT OFFERED BY MR. BROOMFIELD

Mr. BROOMFIELD. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROOMFIELD: Page 359, after line 7 insert the following:

TITLE XXXV—ARMS CONTROL

SEC. 3501. SENSE OF CONGRESS ON ARMS CONTROL NEGOTIATIONS AND UNITED STATES MILITARY ACQUISITION POLICY.

(a) FINDINGS.—The Congress finds as follows—

(1) The government of the United States is currently engaged in a wide range of arms control negotiations in the area of strategic nuclear forces, strategic defenses, conventional force levels, chemical weapons, and security and confidence building measures.

(2) On May 30, 1989, the NATO allies issued a "Comprehensive Concept on Arms Control and Disarmament" which placed a special emphasis on arms control as a means of enhancing security and stability in Europe.

(3) President Bush has stated that arms control is one of the United States' highest priorities in the area of security and foreign policy and that the United States will pursue a dynamic, active arms control dialogue with the Soviet Union and the other Warsaw Pact countries.

(4) The United States has already made major proposals at the Conventional Forces in Europe Talks, convened on March 6, 1989, which would result in a dramatic reduction in Soviet and Warsaw Pact conventional forces.

(5) The United States' position on chemical weapons, originally presented by President Bush in 1984, continues to be the centerpiece of the chemical weapons negotiations under way in Geneva which have as their goal the global elimination of all chemical weapons.

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

(1) The President of the United States should be commended for pursuing a wide array of arms control initiatives in the context of a multitude of arms control negotiations, all of which have been designed to enhance global security and result in meaningful, militarily significant reductions in military forces;

The Congress of the United States fully supports the arms control efforts of the President and encourages the government of the Soviet Union to respond favorably to U.S. arms control proposals which would require the Soviet Union to reduce its massive quantitative superiority in military weaponry; and

(3) The Congress should refrain from taking legislative actions which undermine United States negotiating positions at existing arms control negotiations though attempting to impose budgetary or other limitations or restrictions intended to force the Executive branch to undertake new arms control negotiations or unilaterally restricting the development or production of weapon systems by the United States solely for arms control purposes sought by the Congress but not yet negotiated by the Administration.

The CHAIRMAN pro tempore. The gentleman from Michigan [Mr. BROOMFIELD] is recognized for 5 minutes in support of his amendment.

Mr. BROOMFIELD. Mr. Chairman, it is not necessary for me to take a great deal of time—there is nothing controversial about the amendment I am offering. My amendment expresses the emerging feeling of strong support here in Congress for President Bush's overall arms control efforts.

During the Presidency of Ronald Reagan, several of our colleagues—wrongly I believe—questioned the administration's commitment to arms control. "The proof is in the pudding." There is no need for such questioning now.

Under President Bush's able stewardship, the United States is engaged in a wide range of arms control negotiations. Strategic arms reductions, conventional force reductions, chemical weapons elimination—these are just a few of the important arms control negotiations currently underway.

And what is happening at these negotiations? Virtually every week there is progress on a major proposal or counterproposal.

If anything, some people say that arms control is moving too fast. But I believe the President is pursuing arms control in the same deliberate, methodical, and cautious way as President Reagan did. And it is clear that President Bush is more than willing to take full advantage of arms control opportunities which genuinely enhance and preserve our Nation's security.

For all of these reasons, I believe that my amendment offers all of us an opportunity to express our strong support and appreciation for President Bush's arms control efforts. I would urge my colleagues to support this amendment and send a strong message to Mr. Gorbachev—the American people and their Representatives in Congress stand united behind President Bush in this most important area.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Does any Member wish to rise in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Michigan [Mr. BROOMFIELD].

The amendment was agreed to.

□ 1650

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. DURBIN). Pursuant to the provisions of paragraph 5 of section 2, House Resolution 211, the Committee will now resume proceedings postponed earlier today on which recorded votes were ordered. The votes will be taken in the following order:

Amendment No. 4 offered by the gentleman from New York [Mr. WEISS] relative to the D5; amendment No. 8 offered by the gentleman from California [Mr. DELLUMS] relative to the follow-on-to Lance Program; amendment No. 9 offered by the gentleman from California [Mr. DELLUMS] relative to the SRAM-T Missile Program; amendment No. 10, offered by the gentleman from Kentucky [Mr. HOPKINS] relative to the LHX Program; amendment No. 12 offered by the gentleman from Utah [Mr. OWENS] relative to the biological agents used in research; amendment No. 13 offered by the gentleman from Illinois [Mr. EVANS] relative to civilian employees of the National Guard; and amendment No. 20 offered by the gentleman from California [Mr. BERMAN] relative to missile technology control.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. WEISS

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered by the gentleman from New York [Mr. WEISS].

The Clerk designated the amendment.

The CHAIRMAN pro tempore. The pending business is the vote on the amendment offered by the gentleman from New York [Mr. WEISS] relative to the D5 on which a recorded vote is ordered.

The vote was taken by electronic device, and there were—yeas 83, nays 341, not voting 7, as follows:

[Roll No. 157]

AYES—83

Ackerman	Frank	Pelosi
Atkins	Garcia	Penny
AuCoin	Gephardt	Poshard
Bates	Hawkins	Rangel
Beilenson	Hayes (IL)	Roybal
Bonior	Jones (NC)	Russo
Boxer	Jontz	Sabo
Bruce	Kastenmeier	Sangmeister
Cardin	Kennedy	Savage
Carr	Kildee	Scheuer
Clay	LaFalce	Sikorski
Conyers	Lehman (FL)	Skaggs
Costello	Leland	Stark
Coyne	Lewis (GA)	Stokes
Crockett	Lowey (NY)	Studds
DeFazio	Markey	Swift
Dellums	Mavroules	Towns
Dorgan (ND)	McHugh	Traficant
Downey	Miller (CA)	Unsoeld
Durbin	Moakley	Vento
Dymally	Moody	Walgren
Edwards (CA)	Morrison (CT)	Waxman
Engel	Nagle	Weiss
Evans	Oberstar	Wheat
Feighan	Obey	Williams
Flake	Owens (NY)	Wolpe
Ford (MI)	Panetta	Yates
Ford (TN)	Payne (NJ)	

NOES—341

Akaka	Craig	Hamilton
Alexander	Crane	Hammerschmidt
Anderson	Dannemeyer	Hancock
Andrews	Darden	Hansen
Annunzio	Davis	Harris
Anthony	de la Garza	Hastert
Applegate	DeLay	Hatcher
Archer	Derrick	Hayes (LA)
Armey	DeWine	Hefley
Aspin	Dickinson	Hefner
Baker	Dicks	Henry
Ballenger	Dingell	Herger
Barnard	Dixon	Hertel
Bartlett	Donnelly	Hiler
Barton	Dornan (CA)	Hoagland
Bateman	Douglas	Hochbrueckner
Bennett	Dreier	Holloway
Bentley	Duncan	Hopkins
Bereuter	Dwyer	Horton
Berman	Dyson	Houghton
Bevill	Early	Hoyer
Bilbray	Eckart	Hubbard
Bilirakis	Edwards (OK)	Huckaby
Bliley	Emerson	Hughes
Boehlert	English	Hunter
Boggs	Erdreich	Hutto
Borski	Espy	Inhofe
Bosco	Fascell	Ireland
Boucher	Fawell	Jacobs
Brennan	Fazio	James
Brooks	Fields	Jenkins
Broomfield	Fish	Johnson (CT)
Browder	Flippo	Johnson (SD)
Brown (CA)	Foglietta	Johnston
Brown (CO)	Frost	Jones (GA)
Bryant	Gallegly	Kanjorski
Buechner	Gallo	Kaptur
Bunning	Gaydos	Kasich
Burton	Gejdenson	Kennelly
Bustamante	Gekas	Kleczka
Byron	Gibbons	Kolbe
Callahan	Gillmor	Kolter
Campbell (CA)	Gilman	Kostmayer
Campbell (CO)	Gingrich	Kyl
Carper	Glickman	Lagomarsino
Chandler	Gonzalez	Lancaster
Chapman	Goodling	Lantos
Clarke	Gordon	Laughlin
Clement	Goss	Leach (IA)
Clinger	Gradison	Leath (TX)
Coble	Grandy	Lehman (CA)
Coleman (MO)	Grant	Lent
Coleman (TX)	Gray	Levin (MI)
Combest	Green	Levine (CA)
Conte	Guarini	Lewis (CA)
Cooper	Gunderson	Lewis (FL)
Coughlin	Hall (OH)	Lightfoot
Cox	Hall (TX)	Livingston
Lloyd	Pashayan	Smith (MS)
Long	Patterson	Smith (NE)
Lowery (CA)	Paxon	Smith (NJ)
Luken, Thomas	Payne (VA)	Smith (TX)
Lukens, Donald	Pease	Smith (VT)
Machtley	Perkins	Smith, Denny (OR)
Madigan	Petri	Smith, Robert (NH)
Manton	Pickett	Smith, Robert (OR)
Marlenee	Pickle	Snowe
Martin (IL)	Price	Solarz
Martin (NY)	Pursell	Solomon
Martinez	Quillen	Spence
Matsui	Rahall	Spratt
Mazzoli	Ravenel	Staggers
McCandless	Ray	Stallings
McCloskey	Regula	Stangeland
McCollum	Rhodes	Stearns
McCrery	Richardson	Stenholm
McCurdy	Ridge	Stump
McDade	Rinaldo	Sundquist
McDermott	Ritter	Synar
McEwen	Roberts	Tallon
McGrath	Robinson	Tanner
McMillan (NC)	Roe	Tauke
McMillen (MD)	Rogers	Tauzin
McNulty	Rohrabacher	Thomas (CA)
Meyers	Rose	Thomas (GA)
Mfume	Rostenkowski	Thomas (WY)
Michel	Roth	Torres
Miller (OH)	Roukema	Torricelli
Miller (WA)	Rowland (CT)	Traxler
Mineta	Rowland (GA)	Udall
Molinari	Saiki	Upton
Mollohan	Sarpalius	Valentine
Montgomery	Sawyer	Vander Jagt
Moorhead	Saxton	Visclosky
Morella	Schaefer	Volkmer
Morrison (WA)	Schiff	Vucanovich
Mrazek	Schneider	Walker
Murphy	Schroeder	Walsh
Murtha	Schuette	Watkins
Myers	Schulze	Weber
Natcher	Schumer	Weldon
Neal (MA)	Sensenbrenner	Whittaker
Neal (NC)	Sharp	Whitten
Nelson	Shaw	Wilson
Nielson	Shays	Wise
Nowak	Shumway	Wolf
Oakar	Shuster	Wyden
Olin	Sisisky	Wylie
Ortiz	Skeen	Yatron
Owens (UT)	Skelton	Young (AK)
Oxley	Slattery	Young (FL)
Packard	Slaughter (NY)	
Pallone	Slaughter (VA)	
Parker	Smith (FL)	
Parris	Smith (IA)	

NOT VOTING—7

Collins	Frenzel	Porter
Courter	Hyde	
Florio	Lipinski	

□ 1711

Messrs. ESPY, HUTTO, and REGULA changed their votes from "aye" to "no."

Mr. YATES and Mr. LAFALCE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FRENZEL. Mr. Chairman, when the House voted on the amendment of the gentleman from New York [Mr. WEISS] I missed the vote due to other legislative business. Had I voted, my vote would have been "no."

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to the provisions of paragraph 5, section 2, House Resolution 211, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 8 OFFERED BY MR. DELLUMS

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered by the gentleman from California [Mr. DELLUMS].

The Clerk designated the amendment.

The CHAIRMAN pro tempore. The pending business is the vote on the amendment offered by the gentleman from California [Mr. DELLUMS], on which a recorded vote is ordered.

The vote was taken by electronic device, and there were—ayes 96, noes 329, not voting 6, as follows:

[Roll No. 158]

AYES—96

Ackerman	Garcia	Oberstar
Atkins	Gejdenson	Obey
AuCoin	Gray	Owens (NY)
Bates	Hall (OH)	Payne (NJ)
Beilenson	Hawkins	Pelosi
Berman	Hayes (IL)	Rangel
Bonior	Hertel	Roybal
Boxer	Jacobs	Russo
Brennan	Johnson (SD)	Sabo
Brown (CA)	Jones (NC)	Savage
Bruce	Jontz	Scheuer
Cardin	Kastenmeier	Schroeder
Clay	Kennedy	Schumer
Conyers	Kildee	Sikorski
Coyne	Lehman (FL)	Skaggs
Crockett	Leland	Stark
DeFazio	Lewis (GA)	Stokes
Dellums	Markey	Studds
Dorgan (ND)	Martinez	Synar
Downey	McCloskey	Towns
Durbin	McDermott	Traficant
Dymally	Mfume	Traxler
Edwards (CA)	Miller (CA)	Udall
Engel	Mineta	Unsoeld
Espy	Moakley	Walgren
Evans	Moody	Waxman
Feighan	Morrison (CT)	Weiss
Flake	Murphy	Wheat
Foglietta	Nagle	Williams
Ford (MI)	Neal (MA)	Wolpe
Ford (TN)	Nowak	Wyden
Frank	Oakar	Yates

NOES—329

Akaka	Bustamante	Douglas
Alexander	Byron	Dreier
Anderson	Callahan	Duncan
Andrews	Campbell (CA)	Dwyer
Annunzio	Campbell (CO)	Dyson
Anthony	Carper	Early
Applegate	Carr	Eckart
Archer	Chandler	Edwards (OK)
Armey	Chapman	Emerson
Aspin	Clarke	English
Baker	Clement	Erdreich
Ballenger	Clinger	Fascell
Barnard	Coble	Fawell
Bartlett	Coleman (MO)	Fazio
Barton	Coleman (TX)	Fields
Bateman	Combest	Fish
Bennett	Conte	Flippo
Bentley	Cooper	Frenzel
Bereuter	Costello	Frost
Bevill	Coughlin	Gallegly
Bilbray	Cox	Gallo
Bilirakis	Craig	Gaydos
Bliley	Crane	Gekas
Boehlert	Dannemeyer	Gephardt
Boggs	Darden	Gibbons
Borski	Davis	Gillmor
Bosco	de la Garza	Gilman
Boucher	DeLay	Gingrich
Brooks	Derrick	Glickman
Broomfield	DeWine	Gonzalez
Browder	Dickinson	Goodling
Brown (CO)	Dicks	Gordon
Bryant	Dingell	Goss
Buechner	Dixon	Gradison
Bunning	Donnelly	Grandy
Burton	Dornan (CA)	Grant

Green	McCandless	Saxton
Guarini	McCollum	Schaefer
Gunderson	McCrery	Schiff
Hall (TX)	McCurdy	Schneider
Hamilton	McDade	Schuette
Hammerschmidt	McEwen	Schulze
Hancock	McGrath	Sensenbrenner
Hansen	McHugh	Sharp
Harris	McMillan (NC)	Shaw
Hastert	McMillen (MD)	Shays
Hatcher	McNulty	Shumway
Hayes (LA)	Meyers	Shuster
Hefley	Michel	Sisisky
Hefner	Miller (OH)	Skeen
Henry	Miller (WA)	Skelton
Herger	Molinari	Slattery
Hiler	Mollohan	Slaughter (NY)
Hoagland	Montgomery	Slaughter (VA)
Hochbrueckner	Moorhead	Smith (FL)
Holloway	Morella	Smith (IA)
Hopkins	Morrison (WA)	Smith (MS)
Horton	Mrazek	Smith (NE)
Houghton	Murtha	Smith (NJ)
Hoyer	Myers	Smith (TX)
Hubbard	Natcher	Smith (VT)
Huckaby	Neal (NC)	Smith, Denny (OR)
Hughes	Nelson	Smith, Robert (NH)
Hunter	Nielson	Smith, Robert (OR)
Hutto	Olin	Snowe
Inhofe	Ortiz	Solarz
Ireland	Owens (UT)	Solomon
James	Oxley	Spence
Jenkins	Packard	Spratt
Johnson (CT)	Pallone	Staggers
Johnston	Panetta	Stallings
Jones (GA)	Parker	Stangeland
Kanjorski	Parris	Stearns
Kaptur	Pashayan	Stenholm
Kasich	Patterson	Stump
Kennelly	Paxon	Sundquist
Kleczka	Payne (VA)	Swift
Kolbe	Pease	Tallon
Kolter	Penny	Tanner
Kostmayer	Perkins	Tauke
Kyl	Petri	Tauzin
LaFalce	Pickett	Thomas (CA)
Lagomarsino	Pickle	Thomas (GA)
Lancaster	Poshard	Thomas (WY)
Lantos	Price	Torres
Laughlin	Pursell	Torricelli
Leach (IA)	Quillen	Upton
Leath (TX)	Rahall	Valentine
Lehman (CA)	Ravenel	Vander Jagt
Lent	Ray	Vento
Levin (MI)	Regula	Visclosky
Levine (CA)	Rhodes	Volkmer
Lewis (CA)	Richardson	Vucanovich
Lewis (FL)	Ridge	Walker
Lightfoot	Rinaldo	Walsh
Livingston	Ritter	Watkins
Lloyd	Roberts	Weber
Long	Robinson	Weldon
Lowery (CA)	Roe	Whittaker
Lowey (NY)	Rogers	Whitten
Luken, Thomas	Rohrabacher	Wilson
Lukens, Donald	Rose	Wise
Machtley	Rostenkowski	Wolf
Madigan	Roth	Wylie
Manton	Roukema	Yatron
Marlenee	Rowland (CT)	Young (AK)
Martin (IL)	Rowland (GA)	Young (FL)
Martin (NY)	Saiki	
Matsui	Sangmeister	
Mavroules	Sarpalius	
Mazzoli	Sawyer	

NOT VOTING—6

Collins	Florio	Lipinski
Courter	Hyde	Porter

□ 1721

Ms. SCHNEIDER changed her vote from "aye" to "no."

Mr. TRAXLER and Mr. SCHUMER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1723

AMENDMENT NO. 9 OFFERED BY MR. DELLUMS

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered by the gentleman from California [Mr. DELLUMS].

The Clerk designated the amendment.

The CHAIRMAN pro tempore. The pending business is the vote on the amendment offered by the gentleman from California [Mr. DELLUMS] relative to the SRAM-T Missile Program, on which a recorded vote is ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 73, noes 350, not voting 8, as follows:

[Roll No. 159]

AYES—73

Ackerman	Gejdenson	Pelosi
Bates	Hawkins	Perkins
Beilenson	Hayes (IL)	Rahall
Bonior	Hertel	Rangel
Boxer	Johnson (SD)	Roybal
Bruce	Jontz	Russo
Cardin	Kastenmeier	Savage
Clay	Kennedy	Scheuer
Conte	Kildee	Schroeder
Coyne	Lehman (FL)	Sikorski
Crockett	Leland	Stark
DeFazio	Lewis (GA)	Stokes
Dellums	Markey	Studds
Dixon	Mfume	Towns
Dorgan (ND)	Miller (CA)	Traficant
Downey	Mineta	Unsoeld
Durbin	Mrazek	Vento
Dymally	Murphy	Walgren
Edwards (CA)	Nagle	Waxman
Evans	Neal (MA)	Weiss
Flake	Oakar	Wheat
Foglietta	Oberstar	Williams
Ford (MI)	Obey	Yates
Ford (TN)	Owens (NY)	
Garcia	Payne (NJ)	

NOES—350

Akaka	Bustamante	Edwards (OK)
Alexander	Byron	Emerson
Anderson	Callahan	Engel
Andrews	Campbell (CA)	English
Annunzio	Campbell (CO)	Erdreich
Anthony	Carper	Espy
Applegate	Carr	Fascell
Archer	Chandler	Fawell
Armey	Chapman	Fazio
Aspin	Clarke	Feighan
Atkins	Clement	Fields
AuCoin	Clinger	Fish
Baker	Coble	Flippo
Ballenger	Coleman (MO)	Frank
Barnard	Coleman (TX)	Frenzel
Bartlett	Combest	Frost
Barton	Cooper	Gallegly
Bateman	Costello	Gallo
Bennett	Coughlin	Gaydos
Bentley	Cox	Gekas
Bereuter	Craig	Gephardt
Berman	Crane	Gibbons
Bevill	Dannemeyer	Gillmor
Bilbray	Darden	Gilman
Bilirakis	Davis	Gingrich
Bliley	de la Garza	Glickman
Boehlert	DeLay	Gonzalez
Boggs	Derrick	Goodling
Borski	DeWine	Gordon
Bosco	Dickinson	Goss
Boucher	Dicks	Gradison
Brennan	Dingell	Grandy
Brooks	Donnelly	Grant
Broomfield	Dornan (CA)	Gray
Browder	Douglas	Green
Brown (CA)	Dreier	Guarini
Brown (CO)	Duncan	Gunderson
Bryant	Dwyer	Hall (OH)
Buechner	Dyson	Hall (TX)
Bunning	Early	Hamilton
Burton	Eckart	Hammerschmidt
Hancock	McDermott	Schuette
Hansen	McEwen	Schulze
Harris	McGrath	Schumer
Hastert	McHugh	Sensenbrenner
Hatcher	McMillan (NC)	Sharp
Hayes (LA)	McMillen (MD)	Shaw
Hefley	McNulty	Shays
Hefner	Meyers	Shumway
Henry	Michel	Shuster
Herger	Miller (OH)	Sisisky
Hiler	Miller (WA)	Skaggs
Hoagland	Moakley	Skeen
Hochbrueckner	Molinari	Skelton
Holloway	Mollohan	Slattery
Hopkins	Montgomery	Slaughter (NY)
Horton	Moody	Slaughter (VA)
Houghton	Moorhead	Smith (FL)
Hoyer	Morella	Smith (IA)
Hubbard	Morrison (CT)	Smith (MS)
Huckaby	Morrison (WA)	Smith (NE)
Hughes	Murtha	Smith (NJ)
Hunter	Myers	Smith (TX)
Hutto	Natcher	Smith (VT)
Inhofe	Neal (NC)	Smith, Denny (OR)
Ireland	Nelson	Smith, Robert (NH)
Jacobs	Nielson	Smith, Robert (OR)
James	Nowak	Snowe
Jenkins	Olin	Solarz
Johnson (CT)	Ortiz	Solomon
Johnston	Owens (UT)	Spence
Jones (GA)	Oxley	Spratt
Jones (NC)	Packard	Staggers
Kanjorski	Pallone	Stallings
Kaptur	Panetta	Stangeland
Kasich	Parker	Stearns
Kennelly	Parris	Stenholm
Kleczka	Pashayan	Stump
Kolbe	Patterson	Sundquist
Kolter	Paxon	Swift
Kostmayer	Payne (VA)	Synar
Kyl	Pease	Tallon
LaFalce	Penny	Tanner
Lagomarsino	Petri	Tauke
Lancaster	Pickett	Tauzin
Lantos	Pickle	Thomas (CA)
Laughlin	Poshard	Thomas (GA)
Leach (IA)	Price	Thomas (WY)
Leath (TX)	Pursell	Torres
Lehman (CA)	Quillen	Torricelli
Levin (MI)	Ravenel	Traxler
Levine (CA)	Ray	Udall
Lewis (CA)	Regula	Upton
Lewis (FL)	Rhodes	Valentine
Lightfoot	Richardson	Vander Jagt
Livingston	Ridge	Visclosky
Lloyd	Rinaldo	Volkmer
Long	Ritter	Vucanovich
Lowery (CA)	Roberts	Walker
Lowey (NY)	Robinson	Walsh
Luken, Thomas	Roe	Watkins
Lukens, Donald	Rogers	Weber
Machtley	Rohrabacher	Weldon
Madigan	Rose	Whittaker
Manton	Rostenkowski	Whitten
Marlenee	Roth	Wilson
Martin (IL)	Roukema	Wise
Martin (NY)	Rowland (CT)	Wolf
Martinez	Rowland (GA)	Wolpe
Matsui	Sabo	Wyden
Mavroules	Saiki	Wylie
Mazzoli	Sangmeister	Yatron
McCandless	Sarpalius	Young (AK)
McCloskey	Sawyer	Young (FL)
McCollum	Saxton	
McCrery	Schaefer	
McCurdy	Schiff	
McDade	Schneider	

NOT VOTING—8

Collins	Florio	Lipinski
Conyers	Hyde	Porter
Courter	Lent	

□ 1728

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. HOPKINS

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered by the gentleman from Kentucky [Mr. HOPKINS].

The Clerk designated the amendment.

The CHAIRMAN pro tempore. The pending business is the vote on the amendment offered by the gentleman from Kentucky [Mr. HOPKINS], on which a recorded vote is ordered.

The vote was taken by electronic device, and there were—ayes 148, noes 275, not voting 8, as follows:

[Roll No. 160]

AYES—148

Ackerman	Hopkins	Ravenel
Anthony	Hubbard	Ridge
Ballenger	Hunter	Ritter
Barton	Hutto	Roberts
Bates	Inhofe	Rogers
Beilenson	Ireland	Rohrabacher
Bentley	Johnson (SD)	Roukema
Bevill	Jones (NC)	Roybal
Bosco	Kaptur	Russo
Boxer	Kasich	Saiki
Browder	Kastenmeier	Sangmeister
Brown (CA)	Kleczka	Sarpalius
Brown (CO)	Kostmayer	Savage
Bruce	LaFalce	Scheuer
Bunning	Laughlin	Schiff
Burton	Leach (IA)	Schneider
Byron	Lehman (CA)	Schroeder
Clay	Lehman (FL)	Schuette
Clement	Leland	Schulze
Coyne	Lewis (GA)	Schumer
Crockett	Lowey (NY)	Sensenbrenner
Dannemeyer	Lukens, Donald	Shumway
Dellums	Madigan	Smith (MS)
Dixon	Marlenee	Smith (VT)
Dreier	Martin (IL)	Smith, Robert (OR)
Duncan	Martinez	Snowe
Durbin	Mavroules	Stangeland
Dyson	Mazzoli	Stark
Early	McCollum	Stearns
Eckart	Meyers	Stenholm
Edwards (CA)	Miller (CA)	Stokes
Erdreich	Montgomery	Studds
Espy	Moody	Tauke
Fawell	Natcher	Torres
Fazio	Nielson	Towns
Flake	Obey	Traficant
Flippo	Ortiz	Unsoeld
Ford (MI)	Owens (NY)	Upton
Garcia	Packard	Vander Jagt
Gekas	Parker	Visclosky
Grandy	Patterson	Walgren
Grant	Paxon	Walker
Green	Payne (NJ)	Waxman
Gunderson	Pease	Weiss
Harris	Pelosi	Wheat
Hawkins	Perkins	Whittaker
Hayes (IL)	Petri	Williams
Hefley	Pursell	Yates
Henry	Rahall	
Holloway	Rangel	

NOES—275

Akaka	Brooks	Davis
Alexander	Broomfield	de la Garza
Anderson	Bryant	DeFazio
Andrews	Buechner	DeLay
Annunzio	Bustamante	Derrick
Applegate	Callahan	DeWine
Archer	Campbell (CA)	Dickinson
Armey	Campbell (CO)	Dicks
Aspin	Cardin	Dingell
Atkins	Carper	Donnelly
AuCoin	Carr	Dorgan (ND)
Baker	Chandler	Dornan (CA)
Barnard	Chapman	Douglas
Bartlett	Clarke	Downey
Bateman	Clinger	Dwyer
Bennett	Coble	Dymally
Bereuter	Coleman (MO)	Edwards (OK)
Berman	Coleman (TX)	Emerson
Bilbray	Combest	Engel
Bilirakis	Conte	English
Bliley	Cooper	Evans
Boehlert	Costello	Fascell
Boggs	Coughlin	Feighan
Bonior	Cox	Fields
Borski	Craig	Fish
Boucher	Crane	Foglietta
Brennan	Darden	Ford (TN)
Frank	Long	Rowland (CT)
Frenzel	Lowery (CA)	Rowland (GA)
Frost	Luken, Thomas	Sabo
Gallegly	Machtley	Sawyer
Gallo	Manton	Saxton
Gaydos	Markey	Schaefer
Gejdenson	Martin (NY)	Sharp
Gephardt	Matsui	Shaw
Gibbons	McCandless	Shays
Gillmor	McCloskey	Shuster
Gilman	McCrery	Sikorski
Gingrich	McCurdy	Sisisky
Glickman	McDade	Skaggs
Gonzalez	McDermott	Skeen
Goodling	McEwen	Skelton
Gordon	McGrath	Slattery
Goss	McHugh	Slaughter (NY)
Gradison	McMillan (NC)	Slaughter (VA)
Gray	McMillen (MD)	Smith (FL)
Guarini	McNulty	Smith (IA)
Hall (OH)	Mfume	Smith (NE)
Hall (TX)	Michel	Smith (NJ)
Hamilton	Miller (OH)	Smith (TX)
Hammerschmidt	Miller (WA)	Smith, Denny (OR)
Hancock	Mineta	Smith, Robert (NH)
Hansen	Moakley	Solarz
Hastert	Molinari	Solomon
Hatcher	Mollohan	Spence
Hayes (LA)	Moorhead	Spratt
Hefner	Morella	Staggers
Herger	Morrison (CT)	Stallings
Hertel	Morrison (WA)	Stump
Hiler	Mrazek	Sundquist
Hoagland	Murphy	Swift
Hochbrueckner	Murtha	Synar
Horton	Myers	Tallon
Houghton	Nagle	Tanner
Hoyer	Neal (MA)	Tauzin
Huckaby	Neal (NC)	Thomas (CA)
Hughes	Nelson	Thomas (GA)
Jacobs	Nowak	Thomas (WY)
James	Oakar	Torricelli
Jenkins	Oberstar	Traxler
Johnson (CT)	Olin	Udall
Johnston	Owens (UT)	Valentine
Jones (GA)	Oxley	Vento
Jontz	Pallone	Volkmer
Kanjorski	Panetta	Vucanovich
Kennedy	Parris	Walsh
Kennelly	Payne (VA)	Watkins
Kildee	Penny	Weber
Kolbe	Pickett	Weldon
Kolter	Pickle	Whitten
Kyl	Poshard	Wilson
Lagomarsino	Price	Wise
Lancaster	Quillen	Wolf
Lantos	Ray	Wolpe
Leath (TX)	Regula	Wyden
Lent	Rhodes	Wylie
Levin (MI)	Richardson	Yatron
Levine (CA)	Rinaldo	Young (AK)
Lewis (CA)	Robinson	Young (FL)
Lewis (FL)	Roe	
Lightfoot	Rose	
Livingston	Rostenkowski	
Lloyd	Roth	

NOT VOTING—8

Collins	Florio	Pashayan
Conyers	Hyde	Porter
Courter	Lipinski	

□ 1738

Messrs. DYMALLY, NEAL of Massachusetts, EMERSON, and LOWERY of California changed their vote from "aye" to "no."

Mr. ACKERMAN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. OWENS OF UTAH

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered by the gentleman from Utah [Mr. OWENS].

The Clerk designated the amendment.

The CHAIRMAN pro tempore. The pending business is the vote on the amendment offered by the gentleman from Utah [Mr. OWENS], on which a recorded vote is ordered.

The vote was taken by electronic device and there were—ayes 274, noes 151, not voting 6, as follows:

[Roll No. 161]

AYES—274

Ackerman	Frank	Molinari
Akaka	Frost	Montgomery
Andrews	Gallo	Moody
Annunzio	Garcia	Morella
Applegate	Gejdenson	Morrison (CT)
Aspin	Gephardt	Mrazek
Atkins	Gibbons	Murphy
AuCoin	Gilman	Nagle
Baker	Glickman	Natcher
Barnard	Gonzalez	Neal (MA)
Bartlett	Gordon	Neal (NC)
Bates	Gradison	Nelson
Beilenson	Grandy	Nowak
Bennett	Gray	Oakar
Berman	Green	Oberstar
Bevill	Guarini	Obey
Bilbray	Hall (OH)	Olin
Boehlert	Hamilton	Owens (NY)
Boggs	Hammerschmidt	Owens (UT)
Bonior	Harris	Pallone
Borski	Hawkins	Panetta
Boucher	Hayes (IL)	Parker
Boxer	Hayes (LA)	Payne (NJ)
Brennan	Hefner	Payne (VA)
Brooks	Hertel	Pease
Browder	Hoagland	Pelosi
Brown (CA)	Hochbrueckner	Penny
Brown (CO)	Hoyer	Perkins
Bruce	Hubbard	Petri
Bryant	Hughes	Pickle
Campbell (CA)	Hutto	Porter
Campbell (CO)	Jacobs	Poshard
Cardin	Jenkins	Price
Carper	Johnson (CT)	Pursell
Carr	Johnson (SD)	Rahall
Chapman	Johnston	Rangel
Clarke	Jones (GA)	Regula
Clay	Jones (NC)	Richardson
Clement	Jontz	Rinaldo
Coleman (MO)	Kanjorski	Roe
Coleman (TX)	Kaptur	Rose
Conte	Kastenmeier	Rostenkowski
Conyers	Kennedy	Roukema
Cooper	Kennelly	Rowland (CT)
Costello	Kildee	Rowland (GA)
Coyne	Kleczka	Roybal
Crockett	Kolbe	Russo
Darden	Kolter	Sabo
Davis	Kostmayer	Saiki
DeFazio	LaFalce	Sangmeister
Dellums	Lancaster	Savage
Derrick	Lantos	Sawyer
Dicks	Leach (IA)	Saxton
Dingell	Lehman (CA)	Scheuer
Dixon	Lehman (FL)	Schneider
Donnelly	Leland	Schroeder
Dorgan (ND)	Lent	Schulze
Downey	Levin (MI)	Schumer
Duncan	Levine (CA)	Sensenbrenner
Durbin	Lewis (GA)	Sharp
Dwyer	Lloyd	Shays
Dymally	Long	Sikorski
Dyson	Lowey (NY)	Sisisky
Early	Luken, Thomas	Skaggs
Eckart	Machtley	Slattery
Edwards (CA)	Manton	Slaughter (NY)
Emerson	Markey	Smith (FL)
Engel	Martinez	Smith (IA)
English	Matsui	Smith (MS)
Erdreich	Mavroules	Smith (NJ)
Espy	Mazzoli	Smith (TX)
Evans	McCloskey	Smith (VT)
Fascell	McDermott	Snowe
Fawell	McHugh	Solarz
Fazio	McMillan (NC)	Spratt
Feighan	McMillen (MD)	Staggers
Fish	McNulty	Stallings
Flake	Meyers	Stark
Flippo	Mfume	Stokes
Foglietta	Miller (OH)	Studds
Ford (MI)	Mineta	Swift
Ford (TN)	Moakley	Synar

Tallon	Valentine	Williams
Tanner	Vento	Wilson
Thomas (GA)	Visclosky	Wise
Torres	Volkmer	Wolf
Torricelli	Walgren	Wolpe
Towns	Walsh	Wyden
Traficant	Waxman	Yates
Traxler	Weiss	Yatron
Udall	Wheat	
Unsoeld	Whitten	

NOES—151

Alexander	Hatcher	Quillen
Anderson	Hefley	Ravenel
Anthony	Henry	Ray
Archer	Herger	Rhodes
Armey	Hiler	Ridge
Ballenger	Holloway	Ritter
Barton	Hopkins	Roberts
Bateman	Horton	Robinson
Bentley	Houghton	Rogers
Bereuter	Huckaby	Rohrabacher
Bilirakis	Hunter	Roth
Bliley	Inhofe	Sarpalius
Bosco	Ireland	Schaefer
Broomfield	James	Schiff
Buechner	Kasich	Schuette
Bunning	Kyl	Shaw
Burton	Lagomarsino	Shumway
Bustamante	Laughlin	Shuster
Byron	Leath (TX)	Skeen
Callahan	Lewis (CA)	Skelton
Chandler	Lewis (FL)	Slaughter (VA)
Clinger	Lightfoot	Smith (NE)
Coble	Livingston	Smith, Denny (OR)
Combest	Lowery (CA)	
Coughlin	Lukens, Donald	Smith, Robert (NH)
Cox	Madigan	
Craig	Marlenee	Smith, Robert (OR)
Crane	Martin (IL)	
Dannemeyer	Martin (NY)	Solomon
de la Garza	McCandless	Spence
DeLay	McCollum	Stangeland
DeWine	McCrery	Stearns
Dickinson	McCurdy	Stenholm
Dornan (CA)	McDade	Stump
Douglas	McEwen	Sundquist
Dreier	McGrath	Tauke
Edwards (OK)	Michel	Tauzin
Fields	Miller (WA)	Thomas (CA)
Frenzel	Mollohan	Thomas (WY)
Gallegly	Moorhead	Upton
Gaydos	Morrison (WA)	Vander Jagt
Gekas	Murtha	Vucanovich
Gillmor	Myers	Walker
Gingrich	Nielson	Watkins
Goodling	Ortiz	Weber
Goss	Oxley	Weldon
Grant	Packard	Whittaker
Gunderson	Parris	Wylie
Hall (TX)	Pashayan	Young (AK)
Hancock	Patterson	Young (FL)
Hansen	Paxon	
Hastert	Pickett	

NOT VOTING—6

Collins	Florio	Lipinski
Courter	Hyde	Miller (CA)

□ 1745

Mr. KASICH changed his vote from "aye" to "no."

Mr. COLEMAN of Missouri and Mr. SAXTON changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 13 OFFERED BY MR. EVANS

The CHAIRMAN pro tempore (Mr. DURBIN). The Clerk will designate the amendment offered by the gentleman from Illinois [Mr. EVANS].

The Clerk designated the amendment.

The CHAIRMAN pro tempore. The pending business is the vote on the amendment offered by the gentleman from Illinois [Mr. EVANS] on civilian employment in the National Guard, on which a recorded vote is ordered.

The vote was taken by electronic device, and there were—ayes 156, noes 269, not voting 6, as follows:

[Roll No. 162]

AYES—156

Ackerman	Grant	Paxon
Alexander	Green	Payne (NJ)
Annunzio	Guarini	Pelosi
Bellenson	Hamilton	Petri
Bereuter	Hatcher	Rahall
Berman	Hawkins	Rangel
Bevill	Hayes (IL)	Rinaldo
Bilirakis	Hertel	Robinson
Boehlert	Hochbrueckner	Roe
Bonior	Holloway	Roybal
Borski	Horton	Russo
Boucher	Hoyer	Sabo
Boxer	Jacobs	Sangmeister
Brooks	Johnson (SD)	Savage
Brown (CA)	Johnston	Schaefer
Bruce	Jones (NC)	Scheuer
Bryant	Jontz	Schneider
Bustamante	Kaptur	Schroeder
Campbell (CO)	Kasich	Sharp
Carper	Kastenmeier	Shays
Clay	Kennedy	Sikorski
Clement	Kildee	Skaggs
Conte	Kleczka	Slattery
Conyers	Kostmayer	Slaughter (NY)
Coyne	Lehman (CA)	Staggers
Craig	Lehman (FL)	Stangeland
Crockett	Leland	Stark
Darden	Levine (CA)	Stokes
de la Garza	Lewis (GA)	Studds
DeFazio	Long	Tanner
Dellums	Lowey (NY)	Torres
Dingell	Machtley	Torricelli
Donnelly	Markey	Towns
Dorgan (ND)	Marlenee	Traficant
Durbin	Martinez	Traxler
Dymally	McCloskey	Udall
Edwards (CA)	Miller (CA)	Unsoeld
Engel	Mineta	Upton
Erdreich	Moakley	Valentine
Evans	Molinari	Vento
Fazio	Moody	Visclosky
Fish	Morella	Walgren
Flake	Mrazek	Walsh
Ford (MI)	Murphy	Waxman
Ford (TN)	Neal (MA)	Weiss
Frank	Nielson	Wheat
Garcia	Nowak	Williams
Gejdenson	Oakar	Wise
Gilman	Oberstar	Wolpe
Glickman	Ortiz	Wyden
Gonzalez	Owens (NY)	Yates
Gordon	Owens (UT)	Yatron

NOES—269

Akaka	Campbell (CA)	Eckart
Anderson	Cardin	Edwards (OK)
Andrews	Carr	Emerson
Anthony	Chandler	English
Applegate	Chapman	Espy
Archer	Clarke	Fascell
Armey	Clinger	Fawell
Aspin	Coble	Feighan
Atkins	Coleman (MO)	Fields
AuCoin	Coleman (TX)	Flippo
Baker	Combest	Foglietta
Ballenger	Cooper	Frenzel
Barnard	Costello	Frost
Bartlett	Coughlin	Gallegly
Barton	Cox	Gallo
Bateman	Crane	Gaydos
Bates	Dannemeyer	Gekas
Bennett	Davis	Gephardt
Bentley	DeLay	Gibbons
Bilbray	Derrick	Gillmor
Bliley	DeWine	Gingrich
Boggs	Dickinson	Goodling
Bosco	Dicks	Goss
Brennan	Dixon	Gradison
Broomfield	Dornan (CA)	Grandy
Browder	Douglas	Gray
Brown (CO)	Downey	Gunderson
Buechner	Dreier	Hall (OH)
Bunning	Duncan	Hall (TX)
Burton	Dwyer	Hammerschmidt
Byron	Dyson	Hancock
Callahan	Early	Hansen
Harris	McHugh	Sawyer
Hastert	McMillan (NC)	Saxton
Hayes (LA)	McMillen (MD)	Schiff
Hefley	McNulty	Schuette
Hefner	Meyers	Schulze
Henry	Mfume	Schumer
Herger	Michel	Sensenbrenner
Hiler	Miller (OH)	Shaw
Hoagland	Miller (WA)	Shumway
Hopkins	Mollohan	Shuster
Houghton	Montgomery	Sisisky
Hubbard	Moorhead	Skeen
Huckaby	Morrison (CT)	Skelton
Hughes	Morrison (WA)	Slaughter (VA)
Hunter	Murtha	Smith (FL)
Hutto	Myers	Smith (IA)
Inhofe	Nagle	Smith (MS)
Ireland	Natcher	Smith (NE)
James	Neal (NC)	Smith (NJ)
Jenkins	Nelson	Smith (TX)
Johnson (CT)	Obey	Smith (VT)
Jones (GA)	Olin	Smith, Denny (OR)
Kanjorski	Oxley	
Kennelly	Packard	Smith, Robert (NH)
Kolbe	Pallone	
Kolter	Panetta	Smith, Robert (OR)
Kyl	Parker	
LaFalce	Parris	Snowe
Lagomarsino	Pashayan	Solomon
Lancaster	Patterson	Spence
Lantos	Payne (VA)	Spratt
Laughlin	Pease	Stallings
Leach (IA)	Penny	Stearns
Leath (TX)	Perkins	Stenholm
Lent	Pickett	Stump
Levin (MI)	Pickle	Sundquist
Lewis (CA)	Porter	Swift
Lewis (FL)	Poshard	Synar
Lightfoot	Price	Tallon
Livingston	Pursell	Tauke
Lloyd	Quillen	Tauzin
Lowery (CA)	Ravenel	Thomas (CA)
Luken, Thomas	Ray	Thomas (GA)
Lukens, Donald	Regula	Thomas (WY)
Madigan	Rhodes	Vander Jagt
Manton	Richardson	Volkmer
Martin (IL)	Ridge	Vucanovich
Martin (NY)	Ritter	Walker
Matsui	Roberts	Watkins
Mavroules	Rogers	Weber
Mazzoli	Rohrabacher	Weldon
McCandless	Rose	Whittaker
McCollum	Rostenkowski	Whitten
McCrery	Roth	Wilson
McCurdy	Roukema	Wolf
McDade	Rowland (CT)	Wylie
McDermott	Rowland (GA)	Young (AK)
McEwen	Saiki	Young (FL)
McGrath	Sarpalius	

NOT VOTING—6

Collins	Florio	Lipinski
Courter	Hyde	Solarz

□ 1730

Mr. HUGHES changed his vote from "aye" to "no."

Mr. YATES and Mr. MARKEY changed their vote from "no" to "aye."

So the amendment was rejected.

The results of the vote was announced as above recorded.

AMENDMENT NO. 20 OFFERED BY MR. BERMAN

The CHAIRMAN pro tempore (Mr. DURBIN). The Clerk will designate the amendment as modified, offered by the gentleman from California [Mr. BERMAN].

The Clerk designated the amendment.

The CHAIRMAN pro tempore. The pending business is the vote on the amendment as modified, offered by the gentleman from California [Mr. BERMAN], on which a recorded vote is ordered.

The vote was taken by electronic device, and there were—ayes 417, noes 9, not voting 5, as follows:

[Roll No. 163]

AYES—417

Ackerman	Dornan (CA)	Jenkins
Akaka	Douglas	Johnson (CT)
Alexander	Downey	Johnson (SD)
Anderson	Dreier	Johnston
Andrews	Duncan	Jones (GA)
Annunzio	Durbin	Jones (NC)
Anthony	Dwyer	Jontz
Applegate	Dymally	Kanjorski
Armey	Dyson	Kaptur
Aspin	Early	Kasich
Atkins	Eckart	Kastenmeier
AuCoin	Edwards (CA)	Kennedy
Baker	Edwards (OK)	Kennelly
Ballenger	Emerson	Kildee
Barnard	Engel	Kolbe
Bartlett	English	Kolter
Barton	Erdreich	Kostmayer
Bateman	Espy	Kyl
Bates	Evans	LaFalce
Beilenson	Fascell	Lagomarsino
Bennett	Fawell	Lancaster
Bentley	Fazio	Lantos
Bereuter	Feighan	Laughlin
Berman	Fields	Leach (IA)
Bevill	Fish	Leath (TX)
Bilbray	Flake	Lehman (CA)
Bilirakis	Flippo	Lehman (FL)
Bliley	Foglietta	Leland
Boehlert	Ford (MI)	Lent
Boggs	Ford (TN)	Levin (MI)
Bonior	Frank	Levine (CA)
Borski	Frost	Lewis (CA)
Bosco	Gallegly	Lewis (FL)
Boucher	Gallo	Lewis (GA)
Boxer	Garcia	Lightfoot
Brennan	Gaydos	Livingston
Brooks	Gejdenson	Lloyd
Broomfield	Gekas	Long
Browder	Gephardt	Lowery (CA)
Brown (CA)	Gibbons	Lowey (NY)
Brown (CO)	Gillmor	Luken, Thomas
Bruce	Gilman	Lukens, Donald
Bryant	Gingrich	Machtley
Buechner	Glickman	Madigan
Bunning	Gonzalez	Manton
Burton	Goodling	Markey
Bustamante	Gordon	Marlenee
Byron	Goss	Martin (IL)
Callahan	Gradison	Martin (NY)
Campbell (CA)	Grandy	Martinez
Campbell (CO)	Grant	Matsui
Cardin	Gray	Mavroules
Carper	Green	Mazzoli
Carr	Guarini	McCandless
Chandler	Gunderson	McCloskey
Chapman	Hall (OH)	McCollum
Clarke	Hall (TX)	McCrery
Clay	Hamilton	McCurdy
Clement	Hammerschmidt	McDade
Clinger	Hancock	McDermott
Coble	Hansen	McEwen
Coleman (MO)	Harris	McGrath
Coleman (TX)	Hastert	McHugh
Combest	Hatcher	McMillan (NC)
Conte	Hawkins	McMillen (MD)
Conyers	Hayes (IL)	McNulty
Cooper	Hayes (LA)	Meyers
Costello	Hefley	Mfume
Cox	Hefner	Michel
Coyne	Henry	Miller (CA)
Craig	Herger	Miller (OH)
Crane	Hertel	Miller (WA)
Crockett	Hiler	Mineta
Dannemeyer	Hoagland	Moakley
Darden	Hochbrueckner	Molinari
Davis	Holloway	Mollohan
de la Garza	Hopkins	Montgomery
DeFazio	Horton	Moody
DeLay	Houghton	Moorhead
Dellums	Hoyer	Morella
Derrick	Hubbard	Morrison (CT)
DeWine	Huckaby	Morrison (WA)
Dickinson	Hughes	Mrazek
Dicks	Hunter	Murphy
Dingell	Hutto	Murtha
Dixon	Inhofe	Myers
Donnelly	Jacobs	Natcher
Dorgan (ND)	James	Neal (MA)
Neal (NC)	Rowland (GA)	Stark
Nelson	Roybal	Stearns
Nielson	Russo	Stenholm
Nowak	Sabo	Stokes
Oakar	Saiki	Studds
Oberstar	Sangmeister	Stump
Obey	Sarpalius	Sundquist
Olin	Savage	Swift
Ortiz	Sawyer	Synar
Owens (NY)	Saxton	Tallon
Owens (UT)	Schaefer	Tanner
Oxley	Scheuer	Tauke
Packard	Schiff	Tauzin
Pallone	Schneider	Thomas (CA)
Panetta	Schroeder	Thomas (GA)
Parker	Schuette	Thomas (WY)
Parris	Schulze	Torres
Pashayan	Schumer	Torricelli
Patterson	Sensenbrenner	Towns
Paxon	Sharp	Traficant
Payne (NJ)	Shaw	Traxler
Payne (VA)	Shays	Udall
Pease	Shuster	Unsoeld
Pelosi	Sikorski	Upton
Penny	Sisisky	Valentine
Perkins	Skaggs	Vander Jagt
Petri	Skeen	Vento
Pickett	Skelton	Visclosky
Pickle	Slattery	Volkmer
Porter	Slaughter (NY)	Vucanovich
Poshard	Slaughter (VA)	Walgren
Price	Smith (FL)	Walker
Pursell	Smith (IA)	Walsh
Quillen	Smith (MS)	Watkins
Rahall	Smith (NE)	Waxman
Rangel	Smith (NJ)	Weber
Ravenel	Smith (TX)	Weiss
Regula	Smith (VT)	Weldon
Rhodes	Smith, Denny (OR)	Wheat
Richardson	Smith, Robert (NH)	Whittaker
Ridge	Smith, Robert (OR)	Whitten
Rinaldo	Snowe	Williams
Ritter	Solarz	Wilson
Roberts	Solomon	Wise
Robinson	Spence	Wolf
Roe	Spratt	Wolpe
Rogers	Staggers	Wyden
Rohrabacher	Stallings	Wylie
Rose	Stangeland	Yates
Rostenkowski		Yatron
Roukema		Young (AK)
Rowland (CT)		Young (FL)

NOES—9

Archer	Ireland	Ray
Coughlin	Kleczka	Roth
Frenzel	Nagle	Shumway

NOT VOTING—5

Collins	Florio	Lipinski
Courter	Hyde	

□ 1801

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

LEGISLATIVE PROGRAM

(By unanimous consent Mr. DICKINSON was allowed to proceed out of order.)

Mr. DICKINSON. Mr. Chairman, I would like to ask the chairman of the Armed Services Committee, if I might, if he would give us an idea as to what we might expect next and for the rest of the evening, as much as is possible.

It is my understanding that the next item of business will be for me to offer the Cheney budget amendment. Could the chairman amplify on that?

Mr. ASPIN. Mr. Chairman, if the gentleman will yield, the gentleman is correct. We have moved the schedule along here a lot better than was anticipated when the rule was sent up. We thought we would be going until about 9 o'clock tonight. It looks like we will be out sooner than that.

The next order of business, the only order remaining on the agenda that we will do today is the issue having to do with the Cheney budget.

The gentleman from Alabama [Mr. DICKINSON] has an amendment which is the next order of business. There will be 40 minutes of debate on that, 20 minutes to each side. At that point we will have a vote on the Dickinson amendment, which if it passes will reinstate the Cheney budget in the procurement area.

I would point out that all the amendments that we have dealt with today so far have not been involved with the procurement budget. We dealt with the R&D budget and the SDI. All these smaller amendments we dealt with today were either in the personnel area or R&D or they were into O&M or some other area of the bill.

So the vote that is coming up now will be a vote on whether the House of Representatives wants to go with the Cheney procurement budget, and it is not at variance with anything that we have done so far today. Everything that affects the procurement part of the bill is now beginning with the Cheney budget vote.

Mr. DICKINSON. Well, if the committee chairman would help me clarify one point, I have been asked by a number of Members what would be the effect of the passage of the so-called Cheney budget on what we have just done to SDI when we deleted funds and then added them back.

It has been my answer to them that this is not a part of the Cheney budget. If the Cheney budget passes, it is not the intent or understanding of either the chairman of the full committee or myself that it would have any impact on the add-backs from the SDI funds.

I wonder if the gentleman would elucidate on that.

Mr. ASPIN. Mr. Chairman, if the gentleman will yield further, the gentleman is correct.

I think what we were dealing with was the SDI part of the budget. We cut the R&D part of the budget. We cut the SDI program. We allocated those spendings. Those were R&D dollars. It will not be undone no matter what happens with the Cheney budget vote that is coming up.

Mr. DICKINSON. So the money that was added back for drugs, the money added back for toxic cleanup, and the money that was added back for conventional arms, will not be affected regardless whether the Cheney budget passes or not.

Mr. ASPIN. That is correct.

Let me just finish the explanation, and then I will yield to the gentleman from Wisconsin [Mr. MOODY].

Following the vote on the amendment to be offered by the gentleman from Alabama [Mr. DICKINSON], there is yet the Weldon amendment on the notice for the rule.

If the Dickinson amendment passes and the Cheney budget passes, the Weldon amendment is in order and the Weldon amendment would be to put in the money for the V-22, the F-14 and the Guard and the Reserve; so there is a possibility of two votes tonight, at least one more vote tonight, maybe two more, but they will both come with 40 minutes of debate, followed by a vote.

Mr. DICKINSON. Mr. Chairman, if I might recap what has just been said, there was an understanding of a coupling between the Weldon amendment and the so-called Cheney budget. If I am successful when I offer my amendment to reinstate the Cheney budget, then following on the heels of that, the gentleman from Pennsylvania [Mr. WELDON] has the opportunity to offer an amendment with another 40 minutes of debate to restore those three things that were added in the committee, the V-22, the F-14D and the National Guard Reserve money. That would be the next vote in the package. That would be the second vote. If that passes or not passes, the committee will rise for the rest of the day.

Mr. ASPIN. Mr. Chairman, the gentleman is correct.

Mr. MOODY. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I am pleased to yield to the gentleman from Wisconsin.

Mr. MOODY. Mr. Chairman, I would like to ask the chairman or anyone, what are the implications of this for the votes scheduled tomorrow regarding the B-2 and those things? If the amendment of the gentleman from Alabama passes, then does that imply what we would do tomorrow?

Mr. ASPIN. Mr. Chairman, if the gentleman will yield, it does not affect the votes tomorrow. The votes tomorrow on the B-2 will be working off whether the Cheney package passes or not, but it will not affect the votes tomorrow.

Mr. MOODY. The Cheney package could pass, and we could still work on the B-2, the MX and all that tomorrow?

Mr. ASPIN. All that happens tomorrow, regardless.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I am very pleased to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, I would like to ask the Chairman of the committee, it is also true, though, if the Dickinson-Cheney budget amendment is defeated tonight, we will not have to stay here another hour to take up the Weldon amendment, is that not correct, and we will be through?

Mr. DICKINSON. Now, Mr. Chairman, I did not yield to the gentleman for that purpose.

Mr. ASPIN. Mr. Chairman, if the gentleman will yield, the gentleman from Mississippi is correct.

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider amendment No. 9 relating to procurement alternatives printed in part 1 of House Report 101-168 by, and if offered by, the gentleman from Alabama [Mr. DICKINSON] or his designee.

If the amendment offered by the gentleman from Alabama [Mr. DICKINSON] is agreed to, it shall be in order to consider amendment No. 10 printed in part 1 of House Report 101-168 by the gentleman from Pennsylvania [Mr. WELDON].

AMENDMENT OFFERED BY MR. DICKINSON

Mr. DICKINSON. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DICKINSON: Page 32, strike out lines 7 through 10 (and redesignate the succeeding subsections accordingly).

At the end of title I (page 43, after line 25), insert the following new section:

SEC. 137. FUNDING AT LEVELS AND FOR PROGRAMS AS SUBMITTED IN REVISED BUDGET OF THE PRESIDENT.

Notwithstanding any other provision of this Act, the amounts authorized to be appropriated pursuant to this title for fiscal year 1990 for procurement for the Armed Forces (and the programs for which such amounts are authorized) shall be in the amounts and for the programs as submitted to Congress in the amended budget of the President submitted in April 1989 (other than with respect to programs and accounts within the jurisdiction of the Seapower and Strategic and Critical Materials Subcommittee of the Committee on Armed Services of the House of Representatives).

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Alabama [Mr. DICKINSON] will be recognized for 20 minutes and the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, this is probably the most significant vote we will cast during the entire debate on the defense authorization bill. This is, you might say, where the rubber meets the road. This is where you stand up and be counted, whether you are really sincere about economy in government, good government, elimination of pork, whether you want to get the best buy for the buck in our defense budget.

□ 1810

Mr. Chairman, as the funds available for defense continue to decline, and this year's budget represents the fifth consecutive year of negative growth, many Members are finally recognizing we cannot afford to throw tens of millions of dollars to various projects that are not requested by the Secretary of Defense simply to satisfy narrow parochial interests of individual Members or as a jobs bill for back home.

Members are being far more conscientious in placing national interests ahead of local interests. I think this is a good and healthy situation.

In the Committee on Armed Services markup on June 20, the chairman, the gentleman from Wisconsin [Mr. ASPIN], and I joined forces in sponsoring an amendment to keep intact the procurement portion of the Cheney budget. Despite widespread partisan support, the amendment lost by a 16 to 26 tie vote. Why did this unprecedented amendment attract half the votes on the committee, we who have the reputation of being big spenders and buying all the weapons systems that the Pentagon wants? As the chairman, the gentleman from Wisconsin [Mr. ASPIN], pointed out, he and others recognize the futility of trying to accommodate over $7 billion of add-ons that he and the committee received from various Members of the House.

There are many good reasons to support the Cheney amendment. A yes vote is a conscientious choice for good government. Some Members will argue that a vote for Cheney is an abrogation of our oversight responsibilities, but I contend just the contrary is true. We are making a conscious, affirmative decision when we support good government by cutting out waste, fraud, abuse, redundancy, and weapons systems that are not needed or are not affordable. A "yes" vote is a vote of confidence for the Secretary of Defense, Dick Cheney.

For years my colleagues and I have urged previous Secretaries of Defense to make the hard choices. There is not a person within the sound of my voice here or watching on closed television at home who does not remember that time after time we have asked the Secretary, "Mr. Secretary, we cannot buy everything that is in the requested budget. What is the most important? Would you prioritize?" The answer traditionally has been in the negative. For the first time now, the Secretary of Defense has done what we have asked him to do, he has made the tough choices. It is not popular. It is not easy, but he has made the tough choices, instead of stretching out programs and buying everything. If we fail to eliminate any programs, but stretch out the programs, we pay more

for them later, and this is a terribly inefficient way to do business.

The Secretary has done what we have asked him to do. He has made the tough choices. They are not popular, as I said when he came before the committee. Some people thought he cut too much. Some people thought he did not cut enough. Everybody agreed that he cut the wrong thing. I do not like everything that was in the budget. I think he made some mistakes, but overall, I said at that time and I still say, I will support the budget if it is kept intact. I think it is that the Secretary has done a courageous thing. I think he has done what we have asked him to do. I think he has done what the American people expect him to do, by eliminating those programs that are not affordable, that are not financially and economically viable, and he has done just that.

Mr. Chairman, I would say that the Secretary has called our bluff. We have been asking him to do this, and so all of a sudden we have a Secretary who says, "OK, I will do it."

What I am asking the Members to do is to get on board and let us vote for a responsible budget for defense. Let us make the tough vote. Members have an opportunity, even if this passes, to add their amendments to restore things that they think were improperly cut, even if this amendment passes.

Let me clear up one thing that the chairman and I just discussed in our colloquy before we started this vote. The result of this vote, if the Cheney budget passes, it has no impact on what we have just done in the SDI portion of the bill, on R&D, the adding back of money for drug interdiction, for toxic-waste cleanup, for conventional arms. The passage of this budget amendment which supports Cheney, as the chairman of the full committee has said to the Members, and as I understand it, has no impact on what we have done today on the SDI portion of the bill.

A "yes" vote on Cheney does not preclude adjustments. As I have said, anybody who wants to offer an amendment hereafter is perfectly welcome and capable of doing so, and let each one stand on its own merit.

If the Cheney procurement amendment passes, And I certainly hope it will, the Members will have an opportunity to make the necessary and desirable adjustments, but the important vote is that of giving Secretary Dick Cheney our support and recognizing that small adjustments in his procurement budget may be desirable.

In summary, I would urge all of my colleagues to cast a vote for good government, to vote for defense acquisition reform which this budget means, to vote against pork and for the national interest. Give our former colleague, Dick Cheney, a strong vote of confidence by joining with him in his efforts to improve the management of the Pentagon. If there are adjustments in the Cheney budget, that will be made, vote yes on Cheney, and then vote yes on whatever adjustments Members feel would be indicated or necessary.

I think this is a good-government amendment. Dick Cheney has called our bluff. He has put his cards on the table. Are we going to cut and run now and say that all this talk we have had about economy in government, waste, fraud, and abuse in the Pentagon, that we want to change the way of doing business, is that rhetoric, is that just talk, or do we mean it? This is the time to stand up and be counted.

Mr. Chairman, I would urge all of my colleagues to vote, first, for good government, support the cuts contained in the Cheney budget as it came over, which is included in my amendment, and then before the bill is over, further amendments are offered to make adjustments, and each one of those then can be addressed on its individual merits.

Please support my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MONTGOMERY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in opposition to the Cheney-Dixon amendment.

I would like to point out to my colleagues tonight that Secretary Cheney, in this bill, is getting over 90 percent of what he wanted. There are only three items that are changed from the Cheney budget that came over from the Defense Department, and I think we have enough abilities on the Committee on Armed Services, and we have more experience, and Mr. Cheney knows that, that at least we can put some amendments in that we think have merit to it, and certainly I do not think we should be locked in by the Cheney budget.

Mr. Cheney has been over there less than 50 days in the Defense Department. We made the three changes of the F-14, V-22, and needed equipment for the National Guard and Reserve.

I want to talk about the Guard and Reserve. That is my amendment, and it was not really an add-on. It was the needed equipment for the Guard and Reserve of $1.2 billion. The Defense Department has never asked for enough money for the Guard and Reserve. They expected us to do it over here. It is the wrong procedure, and that is the way the Defense Department does it.

They put in 1.8 percent of the total $76 billion budget for procurement, 1.8 percent which will go to the National Guard and Reserve.

Mr. Chairman, the Guard has 50 percent of the combat missions of the Army, which are in the National Guard.

Fifty percent of the combat missions are in the Army Guard. Thirty-three percent of the Air Guard and Air Reserve missions are for them, for the Air Force.

My amendment will add about another 2 percent, so the Guard and Reserve, under this amendment, and if Members vote against this amendment, this $1.2 billion will stay for the Guard and Reserve and will give them about 3 percent of this total $76 billion.

This is not a lot to ask for. This equipment will go to every State and to Members' districts, and this equipment will not go overseas.

I would hope that the Members would defeat the Dickinson amendment.

□ 1820

The CHAIRMAN pro tempore (Mr. DURBIN). The time of the gentleman from Mississippi [Mr. MONTGOMERY] has expired.

Mr. RAY. Mr. Chairman, could I request that the gentleman from Mississippi have one more minute?

The CHAIRMAN pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] is in control of the time in opposition to the Dickinson amendment.

Mr. MONTGOMERY. Mr. Chairman, I really do not have any time.

Mr. RAY. Mr. Chairman, I request one more minute.

The CHAIRMAN pro tempore. The gentleman from Mississippi would have to yield the time.

Mr. MONTGOMERY. Mr. Chairman, I would suggest that the gentleman get the time from the gentleman from Alabama on the other side of the aisle.

Mr. RAY. Mr. Chairman, will the gentleman from Alabama [Mr. DICKINSON] yield 1 minute?

Mr. DICKINSON. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I just have one question, and the gentleman from Mississippi knows that I support the Guard. But I wanted to ask would the $550 million in Air Force spare parts still be in the set-aside to be offset?

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. RAY. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, it sure is, and I hope if we have some extra moneys, and I have talked to the chairman, that it would be for a ship, but I think it is more important that we give this extra equipment to the National Guard and the Reserves and quit worrying about a few spare parts.

Mr. RAY. The gentleman knows my argument in that respect, and it affects the logistics centers, and they

cannot repair the Guard planes, and in that respect I just have to oppose the amendment, Mr. Chairman.

Mr. MONTGOMERY. The gentleman from Georgia has just about as much National Guard as any other Member in this Chamber tonight, and I certainly cannot quite understand the gentleman's argument.

Mr. RAY. I have 15,000 people in the logistics center at Robins Air Force Base, and 88,000 in the five logistics centers who will be affected by the spare parts. They repair the Guard planes.

Mr. MONTGOMERY. I think the gentleman has been sold a bill of goods, and I think he is overexaggerating about spare parts.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY Mr. Chairman, I have sat on the Armed Services Committee for 9 years and have been able to watch the performance of a number of Secretaries of Defense. But I must say that Secretary Cheney in just a few short months has done a phenomenal job. He has made tough choices. He had to cut close to $10 billion out of the defense budget this year and that was difficult.

But let me tell Members, it is going to be even worse next year. Next year we will have to cut probably close to $20 billion, and if Members thought it was tough this year, just wait.

For 8 years we have been criticizing Secretary of Defense Weinberger and that administration, and we criticized the Carlucci administration for not making choices, for not setting priorities and for just throwing money at the problems. My colleagues, Secretary Cheney did make some tough choices. I did not agree with him 100 percent. None of us do. However, Congress needs to work when at all possible with the Department to make a policy that makes sense.

We are adding on programs that create a wedge, that are going to provide funding for expenses and expenditures in the future that are murder. For all of my colleagues who have campaigned on the issue of procurement reform or campaigned on behalf of the Packard Commission report and for eliminating pork in the defense budget, whoever argued for increasing the efficiency of the Department of Defense should consider voting for the Cheney budget.

Many of my colleagues from this side say that Democrats should not vote for a Republican proposal. But my friends, many have criticized the chairman of this committee, but the chairman knows, as did a number of Democrats on the Armed Services Committee, that by adding programs we create these wedges in the budget that grow out of control in the future.

If Members put policy above pork, now is the time to make that statement. This is not a partisan issue. It is an issue of setting policy above parochial concerns.

Mr. Chairman, I urge you and ask you to seriously consider voting for the Dickinson amendment, which is the Cheney budget.

Mr. MONTGOMERY. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the Dickinson amendment. We are being told today that a vote for the Cheney procurement package is a vote for good government and fiscal responsibility.

Based on an initial look at the procurement requirements of this budget, that could appear to be the case, but take a closer look. Take the V-22 Osprey versus proposed alternatives, for example. After the first few years, the cost for helicopter alternatives increases and then balloons. In the end, the alternatives cost as much and more than the V-22, and we end up with 20-year-old aircraft with 40-year-old technology. And on top of that, the Marine Corps and DOD have both admitted on the record that the alternatives have yet to be tested.

It looks like the Pentagon pencil pushers have finessed the art of smoke and mirrors. Rejecting the Pentagon budgeteers' package is no more pork barrel politics than rubberstamping it is fiscal responsibility.

The supporters of the Cheney package are trying to portray the committee budget as pork. The only thing close to pork is their argument. It is pure hogwash.

Mr. Chairman, we began the hearings for the DOD bill on February 22 of this year and ended on June 7 of this year. We held a total of 138 subcommittee hearings and markup sessions, six full committee sessions and four markups.

The committee restored the V-22, the most cost-effective alternative and revolutionary aircraft. We restored the F-14D to address a shortfall in naval aviation, and we restored critical aircraft to our Guard and Reserve, and the votes were not ties. The vote to restore the V-22 and the F-14 was a 28-to-15 division, a bipartisan majority. The vote to support the Guard and Reserve package was a 34-to-19 vote, clear and decisive wins, based upon the debate that we heard in those 138 sessions.

These are not programs that benefit only local interests at the expense of national needs. I urge in the strongest terms that my colleagues vote down the Dickinson amendment and vote for the choice that we have in this body to effect our defense budget decisions.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to our distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, I rise in support of the Cheney budget as embodied in the amendment offered by the gentleman from Alabama [Mr. DICKINSON], the distinguished ranking member.

We owe it to our former colleague to back him up in the tough choices that he has had to make. If I remember correctly, the Secretary told us at the outset of assuming his office that he had to take a $10 billion hit right off the bat. In the procurement budget he presented, he took us at our word. We said as a body, not necessarily this Member, but as a body we said cut the defense budget, so he told us exactly how he was going to do it in an age of glasnost and the budget crunch.

The Armed Services Committee then I guess confronted him, eyeball to eyeball, with his honest defense budget. And what did the committee do? It blinked on a 26-to-26 vote.

For years we have been hearing howls from the House about the need to do away with smoke and mirrors in the defense budget. So hurricane Cheney blows away the smoke, shatters the mirrors, and what do we do? Some of us start building smoke machines of our own and installing fun house mirrors all around the place. Pet projects take precedence over sound national security policy.

The author of the amendment, the distinguished ranking member of our committee, the gentleman from Alabama, Mr. BILL DICKINSON, said the defeat of the Cheney budget in the committee was "a bad day for good government," and I agree. It was a bad day for our credibility around here.

We howl about the need for cuts, but when the cuts are not to our liking, we howl even louder.

The Cheney budget is an honest one, it is responsive to our needs, and to our demands, and it is responsible, and yes, I say it is courageous in view of all of the facts surrounding it.

Mr. Cheney blew through this institution with great force, but it is exactly what we needed, a cleansing, powerful, direct assault on the complicity that has made the Congress a partner in a number of defense spending fiascos that we have been witness to.

I would strongly urge the House to adopt this amendment, not for the Secretary's sake alone, or for the President's, but for the integrity and the credibility of this institution. To do anything less is to make a mockery of all our Pentagon calls for Pentagon reform.

We asked for the cuts, and the new Secretary gave us cuts, and did it in

such a way as to preserve the triad that we need across the board.

□ 1830

That is a delicate balance to have to strike when you are under the kind of restraints that we imposed upon him.

And then, with all that consideration, then to have the top defense man responsible in the country, second only to the President, have his choices undermined the way we have, I would say we have to give the Secretary all the chance and opportunity to do the job that he has been obliged to do.

The medicine may be bitter, but the disease has to be cured, not tomorrow but on this very afternoon.

Mr. MONTGOMERY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I want to point out to the minority leader, our good friend, that Mr. Cheney added the mobile Midgetman missile of $30 billion. So he was not too careful about cuts then. He added an additional $30 billion.

We are not trying to add that much at all.

Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. McCLOSKEY].

Mr. McCLOSKEY. Mr. Chairman, one of the most disappointing and ludicrous aspects of the dialog so far on the Cheney procurement budget has been the tendency of some to characterize the Committee on Armed Services' mark, somehow, as bad government. A vote for the V-22 and two other items is not a vote for bad government but it is a vote to save lives. An indepth Navy report recently showed that during 6 months of sustained combat the Marines would lose three to four times as many air crews in the UH-60, the states alternative, as in the V-22's.

Marine Corps Deputy Chief of Staff for Aviation, General Pitman, told me in an Armed Services Committee hearing that without the V-22 mission capacity would be severely degraded.

No wonder the V-22 continues to be the highest procurement and aviation priority of the Marine Corps.

It also is playing reckless with the facts to argue a vote against Dickinson is a vote for additional defense spending. In reality it would be approximately the same but with different priorities for a mere 2.3 percent of the procurement budget.

To disagree with 2.3 percent, a fraction of the defense budget is not a mark of disloyalty against Mr. Cheney, who already is doing a very fine job.

The truth is we want funding for the V-22, the F-14D and additional Guard and Reserve equipment. The Dickinson amendment would have that money go to the Stealth bomber, the MX and Midgetman missiles and SDI, as envisioned by the administration; a budget-buster program if there ever was one.

Taxpayers have a stake in the Osprey with nearly $2.4 billion already spent on a plane nearly 80 percent complete.

Why scuttle this now when a Marine Corps report showed that the Cheney alternative to the V-22 in the long run would cost at least $1 billion more and only deliver half the capabilities?

Vote for better government. Vote for the committee and against the Dickinson amendment.

Mr. MONTGOMERY. I thank the gentleman.

Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. I thank the gentleman for yielding.

Quite frankly I was not going to get up and speak on this issue but I think we are making a lot of nothing out of nothing, quite frankly, if that makes any sense at all.

In committee I made a commitment to support the Cheney budget, personally, with a condition, of course, that if it did not carry in committee all bets were off and I would come back to the floor and try to be supportive of a good defense bill.

But what we are doing here, I believe, if the Cheney budget passes tonight, what we ought to do quite frankly is eliminate the next 2 days of work in the Committee on Armed Services.

I mean this is a joke. If the Cheney budget passes tonight, there is no need to have all these amendments tomorrow because you are playing with smoke and mirrors.

If we are talking about acquisition reform, let me remind my colleagues acquisition reform did not begin with Mr. Cheney or for that matter with Mr. Reagan. Acquisition reform began with this committee and we are able to get a program through. That is the reason I rose to speak.

Mr. MONTGOMERY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. DOWNEY).

PARLIAMENTARY INQUIRY

Mr. MONTGOMERY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore [Mr. DURBIN]. The gentleman will state it.

Mr. MONTGOMERY. Mr. Chairman, who has the right to close debate?

The CHAIRMAN pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] has the right to close the debate.

Mr. MONTGOMERY. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Mr. Chairman, I rise in opposition to the Cheney budget because it denies, it savages, and starves our National Guard and Reserves at a critical time in our Nation's changing defense posture.

Our Guard and Reserves are modern forces with missions critical to our total force structure. Let us give them the tools they need with which to do the job.

The Air National Guard bears a staggering 86 percent of the continental air defense of our country. As a matter of fact, from Syracuse, NY, we have three old Air Force F-14's stationed down there at Charleston. They pick up the Bear bombers and monitor them as they go on down the coast. But in comparison to the operation and maintenance authorization for the Air Force in fiscal year 1990 in the Cheney budget, it only gets 8.9 percent of the financial resources.

With the committee-passed package $163 million will go to address the O&M shortfalls as well as for recruitment modernization.

Old friends, this is not Federal pork for a bunch of so-called weekend warriors; this is requisite funding for well-trained, highly capable forces which share a tremendous portion of the defense burden of our Nation but do not get a fair shake from that crowd over at DOD.

The $49 million of the Montgomery package goes to improve F-15 and F-16's already in use by the Guard and Reserves.

While these planes are presently operational, they will not be able to shoulder the responsibilities of the Air National Guard unless they are modernized. The Air Guard and the Reserves have 33 percent of the combat missions of the total Air Force, and DOD does not want to modernize the few modern aircraft that the Guard and the Reserve possess? It just does not make any sense.

For these reasons and others I do not have the time to go into, I feel compelled to vote against the Cheney budget.

Mr. MONTGOMERY. Mr. Chairman, I yield 2 minutes to the gentleman from the State of Virginia [Mr. SISISKY].

Mr. SISISKY. I thank the gentleman from Mississippi.

To my colleagues I played a fairly active part in the committee on this issue. The first thing that got my attention was national interest versus local interest. I confess that I had a local interest. The local interest was very simple; I have a Guard and a Reserve unit there and I knew they needed more equipment.

Guilty. But it is also a national interest.

I do not make a bolt or a screw or anything for the V-22 or the F-14. Why did I get involved? National interest.

Nothing against Secretary Cheney, whom I admire greatly. The issue is not what Secretary Cheney and the Department of Defense put into the bill. It is what my colleagues said on the number of committee meetings they had, on what we, we as Members of this Congress and as members of the Committee on Armed Services could put into the bill.

The Department of Defense got 98 percent of what they wanted. We got 2 percent.

But you must understand something, and I think it has to be made clear: The amount of money that we put into this budget for the three items did not raise the deficit 1 cent.

□ 1840

We got the money from somewhere else, and I can tell Members, just looking at the budget, how did it come to be involved with the F-14? I knew we had a shortfall of F-14a, and I knew that it would be a problem. I would hope that the Members and my colleagues would vote against this amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Mississippi [Mr. MONTGOMERY] has 8½ minutes remaining and the gentleman from Alabama [Mr. DICKINSON] has 5 minutes remaining.

Mr. MONTGOMERY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. MARTIN].

Mr. MARTIN of New York. Mr. Chairman, I yield to the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Chairman, I am opposed to the amendment.

I rise in opposition to the amendment offered by the gentleman from Alabama [Mr. DICKINSON] which would cut funding for the F-14D jet fighter, or well as the vital programs for defense.

As we consider this amendment on the F-14, Mr. Chairman I hope we will look beyond whose budget proposal it is. The question of whether or nor F-14 funding is in the committee bill or the Cheney proposal should be immaterial to our considerations. Instead, we should examine the F-14 on the merits, on whether or not it can do the mission for which it was designed, and whether or not the Navy has a sufficient number of F-14's to defend American interests around the world. Those are the key questions before us today.

First of all, it's important to note that even the opponents of the F-14 concede that it is an excellent airplane with a proven record in combat. From the *Mayaguez* incident and *Achilles Leuro* hijacking to action over Libya and Grenada, the F-14 has been and remains the mainstay of Naval aviation. Former Navy Secretary John Lehman has testified that the F-14 is the only fully tested, reliable combat aircraft the Navy has and I believe that if the Navy brass were free to speak their mind today they would agree and formally request more from the Congress. Two months ago I visited the aircraft carrier *Coral Sea* on duty in the Caribbean and was told repeatedly by Navy pilots that the F-14 enjoys a clear advantage in sustained combat because of its long-range capacity. A capacity not shared by the Navy's other jet fighter, the F-18 which burns gas at a tremendous rate and must be constantly refueled.

Even Dick Cheney will tell you it's a good plane, and the Pentagon bureaucracy admits as much by virtue of the fact that it wants Grumman to remanufacture old F-14's, updating them to the new "D" version. The question is, and this brings me to my second point, will that remanufacture program be cost-effective and will it keep the Navy adequately supplied with F-14's?

On the issue of cost effectiveness the remanufacture is justified by the Pentagon on the basis of a grossly inflated figure for the per unit cost of a new F-14D. The Pentagon first used figures indicating that a new F-14 would cost $75 million a copy, later revised to $70 million. But to achieve this figure the Pentagon employed a strange computation method which when used to compute the cost of a remanufactured F-14—as opposed to a new one—comes out to $129 million a copy. In any event the actual flyaway unit cost of the F-14D—and the number on which the Armed Services Committee bases their calculations—is $50 million per copy. And for that you get a new airplane, not a revamped old one that has undergone years of wear and tear.

But whether the plane is old or new, there is the paramount consideration of whether we will have enough F-14's to do the job the situation demands. The Navy needs 458 fighter aircraft in inventory for its carrier task forces around the world. The Pentagon has said that it has a surplus in fighter aircraft that will endure for several years, at least until the Navy advanced tactical fighter [NATF] is brought on line in the year 2002.

That is partially true, but the surplus turns to deficit in fiscal year 1995 even if the NATF is on schedule. If NATF delivery slips by just 3 years—not an unreasonable assumption given the recent history of DOD programs—we see a devastating shortfall of 53 percent in the Navy's fighter inventory in the year 2007. This is an important point because it takes into consideration something the Pentagon has conveniently chose to ignore—the normal attrition rate for any jet fighter—occasional accidents, retirement of old aircraft, and so on.

Finally, Mr. Chairman, there is the important point of our defense industrial base and the presence of more than one aircraft manufacturer in competition for contracts. If new production of the F-14 is shut down, Grumman will go out of business of making aircraft for the Armed Forces. The F-14 remanufacture program proposed by the Pentagon is simply not enough to keep the production lines going and Grumman in a position to bid on new contracts for aircraft.

In the wake of the Pentagon procurement scandal—one of the biggest scandals in our history that filled the newspapers for weeks and prompted calls for reform and more competition, not less—we face a Pentagon proposal to put a major manufacturer out of business and leave only one company—McDonnell Douglas—making planes for the Navy. We all suffer from selective amnesia from time to time but this is ridiculous. Mr. Chairman, we need and will continue to need new F-14's in the Navy inventory until we have concrete assurance that the NATF—now just a paper airplane on the drawing board—will come on line as scheduled. We also need to ensure that we have adequate competition in the procurement process. The gentleman's amendment strikes at the heart of both these essential elements of sound defense policy. I urge my colleagues to defeat the amendment.

Mr. MARTIN of New York. Mr. Chairman, I rise in support of the committee bill and in opposition to the Dickinson amendment, as I opposed it in committee. The committee reported this bill to the floor by a vote of 45 to 4. In the committee there were not many amendments to the procurement section, but those which were offered and were passed, passed by a substantial margin.

The gentleman from Mississippi's [Mr. MONTGOMERY] National Guard/Reserve amendment passed by a vote of 34 to 19. In the naval aviation package, the V-22 and the F-14D passed by a larger margin. As a matter of fact, it passed on a division, 28 to 15. There was not even a need for a recorded vote.

What kind of way is this to do business? I have no objection to the Committee of the Whole working their will on the bill as they did here today. Just to accept the budget as it was sent down here from the Pentagon to me is the equivalent of a "no brainer" in a gin rummy game; a person's dealt a hand and that is what the player does with it, without thought.

This is not a question of Dick Cheney. We gave Dick Cheney 98 percent of what he came with. The first day I went to him and said one of the big problems we have is the naval aviation package. What is he going to put on the carrier decks in the mid-1990's? The advanced tactical fighter? I want to give Members a bulletin, folks. Yesterday, the Appropriations Subcommittee cut out all the R&D money for the advanced tactical fighter. No member of the Department of Defense staff, and no member here is willing to say that the advanced tactical fighter is going to be here in time.

Do the right thing for defense, for those Marines, and those naval aviators, and vote down the Dickinson amendment.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I rise in support of the amendment of the gentleman from Alabama to restore procurement funding levels to those in the Cheney package.

Mr. Chairman, I've been in Congress for 7 years, and for 10 years prior to that I was associated with the other body. During those 17 years, I have seen Congress ask again and again for

the Pentagon to send over a budget which was realistic—that attempted to accurately forecast defense spending levels and reconcile these with our Nation's defense mission.

For the first time, we have received a budget from the Pentagon that gave us a legitimate blueprint to work from. Our committee has also recognized that defense spending will not continue to grow over the next 5 years and we can't afford to continue all the programs we now have in the pipeline.

So, Secretary Cheney bit the bullet and made the tough choice and it's time the Congress made them too. He chose to terminate programs, not just stretch them out. And even with these cuts, we still face a shortfall of more than $100 billion during the next 5 years.

Mr. Chairman, I may not agree completely with every choice Secretary Cheney made, but I continue to support him because the alternative we are considering here today does not make the tough choices—it continues funding on all programs, many in inefficient and expensive ways.

It is time this Congress faced up to the fact that if we are going to continue to reduce defense spending, some programs have to die. The fallacy of the defense bill before Congress today is it pretends we can still afford everything—and we can't. If we are going to restore programs, we need to do it by terminating others—and not put off the tough choices another year.

We are entering a new era—an era where the decision to fund defense programs must be based on a combination of mission requirements, affordability, and priority. The Cheney budget attempts to do this and for that reason, I will support it today.

The CHAIRMAN pro tempore. The gentleman from Mississippi has 6½ minutes remaining.

Mr. MONTGOMERY. Mr. Chairman, it is my pleasure to yield 2 minutes to the majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, I rise not to criticize Secretary Cheney or to criticize Mr. DICKINSON, who is involved in this amendment. It is a very important amendment, and I think it really will define what this bill is ultimately about.

Secretary Cheney came to the Department and he made some choices, and he thinks they are the right choices. I do not agree with those choices. I think we can do better than that. I think in the main, the committee did that. The choice the committee made was not to fund the strategic defense initiative or the B-2 bomber to the extent that the Secretary wanted, but instead to add some dollars for interdicting drugs, to add some dollars for cleaning up nuclear waste, and to add some dollars to conventional forces. I think these are things that most Members agree need to be done.

The charge is that by not passing the Cheney budget, we will be adding pork. I resent that charge. If it is made, I do not think it is true. The V-22 is a good system that enhances our conventional capability. The F-14 is needed for our nuclear aircraft carriers, and I think they are good and strong arguments that can be made for both.

John Kennedy once said that to govern is to make choices. We are making a very important choice in the passage of this bill. I simply rise to respectfully suggest that the choices Secretary Cheney makes should not be our choices, but that we have an opportunity in essentially supporting the committee's decision to make better choices. That is what I hope the Members will do.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I rise in support of the Dickinson amendment and in support of the Cheney budget.

Our colleague, the gentleman from Mississippi [Mr. MONTGOMERY] has suggested that there is only a difference of three items between the Cheney budget and what the committee did. That is true in a general sense, but those three changes represent $1.58 billion totals. The result of that is to throw, way out of whack, the very carefully constructed budget that Secretary Cheney presented to Members. This $1.587 billion was achieved by cutting some very important programs, and has been pointed out by colleagues. For example, by cutting out spare parts, by single-year procurement instead of multiple year procurement, which costs more in the long run, and by reducing host nation support.

On the subject of spare parts, on the order of $524 million in spare parts were removed. This added to 1989 which was one of the worst spare parts funding years in recent history, meaning that any leveling of the 1990 budget would impact every aircraft in our inventory and add to a negative trend already seen in 1989 readiness, and accelerate the current erosion in sustainability.

This is what we criticized the Carter budgets for, back in that Presidency, for providing Members with ships that did not sail and airplanes that did not fly. We are about to do that again as a result of the choices that are being made here.

My courageous colleague, the gentleman from Oklahoma [Mr. MCCURDY] was correct when he said that Secretary Cheney did what we asked him to do, what we told him to do, make those tough choices. It is not a partisan issue. The American people want Members to prioritize. We cannot afford everything, and that is what the Cheney budget does.

In conclusion, Mr. Chairman, my esteemed colleague from Massachusetts [Mr. MAVROULES] said that the Cheney budget meant that the next 2 days are irrelevant. They are not.

□ 1850

Mr. Chairman, my colleagues can support the Cheney budget and still vote against one item or two items, if they choose to do so in the next 2 days, but they have the opportunity to vote aye on the Cheney budget, aye on the Dickinson amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND of Georgia. Mr. Chairman, I rise in opposition to the Dickinson amendment.

Mr. Chairman, I rise in opposition to the Dickinson amendment reinstating the defense budget as requested by the Bush administration.

I appreciate the tough budgetary decisions the administration's request represents. However, I disagree strongly with one aspect of this proposal: the elimination of the Grumman F-14D Tomcat.

I do not think that it makes good military or economic sense to eliminate an excellent producer of military aircraft—and that is exactly what this amendment does. It puts Grumman out of the military aircraft business. This does not bode well in terms of our national security. Our capability to produce naval fighter aircraft would be severely reduced due to the reduction this amendment creates in our industrial base.

The F-14D is a tried-and-true component of our defense arsenal and future production of this aircraft should not be terminated in this hasty manner.

I urge my colleagues to oppose the Dickinson amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Alabama [Mr. DICKINSON].

Regardless of the arguments that might be made in support of big-ticket items—notably the B-2 bomber—in the so-called Cheney budget. I think the committee has already considered well the greater priorities in this tight budgetary climate—especially as it affects the National Guard and Reserves and the V-22 Osprey.

After much consideration of our budgetary constraints and the tough decisions faced by Secretary Cheney, I think his decision to cut the V-22 was shortsighted. This helicopter/airplane hybrid will vastly increase the capabilities of our fighting forces—getting troops where they are needed faster with a better

chance of survival. Moreover, a close look at costs suggest that with this increased capability, we are getting quite a bargain; this new tiltrotor aircraft is certainly competitive if not less expensive than existing alternatives.

As if these points were not enough, this aircraft will provide special operations options simply not available with existing helicopters or aircraft. In short, Mr. Chairman, we have here a defense system that will be a significant improvement in our defense capabilities. Moreover, the V-22 has exciting implications for our country's commercial aviation industry. At a time when America's preeminence in aviation is being challenged by our allies as much as by our foes, potential commercial application of an aircraft like the Osprey cannot be ignored. I, therefore, urge my colleagues to defeat the Dickinson amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Chairman, I certainly appreciate the gentleman from Mississippi [Mr. MONTGOMERY] for yielding me this time, and I want to take a moment to commend him for his leadership on the Committee on Armed Services to strike a proper balance in the total force for the National Guard and Reserve and their important component to go along with the professional military forces.

Mr. Chairman, I would like to say to my colleagues that, "If you vote for this amendment, as a Member of Congress you ought to send Secretary Cheney a check for your salary for the entire year because you've done nothing. You've done nothing except say, 'Go ahead, Mr. Cheney. It's all yours. You don't need a Congress. You don't need an Armed Services Committee. You don't need an Appropriations Committee. Just go ahead, give us your orders, and we'll accept them.' "

Mr. Chairman, I happen to think that my 434 other colleagues, perhaps me excluded, understand and appreciate the defense of this country and the need that we have to look after all of our priorities here, and, Mr. Chairman, it appears to me that while I support Mr. Cheney, and he certainly is a bright man; he has done a good job for President Bush in the short time that he has been over there, I think there is some talent here in the House of Representatives and in the Senate that, in essence, there are things to be learned from the advice that can come from here.

So, Mr. Chairman, if my colleagues as Members of Congress think that they ought to give Secretary Cheney a blank check, then that is their business, but I would say this in conclusion, Mr. Chairman, that we have a responsibility, and it is an absolute dereliction of our duty to vote for the amendment of the gentleman from Alabama [Mr. DICKINSON] and give away all of our congressional prerogatives just for the purpose of making something fit.

In conclusion, Mr. Chairman, this Dickinson amendment ought to be voted down overwhelmingly, and I urge its rejection.

Mr. MONTGOMERY. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. BORSKI].

Mr. BORSKI. Mr. Chairman, I rise in opposition to the Dickinson amendment.

Mr. Chairman, I rise today in support of the V-22 Osprey Program and in opposition to the Dickinson amendment.

Mr. Chairman, the Armed Services Committee did a good job in restoring funding for the V-22 Osprey. But opponents of the V-22 say that its mission is too narrow and its cost is prohibitive.

I say the V-22 is the most cost-effective means for its prime mission: to carry more Marines into combat, farther, faster, and safer than the helicopters currently used.

And, the V-22 can go beyond that. Its unique ability to take off vertically, like a helicopter, and fly at high speeds like a conventional airplane, make the V-22 capable of a wide variety of military missions.

The Osprey could be utilized by the Navy for antisubmarine warfare, by the Air Force to rescue downed pilots and by the Army to evacuate wounded soldiers. The V-22 could also quickly deploy to hot spots around the world or be used to fight terrorism, perhaps the greatest threat to our national security in the years to come. That does not sound like a narrow mission to me.

The V-22's revolutionary tilt-rotor technology also makes it one of the most important recent advances in aviation. Development of this technology could be a big boost to the U.S. commercial aviation industry. Tiltrotor aircraft could be used to relieve congestion at airports around the country as commuters and short-distance travelers would be diverted to heliports.

The V-22 is not cheap. However, canceling the V-22 Program will not save money.

CH-53 and CH-60 helicopters, the alternatives to the V-22, are old and will cost more than the V-22. Some reports indicate that with maintenance, operation, and support costs, the helicopters could cost from $1 to $10 billion more than the V-22.

In addition, the V-22 is safer than the alternative choppers. These aircraft were not designed to carry out the primary mission of the V-22. The Osprey has them beat in speed and survivability. In terms of lives saved, the cost of the V-22 is not prohibitive.

The committee bill provides a total of $508 million for the V-22, $351 million for research and development and $157 million for procurement of 12 Ospreys. These are adequate funds for continuing the V-22 Program.

The Dickinson amendment would eliminate the procurement funds for the V-22. I urge my colleagues to oppose the Dickinson amendment and support a cost-effective, versatile aircraft that will enhance our national security: the V-22 Osprey.

Mr. MONTGOMERY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I rise in opposition to the Dickinson amendment to restore the Cheney procurement title.

When the Cheney budget came before the armed services committee, only 1.7 percent was devoted to the Guard and Reserve Forces.

Yet, the Guard and Reserve is responsible for 50 percent of the combat missions in the Army, 33 percent of the combat missions in the Air Force, 15 percent of the combat missions in the Navy, and 25 percent of the combat missions in the Marine Corps.

With these numbers in mind the committee voted to increase the percentage of the defense budget devoted to the Guard and the Reserve to 3.3 percent.

This is a small investment to make given the size of the investment the Guard and Reserve makes in defending our country.

The Dickinson amendment would eliminate this badly needed funding.

By passing this amendment we would do the Guard and Reserve Forces of this country a great disservice.

Mr. MONTGOMERY. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Mr. Chairman, I rise in opposition to this amendment because of my strong support of the V-22. At a time when the prospects of the horror of the nuclear holocaust seem to be diminishing, our national security continues to be threatened by limited regional conflicts and terrorist activities. Few military programs are as well suited for supporting these low intensity conflict operations as the V-22.

Within the Department of Defense, we have two organizations to counter the threats involved in low intensity conflict—the Marine Corps and the Special Operations Forces. I remind my colleagues that it was Congress, not the Department of Defense, that saw to it that a unified command was established to deal with special operations and low intensity conflict. Both the Marine Corps and the Special Operations Command have declared the V-22 to be their top priority. Again, it falls upon Congress to support this essential military mission.

The assault helicopter the Marines now use is some 30 years old. It must be replaced to do the job against the

emerging threat. Budget realities dictate that any replacement aircraft will also have to last about 30 years. We must provide our forces with new state-of-the-art aircraft that will give them a survivable combat advantage up to the year 2020. The replacement aircraft proposed in the Cheney budget were developed in the late 1960's and early 1970's, and in my view this is dangerous.

During the Faulklands conflict the British learned, at the expense of a great loss of life, that an amphibious landing task force near a beach is vulnerable to air attack. Our Marine Corps has been developing the capability to attack from over the horizon where a large zone can exist for adequate air defense. Essential to the mission of doing over the horizon assaults is the ability to get marines ashore quickly, and this cannot be done without the V-22. After the battle is over there is an equally important need to be able to extract our forces quickly and safely. For the conflicts we are most likely to be involved with in the future, and for the kinds of missions these conflicts will dictate, the V-22 will be essential for increasing the likelihood of success and reducing the loss of lives of our fighting forces.

We cannot allow the Department of Defense to cancel the V-22 and substitute helicopters from the past that will cost more in long term dollars, cost lives, and be less survivable. I urge my colleagues to support H.R. 2461 and defeat this amendment.

Mr. DICKINSON. Mr. Chairman, I yield the remaining 1½ minutes to the very distinguished gentleman from Connecticut [Mr. ROWLAND].

Mr. ROWLAND of Connecticut. Mr. Chairman, I am confused. I have sat through dozens of committee hearings in the Committee on Armed Services where we have talked with former Secretaries of Defense, administration officials, military experts, demanding that these individuals set priorities, demanding that they come up with cancellations and proposals to cut back on the various budgets.

What happened this year was quite simple. We came up with the budget summit and an economic number that was $10 billion less than the Reagan budget. We threw the ball to Mr. Cheney. We demanded that he come up with a proposal to cut some $10 billion from the Reagan budget.

Much to our surprise, Mr. Chairman, and perhaps to the dismay of some, he did just that. We were startled. Members quickly looked around, and, rather than coming up with other plans, rather than offering other proposals to reduce $10 billion, within days of the Cheney budget we came up with over $7 billion in add-ons.

Yes, no one agrees with all of the positions that the Cheney budget took. We do not agree with all the cancellations, but I can assure my colleagues, and I think most Members agree, the decisions that were made will save money. If we delay cancellations, if we delay terminations, we merely push the tougher choices into the future.

The gentleman from Alabama [Mr. DICKINSON] later on in the week will also offer an amendment which will add back dollars to the National Guard and Reserve in his motion to recommit. For those of us that are concerned about those positions, as I am, and of course the chairman of the Committee on Veterans' Affairs, we can protect that position later.

Mr. Chairman, I would encourage everyone on both sides of the aisle to support the amendment of the gentleman from Alabama [Mr. DICKINSON].

Mr. MONTGOMERY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. HOCHBRUECKNER].

Mr. HOCHBRUECKNER. Mr. Chairman, I rise in opposition to the Dickinson amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Chairman, let me just say that there is no one I have a higher regard for than the gentleman from Alabama [Mr. DICKINSON], nobody I take more advice from and pay more attention to on defense issues. He is a great defender of this Nation, and he always has been, but I disagree with him on this particular case.

Mr. Chairman, I think Dick Cheney, after he has been over there a while, he is going to turn out to be a great Secretary of Defense, and I have great admiration for him.

However let me tell my colleagues about these programs that I think are so important. The V-22 is absolutely essential to the Marine Corps. The Marine Corps put a lot of money into this thing down the road. They put other programs on the shelf in order to fund the offspring, and they needed to get the troops into the field. This is a troop-funding program. The F-14 in my estimation is a mature program. We are 56 airplanes short, no matter how we look at it, and we ought to buy that program out as we go to the follow-on fighter, and there is no question about the National Guard and the shortages.

Mr. Chairman, all of us, I think, agree, and it is absolutely essential that we defeat the amendment of the gentleman from Alabama [Mr. DICKINSON] and go forward with this bill.

□ 1990

Mr. MONTGOMERY. Mr. Chairman, in closing the debate, I want to point out to my colleagues that we do have a new Secretary of Defense and a wonderful person, but Mr. Cheney is not running this House and is not running this committee.

We only added three amendments to the Cheney budget. I think that in fairness we are entitled to that, and I hope that this committee will stay with the Armed Services Committee and vote down the Cheney-Dickinson amendment.

Mr. Chairman, I ask for a no vote.

Mr. DICKINSON. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore (Mr. DURBIN). Is there objection to the request of the gentleman from Alabama?

Mr. MONTGOMERY. Mr. Chairman, reserving the right to object, I will not object, but I do not know what the gentleman is driving at. Would the gentleman explain his request?

Mr. DICKINSON. I think I have the right to strike the last word.

The CHAIRMAN pro tempore. Not under the rule, if there is objection heard. There is a rule limiting debate. All the time under that rule has expired. If the gentleman is asking unanimous consent to have additional time to argue, then the Chair will ask the committee to consider that request, and if there is objection, it will not be granted. If there is no objection, it will be granted.

Mr. DICKINSON. Mr. Chairman, this gentleman did not ask for unanimous consent. It was my understanding that under the rule the chairman or the ranking member has the right to strike the requisite number of words.

The CHAIRMAN pro tempore. That is not the wording of the rule this year. The gentleman will have to ask unanimous consent.

The question is on the amendment offered by the gentleman from Alabama [Mr. DICKINSON].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 143, noes 278, answered "present" 1, not voting 9, as follows:

[Roll No. 164]

AYES—143

Archer	Clinger	Duncan
Aspin	Coble	Edwards (OK)
Baker	Coleman (MO)	Emerson
Ballenger	Combest	English
Bateman	Cooper	Fawell
Bereuter	Coughlin	Fish
Bilirakis	Cox	Frenzel
Bliley	Craig	Gallegly
Broomfield	Crane	Gallo
Brown (CO)	Dannemeyer	Gekas
Bunning	Davis	Gillmor
Burton	DeLay	Gingrich
Callahan	DeWine	Goss
Campbell (CA)	Dickinson	Gradison
Cardin	Douglas	Grandy
Chandler	Dreier	Grant

Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Herger
Hiler
Hoagland
Holloway
Hopkins
Houghton
Huckaby
Hunter
Inhofe
Ireland
Johnson (CT)
Kasich
Kastenmeier
Kolbe
Kyl
Lagomarsino
Leach (IA)
Lewis (CA)
Lowery (CA)
Lukens, Donald
Machtley
Madigan
Marlenee
Martin (IL)
McCandless
McCollum
McCrery
McCurdy
McEwen
McMillan (NC)
Meyers
Michel
Moorhead
Morrison (CT)
Morrison (WA)
Myers
Nagle
Nielson
Oxley
Packard
Parris
Pashayan
Paxon
Petri
Porter
Quillen
Ray
Regula
Rinaldo
Robinson
Rohrabacher
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schiff
Schuette
Shaw
Shays
Shumway
Shuster
Skeen
Skelton
Slaughter (VA)
Smith (IA)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stearns
Stenholm
Sundquist
Tauke
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Watkins
Weber
Wolf
Wylie
Young (AK)

NOES—278

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Armey
Atkins
AuCoin
Barnard
Bartlett
Barton
Bates
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Browder
Brown (CA)
Bruce
Bryant
Buechner
Bustamante
Byron
Campbell (CO)
Carper
Carr
Clarke
Clay
Clement
Coleman (TX)
Conte
Conyers
Costello
Coyne
Crockett
Darden
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fields
Flake
Flippo
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Gray
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hochbrueckner
Horton
Hoyer
Hubbard
Hughes
Hutto
Jacobs
James
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Lloyd
Long
Lowey (NY)
Luken, Thomas
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Morella
Mrazek
Murtha
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Poshard
Price
Pursell
Rahall
Rangel
Ravenel
Rhodes
Richardson
Ridge
Ritter
Roberts
Roe
Rogers
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (MS)
Smith (NE)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Stump
Swift
Synar
Tallon
Tanner
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walgren
Walsh
Waxman
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (FL)

ANSWERED "PRESENT"—1

Olin

NOT VOTING—9

Brooks
Chapman
Collins
Courter
Florio
Hawkins
Hyde
Lipinski
Murphy

□ 1919

Mr. RITTER and Mr. ROHRABACHER changed their vote from "no" to "aye."

Mrs. ROUKEMA changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1920

Mr. ASPIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. LEHMAN of California] having assumed the chair, Mr. DURBIN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 2461) to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes, had come to no resolution thereon.

CORDELL BANK NATIONAL MARINE SANCTUARY

Mr. BOSCO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 281) to approve the designation of the Cordell Bank National Marine Sanctuary, to disapprove a term of that designation, to prohibit the exploration for, or the development or production of, oil, gas, or minerals in any area of that sanctuary, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 2, strike out all after line 17, over to and including line 2, on page 4.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. DAVIS. Mr. Speaker, reserving the right to object, I will not object, but I yield to the gentleman from California [Mr. Bosco] for an explanation of the joint resolution.

Mr. BOSCO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, earlier this year the Bush administration set aside a 400-square-mile area off the coast of northern California as a marine sanctuary known as the Cordell Bank Marine Sanctuary.

This resolution makes it clear that there will be no oil or mineral development within the confines of that sanctuary.

Mr. DAVIS. Mr. Speaker, I am aware of no minority objection at this time to this joint resolution.

The administration is not opposed to House Joint Resolution 281, and it was reported favorably from the Committee on Merchant Marine and Fisheries on June 21, and passed by the House by voice vote 6 days later.

Therefore, we have no objection to the measure.

Mr. JONES of North Carolina. Mr. Speaker, I rise in support of this motion to pass House Joint Resolution 281 as amended by the Senate.

Mr. Speaker, on Monday, July 24, the Senate passed this resolution after removing my amendment that would have required the Department of the Interior to prepare an environmental impact statement prior to approving an oil and gas exploration plan on certain tracts offshore North Carolina.

I am pleased to announce that the State of North Carolina, the Department of the Interior, and the Mobil Oil Corp. reached an agreement on July 14, 1989, that eliminates the need for my amendment.

Specifically, Mr. Speaker, the agreement establishes a timetable within which the Department of the Interior will complete an "environmental report" tailor made for North Carolina on the exploration plan submitted by Mobil Oil.

I am pleased with the agreement and believe, as does North Carolina Governor Martin, that it responds to the many questions and concerns raised about the Mobil drilling proposal.

For several months I have been trying to get the parties involved to reach just such a voluntary agreement. When there seemed to be little interest in doing so, I took steps to re-

quire, through the amendment to House Joint Resolution 218, an environmental impact statement before Mobil's exploration plan could be approved.

Mr. Speaker, I have consistently said that I would not object to the removal of my E.I.S. requirement on the Cordell Bank Marine Sanctuary bill if the parties reached an agreement.

In a letter dated July 13, 1989, Governor Martin graciously acknowledged the influence that the amendment had in bringing the parties together and went on to relieve the North Carolina congressional delegation of any further action on the proposal.

Having taken care of the concerns expressed by the residents of the State of North Carolina, it is time to turn our attention to successfully enacting the Cordell Bank Marine Sanctuary bill. I would like to acknowledge the tireless work of our colleague, DOUG BOSCO, in securing passage of this bill and the other body for its cooperation and prompt action on this matter.

Mr. DAVIS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOSCO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution and Senate amendment thereto just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT OF THE DEATH OF THE HONORABLE JAMES N. COLLINS

(Mr. BARTLETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT. Mr. Speaker, I rise to announce the death last Friday of a retired Member of this House, Congressman James N. Collins, who passed away last Friday afternoon in Dallas, TX. His funeral was held yesterday afternoon in Dallas at 4 p.m.

He served in this House after a special election was held in 1968 through 1982. He served as a member of the Energy and Commerce Committee. He was a well-respected Member in this body.

Mr. Speaker, I want my colleagues to know that we will be taking a special order on Congressman Collins next week, either Monday or Tuesday, as a way of paying tribute to his service in this body.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT OPERATIONS AND COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Operations and the Committee on Public Works and Transportation:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 20, 1989.

Hon. THOMAS FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I am writing to inform you that due to my appointment to the Committee on Rules, I must resign my position as a member of the Committee on Government Operations and the Committee on Public Works and Transportation.

Please feel free to contact me if I can be of any further assistance.

Sincerely,

LOUISE M. SLAUGHTER,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There is no objection.

INTRODUCTION OF HEALTH BILL

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. McDERMOTT. Mr. Speaker, Americans deserve a health care system that works like a system, not like a lottery. In my State of Washington, we have a system. It is called the Washington Basic Health Plan, and it is the first State program in the country to provide low-cost health insurance to the working poor.

I know other States have good ideas on how to bring affordable care to their citizens. That is why today I am introducing legislation to provide planning grants for States to develop their own programs for their uninsured families.

Robert LaFollette called State legislatures "the laboratories of democracy" and I believe the States can help us—by showing what works and what doesn't. That is how Canada's health care system developed—through the provinces.

We need a national system of health insurance in this country. We will develop one, based on our circumstances and experience, but we may develop it the same way as Canada—through our States. The most effective programs, and the most humane and caring programs, are developed at the local level. I believe that given the opportunity, one of our 50 States will find a way to cover the uninsured at an affordable cost that will work for the rest of the country. I ask my colleagues to join me in supporting this effort.

Today I want to join many of my colleagues and millions of Americans across the country in the struggle to bring affordable health care to all of our citizens. Our current health care system is the world's most expensive—but it still leaves 1 in 6 Americans without coverage. It is a national scandal that continues to defy effective Federal response.

We spend over 11 percent of our gross national product on health care—more than twice what we spend on national defense and more than any other nation in the world. Every other industrial democracy spends far less on health care and covers its entire population. Yet we still have more than 30 million people who are uninsured. If America spent the same percentage of GNP on health care as Canada does, we could free up something like $200 billion in our economy—enough to balance the Federal budget, reduce taxes, or dramatically increase Federal spending for other purposes.

Everyone knows something is drastically wrong. A recent poll found that 89 percent of Americans agreed that our health care system needs "fundamental change." Americans want a health care system that works like a system, not like a lottery. Proposals for change have come from national commissions, Members of Congress, academic experts, health care organizations, and many others. Most of them would be improvements over our current fragmented non-system. Most of them have elements that should be part of any reform. And most of them are nationwide in scope, requiring extensive Federal legislation and involving major uncertainties about cost, quality, and other issues.

As a physician, I am especially aware of the tragic gaps in our health care system, and I have seen the consequences first-hand. I am a strong supporter of national health insurance and a cosponsor of the Basic Health Benefits for All Americans Act (H.R. 1845), authored by Senator KENNEDY and Congressman WAXMAN. I am also a cosponsor of Congressman SABO'S Comprehensive Health Care Improvement Act (H.R. 872), and the Universal Health Insurance Act by Congressman PEASE (H.R. 2218). I continue to hope this Congress will enact comprehensive national legislation, but I think we must also explore other approaches to the problem of access to health care.

The Federal Government is not the only source of innovation, creativity, or courage in dealing with public policy issues. The most effective programs, and the most humane and caring programs, are often developed at the State and local level. We all know examples where individual States have shown the way—have served, in Robert LaFollette's words, as "the laboratories of democracy." Many of our social institutions—worker's compensation, unemployment compensation, universal education, public health, and others—began in individual States, spread to other States, evolved through trial and error, and finally became part of our national fabric.

Sometimes States need encouragement to develop innovative programs, and sometimes they need flexibility under Federal laws.

Sometimes they make mistakes, and sometimes they come up with approaches that become national models. I believe that, with the right encouragement and with the necessary flexibility, some of our 50 laboratories of democracy will find the way to make affordable health care the basic right it should be in any democracy.

In my State of Washington, we have begun our own experiment in bringing health care to the uninsured. It's called the Washington Basic Health Plan, and it is America's only State-sponsored system of managed health coverage for the unemployed and the working poor. This experiment was developed over several years from legislation I first introduced in the state legislature in 1985, and this past January it began operation as a series of pilot projects.

Right now, the Washington Basic Health Plan offers basic benefits to 5,300 residents of the State's three largest counties. Their average household income is $8,700, and they include children, families, and young and middle aged adults. Many have jobs that do not provide health insurance and many are unemployed. The average premium they pay, based on income, is $34 per month per person. The State legislature has provided $39 million to expand the program to 25,000 people in the next 2 years.

We are excited about bringing affordable health care to our citizens in Washington, and I am sure other States want to do the same thing. I am pleased today to introduce the Managed Health Care Access and Cost Containment Act of 1989—an effort to encourage other States to develop their own basic health plans.

The bill authorizes a one-time appropriation of $25 million, an average of $500,000 per State, in planning grants to help States that want to design their own basic health plans for the uninsured. These funds are to be provided to States that apply for them, as a population-based entitlement, for demographic study, benefit design, resource assessment, financial planning, and development of legislation. Planning can be done by a State health department, a State university, a legislative committee, a specially created commission, or any other public body the State chooses. Either the executive or the legislative branch of a State government can do this work, or they can work together. A State like Washington, which has already developed a basic health plan, can use its grant to develop improvements, study long-term financing options, or for similar purposes.

One problem, I want to encourage States to address is the issue of cost containment. Real reform of our health care system will not succeed unless we address this issue. The history of health care reform in this country has been a series of swings between expanding access and containing costs. Our failure to address these issues together is one reason we spend so much money for so little coverage of our population.

Trying to control medical costs has been compared to punching a balloon—whenever you make a dent, you make a bulge somewhere else. There are a lot of reasons why this is true, but among the most important are fee-for-service pricing and a fragmented delivery system.

Fee-for-service pricing compensates providers for each test or procedure they perform, so controlling fees can result in the multiplication of fee-generating services. The proliferation of health care delivery mechanisms—hospitals, clinics, outpatient surgi-centers, office practices, and so on, usually under different ownerships—means controls over costs in one setting, such as the hospital, can result in shifting patients and services to other settings, such as the surgi-center or even the doctor's office.

I think part of the answer is the concept of managed health care—the concept on which health maintenance organizations are based. Managed health care systems do not charge fees to patients or to their public or private third-party insurers. Instead, they act as both insurers and providers of care, receiving premiums and using them to provide services as needed. Managed care means everyone has an incentive to avoid unnecessary hospitalizations, tests, and procedures. It means the payment system rewards preventive care instead of penalizing it. And it places the responsibility to control costs on the provider, who knows best how to maintain health and the quality of care while doing so.

In my State of Washington, managed care is a well-accepted concept. We have been using it, along with fee-for-service systems, for more than 40 years. Studies have shown that a well-run managed care system can provide better quality care than a fee-for-service system at 25 percent less cost. Managed care systems can be mismanaged, as they have been in California, Florida, and some other places when quality took a back seat to cost-cutting. But I think managed care offers real hope for a way to break the cycle of expanding access and controlling costs.

That is why I insisted on a managed care delivery system for the Washington Basic Health Plan. The basic health plan emphasizes prenatal and pediatric care, checkups and prevention, immunizations, and family medicine. It provides hospitalization, surgery, and similar coverage, but it aims to keep people from getting sick whenever possible. That's a natural effect of a managed care system, and a critical part of any cost-control strategy.

It's too early to tell how successful Washington State will be in combining expanded access with cost containment—a problem that has eluded Washington, DC, for the quarter century the Federal Government has been trying to pursue both goals. And my State's approach is surely not the only one demonstrating promise. Other States are also trying to innovate in different ways.

I believe one of these States, or more likely a combination, will find a way to cover the uninsured at an affordable cost before we in the Federal Government can get the votes and the Presidential commitment to do it here. And I think those State efforts will help us develop the national system we need—by showing what works and what doesn't. That is how Canada's health care system, which is looking better and better as our looks worse, developed. In this country we will develop our own system, based on our circumstances and experience, but we may develop it the same way—through the States.

The Managed Health Care Access and Cost Containment Act is meant to offer another opening for innovation and creativity in getting us to the national health care system Americans need and deserve. It is meant to complement proposals to require employer-sponsored coverage, to expand Medicaid, to create insurance pools, and to innovate in other ways at the Federal level. It is meant to support efforts already underway in many States. I hope it will meet with a favorable reception in this Congress. I want to thank especially Congressman WAXMAN and Congressman STARK for their cosponsorship of this bill, and I ask my colleagues for their support as well. The need for affordable health care for all Americans is too urgent for us to ignore any strategy.

H.R. —

A bill to provide Federal assistance to States in planning and developing means of providing access to affordable health care for the uninsured

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Managed Health Care Access and Cost Containment Act of 1989".

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) The term "Secretary" means the Secretary of Health and Human Services.

(2) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

(3) The terms "State basic health plan" and "State plan" mean a system of enrollment and payment for basic health care services to enrollees, administered by a State agency through participating managed health care systems and, at the State's option, other health care facilities and providers.

(4) The term "managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the State basic health plan and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the State plan and in the managed health care system.

(5) The term "enrollee" means, with respect to a State plan, an individual (or an individual and the individual's spouse and dependent children), each of whom is under the age of 65 and not otherwise eligible for benefits under title XVIII of the Social Security Act, who resides in the State, whose gross family income does not exceed limits set by the State plan, who chooses to obtain basic health care coverage in return for periodic payments to the State plan, and who does not have access to employer-sponsored health coverage as defined by the State plan.

(6) The term "designated State planning body" means, any governmental organization designated by the chief executive officer or the legislature of a State as eligible to receive planning grants from the Secretary under this Act. A designated State planning

body may be an existing State agency (including a college, university, board, or commission, or legislative committee) or a State agency (including a board, commission, or special legislative committee) created by legislative or executive action for the purpose of receiving grants and conducting studies under this Act.

SEC. 3. GRANTS.

(a) IN GENERAL.—From funds appropriated as authorized by this Act, the Secretary shall make grants to designated State planning bodies applying for such grants to enable them to study, plan, and develop State basic health plans to meet the needs of their uninsured residents for access to affordable basic health care.

(b) USE OF FUNDS.—Designated State planning bodies may use grant funds under this Act for any or all of the following purposes:

(1) To develop demographic information about the numbers and characteristics of individuals residing in the State who lack access to affordable basic health coverage and might become enrollees in a State basic health plan.

(2) To define one or more schedules of health care benefits that could be provided to enrollees as part of a State basic health plan.

(3) To study and determine the availability of health care resources in the State, including existing managed health care systems and other health care providers and facilities, to provide defined benefits to enrollees in a State basic health plan.

(4) To design financing mechanisms for the State (A) to purchase defined benefits from managed health care systems, and, at the State's option, from health care facilities and providers other than managed health care systems, and (B) to collect from enrollees premiums varying with enrollee family incomes. Such financing mechanisms shall not rely on Federal funds to pay for health care services to any individual who is not otherwise eligible for federally funded health care.

(5) To identify changes in State law necessary to create a State basic health plan and prepare any legislation for that purpose.

(c) ALLOTMENT OF FUNDS.—Every designated State planning body submitting an application to the Secretary for a grant under this Act, for any of the purposes specified in subsection (b), shall be entitled to receive a grant in an amount which bears the same ratio to the total amount appropriated as authorized by this Act as the State's population bears to the total population of the United States.

(d) STATE PLANNING BODIES.—(1) Designated State planning bodies may enter into contracts for any part of the study and planning activities funded from grants under this Act.

(2) Every designated State planning body receiving a grant under this Act shall hold at least one public hearing as part of the development of the State basic health plan.

(3) Every designated State planning body receiving a grant under this Act shall prepare a written report summarizing its findings, conclusions, and any recommendations for a State basic health plan. Copies of the report shall be furnished to the Secretary, to every Member of Congress from the State, and to the public.

SEC. 4. RULES.

The Secretary may promulgate and adopt rules and regulations to administer the grant program authorized by this Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $25,000,000 for fiscal year 1990.

FLORIDA A&M UNIVERSITY BAND HONORED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. NELSON] is recognized for 5 minutes.

Mr. NELSON of Florida. Mr. Speaker, I am pleased today to call attention to the outstanding performance of the Florida A&M University Marching Band in Paris on the 20th anniversary of Bastille Day, July 14.

The excellent musicians of the Rattler Band, with their high-stepping style, honored our Nation as the only band representing the United States. Dr. William P. Foster, whose inspired choreography has brought distinction to the band and Florida A&M, has reason to be proud of his achievements and those of his musicians.

As one of only 16 bands worldwide invited by the Government of France to join in the celebration, the band has achieved the international recognition it deserves.

All Floridians can be proud that the Rattler Band was selected to represent the Sunshine State and the United States during the celebration of 200 years of freedom in France.

My hat is off to you, Rattlers.

VOLUNTARY RESTRAINT AGREEMENTS ON STEEL IMPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, I had requested time this evening to ask some of our colleagues to join with me in urging the President to extend the voluntary restraint agreements on steel imports for an additional 5 years. Since I asked for this time—the White House came to its decision—which was announced early this afternoon. And I must say I am disappointed in the provisions of the new so-called extension.

Rather than the 5 years of an orderly market guaranteed to give our domestic industries time to recover some of the heavy losses of the early 1980's—$12 billion—and gain profits to pay back the investments in modernization—the President's proposed extension of restraints begins to unravel almost immediately as it is put into place.

Quotas will rise after the first year at 1 percent per year through the end of the second year—at which time the restraints are out at the end of 6 more months. Granted that the President's statement qualifies that: "this increase will be allocated to countries that undertake and abide by disciplines to address trade-distorting practices."

However, in steel markets, 2 years of rising quotas is nothing—the new VRA's can be waited out. And if that is not the attitude of our trading partners, why then the story in the Journal of Commerce this very day reporting that non-Communist steel output was up in June:

NON-COMMUNIST STEEL OUTPUT UP IN JUNE

BRUSSELS, BELGIUM.—Crude steel production in the non-communist world rose by 2.8% to 40.1 million tons in June from the corresponding year-earlier month, according to the International Iron and Steel Institute.

In the first six months of 1989, output rose by 3.7% to 245.35 million tons from the year-earlier period.

The June rise was led by Japan, where steel companies increased output by 5% to 8.96 million tons from June 1988. Production in the United States edged up by 1.6% to 7.4 million tons.

Our steel industry was clipped, pruned, and sheared over this decade because we were told that there was overproduction of steel in the world. And that our industry was fat, lazy, and obsolete—that with untrammelled free trade, it would be forced to compete—no holds barred—with steel being dumped in here from all over the world. And, dumped it was.

The only reason that we got voluntary restraints in the first place was to forestall case after case being brought before the ITC, and before the Commerce, charging illegal trading practices against foreign steel producers.

With this article today in the Journal of Commerce, it looks like our trading partners are positioning themselves to take advantage of this same free trade atmosphere in steel returning to the United States.

As a matter of fact, some other reports—this year—suggest that not only the Japanese, but the French and the Italians—the Spanish, the Brits and the Germans were anticipating the decision of the White House.

Note this:

In June, the French granted a $225.5 million subsidy to its steel company, Ulsinor-sacilor.

In April, West Germany forgave a steel company, Arbed Saarstahl, from paying $374 million owed to the Government.

Early in the year, Spain provided its steel companies with a package of subsidies and cut-rate loans totaling more than $600 million.

And in December 1988, British steel was privatized for $4 billion. And in Italy, $3.8 billion was granted to the state-owned Finsider steel company. Currently, an additional subsidy for $2 billion is being considered.

That is the "Free Trade" atmosphere of the European Community which our steel companies face. Is that a level playing field from which they are all talking of? I think not. All the subsidies are being loaded in ahead of time. And to add to that, every European nation rebates an average of 19-20 percent—a return of the value added tax to the steel compa-

nies—on the value of every steel shipment which goes into the export markets.

In like manner, when a ton of United States steel reaches Europe, 19–20 percent is added on for the VAT—even though the value has been added in the United States and United States' State and income taxes have not been rebated to the United States' producers.

The President is promising that in the Uruguay round of multilateral trade negotiations, efforts will be made to reach an international consensus to provide effective disciplines over government aid and intervention in the steel sector—and to lower barriers to global trade in steel.

I am also directing Ambassador Hills to seek to negotiate, through the Uruguay Round of Multilateral Trade Negotiations and complementary bilateral agreements, an international consensus to provide effective disciplines over government aid and intervention in the steel sector and to lower barriers to global trade in steel. The international consensus will contain three elements:

Strong disciplines over trade-distorting government subsidies;

Lowering of trade barriers so as to ensure market access; and

Enforcement measures to deal with violations of consensus obligations.

However, no efforts have ever been made to compensate our exporters for the addition of the value added tax, nor to rebate U.S. taxes to our companies on export shipments.

It is a major barrier.

I also hope steel capacity is also going to be addressed. If there is overcapacity in the world, take it out of someone else's hide. We have given and lost enough to bring steel production in the world into balance.

Look at our Rust Belt; look at the capacity which we have been able to maintain. Right now—in an all-out crunch—we could not produce enough steel domestically for our own needs. And I believe that we are the only industrialized nation in the world left in this condition.

To request that the United States continue on with voluntary restraints against foreign steel—considering what other nations do for their steel companies—is little enough and certainly, in comparison, not one of those nations could criticize or complain.

Level playing field—let's level some of the field abroad.

The importance of having integrated steel capacity seems not to be recognized in all of this. We are told of the successes of the mini-mills processing scrap steel. And I think it's great. It is wise to have a market for scrap—and to use it—where appropriate. But surely, no American could believe that the United States will continue as a major nation in the global economy without an integrated steel industry.

We have spent the day on the Defense budget—imagine, just imagine, if the tremendous demand which exists inside Defense for steel had to be supplied mainly offshore. How strong would we be then? And what would be the size of our trade deficit?

And it could happen.

If we return to the U.S. steel market of the early eighties—between 1982 and 1986—4 short years—of no-holds-barred steel shipments, then, we will see another shakeout of our steel producers, another series of lost jobs and layoffs. The U.S. market was destroyed in that period of time. It can happen again.

Looking at billions being spent on all manners of things, the steel industry is not asking for any money—it is only asking for a fair chance. And for that reason, when the steel caucus meets in the morning, I am sure that the issue of legislation will be discussed as a remedy for this disappointing proposal from the administration.

Many of our colleagues are very concerned and desire to continue the old VRA Program.

Under the expiring VRA agreements, the steel industry has been able to:

Reduce import's share of U.S. consumption from a high of 30 percent in the third quarter of 1984 to under 21 percent today.

Stop the hemorrhaging of an industry vital to America's national security, industrial base, and infrastructure, by producing additional cash-flow that has prevented further equity losses and bankruptcies—to this day, 15 percent of the industry remains in Chapter 11 bankruptcy.

A major factor in fostering the industry's continuing recovery, enabling U.S. producers to ship at least 8 million additional tons of steel.

Benefit steel consumers by allowing U.S. producers to begin taking major steps toward their goal of becoming fully competitive by international standards.

Not cause harm to consumers, because they have not caused any significant price increase or shortages. In fact, prices actually dropped in the program's first 2 years and, since substantial amounts of steel from VRA countries went unshipped in 1987 and 1988, VRA's could not possibly be the cause of any recent price increases or alleged shortages.

And there is an old adage which I think fits wonderfully in closing—if it's not broke—if it's working, don't fix it.

□ 1940

Mr. Speaker, I yield to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Speaker, I would like to congratulate the gentlewoman for her tenacity for fighting on behalf of the domestic steel industy and her vigorous and strong participation in the Caucus, and for having the foresight for having time set aside tonight on an important issue. That is the President's proposal of the renewal of the VRA. If the gentlewoman would indulge me for a moment or two.

Today, President Bush announced his plan for extending the VRA's. He calls for a 2½-year extension of the program with some modifications.

The President's proposal sets the import limit at 18.4 percent—the current target is 20.2 percent—and gives the U.S. Trade Representative the option to increase that limit if she finds that participating countries are trading in good faith.

The President is essentially breaking his campaign pledge to the U.S. steel industry. His proposal does not ensure that the industry can continue its recovery and modernization efforts because the VRA's will be extended for only 2½ years instead of the full, 5-year extension that I had hoped for and which 247 of my colleagues prefer as cosponsors of H.R. 904.

Furthermore, I am concerned because the President's long-term goal of rendering VRA's obsolete through the elimination of unfair trade practices is based upon obtaining an elusive international consensus.

I am dubious of the proposal's ambitious objective of reaching an international consensus because it relies too heavily upon the success of the Uruguay Round negotiations of the General Agreement on Tariffs and Trade [GATT]. Ninety-six countries are members of the GATT. In theory, a multilateral solution to steel subsidization is sound, but in reality such a solution will be difficult to achieve.

At its mid-point in December, 1988, there was general disappointment with the fact that the Uruguay Round was moving extremely slowly and that it had not made headway on the plethoria of contentious issues that it had hoped to solve. Agricultural subsidization is one of those issues, and there is a long way to go before that problem will be resolved.

In fact, if we look at the marginal progress that the GATT has made to date regarding agricultural subsidies, I am wary of placing too much hope in using the GATT to eliminate the widespread subsidies that many foreign governments give to their domestic steel producers.

The President's proposal mentions an enforcement mechanism, but precisely how an international consensus on eliminating unfair trading practices would be enforced is not yet clear. There is no enforcement mechanism contained in the GATT—one of its fundamental weaknesses.

In sum, a multilateral solution is appealing, but will it really materialize?

Can we gamble the revitalization of the U.S. steel industry on an international consensus that has to be accomplished in a relatively short amount of time? The Uruguay round is scheduled to end in December 1990.

According to industry sources, the industry has only halfway completed its modernization process. Two and one-half years will not be enough time for the industry to complete its efforts because it will not only have the burden of completing modernization, but the industry will most surely be required to meet new clean air standards.

On a more positive note, I am encouraged to see that provisions to improve the VRA program's short-supply process are included in the administration's proposal. These recommendations are in part due to a General Accounting Office investigation that I requested.

The damage caused by the President's procrastination is already an accomplished fact. The current program is due to expire on September 30, just 67 days from today. I think it will be difficult for the United States to effectively implement these proposals between now and September 30.

Overall, the President's proposal is too little, too late.

Mrs. BENTLEY. Mr. Speaker, I commend the gentleman from Indiana for his request of the GAO study on all of this, and also to point out the importance of time and the fact that the industry has only halfway recovered in these 5 years of VRA's. They just need that much more time. Again, I thank the gentleman from Indiana for joining here today.

Mr. Speaker, I yield to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, I come before you tonight to enlist your support for an extension of the steel voluntary restraint agreements. As you know, the President announced today his proposal for an extension of the steel VRA Program. While I regret that he is only recommending a 2½-year extension, I am pleased that he recognizes that unfair, illegal subsidies and trade barriers continue to exist, and that he is pledging a more aggressive approach in the GATT negotiations and enforcement of U.S. trade laws. Congress provided the tools in last year's trade bill, especially the super 301 provision, to eliminate unfair trade practices and punish those nations which refuse to compete on a level playing field.

American steel producers are forced to compete in a world market dominated by foreign government intervention. In most steel producing countries, decisions about investment, disinvestment, production and pricing are influenced by the government. This level of government intervention inevitably places American producers at a disadvantage. In addition, many foreign producers remain heavily protected from foreign competition by high tariffs, quotas, restrictive import licensing and other non-tariff barriers. These restrictive measures, coupled with heavy government subsidization, severely restrict U.S. producers' ability to compete in global and domestic markets.

Under the steel VRA Program, the U.S. steel industry has made excellent progress toward its goal of regaining its competitiveness. Costs have been lowered sharply, labor productivity has been increased dramatically, and production quality has been improved greatly. However, much remains to be done. Substantial new investment and modernization, on a sustained basis, is needed if the steel industry is to match the competitiveness of its leading foreign competitors.

We must provide an atmosphere in which our basic industries, such as the steel industry, are able to compete in global and domestic markets, in order to survive as an independent Nation. I am hopeful that the Congress and the President can now work together to extend the steel VRA Program in an expeditious manner. Again, this must be coupled with a clear message to the administration, particularly the Secretary of Commerce and the U.S. Trade Representative, that we in Congress will hold them to the promises made by the President today about rigorous enforcement of our trade laws. We must also send a clear message to our trade partners during these international trade negotiations that the eventual expiration of the steel VRA Program is not a green light to resume anticompetitive trade-distorting measures.

□ 1950

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman from Alabama [Mr. HARRIS], and I would ask him to engage in a colloquy with me for a moment or two.

Mr. Speaker, I want to commend the gentleman from Alabama [Mr. HARRIS] for pointing out the fact that we did pass the Trade Act last year, and perhaps at this time, now that we know what the VRA Program is, it would behoove us to take the contents of the Trade Act of 1987, and balance it out against what is being provided for us under this 2½-year extension, and then see in which direction we will have to move to help the industry, to continue to help the industry.

Mr. HARRIS. Mr. Speaker, I look forward to working with the gentlewoman from Maryland [Mrs. BENTLEY] in that regard because we have seen progress, but we are not there yet. We have got to keep this program in place so that we can keep a very important industry, not only to our part of the country, certainly to the part of the country of the gentlewoman from Maryland [Mrs. BENTLEY], but to the whole Nation.

Mr. Speaker, it is so important for our defensive posture that we keep certain basic industries in place.

Mrs. BENTLEY. Mr. Speaker, I do not think we can emphasize too much its importance to the defense base of this country, and again I want to thank the gentleman from Alabama [Mr. HARRIS] for joining us tonight.

Mr. DINGELL. Mr. Speaker, today I rise in support of H.R. 904, a bill introduced by the Honorable JOHN MURTHA, of Pennsylvania, proposing a 5-year extension of the President's authority to negotiate steel VRA's. The recovery of our Nation's steel industry is still incomplete and the threat posed by foreign subsidies and unfair trade practices is still present.

When the legislation providing this authority to the President was first enacted in October of 1984 the American steel industry was confronted with its gravest crisis since the Great Depression. Massive foreign steel subsidies, totaling $40 billion in the European Community over the past 10 years, lead to a chronic oversupply of steel. Rather than subject themselves to the discipline of the marketplace and make the necessary cutbacks in production, some Nations chose to simply dump their artificially maintained excess on the American market. Imports market share approached one-third of the market in the third quarter of 1984.

The result was disaster for the American steel industry. The industry was caught in a vicious circle where modernization was desperately needed to remain competitive, yet even with the efforts of our domestic industry to modernize plants, unfair trade practices including subsidization and dumping undercut the positive impact that modernization could produce. From 1983 to 1986, industry losses exceeded $12 billion and 20 percent of the productive capacity was in chapter 11 of the Bankruptcy Code. Layoffs were immense and permanent. The steel mills which once forged the foundation of our national defense were closing down, some never to reopen. In my home district, McLouth Steel was on the verge of bankruptcy and Rouge Steel was considering a shut down. The term rust belt came into being, a sad but true testament to the frightful loss out Nation experienced in those dark days.

In October 1984 both Congress and the Reagan administration worked together in a bipartisan manner to stop this hemorrhaging of a vital American industry. Congress passed the Steel Import Stabilization Act which I strongly supported, giving the President the power to negotiate and enforce steel VRAs. The act limited foreign market share to 20 percent and required the domestic industry to reinvest all profits made off of their steel operations back into their steel operations.

The steel VRA Program made the difference. Over the past 5 years, the industry has spent $9 billion on modernization. In my own district, McLouth Steel Products Corp. can now compete. After uncertainty regarding its future, Rouge Steel is still open and produc-

ing, and Great Lakes Steel has made significant improvements to its facilities. Even though the United States does not have policy of directly subsidizing its steel industry like some other countries, in areas such as product yield, energy efficiency, and continuous casting rates, the performance of American industry in the face of such unfair practices is encouraging. Costs are down 35 percent, productivity is up 40 percent, and quality is tremendously improved. But there is still room for even more improvement.

The VRA's are due to expire in September. VRA's have made a difference. The market share of imports is back around 20 percent. Modernization is proceeding. The industry has finally become marginally profitable again. But the recovery is fragile. World oversupply of steel is still around 150 million tons due mainly to foreign subsidization. The steel industries balance of payments for the past decade, even with the recovery of the past several years, is a $6.4 billion dollar deficit. Now is the wrong time to subject our steel industry to a foreign competition artificially manipulated by subsidies and dumping when it is only beginning to recover. Until the larger international problems of oversupply and widespread foreign subsidization are addressed, American interests will be best served by refusing to sacrifice a vital American industry to those insist on sheltering themselves from the discipline of the marketplace. The VRA Program will allow our steel industry the opportunity to complete their modernization efforts free from the interference of dumping, subsidies, and other unfair trade practices.

I urge my colleagues to support H.R. 904.

Mr. NOWAK. Mr. Speaker, I would like to take this opportunity to express my strong support for the Steel Import Stabilization Extension Act, legislation currently pending in the House which would extend the current voluntary restraint agreement an additional 5 years.

Prior to the implementation of the VRA's, the domestic steel industry was at a severe disadvantage when competing with foreign producers in the international marketplace. Subsidization, import quotas, and restrictive import licenses all worked against the American producer trying to sell his product overseas. In addition, foreign producers were dumping excess steel at below cost prices on the American market. Foreign steel's share of the U.S. market went from 15 percent in 1979 to 30 percent in 1984. Between 1982 and 1986 the American Steel industry lost $12 billion.

Since the original agreement went into effect, the domestic steel industry has been afforded the time needed to begin rebuilding and modernizing. After reinvesting $9 billion from 1982 through 1987 the industry has cut production costs by 35 percent while improving productivity by 40 percent. Today, the American steel industry produces steel approximately $130 a ton cheaper than Japan.

While the domestic industry has become much more competitive, it still faces several challenges. First, it must continue to improve plant operations in such areas as energy efficiency and product yield through additional reinvestment of capital.

Importantly also, it must still compete against foreign companies which are heavily subsidized by their governments. For example, this past spring the Italian Government invested $3.8 billion into Finsider, its ailing steel enterprise, with an additional $2 billion investment expected next year. British steel was given an $8 billion government subsidy.

Against competition operating with such an unfair advantage, the VRA's must be extended for an additional 5 years. The VRA's have been instrumental in reviving a moribund industry. Their extension is essential if this industry, vital to America's economic health and a key component of our national defense, is to complete its metamorphosis.

Mr. WALSH. Mr. Speaker, as a steel caucus member, I am pleased to add my remarks today in a special order called by my esteemed colleague, HELEN BENTLEY, in support of voluntary restraint agreements.

Though we had asked for a 5-year extension, I am pleased President Bush extended the VRA program for another 2½ years, improving the availability of steel in the United States and promoting price competition. I hope that before this extension expires, the program will be reevaluated and extended once again if necessary.

A few years ago, we faced a crisis in the U.S. steel industry. Then, the Government did what it is supposed to do. We listened to our manufacturers and we acted. The crisis, and Government action, led to the VRA program, one of the most innovative programs in American economic history—a major factor in the slow but sure recovery of our ailing steel industry.

Steel is a basic commodity. It is traded worldwide. Each and every country, industrialized or developing, wants its own steel industry. No one wants to rely on another country for steel. It is part of America's growth, in every sense of the word.

Now, we need an extension of the VRA program. We must allow the recovery of one of our most important industries to continue—and allow the people who make up this vital industrial community to keep peace with their Japanese and European competition. Additionally, we must send a strong signal to foreign governments that the United States is serious about negotiating a global agreement that bans trade distorting practices in steel.

Today, VRA's are working well. They have effectively limited the harmful economic impact of unfairly traded steel imports. They spurred growth in the U.S. steel industry in 1984 by way of new plants, new equipment designs, and new continuous casting technology.

This was not the time to terminate voluntary restraint agreement programs. Our steel industry is now beginning to stand on its own. Had the President not extended this program, a major American industry would have received a blow from its own government, instead of a push.

On behalf of my district's interests and out of great concern for the betterment of our Nation, I urge my colleagues in the future to support the extension of voluntary restraint agreements whenever necessary.

GENERAL LEAVE

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. LEHMAN of California). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LIPINSKI (at the request of Mr. GEPHARDT), for today and the rest of the week, on account of family business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 60 minutes, July 21, Aug. 1, 2, and 3.

Mr. KYL, for 60 minutes, September 5, 6, 7, and 8.

Mr. BURTON of Indiana, for 60 minutes, on Aug. 1, 2, and 3.

Mr. BARTLETT, for 60 minutes, on July 31.

(The following Members (at the request of Mr. DE LUGO) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 60 minutes, today.

Mr. OWENS of New York, for 60 minutes, on July 31, Aug. 1, 2, 3, and 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DYMALLY and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $3,535.

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. PORTER.
Mr. RITTER.
Mr. CRAIG.
Mr. FIELD.
Mr. FRENZEL.
Mrs. MORELLA.
Mr. WALKER.
Mr. GILMAN.
Mr. DORNAN of California.
Mr. GINGRICH.
Mr. GUNDERSON.

(The following Members (at the request of Mr. DE LUGO) and to include extraneous matter:)

Mr. MCHUGH.
Mr. MARTINEZ.
Mr. TRAFICANT.
Mr. DYMALLY.
Mr. MONTGOMERY.
Mr. LAFALCE.
Mr. BRYANT.
Mr. GUARINI.
Mrs. LLOYD.
Mr. PALLONE.
Mr. DINGELL.
Mr. LELAND.
Mr. CARDIN.
Mr. FLORIO.
Mr. SKAGGS.
Ms. KAPTUR.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 83. An act to establish the United States Enrichment Corporation to operate the Federal uranium enrichment program on a profitable and efficient basis in order to maximize the long-term economic value to the United States, to provide assistance to the domestic uranium industry, and to provide a Federal contribution for the reclamation of mill tailings generated pursuant to Federal defense contracts at active uranium and thorium processing sites; to the Committees on Interior and Insular Affairs; Energy and Commerce; Science, Space, and Technology.

S. 358. An act to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes; to the Committee on the Judiciary.

ADJOURNMENT

Mr. HARRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 52 minutes p.m.), and under its previous order, the House adjourned until tomorrow, Wednesday, July 26, 1989, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1507. A communication from the President of the United States, transmitting amendments to the request for appropriations for fiscal year 1990 and an appropriations language amendment for fiscal year 1991, pursuant to 31 U.S.C. 1107 (H. Doc. No. 101-88); to the Committee on Appropriations and ordered to be printed.

1508. A communication from the President of the United States, transmitting a report on the analysis of alternative strategic nuclear force postures for the United States under a potential START treaty; to the Committee on Armed Services.

1509. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend section 5131 of title 31, United States Code, to eliminate the General Services Administration's statutory responsibilities concerning the repair and improvement of the U.S. Mint at Philadelphia, PA; to the Committee on Banking, Finance and Urban Affairs.

1510. A letter from the Director, National Vaccine Program, transmitting the first report on the implementation of the National Vaccine Program and activities planned for fiscal year 1989 that are related to the long-term goals of the National Vaccine Plan, pursuant to 42 U.S.C. 300aa-4; to the Committee on Energy and Commerce.

1511. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of the intent to continue assistance for El Salvador under the Anti-Terrorism Assistance Program, pursuant to 22 U.S.C. 2349aa-3(a)(1); to the Committee on Foreign Affairs.

1512. A letter from the Chairman, the Board of Foreign Scholarships, transmitting the 25th annual report on the Fulbright Program, pursuant to 22 U.S.C. 2457; to the Committee on Foreign Affairs.

1513. A letter from the Acting Administrator, General Services Administration, transmitting notice of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(r); to the Committee on Government Operations.

1514. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS area, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1515. A letter from the Secretary of Commerce, transmitting a report on the effects of plastic materials on the marine environment, pusuant to Public Law 100-220, section 2203 (101 Stat. 1466); to the Committee on Merchant Marine and Fisheries.

1516. A letter from the Administrator, Federal Aviation Administration, transmitting a report on the $100,000 Maximum Civil Penalty and the Civil Penalty Assessment Demonstration Program, pursuant to 49 U.S.C. app. 1475 nt. to the Committee on Public Work and Transportation.

1517. A letter from the Acting Administrator, Agency for International Development, transmitting the Agency's report on metric usage, pursuant to Public Law 100-418, section 5164(b); to the Committee on Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROYBAL: Committee on Appropriations. H.R. 2989. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1990, and for other purposes. (Rep. 101-170). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1755. A bill to transfer administration of bridges and causeways over navigable waters from the Secretary of Transportation to the Secretary of the Army, and for other purposes; with an amendment (Rep. 101-171, Pt. 1). Ordered to be printed.

Mr. NATCHER: Committee on Appropriations. H.R. 2990. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1990, and for other purposes (Rep. 101-172). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Iowa: Committee on Appropriations. H.R. 2991. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary and related agencies, for the fiscal year ending September 30, 1990, and for other purposes (Rep. 101-173. Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROYBAL:

H.R. 2989. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1990, and for other purposes.

By Mr. NATCHER:

H.R. 2990. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1990, and for other purposes.

By Mr. SMITH of Iowa:

H.R. 2991. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

By Mr. ANDREWS:

H.R. 2992. A bill to amend the Internal Revenue Code of 1986 to provide special rules for certain gratuitous transfers of employer securities for the benefit of employees; to the Committee on Ways and Means.

By Mr. BEREUTER:

H.R. 2993. A bill to extend, under certain circumstances, nondiscriminatory treatment to the products of nonmarket economy countries that are currently ineligible for such treatment; to the Committee on Ways and Means.

By Mr. BROWN of Colorado:

H.R. 2994. A bill to amend the Clean Air Act to provide for the testing of motor vehicles at high altitudes; to the Committee on Energy and Commerce.

By Mr. GEJDENSON (for himself, Mr. BATES, Mrs. BOXER, Mr. LIPINSKI, Mr. ACKERMAN, Mr. FAUNTROY, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. WISE, Mr. OWENS of New York, Mr. MILLER of California, Mrs. COLLINS, Mr. FROST, Mr. DE LUGO, Mr. RICHARDSON, Mr. EVANS, and Mr. VENTO):

H.R. 2995. A bill to amend title 18, United States Code, to provide penalties for retaliation against congressional witnesses, and for other purposes; to the Committee on the Judiciary.

By Mr. McDERMOTT (for himself, Mr. WAXMAN, Mr. STARK, Mr. BONIOR, Mrs. BOXER, Mr. DEFAZIO, Mr. DICKS, Mr. DONNELLY, Mr. FAZIO, Mr. FRANK, Mr. GRAY, Mr. HOAGLAND, Ms. KAPTUR, Mr. MCCLOSKEY, Mr. MILLER of California, Mr. MILLER of Washington, Mr. OBERSTAR, Mr. PEASE, Mr. SABO, Mr. SWIFT, Mr. SIKORSKI, Mrs. UNSOELD, Mr. WILLIAMS, Mr. SANGMEISTER, Mr. GEJDENSON, and Mr. WYDEN):

H.R. 2996. A bill to provide Federal assistance to States in planning and developing means of providing access to affordable health care for the uninsured; to the Committee on Energy and Commerce.

By Mr. MACHTLEY:

H.R. 2997. A bill to establish an interagency task force to carry out a program to provide surplus property to States for very low and lower income housing developments; jointly, to the Committees on Banking, Finance and Urban Affairs and Government Operations.

By Mr. MONTGOMERY (for himself and Mr. STUMP) (both by request):

H.R. 2998. A bill to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs; jointly, to the Committees on Veterans' Affairs and Rules.

By Mr. BROWN of California (for himself, Mr. MATSUI, Mr. ANDERSON, and Mr. LEWIS of California):

H.R. 2999. A bill to amend part A of title IV of the Social Security Act to require compensation paid for damages suffered by victims of major disasters to be disregarded in determining their eligibility for aid to families with dependent children; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. ROE, Mr. LENT, Mr. WALKER, Mr. FLORIO, Mr. WALGREN, Mr. RITTER, Mr. BOEHLERT, Mr. AKAKA, Mr. ALEXANDER, Mr. ANDREWS, Mr. ARCHER, Mr. ASPIN, Mr. ATKINS, Mr. AUCOIN, Mr. BARNARD, Mr. BATEMAN, Mr. BATES, Mr. BENNETT, Mrs. BENTLEY, Mr. BLAZ, Mr. BLILEY, Mr. BORSKI, Mr. BOUCHER, Mrs. BOXER, Mr. BROOMFIELD, Mr. BROWN of California, Mr. BRUCE, Mr. BRYANT, Mr. BUECHNER, Mr. BURTON of Indiana, Mr. BUSTAMANTE, Mr. CHANDLER, Mr. CLAY, Mr. COLEMAN of Missouri, Mrs. COLLINS, Mr. COOPER, Mr. CONTE, Mr. COSTELLO, Mr. COUGHLIN, Mr. DE LUGO, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. ECKART, Mr. ENGLISH, Mr. ERDREICH, Mr. EVANS, Mr. FAUNTROY, Mr. FAWELL, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. FRANK, Mr. GARCIA, Mr. GEJDENSON, Mr. GEPHARDT, Mr. HALL of Texas, Mr. HAMILTON, Mr. HAYES of Louisiana, Mr. HENRY, Mr. HERTEL, Mr. HOCHBRUECKNER, Mr. HOUGHTON, Mr. JENKINS, Mr. JOHNSTON of Florida, Mr. JONES of Georgia, Ms. KAPTUR, Mr. KLECZKA, Mr. KOSTMAYER, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of Florida, Mr. LIPINSKI, Mrs. LLOYD, Mrs. LOWEY of New York, Mr. THOMAS A. LUKEN, Mr. MACHTLEY, Mr. MADIGAN, Mr. MANTON, Mr. MARKEY, Mrs. MARTIN of Illinois, Mr. MARTIN of New York, Mr. MARTINEZ, Mr. MAVROULES, Mr. MCCURDY, Mr. MCDADE, Mr. MCMILLEN of Maryland, Mr. MINETA, Mr. MOODY, Mrs. MORELLA, Mr. MORRISON of Washington, Mr. MURTHA, Mr. NAGLE, Mr. NEAL of Massachusetts, Mr. NELSON of Florida, Mr. NIELSON of Utah, Mr. NOWAK, Ms. OAKAR, Mr. OBERSTAR, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. OXLEY, Mr. PACKARD, Mr. PALLONE, Mr. PARRIS, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. PERKINS, Mr. PETRI, Mr. PURSELL, Mr. RANGEL, Mr. RICHARDSON, Mr. RINALDO, Mr. ROBINSON, Mr. ROHRABACHER, Mr. ROWLAND of Georgia, Mr. SCHEUER, Mr. SCHIFF, Ms. SCHNEIDER, Mr. SCHUETTE, Mr. SENSENBRENNER, Mr. SHARP, Mr. SIKORSKI, Mr. SKAGGS, Mr. SLATTERY, Mr. SMITH of Florida, Mr. SMITH of Texas, Mr. STALLINGS, Mr. STANGELAND, Mr. SWIFT, Mr. SYNAR, Mr. TANNER, Mr. TAUZIN, Mr. TORRICELLI, Mr. TRAFICANT, Mr. TRAXLER, Mr. VALENTINE, Mr. VANDER JAGT, Mr. VOLKMER, Mr. WALSH, Mr. WAXMAN, Mr. WELDON, Mr. WHITTAKER, Mr. WOLPE, and Mr. WYDEN):

H.R. 3000. A bill to require that certain fasteners sold in commerce conform to the specifications to which they are represented to be manufactured, to provide for accreditation of laboratories engaged in fasterner testing, to require inspection, testing, and certification, in accordance with standardized methods, of fasteners used in critical applications to increase fastener quality and reduce the danger of fastener failure, and for other purposes; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

By Mr. CHAPMAN:

H.R. 3001. A bill to condition payment to Iran of any compensation for the downing of Iran Air Flight 655 by the U.S.S. *Vincennes* on July 3, 1988, on the release of the United States citizens being held hostage in the Middle East; jointly, to the Committees on Foreign Affairs and the Judiciary.

By Mr. DAVIS (for himself, Mr. OBEY, Mr. JONES of North Carolina, Mr. HERTEL, Mr. LIPINSKI, Mr. SABO, Mr. ROSTENKOWSKI, Mr. VANDER JAGT, Mr. PEASE, Mr. DINGELL, Mr. KLECZKA, Mr. HENRY, Mrs. MARTIN of Illinois, Mr. OBERSTAR, Mrs. COLLINS, Mr. PETRI, Mr. SAVAGE, Mr. WOLPE, Mr. FEIGHAN, Ms. OAKAR, Mr. PURSELL, Mr. ROTH, Mr. RUSSO, Ms. KAPTUR, Mr. KASTENMEIER, Mr. GUNDERSON, Mr. TRAXLER, Mr. HORTON, Mr. DORGAN of North Dakota, Mr. KILDEE, Mr. SENSENBRENNER, and Mr. PENNY):

H.R. 3002. A bill to amend the Merchant Marine Act, 1936, to preserve the percentage of certain agricultural commodities exported from Great Lake ports; to the Committee on Merchant Marine and Fisheries.

By Mr. DAVIS (for himself and Mr. HERTEL):

H.R. 3003. A bill to provide for the response to oil spills and manning and safe navigation of tank vessels, on the Great Lakes; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. EVANS (for himself, Mr. LANCASTER, Mr. BONIOR, Mr. FLORIO, Mr. JOHNSON of South Dakota, Mr. JONTZ, Ms. LONG, Mr. MORRISON of Connecticut, Mr. STAGGERS, Mr. PALLONE, Mr. PANETTA, Mr. AUCOIN, Mr. BEREUTER, Mr. DEFAZIO, Mr. HOAGLAND, Mr. LAUGHLIN, Mr. LIPINSKI, Mr. MRAZEK, Mr. POSHARD, Mr. SKAGGS, Mrs. UNSOELD, Mr. WEISS, Mr. ACKERMAN, Mr. BEVILL, Mrs. BOXER, Mr. DE LUGO, Mr. DYMALLY, Mr. FAUNTROY, Mr. FRANK, Mr. HAWKINS, Mr. HAYES of Illinois, Mr. HOCHBRUECKNER, Ms. KAPTUR, Mrs. LOWEY of New York, Mr. MARTINEZ, Mr. PAYNE of New Jersey, Mr. RANGEL, Mr. ROSE, Mr. STARK, Mr. TRAFICANT, Mr. WISE, Mr. DOWNEY, Mr. BROWN of California, Mr. BRYANT, Mr. SLAUGHTER of New York, Mr. HUGHES, Ms. PELOSI, Mr. ATKINS, Mr. KOSTMAYER, Mr. BORSKI, Mr. BATES, Mr. SHARP, Mr. OWENS of New York, Mr. BRUCE, Mr. NAGLE, Mr. GLICKMAN, Mr. BUSTAMANTE, Mr. TORRES, Mr. ORTIZ, Mr. MARKEY, Mr. WOLPE, Mr. HERTEL, Mr. RUSSO, Mr. KOLTER, Mr. WHEAT, Mr. SYNAR, Mr. LEVIN of Michigan, Mr. RICHARDSON, Mr. VISCLOSKY, Mr. BOUCHER, Mr. DELLUMS, Mr. LELAND, Mr. BERMAN, Mr. FEIGHAN, Mr. SCHUMER, Mr. TOWNS, Mr. STOKES, Mr. JACOBS, Mr. LEWIS of Georgia, and Mr. MOODY):

H.R. 3004. A bill to amend title 38, United States Code, to provide a presumption of service connection between certain diseases experienced by veterans of active service in Vietnam during the Vietnam era and exposure to certain toxic herbicide agents used in Vietnam; to provide for permanent benefits for veterans of such service who have certain diseases; to improve the reporting requirements relating to the "Ranch Hand Study," and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FEIGHAN (for himself, Mr. SMITH of New Jersey, and Mr. LEVINE of California):

H.R. 3005. A bill to prohibit negotiations with any representative of the Palestine Liberation Organization who has directly participated in an act of terrorism against a United States citizen; to the Committee on Foreign Affairs.

By Mr. FLORIO (for himself and Mr. PALLONE):

H.R. 3006. A bill to amend the National Housing Act to expand the demonstration program of insurance of home equity conversion mortgages for elderly homeowners; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HUGHES:

H.R. 3007. A bill to amend the Contract Services for Drug Dependent Federal Offenders Act of 1978 to provide additional authorization for appropriations; to the Committee on the Judiciary.

H.R. 3008. A bill to require the Commandant of the Coast Guard to submit to the Congress a report regarding the appropriateness of using the Coast Guard Training Center at Cape May, NJ, as an official site for recognizing the bicentenary of the U.S. Coast Guard; to the Committee on Merchant Marine and Fisheries.

By Mr. PEASE:

H.R. 3009. A bill to strengthen the Steel Import Stabilization Act; to the Committee on Ways and Means.

By Mr. WHEAT (for himself and Mr. COLEMAN of Missouri):

H.R. 3010. A bill to temporarily suspend the duty on 0,0-Dimethyl-S-[(4-0x0-1,2,3-benzotriaz in-3(4H)-yl)methyl]phosphorodithioate; to the Committee on Ways and Means.

H.R. 3011. A bill to suspend temporarily the duty on 4-Fluoro-3-phenoxy benzalde-

hyde; to the Committee on Ways and Means.

By Mr. FOGLIETTA (for himself, Mr. VENTO, Ms. PELOSI, Mrs. MORELLA, Mr. FASCELL, Mr. CONTE, Mr. GONZALEZ, Mr. RUSSO, Mr. GARCIA, Mr. LAFALCE, Mr. FUSTER, Mrs. COLLINS, Ms. KAPTUR, Mr. RANGEL, Mr. EMERSON, Mr. BATES, Mr. HENRY, Mr. FROST, Mr. DYMALLY, Mr. ENGEL, Mr. WELDON, Mr. PALLONE, Mr. FAZIO, Mr. BORSKI, and Mr. KANJORSKI):

H.J. Res. 374. Joint resolution proclaiming Christopher Columbus to be an honorary citizen of the United States; to the Committee on the Judiciary.

By Mr. FOGLIETTA (for himself, Mr. KOSTMAYER, Mr. WOLF, Mr. HANCOCK, Mr. TOWNS, Ms. KAPTUR, Mr. SMITH of Florida, Mr. ALEXANDER, Mr. HUGHES, and Mr. DYSON):

H.J. Res. 375. Joint resolution to designate September 17, 1989, as "Constitution Day"; to the Committee on Post Office and Civil Service.

By Ms. OAKAR (for herself and Mr. ROBERTS):

H. Res. 212. Resolution providing for upgrading of one position and establishment of six additional positions on the Capitol Police for duty with respect to the House of Representatives; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

210. By the SPEAKER: A memorial of the Legislature of the State of Maine, relative to Chinese students; to the Committee on Foreign Affairs.

211. Also, memorial of the General Assembly of the State of Illinois, relative to Chanute Air Base and Fort Sheridan; to the Committee on Armed Services.

212. Also, memorial of the House of Representatives of the State of Illinois, relative to Joseph Patrick Thomas Doherty; to the Committee on the Judiciary.

213. Also, memorial of the House of Representatives of the State of Illinois, relative to the Federal budget deficit; to the Committee on Ways and Means.

214. Also, memorial of the General Assembly of the State of Illinois, relative to the steel voluntary restraint arrangements and the Steel Import Stabilization Extension Act; to the Committee on Ways and Means.

215. Also, memorial of the Legislature of the State of California, relative to the home mortgage interest deduction; to the Committee on Ways and Means.

216. Also, memorial of the Legislature of the State of California, relative to United States and Mexico relations; jointly, to the Committees on Foreign Affairs and the Judiciary.

217. Also, memorial of the General Assembly of the State of Illinois, relative to the people in rural Illinois; jointly, to the Committees on Ways and Means and Energy and Commerce.

218. Also, memorial of the General Assembly of the State of Illinois, relative to the Joliet Army Ammunition Plant; jointly, to the Committees on Energy and Commerce; Armed Services; and Science, Space, and Technology.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. SIKORSKI.

H.R. 12: Mr. SIKORSKI.

H.R. 24: Mr. CARR and Mr. NEAL of North Carolina.

H.R. 45: Mr. ACKERMAN and Mr. DE LUGO.

H.R. 82: Mr. LANTOS, Mr. COYNE, Mr. ECKART, Mr. WATKINS, Mr. FEIGHAN, Mr. OBEY, Mr. MOLLOHAN, Mr. RUSSO, Mr. MCNULTY, and Mr. KOLBE.

H.R. 145: Mr. BRUCE and Mr. CLARKE.

H.R. 522: Mr. BILIRAKIS.

H.R. 638: Mr. BORSKI and Mr. RUSSO.

H.R. 780: Mr. BOEHLERT.

H.R. 1028: Mr. MAZZOLI, Mr. FLORIO, Mr. LAUGHLIN, Mr. CARPER, Mr. ROSE, Mr. THOMAS of Georgia, Mr. SARPALIUS, Mr. ASPIN, Mr. MCMILLEN of Maryland, Mr. LEVINE of California, Mr. TANNER, Mr. ENGEL, Ms. SLAUGHTER of New York, Mr. RUSSO, Mr. DARDEN, Mr. ROWLAND of Georgia, Mr. CROCKETT, Mr. HOAGLAND, Mrs. SCHROEDER, Mr. STAGGERS, Mr. SWIFT, Mr. OWENS of New York, Mr. CARR, Mr. MOLLOHAN, Mr. BROWN of California, Mr. HALL of Ohio, Mr. MINETA, Mr. MORRISON of Connecticut, and Mr. HAYES of Illinois.

H.R. 1087: Mr. AKAKA.

H.R. 1175: Mr. JONTZ.

H.R. 1188: Mr. KENNEDY.

H.R. 1200: Mr. LENT and Mr. HOLLOWAY.

H.R. 1276: Mr. PEASE.

H.R. 1333: Mr. PEASE.

H.R. 1406: Mr. BRENNAN.

H.R. 1525: Mr. KENNEDY.

H.R. 1593: Mr. ENGEL, Mr. JONTZ, Mrs. MEYERS of Kansas, Mr. CLINGER, Mr. MRAZEK, Mr. EVANS, Mr. BURTON of Indiana, Mr. HUBBARD, Mr. EMERSON, Mr. ROWLAND of Connecticut, Mr. BALLENGER, Mr. CALLAHAN, Mr. WATKINS, Mr. SAXTON, Mr. WHITTAKER, Mr. BUNNING, Mr. RAHALL, Mr. ROGERS, Mr. STANGELAND, and Mr. MOLLOHAN.

H.R. 1730: Mr. BUECHNER and Mr. COSTELLO.

H.R. 1863: Mr. MARTIN of New York and Mr. BOEHLERT.

H.R. 2021: Mr. HOLLOWAY and Mr. HERGER.

H.R. 2051: Mr. MARTINEZ.

H.R. 2116: Mr. LIGHTFOOT.

H.R. 2144: Mr. HUBBARD.

H.R. 2223: Mr. FUSTER and Mr. EVANS.

H.R. 2228: Mr. TRAXLER.

H.R. 2269: Mr. BROWN of Colorado.

H.R. 2288: Mr. HAWKINS, Mr. WEISS, Mr. BORSKI, and Mr. ACKERMAN.

H.R. 2331: Mr. VISCLOSKY.

H.R. 2395: Mr. ACKERMAN.

H.R. 2403: Ms. LONG.

H.R. 2418: Mr. ATKINS, Mr. BOEHLERT, Mr. CHANDLER, Mr. JONTZ, Mr. HERGER, and Mr. JAMES.

H.R. 2436: Mr. GRADISON, Mr. DEWINE, Mr. SOLOMON, Mr. OXLEY, Mr. WYLIE, and Mr. PEASE.

H.R. 2529: Mr. CAMPBELL of California, Mr. KOLBE, Mr. FROST, Mr. RANGEL, Mr. TOWNS, and Mr. SIKORSKI.

H.R. 2580: Mr. DYMALLY, Mrs. COLLINS, Mr. MCNULTY, Mr. HAWKINS, Mr. ACKERMAN, Mr. FRANK, Mr. MATSUI, Mr. DE LUGO, Ms. PELOSI, Mr. RANGEL, Mrs. KENNELLY, Mrs. SAIKI, Mrs. BENTLEY, Mr. FROST, Ms. KAPTUR, and Mr. ATKINS.

H.R. 2584: Mr. TALLON, Mr. PALLONE, Mr. BRENNAN, Mr. WOLPE, and Mr. TOWNS.

H.R. 2604: Mr. SKAGGS.

H.R. 2606: Mr. ECKART and Mr. MACHTLEY.

H.R. 2620: Mr. FORD of Michigan, Mr. DELLUMS, Mr. THOMAS of Georgia, Mr. HOLLOWAY, and Mr. ORTIZ.

H.R. 2642: Mr. SLAUGHTER of Virginia and Mr. GINGRICH.

H.R. 2648: Mrs. LOWEY of New York, and Mr. HAMILTON.

H.R. 2712: Mr. COX, Mr. NAGLE, Mr. HUTTO, Mr. PEASE, Mr. SOLOMON, Mr. GONZALEZ, Mr. JACOBS, Mr. CALLAHAN, Mr. HUCKABY, Mr. STANGELAND, Mr. CLEMENT, and Mr. BARTLETT.

H.R. 2737: Mr. DANNEMEYER, Mr. RANGEL, and Mr. NIELSON of Utah.

H.R. 2738: Mr. DANNEMEYER, Mr. RANGEL, and Mr. NIELSON of Utah.

H.R. 2760: Mr. DYMALLY, Mr. RANGEL, Mr. BERMAN, Mr. AKAKA, Mr. PAYNE of New Jersey, Mr. FAUNTROY, and Mr. FROST.

H.R. 2853: Mr. TOWNS, Mr. WOLPE, and Mr. BATES.

H.R. 2869: Mr. SHAYS, Mr. GRANDY, Mr. HARRIS, Mr. SARPALIUS, and Ms. LONG.

H.R. 2926: Mr. FAUNTROY, Mr. TOWNS, Mr. ROSE, Mr. RANGEL, Mr. PEASE, Mr. KENNEDY, Mr. MCCLOSKEY, Mr. EVANS, Mr. DWYER of New Jersey, Mr. HOYER, Mr. SMITH of Florida, Mr. LELAND, Mr. WISE, Mr. ENGEL, Mr. WILLIAMS, Mr. TORRES, Mr. STUDDS, Mr. HAWKINS, Mr. WOLPE, Mrs. MEYERS of Kansas, Mr. MARTINEZ, and Mr. SIKORSKI.

H.R. 2941: Mr. DYMALLY and Mr. GALLO.

H.J. Res. 81: Mr. HANCOCK and Mr. STUMP.

H.J. Res. 115: Mr. SPENCE, Mr. PARKER, Mr. EVANS, and Mrs. BENTLEY.

H.J. Res. 164: Mr. CROCKETT, Mr. JONES of Georgia, and Mr. SUNDQUIST.

H.J. Res. 204: Mr. SCHUETTE, Mr. PURSELL, Mr. UPTON, Mr. PACKARD, Mr. AKAKA, Mr. ROHRABACHER, Mr. FORD of Michigan, Mr. DAVIS, and Mr. ATKINS.

H.J. Res. 209: Mr. ROWLAND of Georgia, Mr. JONES of Georgia, Mr. GINGRICH, Mr. HALL OF TEXAS, Mr. BROOMFIELD, Mr. FLORIO, and Mr. RITTER.

H.J. Res. 256: Mr. FROST and Mr. FISH.

H.J. Res. 257: Mr. SHUMWAY, Mr. FASCELL, Mr. MCHUGH, Mr. HAWKINS, Mr. PANETTA, Mr. RUSSO, Mr. BURTON of Indiana, Ms. SLAUGHTER of New York, Mr. PARRIS, Mr. FOGLIETTA, Mr. NIELSON of Utah, Mr. HALL of Ohio, Mr. SUNDQUIST, Mr. HASTERT, Mr. OLIN, Mr. HILER, Mr. DE LUGO, Mr. PAYNE of New Jersey, Mr. KASICH, Mr. DARDEN and Mr. MAVROULES,

H.J. Res. 278: Mr. MOLINARI, Mr. FROST, Mr. STENHOLM, Mr. POSHARD, Mr. ASPIN, Mr. LEACH of Iowa, Mr. DANNEMEYER, Mr. RUSSO, Mr. SMITH of Mississippi, Mr. WEBER, Mr. JOHNSON of South Dakota, and Mr. VANDER JAGT.

H.J. Res. 372: Mr. FUSTER.

H. Con. Res. 13: Mr. WALGREN, Mr. PASHAYAN, Mr. HERTEL, and Mr. LEATH of Texas.

H. Con. Res. 37: Mr. MARKEY, Mr. ALEXANDER, and Mr. NEAL of North Carolina.

H. Con. Res. 156: Mrs. PATTERSON, Mr. DYMALLY, Mr. BRENNAN, Mr. GILLMOR, Mr. JONES of North Carolina, Mr. MILLER of Ohio, Mr. FROST, Mr. ALEXANDER, and Mr. CRAIG.

H. Con. Res. 161: Mr. DYMALLY and Mr. WEBER.

H. Con. Res. 171: Mr. BILIRAKIS.

H. Res. 41: Mr. FLORIO and Mr. PAYNE of New Jersey.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

70. By the SPEAKER: A petition of county of Clinton, Plattsburgh, NY, relative to placing a waste site within 60 miles of a State or international border; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

71. Also, petition of city of Hyattsville, MD, relative to the Medicare Catastrophic Coverage Act of 1988; jointly, to the Committees on Ways and Means and Energy and Commerce.

EXTENSIONS OF REMARKS

WOMEN'S BUSINESS PROCUREMENT ASSISTANCE ACT OF 1989

HON. JOHN J. LaFALCE
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. LaFALCE. Mr. Speaker, last week I introduced on behalf of myself and Congresswoman LINDY BOGGS, the Women's Business Procurement Assistance Act of 1989, H.R. 2947. This legislation, which is also a component of the Economic Equity Act of 1989, is designed to promote greater access to Federal procurement opportunities by requiring numerical goals to be established by Federal agencies for both prime contracts and subcontracting plans, by mandating affirmative action to identify and solicit procurement offers from women-owned businesses, and by designating a women's business specialist in each agency who will be responsible for implementing programs to assist women-owned businesses.

The Women's Business Procurement Assistance Act builds on the work and intent of the Women Business Ownership Act of 1988, Public Law 100-533. Indeed, the Women's Business Ownership Act as I introduced it last year contained language identical to that now found in H.R. 2947. The procurement provisions were dropped from last year's bill only because they were subject to multicommittee jurisdiction, which, given the press of legislative activity toward the end of the 100th Congress, could have delayed the bill's passage beyond 1988. At that time, however, I did pledge to revisit this issue and have chosen to introduce it as part of the Economic Equity Act to demonstrate my ongoing commitment to improving the economic status of American women.

Like last year's legislation, the Women's Business Procurement Assistance Act is an effort to lower barriers faced by women entrepreneurs. This is not a charitable notion; it makes good business sense and is timely national policy. Women-owned businesses are the fastest growing segment of the entrepreneurial community. It is predicted that by early in the next century more than 50 percent of all small businesses will be owned by women. Can the U.S. Government afford to waste the products, services, and human resources women entrepreneurs offer? Absolutely not. Yet during a series of hearings before the Committee on Small Business last year, women business owners testified to the difficulties and frustrations they encounter trying to do business with the Federal Government. They noted that women-owned businesses receive a mere 1 percent of all Federal procurement dollars.

As chairman of the Committee on Small Business, I am pleased that the committee has been able to forge a highly productive partnership between the Congress and the women's business community. The outstanding example of this is the Women's Business Ownership Act of 1988. In addition to breaking new ground in addressing the particular problems and concerns of women entrepreneurs, provisions of that law will also complement and further the goals of the Women's Business Procurement Assistance Act of 1989. For example, the Women's Business Council, created by Public Law 100-533, is empowered to recommend to the President and the Congress specific goals to support women-owned businesses, and I am sure that increasing access to Federal procurement activities will be a priority topic for the council's consideration. Before the end of this Congress the Small Business Committee intends to look closely at the council's recommendations, as well as the recommendations of Congressman SILVIO CONTE and others as contained in H.R. 2351, and the provisions of the Women's Business Procurement Assistance Act of 1989.

Mr. Speaker, the makeup of the workplace—both employers and employees—is changing dramatically; and public policy must take these changes into account. If women-owned businesses are afforded little access to the Federal marketplace, we all lose.

Mr. Speaker, the text of the Women's Business Procurement Assistance Act of 1989 follows:

H.R. 2947

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Business Procurement Assistance Act of 1989".

PROCUREMENT ASSISTANCE FOR WOMEN-OWNED BUSINESSES

SEC. 2. GOAL SETTING.

Subsection (g) of section 15 of the Small Business Act (15 U.S.C. 644) is amended to read as follows:

"(g) The head of each Federal agency shall, after consultation with the Administration, establish goals for the participation by small business concerns, small business concerns owned and controlled by women, and by small business concerns owned and controlled by socially and economically disadvantaged individuals, in procurement contracts of such agency. Goals established under this subsection shall be jointly established by the Administration and the head of each Federal agency and shall realistically reflect the potential of small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals to perform such contracts and to perform subcontracts under such contracts. Whenever the Administration and the head of any Federal agency fail to agree on established goals, the disagreement shall be submitted to the Administrator of the Office of Federal Procurement Policy for final determination. For the purpose of establishing goals under this subsection, the head of each Federal agency shall make consistent efforts to annually expand participation by small business concerns from each industry category in procurement contracts of the agency, including participation by small business concerns owned and controlled by women and small business concerns owned and controlled by socially and economically disadvantaged individuals. The head of each Federal agency, in attempting to attain such participation, shall consider—

"(1) contracts awarded as the result of unrestricted competition; and

"(2) contracts awarded after competition restricted to eligible small business concerns under this section and under the program under section 8(a).".

SEC. 3. REPORTING.

Subsection (h) of section 15 of the Small Business Act (15 U.S.C. 644) is amended to read as follows:

"(h) At the conclusion of each fiscal year, the head of each Federal agency shall report to the Administration on the extent of participation by small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals in procurement contracts and subcontracts of such agency. Such reports shall contain appropriate justifications for failure to meet the goals established under subsection (g) of this section. The Administration shall submit to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives information obtained from such reports, together with appropriate comments.".

SEC. 4. SUBCONTRACTING.

(a) STATEMENT OF POLICY.—Paragraph (1) of section 8(d) of the Small Business Act (15 U.S.C. 637(d)(1)) is amended to read as follows:

"(d)(1) It is the policy of the United States that small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals, shall have the maximum practicable opportunity to participate in the performance of contracts let by any Federal agency, including contracts and subcontracts for subsystems, assemblies, components, and related services for major systems. It is further the policy of the United States that its prime contractors establish procedures to ensure the timely payment of amounts due pursuant to the terms of their subcontracts with small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals.".

(b) CONTRACT CLAUSE.—Section 8(d)(3)(A) of the Small Business Act (15 U.S.C. 637(d)(3)(A)) is amended to read as follows:

"(3) The clause required by paragraph (2) shall be as follows:

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

"'(A) It is the policy of the United States that small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals shall have the maximum practicable opportunity to participate in the performance of contracts let by any Federal agency, individuals contracts and subcontracts for subsystems, assemblies, components, and related services for major systems. It is further the policy of the United States that its prime contractors establish procedures to ensure the timely payment of amounts due pursuant to the terms of their subcontracts with small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals.'".

(c) DEFINITIONS.—Subparagraph (C) of section 8(d)(3) of the Small Business Act (15 U.S.C. 637(d)(3)(C)) is amended to read as follows:

"'(C)(i) As used in this contract, the term "small business concern" shall mean a small business as defined pursuant to section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto.

"'(ii) The term "small business concern owned and controlled by socially and economically disadvantaged individuals" shall mean a small business concern—

"'(I) which is at least 51 per centum owned by one or more socially and economically disadvantaged individuals; or in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

"'(II) whose management and daily business operations and controlled by one or more of such individuals.

"'The contractor shall presume that socially and economically disadvantaged include Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, and other minorities, or any other individual found to be disadvantaged by the Administrative pursuant to section 8(a) of the Small Business Act.

"'(iii) The term "small business concern owned and controlled by women" shall mean a small business concern—

"'(I) which is at least 51 per centum owned by one or more women; or in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by one or more women; and

"'(II) whose management and daily business operations are controlled by such women.

"'The contractor shall presume that women have been subjected to gender based discrimination.'".

(d) REPRESENTATIONS.—Subparagraph (D) of section 8(d)(3) of the Small Business Act (15 U.S.C. 637(d)(3)(D)) is amended to read as follows:

"'(D) Contractors acting in good faith may rely on written representations by their subcontractors regarding their status as either a small business concern, a small business concern owned and controlled by women, or a small business concern owned and controlled by socially and economically disadvantaged individuals.'"

(e) PLAN REQUIREMENTS.—Subparagraph (D) of section 8(d)(4) of the Small Business Act (15 U.S.C. 637(d)(4)(D)) is amended to read as follows:

"(D) No contract shall be awarded to any offeror unless the procurement authority determines that the plan to be negotiated by the offeror pursuant to this paragraph provides the maximum practicable opportunity for small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals to participate in the performance of the contract.".

(f) INCENTIVES.—Subparagraph (E) of section 8(d)(4) of the Small Business Act (15 U.S.C. 637(d)(4)(E)) is amended to read as follows:

"(E) Notwithstanding any other provision of law, every Federal agency, in order to encourage subcontracting opportunities for small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by the socially and economically disadvantaged individuals as defined in paragraph (3) of this subsection, is hereby authorized to provide such incentives as such Federal agency may deem appropriate in order to encourage such subcontracting opportunities as may be commensurate with the efficient and economical performance of the contract: *Provided*, That, this subparagraph shall apply only to contracts let pursuant to the negotiated method of procurement.".

(g) CONTENT OF PLAN.—(1) Subparagraph (A) of section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)(A)) is amended to read as follows:

"(A) Percentage goals for the utilization as subcontractors of small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals;".

(2) Subparagraph (C) of section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)(C)) is amended to read as follows:

"(C) a description of the efforts the offeror or bidder will take to assure that small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals will have an equitable opportunity to compete for subcontracts;".

(3) Subparagraph (F) of section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)(F)) is amended to read as follows:

"(F) a recitation of the types of records the successful offeror or bidder will maintain to demonstrate procedures which have been adopted to comply with the requirements and goals set forth in this plan, including the establishment of source lists of small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals; and efforts to identify and award subcontracts to such small business concerns.".

(h) SMALL BUSINESS ADMINISTRATION RESPONSIBILITIES.—Subparagraph (B) of section 8(d)(10) of the Small Business Act (15 U.S.C. 637(d)(10)(B)) is amended to read as follows:

"(B) review any solicitation for any contract to be let pursuant to paragraphs (4) and (5) to determine the maximum practicable opportunity for small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals to participate as subcontractors in the performance of any contract resulting from any solicitation, and to submit its findings, which shall be advisory in nature, to the appropriate Federal agency; and".

(i) SUBCONTRACT REPORTING.—Paragraph (11) of section 8(d) of the Small Business Act (15 U.S.C. 637(d)(11)) is amended to read as follows:

"(11) At the conclusion of each fiscal year, the Administration shall submit to the Senate Committee on Small Business and the Committee on Small Business of the House of Representatives a report on subcontracting plans found acceptable by any Federal agency which the Administration determines do not contain maximum practicable opportunities for small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals to participate in the performance of contracts described in this section.".

(j) EXCLUSION.—No business concern shall be deemed eligible for any contract or other assistance pursuant to section 1207 of Public Law 99-661 due solely to the provisions of this section.

SEC. 5. WOMEN-IN-BUSINESS SPECIALISTS.

Subsection (k) of section 15 of the Small Business Act (15 U.S.C. 644(k)) is amended by—

(1) striking out "and" at the end of paragraph (6)(B);

(2) striking out "subsection." at the end of paragraph (7) and by inserting in lieu thereof "subsection; and"; and

(3) by inserting immediately after paragraph (7) the following new paragraph:

"(8) designate an employee of such office to be a Women-in-Business Specialist responsible for the implementation and execution of programs designed to assist small business concerns owned and controlled by women.".

SEC. 6. OUTREACH.

Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end thereof the following new subsection:

"(p) Each Federal agency having procurement powers shall engage in affirmative efforts to identify and solicit offers from small business concerns owned and controlled by women and small business concerns owned and controlled by socially and economically disadvantaged individuals. To the maximum extent practicable, a representative number of such concerns shall receive solicitation packages for each proposed acquisition for which such concerns may be eligible to compete.".

IACOCCA INSTITUTE

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. RITTER. Mr. Speaker, I am pleased to include in the RECORD an essay entitled "The Era of Japan Inc. Is Ending" which was written by my constituent, Laurence W. Hecht. It previously appeared in the Allentown, PA, newspaper, the Morning Call.

Mr. Hecht is executive director of the Iacocca Institute at Lehigh University in Bethlehem, PA. The Institute operates with an advisory board chaired by Lee A. Iacocca, and its mission is to promote the goals of global competitiveness throughout industry. Mr. Hecht

joined the Institute after a distinguished career with Owens-Illinois and he has substantial experience in international high technology management. He is an expert on Japan, and his views will interest all who are concerned with United States-Japan relations.

THE ERA OF JAPAN INC. IS ENDING

(By Laurence W. Hecht)

The last two decades can be properly called the period of Japan Inc. in the world economy. In recent years many have said that Japan would take over the world economy in a commercial sense. This has a familiar ring. Following World War II Europeans were fearful that the U.S. would take over the world economy. The growth and prosperity of American business during the 1950's and 1960's were called by Europeans "The American Challenge". The American challenge disappeared about 1965 and the era of Japan Inc. in the world economy is coming to an end today. During the 1970's and 1980's the success story know as Japan Inc. was due in large part to an unusual degree of unanimity between Japanese corporations, workers within these corporations, Japanese government, and the major Japanese banks. Continuing informal discussions between government ministries, the banks, and the major corporations guided the economy. Exports were emphasized built on a strong and growing technical base, hard work, a high savings rate by workers, a low cost of capital and a weak yen.

Stock holders were not considered of primary importance to most Japanese companies. Instead the banks, customers, major suppliers, employees and the Japanese government all took a higher priority. Many important ties continued from the pre-World War II Japanese trading and industrial groups, which while formally disbanded, continued to influence former member companies. Since stock holder interests were considered secondary, corporations felt quite justified taking significantly more risk than would have been considered prudent for major U.S. and European corporations. Japanese government encouraged this risk taking to promote maximum competitiveness in exports. Banks felt protected by the assets of the corporations and implicit guarantees that the government would bail them out should that become necessary. Workers felt protected since, if a major corporation failed, the government, the banks and other corporations would do their best to insure that the workers still had jobs. This highly unusual unanimity of feeling was the basis of Japan Inc. In the last few years the consensus has been broken and the results will become more apparent in the years to come.

What are the sources of these changes? The stronger yen in world economic circles is of great importance. But in reality this has only accelerated the process which had already begun throughout the Japanese economy. More important are changes in Japanese companies, Japanese banks and significant changes in outlook among a new generation of Japanese workers.

Japanese corporations have been forced to make significant changes. In the face of protectionist pressures export oriented Japanese corporations have relocated their production out of Japan and into end markets in the United States and Europe. Toyota and General Motors have built a plant in California, Mazda and Ford in Michigan. To evade import prohibitions aimed at Japan and benefit from lower wage costs, Japanese production also expanded into other southeast Asian countries. Now black and white televisions are made in Korea under Japanese license and sold back to Japanese electronics corporations for final sale in the United States.

Goals have evolved in the American and European subsidiaries of Japanese companies that are different from those at headquarters and from those of the Japanese government. For example, both management and workers at the Sony plant in San Diego are at least as interested in the U.S. economy as they are in Japan's. Many Japanese corporations are becoming truly international and much less enthusiastic members of Japan Inc.

A second party to the consensus of the 1970's and early 1980's in Japan was the banking community. Throughout the 1970's the success of the Japanese economy and the high savings rates of Japanese workers resulted in an significant pool of funds which the banks invested by loaning it to major Japanese corporations for expansion in Japan. In the early 1980's corporations began to pay down these debts as expansion of manufacturing facilities in Japan declined. These payments freed bank funds and banks were able to invest in ownership of Japanese corporations rather than fund corporate debt. Increased accumulation of funds within the banks also fueled the continuing internationalization of the yen. Banks began to look outside of Japan for investments as Japan began to move strongly toward being a creditor nation rather than a debtor nation. As the yen strengthened, the Japanese government and the banks could no longer control exchange rates as they had been able to do in the past. As exchange rates changed, the cost of capital in Japan also began to creep up to more internationally competitive levels. Today with major investments in the U.S. and Europe the banks are very interested in the economic health of these economies, not simply the Japanese economy.

Changes in the Japanese work force have also had a profound impact on Japan Inc. The young, aggressive work force of the 1970's in Japan has aged, with a substantial number of retirees who are spending their savings for living expenses. In addition, as Japanese workers gained a new affluence in the 1970's and 1980's they found that greater earnings did not mean a better lifestyle. They still worked long hours, had inadequate housing, and were faced with high prices for products and services. Despite tax incentives to encourage savings and discourage consumption, the new generation now realizes that workers in other countries have a significantly better quality of life with lower incomes. They are demanding lower prices, more leisure time, and in many ways dropping out of Japan, Inc.

Just as the American challenge faded twenty years ago, the era of Japan Inc. is fading today. Japan's competitive edge is eroding because the game has changed and once-loyal players are being replaced by free agents. Entrenched managements and cultural forces will slow the erosion of consensus, but internationalization will inevitably mean continuing evolution of goals in corporations, banks and workers away from the goals of Japan Inc.

The goals of NEC and Toshiba have already begun evolving toward those of IMB, as the goals of The Bank of Tokyo have begun evolving toward those of Citibank. As the playing field becomes more level, there is an opportunity for U.S. industry to dramatically improve its worldwide competitive position. The American Challenge ended twenty years ago, the era of Japan Inc. is ending today.

CONGRATULATIONS MARC CRAIG

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. CRAIG. Mr. Speaker, I rise today to recognize a resident of my district who was recently honored by the Public Employees Roundtable Organization. Marc Craig, of Cottonwood, ID, was chosen to receive the 1989 Public Service Scholarship, for his outstanding essay entitled, "How My Chosen Government Career Affects the Quality of Life in America." Of the more than 450 people nationwide who took part in this contest, Marc was one of only eight winners.

As a Representative of the State of Idaho, I am honored to extend my congratulations for this achievement. The award serves as testament to Marc's many hours of hard work, in his quest for excellence.

Mr. Speaker, I wish to be among the first to pay tribute to Marc Craig for his outstanding efforts. I am proud to say that he is a resident of the State of Idaho.

HOW MY CHOSEN GOVERNMENT CAREER AFFECTS THE QUALITY OF AMERICAN LIFE

Biological diversity, spotted owls, visual corridors, community stability, timber shortage; these are buzz words to today's forest manager. The American public is better educated, more informed and very concerned with the condition of the environment. This public concern, their desire for many different uses of our natural resources and "Mother Nature's" unpredictability make public land forest management a challenging and exciting profession.

With the urban sprawl steadily converting once productive lands into concrete forests, it is the desire of many Americans to preserve and protect as many of the diverse ecotypes found in the United States as possible. Forest managers are given the task of accomplishing this, while providing the timber industry and ultimately the American consumer with a wide variety of forest products. This takes meticulous planning and coordination between the other resource managers and the forest management staff. By properly coordinating timber sales, a mosaic of vegetation patterns can be created providing both forage and hiding cover for wildlife and creating optimal growing conditions for the greatest number of plant species. There are instances when the highest use of a resource is the non-utilization of the resource; this may be the case in the territory inhabited by the spotted owl, our old growth Douglas-fir forests.

The spotted owl is currently the most controversial animal in the country. Environmentalists correlate the decline of the spotted owl with the degradation of our environment while the timber industry claims the plight of the spotted owl is being exaggerated to stop the harvest of timber from federal lands. Which group is correct? This question can not presently be answered as our knowledge of the owls needs is very limited, but it is important for forest managers to

work with both organizations to attempted to meet the needs of both. This will take tremendous effort, and it is the biggest challenge to today's forest manager.

As well as being home to spotted owls, old growth forests are aesthetical pleasing. Scenic river and highway corridors, and scenic vistas also pose a new wrinkle for the forest manager to smooth. More and more the public is demanding these qualities and by manipulation of harvesting techniques and varying regeneration methods, they are being accomplished while still providing wood products to the timber industry. Forest managers are using low-impact harvest methods, such as helicopter and baloon logging, and regenerating stands using partial cutting as opposed to clearcut in visual areas to lessen the impact and maintain a flow of raw materials to timber dependent communities.

Many of the small mountain communities of the West developed around the timber industry. Seattle began as a logging camp and grew to the population center of Washington. Not all communities are blessed with the diversity of Seattle and they remain small communities dependent on the timber industry for their income base. A clause in the mandate creating our public lands specified that they would be managed for stability of timber dependent communities using a multiple-use framework. The housing boom of the 1960's and '70's saw private timber owners overcutting to meet the demand for wood products. Today, mills are faced with a shortage of private timber and are looking to federal lands to provide the needed raw materials to allow them to remain open and at full employment. We, as public forest managers, have to balance the needs of the forest laborers and industry with the multiple-use demands being placed on the public forests. There will be localities where the maintenance of sustained-yield on public lands and lack of private timber will not produce the volumes needed by the mills to remain open. The short-run impact will be severe in these areas, but the long term benefit to the country and even the affected area will justify these actions.

Decisions made by forest managers of our public forests will have long-term effects on the environmental health of the entire country. The maintenance of a broad spectrum of plant and animal life will lead to a healthier environment and ultimately a healthier country. Integrating the demands of the recreational public with that of the consumptive public will continue increasing in importance as we find we have more leisure time. These challenges make public lands forestry an exciting profession and one I plan to dedicate my life to.

EAST MEETS WEST

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. DORNAN of California. Mr. Speaker, in December 1988 a commendable step forward was taken in building relations with the Eastern bloc. Edward Peterson, of the Garden Grove Symphony, conducted the Pazardjik Symphony in Plovdiv, Bulgaria, as part of the first Conductor Exchange Program.

For a week "East Met West" in the Symphony Hall of Plovdiv, Bulgaria. Mr. Peterson rehearsed with the all Bulgarian Orchestra for nearly 6 days. Then, when the cooperative effort finally sounded on opening night, he observed that "the music from both sides of the podium was being made from our hearts." Music is universal, it knows not the bounds of language or dialect and it is a welcomed catalyst in forging East-West cultural relations.

"The Reagan administration began building relations in this part of the world. We are continuing to build bridges. This project may seem like only a drop in the bucket, but it takes many drops to create a river. Music can be an expression of friendship and love and a binding force all over the world no matter what political differences may exist," declared Mr. Peterson. I sincerely commend Edward Peterson for his contribution to the betterment of East-West relations and I hope his was a first drop of the cultural sunburst.

The following is a letter Edward Peterson wrote from Plovdiv detailing his experience in Bulgaria and it provides one man's personal insight into a rare achievement.

GARDEN GROVE SYMPHONY,
OF ORANGE COUNTY,
Plovdiv, Bulgaria, Dec. 5, 1988.

DEAR SYMPHONY SUPPORTER: The first half of the Conductor Exchange Program, "When East Meets West" has been completed. The impact here in Bulgaria was greater than we could have ever imagined! While they are still fresh in my mind and I am still in this country, allow me to share a few precious moments and observations with you.

The whole week was a growing experience for me—from being a stranger the first day, to finally knowing each person in the orchestra. By the end of this time of being so close to the music and the emotional level it takes to produce it, the music from both sides of the podium was being made from our hearts. Except for a few technicalities during rehearsals, the music was a more than adequate means of communication.

I felt as close as a family to the orchestra by the final rehearsal; on stage, as if I were at home in Garden Grove.

Not being sure how the audience here would respond to American music, it was apparent by the time the first piece was completed that it was as Americanized an audience as we could possibly perform for. The audience responded on such an emotional level that the orchestra was inspired to perform to its highest potential.

BITS AND PIECES

I am the first American conductor to conduct the Pazardjik Symphony during its 20 years of existence. This concert was the first full concert of music by contemporary American composers to be presented in Bulgaria. The music will remain a part of the permanent repertoire in Bulgaria—a gift from the Garden Grove Symphony.

I had a special interview with Radio Sofia just before the concert. The concert and interview will be broadcast in full this week all over Bulgaria and parts of Yugoslavia, Romania and Greece.

We were extremely honored to have the American Embassy represented in the audience and at the impressive ceremony at City Hall, where we presented the key to the city of Garden Grove and gifts to the Mayor of Pazardjik.

It was very special to have Dick & Ruth Hain, Dr. John & Barbara Sulzbach, Janet Pankopf, Melva Nielsen, John Ahn, Yaakov Dvir, Barbara Ness, and especially my wife, Nancy, here with me as part of this first exchange.

On a lighter note, I became the "godfather" to the Pazardjik Symphony Concertmaster's new Moskwich car, which he had waited for for 15 years (standard waiting period after initial deposit here in Bulgaria.)

The cello section insisted I must be part of the Kennedy family—the highest compliment, since John F. Kennedy was loved by all in Bulgaria.

A group of about 20 young people from the Pazardjik English speaking high school refused to leave the auditorium until I came out to answer all of their questions. By the time they finished with an especially moving "Auld Lang Syne," only the cleaning crew remained in the hall.

I could not believe the expressions of love and appreciation, with several standing ovations, bouquets of flowers from the American Embassy, the musicians, the City of Pazardjik, and the English speaking school. Each member of the orchestra wanted my autograph; the section leaders who received Garden Grove pins wore them proudly.

At the end of the concert we presented a meaningful and touching musical gift—a special arrangement by Joseph Alfuso of a beloved Bulgarian tune. The entire audience joined in singing as I turned to conduct them, with tears in every eye.

The Reagan Administration began building relations in this part of the world. We are continuing to build bridges. This project may seem like only a drop in the bucket, but it takes many drops to create a river. Music can be an expression of friendship and love, and a binding force all over the world no matter what political differences may exist.

I hope that I have been able to give you a small taste of my experience here in Bulgaria. I have been proud to represent you here. We look forward now to Maestro Ivan Spassov of the Pazardjik Symphony conducting the Garden Grove Symphony next October.

Yours,

EDWARD PETERSON,
Conductor.

ZAIRE OUTLASTED MARXIST NATIONS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. FIELDS. Mr. Speaker, Zaire is perhaps America's best friend in Africa, as illustrated by the following article by Georgie Anne Geyer. Under the able leadership of President Mobutu Sese Seko, Zaire has made great strides in improving its human rights record and in mediating conflicts across the breadth of the African continent. I am pleased to call to the attention of my colleagues this article about an important African friend.

[From the Houston Post, July 6, 1989]

ZAIRE OUTLASTED MARXIST NATIONS

(By Georgie Anne Geyer)

My, how things do change! Remember the last two decades when Mobutu Sese Seko, the president of Zaire, was perpetually decried as the rankest reactionary by all those new, "progressive" African states?

Remember how this canny, ruthless man edged out the legendary, leftist Patrice Lumumba in the mid-60s? How Lumumba, international Marxism's favorite, was mysteriously assassinated during the race to

grasp power in Zaire, nee The Congo? Remember how Ernesto "Che" Guevara fought haplessly in the Congo in 1965? How Angola, Mozambique and Ethiopa all went perfervidly Marxist between 1974 and 1978, while traditionalist Mobutu sat it all out in the center?

President Mobutu came to Washington the other day no longer that man of the past, sitting alone and outcast on the throne of the richest country in Africa. No longer Africa's political bogeyman of the heart of darkness, he emerges now as the mediator for what is in effect the peaceful dissolution of the African Marxist states that have so long excoriated him.

"People may wonder whether I'm the chief of state of Zaire, or whether I'm just going around mediating," he joked at a meeting with a few of us political journalists after visiting with President Bush. But his position in Africa is no longer any joke.

BUSY MEDIATOR

Mobutu is physically an impressive man. Square in body and strong of face, he is clearly a natural leader, a total autocrat and the old-as-time African chief who is now busily mediating away the artificial ideologies imposed after independence.

Angola? Only a week before becoming the first African head of state officially to visit the Bush presidency, he brought together the two bitter antagonists—the Marxist President Eduardo dos Santos and the Western supported Jonas Savimbi.

"The two brothers from Angola were able to shake hands, sit down and eat together," he said of the historic meeting, attended by a bevy of other African leaders, that may well finally portend the end of the bitter 15-year-old Angolan civil war. "This is very important for the African mentality."

Although he would not speculate on how the two sides would eventually work things out inside Angola, he did say: "Now that that is done, I believe most of the work is over. I believe Angola is now an internal matter."

Mozambique? He sighed, then said that, yes, the Marxist Mozambican leader was at the conference and stayed a day longer and "asked me to help out" there, where Marxism has also led to chaos.

South Africa, the most perverse problem of all? Yes, after a great deal of thought, he had been meeting with the South African leaders, discussing the apartheid situation with them, and getting them to stop the execution of many oppositionists. "In the last few years, everything has changed there," insisted Mobutu.

If that is not enough to indicate the contours of the "new Africa," this man who has been called everything from the "peacemaker of Africa" to the "brutal dictator of Zaire" has also mediated in Chad, in Ethiopia, in Rwanda-Burundi and in the Sudan.

THE SURPRISE PEACEMAKER

On his trip to Washington, this billionaire—known for his Versailles-style palaces, for his brazenness in allegedly skimming off Zaire's rich copper monies, and for his brutal police and military practices—was hammering away at congressmen, and others on the costs of peacemaking!

As he was seeking more American aid from his "good friends" in Washington, he did not hesitate to hammer home that the recent Angola conference cost him $57,000 in air fuel for the seven chiefs of states alone, that he had at his own cost served their contingents 500 meals three times a day, and that his help to the West in Chad had personally cost him $159 million.

Still, despite the imperfections of Mobutu's Zaire, one has the feeling that it has emerged from these tumultuous postcolonial years as one of the more authentically African countries in a phantasmagoria of alien and wholly inappropriate ideologies. It is certain that the Marxist governments that were so fashionable in the 1960s and '70s have utterly failed. Indeed, Mobutu is in a sense the black-suited undertaker of their dreams. In the end, workable imperfection outlasted all those would-be utopias.

My, how things do change!

RECOGNITION OF LAW AND PUBLIC SERVICE MAGNET HIGH SCHOOL, CLEVELAND, OH

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. STOKES. Mr. Speaker, I am proud to rise today and recognize Cleveland's Law and Public Service Magnet High School [LPS] for winning the 1989 Public Service Curriculum Award given by the Public Employees Roundtable. The award recognizes the school's efforts in developing an innovative public service curriculum for young people. I would like to congratulate the teachers and students at the LPS Magnet and the faculty and staff of the Cleveland State University [CSU] Colleges of Law and Urban Affairs for collaborating on the production of an outstanding entry.

Mr. Speaker, the LPS Magnet is committed to providing young people with alternative methods of instruction. Combining theory with practice is a successful method for the LPS Magnet, which can boast a high attrition rate for its graduating classes. Within a strong social studies curriculum, the LPS Magnet provides an interdisciplinary program emphasizing skill development and experiential learning, using the community as a laboratory.

In response to the need for an integrated, alternative program for a 4-year high school, the LPS Magnet was conceived through a joint partnership between the Cleveland Public Schools and CSU's Colleges of Law and Urban Affairs. The result of this joint venture is the award-winning curriculum of the LPS Magnet which emphasizes the attainment of skills valued in the workplace. Students participating in this program are exposed early to constructive and valuable work experiences and environments from the ninth grade through graduation.

The percentage of these students who pursue higher education is evidence enough that alternative forms of education do work. The LPS Magnet is an excellent example of magnet schools around the Nation that are offering young people choices. Such programs stimulate and challenge young people to develop skills which are highly desirable in today's demanding workplace. In addition, such programs are breeding grounds for encouraging young people to pursue public service careers.

Mr. Speaker, I applaud Cleveland Public Schools and Cleveland State University for investing in the future of Cleveland youth. I hope my colleagues join me in saluting the Law and Public Service Magnet for making this successful model program work.

VEAL CALF PROTECTION ACT

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. BENNETT. Mr. Speaker, I have introduced the Veal Calf Protection Act (H.R. 84), on which a hearing was held last month before the Agriculture Subcommittee on Livestock, Dairy, and Poultry. I thank Chairman STENHOLM and his subcommittee for holding the hearing, and I hope we can move forward with this needed legislation.

I insert in the RECORD the following article by David B. Kopel, published in the Houston Post, which describes the cruelty endured by some veal calves in this country.

[From the Houston Post, Apr. 24, 1989]

CALF CRUELTY IS NOT NECESSARY

(By David B. Kopel)

In the United States, we sometimes condemn the "barbaric" animal cruelty in other nations such as bull-fighting in Mexico, or eating dogs in Korea. Yet those practices pale in comparison to a form of animal cruelty invented in the United States, which results in the torture of hundreds of thousands of animals per year. That practice is production of "milk-fed" veal.

For many years, gourmets in Europe have enjoyed the delicate meat of veal calves which are fed on mother's milk, and slaughtered a week or two after birth.

But the American producers did not imitate the French methods. Instead, the Americans began using much larger, sixteen-week-old calves (with greater weights, and hence greater profits). The U.S. producers then devised methods to make their older meat look like the younger, pale white European meat. This "great white hoax" results in tremendous cruelty to the American calves.

Separated from their mothers only a few hours after birth, the calf is chained in a stall so small that he cannot even turn around. The total confinement system keeps the calf from developing any reddish muscle. And by preventing the calf from burning calories in normal exercise, the confinement system maximizes rapid weight gain. Stalls are so tiny that the calf cannot even stretch out his legs to sleep, but must lay hunched on top of them.

To keep the older calf's meat looking young and white, the calf is fed an iron-poor liquid diet. Diners ordering from a restaurant menu might think that "milk-fed" means mother's milk. Far from it.

The calf drinks only from a plastic bucket filled with a mixture of powdered milk replacer, water, vitamins, sulfa drugs, mold inhibitors, and antibiotics. It receives no drinking water, because adequate water would make it drink less of the skim milk/drug mixture, and therefore gain less weight. The water in the milk replacer is specially treated to remove iron.

A calf has 4 stomachs, but the inadequate diet only allows one to develop. His first stomach, the rumen, breaks down cellulose, but the diet contains no cellulose, and no roughage. Hence the calf will often develop

stomach ulcers and suffer from chronic diarrhea.

With no place to defecate the calf must lie in feces and breath ammonia gas, which causes respiratory disorders. In an effort to ingest iron, a calf may lick his urine off the floor for its iron content.

The "milk-fed" veal calves are extremely susceptible to every kind of disease, including intestinal disease, septicemia (blood poisoning), fungal infections, and pneumonia. About 10 percent of a typical group dies before slaughter. The death percentage would be even higher, but for the high doses of drugs. Antibotics, particularly oxytetracycline, are used daily.

As a result, veal calves' bodies become breeding grounds for "super-salmonella"—bacterial strains resistent to antibotics. Dr. Kenneth Stoller at the Children's Clinic in Pasadena, warns: "These mutant bacteria infect human beings, as well as animals." The Journal of the American Medical Association and The New England Journal of Medicine has linked antibotic animal feeds with food poisoning in humans.

None of the torture is necessary. Quantock, Britain's leading veal producer, has developed the "strawyard" system: calves are raised in barns with natural light, in groups of 20, and fed a healthier diet from rubber teats. As of 1990, the veal crate will be illegal in Britain. Sweden recently began a 10 year phase-out. The European Parliament has taken the first steps toward a ban on the veal crate.

Here in America, Rep. Charles Bennett, D-Fla., has introduced HR 84, which prohibits the confinement of veal calves in small crates, and makes it illegal to deliberately feed calves a diet deficient of solid food and iron. Fifty-five representatives have already cosponsored it.

Consumers, though, don't have to wait for the government to act—they can stop paying six to ten dollars a pound for an anemic imitation of European gourmet veal. Restaurants can drop anemic veal from their menus, and offer meat raised in more humane conditions.

A million calves a year suffer through the anemic veal nightmare. When the American public wakes up, and learns the truth about the production of anemic veal, that nightmare will end.

BUDGET MESS: THE JOKER LIVES

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. PORTER. Mr. Speaker, the Joker—Batman's arch enemy—would chortle over OMB's midsession budget review. The Riddler might enjoy it too.

For fiscal year 1990, policy changes boost outlays by $7 billion from the February estimate. Changes in economic assumptions—assumptions created by the White House and sanctioned by Congress in our knee-slapper of a budget resolution—kick in another $11 billion. Technical reestimates—pay attention riddlers—add another $6 billion.

Mr. Speaker, tally them up and voilá: $24 billion in new outlays. What a surprise! What a riddle! What a joke!

But it's not really a surprise or a joke, Mr. Speaker, it's a disgrace. Every year we fudge the numbers at the start and reestimate them later. All this does is to force more carving away at discretionary programs, more hiding of the operating deficit behind the Social Security surplus, more smoke, and more mirrors.

We need a budget batman, Mr. Speaker, to police this numbers game. But that, of course, is make-believe. Instead, we will keep faking the estimates and prove that truth is stranger than fiction.

BLM REAUTHORIZATION

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. CRAIG. Mr. Speaker, I rise today to express my deep concern about an action taken by this body on Monday, July 17, 1989—an action that will no doubt adversely affect my State of Idaho. Specifically, I am referring to the approval of H.R. 828, a bill which would reauthorize the Bureau of Land Management. Before I do this, however, I would like to applaud the efforts of my colleagues who debated so persistently against the legislation.

As was the case with many of my colleagues, I had no objection to H.R. 828 in its original form. Unfortunately, since the legislation was introduced as a 10-line bill, it has been "enhanced" to include several additional pages, known as title II. These pages drastically changed the legislation and led me to oppose H.R. 828 as it was debated in the Interior Committee. While in committee, many of my colleagues joined me in addressing some of the more objectionable provisions of the bill. However, far too many still remain. The amendments proposed to the Federal Land Policy Management Act would seriously disrupt the BLM's efforts to pursue the Nation's mandate for the multiple use of our public lands.

Among the provisions most alarming to me are those creating Areas of Critical Environmental Concern [ACEC's] and requiring the BLM to "support increases in the number and types" of plant and wildlife populations. Both of these greatly affect the BLM's ability to provide the necessary balance between preservation and the wise use of public resources. For example, ACEC's would protect resources in areas that are defined in very vague terms, leaving the process open to interpretation by courts and leaving the average user of public lands powerless during lengthy court battles. The affect of these potential "buffer zones" could be devastating to those who depend on public lands for their livelihoods. In addition, BLM plans could likely exclude oil and gas exploration in areas where certain species exist. For example, lands identified as prime wolf habitat could be taken away from their traditional grazing use. The public lands that we depend on and enjoy so much would come under a new mission—one that leaves the vast majority of public land users in a losing position.

I also have reservations about H.R. 828's provisions relating to the ability of the National Guard and Reserves to enter into cooperative agreements with the BLM. I wholeheartedly support the efforts made by Mr. HANSEN in addressing this issue. Without his leadership, the bill would have been in far worse shape. However, even with Mr. HANSEN's amendment, I am concerned that Idaho's National Guard will be precluded from renewing or expanding its existing facilities. This language needs to be stricken from the BLM reauthorization bill.

Mr. Speaker, although H.R. 828 has been passed by the House, I am confident that my colleagues in the Senate will not let the points I have raised go unnoticed and am hopeful that they will correct these problems. In the event that H.R. 828 is passed by the Senate in its current form, I would urge President Bush to veto it and hope that my colleagues would join me.

THE SPIRIT

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25 1989

Mr. MARTINEZ. Mr. Speaker, I would like to share with my colleagues and the American people an inspiring poem from one of my constituents written for the Fourth of July celebration. In fact, I found the work even more uplifting when I discovered that the source of the piece was 20-year-old Jamie Cadenas of Commerce, CA. The poem is titled "The Spirit," and it really exhibits the spirit of this great country.

THE SPIRIT

The spirit is here on the Fourth of July,
You see it so clearly on land, sea, and sky.
It's a beautiful feeling I get, and I'll share it with you,
I'll say some words and you're sure to feel it too!
There's;
Freedom, Tom Jefferson and Red, White and Blue,
Prosperity, pride and freedom for you to be you.
America, free religion and beautiful land,
There's hard work, dedication and love for fellow man.
There's family, honor and tradition at it's best,
There's unity and courage when put to the test.
Now, we both have the spirit, isn't it great, isn't it grand,
It's lasted more than 200 years on this land.
What a country our forefathers made so long ago,
We accept the challenge of making it grow.
We know what to do, in fact it's perfectly clear,
Keep sharing that great spirit from year to shining year.

A TRIBUTE TO MRS. SADAE IWATAKI

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. DYMALLY. Mr. Speaker, I rise today to pay tribute to a very extraordinary individual and super lady, my friend and constituent, Mrs. Sadae Iwataki, supervisor of Adult English as a Second Language Programs for the Los Angeles Unified School District.

As a teacher, curriculum development specialist and administrator, Mrs. Iwataki has been a leading educator in addressing the English language acquisition needs of adults in the Los Angeles area. At the end of July, she will be retiring after 32 years of service.

Indeed, her hard work, energy and sheer determination has paid off. She brought the AESL program to acclaim as an excellent provider of instruction to students with language acquisition needs, making the department a dynamic force in both the division and district. Through her work and recognition, she has brought honor to the division.

Highlights of her career include serving as Supervisor for 8 years at LAUSD. This position involved staff development, the supervised planning, organization, implementation, and evaluation of the ESL Programs, coordination of on-site inservices, direction of two annual district-wide inservices, and her involvement of input and guidance to principals and teachers in improving ESL instruction. Mrs. Iwataki was also responsible for curriculum, and the supervision of ESL teacher committees which resulted in instructional support materials. In 1978 until 1981, she served as a consultant and assistant to the supervisor.

Her tenure in the education field began in 1957, as an ESL teacher with the Los Angeles Unified School District. Her other positions include project director of "Bridging the Asian Language and Culture Gap" between 1971 until 1974. She also served as instructor between 1975–82, teaching "Methods and Materials in Teaching English to the Foreign Born Adult," as part of the extension program at UCLA. In addition, she was curriculum coordinator between 1969–71 at Cambria (Evans) Community Adult School.

Mrs. Iwataki holds numerous memberships and affiliations having served as CATESOL president (1981–82), TESOL, member of the Large Executive Board (1977–80) and conference presenter.

Mrs. Iwataki has long been recognized for her outstanding contributions to the community having received the E. Manfred Evans Award in 1982, the CATESOL Regional Service Award in 1986, the CATESOL Service Award in 1987, and the James E. Alatis Award TESOL in 1988, a personal award established in her honor.

In honoring Mrs. Iwataki on the special occasion of her retirement, the parents, teachers, educators, and students in Los Angeles wish to extend a thank you from their hearts, for your invaluable contributions to the community. We wish you the very best for continued success and prosperity in the future.

You will be sorely missed, but never forgotten.

REPEAL OF THE SOCIAL SECURITY EARNINGS TEST

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. GILMAN. Mr. Speaker, for a number of years I have been seeking to amend or to repeal the archaic Social Security earnings test. H.R. 2328, a bill I introduced earlier in this session, would completely repeal the earnings test for older Americans between the ages of 65 and 70, and would raise the earnings limitation cap for those seniors under the age of 65.

Recently, I was pleased to receive a letter from the Commissioner of Social Security, Dorcas R. Hardy, in favor of outright repeal of the retirement earnings test.

Mr. Speaker, under current law, Social Security beneficiaries under the age of 70, who are employed or self-employed, receive their full benefits unless their earnings exceed the annual earnings limitation. This earnings limitation serves to deter retired older Americans from returning to the work force. The existing earnings limitation cap is set at $6,480 for seniors between the ages of 62 and 65, and at $8,880 for seniors between the ages of 65 and 70.

We are all too familiar with the heavy financial burden already borne by our senior citizens. This, coupled with the depression and solitude that often accompanies one's later years, speaks for the need to encourage older Americans to continue being productive, enterprising members of our community. Furthermore, older Americans have continually stressed the need for this repeal since they are willing and eager to return to work.

Accordingly, I am pleased that the Social Security Commissioner is in favor of the repeal of the earnings test. Mr. Speaker, I ask that the full text of the commissioner's letter be inserted at this point in the CONGRESSIONAL RECORD:

THE COMMISSIONER OF SOCIAL SECURITY,
Baltimore, MD, July 18, 1989.

Hon. BENJAMIN A. GILMAN,
House of Representatives, Washington, DC.

DEAR MR. GILMAN: Based on my many experiences as Commissioner of Social Security and in talking with workers and Social Security beneficiaries throughout the country, I remain strongly convinced that the single most important and necessary legislative improvement in Social Security would be to eliminate the retirement earnings test. I am disappointed that the test has not been eliminated for workers age 65–69 while I served as Commissioner. However, I am encouraged that the earnings test's days are numbered, as more and more Members of Congress recognize its adverse impact on our country's older workers and on our Nation's economy.

As a Nation with a rapidly growing aged population, we can no longer afford a law that discourages our older citizens from working. Economists believe that in the decades ahead a shrinking labor force will require American industry to rely more heavily on the knowledge and skills which older workers possess. We also need to keep in mind that the physical and mental health of the elderly often depends on their ability to lead active, fulfilling lives. For many, this means having a real opportunity to continue working.

The traditional argument in favor of the earnings test is that it is an objective measure of loss of earnings due to retirement, one of the risks that the Social Security program is designed to protect workers against. Although this argument may have been valid in the past, it fails to reflect the societal and economic changes that our country has already experienced and is blind to the trends that are developing for the future.

The practical effect of the earnings test in today's environment is that it forces senior citizens into retirement at a time when they can continue to contribute to society. After participating in Social Security for decades, they are presented at age 65 with the choice between productive labor and the benefits they have paid for and counted on. Over 1 million people faced with this dilemma sacrifice some or all of their benefits each year. Perhaps more significantly, an estimated 300,000 beneficiaries reluctantly decide that the loss of their benefits is too great a penalty for working and therefore restrict or terminate their work activity.

Many other beneficiaries, pressured by financial need, unfortunately arrange to work "off the books" so that their earnings will not be reported to the Social Security Administration. By joining the gray underground economy to avoid the earnings test, they avoid Social Security taxes and income taxes as well.

Although the work disincentive aspect is the most important reason for eliminating the earnings test at age 65, there are other valid objections to it. It places beneficiaries with earned income at a disadvantage compared with beneficiaries with substantial amounts of income from savings and investments, since the earnings test only applies against earned income. Also, I can assure you from personnel knowledge that the test is very difficult for the public to understand and comply with and very costly for the Social Security Administration to administer.

There is enormous support throughout the country for eliminating the earnings test. The large number of sponsors and cosponsors of bills to eliminate the test, the letters I have received from the public, and the newspaper editorials that have been published on this issue indicate that my views are shared by many Americans. The enclosed newspaper editorials and articles reflect the widespread public feeling that the test should be eliminated.

I take a great deal of satisfaction in seeing this issue being seriously addressed by both the House of Representatives and the Senate, and I hope that the determination that you and many of your colleagues have shown leads to elimination of the test in the near future.

Sincerely,

DORCAS R. HARDY,
Commissioner of Social Security.

THE CONGRESSIONAL WITNESS PROTECTION ACT OF 1989

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. GEJDENSON. Mr. Speaker, on May 19, 1987, Mr. Florian Sever of Sitka, AK, testified before the Committee on Interior and Insular Affairs Subcommittee on Energy and Environment regarding H.R. 1516, the Tongass Timber Reform Act. One month before the hearing, Mr. Sever, a striking millwright who had been employed with the Alaska Pulp Corp. for 10 years, was placed on the company's eligibility list to be rehired after the strike was settled. Mr. Sever subsequently testified in favor of H.R. 1516, which was strongly opposed by the Alaska Pulp Corp. because it would have terminated a lucrative agreement the company had with the Federal Government. Shortly after giving testimony, Mr. Sever was fired by Alaska Pulp.

On June 30, 1988, I chaired the Interior Subcommittee on General Oversight and Investigation's hearing on whether Mr. Sever was fired as a result of his congressional testimony. Based on testimony provided by Alaska Pulp officials, by Mr. Sever, and by an administrative law judge from the National Labor Relations Board, the subcommittee determined that Mr. Sever had been fired as a direct result of his testimony.

The subcommittee concluded that the termination of Mr. Sever's employment as the result of his testimony constituted obstruction of proceedings before congressional committees. The subcommittee then referred the matter to the Department of Justice for criminal prosecution. The subcommittee also referred sworn testimony to the Department of Justice to review for possible perjury prosecution. Finally, the subcommittee recommended that Congress enact legislation making it a felony to knowingly terminate or threaten an individual's employment, or to threaten an individual's property or person as a result of providing testimony before Congress.

I recently received a response from the Department of Justice declining prosecution in this case because the Department "believes there is insufficient evidence to prove that [the witness] 'willfully' made a false statement to the subcommittee." The response omits any reference to obstruction of justice. It is my belief that Congress must statutorily create a specific and express prohibition on threatening witnesses in any manner, shape, or form so the Department of Justice has the necessary tools to prosecute when warranted.

The seriousness of retaliating against a congressional witness cannot be overstated. The hearing process is the primary source of information for the Congress, making it the lifeblood of this legislative body. It is absolutely essential fo the Congress to hear from all factions of our society so that we may legislate effectively. Nowhere is the protection of our citizens' right of free speech more important than before their duly elected representatives.

Unless our citizens can come before the Congress and speak their minds without fear of retribution, the congressional hearing process is rendered meaningless. If individuals believe they may lose their jobs if they voice opposition against those who employ them, then the very fabric of our democratic institution will be torn. Protecting free expression is especially important in cases where the individual is vulnerable to the forces against which he or she speaks.

It is for these reasons that I am introducing today the Congressional Witnesss Protection Act of 1989. This bill would amend title 18 of the United States Code to provide an express and specified prohibition against threats of or actual retaliation against congressional witnesses. The language of the bill states,

Whoever knowingly causes economic loss to, or injury to the business or profession of, a witness in a proceeding before the Congress and thereby retaliates against the witness for such witness' testimony or provision of information in such proceeding shall be fined under this title or imprisoned not more than five years, or both."

I urge all Members to cosponsor this bill, so that we may ensure the integrity of the congressional factfinding process.

FIRST SAVINGS AND LOAN OF BAYONNE MARKS 100TH ANNIVERSARY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. GUARINI. Mr. Speaker, on August 19, 1989 the First Savings and Loan of Bayonne will celebrate its 100th anniversary.

On August 19, 1889, William C. Farr, a former mayor of Bayonne, and Horace Roberson, a local lawyer, got together and founded what was then to become known as the Centerville Building and Loan Association. One thousand shares were offered publicly to subscribers at a price of $1 per share. Some residents purchased 25 shares, while the majority bought only 1 share in the loan association. Following the election of officers, Farr became the bank's first president.

The $1,000 taken in at the close of the meeting was then loaned to a Bayonne police officer for the construction of his house. From that moment on the bank began to grow. At the close of the first year in business, the bank showed assets of $37,000.

It was nearly 22 years later that the bank reached a milstone—$1 milllion in assets.

Today, some 100 years after inception, First Savings and Loan of Bayonne has grown to three branch offices; employs 155 community residents; and has over 60,000 accounts and more than $500 million in assets.

It was not until 1945 that the Centerville Building and Loan Association changed its name to First Savings and Loan Association of Bayonne. The name was changed to comply with Federal regulations.

The bank has had five presidents since 1889, namely: William C. Farr, Thomas Brady, Samuel A. Roberson, Patrick J. Fraher, and Patrick F.X. Nilan.

According to its current president, Patrick F.X. Nilan, "We're planning a big party celebration for the community as our way of saying thank you to our depositors and friends for helping us to become and remain the big one in Bayonne over the past 100 years. Without them and their support and trust, we would not be here today."

The 29-year bank president, whose daily chores have kept the lending institution one of the strongest and soundest in the Nation, also paid tribute to the bank's founding fathers. The bank and the settlers worked together through some very difficult times and that has become an inspiration to us here at First Savings. The banking industry is constantly changing, and we are always looking for new challenges that would enable us to provide better services for our customers.

To prove its strength through growth, First Savings and Loan of Bayonne is getting ready to open yet another branch office, bringing to four the number of banks it will have in Bayonne. No date has been set for the opening of the branch on 46th Street. This new branch would strengthen the bank's services in the uptown area. The other three branch officers are located at 26th, 20th and 6th Streets, all on Broadway.

Patrick F.X. Nilan's career has been both interesting and inspiring. At the age of 16, while still in high school, he went to work for the Bayonne Trust Co. as a part-time messenger. The money he earned was used to help his family make ends meet. His parents, Patrick and Julia, were born in Bayonne, but his grandparents had migrated from Ireland. He, his brothers, Clement, Robert William and sistern Veronica were born in Bayonne.

After graduating from Public School No. 12 and Henry Harris Junior High School, he attended Bayonne Junior College and Seton Hall. He then joined the First Savings of Bayonne in 1954 as a bank teller. Three years later, he was moved up to the loan department. Nilan caught the eye of Patrick J. Fraher, then president, and in a news article printed in the Bayonne Times, Fraher referred to Nilan as "a rising star in the banking industry."

In 1959, Nilan became assistant bank manager, one step away from becoming president. Two years later, he became the youngest bank president in the State at that time. Nilan also became the bank's first full-time president, and in 1963, the only president to serve on the board of directors. He currently serves in both capacities.

He has been active in the community, providing help to the Bayonne Council of Boy Scouts of America, Holy Family Academy, the Bayonne PAL, the United Way, the Bayonne Kiwanis Club and the Bayonne Hospital. He is the recipient of the gold medallion from the National Conference of Christians and Jews. The Kiwanis Club, PAL and Ireland 32 Club have all honored him as their "Man of the Year."

He served as past president of the Hudson County Savings League, is a member of the Financial Managers Society and serves on many committees of the U.S. Savings League.

The First Savings of Bayonne is an intricate part of the entire Bayonne family, a very close-knit progressive community always working to make a good thing better. The history of Bayonne goes back more than 300 years when Henry Hudson first anchored in

what is now the Hudson River. It is a community which has earned my respect and the respect of all those in the entire State of New Jersey who have come in contact with its excellent leadership, productiveness, and community spirit.

I am certain my colleagues here in the House of Representatives wish to join me in this well-deserved salute to the First Savings and Loan of Bayonne, extending congratulations to Patrick F.X. Nilan and all those affiliated with the bank on its 100th anniversary and best wishes for its continued success and prosperity.

CORNELL'S MERRILL SCHOLARS

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. McHUGH. Mr. Speaker, at a time when our Nation has often focused its attention on the quality of teaching and education, I would like to take a moment to highlight a noteworthy program in the congressional district I am privileged to represent—the Merrill Presidential Scholars program at Cornell University.

This Cornell program to promote excellence in scholarship and teaching has been cited in a number of editorials and columns by the media for honoring outstanding students, and for recognizing the vital role that both secondary school teachers and college professors play in the educational development of our youth.

The 35 scholars themselves, approximately 1 percent of the graduating seniors, are chosen from each of Cornell's seven undergraduate colleges for their "intellectual drive, energetic leadership abilities, and a propensity to contribute to the betterment of society," as well as for sheer scholastic achievement.

The high school teachers brought to Cornell University in Ithaca, NY, from across the Nation and in one case even from Cyprus were named as their inspirators by the honored students. According to Cornell University president Frank H.T. Rhodes, the purpose of the scholars program is "to emphasize the continuity of teaching not just in the conveyance of knowledge but in the inspiration of students. We feel it is important to recognize the unique contributions these excellent teachers have made to the lives of our best students."

I certainly agree with President Rhodes that this scholars program, by honoring outstanding college students and the high school teachers who inspired them, does indeed "highlight the integral relationship between high school and college education."

I salute all those students, secondary teachers, and university professors who have made our Nation greater through the exercise of extraordinary talent, leadership, and wisdom. I am also proud to note that this year's Merrill Scholars include four young people from my congressional district: Robert W. Balder of Ithaca, NY, who named William L. Davis of Ramsey High School in Ramsey, NJ, as the high school teacher who inspired him; Lisa J. Carpenter of Trumansburg, NY, who selected Lynn Boruchowitz of Charles O. Dickerson High School in Trumansburg, NY; David Stasavage of Ithaca, NY, who chose Maryterese Pasquale-Bowen of Ithaca High School in Ithaca, NY; and Patrick R. Pakel of Endicott, NY, who named Robert Gallagher of Union-Endicott High School in Endicott, NY.

AVIATION FUNDS PUT IN JEOPARDY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. ANDERSON. Mr. Speaker, I call to the Members' attention the recent reconciliation action of the Ways and Means Committee to suspend the aviation trigger tax and divert almost $1 billion in aviation user taxes from the Aviation Trust Fund to the General Fund.

Along with many of my colleagues on the Public Works Committee I strongly oppose this, especially the diversion of funds.

To help explain our opposition, I would like to include for the record a recent letter from the American Association of State Highway and Transportation Officials. That letter accurately demonstrates the current needs—development, modernization and safety—of our Nation's aviation system that would be put at risk if this proposal were to become reality. On behalf of our committee, I would like to commend AASHTO for its initiative and foresight in addressing this matter.

In addition, I urge Members to support my effort at the Rules Committee to delete the diversion portion of the Ways and Means proposal.

AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS,
July 19, 1989.

HON. GLENN ANDERSON,
Chairman, Public Works and Transportation Committee, Washington, DC.

DEAR MR. CHAIRMAN: When our Policy Committee met this week on July 17 and 18, it considered and approved a resolution concerned with adequate funding of the Airport Improvement Program. A copy of the resolution, identified as PR-18-89 and titled "Airport Improvement Program Funding for Airport Capacity Solutions," is enclosed. It was adopted by more than the required two-thirds majority of our 52-member departments of highways and transportation.

The resolution has two basic components, as expressed in the two resolves. The first resolve calls upon Congress to appropriate the full amounts authorized for the Airport Improvement Program in fiscal years 1990 and beyond, for the reasons stated in the several "Whereas" clauses. In the judgment of state transportation officials, this funding is required now by our nation's airports.

The second resolve is directed to last week's proposal by the House Ways and Means Committee to divert aviation user fee tax revenues to the General Fund. Our member departments are strongly opposed to such diversion, for two reasons. First, as stated in the resolution, the Airport Improvement Program requires more funding than is now being appropriated, to meet pressing needs. Any diversion in the face of such needs should not occur.

Second, we oppose the Ways and Means Committee proposal because it would set a serious precedent by diverting transportation user fees from a transportation program to the general fund, where the revenues could be used for non-transportation purposes. AASHTO believes that all transportation user fees should be used solely for transportation purposes.

Should you have any questions with regard to the enclosed resolution, we will be pleased to respond.

Very truly yours,

FRANCIS B. FRANCOIS,
Executive Director.

RESOLUTION: AIRPORT IMPROVEMENT PROGRAM FUNDING FOR AIRPORT CAPACITY SOLUTIONS

Whereas the continuous increases in air passenger traffic require additional airport capacity to safely accommodate the increasing airport operations associated with greater demand; and

Whereas it is vitally important to the future of the nation's air transportation system that sufficient funds be available to address the problems associated with airport capacity constraints; and

Whereas recent FAA industry surveys reveal that numerous large hub airports are already operating at or near physical capacity and traffic increases at medium size hubs are expected to average about five percent annually through the year 2000; and

Whereas one of the primary objectives of the Airport and Airway Safety and Capacity Expansion Act of 1987 is to ensure that sufficient funds are available to support system capacity solutions; and

Whereas an efficient and readily available capacity solution to relieve current and forecast congestion in large and medium hub airports is to make more extensive use of nearby, well-equipped airports; and

Whereas Airport Improvements Program (AIP) funding in recent years has been below authorized levels resulting in inadequate funding available nationwide for airport capacity solution; and

Whereas it appears that the House Ways and Means Committee, in its effort to respond to the Congressional Budget Resolution request to raise $5.3 billion in revenues for the FY 1990 budget, may seek to repeal the aviation "trigger tax" provision of the Airport and Airway Safety and Capacity Expansion Act of 1987; and

Whereas the Committee is purportedly planning to divert the revenues from that portion of the tax that would have expired on January 1, 1990 into the General Fund; and

Whereas such action, if approved by the Congress, would divert funds from the Airport and Airways Trust Fund at a time when there is national concern for aviation safety, security and congestion issues, and manifest unmet airport needs; and

Whereas such action, if approved by the Congress, would set a serious precedent by diverting transportation user fees away from a transportation program, to the General Fund; where the revenues could be used for non-transportation purposes.

Now, therefore, be it resolved, by the Policy Committee of the American Association of State Highway and Transportation Officials that:

1. Congress should appropriate the full amounts authorized for AIP in fiscal years 1990 and beyond.

2. Congress should oppose the House Ways and Means Committee's proposed di-

version of aviation user fee tax revenues to the General Fund, and instead continue to place all aviation user fee revenues into the Airport and Airways Trust Fund for aviation capital purposes.

Be it further resolved that copies of this resolution be immediately forwarded to the appropriate members of the Congress.

PERSONAL EXPLANATION

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. MARTINEZ. Mr. Speaker, I wish to apologize for my absence during several important votes on amendments earlier this afternoon, and state my position on these amendments for the public record. I was called away on urgent official business first at the Labor Department, and later at the White House, and returned as early as I was able in order to miss as few votes as possible.

The votes I missed were in regards to SDI funding. Had I been present, I would have voted for the lowest funding level choice out of the three amendments offered. This is the Dellums and Boxer amendment which puts SDI funding levels at $1.3 billion. The SDI Program simply is not a proven defense mechanism, and clearly will not acquire the successes it was reported to be capable of accomplishing. I voted yes on the Bennett amendment as the second lowest choice of funding, and no on the Kyl amendment which would have increased funding for SDI.

I also was not present for the Bennett SDI add-on vote to provide $150 million for conventional forces once the Bennett funding amendment was passed. I would have voted in favor of this amendment as I did for the Mavroules and Spratt SDI add-on amendments.

I apologize again for not being able to attend the earlier votes.

A TRIBUTE TO LEN HALPERT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. LaFALCE. Mr. Speaker, I rise today to pay tribute to Leonard Halpert, who will be retiring this week after 9½ years of exemplary service as editorial page editor of the Buffalo News. I have known and worked with Len throughout my entire congressional career and have had the highest regard for his intellect, fairness and dedication to the principles of good journalism. He set a standard of excellence that will guide his successors for many years to come.

What follows are the words of Murray B. Light, editor of the Buffalo News, who writes in today's editions about the past and future of this newspaper's excellent editorial page.

[The text follows:]

HALPERT RETIRING AS CHIEF OF NEWS EDITORIAL PAGE

Leonard Halpert retires at the end of this week as editorial page editor of The Buffalo News. Succeeding him in this key position is Barbara Ireland.

Halpert's retirement is a major loss to The News and to the community as a whole, but none can begrudge his desire to step aside and view life from another perspective.

Mrs. Ireland is admirably suited to replace Halpert by virtue of her past newspaper roles, including that of an editorial writer at The News since January 1985; her educational and life-experience background, and her high level of intelligence and common sense.

Assisting Mrs. Ireland will be Laurence Paul as deputy editorial page editor. Paul has been a member of The News Editorial Board for 23 years and a newspaperman for 31 years.

Two firsts are involved in these changes. Mrs. Ireland becomes the first woman editorial page editor in the 108-year history of this newspaper, and Paul is the first officially designated deputy editorial page editor.

Halpert's departure is one we tried to forestall, feeling that his effectiveness has not diminished one iota. A man of great intellectual capacity and in-depth knowledge of an infinite number of issues, his contributions to the development of an effective editorial page are too numerous to tabulate. Halpert, however, persisted in his desire to step down at age 65 and played a major role in the selection of his successor.

Editorial page editor since January 1980, Halpert joined The News as a reporter in September 1948 and left the staff from August 1950 to March 1951 to become an editorial writer for the Washington Times Herald. He returned to The News as an editorial writer when he found that "conscience and a sense of ethics are too strong within me" to remain on a paper that espoused many policies with which he disagreed.

Working closely with Halpert since he became editorial page editor has been an enrichng experience for me. A stickler for detail, for accuracy, for use of the exact word, he has been a fine editor as well as a first-rate word craftsman.

His particularly intimate knowledge of Buffalo-area issues, the U.S. Constitution and any subject that assumed headline status through the years is most impressive. The News Editorial Board each year meets with hundreds of individuals and groups, and the individual invariably best prepared with insightful questions has been Halpert.

Extremely dedicated to his work, Halpert spent long hours at his desk and countless hours each week at home reading newspapers and periodicals and watching news and news-related shows on TV.

Work and his wife, Shirley; his daughter, Melinda, and his two grandchildren have been the entire foundation and structure of Halpert's adult life. Although he is giving up the work element, we know he never will cast aside his deep interest in and thirst for knowledge of the area and world we live in.

Succeeding Halpert will not be an easy task, but we are extremely confident that Mrs. Ireland will perform admirably. Her goal is "to produce an editorial page that is informed, thoughtful and fair and to encourage a lively and balanced discussion in our letters column and on our Viewpoints pages. I believe in a strong emphasis on local and statewide issues where our voice can make the most difference. But our readers are also citizens of the nation and the world, and we want to be equally thought-provoking on issues making news outside our immediate area."

A Phi Beta Kappa graduate of Cornell University, Mrs. Ireland joined The News in October 1977 as a copy editor and was editor of the Sunday magazine from 1980 to 1984. When a vacancy on the Editorial Board opened in January 1985, we invited Mrs. Ireland to become the first woman ever to serve on the board, and her performance has validated that choice.

Mrs. Ireland, 43, is a Genesee County native and started in the newspaper business at the Auburn (N.Y.) Citizen in 1973 as a reporter and moved to the Knickerbocker News in Albany in 1977. She taught high school English for two years after a variety of other job experiences before and after college, ranging from farm wife to soldering on an assembly line.

Mrs. Ireland was awarded a prestigious John S. Knight Fellowship at Stanford University and spent the period from October 1988 to June 1989 attending classes and seminars in areas she felt would enhance her professional career. She and her husband, Corydon, also a journalist, have four children.

Paul, the new deputy editorial page editor, was a reporter at the Utica Observer Dispatch starting in 1958 and joined The News in April 1966 as an editorial writer. A graduate of the University of New Hampshire, he earned his graduate degree from the University of Illinois.

A SALUTE TO LARRY MEINWALD AND RAY QUATTRINI

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. GILMAN. Mr. Speaker, our 22d Congressional District of New York is deeply impressed by the outstanding restoration of the village of Goshen, NY, by Larrry Meinwald and Ray Quattrini of the Goshen Corp.

This firm, founded by real estate investor Larry Meinwald and builder Ray Quattrini, has transformed the village of Goshen, NY, one of the loveliest municipalities in the mid-Hudson region, into an even more attractive community.

Larry Meinwald, a self-made man, is an immigrant from Poland who worked long and hard to build up a highly successful real estate business in the mid-Hudson Valley. Larry is now 75 years young, and he, his wife Carolyn, and their three daughters are popular neighbors, committed to making Goshen a better place to work and to live.

Ray Quattrini, who has been in the construction business for 25 years, first met Larry when he was hired to build Larry's home. Ray, who is 41 years old, was brought up in Bergen County, NJ. However, the attractions of the Goshen, NY area attracted him some 16 years ago, when he opened his homebuilding business.

Mr. Speaker, I would like to insert at this point in the RECORD a recent article, "Restoring Goshen's Glory", which recently appeared in Orange County magazine outlining the accomplishments of these talented builders:

RESTORING GOSHEN'S GLORY

(By Terrence Laughlin)

Architecture that fits well with its surroundings is sometimes referred to by the

term "vernacular." The vernacular of 19th century architecture includes a vocabulary of elements such as springblocks, keystones or capstones, and corbels. Terms like these have disappared from the vernacular of modern architecture to be replaced by unadorned steel, glass and prefabricated concrete. But they belong to a period in history when builders were craftsmen and the structures they erected were infused with a timeless grace and elegance.

In a village like Goshen, venerable buildings, built in a traditional style, lend the village its character. They are also a source of irony, as the 19th century charm of the village, while threatened by rapid growth, is one of the major factors that makes it a desirable place to live.

There has been an uncharacteristic chorus of acclaim for a highly visible commercial development project in the center of town, a group of professional office buildings named Five Corners Plaza (the name was picked in a public contest). These buildings reflect Goshen's 19th century feeling, and are being built by the Goshen Corporation on Main Street, near Lawyer's Row.

The Goshen Corporation is a partnership between Larry Meinwald, a real estate investor who moved to Goshen in 1983, and Ray Quattrini, a local builder and 16-year Goshen resident. The pair purchased a number of neglected buildings in the village's historic district, and set out to restore them in a way that respected the character of the surrounding 19th century architecture. Their initial focus was to stimulate redevelopment in the retail district, through quality restoration of their own properties.

"A lot of these buildings were in bad shape, but there was an underlying quality of past glory," Quattrini recalls. "We thought if we assembled enough parcels to create a pattern of quality restoration in harmony with the village's historic character, then other property owners would do the same."

Meinwald adds: "Modern architecture in the midst of all this timeless beauty would be blight on local sensibilities. We wanted to recapture the character of old Goshen and blend it with the Goshen of today."

When the Goshen Corporation first arrived on the scene, Goshen's downtown was just starting to recover from decades of neglect. The village had been fortunate in retaining most of its architectural heritage, but whole blocks of the business district had fallen into disrepair. Chamber of Commerce members had formed Goshen Restoration Unlimited to try to turn things around.

"When we first met, the downtown area was in bad shape," recalls one member, "but it was only skin-deep. We could see that the existing architecture was harmonious and cohesive."

"The buildings we bought had been quite neglected, but when we looked around Goshen, we knew the nucleus was intact to make it a model for the entire county of what a revitalized downtown area could be like," Meinwald remembers. "The best way to create the Goshen of tomorrow is by restoring its glorious yesterdays."

Meinwald and Quattrini set out to painstakingly restore or recreate that gracious past.

The first piece of the puzzle was a three-story brick Victorian at 77 West Main St. on which restoration began in November of 1986. Under the direction of architect John Henningsen, the entire building was structurally reinforced and given a new "antique" facade with a canopy roof over the doorway. Then the entire building was painted in historic color combinations.

Before restoration was completed in April of 1987, the search began for the first tenant, and in Meinwald's plan there was little doubt about what manner of business that would be.

"The central gathering point of any small town was always the drugstore or ice cream parlor. The old-time Goshen had always had one, and we felt there should be one again."

Coincidentally, John Bierling, a Newburgh fire chief, was anxious to realize his own long-time dream of opening an old-fashioned ice cream parlor, The Creamery, in Middletown, when the restoration work on the West Main Street building caught his eye.

"I came and sat across the street, watching them work on the building and I thought immediately that it just looked like the perfect place for an ice cream parlor," Bierling recalls. "I talked to Ray Quattrini and he was immediately excited about the idea of having The Creamery in their building." Today The Creamery is a popular stop for ice cream lovers.

Next, Meinwald and Quattrini began planning their modest but influential professional office park. They purchased a group of buildings on the west side of Main Street, adjacent to the Five Corners. Among them were the Flatiron Building at 25 Main St., dating to 1870, and next to it at 55 Main St., Wilcox Livery, an automotive repair shop which had originally been built in 1840 and had served, during the 19th century, as a stable for the neighboring Cataract Fire Company.

The idea was to create a cohesive block of prime office space by renovating both buildings in a way that would complement the beauty of nearby Lawyer's Row, a block of 19th century offices acclaimed as one of the most attractive blocks in Orange County. In the end, though, only the livery building could be saved, as the Flatiron Building was found to be beyond repair. Architect John Henningsen of Centerport, Long Island, was given the assignment of designing a renovation on the stable and a new building to replace the Flatiron Building, both of which would have to be complementary of each other and of the 100-year-old buildings nearby.

Henningsen began his assignment by walking around the village photographing its most interesting buildings, taking special note of architectural elements that gave them a traditional flavor. The architect was delighted to have the opportunity to do work that tested his skill and imagination, that prodded him to go beyond conventional forms to arrive at a timeless design.

"It's an architect's dream to work for a client who is willing to bear the extra expense to achieve something that's special and memorable," he says.

The location of the new office plaza presented Henningsen with a particular test. "That's the most prominent site in Goshen," he says, "so it was important to make a strong design statement that respects the historical perspective and to create 'future history' that will stand out."

For Wilcox Livery, Henningsen's challenge was to plan the metamorphosis of a strictly utilitarian structure—a service station—into an esthetically pleasing office building. Quattrini, acting as construction manager, supervised the work.

"We completely gutted the interior and reinforced the building with new steel girders, installed a new concrete floor, a total new roof with skylights, and changed the dimensions and location of nearly every window," recalls Quattrini. Following Henningsen's design, expert masons added brick arches and decorative stone sculpture. A traditional-style vestibule and main entrance were added, and large palladian windows with ornamental grillwork prominently installed. These windows will be a unifying signature for restoration projects of the Goshen Corp.

Accolades were not long in coming. Last spring, Goshen Restoration Unlimited honored the Goshen Corporation with its first prize for transforming an unsightly service station into an elegant office building. "This is a very special project, and we are very pleased," commmented Mary Gray Griffith, president of Goshen Restoration Unlimited, a non-profit volunteer group formed to encourage historically-sensitive redevelopment of the village's historic downtown area. "It makes the community feel good about itself. It makes the village more attractive and a place where people want to locate their business." Several months later, the Orange County Board of Realtors indicated approval by adding its Best Historic Commercial Renovation Award to the earlier honor.

Goshen village trustee and mayoral candicate Bob Weinberger commented that he'd like to see other property owners follow Quattrini and Meinwald's lead. "The quality of their work is admirable: they're setting a model for future development of that nature."

While such a painstaking renovation is costly, Meinwald also hopes his example proves influential. "We want to make an indelible impression by doing buildings that are attractive and functional, and in harmony with the historic area."

The second phase, which began in August of last year, included the demolition of the Flatiron to allow a new building to be put up in its place. Henningsen recalls, "We had hoped to save it and renovate, but it would have been a nightmare." Periodic additions between 1870 and 1890 left a legacy of a hodgepodge of confused levels, a maze of small rooms, cracked wood beams and masonry walls, which made it, in Henningsen's words, "completely non-functional for modern office space and non-conforming with current building code requirements." So it fell to the wrecker's ball.

The building that is rising in its place contains arches, palladian windows, springblocks (supporting components at the base of a masonry arch) and capstones (the piece at the top of the arch that provides the compression that holds the arch together)—elements of period architecture that are virtually never seen in commercial construction these days. Those elements, which yield a memorable piece of architecture, are difficult and costly to build.

There's a thread of efficiency that runs through the modern age. Mass production, whether in agriculture, manufacturing, or construction, streamlines the production process and reduces costs, but a certain grace and character are lost. Though modern building methods are efficient, fast and cost-effective, many of the structures that result are forgettable boxes.

In building along 19th century lines, efficiency must be sacrificed for form. Quality and character in construction are labor intensive, requiring special talents, hours of careful work and close supervision. Decorative brickwork requires expert masons capable of lining up bricks and joints perfectly

on a plywood form to fashion an arch without being able to see their work until it's done. Custom wood windows are twice as expensive as aluminum, but without them a small but telling ingredient in traditional character is lost.

Replicating a 19th century building provides a rare opportunity for local artisans such as Rick Gentile. Gentile, a Goshen artist who specializes in fine woodworking and stoneworking, crafted the old-fashioned cupola on the restored Goshen railroad station that now houses the village police. For the past year he's been working almost full-time for the Goshen Corporation.

His work will be particularly prominent at Five Corners Plaza in the decorative stonework that distinguishes the two buildings. Larry Meinwald had collected numerous odd pieces of stone sculptures salvaged from old buildings in New York City. Gentile prepared them for a new life in Goshen.

"Since the pieces originally came from a number of different buildings, many of them didn't match. Some were terra cotta and some glazed ceramics. I coated them with water-proofing, which will help preserve them and evens out their color differences, giving them all a stucco-like textured surface." He also sculpted and molded with a cement mixture to match two lion's head springblocks on the building's east face.

The most prominent decorative elements are two enlarged stone medallions, portraying an eagle and what might be the head of Mercury, which resemble Roman coins. These were salvaged from the old State Theatre on Broadway in Manhattan, after it was torn down. Black with grime from years of exposure to the Manhattan environment, Gentile acid-washed them to restore their original terra-cotta hue. Mounted on the building's narrow-profiled prow, facing a brick-paved plaza on the southern exposure, they bring a little bit of Broadway to what Meinwald refers to as "the Times Square of Goshen."

Like architect Henningsen, Gentile appreciates his rare opportunity to pursue a vanishing craft. "There isn't another building in Orange County being built like this from the ground up," he says. "Most commercial buildings are bare minimum buildings. Adding these decorative elements adds thousands of dollars in extra expense, but doesn't bring in any extra rent. You really have to have a love of old buildings to do something like this."

Ray Quattrini agrees. "We could have put up a strictly functional building for probably two-thirds the cost," he explains, "but it wouldn't have been in harmony with the character of the village. Besides, when you put up a quality building, you attract quality tenants who go the extra mile to create a beautiful office inside."

Larry Meinwald thinks Goshen's revival is well on its way, but to reach its full potential will require a team effort by those who care. "We're looking for the cooperation of the village fathers to provide the necessary parking to allow the downtown to thrive; we're doing our part by offering public parking at our projects."

Several of the downtown merchants second that sentiment when they say that there isn't enough walk-in traffic right now to allow them to prosper fully, primarily because there isn't enough parking downtown to afford convenience to those who might be interested in shopping there. The Goshen Corporation is providing 100 parking spaces for tenants and visitors of Five Corners Plaza.

Village trustee Bob Weinberger credits them for having done so. "I'm very pleased with the fact that they bought additional property in close proximity to satisfy the parking demands. Off-street parking is absolutely essential downtown.

Quattrini estimates that exterior work on the building will be completed in late spring, while interior work will be done according to the needs of tenants. Two banks have indicated strong interest in the Flatiron Building's first floor. Landscaping and elements such as oldtime lampposts salvaged from Goshen's gaslight days will complete the picture and unify the property into a cohesive whole.