The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable Hans Korn, 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

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 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,


To the Senate:

The ACTING PRO TEMPORE.

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Hans Korn, 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 you 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 not there should be little, if any, distinction between program and nonprogram crops whether you are in a farm program or not if you own corn, soybeans, wheat, cotton, rice, peanuts, tobacco—those are program crops—to participate in the program 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
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 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 be a common 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 the 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 840 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 do not participate in a disaster bill, 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, a 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, and some of the 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 Democratic 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 reconcile, 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. They may have good crops for a while. We may have good crops somewhere to provide enough money to take care of those crops.
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 would be covered 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 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 the right time.

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 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 WINTER WHEAT FARM WITH A 60% LOSS**

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<table>
<thead>
<tr>
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<tbody>
<tr>
<td>35/65/90</td>
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<tr>
<td>35 percent of normal unpaid—5,632</td>
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<tr>
<td>35-75 percent of normal at 65-75 percent of normal at 65 percent of normal at 65 percent</td>
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<tr>
<td>2,810 bu paid at $5,194</td>
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<tr>
<td>Difference—$1,728 or 18.5</td>
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<tr>
<td>cents per bu of loss</td>
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</tbody>
</table>

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

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<tbody>
<tr>
<td>35/65/90</td>
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<tr>
<td>35 percent of normal unpaid—11,025</td>
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<tr>
<td>35-75 percent of normal at 65-75 percent of normal at 65 percent of normal at 65 percent</td>
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<tr>
<td>7,375 bu paid at $3,076</td>
</tr>
<tr>
<td>Difference—$1,872 or 18.5</td>
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<tr>
<td>cents per bu of loss</td>
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**MORNING BUSINESS**

*The ACTING PRESIDENT pro tempore.* Under the previous order, there will now be a period for the transacting of morning business not to extend beyond the hour of 10 a.m. with Senators permitted to speak therein for not to exceed 6 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 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 fact—and I've waited 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 being bounced around here. Certainly 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, 999,000 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: NOT COVERED FOR DISASTER ASSISTANCE UNDER LUGAR-DOLE PROPOSAL.**

<table>
<thead>
<tr>
<th>Acres of farmland not covered</th>
<th>Percent of total farms not covered</th>
<th>Farms not covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Dakota</td>
<td>52.8</td>
<td>2,607</td>
</tr>
<tr>
<td>South Dakota</td>
<td>11.3</td>
<td>1,613</td>
</tr>
<tr>
<td>Montana</td>
<td>35.7</td>
<td>766</td>
</tr>
<tr>
<td>Idaho</td>
<td>20.4</td>
<td>608</td>
</tr>
<tr>
<td>Wyoming</td>
<td>19.3</td>
<td>452</td>
</tr>
<tr>
<td>Montana</td>
<td>9.2</td>
<td>400</td>
</tr>
<tr>
<td>South Dakota</td>
<td>8.2</td>
<td>395</td>
</tr>
<tr>
<td>Wyoming</td>
<td>8.2</td>
<td>381</td>
</tr>
<tr>
<td>Montana</td>
<td>5.7</td>
<td>343</td>
</tr>
</tbody>
</table>

Total United States: 16,700 farms.

**WHEAT.**

<table>
<thead>
<tr>
<th>Acres of farmland not covered</th>
<th>Percent of total farms not covered</th>
<th>Farms not covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kansas</td>
<td>51.3</td>
<td>849</td>
</tr>
<tr>
<td>North Dakota</td>
<td>47.6</td>
<td>608</td>
</tr>
<tr>
<td>South Dakota</td>
<td>42.9</td>
<td>452</td>
</tr>
<tr>
<td>Montana</td>
<td>42.1</td>
<td>400</td>
</tr>
<tr>
<td>South Dakota</td>
<td>37.8</td>
<td>395</td>
</tr>
<tr>
<td>Wyoming</td>
<td>37.8</td>
<td>381</td>
</tr>
<tr>
<td>Montana</td>
<td>35.7</td>
<td>343</td>
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</tbody>
</table>

Total United States: 7,278 farms.

**COTTON.**

<table>
<thead>
<tr>
<th>Acres of farmland not covered</th>
<th>Percent of total farms not covered</th>
<th>Farms not covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Texas</td>
<td>56.5</td>
<td>495</td>
</tr>
<tr>
<td>Mississippi</td>
<td>53.7</td>
<td>323</td>
</tr>
<tr>
<td>Georgia</td>
<td>51.1</td>
<td>79</td>
</tr>
<tr>
<td>Alabama</td>
<td>49.9</td>
<td>74</td>
</tr>
<tr>
<td>Louisiana</td>
<td>49.3</td>
<td>57</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>47.2</td>
<td>55</td>
</tr>
</tbody>
</table>

Total United States: 1,504 farms.


**COMPROMISE PROPOSAL.**

<table>
<thead>
<tr>
<th>Item</th>
<th>Fiscal year—</th>
<th>1989 cost</th>
<th>1990 cost</th>
</tr>
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<tbody>
<tr>
<td>1. Program crops participants (40 percent loss requirement, 65 percent payment up to 75 percent loss, 80 percent payment over 75 percent loss)</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Other</td>
<td></td>
<td></td>
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<tr>
<td>2. Advance disaster payments (included above)</td>
<td>$35</td>
<td>$293</td>
<td></td>
</tr>
<tr>
<td>3. Nonparticipation, hops, and nonprogram crops (15 percent loss, 65 percent payment up to 75 percent loss, 80 percent payment over 75 percent loss)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Crop damage claim: Other crops</td>
<td>$250</td>
<td>$35</td>
<td></td>
</tr>
<tr>
<td>5. No double payments on replanted acreage</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>6. F.C.C. Workload: Same provisions as last year</td>
<td></td>
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<tr>
<td>7. Payment limit: Same provisions as last year</td>
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<td></td>
<td></td>
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<tr>
<td>9. Canada</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Firebreaks and shrinks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Freeze damage to orchards</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Disaster credit and forebearance</td>
<td></td>
<td></td>
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<tr>
<td>13. Rural development credit</td>
<td></td>
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</tbody>
</table>

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 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 ago. 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 nonprogram 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, $861 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 Christmas 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 that story.

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

Mr. KERREY addressed the Chair.

The PRESIDENT. The Senator from Nebraska.

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

The PRESIDENT. The Senator from Vermont.

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 a majority of the 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 the distinguished Republican leader feels very strongly, and we must stay together, and as I say the other side of the story.

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, being fought out over budgetary 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 that story.

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 been faced with difficult 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 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 PRESIDENT. 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 PRESIDENT. The Senator from Vermont.

Mr. LEAHY. Mr. President, if I might make a statement—if I might ask the Senator from North Dakota, 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 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. To 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 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 advancement of the proposal 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 we 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 $2.8 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 corn 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:

REPESENTATIVE FARM

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

<table>
<thead>
<tr>
<th>Percent crop loss</th>
<th>Leary</th>
<th>Dole-Lugar</th>
<th>Option</th>
<th>Leary</th>
<th>Dole-Lugar</th>
<th>Option</th>
<th>Leary</th>
<th>Dole-Lugar</th>
<th>Option</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wheat/Corn (%)</td>
<td>40/65</td>
<td>35/65</td>
<td>35/65</td>
<td>40/65</td>
<td>35/65</td>
<td>35/65</td>
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<tr>
<td>Soy (%)</td>
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<tr>
<td>Market revenue</td>
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<td>Gross revenue</td>
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<td>Gross revenue</td>
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<td>Hay</td>
<td>Market revenue</td>
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<tr>
<td>Total</td>
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<tr>
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<td>19,996</td>
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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 Recom 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 proctor 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 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...
July 25, 1989

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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's 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 the assistance of Senator Lugar's staff. 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 nonparticipants. 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 penalizes 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 government support. This differential treatment simply penalizes those who want to practice free market farming.

There are others—including the National 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 crops producers should not be reduced to help blueberry growers, to name but one often-cited example. I disagree with this approach 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.

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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 the winter wheat has suffered a loss. I disagree.

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 ground.

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 want to tell that distinguished Democrat 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 needed. 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 disaster.

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

And 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 the August recess. 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 what 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 the public leader is recognized.

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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 the
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 board. We started out with one program crops because we have covered every single peril that we did not 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 reconciliation. 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 Lugar'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 were moving on cotton, why it was, we 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 I 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. It is over $70 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. Dole). 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 I disagree with his 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 available. I have never heard 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.

And it 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. It was just in the State. We 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 $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 worst 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 going to compromise.

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 report 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 those policies—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 greatest 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 compensation 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 also well paid. 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-
I 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 detrimental to small banks, which have more at stake.

Big money center banks, with their vast resources, already have an advantage in influencing legislation. They could, therefore, influence the Senate debate of the thrift bailout bill to defeat the Nickles-Glassley 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 de-stabilize 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 colleagues to consider the sensitive 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 in the Glassie study. 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 Senator 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.

DEAR DON: I recognize and appreciate the supreme effort of the Senate members of the Conference Committee on S. 774 and ERF 1793, the Emergency Banking Reform, Recovery, and Enforcement Act. I don't envy your responsibilities for their level of complexity, severity, and controvery. The importance of the issue to 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.

We have also made a special effort to protect the defense industrial base capability and the defense industrial base issues. The subcommittee re­
ded together to submit a plan to develop the defense industrial base capability in order to maintain 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 workforce 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 or 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-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 technological edge 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 Department of Defense and Energy as crucial to our long-term national 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 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 ally, in any critical area. 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 Department of Defense and Energy to develop 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 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 critical technologies. We have recommended increasing 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 Defense 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 scratched the surface of what this country 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 maintain our 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 in 1985 out 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 over $130 million to $90 million. Mr. President, 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.

In our view 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 for superior performance 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 opportun ity that is detected. To accomplish this, it must be managed at the highest levels of the Defense Department to achieve the cohesion and coordination necessary 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 Senate Tech Consortium and its support of high resolution technology display technologies. In the course of our hearings the committee became aware that DARPA, unlike any other element of the Defense Department, lacks the flexibility it needs 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 contracts 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 to the private sector. 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 that you 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 to describe in the aggregate. These are 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 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 the American industrial base. I am pleased to note 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 offset sets, and on reciprocity in research contracting, all intended to move the Department into addressing this framework for industrial competitiveness and defense trade policies which we have established. Senators Byrd and D'Amato 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 Defense Contracting 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 fulfill 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 red tape and paperwork 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.

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—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 H.R. 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 strengthen the Defense contract work force. 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 is confirmed and permanent service acquisition executives are appointed, the Subcommittee on Defense Industry and Technology will conduct detailed oversight hearings on the necessity of involving 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. The Department's personnel provisions have been endorsed by David Packard, Harold Brown, Frank Carlucci, Jim Woolsey, Jack Toner, Phil Odens, 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 W allo'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 government-wide reforms as 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 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 Friedman, Rick DeGraffenreid, Jim Woolsey, et al who have all been involved and 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 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.

(For 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 diffusion of knowledge among men" perpetuates 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 136
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 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, noted in a recent 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 recommend 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, "deriv[ed] 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 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 Dr. Atanasoff and Dr. 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 asking 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 internecine fighting once the war with the Soviets ended.

Unfortunately, what our study mission projected 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 and Field Officer Strickler, states:

Most Commission Members who visited Pakistan previously accepted the widely held view of governments and the general population that "the regime in Kabul will in reality fall soon after the Soviet withdrawal." Obviously, the conventional wisdom was wrong and it now appears that the fighting will continue on for an indeterminable amount of 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 mentioned in a message 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 programs and efforts to facilitate the earliest possible reintegration of the refugees into their native regions in Afghanistan.

I commend the Citizens Commission for its Afghanistan report. I hope it will help in helping the humanitarian dimensions of this problem in the public eye, and ask unanimous consent that excerpts of Commissioner Strickler's recent report be printed in the RECORD.

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


To Members of the Citizens Commission on Afghan Refugees.

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


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 Pakistan and to learn more about the planning for resettlement of these refugees into the莉莉United Nations or with the assistance of the莉莉United Nations or with the assistance of the莉莉International Rescue Committee. The report emanates from my 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 speak with officials of the莉莉United Nations or with officials of the莉莉GOVERNMENT OF PAKISTAN. As always, observations based on a relatively short visit must be interpreted with caution. For the most part, the data that I collected 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 visit. 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 in Afghanistan will be withdrawn by the end of 1990 or early 1991. In the latest trip to and to a large extent this report is either an extrapolation or modification of previous observations and conclusions.

- The existing demining program is operational.

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

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

- Afghanistan has been invaded by mujahidin. Extensive destruction of villages, farmlands, li-
was strong winds, and could not be reconstituted. The elders pleaded with me for additional help. Fleeing largely from the Jalalabad area, continue to Pakistan. The Ministry of Health, however, felt that the vision of basic health care was inadequate. I was told that the West should encourage the Afghans to integrate rather than to depend on aid from the Geneva accords. The Spectator (6 August 1988), he points out that the Commission, Robert Cranborne, did not support the interim Government based 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.

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 must be integrated by the funding—the PVOs, governmental and UN agencies.

1. CURRENT SITUATION

Most Commission Members who visited Afghanistan 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.” However, the conventional wisdom was wrong and it now appears that the fighting will continue for a long time. In an undetermined future which 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, a figure now being bandied about as 70,000-75,000. Funds for this program have been 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 the continuing resistance to the efforts of the international community. Many of the reports are anecdotal and pertain to the growing hostility of Afghan men toward women’s programs. This opposition goes back to the time of the war and to the 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.

VIII. EDUCATION AND TRAINING

Previous Commission Reports have noted that human resource reconstruction must be accorded top priority and that the war’s “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.

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 860,100 new refugees are now a 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 Complex, and was impressed with the conditions that would guarantee peace. He discusses the “feudal-like 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.”

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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 program and also to suit both the UN agencies and the Pakistani government. I was told, for example, that the Pakistani population, e.g. in Baluchistan, has no idea of pictures that showed a bus being blown up by a mine. They felt that such pictures are not always accurate and are needed to return of some refugees to their own country.

The Mine Awareness program lasts three days. Currently, the thrust is to teach the village leaders, but additional leaders in this program and was impressed by the in­tense interest of the Afghans and the qual­ity of the instruction. Mine Detection Program: This 21-day program has three components: Mine Awareness, First Aid, and Demining. The Afghan Ministry of Interior Service 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 the Afghans.

The selection of trainees is somewhat controversial. ISI (Pakistan Intelligence Service) probably fall soon after 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 sunk 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 terms of Operation Salam two types of demining programs have been started:

1. 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.

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

Vigorous fighting inside Afghanistan continues and has not led to resettlement beyond the expectations of many. This delay and the attendant uncertainties about the future have caused widespread concern over the planning for resettlement. The challenge of resettlement now seems even more daunting than before.

Perspectives on the situation among various agencies, governments, the United Nations, PVOs, seem 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.

The following article was ordered to be printed in the Record, as follows:

(IFrom the Chicago Tribune, Feb. 28, 1989)

PRESIDENT BUSH'S HOSTAGE DILEMMA

(Bar 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 challenge is to continue the fight 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 now 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 kidnappers 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 Shiiite Council in Beirut, said on Jan. 11, "the time has not yet come" for a solution to the hostage problem. He expressed some progress after Bush has been in power for "a sufficient period" but cautioned that the issue has become more complicated.

In Beirut, Hassan Husseini, the Iranian-backed Lebanese Shiiite faction, apparently has decided to use the hostages as a pawn in its battle with its Shiiite rival. Although the hostages 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.

On the 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 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 Salzman Rushdie's book "The Satanic Verses" has halted Iran's movement toward improving relations with the United States, making it unlikely the opportunity for talks on the hostages

Although the situation in Tehran is probably worse today than in years past, Prachard 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 expended hundreds of Iranian exiles exiling to the Mujahidin I-Khalk opposition group. Later that year, two more hostages were released after France announced it would repay its $350 million of a loan made to the Shah.

In 1987, another two hostages were released. This time the French dropped even the "bluff" that took larges sums of money in order to fulfill in his government's embassy to avoid being asked about possible involvement in that_summum.

Last May, the remaining French hostages were released by Hezbollah after France reportedly agreed to repay its debt to Iran, considered hostage terrorists and pay $30 million in ransom to Hezbollah.

Two West Germans were kidnapped in January, 1987, after West Germany arrested a prominent Fatah leader who took refuge in the hijacking of an American plane. The kidnappers 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 the French, have not made any connections to the kidnappers rather than to Iran.

The Soviet Union took a different approach. In 1985, four of its diplomats were released in Lebanon in exchange for Peres's release. This, however, did not guarantee the hostages and threatened to kill the rest if the Soviets did not free 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 kidnapped 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 Soviet citizens were released.

The people holding the Americans have demonstrated that they can hold out for years. We have done the same, but to what end? It has been 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 and not worth risking the security of all Americans? 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 kidnappers—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 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 study and began 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 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. It is a landmark of learned 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
July 25, 1989

CONGRESSIONAL RECORD—SENATE

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

The Senate resumed consideration of the bill.

Pending:

1) Nunn-Lugar 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 arms.

It, therefore, Mr. President, is indeed a revolutionary technology. No other option as compared with the Strategic Air Command bomber. 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 fly 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, Air Force, Generalations, 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 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, constructively and thoughtfully. That action 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 we have been putting 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 I say revolutionary, I 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 anything else.

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 the 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 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 better one of that since we were asked 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 and the figures that we are going on to 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 reality should be producing 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 go to low, 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 thought was 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 Chafee 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 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 as such. As we evaluate the sufficiency of the START position, and the transition to that, these conditions, we have counted 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 on the basis that basically 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 take 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 Dianne Feinstein.

Thank you, Mr. Chairman. By the time this request and thedney request that we ask questions on the subject of START, it is now the year 1994 or 1995 about being the strategic air under the proposed draft of START, as we know it today, with no B-2’s?

Quoting from General Chafee:

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 under START program.

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, we will have our only penetrating bomber as far as we can see into the future, that without 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. 596 to S. 1352, the Defense Authorization bill for fiscal years 1990 and 1991.

Mr. EXON. I thank the Chairman. The amendment the Chair and the amendment 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.

Mr. DIXON. 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 PRESIDENT (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 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 this afternoon.

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 perhaps Senator Nunn at 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 had 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 committee'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, artists, entirely agree, I think, but I am absolutely certain to ensure, Mr. President, that we truly have what we represent to the American people we are trying to achieve here, a penetrating bomber, fiscal constraints that we are doing this in a way that was satisfactorily 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, 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 finally, we are getting fiscal 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报 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 Illinois.

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 7 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 Senator Dixon 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 takes off, and ever crosses a Soviet border in a retaliatory mission, then it has failed its purpose.

Does the Senate 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 stop, 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 from Iowa characterized it—most correctly, in my judgment.

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 insurance that 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 100 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 who 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 workers 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 Al. mar Allen said that the center arrived from hospitals in Sioux City, South Dakota, and Omaha, Nebraska.

"For more than 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 directed 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 arrival while another went home about 1 a.m. after an 18-hour workday.

The crash was a critical time for the hospital’s blood supplies, and the need for blood was tremendous. Marian Medical Vice President Marc Allen said.

"We probably got 5 months of inventory," Allen said. "We depleted, donors immediately showed up."

Again, this was just 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 also want to 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 very 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 Siouxland, America, says, "Sioux City" cut 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 revealed to the public, 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 turn back to their place a little less than a week ago.

No matter what the cause, it brought the community together. Siouxland truly 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 the other 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 PRESIDENT PRO Temp. Mr. GRASSLEY. Mr. President, I also want to close by reminding Senators that we have 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 is a 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 many 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 of them before they can write a definitive summary report of what happened, but the first reports give a vivid point to an immensely destructive explosion. When the DC-10's No. 2 engine exploded, only the remarkable cool and inventive responses of the flight's four pilots kept a majority of those on board alive. And once the crash had started, 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 systems. One of the flight's staff writers said "the damage was so catastrophic that United's flight manuals have no instructions on how to proceed." Still, the pilots had responded to messages for four hours before the craft came to a stop 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 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 and some 40 agencies.

The experts report that the lessons learned from a test "crash" were used in improving safety procedures in the American air transportation system and an inadequate number of ambulances.

In greater Washington, the Air Florida crash in 1982 jarred the system into setting up an improved disaster team that meant to summon and deploy sophisticated equipment efficiently. The regional airports are now holding drills with diving teams, fire situations and other
emergency tests. Officials say that retaining is required, and that a mutual aid compact specifies procedures for enlisting help. Local 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 families and friends who lost loved ones and those survivors who remain. Wick, president of Briar Cliff College, said today, "We found that this is really who we are." 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 passengers killed on Flight 232. Let us also ask God to bless their loved ones and those survivors who remain. We will never forget them. It is moments in life that you want to help in any way they could.

Shortly after Briar Cliff was designated as a triage site, 41 patients were treated and released, and one held for observation. Siouxland clergy from diverse denominations brought comfort to the crash scene to offer aid. The college entered the Red Cross has been here constantly," Sister Mary Margaret Wick, president of Briar Cliff College, said Thursday morning.

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. At that time, 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 hotels and national media for dormitory rooms.

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July 25, 1989

CONGRESSIONAL RECORD—SENATE

Sixty left where the ground crews could get them there," 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 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. Robert Leaflstid, general surgeon at the hospital.

"We were very impressed with the hospital's performance," Leaflstid 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 through, those hours, but are given treatment. And the community support was outstanding."

The response was the same at MHC, Wolpert said.

"All of our units, we had two neurosurgeons, four anesthesiologists, five trauma surgeons and two or three orthopedic surgeons, plus we had all the backup. People came in and out, all the lab technicians, X-ray technicians. It was just a groundswell," he said.

"I saw all the guidelines established in previous disaster drills, tagging every patient as they entered the hospital, Wolpert said.

"Dr. G. Legan, 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, while others with lesser injuries must wait.

Greco handled the difficult triage duties at the scene of the crash. In the process of triage, those seriously injured, but not treated 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 plane came off, and the tail section was thrown farthest from the main fuselage. The ground crews could be seen amid the debris everywhere.

The medical staff followed the procedure that Greco handled the difficult triage duties. The medical staff followed the procedure that Greco handled the difficult triage duties. Greco handled the difficult triage duties.

"They looked like they had been rolling for a couple of hours of sleep. I had a hard time falling asleep," Greco said.

"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 of the good will of the American people. This example stands as a hallmark, and I express my great appreciation for the people of Iowa and particularly Sioux City for what they did."

Mr. WARNER. Touche; but I remain a southerner through and through. The RESPONDING 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 RESPONDING 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? Are we 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.

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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 intending to 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 crashedit at the Sioux City, Iowa, airport on July 19, 1986; Whereas the skills of the pilot and flight crew and the immediate mobilization of local and State rescue units, 186 of the 289 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, 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 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 this process 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 correct 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 maintaining 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,
The CONGRESSIONAL RECORD-SENATE 16005

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 a 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 because 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. SAYFORD].

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 minutes in order that 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 discussing this issue, it seems to me, is that there is a good deal of overreaching 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 no. No Soviet military planner could, in fact, give those kinds of assurances to his civilian leadership. But as 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 a B-2 bomber could in fact be scanning 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 we are 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 release 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 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 is 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 $1½ billion per copy. I am not sure what Air Force general is going to think that is worth it. Perhaps we ought to insist not only on the MX and the Midgetman, but other types of strategic systems, perhaps an ICBM 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, that it is not 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 very short range attack missiles, or other 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 spend 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 in the 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-launched 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 your- self, 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 not being intercepted, 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 $500 million a copy, but many doubt the accuracy of those numbers. They do not represent, certainly, life cycle costs. So we are still a long way from a subjective 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 want to say 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, 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 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 surmise that one 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 be penetrated with ALCM’s. As far as I am concerned, I would say, 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 counting rules—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 to me 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 the Soviets do not have our 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 numbers of B-52's and B-1's in place. What we would have liked, if we were the Soviets, would be for a B-2 capable of delivering a cruise missile with a significant nuclear payload. It is not clear to me that the B-2 would ever be sent, or even a 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 idea of penetrating bombers. So the fact is that this is not a zero-sum game. It may very well be a break-through 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. It is his ego 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 true to me. It seems they would have greater fear of air-launched 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 different world in which we are to have greater air defense systems—and they may grow in the future—than it would be for Stealth cruise missiles launched 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. 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 capability 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 kind of a rapid-fire game.

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 what 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.

One point there. I do not believe it is overselling aspect of it. When our military leaders come before us and say that the Soviet Union has just launched 50 missiles toward our missile fields 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 armed a few of them and they are even closer to becoming 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, it is the President coming to the Senator and saying, "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 on them."

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 50 missiles toward our missile fields in the Midwest could do. 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 the 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 Oregon, to my friend Mr. Cohen. I do not have at this 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 if they 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.

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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 forces. 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 disagreement.

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 question, 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 as it is right now. I do believe that the Soviets can use cruise missiles as a 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 I believe the Senator is correct that some 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. 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. And that radar invisibility or low observability is just as valuable in the conventional context wherever it is used, or 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 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 25-30 minute delivery time from launch to 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 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 Melucca, 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 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. Am I correct, in the interest 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 colleagues from Maine because he had a cochairing situation. We hope that the Senator from Ohio will follow on after we have heard Senator'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 test airplane. 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 responsibility for the future of the military establishment, 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 which we don’t 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 flown by our aviators. I suspect 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 as a former test pilot. I have, 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. Scovercroft. 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 the final agreement is reached, the two sides agree the B-2 bomber is the most stabilizing element of the nuclear system by 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 cannibalized, 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. The U.S. position is that I have never been able to fathom.

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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 confrontation on the United States must 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 defensive 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. During a crisis additional B-2's can be placed on alert, thereby making it more likely the Soviets would attempt a first strike.

Let us 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 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 far that if they let it slip that their different forces are going to be able to survive. That is what our arms control policy should be moving toward very emphatically.

We are trying 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 an area in the world and back with, I believe it is, one times the number of tankers compared to the B-2 so that the B-1 can fly on 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 insurmountable missions 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 or conventional defenses, I think 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 Adm. 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 hearings yesterday 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 fact, free bombs. Assuming a total force of 123 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 dis-
count was because the United States successfully argued that bom-
bbers, unlike ballistic missiles, cannot always reach their targets be-
cause bombers must penetrate massive defenses. The Soviets have built the
thickest air defense system in the world. Yet the Stealth bomber, as-
sured penetration is one of the strong-
est selling points; in fact, it is the
heart of the argument for this plane. We can throw a spanner in the works of a 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 ac-
countable in a mix of ICBM and sub-
marine-launched missiles 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 offset 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 pene-
trating bombers—B-52 or the B-1.
However, the United States will have
no manned strategic penetrating bomber after the mid-1990’s. Accord-
ing 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-52C
models will be converted to stand-off
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-52G models will have been retired
from the strategic 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 Com-
mand, General Chain, it will be rapid-
ly becoming obsolete in the long run 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 op-
posed, 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 it. Congress, I think, is that it
represents only an evolutionary devel-
opment 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 effec-
tiveness of 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, it might be more, on this time with 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 de-
fense 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 reex-
amine that, depending on what hap-
penes 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 con-
side the consequences and we must con-
cider the alternatives to the
B-2 if we kill the program. The conse-
quencies may affect our strategic posture as well as arms
control considerations.

If Congress does cancel the B-2 or
cripple it so that, in effect, it has to be
cancelled later, we would, as far as I
am concerned, 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 pro-
gram would dwarf that of the B-2.
Cerntainly 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 de-
signed against missiles. We have to
think long and hard before we go out
and spend several hundred billion on a
military defense. If we couple a missile
defense with an air defense system, we
are not 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 we 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
bomber with no defense. That is what 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
START debate. He stood up and said
that we had a strategic priority in
strategic missiles. He went along with
START I but only if we had parity in
strategic missiles in START II. That
had a profound effect. You can argue
it both ways, but it had a profound
effect on our arms control position after
START I in the early 1970's as
well as on our strategic programs.

We are now debating the MX mis-
sile. That was one of the things that
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sile. That was one of the things that
had a profound effect of that nature because of parity in the
strategic nuclear weapons, they do not need a penetrating bomber unless we changed our whole air defense structure and the fact is, the Obama Administration what we have got is a way of changing the way we defend, we do not have the strategic advantage. The second is the stealthy. Stealth becomes a priority because we do not have an air defense system, the stealthy, low-radar observable bomber.

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 have seen. 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 the Soviet Union, if we have 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 each bombers.

I think the Soviet Union is convinced that the Scowcroft Commission was right when they said we need mobility. So 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 which we also have serious problems with our land-based deterrent. That would give us two legs of the track 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 system, and they are building more all the time. But they do not need it—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 Senate is correct, when I said penetrating, when and if I did know that what I was talking about. The stealthy, low-radar observable bomber.

Mr. President, when you consider the priority which we attach to stabilizing strategic systems and consider all the facts and our defense 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. The point I am making is that we can see that our future force posture must emphasize survivability, stability, and flexibility—survivability, stability, and flexibility.

Mr. NUNN. I am very pleased from the broad strategic and arms control perspective, the case for the B-2 bomber is compelling. I repeat, it is not in our interest to cancel the Soviet Union every day to think we might strike them first. I would contend it is not in their strategic interests for us to believe they might strike us first. That is why we are trying to frame something—some of us are 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 good exchange ratio. The other side, at the end of that exchange, is in very bad shape. Of course, it would take a very large exchange and modest exchange to make 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 program 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. 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 dividends 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 every 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 way 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 at the rate 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 performance, I am convinced that procurement of this revolutionary advancement in U.S. bomber capabilities is critical to our strategic arms control objectives.

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.

Seizing 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 supplement his remarks. 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 extra time. 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 communications equipment, flashlights, and rifles. We debate the B-2, MX, and sometimes we forget 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 gentleman 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. 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 not to 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.

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. 1362 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:

(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 cost.

(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 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 $25 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 Secretary to reexamine the force of cruise missiles, soon to be supplemented by the new Stealth cruise missile.

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 already 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 recapture 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.
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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 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.

Mr. GRASSLEY. The PRESIDING OFFICER.

Mr. GRASSLEY. Madam President, 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 would 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 Dixion 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 where the costs and implications are, ups and downs, on other numbers. So I would urge we accept the amendment.

Mr. KENNEDY. I thank the Senator from Massachusetts 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 related to defense procurement and the 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 amendment (No. 399) was agreed to.

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, 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 have to inform us as to what we should view defense reforms here, and the bottom line is: great skepticism.

All rhetoric aside, whether we are talking about procurement reform, the smart money is not on Gorbachev succeeding any more than it was on Khushchev 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, we were not talking about a country with its own culture, its own people 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 administration, but it is imperative that we discuss 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 cancerous cancerous costs and cutbacks 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 undermining 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 been placed in a position to organize 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 cannot forget about. Mr. Fowler assumed the chair.

Mr. GRASSLEY. A couple years ago, then-Secretary Weinberger sent out a DOD-wide directive on management reforms. 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. 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 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 is equally as important, and I would like to provide some specifics for thought by my colleagues.

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. And 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."

Mr. President, as he said that, as you might well recall, I 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 will tell you what the basic problem is. 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.

"BS" to the contractors. 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 begins 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, we have not taken 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 ludicrous a signal as we can ever hope to get, Mr. Chairman, that changes are in order. Let me reiterate that the reforms proposed by Secretary Cheney are the 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, it is an awareness project and a 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 the current DOD budget 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 time—both hand-execution, 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 committees.

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 add two issues only to 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 post-war 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 have not been in 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 the Armed Services Committee at Secretary Cheney's request, 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 deterrence. And if we have a START agreement, that would rise to 50 percent, Mr. President. Today we have 380 strategic bombers in the fleet. If we build only 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 first aircraft is.

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 $226 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 have to spend a lot 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 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 being of the defense against 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, "Why is this a useless mission 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 aircraft 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 us as a psychological deterrent. It is 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 concern of Senator Glenn. All along has taken a very active role in reviewing this problem. 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 have 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 Reserve 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.

The way things are 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:

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 push 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 de-
veloping in the industry.

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 pro-
duction, the F-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 dra-
matic. But how much will all of these new airplanes cost, and will the Navy's budget be able to cover all of them?

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 produc-
tion will occur just after the turn of the century.

Costs were determined for each of the new production planes as shown here. It is difficult to estimate price tags for future aircraft, so very con-
servative 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 re-
sults. Please note that the scale is in billions of dollars. This best illustrates the cost of the entire acquisition of new naval aircraft crisis. And that, Mr. President, is
highly doubtful. We have not seen a program yet where planes have come on line on time. I think that within the mark that we
should recede to the House and not make this a partisan issue, but to stay on the facts and the crisis.

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 on the N-ATF, and that was a good and adequate, and it certainly does not suffice to meet our country's objec-
tives. I ask you, Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, I rise in support of the perfecting amend-
ment 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, Sena-
tor WARNER and the distinguished chairman of the Strategic Forces and Nuclear Deterrence Subcommittee, my friend Senator Nunn, in support of the B-2 bomber program through the author-
ization 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 fore-
most, see it as an extremely important program in the strategic nuclear triad, on which 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 un-
matched 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, I strongly prefer the opponents of the B-2 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

I cannot understand how it is that the people in the Pentagon, even at this time, are still being 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 situa-
tion. It just does not make sense.

So I respectfully ask that the Senate conferes 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 point in time. We do not have a plane 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 objec-
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point out the following cost comparisons: the B-2 is only 20 percent more than the B-1 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 alone.

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 adequate air 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, it will 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 in arms control 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 of its programs. The bottom line is we will not move into full production unless and until we are assured of a proven commodity on a B-2 program.

Mr. President, the committee has trimmed $300 million from the program for the coming year. The $70 million 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 costs of the B-2. We have the effective leverage to do so. Mr. President, I support the committee’s amendment on the B-2.

Mr. ADAMS. Mr. President, today the Senate was given the opportunity to vote on 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 the 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 believe 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 recent history of fanology 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 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 additional testing 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 or any 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 will still not meet its intended capability to recognize that this is not 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 re-called 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. IPOH. 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 and cut it 50 percent 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 recently, only 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 before we invest a small fortune in the B-2 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-2s, 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 current original emphasis on air-worthiness—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 this is a project that can wait. 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 accept the "Stealthy 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. As Senator Glenn said, with the B-1, where we are already paying for electronic countermeasure fixes, demonstrates the problems and the expenses created by excessive concurrency—a willingness to begin procurements before the issue is resolved. And 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 whether 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 assessment which 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 in 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.

Someone may say that 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" test. As far as I can determine, they 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, top 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 Staff Gen. Larry D. Welch told the House committee 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 demon-
strate whether the stealthy characteristics of the B-2 will allow it to evade 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 defense spending 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 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 defenses? If they want to draw 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 less in 1990-91 than in 1989. If we are to have any 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 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 and 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 comprehensive 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 micromanage-
ment and damaging amendments than in past years. Our act responds to President Bush and Secretary Che-
ney’s concern with the budget deficit and the need to cut back on Federal spending. It is free of the kind of destructive arms control amend-
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teer’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 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 forces and implementing 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 forces and implementing the nature and cost of modernizing our carrier forces.

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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 and as part of an overall strategy. But it is the wrong way to go about this, Mr. President.

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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 administration, and of the much more avoidable delays that resulted from this body's failure to complete the Fiscal Year 1989 budget before the President took office.

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 a significant affect on the world's future.

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 by sea and the Royal Navy would not have blockaded us and because of the assistance of the French Navy at Yorktown.

Throughout 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 could use 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 outcome of the current arms control negotiations or 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 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 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 posture 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 these changes to us, but also helps to secure the position of 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 and readiness to deploy to our allies is not helping us allocate 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 important, 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 addressed within 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. As 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 also the 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 ten of the B-2, ATA, ATF, and NATF, 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 a comprehensive reexamination of our power projection forces. We have not yet--deciding how we can 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 key systems such as the AH-64 are needed of both our strategic rationale and balance.

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 increasing 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 secure deployment in 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 the broader power projection mission of 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 Southeast 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 political 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 carriers; but we have reduced the workforce and we may actually have increased them. Accordingly, I seriously question whether we should go on trying to reduce 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 for 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 Reserve equipment and funds that serve the needs of the National interest, 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 asked so little sustainability this year that it was clear that it was preserving force structure at the cost of combat capability. We need to rethink our 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 afraid of cutting 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 need a rational approach that will allow 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 implement-

Mr. President, I would like to thank the chairman of the committee and the ranking member for the job that both did to help 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 pur-

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tion of our goals for this Nation's defense.

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tion to the chairman and ranking member of the committee for that. I also would like to express my apprecia-
tion to the chairman and ranking member 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 Levens, has 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 have the support of 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 have served in the committee, and is indeed a great asset to our committee. We thank the Senator from Arizona.

Mr. President, there are two amend-

ments that we served notice on early this year, one which builds on earlier 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 afraid of cutting 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.

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ed 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 job that both did to help 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 pur-
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 for National Guard and Reserve forces 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 forces. For example, our Reserve units track combat operations cannot succeed in the theater and will hunt those submarines down when the war starts in order to carry out these missions. Without Reserve Forces, the Army 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 Active Army Forces, the Active Army 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 Reserve components and 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 move 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 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 glamorous weapon systems but are the basic elements for combat such as trucks, grenades, night vision goggles, chemical masks, seabase 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.

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 $80 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 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 therefore this is 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 and the National Guard, 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 our nation's combat 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 $184 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. 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 budget have stressed, this 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.

In conclusion, I would like to commend the members of the Armed Services Committee for drafting this bipartisan amendment to provide essential equipment for our Guard and Reserve Forces. I urge all my colleagues to join in supporting this amendment.

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


DEAR NATIONAL GUARD CAUCUS MEMBER:

During floor debate on the National Defense Authorization Act for Fiscal Years 1990 and 1991 (S. 1383), 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 weapons 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 requirements continue, we will see an ever increasing role being played by the Army and Air National Guard. Under the Total Force Policy of 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 warfighting requirements.

The Committee amendment is a very supplemental proposal within the limits of the constraints on the defense budget. The proposed bipartisan equipment for the National Guard and Reserves have become indispensable elements of our conventional warfighting forces. If the bipartisan amendment is not approved, all equipment for the Guard and Reserves as estimated and the floor debate on the amendment.

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,

WINFORD H. FORD.
Chairman.

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 National Guard and Reserve 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
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. 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 is 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 approximately $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.
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 co-sponsor 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 moved unanimously 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. The amendment is as follows:

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 suspended, 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 EMPIRED 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, $12,900,000.

(b) 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 wish to 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 I would like 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 concern 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 summa-

ize some of the major points here.

Mr. President, on June 19, I wrote to the Secretary of Defense Cheney to urge suspension of further B-2 production, until such time as the Air Force has the capability to conduct additional 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 the B-2 on that basis. What I feel is, 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 engineers may be, designing aircraft is an exact science. The sum of all of the different systems will 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.

As the ground and flight test programs proceed, problems requiring changes and modifications on subsequent production aircraft will inevitably occur.

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 for 2 years to correct deficiencies identified in flight test.

Production of the Navy's SH-60P 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 under the direction of the Director of DOD Operational Test and Evaluation, the Air Force 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, 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. Flight 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, now we have the test program running as we have production airplanes coming down the line—just had the first flight. People say, "Well, it flies; it rolls. It seems to be a moving thing, and 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 the committee management 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? So, I referred to the 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 the initial flight test miles—two 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, I do not 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 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 we are going to have. If we held up with these three additional airplanes in the procurement cycle.

Mr. President, I think we need to fly before fly—buy 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 decision makers, 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 keep it in 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 lift on that wing, 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 produce what you call an equivalent rudder force. If we hold up these three additional airplanes in the procurement cycle.
life when I was in the testing business myself. I questioned it. They brought in some more of the test data. Since I needed no more study in that airplane. 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. 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 find difficulties, 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 you get the major weightings of its straight and level flying. They do some maneuvering, some aerodynamic testing. On the second flight they will raise the landing gear. That is fine.

One thing that 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. It will cover the basic handling characteristics, operational flying qualities but 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. This provide all DOD acquisition principals with integrated OT&E input on 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 acquisitions. DOT&E is supposed to do that. It 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 second-generation testing director; he would add that this is not just a testing job that goes on with regard to aircraft. It is all major production buys and across the board for air, ground, sea, and also for whatever the Department of Defense 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 into this 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.

But 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 out 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 committee 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 personnel costs but the estimate to manufacture the airplane, but the current flyaway costs, what it costs in this year now to produce, writing off all 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, the confidence we have that the test program we 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 and vice versa 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 procurement funds may be obligated 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 funds are 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 in 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. So this one is up for 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 on testing programs of all major weapons systems.

Those last things I mentioned here as possible changes are things we have
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 put in. It is a trim cost 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 strike everything that is in the 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 that there are safeguards. 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.

Mr. WARNER. Mr. President, will you explain 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. 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 5 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.

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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 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. 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.

The 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 reductions, which are all listed, and I believe 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 $51 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, a 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 the program does more than just 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 does or 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 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, WASHINGTO, 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 developing and initial operational flight testing and evaluation (DOT&E/IOT&E) data to support continued production. In my opinion this 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 with a high degree of confidence that 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. For the DGH test flight program and more production aircraft are requested in FY 1990/FY 1991, again without any flight test data to support that request. These DOD initiatives are built on the premise that substantial technical risk has been reduced, but no one knows this for certain. More production aircraft are requested in FY 1990/FY 1991, again without any flight test data to support that request. These DOD initiatives are built on the premise that substantial technical risk has been reduced, but no one knows this for certain.

I recognize the need for some concurrency in a major acquisition program, the substantial technical risks and exceeded slope of the B-2A program. I say to you, to quote Mr. Jack Krings, this represents, "empirical flight test results" 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 B-2A to evaluate the B-2A program does or does not prove to be satisfactory. I hope that it is.

This amendment would add $30 million to the authorization bill for the Army's SH-60F ASW helicopter for a total of $1 billion dollars. The C-17 LRIP procurement profile was modified to flight testing can begin and I urge you to support the amendment because I do not think the Army does.

I urge you to suspend all LRIP not under contract until sufficient flight test data is available to support additional LRIP. With 224 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 reflect his approach to the problems that have unmet, 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. NUSSLE. Mr. President, at the time the Senate Armed Services Committee reported the defense authorization bill, the committee also reported a separate measure (S. 1386) 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.

Mr. President, I hope that you will explain this amendment. I will not go into it in great detail, but I want to make a couple of comments.

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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 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 costs 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 small, 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 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 funding. But I would 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 decide what they want us to use. 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 LIEBERMAN, and I 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. President, 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 importantly, that SLBM is a 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 this new era than any 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-47. It states 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-47 should be borne in mind in the discussion of the B-52. How does this compare with our in bomber forces? That is the question that a lot of people ask today, who question this price tag, which price tag, as the leader knows, has basically been information available to
The only purpose is to make sure we have the same amendment, I ask unanimous consent that a modification of my amendment, as agreed upon with Senator NUNN, a modification we have agreed on, be made in order to be offered by Mr. GLENN from Ohio.

The PRESIDING OFFICER. Is there any 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 B-2 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. The Secretary shall submit to the Secretary of Defense an independent assessment 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 submit to the Secretary his independent evaluation of the results of the Block flight testing and forward it to the Secretary of Defense.

(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, it will be our 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 propose 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.
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.

Mr. NUNN. Mr. President, 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 opinion from the infantry of both the Army and Marine Corps. The Marine Corps has taken the position of heavier machineguns. And I do not think 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 us 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 Senator 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.
VOTE ON AMENDMENT (NO. 396), AS AMENDED

Mr. NUNN. 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 National Army 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 prepared an interdepartmental, well-reasoned critique of the report. General Temple concludes that the report does not accurately reflect the capacity and readiness of the Army National Guard to meet 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 growing role of the Guard and Reserve within the total Army and the readiness and mobilization expectations for these forces.

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:


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 National Guard and 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 growing role of the Guard and Reserve within the total Army and the readiness and mobilization expectations for these forces.

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 comments.

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.

The motion 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 motion to lay on the table 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. 400

Mr. NUNN. Mr. President, is the pending business as read?

Mr. DIXON. The pending business is 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, 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. 143 Leg.]

YEAS—99

Matsunaga

NAYS—0

Nunn

VOTE ON AMENDMENT (NO. 400), AS AMENDED

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 motion to lay on the table 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 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 99, nays 1, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—98

Matsunaga

NAYS—0

Matsunaga

VOTE ON AMENDMENT (NO. 401), AS AMENDED

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. 400

Mr. NUNN. Mr. President, is the pending business as read?

Mr. DIXON. The pending business is 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, 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

Matsunaga

NAYS—0
ments on "U.S. Army Guard and Reserve: Rhetoric, Realities, and Risks." 

Sincerely,

WENDEL H. FORD

DEPARTMENT OF THE ARMY AND THE AIR FORCE, NATIONAL GUARD BUREAU

WASHINGTON, DC, June 23, 1989.

Senator WENDEL 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 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 specifically upon the findings, I can respond for the Army Guard. In any event, conclusions relative to the current readiness and capabilities of the Army Guard are entirely separate and distinct from those of the Army National Guard.

The authors would lead one to believe that future mobilization performance of the National Guard is a simple function of a vacuum 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 National Guard in the past decade. The report fails to recognize the basic changes in the Total Force Policy, the cause and effect of the CAPSTONE program, the changes in training intensity, diversity and results, increased resourcing (often mandated) of National Guard units, and constantly improving mobilization preparedness and exercise and continuous overseas deployment training.

One must remember that previous mobilizations were executed before these 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 National Guard units. The initial mobilization efforts of the Army Guard during World War II were 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.

The Army National Guard conducts over 900 unit level mobilization exercises to better prepare Guardsmen and their units for wartime missions. The added emphasis on 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.

The Army National Guard conducts over 900 unit level mobilization exercises to better prepare Guardsmen and their units for wartime missions. The added emphasis on national level mobilization exercises has 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.

Moreover, 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 a significant gap between the Guard and reserve from unit level to the Department of the Army, to insure rapid and effective response to mobilization orders. The Reserve Components' Automated System (RCAS) is being developed to resolve this failing. Prompt implementation and effectiveness is essential to successful future mobilizations.

The conclusion that rapid mobilization is unrealistic—that these units are unable to achieve their wartime missions is important to note that the Army employs a time phased deployment plan to reinforce forward-based US Army units. The Army has leveraged our efforts to support these plans and has developed a time phased deployment plan to reinforce forward based Army elements in the early days of a conflict. This approach is essential to achieving their ability to meet rapid mobilization requirements cannot be satisfied, the Army Guard will always be a time phased deployment plan to reinforce forward based Army units—this is a major readiness achievement. This degree of combat readiness has been achieved through the management of scarce resources and in many instances, has raised our units to levels of combat readiness that can only be sustained through the 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, perhaps managed to exceed 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 reinforcing 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 assure that Guard units can be trained and exercised, reinforced our conviction that Guard units, when adequately resourced, can achieve their wartime reinforcing missions. The Army National Guard is better prepared to meet its wartime missions and to sustain them anywhere in the world. The Army Guard is better prepared to meet its wartime missions and to sustain them 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 the Department of the Army to alleviate critical shortages.

In addition to equipment shortages, in some locations and among certain units, the inadequate strength levels has a detrimental effect on that unit's capability. Where strength requirements cannot be satisfied, the NOB is directed to relocate force structure to locations that can fulfill strength objectives. I have no criticism of the Army's resource management of the Guard and reserve. However, 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 the Guard has demonstrated its ability to employ the equipment effectively.

I am sure many of you have been familiar with 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. 

In my opinion, the Brookings report does not accurately reflect the reliability of 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 to 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 Senator 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.

(Mr. Po. 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. Fischetti; 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. Latore 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 Secretary of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 157 of title 10, United States Code, to authorize Govern­ment procurement of all the services of the uniformed services and Federal civilian employees, and the dependents of such members and employees, in areas outside the United States where pursuit of 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 actual 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 the law, a report concerning the advisability of permanent law permitting the payment of a Defense Attache death gratuity to the survivors of a member of military status; 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 and missile 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, a report on the operations of the Bank for fiscal year 1988; 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 1989; 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 Cuba; 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 establish a Transportation Research Program 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 Programs, Fiscal Years 1989 and 1990"; 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 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-1451. A communication from the Secretary of Energy, transmitting pursuant to law, a report entitled "Comprehensive Program Management Plan for the Federal Ocean Thermal Energy Con­ervation Program; to the Committee on Energy and Natural Resources.

EC-1452. A communication from the Deputy Associate Director for Collection and Disbursement, Mines 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-1453. A communication from the Deputy Director 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 government buildings in Philadelphia; to the Committee on Environ­ment and Public Works.

EC-1454. 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-1455. 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 the operations of the Bank for fiscal year 1989; to the Committee on Banking, Housing, and Urban Affairs.

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 Foreign Relations.

EC-1459. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the first quarterly report of the railroad retirement system; to the Committee on Finance.

EC-1460. A communication from the Chairman of the Board of Foreign Service Officers to the Secretary of State, transmitting a draft of a proposed law to authorize appropriations for the Department of State to carry out certain of its authorities and responsibilities in the context of foreign affairs; to the Committee on Governmental Affairs.

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 context 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 period for the year ending December 31, 1988; to the Committee on Governmental Affairs.

EC-1463. A communication from the Assistant Secretary of 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 as was not covered by the APO and FPO system; to the Committee on Governmental Affairs.

EC-1464. A communication from the Director of Personnel and Pay of the 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, the 1987 Annual Report of the General Services Administration and analysis of executive agencies' reports showing the amount of personal property furnished to non-Federal agencies; 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 for certain posts overseas as was not covered by the APO and FPO system; 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 I 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 (AFNAP) 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 Federally-Administered Programs"; 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 of Education'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 Affairs, 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. 2666. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1989, and for other purposes (Rept. No. 101-83).

By Mr. BYRD, from the Committee on Appropriations, with amendments:


By Mr. CRANSTON, from the Committee on Veterans' Affairs, with amendments:

S. 1243. A bill to amend title 38, United States Code, to establish a retirement and survivor benefit program for judges of the Court of Veterans Appeals, and for other purposes (Rept. No. 101-85).

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 Assistant Secretary of Commerce:

Wade P. 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.

In the above nominations were reported with the recommendation that they be confirmed, subject to the nominee's consent to be requested 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 Nauru.

In the above nominations were reported with the recommendation that they be confirmed, subject to the nominee's consent to be requested to appear and testify before any duly constituted committee of the Senate.

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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:
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 "outstanding contribution."
5. Grandparents, deceased.
6. Brothers and spouses, none.
7. Sisters and spouses, Arlene and Gerry Opplier, 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, amount, date, and donee:
1. Self: $15, Colorado Republicans; $250, Victory '84 Colorado Republican Senators; $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.
2. $1,000, Colorado Elephant Club; $2,000, Fund for America's Future; $10,000, Republican Eagles; $15, Colorado Elephant Club; $200, Friends of Connie Morella; $1,000, Mike Norton for Congress; $100, Martha Ezierd for Senate; $2,897, Colorado Republicans; $1,000, Mike Strang for Congress; $300, Citizens to Re-Elect Pat Grani.
3. $10,000, Republican Eagles; $500, Loefier For Governor; $500, Strang For Congress; $750, Mike Norton for Congress; $100, Hank Brown for Congress; $200, Scheffler for Congress; $300, Hal Krause for Congress; $250, Tony Hope for Congress; $20, Colorado Republicans; $10, Colorado Republicans; $10,000, Congressman Ken Kramer; and $1,000, Congressman Ken Kramer.
4. $25, R.N.C., Heimat fund; $1,000, Colorado Elephant Club; and $300, Don Bain—Mayor.
5. $200, Colorado Republicans; $200, Martha Kreutz; $200, William Griffith Senate; $500, Scheffer for Congress; $200, Pat Grant; $5,000, Colorado Republican Federal Campaign; $1,000, Colorado Republicans; $1,110, Republican Eagles.
6. $1,000, R.N.C., 4 tickets—Susan; $500, W.A. Forbes, reimbursement tickets.

Note.—The above amounts were for Inaugural tickets used by daughter, Susan. There have been no contributions for the month of June.
7. $50, 1988, Republican National Committee.
10. Grandparents, deceased.

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; $2,000, 1985-89, Fund for America's Future, Campbell for Congress.
2. Spouse, $2,000, 1985-89, Fund for America's Future, Campbell for Congress.
4. Parents, George and Gertrude Temple, deceased.
5. Grandparents, Otto and Maude Cregier, deceased. Francis and Amelia Temple, deceased.
6. 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 "outstanding contribution."
7. Sisters and spouses, Arlene and Gerry Opplier, 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:
2. Spouse, Julia V. Taft, none.
5. Grandparents, not available.

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.
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. RASCANS:
S. 1399. A bill to improve forest management and to provide for Federal assistance for first-time displaced homemakers and single parents; to the Committee on Commerce, Science, and Transportation.

By Mr. BOSCHWITZ:
S. 1461. A bill to reduce the number of Federal detainees required to submit to the Congress; to the Committee on Armed Services.

By Mr. BAUTZ:
S. 1462. 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. 1463. 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 of Federal prisoners as federal housing buyers; 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 222 on July 19, 1989; considered and agreed to.

By Mr. MCCAIN (for himself, Mr. HARKIN, 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. 86. 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, and unbridged 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, every sad fact, 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.

This 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 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.

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 80,000. 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 and disciplined 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 forward 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 reimprison 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 drug offenders who dwell among us. Something is dreadfully wrong with this reality, Mr. President.

I urge my colleagues to help restore the freedom and wealth 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 they misunderstand, 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 all members of this body to vote in favor of the prison bill I am about to present.

The need for additional prison space leads us to reprimand and fine criminals, while releasing them into free society as productive citizens.

If money would certainly help, but it is hard to come by. And there are other viable solutions—solutions that are economical.

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I urge all members of this body to vote in favor of the prison bill I am about to present.

The need for additional prison space leads us to reprimand and fine criminals, while releasing them into free society as productive citizens.
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 home-based outpatient clinics, 17 domiciliaries, and 184 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 misallocated for today's eligible population, materials, clinical processes and available clinicians and practitioners. A major review and evaluation of all VA health-care facilities, which would include potential changes in the major mission, is needed to assure that the Veterans Health Services and Research Administration (VHS&A) can continue to provide quality care effectively and efficiently while meeting its goal of affording eligible veterans equitable access to that care.

(c) The cooperation and collaboration between the health-care systems of the Department of Defense and Veterans Affairs pursuant to recent legislation has resulted in numerous "sharing agreements" allowing resources to be utilized more fully. A review, evaluation, and development of recommendations for needed changes in the VHS&A can best be conducted by an independent, bipartisan, broad-based commission. Such a commission, particularly those with health-care leadership and expertise.

SEC. 3. In General.—(a) The Secretary of Veterans Affairs (VA) shall—
(1) realign all medical facilities recommended for realignment by the Commission provided for in section 5 in its report to the Secretary of Defense pursuant to section 4 of this Act; and
(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 necessary 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 change under this section shall terminate or begin May 1, 1989.

(c) In any realignment or change in mission, the Secretary must implement such changes recommended by the Commission in its report.

(d) The Secretary of Veterans Affairs may not carry out any realignment or major mission changes under this Act if, within four months of the transmittal of the report to the Committees on Veterans' Affairs of the Senate and House of Representatives, a joint resolution is enacted in accordance with section 5 of this Act, disapproving all the recommendations of the Commission. The joint resolution shall only provide for disapproval if the Secretary may not delete or amend any recommendation for realigning or changing the major mission of any medical facility. The days on which a joint session is in recess shall be counted in the computation of the 30 days because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the four months period.

(e) 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.

(f) The Commission on Realignment and Major Mission Change.—(a) Membership.—The Commission shall consist of not less than 10 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 Senate;
(B) one member recommended by the Chairman, and one member recommended by the Ranking Minority member, Committee on Veterans' Affairs, United States House of Representatives;
(C) one member recommended by the Association of American Medical Colleges, and another consultation with the Chief Medical Director of the VA.

(2) Two members recommended by veterans' service organizations chartered under title 38, United States Code:
(3) The Chief Medical Director may also recommend members, including—
(A) one member who is a member of the Special Medical Research and Development Account 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 management, or other public service or management, or both, who have had personal experience with the management of health services and research programs, or health-care economics, or policy, or both.

(D) persons representing clinical care, medical research and educational activities, and other programs affected by the Veterans Health Services and Research Administration; and

(e) 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.

(f) 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) identify 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 VA facilities with particular emphasis on the needs of those veterans whose care VA is obligated to provide, specialized health-care needs provided by the facility, the 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.

(g) 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 recommendations of the Commission or 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.

(h) Support.—The Commission is authorized to employ staff and obtain other support services as are necessary to perform its duties. The Secretary of Veterans Affairs may provide the Commission, on request, with support services available, including classroom and research, and may appropriate the Medical Care appropriation account of the Department of Veterans Affairs may be used for expenses incurred by the Commission.

SEC. 4. Review of Commission report.—(a) The Secretary of Veterans Affairs is authorized to—
(1) submit to the Congress 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 realignment or major mission changes under this Act if, within four months of the transmittal of the report to the Committees on Veterans' Affairs of the Senate and House of Representatives, a joint resolution is enacted in accordance with section 5 of this Act, disapproving all the recommendations of the Commission. The joint resolution shall only provide for disapproval if the Secretary may not delete or amend any recommendation for realigning or changing the major mission of any medical facility. The days on which a joint session is in recess shall be counted in the computation of the 30 days because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the four months 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 Senate;
(B) one member recommended by the Chairman, and one member recommended by the Ranking Minority member, Committee on Veterans' Affairs, United States House of Representatives;
(C) one member recommended by the Association of American Medical Colleges, and another consultation with the Chief Medical Director of the VA.

(2) Two members recommended by veterans' service organizations chartered under title 38, United States Code:
(3) The Chief Medical Director may also recommend members, including—
(A) one member who is a member of the Special Medical Research and Development Account 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 management, or other public service or management, or both, who have had personal experience with the management of health services and research programs, or health-care economics, or policy, or both.

(D) persons representing clinical care, medical research and educational activities, and other programs affected by the Veterans Health Services and Research Administration; and

(e) 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.

(f) 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) identify 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 VA facilities with particular emphasis on the needs of those veterans whose care VA is obligated to provide, specialized health-care needs provided by the facility, the 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.

(g) 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 recommendations of the Commission or 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.

(h) Support.—The Commission is authorized to employ staff and obtain other support services as are necessary to perform its duties. The Secretary of Veterans Affairs may provide the Commission, on request, with support services available, including classroom and research, and may appropriate the Medical Care appropriation account of the Department of Veterans Affairs may be used for expenses incurred by the Commission.
Veterans Affairs during the year prior to the enactment of this Act.

Meetings.—(a) 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).

(b) 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.

(c) No member of the Commission or any person employed by or assigned to the Commission by any officer 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 Veterans' 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 appropriated or transferred to the Department of Veterans Affairs for use in planning and design, construction, or operation and maintenance, and the availability of funds transferred pursuant to 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 appropriated or transferred to the Department of Veterans Affairs for economic adjustment assistance or community planning assistance and the availability of funds in the annual budget 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 for such 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 appropriated or transferred 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) Development 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 502(a) of title 38, United States Code.

(2)(A) The Administrator of General Services shall deposit into the fund established under section 9 of this Act all proceeds transferred or disposed of pursuant to this Act equal to the amount estimated by the Administrator to be needed for direct expenses incurred in carrying out the transfer or disposal, as applicable.

(B) Amounts deposited by the Administrator into that fund pursuant to this subsection shall be deposited in the fund established under section 9 of this Act, may carry out this Act without regard to—

(1) any laws restricting the authority of the Secretary to carry out a realignment or major mission change and of the time period within which such funds may be transferred only to the extent or in such amount as are provided in this Act, and

(2) any laws restricting the authority of the Secretary to carry out a realignment or major mission change under this Act as shall be transferred to the miscellaneous receipts account in the United States Treasury.

(c) Economic Adjustment Assistance.—(1) No member of the Commission or any other than officers or employees of the United States until the Secretary of Veterans Affairs transmits to the Committees on Veterans' Affairs of the Senate and House of Representatives the report provided in section 4(a).

(2) Any 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 by any officer 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 Veterans' Affairs of the Senate and House of Representatives the report provided in section 4(a).

(d)リアルイングプランシングアシスタンスおよびコミュニティプランニングアシスタンス.—(1) The Secretary of Veterans Affairs shall deposit into the fund established under section 9 of this Act all proceeds transferred or disposed of pursuant to this Act equal to the amount estimated 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 4(a) of the United States Property and Administrative Services Act of 1949 (40 U.S.C. 485b) 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 in carrying out the transfer or disposal, as applicable.

Amounts deposited by the Administrator into that fund pursuant to this subsection shall be deposited in the fund established under section 9 of this Act, may carry out this Act without regard to—

(1) any laws restricting the authority of the Secretary to carry out a realignment or major mission change and of the time period within which such funds may be transferred only to the extent or in such amount as are provided in this Act, and

(2) any laws restricting the authority of the Secretary to carry out a realignment or major mission change under this Act as shall be transferred to the miscellaneous receipts account in the United States Treasury.

(e) Unobligated funds which remain in the fund established under section 9 of this Act, shall be carried forward from one fiscal year to the next, subject to the availability of funds authorized to be transferred to the fund established under section 9 of this Act, may carry out this Act without regard to—

(1) any laws restricting the authority of the Secretary to carry out a realignment or major mission change and of the time period within which such funds may be transferred only to the extent or in such amount as are provided in this Act, and

(2) any laws restricting the authority of the Secretary to carry out a realignment or major mission change under this Act as 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 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.

(g) Conference report.—(1) The conference report accompanying the conference agreement referred to in section 4(a) of the United States Property and Administrative Services Act of 1949 (40 U.S.C. 485b) shall contain a statement and report by the Secretary of 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.

(h) Conference report.—(1) The conference report accompanying the conference agreement referred to in section 4(a) of the United States Property and Administrative Services Act of 1949 (40 U.S.C. 485b) shall contain a statement and report by the Secretary of 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.

(i) Conference report.—(1) The conference report accompanying the conference agreement referred to in section 4(a) of the United States Property and Administrative Services Act of 1949 (40 U.S.C. 485b) shall contain a statement and report by the Secretary of 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.

(j) Conference report.—(1) The conference report accompanying the conference agreement referred to in section 4(a) of the United States Property and Administrative Services Act of 1949 (40 U.S.C. 485b) shall contain a statement and report by the Secretary of 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.

(k) Conference report.—(1) The conference report accompanying the conference agreement referred to in section 4(a) of the United States Property and Administrative Services Act of 1949 (40 U.S.C. 485b) shall contain a statement and report by the Secretary of 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.
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. A resolution described in subsection (a) or (b) has been discharged (under subsection (c) from further consideration, of such a resolution, it is in order (even though a substantive change of the same nature or 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 same day at which the Motions Committee 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 if 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, then the following procedures 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 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 House shall proceed to final passage of the resolution shall occur.

(4) Appeals from the decisions of the Chairman of the Committee on Rules or from 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.

(5) 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)(I).

(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 the procedure that had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

C. If a resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

D. RULES OF THE SENATE AND HOUSE.—This section is excepted by Congress from—

(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 for that purpose only, but is not applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and to the extent that it is inconsistent with such rules;

(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 that it is inconsistent with such rules.

E. SEC. 11. DEFINITIONS. In this Act:

(a) The term “medical facility” has the same meaning as contained in section 6101(A)(A) of title 38, United States Code.

(b) The term “major mission change” means any substantive change in clinical care, medical research and educational activities, staff, or property of two or more medical facilities, or part thereof, under the jurisdiction of the Secretary, to the extent that it results in any merging of the functions, activities, staff, or property of another medical facility, or part thereof, under the jurisdiction of the Secretary.


Hon. Dan Quayle,
President of the Senate, Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith an amendment 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 to provide a comprehensive medical care at a medical facility, or part thereof, under the jurisdiction of the Secretary. This amendment does any merging of the functions, activities, staff, or property of another medical facility, or part thereof, under the jurisdiction of the Secretary.

Veterans’ Administration, Office of the Administrator of Veterans’ Affairs.

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Veterans’ Administration, Office of the Administrator of Veterans’ Affairs.
mission of providing quality medical care to veterans in the most efficient manner possible. It could result in practical resource shifts within the VA system to meet the health-care needs of our Nation’s veterans.

The Office of Management and Budget advises that there is no objection to the inclusion 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 and major mission change.
States. The disposal of such VA property would not be subject to section 5022A of title 40, United States Code, and 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 a construction project, to report to the Senate and House Committees on Appropriations on 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 balances in this fund after the termination of the Secretary's authority to carry out a realignment or major mission change under this Act 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 transferred or disposed of and any amount remaining in the fund.

Section 10. Congressional Consideration of Commission Report.—Section 10 would require the House of Representatives and the Senate to consider a joint resolution by both Houses of Congress disapproving the recommendation 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

By Mr. SARBANES, for himself,

Mr. President, I am pleased to rise today to introduce the Urban and Community Forestry Act of 1989. This bill recognizes the role of trees in our cities, towns, and communities as improving 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 bill would provide funds specifically appropriated; (2) funds transferred by the Secretary from funds appropriated to the Department, subject to approval in an appropriations act and after written justification to the Senate and House Committees on Appropriations and Veterans' Affairs Committees; and (3) funds from the transfer to the Secretary of the resulting realignment or major mission change under this Act minus the expenses of disposition.

Section 4(a) would authorize the establishment of a separate fund to be available to the Secretary to carry out this 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 appropriations act and after written justification to the Senate and House Committees on Appropriations and Veterans' Affairs Committees; and (3) funds from the transfer to the Secretary of the resulting realignment or major mission change under this Act minus the expenses of disposition.

Subsection (c) would authorize the transfer of any monies in this fund to realigning or changing the major mission of VA medical facilities, economic adjustment, community planning, or implementing the environmental legislation, as described in section 6(a). The Secretary would be required to notify the Senate and House Committees on Appropriations and Veterans' Affairs Committees. 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 a construction project, to report to the Senate and House Committees on Appropriations and Veterans' Affairs on 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 balances in this fund after the termination of the Secretary's authority to carry out a realignment or major mission change under this Act 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 transferred or disposed of and any amount remaining in the fund.

Section 10. Congressional Consideration of Commission Report.—Section 10 would require the House of Representatives and the Senate to consider a joint resolution by both Houses of Congress disapproving the recommendation 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).

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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 appropriations act and after written justification to the Senate and House Committees on Appropriations and Veterans' Affairs Committees; and (3) funds from the transfer to the Secretary of the resulting realignment or major mission change under this Act minus the expenses of disposition.

Subsection (c) would authorize the transfer of any monies in this fund to realigning or changing the major mission of VA medical facilities, economic adjustment, community planning, or implementing the environmental legislation, as described in section 6(a). The Secretary would be required to notify the Senate and House Committees on Appropriations and Veterans' Affairs Committees. 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
WITZ, and BOND.
needed reforms to resolve the
ing problems which the current
votes cast. Their No. 9
Small
system that keeps new products and
for product liability, was voted the No.
omy. We have marked up several bills,
reform, including Federal standards
enact the reasonable reforms such as
strengthens the American economy.
A system that discourages production
of safety products for our children like
This legislation is necessary to level
firms in their efforts
to compete against the upcoming
ational competitors.
Helm, and Bosc-

CHAFEE, COATS, LUGAR, HELMS, BOSCHI-

CONGRESSIONAL RECORD—SENATE
July 25, 1989

try to figure out how to negotiate
among 50 different State laws, foreign
competitors are seeing their own
system become more uniform and pre-
dictable.
Unless we get our act together, prod-
uct liability law will be more stable
and consistent between Great Britain
and Italy than between Wisconsin and
Minnesota.
Europe is coming together as a for-
midable 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 liabil-
ity legislation be adopted. The Federal
nature of this problem has been recog-
nized 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 legisla-
tion 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 in-
cluded in the Record immediately fol-
lowing 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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Sec. 102. Definitions.
Sec. 103. Jurisdiction of Federal courts.
Sec. 104. Effective date.

TITLE II
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ment procedures.
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cedures.

TITLE III
Sec. 301. Civil actions.
Sec. 302. Uniform standards of product
seller liability.
Sec. 303. Uniform standards for award of
punitive damages.
Sec. 304. Uniform time limitations on liabil-
ity.
Sec. 305. Uniform standards for offset of
workers’ compensation benefits.
Sec. 306. Several liability for noneconomic
damages.
Sec. 307. Defenses involving intoxicating al-
cohol or drugs.

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 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 re-
cived (regardless of any right any other
person has or is entitled to assert for
recovery) which are economic, and which
were required to be paid to the claimant, un-
der—
(A) Any Federal law or the laws of any
State other than through a claim for
bodily injury or death;
(B) Any life, health, or accident insurance
or plan, wage or salary continuation plan,
or other income or expense insurance,
or any benefit received or to be
received as a result of participation in any
pre-paid medical plan or Health Mainte-
nance Organization;
(4) “commerce” means trade, traffic, com-
merce, or transportation (A) between a
place in a State and any place outside of
that State, or (B) between places in two or
more States, in interstate or foreign
commerce (whether as commerce or
transportation);
(5) “commercial loss” means economic
injury, whether direct, incidental, or con-
sequent, 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
conforms with the reasonable standards of
professional care and judgment leading to
the discovery of facts necessary for a
plaintiff to prove his case;
(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 compo-
nent 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 as-
pects 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
pro-
duces, 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) “personal injury” means bodily
(12) “product” means any article, com-

(13) “producer” means any person who
creates, makes, or constructs any prod-

(14) “seller” means any person who

(15) “trade” means any transaction in

(16) “uniform” means any pecuniary
loss resulting from harm which is allowed
under State law;

(17) “worker” means any person who
works for hire in a business whose
products are sold to the public;
(11) "person" means any individual, corporation, partnership, 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, 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, prépare, or maintains the harm-causing aspect of a product;

(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 acts in only a financial capacity with respect to the sale of a product; 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, Guam, American Samoa, and any other territory or possession of the United States, or any political subdivision thereof.

The Federal Employees Compensation Act and any provision of law; publishes a rule of law applicable to any such recovery of evidence material to the issue of the appropriate amount of relief, and shall not extend such period for more than sixty 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 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, or for the reason that the defendant was found liable, as well as offset against any fees owed by the claimant to the claimant's attorney by reason of the verdict.

For purposes of this section, attorney's fees shall be calculated on the basis of an hourly rate which shall include reasonable compensation for the claims of a settlement, the court shall reduce the fee by which the claimant has received or will receive collateral benefits.

Title II
Expeditied 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, 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 such conditions 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 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 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, or for the reason that the defendant was found liable, as well as offset against any fees owed by the claimant to the claimant's attorney by reason of the verdict.

For purposes of this section, attorney's fees shall be calculated on the basis of an hourly rate which shall include reasonable compensation for the claims of a settlement, the court shall reduce the fee by which the claimant has received or will receive collateral benefits.

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UNIFORM STANDARDS FOR PRODUCT SELLER LIABILITY

Sect. 301. (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 shall be 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 by the claimant 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, indem­nity, or any other written 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)(2) above, the trier of fact may consider the effect of the conduct of the product seller with respect to the construc­tion of the product, or the use, possession, 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 dan­ger associated with 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 was put into 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 warn­nings 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.

(c) 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.

(e) 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 if—

(1) the manufacturer is subject to service of process under the laws of any State or the District of Columbia, or 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

Sect. 303. (a) Punitive damages may, if otherwise permitted by applicable law, be awarded in any civil action subject to this title to a claimant to the extent that 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 determining among alternative product designs, forms of warnings, or warn­nings that is not 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) Punitive damages shall not be awarded pursuant to this section against a manufac­turor 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; or

(B) the drug is generally recognized as safe and effective pursuant to conditions est­ablished by the Food and Drug Administra­tion and any 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 product's manufacturer or any other agency or official of the Federal Govern­ment information that is material and rele­vant to the performance of such drug or device.

(d) Punitive damages shall not be awarded pursuant to this section against a manufac­turor or product seller which caused the claimant's harm where—

(A) such aircraft was subject to pre­market certification by the Federal Aviation Administration pursuant 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 with all applicable Federal Aviation Administration re­quirements and obligations with respect to continuing airworthiness, including the re­quirement to provide service, flight, and aeronautic information related to airworthiness whether or not such information is used by the Federal Aviation Administration in the preparation, development, or 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 material and relevant to the per­formance or the maintenance or operation of such aircraft.

(e) At the request of the manufacturer or product seller, the court, in a separate proceeding, shall determine in a separate proceeding (1) whether punitive damages are to be awarded and the amount of such award, or (2) the amount of any 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 admitted in any proceeding to determine whether compensatory damages are to be awarded.

(f) In determining the amount of punitive damages, the trier of fact shall consider all relevant evidence, including—

(1) the financial condition of the manufac­turor 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 dam­ges 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

Sect. 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 cause of the harm, and 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.

(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.

(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.

(c) As used in this section, the term—

(1) "time of delivery" means the time when the 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—
  (1) used in a trade or business;
  (2) held for the production of income; or
  (3) held for the production or extraction of a natural resource in a private entity for the production of goods, for training, for demonstration, or for other similar purposes; and

(b) "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 to 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 which prohibits a person who is or would have been entitled to receive compensation under any such law from receiving damages in any civil action for harm caused by a product, the court shall order the claimant to pay to the employer or the 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.

(b) 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, 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, if the manufacturer or product seller has expressly agreed to indemnify or hold an employer harmless for any damages awarded against 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.

(c)(2) 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 which prohibits a person who is or would have been entitled to receive compensation under any such law from receiving damages in any civil action for harm caused by a product, the court shall order the claimant to pay to the employer or the 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.

UNIFORM STANDARDS FOR OFFSET OF WORKERS' COMPENSATION BENEFITS

Sec. 306. (a) In any civil product liability action, the liability of each defendant for noneconomic damages shall be several only 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 trial 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, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation and humiliation;
  (2) "product" 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—
    (1) used in a trade or business;
    (2) held for the production of income; or
    (3) held for the production or extraction of a natural resource in a private entity for the production of goods, for training, for demonstration, or for other similar purposes; and

DEFENSES INVOLVING INTOXICATING ALCOHOL

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 an 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 any drug on 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 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 and the equitable settlement of product liability cases. Unlike a prior Senate bill, it does not place limits on punitive damages.

Uniform Standards for Award of Punitive Damages.—The bill provides 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 proving that punitive damages are warranted. 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 provides a mechanism for the enforcement of the rule by certifying by the FAA and aircraft and the industry and certification by the FAA and the aircraft industry and manufacturers. Further, it provides a mechanism for the enforcement of the rule by certifying by the FAA and aircraft industry and manufacturers.

Uniform Time Limitations.—The bill establishes a uniform rule on the type of misconduct that may result in punitive damages. Unlike a prior Senate bill, it does not place limits on punitive damages.
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.

Section 52: 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 product liability action.

Alcohol and Drugs Defense.—The bill provides that if a claimant's use of alcohol or drugs is responsible for over 50 percent of the claimant's harm, the claimant is given one year after the bill's enactment to bring an action.

Title II: Exempted Product Liability Settlements

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 fails to accept the offer, the court will determine that the manufacturer or product seller will be liable for its share of the court's findings. The court may enter judgment in favor of the defendant if the court determines that the defendant is liable for punitive damages.

The bill does not preempt state law regarding settlements on the amount of punitive damages.

A special provision is included for the few states that allow only punitive damages to be obtained for cases in which a manufacturer or product seller might be harmed by a product. A failure to exercise reasonable care in choosing among alternative solutions, procedures, instructions, or warnings is not, by itself, conduct that may give rise to punitive damages. The bill does not preempt state law regarding settlements on the amount of punitive damages.

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July 25, 1989

CONGRESSIONAL RECORD—SENATE 16055

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 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 intoxicating alcohol or a drug and that condition was more than 50 percent responsible for the 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 our competitive advantage, but is critical to better ensuring our economic future. We must strengthen our education system, reduce our savings rate. We also must spend more on civilian research and development, and encourage the prompt settlement of claims and lower product liability transaction costs.

This confusion can be removed. The tort system often requires plaintiffs in a product liability case to wait more than 5 years for payment. Another 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 21.1 percent were paid less than 1 year after reporting their injury, and 42.4 percent took more than 3 years to be paid.

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 major 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 believe from this 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 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 1988 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 benefitted from this 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 desperate 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 21.1 percent were paid less than 1 year after reporting their injury, and 42.4 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 a third of their losses with losses between $1 and $1,000 received, on the average, 859 percent of their losses, while those with losses of over $1 million received, on the average, 50 percent of their losses. This 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’ guilt, and the idiosyncrasies of jury composition combine to hand similar victims altogether different fates.” The 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 recoveries that fully compensate 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 costs that are 20 to 100 times lower than those of their U.S. counterparts.

False 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 litigation based on rule 68 of the Federal Rules of Civil Procedure. This provision discourages 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 directs the court to calculate the “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 under the Older Americans Act of 1965 is fixed. 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 III—grants to Indian tribes and organizations unable to 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 under both the Older Americans Act of 1965 and 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 report, was to prevent 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 the loss of grant 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.
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. 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 1968 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.

SENOR 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, 100 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 $88,500, 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 bill to increase salaries of the two systems will occur.

The administration’s bill includes a recertification provision. The rationale 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 process cannot constitute a separate process from existing performance appraisal procedures. It is anticipated that where conflicts arise between existing performance appraisal 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 SES 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 they serve a democratic government made up of people who give their dedication and service to the country in exchange for an equitable pay that they deserve.

Mr. President, I ask unanimous consent that the text of this bill and the accompanying transmitted documents be printed following my remarks.
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 GS-15 of the Executive Schedule, 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 tenure), 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 the provisions of 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 of special importance to the Nation. The legislation would also authorize establishment of critical position pay authority by the Director of the Office of Management and Budget, in consultation with the Director of the Office of Personnel Management, and the Director would allocate these 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" and the authority to exercise such authority. The 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, 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 rate for the Executive Schedule under 5 U.S.C. Section 5318, as amended by the Act.

SEC. 4. RECERTIFICATION OF SENIOR EXECUTIVES
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 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 GPM 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 personnel matters. Career employees are guaranteed the right to appeal to the Merit Systems Protection Board from an adverse action taken against them for political or other proscribed purposes.

Subsection (d) of this section provides that the recertification system established in this section shall take effect in January 1990.

THE WHITE HOUSE
OFFICE OF THE PRESS SECRETARY
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 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 porposal submitted by the President to Congress last April (the "Judicial Salary Act of 1989") calling for a 25 percent increase in the pay of Judges 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 in the lower range of private corporation executives. Key scientific, medical, and agricultural jobs remain unfilled due to uncompettitive pay, thus jeopardizing the Nation's ability to attract and retain the skilled and motivated personnel needed to compete with the private sector in the performance of priority Government tasks. In past years, the Government has been able to attract a number of Nobel laureates to Federal employment, but the nation's ability to attract and retain top scientific and technical expertise will be lost to the nation.

The President is taking this action because of his concern over the effect the pay gap has on attracting and retaining 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 Executive branch have declined accept­ance because of low pay and family sacrific­es. Departments and agencies, such as NASA, have lost highly skilled and experi­enced executive positions, 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 linked by a strengthened relation­ship between pay and job performance and a higher level of accountability. This bill accom­plishes those objectives by establishing a performance assessment system for executive positions that would continue to hold their positions only if they met a requirement to demon­strate excellent job performance. This bill also provides for due process and Merrit Sys­tems Protection Board appeal so as to ensure that the new recertification provi­sions are not used for political or other pro­prietary 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 1981, the maximum salary payable would be adjusted annually by the same percentage as that applicable to Executive Schedule salaries.

Salary increase 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, 1980:

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<th>Position</th>
<th>Existing</th>
<th>Proposed</th>
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<tr>
<td>ES-1</td>
<td>76,400</td>
<td>87,500</td>
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<tr>
<td>ES-2</td>
<td>74,900</td>
<td>82,700</td>
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<td>ES-3</td>
<td>81,500</td>
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<td>ES-4</td>
<td>88,700</td>
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<td>ES-5</td>
<td>88,700</td>
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<tr>
<td>ES-6</td>
<td>76,400</td>
<td>90,900</td>
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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 Commissioners, ranks, 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 per­sone­el not certified will have limited appeal rights to the Merit Systems Protection Board to ensure that the action was not a result of political, personal, familial, 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 Veteran’s Affairs Medical Center in Leavenworth, KS, as the “Dwight D. Eisenhower Department of Veterans Affairs Medical Center.” The remainder of this historic facility would be fittingly named. With President Eisen­hower had very close ties with the State of Kansas. In the town of Abilene, KS, can be found not only the Eisenhower 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 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 educated 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 College 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 ex­penditures supported by a strong belief 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.

It is for these reasons that I am pro­posing the renaming of 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 but worked hard 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 College. 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, and was in charge 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 July 25, 1989
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 weapons verification with the Union was

 Senator

brief retirement from active military service during which he served honor. As part of the celebration of Eisenhower's birth, I think the personal feeling for my fellow Kansan, for first-time homebuyers; to the center after one of Kansas' greatest for 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. MATSUZAKA, 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 to purchase a home and 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.

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. MATSUZAKA, 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 re­ired pay concurrently with disability compensation after a reduction in the amount of retired pay.

S. 667

At the request of Mr. MATSUZAKA, 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. CALDER, 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. Tillman] 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. MATSUZAKA, 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 1984 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. 1327
At the request of Mr. Glenn, the name of the Senator from North Dakota (Mr. Conrad) was added as a cosponsor of S. 1327, 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 Intergency 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. 1328
At the request of Mr. Fowler, the name of the Senator from Georgia (Mr. Nunne) was added as a cosponsor of S. 1328, a bill to amend the Internal Revenue Code of 1986 to restore the capital gain component for timber, and for other purposes.

S.1329
At the request of Mr. Pell, the name of the Senator from Maryland (Mr. Sarbanes) was added as a cosponsor of S. 1329, 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. Benten) 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.

S. 1383
At the request of Mr. Specter, the names of the Senator from Pennsylvania (Mr. Heinz) and the Senate 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."

S. 1387
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. Kasembaum) were added as cosponsors of Senate Joint Resolution 140, a joint resolution designating November 19-25, 1989, as "National Family Caregivers Week."

S. 1389
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 Alaska (Mr. Stevens) 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.

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 related 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 the Nation's economic development and stability and employment infrastructure are increasingly dependent on and related 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;

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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 the public enjoys the benefits of a deregulated, cooperatively oriented commercial airline industry;
Whereas it is in the national interest of the United States to redesign, modernize, and continually improve the national air-transportation 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 comprehen- sive national aviation policy; and

Whereas no concurrent resolution has been introduced 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 equita- ble treatment and allocation of revenues re- quired 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 fur- thering the national air transportation system; and

Whereas the Nation's airport and airway system is presently inadequate to meet pro- jected growth in aviation: Now, therefore, be it

Resolved by the Senate (the House of Repre- sentatives concurring), That it is the policy of the United States to provide and maintain for the benefit of all of its citi- zens, a national air transportation system which—

1. Enhances the general welfare, econo- mic growth, and security of the United States;
2. Is fast, safe, efficient, convenient, and at the minimum practical cost;
3. Meets the requirements and encour- ages future growth; and
4. Is free of rules, statutes, 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 consider- ation of the total and specific effects upon 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 for 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 underestim- ated. Fares have decreased as the number of enplanements has grown, and the safety record has improved de- spite the increased air traffic. More people can afford to fly more places more safely than ever before. Yet there are undoubtedly problems asso- ciated with this phenomenal growth.

The growth in traffic has meant in- creasing delays and congestion at our Nation's airports. For a variety of rea- sons, 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, Con- gress will soon be able to get its finan- cial 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 rec- oncile the divergent concerns of Feder- al, State, and local governments, as well as aviation, business, and commu- nity groups. However, I think it is im- portant to emphasize that the right to safe and reliable air service, at reason- able 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 back- bone of our commercial air transportation system. In closing, I would note that a recent survey found that 86 percent of the American people support the estab- lishment of a national aviation policy. Secretary of Transportation Skinner has indicated his interest in develop- ing 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 innov- ative solutions to today's problems, and I believe that establishing a na- tional aviation policy is an important step toward this goal.

Mr. EXON. Mr. President, I am pleased to join with my colleague Sen- ator 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 com- mendable efforts of Secretary of Trans- portation Samuel Skinner to de- velop 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 about the future of their air 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 service and quality of air service and intercity bus serv- ice. The Federal support for both es- sential air service and Amtrak is con- stantly 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 forward to work- ing with them on these goals.

Mr. CONRAD. Mr. President, I am pleased to rise as an original cosponsor of the National Aviation Policy resolu- tion being submitted today by Sena- tors McCAIN and EXON. Air transpor- tation 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 resolu- tion calls for a national aviation policy which I hope will ensure that they are an integral part of our national air transporation 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 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 con- current resolution that emphasizes the special importance of aviation to rural areas.

As my colleagues know, I have ac- tively involved myself in the develop- ment 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, noted at the National Agri-
culture Committee hearing on its rural development bill, “Infrastructure... is clearly our number one need in rural counties.” As action on rural de-
velopment legislation proceeds, it is my hope that the bipartisan rural de-
velopment task force will work with the relevant authorizing committees to
address the rural development needs within their jurisdiction.

Mr. President, I believe the concur-
rent resolution being submitted today is a step in this direction. As many in
this body know, one of the first ques-
tions asked by businesses when decid-
ing 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 selec-
tion. And the recent DOT proposal to
cut essential air service to communi-
ties in North Dakota brought strenu-
ous 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 No-
Vember 1987 air fares from Fargo and Bismarck to the nearest hub air-
port, Minneapolis, increased approxi-
mately 50 percent; air fares from Bis-
marck west to Denver nearly doubled. Between March 1987 and March 1988
significantly less air service existed in North Dakota declined nearly 30 percent. Mr. Presi-
dent, I believe these statistics are re-
lated. If the trend of rapidly rising air
fares continues to plague rural areas,
how are we to attract economic de-
velopment 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 this concurrent resolution being submitted today will draw atten-
tion to these issues. A national avia-
tion policy is necessary to ensure that
the air transportation needs of citizens and communities throughout the
Nation—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 Na-
tion’s commerce. And we must ensure
that our Nation’s air transportation
infrastructure—including small air-
ports as well as large—grows to accom-
modate 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 AUTHORIZI-
ATION ACT FISCAL YEARS 1990 AND 1991

KENNEDY AMENDMENT NO. 389
Mr. KENNEDY proposed an amend-
ment to the bill (S. 1532) to authorize
appropriations for fiscal years 1990
and 1991 for military functions of the
Department of Defense and to pre-
scribe 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. 202. AUTHORIZATION OF APPROPRIA-
tIONS OF ADDITIONAL AMOUNTS FOR
IMPROVED INFANTRY EQUIPMENT.

(a) Authorization.—Funds are hereby au-
thorized to be appropriated for fiscal year
1990 for research, development, test, and
evaluation to increase the effectiveness of
small infantry units through the develop-
ment of improved weapons and equipment
as follows:

For the Army, $10,000,000.
For the Marine Corps, $12,000,000.

(b) Additional Authorization.—Funds
authorized to be appropriated pursuant to
subsection (a) are in addition to funds au-
thorized to be appropriated under section
201.

Mr. GLENN, Mr. WIRTH, Mr. SHELEY,
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. 1532, supra, as follows:

AMENDMENT No. 400
On page 5, after the end of section 104
insert the following:

SEC. 104. RESERVE COMPONENTS.

Funds are hereby authorized to be appro-
priated for fiscal years 1990 and 1991 for
procurement of aircraft, vehicles, communi-
cations 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) $105,400,000 for fiscal year 1990.
(B) $176,800,000 for fiscal year 1991.

(4) For the Navy Reserve:

(A) $144,000,000 for fiscal year 1990.
(B) $156,700,000 for fiscal year 1991.

(5) For the Air Force Reserve:

(A) $177,000,000 for fiscal year 1990.
(B) $179,200,000 for fiscal year 1991.

(6) For the Marine Corps Reserve:

(A) $65,300,000 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. 337. FORCES AS FOLLOWS:

For the Army,

(A) $341,000,000
(B) $179,200,000

For the Marine Corps,

(A) $65,300,000
(B) $341,000,000

For the Air National Guard,

(A) $105,400,000
(B) $176,800,000

For the Army Reserve,

(A) $144,000,000
(B) $156,700,000

For the Navy Reserve,

(A) $177,000,000
(B) $179,200,000

For the Air Force Reserve,

(A) $177,000,000
(B) $179,200,000

For the Marine Corps Reserve,

(A) $65,300,000
(B) $341,000,000

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 nomi-
nations of Linda M. Combs, to be As-
sistant Secretary for Management, De-
partment 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.
Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate 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.

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 Tuesday, July 25, 1989, at 2 p.m. to hold a hearing on emergency medical services.

The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. Todd now has higher hopes. He would like to see DataBeam achieve the popularity that facsimile machines have. He is satisfied with the sales of DataBeam, and they are currently exploring new ways in which corporations can use it. General Electric Co., Pfizer Pharmaceutical Co., and Ashland and C.E. Industries 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 and a light pen and drawing tablet, all the items are built into a wooden cabinet that can be rolled into someone's office if they need the phosphor or the tubes.

"We use it every chance we get," said Herb Hyman, project manager for information systems. He was heading up the project for the Defense Department helping to make the Defense Department helping to make the Defense Department helping to make the Defense Department helping to make the Defense Department helping to make the Defense Department helping to make the Defense Department.

With NASA and Rockwell contracts atDataBeam's "mission critical" and began using it extensively with every launch.

Today NASA and Rockwell have 23 DataBeam systems installed at sites throughout the U.S. and overseas.

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With the NASA contract and orders from the Defense Department helping to make the Defense Department helping to make the Defense Department helping to make the Defense Department helping to make the Defense Department helping to make the Defense Department.

"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, along with a group of Kentsucky-based entrepreneurs.

Todd also owns a portion of Projectron Inc., which makes television picture tubes used in television sets. His company now hopes to expand its business beyond television tubes.

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 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

HONORING HERCULES RETIREES

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who decide to proceed could face years of costly litigation. Prizes-ranging from family farms to the comer grocery store—are a vital certainty and confusion surrounding the business with his child; gives an interest in the business to his child; or to pay the tax collector's bill. Thus, parents 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 late payment of a large part 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 on his or her business interests 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 only an interest; starts a new business with his child; or loans money to a corporation in which his 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 for 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 exaggerated. The 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:

HALF-DOZEN WAYS LESS MEANS MORE IN CAPITAL GAINS

(1) The tax policy is too important to be decided by the comptrollers. 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 year is an example of how low a 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.

(2) 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 revenue effects that would clear up the uncertainty which Congress has heretofore encouraged.

(3) 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 of 28 percent and above is a case in point. It demonstrates the classical "tax anticipation" or "smoothing" effect. Investors would delay buying the stock market until after the tax cut. As a result, the capital-gains tax would be higher.

(4) 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.

(5) Second, "unlocking" gains by reducing the disincentive to sell assets is simply a stimulative 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 investments for 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.

(6) 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 make one-time cash payments, reductions from corporate profits would be reduced and therefore more revenue had from the corporate income tax.

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 revenue effects that would clear up the uncertainty which Congress has heretofore encouraged.
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 in his commencement speech, 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, Chancellor Prete, Chairman Carlotti, President Guardo, Distinguished Guests, Faculty, Graduates, my Friends, my Classmates-

I want to thank you very much for inviting me here to this celebration of learning.

As you look to the future, you wonder, "I wonder where this is all going to go from here?"- because tomorrow does come after this. You've faced it many times—your parents, your spouses—they've worked so hard for all of them.

It's a little bit like that confronted the great jurist Oliver Wendell Holmes. Seems that he once found himself in 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 from here?"

Well, so therefore, where do you go from here? I have no doubt that an exciting future awaits you. But these are also the worst of times.

But these are also the worst of times. Violence in the Middle East continues to rock the Middle World. There is a lingering shadow than ever before. Drug abuse is reaching epidemic proportions in this country and our citizens—many of them—have fallen in such a state. 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 place, 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 things 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 went from a rather uncomfortable transition from a friendly high school into a large institution of higher learning. And there was a feeling of uncertainty and change that was felt in your minds, your distinguished faculty, and your deans, and administrators, you've taken those steps to independence. And today we're here 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 memory of facts, stating numbers and equations—the educational process should contain another issue. And that issue is always thinking—thinking of what is right. Doing what is right. And virtue has three facets to it, three facets: it has courage, and temperance, and justice. And I think that is the classic concept of virtue, stated in an elegant manner:

"On beautiful for pilgrims' feet, Whose stern, Impassioned steps, A thoroughfare for freedom beat. Across the wilderness. America, America."

Confirn 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. Don't be afraid that is a risk. Don't be afraid of failure, fear of the unknown if not overcome or used as motivation are paralyzing and unwarranted. Failure can teach us adapt, reorganize, and succeed. Just think about those who have traveled 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—that early Americans saw the wilderness to conquer. 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 second of what we see in "No man is an island": "Confirm thy soul in self-control. . . . We could talk for an hour about temperance, couldn't we? Thy little garden plough, the little protractor we all 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 sea; if a clod be washed away by the sea, Europe is the less, as well as the promontory, if a man's house were on the mariners of the friend's or thine own were; any man's death diminishes me, because I am a part of mankind. So I think that 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 living, individuals for the benefit of the fellow around us, the fellow person. To make your contribution, move about the national system in elementary and secondary school is stagnant. We have a serious education deficit. In this age of change and rapid technology, we get computer scores of our high school students are compared to theirs in other countries, American students fare poorly. By any measure that you want to put it to it, the national system in elementary and secondary school is stagnant. We have a serious education deficit. In this age of change and rapid technology, we get computer scores of our high school students are compared to theirs in other countries, American students fare poorly. By any measure that you want to put it to it, the national system in elementary and secondary school is stagnant. We have a serious education deficit. In this age of change and rapid technology, we get computer scores of our high school students are compared to theirs in other countries, American students fare poorly.

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 by 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 dollars, our education deficit is at the bottom time after time against the military budget. We could talk for an hour about education deficit—this massive trade deficit—we've got to straighten that out. The budget deficit to 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 then, what will 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 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 future, the future of this nation who could use your help. From becoming a role model for a struggling youth? The possibilities are endless. We must involve ourselves in the educational reform that is moving ahead. I will have the opportunity to take full control over their destiny. As I referred to you earlier, those people are part of the main, our future, the future of 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.

If you were a student, you might never make it into the mainstream because our elementary and secondary educational system is failing them. These young people might never make it into the mainstream of high school. As you know, today 1 out of 4 children drop out of school. And I oftentimes find myself thinking about numbers. I know that I am certain that you're aware of the Hispanic dropout rate—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 human potential, all, the loss of a person, a person that I am interdependent on. If one person fails, I fail.

How do I 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 couldn't 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 these two groups are compared to their peers in other countries, American students fare poorly. 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 by 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 dollars, our education deficit is at the bottom time after time against the military budget. We could talk for an hour about education deficit—this massive trade deficit—we've got to straighten that out. The budget deficit to trade deficit until we solve the education deficit.

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And the president will only give the order to fire when he gets a clear signal that the United States is under attack. 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. 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, which makes the key decision on retaliation. Where is the attack coming from? Headed toward which targets? Pre-emptive attack?

Deploy a defense against Soviet missiles with simple, heat-seeking weapons, similar to the Stingers and Sidewinders used in Alaska to destroy simple, heat-seeking weapons, similar to the Stingers and Sidewinders used in Alaska to destroy Soviet warheads far above the Earth. No "star wars" lasers are involved—just a series of defensive satellites or "smart rocks"—or "brain," known to the specialists as a smart rock, that kills by impact. This is the highest stage of testing and validation and recently received a go-ahead from the Defense Department for development. The system approved by the Strategic Defense Initiative (SDI) chief, aerospace defense system. 

It comprises two layers of "smart rocks"—one orbiting in space and the other on the ground—and costs $60 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 demonstrated the greatest strength of U.S. technology—the micro-minimized computer—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 about 50 pounds. The huge 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 that would never get past the C-cubed network. The attacker arranges a string of warheads to explode in a carefully timed sequence, one after the other, as in a high-speed mass battle. 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 exposed.

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.

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But the U.S. system of defense is, of course, in space, orbiting over the Soviet Union, preventing that from happening because it knocks out the Soviet missiles and warheads near the beginning of their flight. Since the Soviet can't tell beforehand which missiles and warheads are going to be knocked out by the next wave, 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.

One other factor: The ground 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 going to attack. Those that are critical to 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. The command structure will have told the president 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 SDI 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 SDI I, the Soviet will not be able to count on destroying the key U.S. C-cubed sites and retaliatory forces whose elimination 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 SDI I not simply as an upgrade of our defenses, but as a critically important fourth leg of our deterrent—now no longer a triad, but a tetrad.

At $60 billion, the cost of SDI 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, in violation of international law, invaded Cyprus.

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 women's march to protest the continued Turkish occupation of...
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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.

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 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 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 realign and restructure the Federal-aid highway program in 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 said 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 the 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 continued support, and to Dr. Larson for his support.

I have a brief statement concerning my role as Federal Highway Administrator. It should be in the vanguard of highway legislation for 1992 and beyond.

My background is largely in transportation issues to be very impressive.

Dr. Larson's nomination hearing was held by the Committee on Environment and Public Works in July, 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.

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The Environment and Public Works Committee has jurisdiction over the Federal-aid highway program and other transportation issues to be very impressive.

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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, extant 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. 298, 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 Senate resume consideration of the Interior appropriations bill and begin consideration of H.R. 2788, the Interior appropriations 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.

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

As 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.

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.

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 along as soon as possible 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, the extension of the debt limit, and several other bills. I think the President and the Secretary of Treas-
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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 OF 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.

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 officers to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, Section 1777:

To be lieutenant general
LT. GEN. BRUCE R. HARRIS
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.
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, provide a Federal contribution 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, the 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 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. Peter's 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 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 cheer. 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 of the United States of America who were presumed exposed to Agent Orange in Vietnam. These veterans have been subjected to serious health problems and economic burdens as a result of their service. It is time for Congress to provide the support and compensation that these veterans deserve.

This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m. Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
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 prevent other families from going through what they have experienced.

Murder victim No. 242 was a Nebraska boy recently moved to northeast Washington, DC. The rescuers tried to use the 911 call, calling an Iranian taxi driver. Meanwhile the animals run the streets where by day thieves break out the street lights so murder and ging are facilitated by night.

The Hotel and Restaurant Employees Union says, "That's not the way it is here."

The Washington Convention and Visitors Association 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. 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.

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.

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 our leverage to accomplish that goal. I hope that Members will join me in this effort.
Mr. DELLLUMS. 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 reality 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.

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?

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,

Hon. Thomas S. Foley,
Speaker of the House of Representa­
tives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Sec. 723(a)(1)(B) and (C) of Public Law 100­204, 1 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 Washin­
gton, 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 100­204, the Chair appoints the U.S. Commission on Improving the Effec­tiveness of the United Nations the following individuals on the part of the House of Representatives:

the gentleman from Ohio (Mr. Feu­chner).

From the private sector: Mr. Walter Hoffmann, College Park, MD; and Mr. Jerome J. Shestack, Philadelphia, PA.

NATIONAL DEFENSE AUTHORIZ­ATON 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.

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
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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.

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Sec. 323. Improved and expedited disposal of lost, abandoned, or unclaimed military property in the custody of the Armed Forces.

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PART B—BONUSES AND SPECIAL AND INCENTIVE PAY

Sec. 501. Enlistment bonus for members in fields designated as critical.

Sec. 502. Extension of enlistment and retention bonus authorities for Reserve forces.

Sec. 503. Nuclear-qualified officers.

Sec. 504. Lump-sum payment of initial overseas housing costs.

PART C—MILITARY AVIATORS

Sec. 501. Aviation career incentive pay.

Sec. 502. Aviator retention bonuses.

Sec. 503. Reduction in nonoperational flying duty positions.

Sec. 504. Report on minimum service requirement for aviators.

Sec. 505. Report on insurance.

Sec. 506. Report on aviator assignment policies and practices.

PART D—MONTGOMERY GI BILL AMENDMENTS

Sec. 501. Increase in amount payable under Montgomery GI Bill for critical specialties.

Sec. 502. Payments for educational training under Reserve-Component GI Bill.

Sec. 503. Limitation of active guard and Reserve personnel to active-duty programs.

PART E—PERSONNEL AND COMPENSATION TECHNICAL AMENDMENTS

Sec. 501. Technical amendments to military retirement laws.

Sec. 502. Technical amendments to military survivor benefit plan.

Sec. 503. Inducements for former spouses in social security offset provision.

Sec. 504. Repeal of certain obsolete and expired provisions.

Sec. 505. Other technical amendments.

PART F—MISCELLANEOUS

Sec. 501. Military relocation assistance program.

Sec. 502. Report on technical training for recruits and members of the Reserve components.

Sec. 503. Clarification of allowance for transportation of household effects.

Sec. 504. Special duty assignment pay for enlisted members of the National Guard or a Reserve component.

Sec. 505. Extension of test program for reimbursement for adoption expenses.

TITLE VII—HEALTH CARE PROVISIONS

PART A—HEALTH CARE PROFESSIONALS PERSONNEL MATTERS

Sec. 501. Authority to repay loans of certain health professionals who serve in the selected Reserve.

Sec. 502. Revision of military physician special pay structure.

Sec. 503. Accession bonus for registered nurses.

Sec. 504. Incentive pay for nurse anesthetists.

Sec. 505. Nurse officer candidate accessions program.

Sec. 506. Program to increase use of certain nurses by the military departments.

Sec. 507. Grade relief for Navy nurse lieutenant commanders.

PART B—HEALTH CARE MANAGEMENT

Sec. 501. Prohibition on charges for outpatient medical and dental care.

Sec. 502. Sharing of health-care resources with the Department of Veterans Affairs.

Sec. 503. Prohibition on reducing end strength levels for medical personnel as a result of base closures and realignments.

Sec. 504. Revised deadline for the use of diagnosis-related groups for outpatient treatment.

Sec. 505. Armed Forces health professions scholarship program.

Sec. 506. Uniformed Services University of the Health Sciences and Henry M. Jackson Foundation for the advancement of military medicine.

Sec. 507. Retention of funds collected from third-party payers of inpatient care furnished at facilities of the uniformed services.

Sec. 508. Reallocation of certain civilian personnel positions to medical support.

Sec. 509. Codification of appropriation provisions relating to CHAMPUS.

Sec. 510. Clarification and correction of provisions providing health benefits for certain former spouses.

Sec. 511. Reallocation of Naval Reserve rear admirals authorized for health professions.

TITLE VIII—MILITARY CHILD CARE

Sec. 501. Short title; definitions.

Sec. 502. Funding for military child care for fiscal year 1996.

Sec. 503. Child care employees.

Sec. 504. Parent fees.

Sec. 505. Child abuse prevention and safety.

Sec. 506. Parent partnerships with child development centers.

Sec. 507. Report on five-year demand for child care.

Sec. 508. Deadline for regulations.

TITLE IX—ACQUISITION POLICY

Sec. 501. Acquisition laws technical amendments.

Sec. 502. Authority to contract with universities for printing, publishing, and sale of History of the Office of the Secretary of Defense.
Sec. 3304. Authority to dispose of materials in the stockpile for international consumption.

Sec. 3305. Information included in reports to Congress.

Sec. 3306. Changes in stockpile requirements.

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TITLE XXXIV—CIVIL DEFENSE

Sec. 3401. Authorization of appropriations.

DIVISION A—NATIONAL DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT AUTHORIZATIONS

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 the Army National Guard, $75,000,000.

(2) For the Army Reserve, $75,000,000.

(3) For the Navy National Guard, $54,500,000.

(4) For the Air Force Reserve, $255,500,000.

(5) For the Naval Reserve, $240,700,000.

(6) For the Marine Corps Reserve, $80,000,000.

SEC. 102. 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. 103. 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. 104. MULTYEAR AUTHORIZATIONS.

(a) AUTHORIZED MULTYEAR PROCUREMENTS.—The Secretary of the military department concerned may use funds appropriated for fiscal year 1990 to enter into multyear procurement contracts in accordance with section 2306(h) of title 10, United States Code, for the following programs:

(1) ARMED FORCES OF THE UNITED STATES:

(A) The F-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.

(D) REQUIRED MULTYEAR PROCUREMENT.—The Secretary of the Army, using funds appropriated for fiscal year 1990 for procurement of aircraft for the Army, shall enter into a multyear procurement contract for the AH-64 Apache helicopter program.

(E) DENIAL OF CERTAIN MULTYEAR PROCUREMENTS.—The Secretary of the military department concerned may not use funds appropriated for fiscal year 1990 to enter into a multyear procurement contract for any of the following programs:

(1) The E-3C aircraft program.

(2) The FA-18 aircraft program.

(3) The Maverick AGM65 missile program.

SEC. 105. 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(c) of the Department of Defense Authorization Act, 1985 (Public Law 99-57; 99 Stat. 1100), is amended—

(1) by striking out “fiscal years 1988 and 1989” both places it appears and inserting in lieu thereof “fiscal year 1989”; and

(2) by inserting for “December 6, 1978,” the following: “the Memorandum of Understanding for Operations and Support of the NATO Airborne Early Warning and Control Force, as amended 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.”
for the B-2 program.

DEFINED.—For the purposes of this section, the term “congressional defense committees” means the Committees on Armed Services and Appropriations of the Senate and House of Representatives.

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 unless 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, as defined in section 103 of Public Law 100-456, have been met or exceeded or that any waiver or modification to the B-2 performance or test 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 certifications maintained by 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 spare parts and modifications), military operations, management, and maintenance 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, reconnoitering, target acquisition and identification, 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) An assessment of the technical risks associated with the B-2 program, particularly those associated with the avionics systems and components of the aircraft.

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 assessment shall consist of a panel of experts and shall use the available 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 in 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 the B-2 aircraft;

(B) technological capabilities of the Soviet Union;

(C) developments by the Soviet Union of anti-ballistic missile defense;

(D) the ability of the B-2 aircraft to search, identify, and destroy mobile strategic targets.

(2) That the aircraft is capable of performing all the essential missions required to penetrate the air space of the Soviet Union as a manned penetrating bomber.

(3) That the quality assurance practices (other than those that incorporate standards) described in subheading (b) have been met.

(4) That the performance milestones for the B-2 aircraft have been met.

(5) That the requirements for any follow-on aircraft (whether the B-1B or any other) have been met.

(6) That the aircraft is capable of performing all the essential missions required to penetrate the air space of the Soviet Union as a manned penetrating bomber, including the ability of the aircraft to search, identify, and destroy mobile strategic targets.

(7) That, as a result of the incorporation of the recovery program components into the B-2 aircraft, the B-1B aircraft will be able to perform the expected mission for that aircraft under the Single Integrated Operating Plan (SIOP) as a strategic bomber, as defined in section 243 of Public Law 100-180 (101 Stat. 1983); and

(8) 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 221(b) of Public Law 100-456 (102 Stat. 1943).

(c) 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 May 1, 1990.

(d) ACCESS BY THE Conditions.—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.

(e) REPORT ON FUNDS.—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.—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 the 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.

(g) DEFINITIONS.—For purposes of this section:

(1) The term “congressional defense committees” means the Committees on Armed Services and Appropriations of the Senate and House of Representatives.

(2) The term “ALQ-161A CORE program” means the ALQ-161A CORE program and the Radar Warning Receiver program component of the recovery program.

(3) 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 II, III, and IV of the Department of the Air Force Appropriations Act, 1990, 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.

(4) No funds other than those described in paragraphs (1) and (2) may be used for the recovery program.
tions of the Senate and House of Representatives.

For the term "expired or lapse funds" means funds previously appropriated to the Air Force the availability of which for obligation has expired or lapse.

PART C—OTHER PROGRAM LIMITATIONS

SEC. 131. LIMITATIONS ON PROCUREMENT OF VARIOUS AIRCRAFT, MISSILES, AND SYSTEMS.

(a) MC-130H (Combat Talon).—(1) Funds appropriated pursuant to this Act may not be obligated or expended for the procurement of or contract awards for the Advanced Medium-Range Air-to-Air (AMRAAM) missile until the Director of Operational Test and Evaluation certifies in writing to the congressional defense committees 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 Gunshower.—(1) Funds may be obligated or expended after the date of enactment of this Act for contract awards for the procurement of or modification of the AC-130U Gunshower until the Secretary of Defense certifies in writing to the congressional defense committees that the cost of any modification, correction of defects in design, or retrofit that is required to address and to meet established contract specifications and performance requirements for AC-130U Gunshower 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 for future AC-130U Gunshower aircraft.

(2) AMRAAM Missile.—(1) No funds may be obligated or expended after the date of 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 158 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 500 or more production-configured missiles.

(d) OVER-THE-HORIZON BACKSCATTER RADAR (OTH).—(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 certifies, and certifies to the congressional defense committees that aircraft (including the avionics components of the aircraft) meets all contract requirements and performance specifications, including specifications relating to small target detection capabilities.

(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.

SEC. 132. LIMITATIONS ON PROCUREMENT OF VARIOUS AIRCRAFT, MISSILES, AND SYSTEMS.

(a) LAZY-AWAY OF DETROIT ARMY TANK PLANT.—None of the funds appropriated for the Army for fiscal year 1989 may be obligated for long-lead items and nonrecurring costs for the Block II program until such time as the Secretary of Defense approves the LAZY-AWAY of the Detroit Army Tank Plant.

(b) BLOCK II MODIFICATION PROGRAM.—Funds appropriated for the Army for fiscal year 1989 may not be obligated for long-lead items and nonrecurring costs for the Block II modification program for the M-1 tank until the Secretary of Defense approves the program.

(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. 133. LIMITATIONS ON PROCUREMENT OF VARIOUS AIRCRAFT, MISSILES, AND SYSTEMS.

(a) TESTING.—The Secretary of the Army shall carry out a comprehensive 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 form the basis for the Improved Recovery Vehicle.

(b) CONDITIONS ON PROCUREMENT.—The Secretary shall also study all potential modifications to the existing chassis for the M-88 vehicle to form the basis for the Improved Recovery Vehicle.

SEC. 134. LIMITATIONS ON PROCUREMENT OF VARIOUS AIRCRAFT, MISSILES, AND SYSTEMS.

(a) FUNDING FOR Y-22 AIRCRAFT PROGRAM.

Of the amount appropriated for procurement of aircraft for the Navy for fiscal year 1989—

(1) the amount of $157,000,000 shall be available only for the Y-22 aircraft program; and

(2) the amount of $254,000,000 shall be available only for the Y-22 aircraft program.

(b) USE OF FISCAL YEAR 1989 FUNDS.—Of the amount authorized and appropriated for procurement of the chemical demilitarization proposal, $16,300,000 shall be obligated immediately for continued research and development testing of the cryofracture proposal.

SEC. 135. LIMITATIONS ON PROCUREMENT OF VARIOUS AIRCRAFT, MISSILES, AND SYSTEMS.

(a) PROGRAM.—The Secretary of the Navy, to the extent funds are appropriated for the purpose, shall proceed as expeditiously as possible with the project to develop an operational cryofracture facility at the Tuleo Army Depot, Utah.

(b) USE OF FISCAL YEAR 1989 FUNDS.—Of the amount authorized and appropriated for the chemical demilitarization program for fiscal year 1989, $16,300,000 shall be obligated immediately for continued research and development testing of the cryofracture proposal.

SEC. 136. FUNDING FOR Y-22 AIRCRAFT PROGRAM.

Of the amount appropriated for procurement of aircraft for the Navy for fiscal year 1989—

(1) the amount of $157,000,000 shall be available only for the Y-22 aircraft program; and

(2) the amount of $254,000,000 shall be available only for the Y-22 aircraft program.

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.
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 at least 5 percent of the approved quantities established under this subsection.

(b) Low-Rate Initial Production. In determining the degree of concurrency with respect to a major weapon system is procurement under such system in quantities sufficient to include production-configured prototypes required 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 subsection (b) if the Secretary determines such waiver necessary for industrial-base considerations.

(4) The availability of adequate test assets, including facilities.

(5) The feasibility of the transition from development to production.

SEC. 134. SENSE OF CONGRESS ON USE OF SELECTED ACQUISITION REPORTS.$5,858,500,000, of which$55,000,000 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 acquisition of six new production F-14D aircraft manufactured F-14D aircraft in fiscal year 1991.

PART D—WEAPONS ACQUISITION PROCEDURES

SEC. 132. 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 concurrent acquisition strategy for a covered program. 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.

In determining the appropriate low-rate initial production quantity for a major weapons system, the Secretary of Defense may waive the provisions of subsection (b) if the Secretary determines such waiver necessary for industrial-base considerations.

(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) Conforming Amendment. Subsection (d) of section 2230(e) of title 10, United States Code, is amended by inserting "and" and (3) an approved acquisition strategy for a fiscal year under the prior paragraph.

SEC. 133. SENSE OF CONGRESS ON EXPANDING MILITARY TACTICAL TRUCK.

Title II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Part A—AUTHORIZATIONS AND FUNDING FOR SPECIFIC PROGRAMS

SEC. 135. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1990.

Funds are hereby authorized to be appropriated for fiscal year 1990 for the development, test, and evaluation of aircraft and small weapon systems.
SEC. 282. AUTHORIZATIONS FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.

(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 means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 283. REPORT ON PRIOR MILESTONE AUTHORIZATIONS.

Section 216 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1621) is amended by striking out subsections (a)(2), (b)(2), (c)(1)(A), and (c)(2)(B).

SEC. 284. 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 an act of Congress.

SEC. 285. GRANT FOR SEMICONDUCTOR COOPERATIVE RESEARCH PROGRAM.

The amount appropriated pursuant to section 201 for a Defense Agency, $100,000,000 shall be available only to make grants under section 272 of Public Law 100–180.

SEC. 286. FUNDS FOR COOPERATIVE RESEARCH AND DEVELOPMENT PROGRAMS WITH MAJOR NON-NATO ALLIES.

Of the funds appropriated pursuant to section 201 that are available for NATO Cooperative Research and Development programs, not less than 10 percent shall be available for cooperative research and development programs with major non-NATO allies under section 1105 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–441).

SEC. 287. ARMY HEAVY FORCE MODERNIZATION PROGRAM.

(a) Funding.—Of the amount appropriated for fiscal years 1989 and 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 makes a Milestone I decision for that program that includes proceeding with development of Advanced Technology Transition Demonstrators (ATTDs) for a common chassis for that program; and
(2) after such decision, the Secretary of Defense submits a report to the Committee 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 production, and for operational capabilities, of 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 C—OTHER PROGRAMS

SEC. 292. 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.

(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 under any direct contract with the Department of Defense on etiological agents not listed in the Center for Disease Control Guidelines.

(d) Definitions.—In this section, the term "biosafety level" means the applicable biosafety level described in the publication entitled "Biosafety in Microbiological and Biomedical Laboratories" (CDC-NIH, 1984).

SEC. 293. 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. 294. REVISION OF COMPETITION REQUIREMENT FOR AWARD OF GRANTS AND CONTRACTS TO COLLEGES AND UNIVERSITIES TO SUPPORT AN INSTITUTE OF TECHNOLOGY.

(a) Competition Requirement.—Subsection (a) of section 2381 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—".

(4) The Secretary shall select the weapon system as specified in subsection (c) of this title, and funding shall be appropriated for fiscal year 1990 for the purchase or other acquisition of the weapon system selected, and for the operation, administration, and maintenance of such weapon system as specified in subsection (c) of this title.

(5) The number of scheduled and completed operational tests and evaluations referred to in section 2547 of title 10, United States Code, shall be provided under the direction of the Secretary of Defense for purposes described in subsection (a) and (b) of this section.

(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 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); and

(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.

(D) HUMANITARIAN RELIEF LAWS.—The humanitarian relief laws referred to in paragraphs (1), (2), and (3) are the following:


(D) REPEAL OF SUPERSEDED REPORT REQUIREMENT.—Section 302 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1948), is hereby repealed.
SEC. 320. ARMY AVIATION FLIGHT FACILITY AT JACKSONVILLE, TENNESSEE.

(a) ESTABLISHMENT.—The Secretary of the Army shall establish an Army Aviation Flight Facility at McKeffer Field in Jackson­ville, Tennessee.

(b) AMOUNTS AUTHORIZED.—Of the amount appropriated pursuant to section 301 for fiscal year 1990 for operation and mainte­nance of National Guard, the amount of $30,000 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. 320A. 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 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 quality 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 by which the Secretary will select recipients for assistance under subsection (a).

(c) REPORT ON IMPACT ACT.—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 de­creased costs of res training of the Secretary of Defense by October 1, 1991, impact aid re­sponsibilities for schools impacted by De­part­ment of Defense activities at the request of the Secretary of Defense.

SEC. 320B. 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 cooperation 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.—With respect to contracts for services performed outside the United States—

(1) Section 232(b)(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 located in that country as a result of the transfer to the government of the country of the contracting function of the United States Government in the country.";

(2) Subparagraph (N) of section 232(e)(11) of title 10, United States Code, is amended—

(A) by striking with respect to any covered contract (as defined in such section) entered into after the date of the enactment of this Act and

(B) 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 Department of Defense under chapter 142 of title 10, United States Code, 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.

"§ 1592 of title 10, United States Code, as added by paragraph (1), shall apply with respect to the Department of Defense under a service contract entered into 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 United States contractor or subcontractor of the United States is terminated as a result of the closure or curtailment; and

(2) in the event of a country-to-country 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 of that country.

(b) Hiring for Base Civil Engineering Offices.—If the Secretary of Defense determines that the number of civilian personnel at the base civil engineering offices being established in the San Antonio area, the Secretary shall notify the Director of the 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. 312. PROHIBITION ON JOINT USE OF THE AIRPORT AT EL TORO, CALIFORNIA, WITH CIVIL AVIATION.

The Secretary of the Navy may not enter into any agreement that would promote, or permit, civil aircraft to use the Marine Corps Air Station at El Toro, California, with aircraft of the Navy or Marine Corps.

SEC. 312A. CLARIFICATION OF PROHIBITION ON CERTAIN 최근 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. 312B. LIMITATION ON USE OF ENVIRONMENTAL RESTORATION FUNDING.

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 Secretary has obligated or expended the amount appropriated for such purpose has been spent.

PART C—MISCELLANEOUS PERMANENT LAW CHANGES

SEC. 321. REPEAL OF LIMITATION ON THE EXPENDITURE OF FUNDS.

Section 1101(a) of title 37, 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.

SEC. 340. ARMED FORCES PERSONNEL IN THE COUNTRY OF A FOREIGN NATION.

(a) Prohibition.—(1) During the period be­tween the date of the enactment of this Act and the date on which the Secretary of the United States, by announcement in the Federal Register, determines that the United States, the Secretary may not terminate the employ­ment of any person employed by or on behalf of the United States as a non-defense temporary employee of the Department of Defense employed at that agency.

(b) 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.

SEC. 350. CONTRACTS PERFORMED BY UNITED STATES GOVERNMENT CONTRACTORS FOR SERVICES OR MAT­TER_IMPORTED FROM A FOREIGN COUNTRY.

(a) General.—(1) Subsection (a) of section 2575 of title 10, United States Code, is amended—

(2) by inserting after the words "of the total amount appropriated under section 301 for environ­mental restoration for fiscal year 1990 under 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 sold under this subsection by the amount of that rate attributable to operating expenses.”.

(b) Improved and Expidited Disposal of Lost, Abandoned, or Unclaimed Personal Property in the Custody of the Secretary of Defense.

(1) by striking out “or entitled members” and all that follows through the period in the first sentence and inserting in lieu there­of—"and entitled 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 sold under this subsec­tion by the amount of that rate attributable to operating expenses.”.

SEC. 352. IMPROVED AND EXPEDITED DISPOSAL OF LOST, ABANDONED, OR UNCLAIMED PERSONAL PROPERTY IN THE CUSTODY OF THE SECRETARY OF DEFENSE.

(a) In General.—Subsection (a) of section 2575 of title 10, United States Code, is amended—

SEC. 353. DESIGNATION OF A PARTITION OF DEVELOPING COUNTRIES IN COMBINED EXERCISES.

Section 1010 of title 10, United States Code, is amended by striking out subsection (e).

SEC. 354. AUTHORIZATION TO REDUCE UNDER CERTAIN CIRCUMSTANCES THE RATES FOR MEALS SOLD AT A MILITARY DINING FACILITY.

SEC. 355. REVISING THE SUBMISSION OF PRODUCTION AND EXPENDITURE REPORTS.

Section 1010(a) of title 37, United States Code, is amended.—

(1) by striking out “or entitled members” and all that follows through the period in the first sentence and inserting in lieu thereof—“and entitled 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 sold under this subsec­tion by the amount of that rate attributable to operating expenses.”.

SEC. 356. IMPROVED AND EXPEDITED DISPOSAL OF LOST, ABANDONED, OR UNCLAIMED PERSONAL PROPERTY IN THE CUSTODY OF THE SECRETARY OF DEFENSE.
SEC. 324. 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.

(c) Services provided under a contract entered into under subsection (a) may not depart from the types of services regularly provided by the exchange store.

SEC. 325. TUTION-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 1413(2) of such Act (20 U.S.C. 9321(2)) is amended by striking out "section 1413(2) of such Act" and inserting in lieu thereof "section 1414(2) of such Act (20 U.S.C. 9321(2))".

(b) EFFECTIVE DATE.—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 "(including employees of nonappropriated fund activities of the Department of Defense)" in subparagraph (A) and in subparagraph (B) of section 1414(2).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to periods of the academic year following the academic year in which the amendments take effect.

SEC. 326. AUTHORITY TO PROVIDE APPROPRIATED FUNDS TO SUPPORT STUDENT MEAL PROGRAMS IN 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.

(b) EFFECTIVE DATE.—Section 2243 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1989.

SEC. 327. COMMERCIAL SALE OF RECORDINGS BY 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 with such other persons as the Secretary determines to be in the best interest of the Government, for the production and sale authorized by subsection (a).

SEC. 328. 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 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 United States.

(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 to a location in the United States.
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 of Defense;

(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.

The data at the beginning of subchapter II of such chapter is amended by adding at the end the following new item:

"2254. National military associations: as defined in section 1401 of title 10, United States Code, as added by subsection (a), shall be treated as small business concerns at national conventions."

SEC. 468. Military installations: authority of base commanders over contracting for commercial activities.

(a) IN GENERAL.—Chapter 146 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1989.

(b) EFFECTIVE DATE.—Section 2254 of title 10, United States Code, as added by subsection (a), shall apply with respect to appropriations for the operation of the United States Soldiers' and Airmen's Home for fiscal years beginning after September 30, 1990.

SEC. 352. MILITARY STOPPAGES, FINES, AND FORFEITURES FOR ARMED FORCES RETIREMENT HOMES.

(a) IN GENERAL.—(1) Subchapter XI of chapter 47 of title 10, United States Code (known as "the Uniformed Services Home Civilian Employees Act of 1980") 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.

(2) The Secretary of the Army and the Secretary of the Air Force shall deposit in the United States Soldiers' and Airmen's Home Fund specified in section 1321(a)(4)(F) of title 31, United States Code, the share of stoppages, fines, and forfeitures collected by the Secretary of the Army under section 2461 of title 10, United States Code, as added by subsection (a), shall be deposited in the United States Soldiers' and Airmen's Home Fund specified in section 1321(a)(4)(F) of title 31, United States Code.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to stoppages, fines, and forfeitures 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.

(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) 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 against a member of the Army or the Air Force after the date of the enactment of this Act.

SEC. 353. COMMERCIAL ACTIVITIES STUDY FOR BASE SUPPORT OPERATIONS AT FORT BENJAMIN HARRISON.

(a) STUDY.—The Secretary of the Army shall conduct a study of commercial activities carried out by Government personnel at Fort Benjamin Harrison, Indiana, in order to determine which commercial activities can be performed by private contractors and which are best performed by Government personnel.

(b) EFFECTIVE DATE.—Section 2461 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1989.

SEC. 354. COMMERCIAL ACTIVITIES STUDY FOR MILITARY INSTALLATIONS.

(a) STUDY.—The Secretary of the Army shall conduct a study of commercial activities determined to be suitable for performance by private contractors after the date of the enactment of this Act.

(b) EFFECTIVE DATE.—Section 2461 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1989.

SEC. 355. MILITARY INSTALLATIONS: AUTHORITY OF BASE COMMANDERS OVER CONTRACTING FOR COMMERCIAL ACTIVITIES.

(a) IN GENERAL.—Section 1321(l)(a)(1)(F) of title 31, United States Code, shall not apply to a military installation to prevent a base commander from transacting contracts for commercial activities described in subsection (b).

(b) EFFECTIVE DATE.—Section 2461 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1989.

SEC. 356. COMMERCIAL ACTIVITIES STUDY FOR HELICOPTER MWINNERS' WORKSHOPS.

(a) STUDY.—The Secretary of the Army shall conduct a study of the activities performed by Government personnel on military installations.

(b) EFFECTIVE DATE.—Section 2461 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1989.
SEC. 352. 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:

"(a) 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 establish and determine a time determined amount to be deducted under paragraph (1) on the basis of the financial needs of the home. The amount so determined shall be fixed at amounts on the basis of grade or time in service, or both.

(1) 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 (a) of section 1007 of title 37, 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) with respect to the administration and management of that retirement home, the Secretary of Defense, and the Committees on Armed Services of the Senate and House of Representatives, 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) 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 include 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 services.

(d) EXPENSES OF PREPARATION.—The expenses of preparing the report required by subsection (a) shall be paid in equal amounts from the funds available for the operation of the Naval Home and the United States Soldiers' and Airmen's Home.

(e) TIME OF SUBMISSION.—The report required by subsection (a) shall be submitted not later than February 15, 1990.

SEC. 356. DEFINITIONS.

For purposes of this section:

(1) the term "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; and

(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. 446c, 51).


(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 169 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.

(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 Congress 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 fiscal year 1989.

SEC. 362. REPORT ON DEFENSE EXPENDITURES FOR ENVIRONMENTAL COMPLIANCE.

(a) REQUIREMENT.—Section 2705(b) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "The Secretary of Defense in subsection (a)"); and

(2) by striking the subsection heading of subsection (b) and redesignating such subsection as paragraph (2); and

(b) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), subsection (a) of section 2705(b) of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1989.

(2) With respect to the budget for any fiscal year for which the Secretary submits a report required by subsection (a), the Secretary shall submit to Congress a report on—

(A) the funding levels required for the Department of Defense for purposes of complying 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 to Congress.

SEC. 3706. REPORTS TO CONGRESS.

(1) 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. 3707. FIVE-YEAR ENVIRONMENTAL RESTORATION AT Bases TO BE CLOSED.

(a) PLAN.—The Secretary of Defense shall develop and submit to Congress 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 100-280). The plan shall cover—

(A) the environmental restoration activities that the Secretary plans to carry out each year at the installations;

(B) the funding requirements needed for such activities; and

(C) such other information as the Secretary 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 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. 3711. ENVIRONMENTAL REPORT.
(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 proposed authorization. (c) Federal facility agreement.—The federal facility agreement referred to in subsection (a) is the agreement entered into pursuant to section 129 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620), Docket No. CERCLA VIII-83-13, effective February 17, 1983, concerning Rocky Mountain Arsenal. The goal expressed in paragraph 2.6 of such agreement is that, following completion of necessary response actions, the portion 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 the 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 commissaries 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 for recycling 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 recruiting 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 WHERE THE UNITED STATES PERSONNEL 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 any part of the proposal; and (2) in preparing the annual budget request for the President for fiscal year 1990, and any related 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 (3) in preparing the budget request referred to in paragraph (1), the Secretary of the Army should achieve the reduction by the number of personnel in the Army— (A) whose permanent duty assignment on the date of the enactment of this Act is unrelated to intermediate-range nuclear forces and are unnecessary as a result of the Treaty between the United States of America and the 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, training, holding, or student.

SEC. 374. Sense of Congress that the number of units of the Armed Forces stationed in the Continents and European Territories. 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 a military installation of the United States should not be deactivated unless a realignment of forces occurs as a result of the current negotiations regarding reduction of combat 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, 561,541, of whom not less than 72,493 shall be commissioned officers. (3) The Marine Corps, 153,159. (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, as follows: (1) The Army, 764,021. (2) The Navy, 561,541, of whom not less than 72,493 shall be commissioned officers. (3) The Marine Corps, 153,159. (4) The Air Force, 567,474.

(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

"Grade Army Navy Air Force Marine Corps
E-9 ........................ 542 200 224 13
E-8 ........................ 2,044 425 637 74"

(2) Effective on October 1, 1989, that table is amended to read as follows:

"Grade Army Navy Air Force Marine Corps
E-9 ........................ 557 262 231 13
E-8 ........................ 2,585 429 679 74"

(2) Officer.—(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
Captain............ 351 188 190 25"

(2) Effective on October 1, 1989, that table is amended to read as follows:

"Grade Army Navy Air Force Marine Corps
Major or Lieutenant
Commander........ 3,219 1,071 575 116
Lieutenant
Colonel or
Commander....... 1,524 520 532 76
Colonel or Navy
Captain.......... 364 188 194 25"

PART C—MILITARY TRAINING STUDENT LOADS
SEC. 411. 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:

(2) The Navy, 67,234.
(3) The Marine Corps, 21,656.
(7) The Navy Reserve, 2,337.
(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, 3,255.
(9) The Air National Guard of the United States, 2,939.
(10) The Air Force Reserve, 1,774.

(c) Adjustments.—The average military training 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 determine the manner in which such adjustment shall be apportioned.

PART D—AUTHORIZATIONS OF APPROPRIATIONS
SEC. 412. 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. 413. 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 for fiscal year 1990 a total of $2,377,900,000.

TITLE V—PERSONNEL MANAGEMENT
SEC. 481. 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 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 (4) or (5) of section 601(d)(1)(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 Reserve Selective Service Training Requirements.—Section 2706(a) of title 10, United States Code, is amended by inserting "or 511(e)" after "section 263(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) The period of service is the period during which the member begins or is engaged in the performance of active duty under section 67 of this title or in a full-time National Guard duty and

(b) Service performed while a member of a reserve component under an enlistment which ends on or before the date on which the member begins service or is engaged in the performance of active duty under section 67 of this title, and

(c) Service performed while a member of a reserve component under an enlistment which ends on or before the date on which the title 37, United States Code, is amended as follows:


(c) EXTENSION OF AUTHORITY TO MAKE TEMPORARY PROMOTIONS OF CERTAIN NAVY LIENUTENANTS. Section 5723(f) of title 10, United States Code, is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

(d) EXTENSION OF SINGLE-PARENT ENLISTMENT AUTHORITY IN RESERVE COMPONENTS. Section 532(d) of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 9460 note) is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1990".

(e) 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) REPORTS OF 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 of the active component, a statement of the number of officers on active duty or full-time National Guard duty, the following:

(1) The number of those officers during fiscal years 1982 through 1995, shown by the number and percentage of that change from 30, 1989 and each of fiscal years 1993 through 1996.

(3) The projected requirements of the Department of Defense for such officers during fiscal year 1982 and each of fiscal years 1993 through 1996.

(f) 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.

(g) 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:

"433. Allowance for muster duty.

SEC. 592. 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:

"843. Allowance for muster duty.

"(a) Under uniform regulations prescribed by the Secretary of Defense, 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 disallowed 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 any other active duty under section 691.

SEC. 593. ANNUAL MUSTER DUTY FOR THE NATIONAL GUARD OF THE UNITED STATES.—The report shall 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 1988 through 1988.

(2) The requirements of each of the Armed Forces for such officers for each of the fiscal years shown by the number and percentage of that change from 30, 1989 and each of fiscal years 1993 through 1996.
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, notwithstanding any law respecting the sale of defense articles or services to another nation, to the extent that applicable appropriations for military departmental activities 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 section:

"983. Assignment to duty in connection with foreign military sales programs: reimbursement of appropriations.

"Any States Code, is amended by inserting before Army Act (or assignments to become effective September 30, 1990) and inserting in lieu thereof "September 30, 1995".

"SEC. 612. EXTENSION OF ENLISTMENT AND REENLISTMENT AUTHORITIES FOR RESERVE FORCES.

Sections 308(b)(g), 308(c)(f), 308(e)(l), 308(g)(h), 308(h)(g), and 308(l)(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-CERTIFIED OFFICERS.

Exemptions for NUCLEAR-CERTIFIED 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".

"SEC. 614. NUCLEAR CAREER ACHIEVEMENT BONUS PROGRAM.—Section 312(b)(2) of title 10, United States Code, is amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1995".

"SEC. 615. LUMP-SUM PAYMENT OF INITIAL OVERSEAS ALLOWANCE.—Section 301a(b)(1) of title 37, United States Code, is amended by adding at the end the following new subsection:

"(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 payments incurred after August 31, 1990.

"PART C—MILITARY AVIATORS

"SEC. 821. AVIATION CAREER INCENTIVE PAY.

(a) Entitlement Requirements.—(1) Section 301a(b)(1) 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 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(h)(5) of such title is amended by inserting after the second 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 the prescribed operational flying duty requirements without 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(b)(1) 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 265 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 13 | $585 |
| Over 20 | 495 |
| Over 32 | 325 |
| Over 45 | 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"; and

"(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:

"(1) The Secretary of Defense shall submit a report to the Congress before October 1 of each year specifying—

"(i) the total number of officers during the preceding fiscal year who were determined under subsection (a) to have failed to perform those requirements; and

"(ii) the reasons for each waiver under subsection (a) of those requirements.

"(3) 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 (a) 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 the service.

"(3) If the Secretary of a military department delays under paragraph (2) the implementation of the amendment made by subsection (a) 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 the service, and

"(D) During the delay in implementation, the provisons of section 381a of title 37, United States Code, as in effect on September 30, 1990, and as amended by subsection (c), shall continue to apply in the case of such department to the payment of aviation
tion career incentive pay under such section.

RENT

“§301b. Special Service Retirement Bonus.

(a) Extension and Codification of Current Program.—Section 301b of title 37, United States Code, is amended to read as follows: H.R. 16941

SEC. 421. AVIATOR RETENTION BONUSES.

SEC. 418. Special pay: aviation career officers extending period of active duty

“(1) $12,000 for each year covered by the written agreement, if the officer agrees to remain in commission for complete 14 years of commissioned service, or

“(2) $8,000 for each year covered by the written agreement, if the officer agrees to remain in commission for complete 6 years of commissioned service.

(c) Payment of Bonus.—Upon the acceptance of a written agreement under subsection (a) and the amount of the bonus under subsection (a), the Secretary concerned may require the officer to repay the United States, on a pro rata basis and under terms and conditions specified in the written agreement, all sums paid under this section.

(i) Addenda.—(1) $12,000

(j) Limitation on Fiscal Year.—(1) The total amount of payments made under this section to officers of the Air Force during fiscal year 1992 may not exceed $78,000,000.

(2) The total amount of payments made under this section to officers of the Navy and Marine Corps during fiscal year 1992 may not exceed $30,000,000.

(e) 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 301afa of title 37, United States Code.

(b) Conforming Amendment.—Section 611 of the National Defense Authorization Act, Fiscal Year 1988 (Public Law 100-456, 102 Stat. 1777), is amended by striking 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, 1988), and, except as provided in this subsection, the terms as in effect on such date shall continue to apply with respect to such agreement.

(2) For pay periods beginning after September 30, 1988, 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 301b(a) of such title and corresponding to the years of aviation service or years of service as an officer of the office.

SEC. 419. REDUCTION IN NONOPERATIONAL 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 five 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, 1991.

(b) Limitation on Increases in Nonoperational Duty Positions After Fiscal Year 1981.—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 that part—

(a) requires the assignment of an aviator; and

(b) does not include operational flying duty (as defined in section 301(a)(16)(A) of title 37, United States Code).

SEC. 824. 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 adequacy of the minimum active duty obligations imposed on aviation officers.

(b) DEFINITION.—For purposes of subsection (a), the term "active duty obligation" means the number of hours worked after completion of undergraduate training in an aviation specialty.

SEC. 825. REPORT ON INSURANCE.

(a) REPORT REQUIRED.—Not later than February 15, 1989, 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 Service Employees International Union Life Insurance program and the practicability 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 "flying duty" has the meaning given to that term in section 301(a)(16)(A) of title 37, United States Code.

SEC. 826. REPORT ON AVIATOR ASSIGNMENT POLICIES AND PRACTICES.

Not later than February 15, 1989, 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 how practices are followed in accommodating the assignment preferences of aviators within operational needs of the Armed Forces.

PART D—MONTGOMERY GI BILL AMENDMENTS

SEC. 831. INCREASE TO GI BILL ELIGIBLE UNDER MONTGOMERY GI BILL FOR CRITICAL SPECIALTIES.

(a) INCREASE.—Section 1451(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, 1988.

SEC. 832. PAYMENTS FOR VOCATIONAL-TECHNICAL TRAINING UNDER RESERVE COMPOSITE TRAINING UNITS.

(a) IN GENERAL.—Section 3231(c) of title 10, United States Code, is amended—

(1) by striking out "Secretary of Veterans Affairs," after "Secretary of Defense"; and

(2) by inserting "Secretary of the Army," before "and Secretary of Veterans Affairs,".
SEC. 611. TECHNICAL AMENDMENTS TO MILITARY RETIREMENT LAWS.

(a) CLARIFICATION OF COMPUTATION OF RETIRED PAY UNDER HIGH-THREE SYSTEM.—Section 1452f(1)(A), 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 RETIRED PAY FOR REGULAR SERVICE.—

"(1) GENERAL RULE.—The high-three average of a member for the months of service referred to in paragraph (2) is the average of all the months of service of the member for which the high-three average of the member is being computed, divided by the number of months of such service.

"(2) SPECIAL RULE FOR SHORT-TERM DISABILITY RETIREES.—In the case of a member who is entitled to retired pay under section 1201 or 1205 of this title and who is a member for less than 36 months before being retired under section 1410 of this title, 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 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.

"(C) in subsection (f), by inserting "or high-36 months" for "high-36 months";

"(D) in paragraph (2) of subsection (c), by striking out "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 high-three average is being computed, divided by the number of months (including any fraction thereof) which the member was entitled before being so retired)" and inserting in lieu thereof the following:

"the months of active service of the member 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 the number of months (including any fraction thereof) which the member was a member before being so retired; (ii) and inserting in lieu thereof "would be"; and

"(E) in paragraph (4), after inserting in lieu thereof "member before being so retired", inserting "or former member before being so retired", and in paragraphs (3)(A) and (C) by striking out "who first became a member of a uniformed service before September 8, 1980" after "of this title".

"(3) INCLUSION OF FORERUNNER OF FORMERLY ENTITLED TO RETIRED PAY.—Chapter 71 of title 10, United States Code, is amended as follows:

"(A) TITLE 10.—Title 10, United States Code, is amended by inserting "(as the amount is adjusted from time to time under section 1410a of this title)" in paragraphs (3)(A) and (C) and in subparagraph (A) of paragraph (2).

"(B) TITLE 10, SUBTITLE II.—Subtitle II 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 returned pay; and

"(C) by adding at the end the following new paragraph:

"(11) The term "reserve-component retired pay" means retired pay under chapter 67 of this title.

"(2) Sections 1447(2)(B), 1447(2)(C)(H)(i)(A), 1447(a)(1)(B), 1447(a)(1)(A)(i), and 1447(a)(1)(A)(ii) 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)(H)(i), 1447(3)(A), 1447(4)(A)(i)(A), 1449, and 1450(1)(D) are amended by striking out "or retainer".

"(4) Section 1450(1)(D)(i) is amended—

"(A) by striking out "before October 1, 1985," and

"(B) by striking out "or whenever later".

"(5) Section 1451(c) is amended—

"(A) by inserting "who first became a member of a uniformed service before September 8, 1980" after "of this title";

"(B) in paragraph (4), by inserting "pay under chapter 67 of" in clause (i) and inserting in lieu thereof "would have"; and

"(C) by striking out "would be" in clause (ii) and inserting in lieu thereof "would have been".

"(6) Section 1451(e)(1) is amended by striking out "plan" in the matter preceding subparagraph (A) and inserting in lieu thereof "Plan 11".

"(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 "The" in clause (i) and inserting in lieu thereof "had"; and

"(C) by striking out "would be" in clause (ii) 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 1410a 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 1410a of this title and inserting in lieu thereof "so increased".

"(10) INCLUSION OF FORMER SPOUSES IN SOCIAL SECURITY OFFSET PROVISION.—Section 1456(e)(1) of title 10, United States Code, is amended by inserting "or former spouse" in paragraphs (3)(A) and (D) after "widower or widower".

"(11) 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.

"(12) REPEAL OF CERTAIN OBSCURE AND EXPIRED PROVISIONS.—

(a) TITLE 10.—Title 10, United States Code, is amended by inserting as follows:

"(11) Section 971(a) is amended by striking out "and, under an appointment accepted after June 25, 1958," and the entire introductory paragraph 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 25, 1956.

(2) Section 921(b) is amended—
(A) in paragraph (1), by striking out "he or she was appointed as a midshipman or cadet after March 4, 1913;" and
(B) in paragraph (2), by striking out "he or she was appointed as a midshipman or cadet after August 1, 1952;"

(3) Section 1428(e) is amended by striking out the "effective date of this subsection, or the nearest later date, 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 8252(a) is amended by striking out "and service computed under section 6633 of this title."

(7) Section 8262 is amended——
(a) in subsection (a), by inserting "and" at the end of paragraph (1);
(b) by striking out paragraphs (3) and (4); and
(c) by striking out subsection (d).

(b) Title 37.—Title 37, United States Code, is amended as follows:

(1) Section 3080(e) and 3086(e) are each amended by striking out the second sentence.

(2) Section 3668(a) is amended by striking out "September 30, 1975." after "July 9, 1952."

SEC. 616. OTHER TECHNICAL AMENDMENTS.

(a) AMENDMENTS FOR STYLISTIC CONSISTENCY.—Title 10, United States Code, is amended as follows:

(1) Section 902 is amended by striking out "or affirmation." in paragraph (1); and
(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
(C) by striking out the semicolon at the end of paragraph (1) and inserting in lieu thereof a period;

(3) Section 3606 is amended by striking out "at the" in paragraph (2) and inserting in lieu thereof "The;"

(4) by striking out "or;" at the end of paragraph (2); and
(5) by striking out the comma at the end of paragraph (3) and all that follows and inserting in lieu thereof a period.

(b) Section 1076 is amended by striking out "at the" in subsection (a)(1)(C) and inserting in lieu thereof "one year;"

(5) Section 1408(f) is amended—
(A) by striking out "28 U.S.C. 3402(j)" in paragraph (4)(D); and
(B) by inserting "entitled to retired pay under section 1331 of this title" in paragraph (4)(D). and

(6) Section 1487(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); and

(C) by striking out the semicolon at the end of paragraph (1) through (9) and inserting in lieu thereof a period; and
(D) by striking out "and;" at the end of paragraph (10) and inserting in lieu thereof a period;

(E) in paragraph (11)—
(i) by striking out "clause each place it appears and inserting in lieu thereof "in each case;" and
(ii) by striking out "decedent; for the" and inserting in lieu thereof "decedent for the;"

and

(iii) by striking out "out decedent; for the" and inserting in lieu thereof "out of decedent; for the;"

(b) Cross-reference Table Heading.—Section 3605(ab) of title 37, United States Code, is amended by inserting "COMMIS­

sioner of the Navy, or the Secretary of the Army, as the head­

ing of the table in that subsection relating to officers in pay grades O-1 through O-8.

(c) Corrections to Amendments Made by Reference.—(1) Title 10, United States Code, is amended by striking out "sub­

sections (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 is amended by striking out "3933, and "8033, and inserting in lieu thereof "3931, and "4031, respectively.

(f) Reference to the Canal Zone.—Section 789(a) of title 32, United States Code, is amended by striking out "of each State or Territory, Puerto Rico, and the Canal Zone;" and inserting in lieu thereof "of each State or Territory and Puerto Rico;"

PART F—Miscellaneous

SEC. 651. MILITARY RELLOCATION ASSISTANCE PROGRAMS.

(a) REQUIREMENT TO PROVIDE ASSISTANCE.—In order to help neutralize the adverse 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.

(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 the number who do not live on a military installation, and shipment and storage of household goods (including motor vehicles and pets).

(2) On leaving temporary duty assignments, with emphasis on available government living quarters, private housing, child care, spouse employment assistance information, cultural adaptation, and community orientation.

(3) Home finding services, with emphasis on locating adequate, affordable temporary and permanent housing.

(c) Primary Location Assistance Programs.—(1) The Secretary of Defense shall assure the establishment of military relocation assistance programs to provide the relocation assistance for the members of the Armed Forces as 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 military installations. 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, the information on the program to help provide relocation assistance programs for the military departments, including programs located outside the continental United States.

(d) Duties of Each Military Relocation Assistance Program shall include assisting personnel offices on the military installation in the 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.

(e) Regulations.—This section shall be administered under regulations prescribed by the Secretary of Defense.

(f) Report.—The Secretary of the Army shall submit to Congress a report each year. The report shall provide the following:

(1) An objective assessment of available, affordable economy housing, on the Armed Forces and their families, and on members of the Armed Forces are assigned to or serving at military installations. 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) An objective assessment of the actual nonreimbursed costs incurred by members of the Armed Forces and their families in planning to and making decisions on housing construction and variable housing allowance levels.

(3) Information on how the Armed Forces shall be administered under regulations prescribed by the Secretary of Defense.

(4) Information on the effects of the relocation assistance programs described in subsection (a) on the quality of life of members of the Armed Forces and their families and on the retention and productivity of members of the Armed Forces.
(g) INAPPLICABILITY TO COAST GUARD.—This section does not apply to the Coast Guard.

(4) DEADLINE FOR REGULATIONS.—The Secretary of Defense shall not later than 90 days after the date of the enactment of this section prescribe, implement this section not later than 30 days after the date of the enactment of this Act, and report to Congress on the implementation of this section not later than 90 days after the date of the enactment of this Act.

(5) 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, prepared as provided in paragraph (2), evaluating the practicability 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;

(C) using civilian institutions of higher education and vocational schools to provide technical skills training for members of the reserve components.

(6) REPORT REGARDING PROVISION OF 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 practicability 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;

(C) using civilian institutions of higher education and vocational schools to provide technical skills training for members of the reserve components.

(2) Subject to the availability of appropriated funds, the Secretary shall make a grant to an independent and nonprofit organization to prepare the report required by paragraph (1).

(3) The Secretary shall inform the Committees on Armed Services of the Senate and House of Representatives at least 5 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 description of the technical skills training programs offered by technical 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; and

(E) a description of 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) REPORTS.—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. 1001).

(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

(3) 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. 1010).

(c) EFFECTIVE DATE.—This section shall take effect on October 1, 1989.

SEC. 654. SPECIAL DUTY PAYMENT 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 striking out "end" at the end of paragraph (2); and

(2) by inserting at the end of such section the following new paragraph:

"(3) the amounts of special duty pay that may be paid under subsection (a) shall not exceed the monthly special duty pay or allowances specified in subparagraph (C) of section 305 of title 37, United States Code; and

(4) the amounts of special duty pay that may be paid under subsection (a) shall not exceed the monthly special duty pay or allowances specified in subparagraph (C) of section 305 of title 37, United States Code; and

(b) by striking out "amount of" in such subparagraph and inserting in lieu thereof "amounts of".

(b) TECHNICAL AMENDMENT.—The authority provided in subparagraph (D) of section 3710 of title 10, United States Code, is amended by striking out "amount of" and inserting in lieu thereof "amounts of".

(c) TECHNICAL AMENDMENTS.—The Secretary of Defense shall prescribe regulations to implement this section in a manner which is consistent with the purposes of this Act.

(d) REPORT ON PAYMENTS FOR ENLISTED MEMBERS OF THE NATIONAL GUARD OR A RESERVE COMPONENT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on pay for enlisted members of the National Guard or a Reserve component who receive pay under this section.

(e) EFFECTIVE DATE.—Section 307(b) of title 37, United States Code (as added by subsection (a)), shall apply with respect to pay performed on or after the first day of the calendar month following the month in which this Act is enacted.

SEC. 655. EXTENSION OF TEST PROGRAM FOR REIMBURSEMENT FOR ADOPTION EXPENSES.

(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 "subsection (b) of this section" in subsection (a) and inserting in lieu thereof "subsection (c)"; and

(2) by striking out "subsection (a) or (c)" in subsection (a) as redesignated by subsection (a).

(b) EFFECTIVE DATE.—Section 207(b) of title 37, United States Code (as added by subsection (a)), shall apply with respect to repay education loans for health professionnal[s].
(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 "$8,000" in subparagraph (E) and inserting in lieu thereof "$10,000";

(D) by striking out "$7,000" in subparagraph (F) and inserting in lieu thereof "$9,000";

(E) by striking out "$6,000" in subparagraph (G) and inserting in lieu thereof "$8,000";

(F) by striking out "$5,000" in subparagraph (H) and inserting in lieu thereof "$7,000";

(G) by striking out "$4,000" in subparagraph (I) and inserting in lieu thereof "$5,000";

(H) by striking out "$3,000" in subparagraph (J) and inserting in lieu thereof "$4,000";

(I) by striking out "$2,000" in subparagraph (K) and inserting in lieu thereof "$3,000";

(J) by striking out "$1,000" in subparagraph (L) and inserting in lieu thereof "$2,000";

(K) by striking out "" and inserting in lieu thereof "".

(2) Subsection (a)(4) is amended—

(A) by striking out ")";

(B) by striking out "of" and inserting in lieu thereof "who";

(C) by striking out "$4,000"; and

(D) by striking out "$7,000".

(b) AMENDMENTS.—Section 302 of title 37, United States Code, is amended by inserting "$7,000".

(c) AMENDMENTS.—The amendments made by paragraphs (1) and (2) of subsection (a) shall take effect on January 1, 1990.

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.

(b) AMENDMENT.—Section 302a of title 37, United States Code, is amended by inserting after section 302d "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 of title 37, United States Code (as added by subsection (a)) the following new section:

"302d. Special pay: accession bonus for registered nurses.

(b) AMENDMENT.—Section 302a of title 37, United States Code, is amended by inserting after section 302d "302d," after "302c," each place it appears.
§ 302e. Special pay: nurse anesthetists

(a) Special pay authorized.—(1) An officer described in subsection (b) who executes a term of active duty of more than one year, as provided in section 302d, shall receive a special pay by reason of such service in an amount to exceed $8,000 for any 12-month period.

(2) The Secretary concerned shall determine the amount of the 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 commissioned 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; or

(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 agreement 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.

Sec. 703. Nurse officer candidate accession bonus

§ 3110a. Financial assistance: nurse officer candidates

(a) Bonus authorized.—(1) An individual selected under this section shall be entitled to an accession bonus in 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) In addition to the accession bonus payable under paragraph (1), an individual selected under such paragraphs shall be entitled to such additional financial assistance as the Secretary concerned may provide, of not more than $5,000 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.

(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. The continuation of this bonus may not be paid for more than 24 months.

(3) is an individual selected under subsection (a) of this section.

(4) 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.

(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 Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the use of the accession bonuses paid to the Nurse Corps of the Army and Navy, or as an officer designated as a nurse officer in the Air Force or commissioned corps of the Public Health Service as a result of the use of the nursing degree program.

(2) That, upon acceptance of the agreement, an individual whose agreement was accepted by the Secretary concerned during the individual’s fourth year of the nursing degree program;

(3) That the individual will accept an appointment as a nurse officer in the Nurse Corps of the Army or 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.

(5) That 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;

(6) That a period of 6 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;

(7) That a period of 7 years in the case of an individual whose agreement was accepted by the Secretary concerned during the individual’s fifth year of the nursing degree program.

(d) Refund of payments.—An officer who is a candidate under subsection (a) and withdraws from such candidate program at any time shall refund to the Secretary concerned the amount of the accession bonus paid to him under subsection (a).

(e) Regulations.—The Secretary concerned shall prescribe regulations to carry out this section.

§ 3120a. 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, shall receive the accession bonus paid under subsection (a) and the officer concerned shall be entitled to such additional financial assistance as the Secretary concerned may provide, of not more than $5,000 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 of this bonus may not be paid for more than 24 months.

(2) In addition to the accession bonus payable under paragraph (1), an individual selected under such paragraphs shall be entitled to such additional financial assistance as the Secretary concerned may provide, of not more than $5,000 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 of this 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.

(3) is an individual described in subsection (b) who executes an agreement to enter into a candidate program as an officer described in paragraph (1).

(4) 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.

(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 Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the use of the accession bonuses paid to the Nurse Corps of the Army and Navy, or as an officer designated as a nurse officer in the Air Force or commissioned corps of the Public Health Service as a result of the use of the nursing degree program.

(2) That, upon acceptance of the agreement, an individual whose agreement was accepted by the Secretary concerned during the individual’s fourth year of the nursing degree program;

(3) That the individual will accept an appointment as a nurse officer in the Nurse Corps of the Army or 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.

(5) That 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;

(6) That a period of 6 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.

(7) That a period of 7 years in the case of an individual whose agreement was accepted by the Secretary concerned during the individual’s fifth year of the nursing degree program.

(d) Refund of payments.—An officer who is a candidate under subsection (a) and withdraws from such candidate program at any time shall refund to the Secretary concerned the amount of the accession bonus paid to him under subsection (a).

(e) Regulations.—The Secretary concerned shall prescribe regulations to carry out this section.

§ 3110a.Candidate accession program

(a) Candidate accession 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, 1996, 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 subsection (a).

§ 705. Nurse officer candidate accession program

(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, 1996, 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 subsection (a).

§ 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 103. 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 and shall be included in the nurse assignments involving direct patient care.

(b) Report on grade table restrictions.—The Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and House of Representatives a comprehensive report on the adequacy of the authorized military nurse strength prescribed by section 523(a) of title 10, United States Code, particularly as those limitations affect the ability to recruit and retain nurses in military nursing, professional, active duty. The report shall discuss the advantages and disadvantages of the current limitations for each of the armed forces and of such recommendations as the Secretary considers appropriate.

(2) The report shall be submitted not later than March 1, 1989.

(c) Matter to be considered by promotion boards.—The Secretary of each military department, under uniform regulations prescribed by the Secretary, shall direct that each promotion board considering officers on the active-duty list in a health-professions competitive category for promotion to a commissioned grade 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 credits, training, or experience. The report shall discuss existing provisions of law providing for such constructive credit, including a discussion of any provision which the Secretary considers that such provisions may have created. If the Secretary determines that any such provision has 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, 1989.

PART B—HEALTH CARE MANAGEMENT

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."

(b) 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 section 1535 of title 31.

(b) Reimbursement from Chaplains Fund.—(1) In general.—In the case of a grade officer 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 1088 of this title.

(c) Charges.—The Secretary of Defense may prescribe by regulation, the amount of constructive credit, 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 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 care covered under this chapter in accordance with section 5011 of title 38 or section 1535 of title 31.

(e) Clincal amendments.—The table of sections at the beginning of this 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 OF MEDICAL PERSONNEL AS A RESULT OF BASE CLOSURES AND REALIGNMENTS.

(a) Prohibition.—The end strength levels 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 other Department of Defense authorization, amendment, or direction.

(b) Medical Personnel Defined.—For purposes of subsection (a), "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 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 outpatient care facilities to the extent that 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:

"(d) The term 'specialized training' means advanced training in health professions specialty received in an accredited program beyond the basic education required for appointment as an officer in a health profession and is a result of the closure or realignment of a military installation under section 2687 of title 10, United States Code, or other Department of Defense authorization, amendment, or direction."

(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 inserting after the first sentence 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 pur..."
"SUBCHAPTER I—HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM FOR ACTIVE SERVICE"

1. Certain provisions 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..."

2. Such chapter is amended to read as follows:

"States Code, 1989..."

3. 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...

4. (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 (a)(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”.

(c) Dual Employment.—Subsection (h) of section 2113 of title 10, United States Code, is amended to read as follows:

"(h) Employment as 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.

5. SEC. 717. RETENTION OF FUNDS COLLECTED FROM THIRD-PARTY PAYERS FOR MEDICAL CARE FACILITATED AT FACILITIES OF THE UNIFORMED SERVICES.

(a) Retention Authorized.—Section 1095 of title 10, United States Code, is amended by adding to the end the following new subsection:

"(c) To the extent provided in appropriated Acts, amounts collected under this section from third-party payers for the costs of inpatient hospital care provided at facilities of this title shall be credited to the appropriation supporting the maintenance and operation of the facility.

(b) Effective Date.—The amendment made by this subsection shall take effect on October 1, 1985, and shall apply to amounts collected under section 1095 of title 10, United States Code, on or after that date.

6. SEC. 718. REALLOCATION OF CERTAIN MILITARY 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 the House of Representatives a report describing, as of the date such report is submitted:

(1) military support positions created pursuant to subsection (a);

(2) the location of such positions; and

(3) the duties of the civilian personnel in such positions.

7. SEC. 719. ELIGIBILITY OF CERTAIN FORMER SPOUSES.—Section 7072(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”;

(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) Application 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 7072(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 7072(2)(H) of this title purchases a conversion health policy within that period for the person to health care for preexisting conditions, the person shall be entitled to health care under the conversion health policy that period as if the person were not a dependent under that title for that period of time.

(2) The amendments made by this section shall also apply to a person referred to in section 7072(2)(H) of this title on or after December 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.

(c) Conversion Health Policies 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 7072(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...

7. SEC. 719. CONFORMING AMENDMENTS.—(a) Subsection (f) of section 1076 of such title is repealed.

(b) Paragraph (3) of section 1086(e) 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).”.

(c) 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 this title 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.

The Secretary of Defense, in coordination with the Secretary of Veterans Affairs, may by regulation make grants to or contracts with nonprofit foundations to facilitate the providing of health care in a timely manner to former spouses who qualify as dependent under such section 1072(2)(H) of this title.

8. SEC. 720. MEDICAL ASSISTANCE PROGRAM FOR ACTIVE 1990.

9. SEC. 721. CODIFICATION OF APPROPRIATION PROVISIONS.

"OCTOBER 1, 1989, AND SHALL APPLY TO SUCH PERSON TO THE END OF THE ONE-YEAR PERIOD BEGINNING ON THE DATE OF THE PURCHASE OF THE POLICY.

"(a) The Secretary of Defense, in coordination with the Secretary of Veterans Affairs, may by regulation make grants to or contracts with nonprofit foundations to facilitate the providing of health care in a timely manner to former spouses who qualify as dependent under such section 1072(2)(H) of this title.

(b) Such grants shall be made on or after the date the person is no longer entitled to health care under the conversion health policy described in section 7072(2)(H) of this title.
**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.—In this title:

(1) The term "military child development center" means a facility on a military installation for on property under the jurisdiction of the Department of Defense, 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 begins employment before or after 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).

(c) The training program established under this subsection shall cover, at a minimum, training in the following:

(A) Early child 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.

(d) Pay.—(1) The Secretary of Defense shall increase the pay 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, the salaries of 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).

(e) Funds.—(1) The Secretary of Defense shall implement the requirement of paragraph (1) not later than seven months after the date of enactment of this Act.

(2) The Secretary shall require that such funds derived from nonappropriated funds any remained in the Defense shall be used to provide child care employees who are directly involved in providing child care.

(f) Funds Derived From Parents Fees To Be Used For Employee Compensation.—(1) During fiscal year 1988, 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. 802. FUNDING FOR MILITARY CHILD CARE FOR FISCAL YEAR 1989.**

(a) Fiscal year 1989 funding.—(1) Of the total estimated operating expenses of the Department of Defense during fiscal year 1989 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 services for the years ending in 1989 as 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 services to increase the availability of child care for members of the Armed Forces.

(b) The Secretary may waive the requirement of subsection (a) if the Secretary determines that those requirements cannot be carried out in an orderly manner.

(c) 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 use those funds in a manner that will ensure that the requirements of subsection (a) are met.

**SEC. 803. TRAINING AND CURRICULUM CHILD CARE EMPLOYEES.**

(a) Training.—(1) The Secretary of Defense shall establish, and prescribe regulations to implement, a 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, if that employee was 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.

(b) The training program established under this subsection shall cover, at a minimum, training in the following:

(A) Early child 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.

(c) Pay.—(1) The Secretary of Defense shall increase the pay 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, the salaries of 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).

(d) Funds.—(1) The Secretary of Defense shall implement the requirement of paragraph (1) not later than seven months after the date of enactment of this Act.

(2) The Secretary shall require that such funds derived from nonappropriated funds any remained in the Defense shall be used to provide child care employees who are directly involved in providing child care.

(e) Funds Derived From Parents Fees To Be Used For Employee Compensation.—(1) During fiscal year 1988, 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. 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 investigate the case of allegations of widespread child abuse at a military child development center. The task force shall be composed of personnel (both within the Department of Defense and outside the Department of Defense) from a variety of disciplines, including medicine, social work, child psychology, juvenile building, 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 widespread 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 both local and state authorities if such assistance is available.

(d) Safety Regulations.—The Secretary of Defense shall prescribe 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 Department of Defense.

(f) Remedies for Violations.—(1) Except as provided in paragraph (3), any violation of a law or regulation (discovered at an inspection or otherwise) of a military child development center shall be remedied immediately.

(2) If the violation is one that is not life threatening, the commander of the major command under which the base (that the military child development center is located) may waive the requirement for immediate remediation of the vio-
loration of the Hospital Corpsman for seamen, (2) a study of the organization and functions of the hospital corps, and (3) the establishment of a system for the control of personnel in the hospital corps. The Secretary of the Navy may, in his discretion, extend the period of the study for a period of up to 90 days if he determines that the study will be completed within that period.

SEC. 908. PARENT PARTNERSHIPS WITH CHILD DEVELOPMENT CENTERS

(a) PARENT BOARDS.—The Secretary of the Navy shall establish 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 PROGRAM.—(1) The Secretary of the Navy 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. 907. REPORT ON FIVE-YEAR DEMAND FOR CHILD CARE

(a) REPORT REQUIRED.—The Secretary of the Navy shall submit to Congress a report containing the expected demand for child care for 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 describe how the demand shall be met and shall set forth the cost of implementing that plan.

(c) MONITORING OF FAMILY DAY CARE PROGRAMS.—The Secretary of the Navy shall, in consultation with the Department of Health and Human Services, 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.

TITLE IX.—ACQUISITION POLICY

SEC. 901. ACQUISITION LAWS TECHNICAL AMENDMENTS

(a) REPEAL—(1) The word "duplicate" in section 2324(k) of title 10, United States Code, is amended to read "multiple".

(b) ADDITIONAL REFERENCES—(1) The heading of section 2324(k) of title 10, United States Code, is amended to read "Acquisition laws—Military education school orders.

TITLE X.—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

PART A.—PROFESSIONAL MILITARY EDUCATION

SEC. 1001. REPORT RELATING TO COURSES IN INSTRUCTION AT CERTAIN PROFESSIONAL MILITARY EDUCATION SCHOOLS

(a) SERVICE SECRETARIES REPORT.—(1) The Secretary of each military department shall submit to the Secretary of Defense a report—

(A) recommending the appropriate duration for those courses and the level and scope 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 prepared independently of the report required by subsection (b) and independently of each other.

(b) THE DEPARTMENT 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 operated by that department in light of the mission of that school; and

(C) recommending the appropriate duration for those courses and the level and scope 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, 1989.
(2) The implications of requiring by law, beginning January 1, 1989, that a prerequisite site 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 or senior 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 an 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 reenlistment. As a military education school_meaning an "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)" and inserting in lieu thereof "school of the National Defense University." 

(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 PRINCIPAL COURSE OF INSTRUCTION AT THE ARMED FORCES COLLEGE.

(a) In General.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

"(9) The Marine Corps Command and Staff College.

"(10) The duration of principal course of instruction—

"(A) The Marine Corps Command and Staff College.

"(B) The duration of principal course of instruction at the Armed Forces Staff College may not be less than three months.

"(C) The Air Command and Staff College.

"(D) The College of Naval Command and Staff.

"(E) "The College of War Command and General Staff College.

"(F) The duration of principal course of instruction at the College of War Command and General Staff College shall be at least six months.

"(11) The Secretary of Defense shall ensure 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.

"(12) 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.

"(13) 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.

(14) 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.

(15) NO RECONSTRUCTION.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1101. 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:

"(g) RESTATEMENT AND CLARIFICATION.—(1) Chapter 2 of title 10, United States Code, is amended by inserting after section 114 the following new section:

"(9) The Secretary of Defense shall submit to Congress each year, at or about the time that the President submits to Congress the budget for that fiscal year, a budget for the following fiscal year that includes the defense program submitted pursuant to section 1105(a) of this title, 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.

(2) The items described in subparagraph (A) of paragraph (1) shall be consistent with amounts described in subparagraph (B) of paragraph (2).

(3) Amounts referred to in paragraph (1) are the following:

(4) 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 this title for any fiscal year, as shown in the five-year defense program submitted pursuant to section (a).

(2) The items described in subparagraph (A) of paragraph (1) shall be consistent with amounts described in subparagraph (B) of paragraph (2).

(3) Amounts referred to in paragraph (1) are the following:

(4) 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 this title for any fiscal year, as shown in the five-year defense program submitted pursuant to section (a).
"(B) The total amounts of estimated appropriations necessary to support the program, projects, and activities of the Department of Defense included pursuant to paragraph (2) of section 1110 of title 31 of the budget submitted to Congress under this enactment for any fiscal year.

"(3) The table of sections at the beginning of this title 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) Effective date.—The amendment made by subsection (a) shall apply with respect to any contract for work on a naval vessel entered into after the date of the enactment of this Act.

"SEC. 1212. FISCAL YEAR 1999 PROHIBITION ON PURCHASING 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 a 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 "90 percent" and "85 percent", respectively; and

"(2) by striking out "other than a nuclear-powered vessel" for work required to be performed on a nuclear-powered vessel in subsection (b)."

"SEC. 1214. RESTRICTIONS ON INTERNATIONAL AGREEMENTS RELATING TO NAVAL NUCLEAR PROPULSION.

"Section 144 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2165(c)) is amended—

"(1) by inserting "(1)" after "c.");

"(2) by inserting "subject to paragraph (2)" before "before "communicate" in paragraph (2);

"(3) by inserting "or militarily sensitive information" after "Restricted Data" in paragraph (2); and

"(4) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

"(5) by adding at the end the following new paragraph:

"(2) No agreements relating to communication or exchange of Restricted Data or militarily sensitive information concerning nuclear propulsion may be entered into after the date of the enactment of the National Defense Authorization Act, Fiscal Year 1998. In the case of any such agreement entered into on such date, any Restricted Data or militarily sensitive information that is to be conveyed under such an agreement may not be conveyed before 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 ensure that the 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;

"(iv) if the information is for actual research, development, or design of a naval nuclear propulsion plant, the receiving
(2) The report shall be submitted no later than 180 days after the date of the enactment of this Act.

SEC. 1211. 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 shall"; and

(2) by adding at the end the following:

"(b) The Secretary of the Navy shall notify the Committees on Armed Services immediately of any action under subsection (a) and the report required by subsection (a) shall be submitted concurrently with the submission to Congress of the President's budget for fiscal year 1990 pursuant to section 1105 of title 31, United States Code.

SEC. 1212. STUDY OF MILITARY FORCE STRUCTURE.

(a) STUDY.—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.

(b) SUPPORT.—The Secretary shall ensure that the panel, in carrying out its duties and responsibilities, shall have access to federal resources, including funds, equipment, 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 realignment 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 forces, 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 maintaining equal/adequate forces.

(D) Personnel availability in terms of active component accession requirements and the capability of reserves to fulfill the missions.

(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).

(H) Analyze the military force structure required to meet the threat as outlined in assessments prepared pursuant to section 153 of the Joint Chiefs of Staff.

(I) Analyze the impact of the following items on the military force structure:

(a) The mix of active and reserve forces;

(b) The mix of C.F.E. forces deployed in the European theater and in the continental United States; and

(c) The mix of active and reserve forces.

(J) 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 Europe.

(k) The effect on equipment requirements of the United States for meeting its NATO commitments in the 1990s.

(l) The report required by subsection (a) shall be submitted concurrently with the submission to Congress of the President's budget for fiscal year 1990 pursuant to section 1105 of title 31, United States Code.

SEC. 1213. FRAMEWORK FOR DETERMINING CONVEN- TIONAL FORCE REQUIREMENTS IN A CHANGING THREAT ENVIRONMENT.

(a) EVALUATION OF EFFECT OF WARSAW Pact CONVENTIONAL FORCES IN EUROPE.—(1) The Secretary of Defense shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives a report providing the Secretary's evaluation of the effect that 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 subsection (a) of the unilateral force reductions being implemented by the Warsaw Pact countries may have upon conventional force requirements of the United States.

(b)(1) The report shall be submitted no later than 30 days after the date of enactment of an agreement establishing rough parity in conventional forces in Europe (referred to as the C.F.E. talks) that would have upon conventional force requirements of the United States.

(2) An agreement referred to in paragraph (1) shall be an agreement establishing rough parity in conventional forces in Europe (referred to as the C.F.E. talks) that would have upon conventional force requirements of the United States.

(c) The report shall be submitted no later than 30 days after the date of enactment of an agreement establishing rough parity in conventional forces in Europe (referred to as the C.F.E. talks) that would have upon conventional force requirements of the United States.

(d) The report shall be submitted no later than 30 days after the date of enactment of an agreement establishing rough parity in conventional forces in Europe (referred to as the C.F.E. talks) that would have upon conventional force requirements of the United States.

(e) The report shall be submitted no later than 30 days after the date of enactment of an agreement establishing rough parity in conventional forces in Europe (referred to as the C.F.E. talks) that would have upon conventional force requirements of the United States.

(f) The report shall be submitted no later than 30 days after the date of enactment of an agreement establishing rough parity in conventional forces in Europe (referred to as the C.F.E. talks) that would have upon conventional force requirements of the United States.

(g) The report shall be submitted no later than 30 days after the date of enactment of an agreement establishing rough parity in conventional forces in Europe (referred to as the C.F.E. talks) that would have upon conventional force requirements of the United States.

(h) The report shall be submitted no later than 30 days after the date of enactment of an agreement establishing rough parity in conventional forces in Europe (referred to as the C.F.E. talks) that would have upon conventional force requirements of the United States.

(i) The report shall be submitted no later than 30 days after the date of enactment of an agreement establishing rough parity in conventional forces in Europe (referred to as the C.F.E. talks) that would have upon conventional force requirements of the United States.

(j) The report shall be submitted no later than 30 days after the date of enactment of an agreement establishing rough parity in conventional forces in Europe (referred to as the C.F.E. talks) that would have upon conventional force requirements of the United States.

(k) The report shall be submitted no later than 30 days after the date of enactment of an agreement establishing rough parity in conventional forces in Europe (referred to as the C.F.E. talks) that would have upon conventional force requirements of the United States.

(l) The report shall be submitted no later than 30 days after the date of enactment of an agreement establishing rough parity in conventional forces in Europe (referred to as the C.F.E. talks) that would have upon conventional force requirements of the United States.

(m) The report shall be submitted no later than 30 days after the date of enactment of an agreement establishing rough parity in conventional forces in Europe (referred to as the C.F.E. talks) that would have upon conventional force requirements of the United States.

(n) The report shall be submitted no later than 30 days after the date of enactment of an agreement establishing rough parity in conventional forces in Europe (referred to as the C.F.E. talks) that would have upon conventional force requirements of the United States.

(o) The report shall be submitted no later than 30 days after the date of enactment of an agreement establishing rough parity in conventional forces in Europe (referred to as the C.F.E. talks) that would have upon conventional force requirements of the United States.

(p) The report shall be submitted no later than 30 days after the date of enactment of an agreement establishing rough parity in conventional forces in Europe (referred to as the C.F.E. talks) that would have upon conventional force requirements of the United States.

(q) The report shall be submitted no later than 30 days after the date of enactment of an agreement establishing rough parity in conventional forces in Europe (referred to as the C.F.E. talks) that would have upon conventional force requirements of the United States.

(r) The report shall be submitted no later than 30 days after the date of enactment of an agreement establishing rough parity in conventional forces in Europe (referred to as the C.F.E. talks) that would have upon conventional force requirements of the United States.

(s) The report shall be submitted no later than 30 days after the date of enactment of an agreement establishing rough parity in conventional forces in Europe (referred to as the C.F.E. talks) that would have upon conventional force requirements of the United States.

(t) The report shall be submitted no later than 30 days after the date of enactment of an agreement establishing rough parity in conventional forces in Europe (referred to as the C.F.E. talks) that would have upon conventional force requirements of the United States.

(u) The report shall be submitted no later than 30 days after the date of enactment of an agreement establishing rough parity in conventional forces in Europe (referred to as the C.F.E. talks) that would have upon conventional force requirements of the United States.

(v) The report shall be submitted no later than 30 days after the date of enactment of an agreement establishing rough parity in conventional forces in Europe (referred to as the C.F.E. talks) that would have upon conventional force requirements of the United States.

(w) The report shall be submitted no later than 30 days after the date of enactment of an agreement establishing rough parity in conventional forces in Europe (referred to as the C.F.E. talks) that would have upon conventional force requirements of the United States.

(x) The report shall be submitted no later than 30 days after the date of enactment of an agreement establishing rough parity in conventional forces in Europe (referred to as the C.F.E. talks) that would have upon conventional force requirements of the United States.

(y) The report shall be submitted no later than 30 days after the date of enactment of an agreement establishing rough parity in conventional forces in Europe (referred to as the C.F.E. talks) that would have upon conventional force requirements of the United States.

(z) The report shall be submitted no later than 30 days after the date of enactment of an agreement establishing rough parity in conventional forces in Europe (referred to as the C.F.E. talks) that would have upon conventional force requirements of the United States.
(A) Current conventional arms control proposals.
(B) Bureaucratic adjustments within the member nations of the North Atlantic Treaty Organization.
(C) Diminished Threat.
(D) Reallocating the force structure and the optimum mix of active and reserve forces in the context of the available budget resources, and also the capability of forces, and any change (additive or reductions) to that structure on a fiscal basis.
(E) 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.
(F) 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.
(G) Determine the level of responsibility for evaluating and integrating active force requirements and the relationship to responsibility of each authority in the process, and the priority of the defense budget process, in terms of time and function.
(H) 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.
(I) Report.—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 Senate and House of Representatives no later than March 1, 1986, and shall submit a final report, together with the recommendations of the Secretary, no later than September 1, 1986.

SECTION 1213. 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 under 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, 1986, as the Secretary may require.
(c) Report.—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 as to such study at such time before March 1, 1986, 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, 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 battlegrounds 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 no later than March 1, 1986.

(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. 1214. CLARIFICATION OF OPERATIONAL TEST REQUIREMENT TO CLOSE AIR SUPPORT MISSION ALTERNATIVES.

In carrying out section 108 of Public Law 100–526 (102 Stat. 2628), 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 Army's 1983 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 agent 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 weapon system that is a potential alternative for the close support mission.
July 25, 1989
CONGRESSIONAL RECORD—HOUSE 16109

SEC. 2801. 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:

<table>
<thead>
<tr>
<th>State</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>$2,300,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>$3,350,000</td>
</tr>
<tr>
<td>California</td>
<td>$11,400,000</td>
</tr>
<tr>
<td>Florida</td>
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<tr>
<td>Arizona</td>
<td>$5,900,000</td>
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<tr>
<td>Yuma Proving Ground</td>
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<tr>
<td>Fort Irwin</td>
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</tr>
<tr>
<td>Fort Ord</td>
<td>$2,450,000</td>
</tr>
<tr>
<td>Sacramento Army Depot</td>
<td>$3,200,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>$2,100,000</td>
</tr>
<tr>
<td>Fort Carson</td>
<td>$4,700,000</td>
</tr>
<tr>
<td>Key West Naval Air Station</td>
<td>$6,100,000</td>
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<tr>
<td>Fort Benning</td>
<td>$10,100,000</td>
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<tr>
<td>Fort Gordon</td>
<td>$4,000,000</td>
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<tr>
<td>Fort Stewart</td>
<td>$5,200,000</td>
</tr>
<tr>
<td>Fort Shafter</td>
<td>$9,300,000</td>
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<tr>
<td>Schofield Barracks</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Fort Sill</td>
<td>$8,600,000</td>
</tr>
<tr>
<td>Fort Ord</td>
<td>$3,350,000</td>
</tr>
<tr>
<td>Fort Leavenworth</td>
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<tr>
<td>Fort Riley</td>
<td>$12,600,000</td>
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<tr>
<td>Camp Campbell</td>
<td>$38,450,000</td>
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<tr>
<td>Fort Knox</td>
<td>$7,620,000</td>
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<tr>
<td>Fort Polk</td>
<td>$23,350,000</td>
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<tr>
<td>Aberdeen Proving Ground</td>
<td>$1,700,000</td>
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<tr>
<td>Fort Detrick</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>Fort Meade</td>
<td>$8,200,000</td>
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<tr>
<td>Fort Ritchie</td>
<td>$630,000</td>
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<tr>
<td>Fort Devens</td>
<td>$3,550,000</td>
</tr>
<tr>
<td>Fort Leonard Wood</td>
<td>$10,450,000</td>
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<tr>
<td>Fort Monmouth</td>
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<tr>
<td>Picatinny Arsenal</td>
<td>$11,800,000</td>
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<tr>
<td>Fort Drum</td>
<td>$70,600,000</td>
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<tr>
<td>United States Military Academy</td>
<td>$3,450,000</td>
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<tr>
<td>New Cumberland Army Depot</td>
<td>$14,000,000</td>
</tr>
<tr>
<td>Corpus Christi Army Depot</td>
<td>$2,500,000</td>
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<tr>
<td>Fort Bliss</td>
<td>$16,500,000</td>
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<tr>
<td>Fort Hood</td>
<td>$21,400,000</td>
</tr>
<tr>
<td>Dugway Proving Ground</td>
<td>$2,400,000</td>
</tr>
</tbody>
</table>
July 25, 1989

CONGRESSIONAL RECORD—HOUSE

16110

THE DISTRICT OF COLUMBIA, $210,000,000.

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<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Project Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Adak, Naval Air Station</td>
<td>Construction of new construction, 25 units, in the amount of $12,600,000 at Fort A.P. Hill, Virginia</td>
<td>$2,000,000.00</td>
</tr>
<tr>
<td>California</td>
<td>Camp Pendleton, Marine Corps Air Station</td>
<td>Construction of new construction, 152 units, in the amount of $12,600,000 at Baumholder, Germany</td>
<td>$57,600,000.00</td>
</tr>
<tr>
<td>Alaska</td>
<td>Naval Weapons Station</td>
<td>Construction of new construction, 152 units, in the amount of $12,600,000 at Baumholder, Germany</td>
<td>$7,150,000.00</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Kaneohe Bay, Marine Corps Air Station</td>
<td>Construction of new construction, 152 units, in the amount of $12,600,000 at Baumholder, Germany</td>
<td>$1,300,000.00</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Naval Submarine Base</td>
<td>Construction of new construction, 152 units, in the amount of $12,600,000 at Baumholder, Germany</td>
<td>$5,550,000.00</td>
</tr>
<tr>
<td>Florida</td>
<td>Pensacola, Navy Public Works Center</td>
<td>Construction of new construction, 152 units, in the amount of $12,600,000 at Baumholder, Germany</td>
<td>$2,100,000.00</td>
</tr>
<tr>
<td>Georgia</td>
<td>Albany, Marine Corps Logistics Base</td>
<td>Construction of new construction, 152 units, in the amount of $12,600,000 at Baumholder, Germany</td>
<td>$18,600,000.00</td>
</tr>
<tr>
<td>Alaska</td>
<td>Adak, Naval Air Station</td>
<td>Construction of new construction, 152 units, in the amount of $12,600,000 at Baumholder, Germany</td>
<td>$1,000,000.00</td>
</tr>
<tr>
<td>Georgia</td>
<td>Naval Submarine Base</td>
<td>Construction of new construction, 152 units, in the amount of $12,600,000 at Baumholder, Germany</td>
<td>$4,300,000.00</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Naval Submarine Base</td>
<td>Construction of new construction, 152 units, in the amount of $12,600,000 at Baumholder, Germany</td>
<td>$19,900,000.00</td>
</tr>
<tr>
<td>Georgia</td>
<td>Great Lakes, Naval Hospital</td>
<td>Construction of new construction, 152 units, in the amount of $12,600,000 at Baumholder, Germany</td>
<td>$21,500,000.00</td>
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<tr>
<td>Indiana</td>
<td>Crane, Naval Weapons Support Center</td>
<td>Construction of new construction, 152 units, in the amount of $12,600,000 at Baumholder, Germany</td>
<td>$21,420,000.00</td>
</tr>
<tr>
<td>Georgia</td>
<td>Naval Avionics Center</td>
<td>Construction of new construction, 152 units, in the amount of $12,600,000 at Baumholder, Germany</td>
<td>$21,500,000.00</td>
</tr>
<tr>
<td>Maine</td>
<td>Brunswick, Naval Air Station</td>
<td>Construction of new construction, 152 units, in the amount of $12,600,000 at Baumholder, Germany</td>
<td>$1,300,000.00</td>
</tr>
<tr>
<td>Maryland</td>
<td>Indian Head, Naval Explosive Ordnance Disposal Technology Center</td>
<td>Construction of new construction, 152 units, in the amount of $12,600,000 at Baumholder, Germany</td>
<td>$19,900,000.00</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Patuxent River, Naval Air Test Center</td>
<td>Construction of new construction, 152 units, in the amount of $12,600,000 at Baumholder, Germany</td>
<td>$1,000,000.00</td>
</tr>
<tr>
<td>Nevada</td>
<td>Fallon, Naval Air Station</td>
<td>Construction of new construction, 152 units, in the amount of $12,600,000 at Baumholder, Germany</td>
<td>$5,550,000.00</td>
</tr>
</tbody>
</table>
year 1981 for military family housing projects that remain available, as savings, for obligations under section 2825 of title 10, United States Code, for 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 pursuant to the authorizations contained under paragraphs (1) and (2) of subsection (a).

(1) Waiver of Maximum Per Unit Cost for Certain Improvement Projects.—Notwithstanding the maximum amount per unit for an improvement project under section 2825 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, seventy-four units, $6,600,000.
- 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, one hundred and thirty-six units, $27,000,000.
- Lakehurst, Naval Air Engineering Center, New York, one unit, $60,100.
- New York, Naval Station, New York, ten units, $267,890,000.
- 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.

(2) For military construction projects outside the United States authorized by section 2201(b), $52,530,000.

(3) For military construction projects outside the United States authorized by section 2201(b), $14,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $84,970,000.

(11) 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. 2105. 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, Sponenola, Italy.

(2) Cold-iron utilities support in the amount of $7,480,000 at Naval Support Office, La Maddalen, Italy.

TITEX XX/II-AIR FORCE

SEC. 2106. 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:

<table>
<thead>
<tr>
<th>State</th>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALABAMA</td>
<td>Gunter Air Force Base</td>
<td>$12,100,000</td>
</tr>
<tr>
<td></td>
<td>Maxwell Air Force Base</td>
<td>$2,200,000</td>
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<tr>
<td>ALASKA</td>
<td>Clear Air Force Station</td>
<td>$5,000,000</td>
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<tr>
<td></td>
<td>Eielson Air Force Base</td>
<td>$11,000,000</td>
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<tr>
<td></td>
<td>King Salmon Airport</td>
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<tr>
<td></td>
<td>Shemya Air Force Base</td>
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<tr>
<td>ARIZONA</td>
<td>Little Rock Air Force Base</td>
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</tr>
<tr>
<td></td>
<td>Eaker Air Force Base</td>
<td>$4,050,000</td>
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<tr>
<td>CALIFORNIA</td>
<td>Davis-Monthan Air Force Base</td>
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<td></td>
<td>Luke Air Force Base</td>
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<tr>
<td></td>
<td>Williams Air Force Base</td>
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</tr>
<tr>
<td>COLORADO</td>
<td>Lowry Air Force Base</td>
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<td>DELAWARE</td>
<td>Dover Air Force Base</td>
<td>$4,100,000</td>
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<td>DISTRICT OF COLUMBIA</td>
<td>Bolling Air Force Base</td>
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<td>FLORIDA</td>
<td>Cape Canaveral Air Force Station</td>
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<td>Eglin Air Force Base</td>
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<td></td>
<td>Tyndall Air Force Base</td>
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<td>GEORGIA</td>
<td>Robins Air Force Base</td>
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<td>HICKAM</td>
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<tr>
<td>INDIANA</td>
<td>Grissom Air Force Base</td>
<td>$8,500,000</td>
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<tr>
<td>KANSAS</td>
<td>McConnell Air Force Base</td>
<td>$5,200,000</td>
</tr>
<tr>
<td>LOUISIANA</td>
<td>Barksdale Air Force Base</td>
<td>$7,700,000</td>
</tr>
<tr>
<td></td>
<td>England Air Force Base</td>
<td>$2,700,000</td>
</tr>
<tr>
<td>MAINE</td>
<td>Loring Air Force Base</td>
<td>$8,500,000</td>
</tr>
<tr>
<td>MARYLAND</td>
<td>Andrews Air Force Base</td>
<td>$5,550,000</td>
</tr>
<tr>
<td>MASSACHUSETTS</td>
<td>Hanscom Air Force Base</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>MISSISSIPPI</td>
<td>Columbus Air Force Base</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>MONTANA</td>
<td>Whitehead Air Force Base</td>
<td>$97,500,000</td>
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<tr>
<td>NEBRASKA</td>
<td>Offutt Air Force Base</td>
<td>$1,150,000</td>
</tr>
<tr>
<td>NEW JERSEY</td>
<td>McGuire Air Force Base</td>
<td>$4,800,000</td>
</tr>
<tr>
<td>NEW MEXICO</td>
<td>Holloman Air Force Base</td>
<td>$17,350,000</td>
</tr>
<tr>
<td>NORTHERN VIRGINIA</td>
<td>Kingsville Air Base</td>
<td>$18,350,000</td>
</tr>
<tr>
<td>NORTH CAROLINA</td>
<td>Seymour Johnson Air Force Base</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>NORTH DAKOTA</td>
<td>Grand Forks Air Force Base</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>OHIO</td>
<td>Wright Patterson Air Force Base</td>
<td>$810,000</td>
</tr>
<tr>
<td>OKLAHOMA</td>
<td>Altus Air Force Base</td>
<td>$5,200,000</td>
</tr>
<tr>
<td>SOUTH CAROLINA</td>
<td>Charleston Air Force Base</td>
<td>$4,650,000</td>
</tr>
<tr>
<td>SOUTH DAKOTA</td>
<td>Ellsworth Air Force Base</td>
<td>$11,350,000</td>
</tr>
<tr>
<td>TEXAS</td>
<td>Bergstrom Air Force Base</td>
<td>$2,400,000</td>
</tr>
<tr>
<td>Vintage Air Force Base</td>
<td>$550,000</td>
<td></td>
</tr>
<tr>
<td>TOOLEY AIR FORCE BASE</td>
<td>$3,300,000</td>
<td></td>
</tr>
<tr>
<td>Tinker Air Force Base</td>
<td>$55,250,000</td>
<td></td>
</tr>
<tr>
<td>WASHINGTON</td>
<td>Langley Air Force Base</td>
<td>$3,300,000</td>
</tr>
<tr>
<td>WYOMING</td>
<td>F.E. Warren Air Force Base</td>
<td>$104,850,000</td>
</tr>
</tbody>
</table>

(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:

<table>
<thead>
<tr>
<th>Country</th>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>CANADA</td>
<td>Various Locations</td>
<td>$24,000,000</td>
</tr>
<tr>
<td>GERMANY</td>
<td>Hahn Air Base</td>
<td>$7,920,000</td>
</tr>
<tr>
<td></td>
<td>Ramstein Air Base</td>
<td>$2,800,000</td>
</tr>
<tr>
<td></td>
<td>Sembach Air Base</td>
<td>$3,050,000</td>
</tr>
<tr>
<td></td>
<td>Spangdahlem Air Base</td>
<td>$5,950,000</td>
</tr>
<tr>
<td></td>
<td>Zweibrucken Air Base</td>
<td>$6,100,000</td>
</tr>
<tr>
<td>ICELAND</td>
<td>Andersen Air Force Base</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>ITALY</td>
<td>Aviano Air Base</td>
<td>$6,950,000</td>
</tr>
<tr>
<td>JAPAN</td>
<td>Kadena Air Base</td>
<td>$3,300,000</td>
</tr>
<tr>
<td></td>
<td>Yokota Air Base</td>
<td>$4,700,000</td>
</tr>
<tr>
<td>KOREA</td>
<td>Kunsan Air Base</td>
<td>$13,140,000</td>
</tr>
<tr>
<td>LUXEMBOURG</td>
<td>Echternach Air Base</td>
<td>$3,600,000</td>
</tr>
<tr>
<td>PORTUGAL</td>
<td>Lajes Field</td>
<td>$7,700,000</td>
</tr>
<tr>
<td>SPAIN</td>
<td>Zaragoza Air Base</td>
<td>$1,350,000</td>
</tr>
<tr>
<td>TURKEY</td>
<td>Ankara Air Station</td>
<td>$4,200,000</td>
</tr>
<tr>
<td></td>
<td>Balik Senior Radio Relay Site</td>
<td>$3,600,000</td>
</tr>
<tr>
<td></td>
<td>Erhac Air Base</td>
<td>$2,750,000</td>
</tr>
<tr>
<td></td>
<td>Inčirlik Air Base</td>
<td>$5,910,000</td>
</tr>
<tr>
<td>UNITED KINGDOM</td>
<td>Bovingdon Radio Relay Site</td>
<td>$400,000</td>
</tr>
<tr>
<td></td>
<td>High Wycombe Air Station</td>
<td>$4,100,000</td>
</tr>
<tr>
<td></td>
<td>RAF Alconbury</td>
<td>$4,200,000</td>
</tr>
<tr>
<td></td>
<td>RAF Barford St. John</td>
<td>$490,000</td>
</tr>
<tr>
<td></td>
<td>RAF Bentwaters</td>
<td>$5,400,000</td>
</tr>
<tr>
<td></td>
<td>RAF Christmas Common Radio Relay Site</td>
<td>$210,000</td>
</tr>
<tr>
<td></td>
<td>RAF Fairford</td>
<td>$10,950,000</td>
</tr>
<tr>
<td></td>
<td>RAF Lakenheath</td>
<td>$860,000</td>
</tr>
<tr>
<td></td>
<td>RAF Mildenhall</td>
<td>$3,100,000</td>
</tr>
<tr>
<td></td>
<td>RAF Upper Heyford</td>
<td>$3,500,000</td>
</tr>
</tbody>
</table>

SEC. 2108. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Air Force may use 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:

<table>
<thead>
<tr>
<th>Installation</th>
<th>Units</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kelly Air Force Base</td>
<td>10,600</td>
<td>$20,660,000</td>
</tr>
<tr>
<td>Ramstein Air Base, Germany</td>
<td>200</td>
<td>$400,000</td>
</tr>
</tbody>
</table>

(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. 2109. IMPROVEMENT TO MILITARY FAMILY HOUSING VULNERABLE TO CRIMINAL ACTIVITY.

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may use amounts appropriated pursuant to section 2304(a)(7)(A) to 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:

<table>
<thead>
<tr>
<th>Installation</th>
<th>Units</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maxwell Air Force Base, Alabama</td>
<td>31 units</td>
<td>$9,578,000</td>
</tr>
<tr>
<td>Davis-Monthan Air Force Base, Arizona</td>
<td>80 units</td>
<td>$10,950,000</td>
</tr>
</tbody>
</table>
July 25, 1989

CONGRESSIONAL RECORD—HOUSE

Peterson Air Force Base, Colorado, thirty-two units, $1,438,000.

Boiling Air Force Base, District of Columbia, forty units, $1,663,000.

Hill Air Force Base, Florida, forty-four units, $2,456,000.

Tydall Air Force Base, Florida, forty units, $2,441,000.

Shadow Mountain Air Force Base, Illinois, four units, $250,000; eighty units, $4,076,000.

England Air Force Base, Louisiana, one hundred and one units, $4,248,000.

Whitehead Air Force Base, Missouri, fifteen units, $970,000.

Nellis Air Force Base, Nevada, thirty-two units, $1,778,000.

Holoman Air Force Base, New Mexico, one hundred and twenty-three units, $5,549,000.

Bergstrom Air Force Base, Texas, two units, $266,000.

Carwell Air Force Base, Texas, one hundred and ninety 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 forty-four units, $4,126,000; one unit, $78,000.

Hill Air Force Base, Utah, two units, $158,000.

Langley Air Force Base, Virginia, eighty-six units, $3,398,000.

Fairchild Air Force Base, Washington, two hundred and thirty units, $12,162,000.

Ramstein Air Base, Germany, one unit, $132,000; twenty-four units, $2,180,000; eighty-eight units, $2,681,000.

Spangdahlem Air Base, Germany, four units, $302,000.

Andersen Air Base, Guam, two hundred units, $7,171,000.

Kadena Air Base, Japan, one hundred units, $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.

CAF Alconbury, United Kingdom, one unit, $559,000.

RAF Bentwaters, United Kingdom, eighty-three units, $4,610,000.

RAF Chicksands, United Kingdom, thirty-four units, $1,128,000.

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 improvements 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 3,945 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 forty 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 new construction 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 2,215 square feet.

(4) For purposes of section 2301 (b) of the Military Housing Improvement Act of Fiscal Year 1988 and the Military Housing Improvement Act of Fiscal Year 1989, the term "net floor area" has the same meaning that term has in section 2301(f) of title 10, United States Code.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1988, for military construction pursuant to the Military Construction Authorization Act, 1987 (division B of Public Law 100-661; 100 Stat. 1402), for the following projects authorized by sections 2701(a) and 2701(b) of that Act.

(A) For completion of the net floor area of twenty-four family housing units at Keesler Air Force Base, Mississippi.

(B) For completion of the net floor area of ten family housing units at Goodfellow Air Force Base, Texas.

(C) For completion of the net floor area of twenty-four family housing units at Beale Air Force Base, California.

(D) For completion of the net floor area of twenty-four family housing units at Beale Air Force Base, California.

(E) For completion of the net floor area of twenty-four family housing units at Beale Air Force Base, California.

(F) For completion of the net floor area of twenty-four family housing units at Beale Air Force Base, California.

(G) For completion of the net floor area of twenty-four family housing units at Beale Air Force Base, California.

(H) For completion of the net floor area of twenty-four family housing units at Beale Air Force Base, California.

(I) For completion of the net floor area of twenty-four family housing units at Beale Air Force Base, California.

(J) For completion of the net floor area of twenty-four family housing units at Beale Air Force Base, California.

(K) For completion of the net floor area of twenty-four family housing units at Beale Air Force Base, California.

(L) For completion of the net floor area of twenty-four family housing units at Beale Air Force Base, California.

(M) For completion of the net floor area of twenty-four family housing units at Beale Air Force Base, California.

(N) For completion of the net floor area of twenty-four family housing units at Beale Air Force Base, California.

(O) For completion of the net floor area of twenty-four family housing units at Beale Air Force Base, California.

(P) For completion of the net floor area of twenty-four family housing units at Beale Air Force Base, California.

(Q) For completion of the net floor area of twenty-four family housing units at Beale Air Force Base, California.

(R) For completion of the net floor area of twenty-four family housing units at Beale Air Force Base, California.

(S) For completion of the net floor area of twenty-four family housing units at Beale Air Force Base, California.

(T) For completion of the net floor area of twenty-four family housing units at Beale Air Force Base, California.

(U) For completion of the net floor area of twenty-four family housing units at Beale Air Force Base, California.

(V) For completion of the net floor area of twenty-four family housing units at Beale Air Force Base, California.

(W) For completion of the net floor area of twenty-four family housing units at Beale Air Force Base, California.

(X) For completion of the net floor area of twenty-four family housing units at Beale Air Force Base, California.

(Y) For completion of the net floor area of twenty-four family housing units at Beale Air Force Base, California.

(Z) For completion of the net floor area of twenty-four family housing units at Beale Air Force Base, California.

(aa) The total amount of funds authorized to be appropriated pursuant to the Military Construction Authorization Act, 1987 (division B of Public Law 100-661; 100 Stat. 1402), for the following projects authorized by section 2701(a) 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 1989, whichever is later.

(bb) The total amount of funds authorized to be appropriated pursuant to the Military Construction Authorization Act, 1987 (division B of Public Law 100-661; 100 Stat. 1402), for the following projects authorized by section 2701(a) 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 1989, whichever is later.

(cc) The total amount of funds authorized to be appropriated pursuant to the Military Construction Authorization Act, 1987 (division B of Public Law 100-661; 100 Stat. 1402), for the following projects authorized by section 2701(a) 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 1989, whichever is later.

(dd) The total amount of funds authorized to be appropriated pursuant to the Military Construction Authorization Act, 1987 (division B of Public Law 100-661; 100 Stat. 1402), for the following projects authorized by section 2701(a) 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 1989, whichever is later.

(ee) The total amount of funds authorized to be appropriated pursuant to the Military Construction Authorization Act, 1987 (division B of Public Law 100-661; 100 Stat. 1402), for the following projects authorized by section 2701(a) 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 1989, whichever is later.

(ff) The total amount of funds authorized to be appropriated pursuant to the Military Construction Authorization Act, 1987 (division B of Public Law 100-661; 100 Stat. 1402), for the following projects authorized by section 2701(a) 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 1989, whichever is later.
the following installations and locations inside the United States:

**DEPARTMENT OF DEFENSE SCHOOLS**
- Camp Carroll, Korea, $1,500,000.
- Camp Gary, Korea, $800,000.

**DEFENSE NUCLEAR AGENCY**
- Johnstown, Pa., $6,166,000.

**DEPARTMENT OF DEFENSE SCHOOLS**
- Naval Air Station, Bermuda, $4,810,000.
- Augsburg, Germany, $6,300,000.
- Frankfurt, Germany, $7,101,000.
- Grafenwoehr, Germany, $4,166,000.
- Hohenfels, Germany, $17,079,000.
- Royal Air Force, Bicester, United Kingdom, $8,275,649.
- 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) for construction and acquisition of military family housing units (including land acquisition) at classified locations in the total amount not to exceed $400,000,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2835 to title 10, United States Code, the Secretary of Defense may, using unobligated funds pursuant to section 2405(a)(10)(A), improve existing military family housing units in an amount not to exceed $300,000.

SEC. 2404. CONSTRUCTING STORAGE FACILITIES.

Section 2404(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4012) is amended as follows:

(1) 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 $352,620,000, as follows:

- $225,050,000 for military construction projects inside the United States authorized by section 2401(a), $225,650,000.
- $95,690,000 for military construction projects outside the United States authorized by section 2401(b), $95,690,000.
- $225,050,000 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), $225,000,000.
- $95,690,000 for military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 99-661; 100 Stat. 4012), $95,690,000.
- $225,000,000 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. 1945), $16,000,000.
- $30,000,000 for unspecified minor construction projects under section 2805 of title 10, United States Code, $30,000,000.
- $30,000,000 for contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $30,000,000.
- $10,000,000 for architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $10,000,000.
- $20,000,000 for constructing storage facilities under the authority of section 2404 of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4012), $20,000,000.


(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $30,000,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $20,000,000.

(6) For constructing storage facilities under the authority of section 2404 of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4012), $20,000,000.

(7) 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), $30,000,000.

(8) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 99-661; 100 Stat. 4012), $30,000,000.


(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, and no more than $10,600,000 may be obligated or expended for the leasing of military family housing units worldwide.

(11) For support of military housing (including functions described in section 2833 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); and

(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 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), 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 100-188; 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) Fort Tankersley, the amount of $5,400,000 at Defense Fuel Supply Point, Key West, Florida.

(2) Extension 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 item 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, $60,000,000."

(b) TITLE TOTAL.—Section 2407(b) of such Act is amended by striking out "$27,000,000," and inserting in lieu thereof "$41,000,000."

TITLE XXV—NORTHERN ALLIANCE TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the Northern 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 2802 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. 2802. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for the 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 301 of this Act, in the amount of $424,714,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2804. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1991, or the date of the enactment of this Act, whichever is later, for funds have been obligated before October 1, 1991, or the date of the enactment of an Act authorizing the construction, improvement, and acquisition of military construction projects, family housing projects and facilities, and contributions to the NATO Infrastructure Program as authorized by section 301 of this Act, in the amount of $556,567,000, as follows:

(1) For the construction of-
   (A) by striking out "and amortization" and inserting therein "shall not apply to improvements that are covered by the immediate performance of the contract", and
   (B) for the Army Reserve, $50,565,000.

(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) by adding at the end of clause (1) of section 2825(b)(1) of title 10, United States Code, "$2,000,000"; and
   (B) by striking out "and not more than $1,000,000" and inserting in lieu thereof "$6,000,000".

(4) For the Air Force Reserve, $46,200,000.

TITLE XXVII—EXPIRATION OF AUTHORIZATIONS

SEC. 2807. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER SEPTEMBER 30, 1991.—(1) all authorizations contained in titles XXI, XXII, XXIII, XXIV, and XXV for military construction projects, land acquisitions, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefore) 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 therefore), 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 fiscal year 1992, whichever is later.

TITLE XXVIII—GENERAL PROVISIONS

PART A—MILITARY CONSTRUCTION PROGRAM

SEC. 2801. FAMILY HOUSING RENTAL GUARANTEE PROGRAM.

Section 892(b) of the Military Construction Authorization Act, 1994 (10 U.S.C. 2321 note) is amended—

(1) in paragraph (11), by striking out "renting the agreement in lieu thereof; "rendering the agreement null and void; and inserting in lieu thereof "may require that rent collection and the operation of facilities of the project be accomplished through the use of separate agreements or the use of government personnel."

(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 semiannual report"; and

(4) by adding after paragraph (12) the following—

"(b) 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 "(c) may require that rent collection and the operation of facilities of the project 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 at the end of 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 2828(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 $50,000 per unit."

SEC. 2805. DOMESTIC BUILD-TO-LEASE PROGRAM.

Section 2828(g) of title 10, United States Code, is amended by adding in the following:

(1) in paragraph (3)(C)—

(A) by striking out "2,000" in clause (ii) and inserting in lieu thereof "4,000"; and

(B) by striking out "2,000" in clause (ii) and inserting in lieu thereof "3,600"; and

(2) in paragraph (9), by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1990".

SEC. 2806. TURN-KEY SELECTION PROCEDURES.

Section 2852 of title 10, United States Code, is amended by striking out subsection (a)(1) and inserting in lieu thereof the following:

"(a) The Secretary of the military departments and the heads of defense agencies may use one-step turn-key selection procedures for construction 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 2843 (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 for defense construction contracts for military construction projects 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)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(iii)).

"(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 contract on Guam and the Secretary concerns makes a determination that the prohibition contained in subsection (a) is not 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 30-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."

"(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 or obligated 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 Secretary concerned.

(c) The limitations on cost increases in subsection (a) and the limitations on scope reductions in subsection (b), do not apply if the Secretary finds that the proposed 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 fact relating to the proposed increase in cost is submitted by the Secretary concerned to the appropriate committees of the Congress.

SEC. 281. LAND CONVEYANCE, PITTSBURG, PENNSYLVANIA.

(a) In General.—Subject to subsections (b) through (f) of section 100-45, 101 United States, right, title, and interest of the United States in and to approximately 1.29 acres of land located at 1223 Galen Drive, Allegheny County, Pittsburgh, Pennsylvania, together with any improvements thereon, comprising the Naval and Marine Corps Reserve Center at Pittsburg, Pennsylvania.

(b) Consideration.—In consideration for the sale and conveyance, the University shall pay all costs related to the acquisition of the land, in the greater Pittsburgh area to be used as a Naval and Marine Corps Reserve Center.

(c) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions under this section as are necessary to protect the interests of the United States.

SEC. 282. SALE OF LAND AND REPLACEMENT OF CERTAIN FACILITIES AT KAPALAMA MILITARY RESERVATION, HAWAII.


(1) in subsection (a), by striking out "convoy and inserting in lieu thereof "sell and convey to the State of Hawaii"; and

(2) in subsection (b), by striking out "43.72" and inserting in lieu thereof "45.92."

(3) in subsection (c), by striking out "the purchasers of such property and inserting in lieu thereof "the State of Hawaii";

(4) by inserting after "United States" the following: "no less than the fair market value, as determined by the Secretary, of the property referred to in subsection (a) under subsection (a). The Secretary shall use the proceeds received from the sale authorized by this section.

(c) Consideration.—(1) The Secretary shall consider appropriate to protect the interests of the United States.

SEC. 282A. LAND CONVEYANCE, FORT KNOX, KENTUCKY.

(a) In General.—Subject to subsections (b) through (f), the Secretary of the Army may sell and convey all right, title, and interest of the United States in and to a parcel 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 and paid for by the County or its designated agent.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance of the property authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

(f) Authority.—The military family housing authorized by this section is in addition to any military family housing otherwise authorized by law.
for the unamortized cost of the building; and (e)Reimbursements for such costs shall be credited to the Department of the Army appropriation from which the costs were paid. (e) REPORT.—For each fiscal year in which an agreement is entered into 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. 2823. CONVEYANCE OF PROPERTY

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 at Whiteman, Kansas, 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. 2824. 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. 2825. DEVELOPMENT OF LAND AND LEASE OF FACILITY AT HENDON HALL, 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 Hendon 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); and (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 lease term, subject to the availability of funds, with leases 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 this 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

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 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:

(a) For research activities, $3,804,970,000, to be allocated as follows: (A) For research and development, $1,070,370,000. (B) For tests, $532,600,000. (C) For production and surveillance, $2,104,697,000. (D) For defense nuclear materials production, $1,654,691,000, to be allocated as follows: (1) For defense reactor operations, $578,049,000. (2) For processing of defense nuclear materials, including naval reactors fuel, $329,000,000, of which $78,746,000 shall be used for special isotope separation. (3) For supporting services, $282,868,000. (4) For uranium enrichment for naval reactors, $169,647,000. (5) For program direction, $35,365,000. (6) For environmental restoration and management of defense waste and transportation, $1,119,630,000, to be allocated as follows: (A) For environmental restoration, $346,293,000. Such funds may also be used for plant and capital equipment. (B) For waste operation and projects, $548,167,000. (C) For waste research and development, $90,225,000. (D) For hazardous waste processing, $1,016,633,000. (E) For transportation management, $1,841,000. (F) For program direction, $2,950,000. (G) For verification and control technology, $114,159,000. (H) For nuclear materials safeguards and security technology development program, $82,541,000. (I) For security investigations, $41,200,000. (J) For new production reactors, $292,500,000. (K) 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, mobilization of facilities, and the continuation of projects authorized in prior years) for weapon systems 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 89-D-101, general plant projects, various locations, $22,150,000.
Project 89-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $3,800,000.
Project 89-D-103, environmental, safety, and health improvements, various locations, $10,700,000.
Project 89-D-121, general plant projects, various locations, $30,850,000.
Project 89-D-122, production capabilities for the nuclear depth/strategic bomb (ND/SEB), various locations, $8,000,000.
Project 89-D-123, follow on to lance warhead production facilities, various locations, $3,900,000.
Project 89-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 improvements, various locations, $30,850,000.
Project 88-D-122, production waste storage facilities, Y-12 Plant, Oak Ridge, Tennessee, $9,200,000.
Project 89-D-115, 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 89-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, $4,000,000.
Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $34,400,000.
Project 88-D-122, facilities capability assurance program, various locations, $8,800,000.
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, $41,300,000.
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, $8,460,000.

(2) For materials production.
Project 90-D-141, Idaho chemical processes/chemical waste disposal, Idaho National Engineering Laboratory, Idaho, $250,000,000.

Project 90-D-142, coal storage facility environmental upgrade, Feed Materials Production Center, Idaho National Guard, Idaho, $90,000,000.

Project 90-D-143, plutonium finishing plant fire safety and loss limitation, Richland, Washington, $7,400,000.

Project 90-D-146, general plant projects, various locations, $36,862,000.

Project 90-D-147, 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, $16,300,000.

Project 89-D-141, M-area waste disposal, Savannah River, South Carolina, $7,800,000.

Project 89-D-143, reactor effluent cooling water thermal mitigation, Savannah River, South Carolina, $49,000,000.

Project 89-D-148, improved reactor confinement system, design only, Savannah River, South Carolina, $35,111,000.

Project 88-D-153, additional reactor safety guards, Savannah River, South Carolina, $8,150,000.

Project 87-D-159, environmental, health, and safety improvements, Phases I, II, and III, Feed Materials Production Center, Fermi Lab, Ohio, $920,000.

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 88-D-156, plantwide safeguards systems, Savannah River, South Carolina, $6,183,000.

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 systems 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, landfill 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, RMWC 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, $8,800,000.

Project 89-D-171, Idaho National Engineering Laboratory road renovation, Idaho, $7,400,000.

Project 89-D-172, Hanford environmental compliance, Richland, Washington, $37,000,000.

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, $37,000,000.

Project 89-D-175, hazardous waste/mixed waste disposal facility, Savannah River, South Carolina, $2,700,000.

Project 89-D-176, Hanford waste vitrification plan, Richland, Washington, $29,100,000.

Project 87-D-178, diversion box and pump pit containment buildings, Savannah River, South Carolina, $184,240,000.

(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 nonrecovery plant:

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, $6,500,000.

Project 89-N-102, heat transfer test facility, Knolls Atomic Power Laboratory, Niskayuna, New York, $29,100,000.

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, $8,400,000.

Project 88-N-102, expended core facility receiving station, Naval Reactors Facility, Idaho, $3,000,000.

(7) For capital equipment not related to construction:

(1) For weapons activities, $304,175,000, including $24,040,000 for the defense inertial confinement fusion program.

(2) For materials production, $104,425,000.

(3) For defense waste and environmental restoration, $50,126,000.

(4) For verification and control technology, $9,732,000.

(5) For nuclear safeguards and security, $4,967,000.

(6) For naval reactors development, $54,900,000.

SEC. 3102. FUNDING LIMITATIONS.

(a) Programs, Projects, and Activities of the Department of Energy Relating to Strategic Energy Programs.--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 Energy Programs, subject to any limitation or proviso of this title.

(b) INERTIAL CONFINEMENT FUSION.--Of the funds appropriated to the Department of Energy for fiscal year 1989 for operating expenses and plant and capital equipment, not less than $184,240,000 shall be obligated only for the defense inertial confinement fusion program.

(c) Special Isotope Separation Project.--The funds authorized for Project 88-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. 3103. FUNDING PROVISIONS.

(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 request of, the Congress.

(2) An action described in paragraph (1) may be taken after a period of 30 calendar days following the date on which the House of Congress is not in session because of adjournment of more than three calendar days to a day certain has passed after reelected to the Congress, 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 or expended for the project as shown in the most recent estimates authorized by any previous Act, exceed the total amount obligated to be appropriated by this title.

SEC. 3102. 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 $4,200,000.

(b) Report to Congress.--If at any time during the construction of any general plant project authorized by this title, the estimated total cost of the project exceeds the estimated cost of the project as shown in the most recent estimates 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.

SEC. 3102. 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 Appropriations of the Senate and House of Representatives of notice from the Secretary of Energy in this title that the Secretary has completed filling 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 $500,000.

SEC. 3114. 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 3101.

SEC. 3115. 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 of the advance 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 $100,000,000, 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) SECURING AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $100,000,000, such design must be specifically authorized by law.

SEC. 3116. AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN.
In addition to the advance planning and construction design authorized by section 3112, the Secretary may perform planning and design utilizing available funds for Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously to meet the needs of national defense or to protect property or human life.

SEC. 3117. 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 Department of Energy national security programs are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3118. CONSTRUCTION.
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. 3119. 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 $2,000,000,000 for fiscal year 1990 (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—

(A) a description of the program, its purpose, and its relationship to the mission of the national security programs 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;

(D) 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 baseline schedule and cost estimates 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.

(E) SUBMISSION.—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 90 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. 3120. 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 as required by this title. The plan shall be submitted to the Committees on Appropriations of the Senate and House of Representatives, at the same time the President submits to Congress the budget pursuant to section 1115 of title 31, United States Code.

(b) RESPONSIBILITY.—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 the Secretary submits to Congress the budget pursuant to section 1115 of title 31, United States Code.

SEC. 3121. AMENDMENT TO ATOMIC COMMUNITY ACT OF 1953.
Section 91 c. of chapter 9 of the Atomic Community Act of 1955 (42 U.S.C. 2281c) 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. 3122. PROHIBITION AND REPORT ON BONUSES TO CONTRACTORS OPERATING DEFENSE NUCLEAR FACILITIES.
(a) PROHIBITION.—The Secretary of Energy may not provide for bonuses, other forms of performance or production-based awards to a contractor operating a Department of Energy defense nuclear facility, in evaluating the performance or production under the contract, the Secretary of Energy considers the contractor's compliance with applicable environmental, safety, and health statutes, regulations, and practices for determining both the size of, and the contractor's qualification for, such bonuses.

(b) REPORT ON ROCKY FLATS BONUSES.—The Secretary of Energy shall investigate the payment, from 1981 to 1988, of production bonuses specified in the fiscal year budget for Rocky Flats (Golden, Colorado), for purposes of determining whether the payment of such bonuses was under fraudulent or criminal 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. 2268).

(d) REGULATIONS.—The Secretary of Energy shall promulgate regulations to implement this section not later than 90 days after the date of the enactment of this Act.

SEC. 3123. 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 shall specify that the contractor 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 of such positions, as determined by the contractor.

SEC. 1126. AUTHORIZATION AND FUNDING FOR ROCKY FLATS AGREEMENT.

(a) Appropriations available pursuant to subsection (b), the Secretary of Energy may make such payments as may be necessary to:

(1) carry out the agreement entered into on June 16, 1989, between the Department of Energy and the State of Colorado to establish and operate the Defense Nuclear Facilities Safety Board under chapter 2 of title 42 of the United States Code.

(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) Appropriations are authorized to be appropriated for fiscal year 1990 pursuant to the authorization in this Act for environmental restoration and management of defense waste, up to $3,465,000 shall be obligated or expended to carry out such agreement and to provide for testing and related activities authorized under subsection (a).

TITLE XXXII—DEPLOYMENT NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

SEC. 1261. 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 2 of title 42 of the United States Code (50 U.S.C. 2266 et seq.).

TITLE XXXIII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

SEC. 1361. STRATEGIC AND CRITICAL MATERIALS DESIGNATION AND TRANSFER.

Section 8 of the Strategic and Critical Materials Stockpile Act (50 U.S.C. 98q) is amended by adding at the end the following new subsection:

(1) developing domestic sources of supply of materials (other than materials referred to in section 8(b)(1) determined pursuant to section 8(a)) to be strategic and critical materials;

(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.

(c) The President shall encourage the conservation of domestic sources of any material determined pursuant to section 8(a) to be strategic and critical materials by making grants or awarding contracts for research regarding the development of—

(1) substitutes for such material; or

(2) methods of production or use of such material.

(d) A grant or contract under this section for the performance of development and research (for the construction of a facility for the performance of such development and research) may be made or awarded only after:

(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)(1)), in the case of a contract; or

(2) if the President determines at the time of making such grant or awarding such con-

tract that such grant or contract shall serve national defense needs identified in a report submitted under section 8(c).

(f) A provision of law enacted after the date of the enactment of this subsection may not be construed as 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. 1362. DEVELOPMENT OF DOMESTIC SOURCES.

(a) AUTHORITY OF THE PRESIDENT.—The President shall carry out the development of domestic sources of materials pursuant to section 3(f)(4) of the Strategic and Critical Materials Stockpile Act (50 U.S.C. 98 et seq.) as 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(f)(4) 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 entering into contracts with domestic facilities, or making a commitment to contract with domestic facilities, for the processing and refining or processing and 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 11a(b).

"(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 11a(e).

(b) USE OF NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.—Section 9(b)(2) of such Act (50 U.S.C. 98q(b)(2)) is amended by adding at the end the following new subparagraph:

"(F) Activities authorized under section 15.

SEC. 1363. NATIONAL DEFENSE STOCKPILE MANAGER.

(a) REDesignation and Transfer of Section.—Section 6 of the Strategic and Critical Materials Stockpile Act (50 U.S.C. 98c-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"; and

(2) by adding at the end of subsection (c) the following new sentence: "The President may not delegate functions of the President under subsections 7 and 13.

(c) by striking out "section 6(b) or 6(d)" in subsection (d) and inserting in lieu thereof "section 6(d)".

EC. 1364. AUTHORITY TO DISPOSE OF MATERIALS IN THE STOCKPILE FOR INTERNATIONAL CONSUMPTION.

Section 6 of the Strategic and Critical Materials Stockpile Act (50 U.S.C. 98e) is amended—

(1) in subsection (b)—

(A) by striking out paragraph (3); and

(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. 1365. INFORMATION INCLUDED IN REPORTS TO CONGRESS.

Section 11(e)(5) of the Strategic and Critical Materials Stockpile Act (50 U.S.C. 98q(b)(5)) is amended by inserting after "made from the fund" inserting in lieu thereof "made to the fund" and obligations to be made from the fund.

SEC. 1366. CHANGES IN STOCKPILE REQUIREMENTS.

Pursuant to section 3(c)(4) of the Strategic and Critical Materials Stockpile Act (50 U.S.C. 98q(b)(4)), the National Defense Stockpile Manager may revise quantities of materials to be stockpiled under that Act in accordance with the following table:

<table>
<thead>
<tr>
<th>Material</th>
<th>Current Quantity</th>
<th>Revised Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aluminum oxide</td>
<td>374,000 short tons</td>
<td>(contained)</td>
</tr>
<tr>
<td>Abrasive materials set</td>
<td>88,500 short tons</td>
<td>(contained)</td>
</tr>
<tr>
<td>Asbestos, amosite</td>
<td>0 short tons</td>
<td>(contained)</td>
</tr>
<tr>
<td>Bauxite, refractory</td>
<td>1,240,000 long tons</td>
<td>(contained)</td>
</tr>
<tr>
<td>Columbium</td>
<td>1,240,000 long tons</td>
<td>(contained)</td>
</tr>
<tr>
<td>Diamond, industrial group</td>
<td>12,520,000 pounds</td>
<td>(contained)</td>
</tr>
<tr>
<td>Fluor spar, acid grade</td>
<td>900,000 short tons</td>
<td>(contained)</td>
</tr>
</tbody>
</table>
SEC. 3307. AUTHORIZED DISPOSALS.

(a) AUTHORITY.—Notwithstanding section 5(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(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:

<table>
<thead>
<tr>
<th>Material</th>
<th>Current Quantity</th>
<th>Revised Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fluorospargermallurgicalgrade</td>
<td>1,790,000 short dry tons</td>
<td>310,000 short dry tons</td>
</tr>
<tr>
<td>Germanium</td>
<td>144,000 kilograms</td>
<td>78,000 kilograms</td>
</tr>
<tr>
<td>Graphite, in naturalcrystalline</td>
<td>20,000 short tons</td>
<td>14,200 short tons</td>
</tr>
<tr>
<td>Mica, muscoviteblacksanded</td>
<td>1,500,000 pounds</td>
<td>2,500,000 pounds</td>
</tr>
<tr>
<td>Platinum group metals</td>
<td>98,000 troy ounces</td>
<td>86,000 troy ounces</td>
</tr>
<tr>
<td>Palladium group metals</td>
<td>3,000,000 troy ounces</td>
<td>2,150,000 troy ounces</td>
</tr>
<tr>
<td>Quartz crystals</td>
<td>660,000 pounds</td>
<td>240,000 pounds</td>
</tr>
<tr>
<td>Steel, steelstone</td>
<td>30 short tons</td>
<td>0 short tons</td>
</tr>
<tr>
<td>Tungsten group</td>
<td>50,666,000 pounds</td>
<td>70,000,000 pounds</td>
</tr>
</tbody>
</table>

SEC. 3298. AUTHORIZATION OF ACQUISITIONS.

(a) ACQUISITIONS.—During each of the fiscal years 1990 and 1991, the National Defense Stockpile Manager shall acquire $130,000,000 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 PROGRAM.—Of the amount specified in subsection (a), at least $30,000,000 shall be appropriated 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 appropriated during that fiscal year to acquire germanium for the National Defense Stockpile.

TITLE XXIV—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."
consideration of all other amendments printed in part 2 of said report.

The Chair will announce the number of the amendment two 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 noted 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 propose 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 if we want to 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 has 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 all doing here 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 amendments that have 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 numbered 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 to 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 part 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 affected 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 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,
Mr. ASPIN. Mr. Chairman, I yield 4 minutes to the gentlewoman from California [Mrs. Boxer].

Mrs. BOXER. I thank the chairman for yielding.

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 SDI. Would you believe the name? The President has a 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 make some fantastic story or theory on the TV screen, to get himself out of trouble and when he listened looked skeptical, he would utter that famous line, "Would you believe * * 7" 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 Delums-Boxer star wars amendment.

The Delums-Boxer amendment would dismantle the office of star wars that is responsible for the 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 Weinberger.

Even the Joint Chiefs of Staff acknowledged there could 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 was to have some fantastic story or theory instalations. 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.

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 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 Armed Services Committee called the House and 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 compared 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 Delums-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, I have 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.
Mr. BENNETT. Mr. Chairman, all Members, I think, want to have a strong 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 to do. I do not think 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 in 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 have 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 $3.1 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 comes up 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 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 lot 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, 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."

Mr. KYL. Mr. Chairman, Monday, 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, yesterday, President Bush made the following statement as he began a meeting with Members of the other side. 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. I’ve supported the program, 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. Dickerson], 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 original request, and in the process, cutting our ability to investigate and test the most promising options will be seriously damaged. We will be unable to determine whether, and whether more so 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 1 1/2 percent of our defense budget. That is 1 1/2 percent, and it represents only about four-tenths of 1 percent of the entire Federal budget.

I would like 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 the works, 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 bar on this chart show the strategic defense initiate in 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 whether, and whether more so on defenses for our security. The American people are entitled to that assessment.

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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 supported the original Reagan budget. That would have cost 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 $4.8 billion or the Dellums-Bboxer 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 Dellsums-Boxer amendment and the Bennett amendment.

Mr. Chairman, I include with my remarks the following letter:


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 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 revised budget, cutting over $1 billion from the B-2, the Strategic Defense Initiative will not proceed as far in the FY 1989 budget as it might have. Mr. Chairman, I also want to assure you that I am working to conduct 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 prove the feasibility of the penetrating bomber well into the next century. Without it, the strategic Triad, which has been the bedrock of our nuclear strategy for the past eight years, will virtually disappear. It is also absolutely essential to the core of our START strategy for achieving stable deterrence at reduced levels. Indeed, under the terms of our current arms control agreements the START process 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 modernization is required for our land-based forces. The B-1 is a phase of a phased, Rail-garrison Peacekeeper and the Small road mobile ICBM. I am committed to doing both.

Rail-garrison Peacekeeper will improve the survivability of the ICBM force quickly and at modest cost, while preserving the key attributes that comprise this system. The Small ICBM represents the future of the ICBM force. It offers a high degree of survivability, even with virtually no protection, and can be readied 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 a road mobile program to avoid a deadlock in the START negotiations on the mobile issue.

In addition to the requirements for these forces as the heart of our nuclear deterrence 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 stage in our strategic arms control negotiations. We have already introduced some changes in our positions and are considering others which could make a significant contribution to the stability of the nuclear balance. I am mindful of this fact and I want to assure you that we will continue to negotiate in good faith.

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 all arms control issues. But, in the final analysis, I must be responsible for negotiating arms control agreements. The many arms control agreements that are in place today are somewhat piecemeal and will only undercut me and our foreign policy and frequently have an effect opposite to that intended by their sponsors.

Second, take an example: one modernization program off against another or to pay for one with cuts in another threatens the balance strategy behind our programs. Secretary Cheney and I are determined 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 make your 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 lose 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,

Mr. SKEEN. Mr. Chairman, today I rise as a strong supporter of this Nation's Strategic Defenses 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.

Second, 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 cruise missiles. We are holding great prospects for other defense applications this technology 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 zero real growth 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.

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 predictable response to a star wars system, I ask, how can we say that 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. No one asked me if it was the most cost-effective method of defending this country, if we are forced to use our high-technology 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 $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 more to protecting our offensive weapons, and as a general, but rather vague, deterrent.

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 conventional weapons. 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 maintain them in terms of effectiveness if we use our high-technology advantages.

If we are committed to finding the most cost-effective way of defending this country, we are forced to use our high-technology offensive weaponry.

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 California [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 BREN

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 SDI 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 leaks and the hedges are now only discussing enhanced deterrence. Enhanced deterrence is absolutely essential but it takes many different forms and comes with a variety of price tags.

This year 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 estimate would be $3.1 billion for research and to integrate various systems with other systems of command and control and this effort could be valuable in deciding whether to deploy a larger system of defense.

The sum of $1.15 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 increased survivability to increase 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 develop and deploy an exoatmospheric ground-based interceptor, $165 million to develop and deploy space-based surveillance and tracking system, $185 million to develop and deploy a ground-based radar, $955 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, provide enhanced deterrence.
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. The 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 that 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 that we would return him safely as the sausage. Mr. President, it was not the answer that 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. This is the kind of program that I think made us lose sight of the fact that there are programs that are not just military but are part of the space station and the whole defense of our nation. That is why I am standing here today.

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 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.

Mr. Chairman, the idea is to have more defense spending in the United States to fund our conventional forces. It offers the proper balance of solid, credible support for a most important Strategic Defense Program (SDI) with our other immediate national security needs.

Mr. DICKINSON. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, 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 have here. It is not doable 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.

It has 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 1980'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 $10 billion as the level of realism. 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 1980's.

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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 Co2 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 or in the future. The scientists who were there said that the power level of our Co2 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. HEFLY].

Mr. HEFLY. 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, they 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 these working 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 debate 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, but 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 that is what 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.

Mr. PICKETT. Mr. Chairman, I yield 8 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELIUMS. 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 which 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? Do they 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 does 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, will we 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 if 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 ABM 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 bil­lion upon bil­lion upon bil­lion in order to ensure that the world was 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 provide our country with a defense system 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, would assume that this is a practical defense for the American 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 expanded 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 talk about protecting the American people, and 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. It is 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 modern 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 away the game.

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 Drellums-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 terrorist launching a missile 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 want to underscore a lot of the things that the gentleman from Arizona [Mr. KYL] said yesterday in the debate.

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 strike, given the present FYI research would 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 developing 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 think the objective is.

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 Drellums-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 knew that 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 directed energy 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 technology acknowledged 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 directed energy x-ray laser, the star warriors turned to 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 scheme—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 with a purpose. Lowell Wood claims to be able to develop 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.

Mr. BOHRACH. If the 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 they first tell us it can never work, the bosses in America's delegation to the Kremlin than America's will say it could never work, they then said it was crystal clear that nothing we were doing was concerned the bosses in Washington. The Reagan administration we believed in developing its strategic 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 new protective shield. 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 2 minutes to the gentleman from California [Mr. Roncalles].

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? 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 administration, to building our defenses, including the development of SDI.

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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 this until we know what we are doing, until we know whether it will work, the Kyl amendment is the Bennett amendment does not address the questions about a stable level of funding: the questions about neutral particle beam: all canceled. The exoatmospheric interceptor (ERIS): canceled. The space-based interceptor: canceled. The hydrogen-200: canceled. The hydrogen-300: canceled. The 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. 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, including the development of SDI.

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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 new protective shield. Instead of a sword to the throat of our adversaries, let us build a shield for ourselves.

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:


We cannot have the Bennett level and still continue with a program that will actually find out the answers to the questions about SDI. 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 estimate that for every $1 spent at the White Sands project, an additional expenditure of approximately $2.50 is generated in the area.

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.

Amendment of Title II of the SDI Program. It is now in order to consider the amendments relating to the strategic defense initiative printed in part I 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. 221. FUNDING FOR THE STRATEGIC DEFENSE INITIATIVE.

(a) Funding Level.—Notwithstanding any other provision of this Act, the amount provided in section 201 for Defense Agencies, $2,836,000,000 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, $35,000,000 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 Processing program and $2,000,000 of such amount shall be available for the Laser Space 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 Aero-space Plane and $10,400,000 shall be available for the Satellite Survivability program.

(4) The amount provided in section 201 for the Department of Defense, and the Department of Energy is hereby increased by $251,500,000. Of such amount, $10,000,000 shall be available for the Light- sat program, and $2,000,000 shall be available for the Nunn-Mattingly 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].

Mr. DICKINSON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The Chair has 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 has 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. 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 shall 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.

We 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 the first time in our history. 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 until that light is so bright that we can see the new potential for the future.

America needs not another sword to put at the throats of our enemies but
can 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 note.

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.

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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. 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 such time as I may consume.

I only 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 shakedown ourselves important in our capacity to cope in the real world. This is an absurd and insane way 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 I would 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 fact of the matter is, Mr. Chairman, that one of the reasons the Soviets are frightenened of this program is that one of the reasons why they are not even going to go for it, as part of a clear 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 argument that is made by my colleague, the gentleman from Arizona, I yield myself that one of the reasons why the SDI can also be an antisatellite capability. Not only able to shoot down missiles, but also shoot down satellites, to shakedown ourselves important in our capacity to cope in the real world, to save a generation of our children while engaging in an abstract idea, and rendering ourselves impotent in the face of poverty, hunger and disease and drug addiction and violence associated with it, and I would 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 argument that is made by my colleague, the gentleman from Arizona, I yield myself 1 minute to respond to the two arguments that have just been made.

My colleague, the gentleman from Pennsylvania [Mr. RINECK], made the argument that obviously we are going to see 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 Dells-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 outdated 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, 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
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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 to give away that position literally 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 SDI 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 the 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 Delums 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 Committee 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 impracticality, in over 40 years of work, of 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, projectile, 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, be off only 30 percent of incoming ICBM's, 3 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.

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 those living on 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 B-1-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 the Air Force finds it very expensive to maintain, use and deploy. The stealth program, 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 the Stealth bombers can be defeated with stealthy 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-terror 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 vote was taken; and the result of the vote was an affirmative vote of 291, not voting 15, as follows:

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, SEN-, SENHABRENNER, 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 vote.

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:

(a) TERMINATION OF SIND;--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 RESEARCH.--Fund appropriated or otherwise made available for the Strategic Defense Initiative 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 amounts 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 CHAIRMAN. 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.

Mr. DEULUMS. Mr. Chairman, I have a parliamentary inquiry.

Mr. KYL. Mr. Chairman, I yield for the purpose of closing debate.

Mr. CHAIRMAN pro tempore. The gentleman from Colorado (Mr. BENNETT) will argue that his amendment will do it. I do not think it will.

The CHAIRMAN pro tempore. The gentleman from California (Mr. DREIER) with respect to pantyhose. I cannot help but bring a sense of humor to that analogy.

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 tail tale, she would say, "Never mind," and then she would try again. Then there was Maxwell Smart. When he was caught in a tail 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 defense. 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.

Mr. DEULUMS. 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. DEULUMS) will be allowed to close debate.

Mr. DEULUMS. Mr. Chairman, may I further inquire, did the gentlewoman from California yield back any of the 2 1/2 minutes?

The CHAIRMAN pro tempore. The gentlewoman used exactly her 2 1/2 minutes.

Mr. DEULUMS. 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.

This proposed package by my good friends from California, Mr. DEULUMS 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, the decision before the House with this amendment is a very simple and straightforward one. Does Members believe in unilateral reductions in SDI or do they believe in mutual reductions.

This 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 negotiated. It is the ultimate in SDI 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 cut a larger 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 useful.

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.
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 too small to conduct basic research and 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 Dells-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 Dells-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 Dells-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 Dells-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 constraints, 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, in the close of the debate on this issue. All of the issues, it seems to me, have been ad­ressed. My colleagues are clearly aware what this amendment does. It would, in effect, terminate the Strategic Defense Initiative Program, allow for $1.3 trillion 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 defensive ICBM's to 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. If missiles are back to mutual as­sured destruction. This is not some new concept.

Finally, I must 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 18 or 20 conversa­tions a day about SDI in either one 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, here is my 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 an offensive arms race. Yet when he yielded to me, he agreed that it would also create a corresponding of­ensive 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 Dells-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 Dells-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 went 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 $55.1 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 ad­vanced technology. I believe the way 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 de­fensive 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 competitive arms race.

Mr. Chairman, in light of the uncertainties of the program and the difficulty of allocating funds to increasingly scarce resources for all of the programs competing in the defense budget, I urge my colleagues to support the Dells-Boxer amendment.
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.

The vote was taken by electronic device, and there were—ayes 137, noes 286, not voting 8, as follows: [Roll No. 152]

AYES—137

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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 years 1989 and 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 the gentleman from Alabama [Mr. DICKINSON] 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 lessen 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 21/2 minutes.

Mr. Chairman, this is not the first time we have had this debate.

Mr. Chairman, the purpose of this amendment, I think, is laudable. 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 systematically 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 conventional 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 engineer-
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 and is supporting it. [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 1/2 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 Bommers-Baxter 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 reasonable 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 reason why 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 breakout 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 SDI efforts with arms control agreements dictates that realism, not blind trust, will lead to successful, effective arms control measures equally beneficial to both sides.

Critics suggest that the SDI cripples arms control. This just 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 comprehensive efforts. Within the last decade the CIA estimates that the Kremlin has spent over $15 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 defense 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 gallows ABM system around Moscow and advances in laser technology also indicate that the resources put into the arms race by the Soviets are moving almost 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 intense that 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 programs 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 vice-versa. However, if we were to dismantle the SDI and conventional arms cuts. This is what has happened while we have been pursuing the SDI.

With Gorbachev's new policies of Glasnost and Perestroika, 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 deterrent.

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 are developing missiles and both have used chemical weapons. The SDI would provide protection against any threat 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.

The 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 laureates 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 arguments are wrong.

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 Delfum/Baxer and Bennett amendments.

Mr. KYL. Mr. Chairman, I thank the gentleman from Alabama [Mr. Dickenson] 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. Spear] 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. Homantrusk] 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.

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. As a matter of fact, the gentleman from South Carolina [Mr. Spear] 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.

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Mr. KLEBCZKA 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 a vote of 128-49, 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 1999.

(a) 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.

(b) 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.

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 HOECHSBERGER, 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 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 for the Army to repair helicopters damaged by the severe storms in 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 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 of 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 stretch 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 BTI is to test ideas for conventional defense by applying breakthrough technologies that potentially render obsolete elements of the enemy defense structure. I hope Members can support this amendment.

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. Rose).

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 store some dollars to provide for funding in the conventional arena. We are looking 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.
CONGRESSIONAL RECORD—HOUSE

July 25, 1989

Mr. LEWIS of Georgia changed his vote from "aye" to "no." Mr. SMITH of Vermont changed his vote from "no" to "aye."

The result of the vote was announced as above recorded.

Amendment offered by Mr. SPRAT: 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. SPRAT: In title XXXI, page 327, line 25, strike out: "$1,119,639,000, to be allocated as follows: $1,119,639,000. 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 Ohio with 1 minute to the gentleman from South Carolina (Mr. SPRAT).

That means we will be appropriating, authorizing next year $1,636,000,000 for defense, waste, and environmental restoration in the Department of Energy's defense waste management and environmental restoration account by $1.6 billion. Secretary Watkins has announced as above recorded.

The Department has been successful in changing attitudes about waste handling and caring for the environment.

The Department has been successful in changing attitudes about waste handling and caring for the environment in 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 the resources they need to get the job done.

We can begin today by agreeing to this amendment and adding $300 million to the DOE's defense waste and environmental restoration account. This would increase the total funding in this account to just over $1.5 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 authorization 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

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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 authority it needs to carry out that mission. Mr. Chairman, I urge my colleagues to support this amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). The Chair will inquire, does the gentleman from Alabama [Mr. DICKINSON] seek recognition on this amendment?

PARLIMENTARY 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. Yes, Mr. Chairman, you control the 5 minutes.

Mr. DICKINSON. That being the case, Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. DICKINSON] entitled, then, to 7 1/2 minutes, under the rule.

Mr. DICKINSON. That being the case, Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. 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 environmental standards that the Federal Government imposes on businesses and local governments.

But, we need to do more. If we delay theygutting adequate DOE control to start 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 put on the record 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. With this Bill, I believe 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 already $4 billion dollars. This is 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 and 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. Kaschier] 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. Kaschier] and I agree upon.

The cleanup of the waste at the Defense Department facilities 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 4 1/2 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 fighting the amendment. 

I would like to point out again, that we're not fighting 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 think that in 1989, 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 seat 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 want to emphasize though, to all the Members, that if any of the SDI funds are restored in conference, the restoration has got 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 that 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?

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 explosivat material linears 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 DOE facilities involve not radiation but non-nuclear hazardous and toxic wastes. Because these problems are similar to those faced by the Department of Energy, technologies developed for the DOE could have much broader applications.

I propose a tough but flexible program that uses the strength of our military 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 which approaches are effective, industry can take them over and begin large-scale cleanup. It makes no sense to clean up the DOE complex with dump 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 announced a series of a "lead laboratory" to focus and utilize specialty capabilities currently available in the DOE laboratories.

Most recently, in a major move, the Secretary announced that he is preparing 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 radioactive waste disposal and cleanup have brought far-reaching accomplishments. Lab scientists are experimenting with bacteria that "eat" radioactive and organic chemicals, making them biodegradable in as little as six months. This biological remediation is one-tenth the cost of hauling toxic waste away. This is a big deal.

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
South Carolina steps, such
as cleaning up the laboratories for decades have been at the Department of Energy's (Mr. SPRATT).

The CHAIRMAN pro tempore. All time has expired.

The question is taken; and the Chairmen 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:

AYES—400

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Baker, Richard (MN)
Baker, Gary (NH)
Baker, Patrick (WV)
Baker, Thaddeus (MD)
Baker, Roger (CA)
Baker, James (OH)
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Baker, Yucho (WY)
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.

LEGGITIVIE PROGRAM

(With 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 vote-taking about 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 has 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 not passed, we would take the 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. Mr. ASPIN. 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 is 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 credits.

Mr. GEPHARDT. That is correct. That is our understanding.

Mr. HOPKINS. Mr. Chairman, will the majority leader yield?

Mr. GEPHARDT. That would be 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.

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 INTERDICATION AND LAW ENFORCEMENT SUPPORT

SEC. 1101. FINDINGS.

Congress makes the following findings:

(1) The Department of Defense is responsible for illegal drugs entering the United States from foreign sources poses a direct and immediate threat to 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 the target capture capabilities which can be readily adapted to the mission of drug interdiction.

(4) A light of these capabilities, title XI of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–455), 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 to make additional funding available for Department of Defense specifically related to the Department of Defense's role in drug interdiction and deterrence of drug smuggling.

(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-INTERDICTIO N AREAS.

(a) EXERCISES REQUIRED.—Subsection (b) of section 371 of title 10, United States Code, is amended—

(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.

(B)(2) Not later than December 1 of each year, the Secretary of Defense shall report 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—

(1) a description of the exercises conducted in drug-interdiction areas and the effectiveness of those exercises in assisting civilian law enforcement officials; and

(2) 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 eliminating interdiction and deterrence of drug smuggling.

(c) 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) PURPOSES FOR WHICH EQUIPMENT MAY BE OPERATED.—Section 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:

(3) 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”, and the Attorney General “the Attorney General” and all that follows through “out­side the land area of the United States”, in paragraph (4)(A) and inserting in lieu thereof “and the Attorney General and the Secretary of the State in the case of a law enforcement operation outside of the land area of the United States”.

(c) 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)” and “paragraph (4)(C)” and inserting in lieu thereof “paragraph (3)(A)”.

(2) Section 374(b)(5) is amended—

(A) by striking out “section 374(b)(3)(A)” in subsection (c) and inserting in lieu thereof “section 374(b)(3)(A)”;

(B) by striking out “section 374(b)(3)(B)” and inserting in lieu thereof “section 374(b)(3)(A)”.

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.

SEC. 1105. CONGRESSIONAL 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 is in the table of sections of title 10, chapter 1, subchapter II, of title 31, United States Code is amended to read as follows:

“§ 376. Support not to affect adversely military preparedness to a substantial degree”.

SEC. 1106. 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. 1107. ENHANCED DRUG INTERDICTIO N 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) To carry out subsection (a), the Department of Defense personnel may operate equipment of the Department of Defense to intercept a vessel or an aircraft detected outside the land area of the United States for the purposes of—

(1) Identifying and communicating with that vessel or aircraft; and

(2) 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 affect the activities of the Department of Defense under this section.

§ 382. Drug interdiction and law enforcement support: budget proposals

“Notwithstanding section 1535 of title 31 or any other provision of law, civilian law enforcement agency to which support is provided under this chapter is not required to reimburse the Department of Defense for that support.”

NOTES

Title XI—Military Drug Interdiction and Law Enforcement Support

General Provisions

Congressional Findings

The findings of Congress are the basis for the military drug interdiction and law enforcement support provisions in this title. These provisions are intended to enhance the ability of the Department of Defense to conduct drug interdiction and law enforcement operations. The findings state that the Department of Defense is responsible for detecting and monitoring drug traffic into the United States and that the Department of Defense has the responsibility to oversee the integration of its resources into an effective communications network for drug interdiction. The findings also note the need to increase the Department's role in drug interdiction and law enforcement support.

Training Exercises

The Department of Defense is required to conduct training exercises in drug-interdiction areas. The training exercises are intended to enhance the effectiveness of drug interdiction and deterrence of drug smuggling. The report required by the amendment to section 371(b)(2) of title 10, United States Code, shall include a description of the exercises conducted in drug-interdiction areas and the effectiveness of those exercises in assisting civilian law enforcement officials.

Equipment Operation

The Department of Defense is authorized to operate equipment for the detection and monitoring of aerial and maritime transit of illegal drugs into the land area of the United States. This includes the ability to locate and communicate with vessels and aircraft detected outside the land area of the United States.

Reimbursement

The Department of Defense is not required to reimburse civilian law enforcement agencies for support provided under this title. This provision is intended to allow the Department of Defense to conduct drug interdiction and law enforcement operations without the need to reimburse civilian law enforcement agencies.

Enhanced Support

The Department of Defense is authorized to provide enhanced drug interdiction and law enforcement support. This includes the ability to detect, locate, and communicate with vessels and aircraft detected outside the land area of the United States. This provision is intended to allow the Department of Defense to conduct drug interdiction and law enforcement operations outside the land area of the United States.

Budget Proposals

The Secretary of Defense is required to submit budget proposals for enhanced drug interdiction and law enforcement support. This provision is intended to ensure that the Department of Defense can continue to conduct drug interdiction and law enforcement operations.
§ 383. National Guard: enhanced drug interdiction and enforcement role.

(a) The Secretary of Defense and 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, pursuant to section 1103 of the National Defense Authorization Act, Fiscal Year 1989 (102 Stat. 2042, 2047), are repealed.
(b) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1989.

SEC. 1107. RESTRICTION ON DIRECT PARTICIPATION BY NATIONAL GUARD 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 assistance of any personnel) under this chapter does not include or permit direct participation by a member of the National Guard by the laws of the entity concerned.

"(a) 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 assistance of any personnel) under this chapter does not include or permit direct participation by a member of the National Guard by the laws of the entity concerned.

"(b) Operations of the Department of Defense relating to drug interdiction and law enforcement support.

"(c) National Guard.—Of the amounts appropriated pursuant to subsection (a), $150,000,000 of the amount appropriated for fiscal year 1990 and $250,000,000 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 the purpose specified in subsections (c) through (g)).

"(d) National Guard.—Of the amounts appropriated pursuant to subsection (a), $70,000,000, of the amount appropriated for fiscal years 1990 and 1991 shall be available only to support Civil Air Patrol and maritime navigational corridors by the National Guard to assist in drug interdiction and law enforcement operations; and

"(e) Authorization of appropriations relating to drug interdiction.

"(f) Operations of the Department of Defense.—Of the amounts appropriated pursuant to subsection (a), $150,000,000 of the amount appropriated for fiscal year 1990 and $250,000,000 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 the purpose specified in subsections (c) through (g)).

"(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. 1105. ANNUAL REPORT ON DRUG INTERDICTION AND LAW ENFORCEMENT SUPPORT.

(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.—Not later than December 1, 1990, 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.—Not later than December 1, 1989, the Secretary of Defense shall submit to Congress a report—

(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(g); 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, 1989, the Secretary of Transportation and the Secretary 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
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 McA

Mr. HUGHES. Mr. Chairman, I want to thank the gentleman from Massachusetts for yielding me 1 minute, and want to thank him and his colleagues for their work in this entire area. I have a question of the gentleman.

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 yield 1 minute to the gentleman from Massachusetts [Mr. MAVRouLES] to close out his amendment.

Mr. MAVRouLES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today, the gentleman from Massachusetts [Mr. MAVRouLES] and the gentleman from Kentucky [Mr. DICKINSON] are offering to 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 took unprecedented action. The amendment of our 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 is to help fight the real threat to our national security—by supporting the military drug interdiction amendment before the House. I want to extend my congratulations to the gentleman for his leadership in this area.

Mr. Chairman, I am proud to join my friend and Chairman of the Investigations Subcommittee, Nick McA

Mr. HUGHES. Mr. Chairman, I want to thank the gentleman from Massachusetts for yielding me 1 minute, and want to thank him and his colleagues for their 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. Mavroulès. 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.

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 war on drugs is going off in many, many different directions, and the drug problem within their jurisdiction.

Mr. Chairman, I will not be worth the paper it's written on unless the drug war is taken seriously by those responsible for running the war. Right now Bill Bennett is a general without an army. Our war on drugs is going off in many, many directions, and the drug problem is getting worse, not better.

Mr. Mavroulès. 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. Mavroulès. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi.

Mr. Montgomery. Mr. Chairman, 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 captured 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. Mavroulès) 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 chairmen 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.

Mr. 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. MacTley).

Mr. MacTley. 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. Mavroulès. 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 the capabilities contained in its many units. In addition, Guard units operate under the control of their respective governors, 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 among the military 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. The amendment being offered because the administration regrettably 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 seizes 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. The amendment being offered because the administration regrettably 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 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.

Mr. 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 $800 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 top priority must be its war against drugs. Aircraft attempting to smuggle drugs into the United States have been detected by the military even more involved if we are going to win this war against drugs.

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July 25, 1989

The Chairmen pro tempore (Mr. DURBON). It is now in order to consider the amendments related to burden-sharing printed in part 1 of House Report 101-368 by and 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. DICKINSON] and Mr. BEREUTER. There was no objection.

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:

(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 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 amendment to an agreement entered into on or after 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. 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 to offer a modification to that amendment. The CHAIRMAN pro tempore. The Clerk will report the amendment, as modified.

The Clerk reads 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 conditioned, directly or indirectly, on—

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The limitation in subsection (a) shall not apply with respect to funds appropriated before the enactment of this Act.

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know about situations down the road when 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.

Mr. SCHROEDER. Mr. Chairman, at the suggestion of Congressman Solzar, 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 particularly 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.

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, directly or indirectly, is addressed 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 from New York [Mr. Martin] persist in his reservation?

Mr. 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 just 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 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 combat that 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 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.

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 as agreeable as possible.

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, in fact, it demonstrates the concern that I have, and that is that we may get into a pattern here where an amendment which has been around 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, but allowing 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 ask unanimous consent to control the eloquence of the arguments and ask to control the time from the table.

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 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 amendment be restored to me.

The CHAIRMAN pro tempore. 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 amendment be restored to me.

The CHAIRMAN pro tempore. 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. 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 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 of 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 $200 million for the new 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 terms that we negotiate 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 put 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 not only exclude Spain and portugal; it would not undo these base rights agreements. It would not force us to leave these countries. Rather, my amendment would recognize that our base rights at Incirlik, Ankara, and Izmir are the foundation of our security interests and fund them. No longer will we be asked to pay huge sums to meet this burden while our allies have kept their defense budgets low. I think we should pay them, and I yield to the gentlewoman from Colorado to respond.

Mrs. SCHROEDER. Mr. Chairman, I yield to the gentlewoman from Colorado.

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 I 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 needs and different political, different foreign aid and different defense budgets, I 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.
Mr. Speaker, in conclusion, I would like to thank the chairman of the Readiness Subcommitte, 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 any 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.

Mr. 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 1988, 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, 316 positions in fiscal year 1990, and 366 positions in fiscal year 1991.

If you have any additional questions, please call Albert H. Huntington, III, Assistant Director,GAO/NSIAD-89-173(P).
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.

Mr. IRELAND. I am happy to yield to the gentleman.

Mr. DURBIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The amendment is in order.

Mr. DURBIN. Mr. Chairman, I offer an amendment.

Mr. CHAIRMAN. The amendment is in order.

Mr. DURBIN. Mr. Chairman, the amendment is as follows:

Amendment offered by Mr. WEISS: Page 36, after line 16, insert the following new section:

The CHAIRMAN pro tempore. The amendment is agreed to.

Mr. WEISS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The amendment is agreed to.

Mr. Weiss. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The amendment is agreed to.

Mr. WEISS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The amendment is agreed to.

Mr. WEISS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The amendment is agreed to.

Mr. WEISS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The amendment is agreed to.

Mr. WEISS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The amendment is agreed to.
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 cope with 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 sequence of amendments.

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 1980. 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 missile program or prevent the Navy from canceling the D-5 missile program if it decided to do so. Our amendment simply would prohibit the Navy from purchasing any Trident submarine to enable it to carry Trident II (D-5) missiles.

Mr. Chairman, let me say that this is a fundamental amendment. The missile has an incredibly high yield and pinpoint accuracy. With the D-5, the United States will have, for the first time, 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 amendment 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 destroy 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 potential of our sea-based 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 into our atomic 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.
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 several times over 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.

Relocating 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; second, the added upkeep costs for two versus one system.

I think 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 by 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.

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Mr. WEISS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the C-4 missiles can do almost everything the D-5s can do. They can destroy airfields, troop concentrations, naval bases, industrial facilities, and government centers. They can reach their targets in about 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 do 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 capabilities that will be able to do what the C-4's are capable of. That is the reason we are looking at the C-4's 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. Sресzcz].

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. 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; we would lose the economic 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 site significantly understates the requirement for such capability.

Now let me address the cost savings issue for a moment. Claims of savings of $8 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's 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. Dellums]. 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. DELUMS

Mr. DELUMS. 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 $18,819,000.

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 interesting and interesting, Mr. Chairman, that the range of the anticipated follow-on to Lance is some 400 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. Chairman, would there be a tactical nuclear war? Anybody who believes that we 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?

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 capability 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 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. Cole].

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 the 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 INF 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 we ought 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 INF negotia­tion that we really want to move forward and take place.

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. Dickerson].

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 be clear, 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 chips in the table and wants me to put my 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 and the Short-Range Attack Missile (SRAM/T).

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 Drellam amendment.

The White House,
Hon. William Dickinson,
Chairman, Committee on Armed Services,
Washington, DC.

Dear Congressman Dickinson: I am writing to add my concern to that expressed by Secretary General Drellam and support 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 success at the NATO Summit were built on a firm and stable security posture. One of the most serious mistakes we could make would be to begin dismantling arms control progress, and, by our own actions, undermine our security posture.

I urge you to support the modest funding dates for both FOTL and SRAM/T in the 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,
Hon. William P. Drums,
Chairman, 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 we have on the table to maintain our theater nuclear deterrent—the follow-on to Lance (FOTL) and the Short-Range Attack Missile (SRAM/T).

I am concerned over the misperception that the SRAM/T circumvents the spirit of INF. The requirement for SRAM/T precedes 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 wide array of nuclear and conventional nuclear forces—the result of an aggressive, decade-long modernization program. This program includes replacement of the old and inaccurate SS-21 and SS-23 missiles with the SS-25 and SS-26 respectively, and replacement of the SS-21 missile with the SS-25; the SS-23 missile with the SS-25; and the SS-23 missile with the SS-25.

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. The TASM will allow these systems to be deployed as vital components of our nuclear deterrent.

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-Waract actions, and the continued contribution to INF security objectives.

Best regards,
Dick Cheney.

Secretary of the Air Force,
Washington, DC.
Hon. Ronald V. Drellams,
Chairman, Subcommittee on Research and Development, Committee on Armed Services, House of Representatives, Washington, DC.

Dear 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 be a treaty.

The INF Treaty specifically addresses ground-launched missiles with a range of 500 to 5,500 kilometers. SRAM-T is air-launched from rockets with a range well under 500 kilometers. These are critically important distinctions. NATO air-delivered weapons were carefully excluded from the INF treaty as more 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 accurate systems. It will fill a critical role in continuing the credibility of NATO's doctrine of flexible response.

We remain committed to our nation's 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. RICK
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 this weapon system is really pure, not military. It turned out that it was political.

We spent hundreds of millions of dollars deploying weapons in Europe that make no sense.

I had to try to explain to 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.

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 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, Mr. Chairman.

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. DREW). Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I offer an 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 with 5 minutes to discuss major concerns.

Having said that, what this amendment will do is it will allocate 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 reevaluating 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 (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.

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 amounts to $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 dual capability 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 knee-jerk 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 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 a great target flexibility for SACEUR. As a result, Mr. Chairman, this is one of those weapons that all 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 not the time to begin the process of divesting a 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. 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 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, 50 warheads, plus bombers, 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.

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 weought 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 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 expel 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 $56 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 Kidpack, are comparable in 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, suggests 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. Develop-
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opining 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 Chair 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 Resolution 211.

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. 124. ARMY HELICOPTER PROGRAMS.

(a) DENTAL 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 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 program that will eventually cost $42 billion extravaganzas when we can get the same results for a tiny fraction of the cost.

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. DICKINSON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Kentucky (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 its operational 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 ATP 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 to the military appropriations bill 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. We are 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 fly into the next century. We are dealing with a growing 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 an 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 where we 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 amendment 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 Mississipp (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) just did. The problem is one 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.

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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 $64 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. 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 reduced.

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 the 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 all have bought cars where the salesman 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 where it is still just on paper. Today is the 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 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 BIOLOGICAL 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:

"§ 2378. Identification of biological agents used in Biological Defense Research Program publication in Federal Register.

(b) 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 if the research is 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 version 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 each chapter is amended by adding at the end the following new item:

"2370. Identification of biological agents used in Biological Defense Research Program; publication in Federal Register."

(b) EFFECTIVE DATE.—Section 2370 of title 16, United States Code, as added by subsection (a), shall take effect with respect 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 required to be published in the Federal Register within 60 days after the date of 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.

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 an outbreak—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, the Biological Defense Research 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 Department of Defense 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. Research is unclassified which 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 Committees 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. Now, the gentleman from Utah [Mr. OWENS] has offered an 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 admit it to our military and to 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 detrimental 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.

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 conclusion, let me say to 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.

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The committee bill supports disclosing this information to the appropriate congressional committees. I believe we should disclose this information to the American people.

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. Dzilomas] 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 R&D field.

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 this legislation which underlies this amendment.

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 DUTIES.

(a)(1) Subchapter I of chapter 59 of title 10, United States Code, is amended by adding at the end thereof the following:

"(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 of Defense; and

(2) the term 'civilian service' means service other than military service compensable under chapter 3 of title 37;"

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 this 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 technicians and military personnel are obvious. Civilian technicians 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.

Civilians are not given the medical or dental care given to military personnel; they receive no family 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 emblems.

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 sense being 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 ones 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.

Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I thank the gentleman for yielding me 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 ask a simple 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 gentleman 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 technicians who hold dual status and maintain military status and compatible military rank and duties as National Guardmen 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 performing National Guard duties is essential to the mission of the National Guard. Wearing of the uniform fosters military discipline, promotes uniformity and regularity, and 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 technicians 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 service.

Mr. DICKINSON. Is he 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 work for 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 the civilian status of such civilian technicians. The new uniform is 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 in uniforms gives civilian technicians 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. Currently, no matter what the 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.

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. 34. 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 after the end of 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 provided under chapter 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 government employee to the Department of Defense to contractor performance of such activity.

"(2) For purposes of applying the protest system to such conversions to contractor performance:

"(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

"(i) 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 'request' 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 accorded exclusive recognition as 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).

"(C) The table of sections at the beginning of each chapter is amended by adding at the end the following new item:

"2468. Conversion to contractor performance: protests and judicial review.

"(d) EFFECTIVE DATE.—Section 2468 of title 5, United States Code, as added by subsection (a), shall apply with respect to contracts which are subject to the provisions of this Act, on which regulations 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 who are in favor of transferring Federal 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 contracts 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 review for unfairness to 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 appeal process is narrow and heavily biased to uphold the original award of the contract. On the other hand, private contractors who believe that a contract was improperly 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 127 days. DOD employees or their representatives use internal appeal procedures, then attempt to appeal to an arbitrator under a negotiated grievance procedure, the case can not, it is inconceivable how anyone can argue that the system should not treat all parties equally.

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 contract had stayed in-house. I believe that a competitive 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 equally. That is why I am offering this amendment today. Thank you.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Illinois (Mr. EVANS) has 1 minute remaining.

Mr. EVANS. 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 by the end of fiscal year 1989, they have only studied about 11,000. This amendment I believe goes a lot 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, they 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 think the gentleman was 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 offerer of the amendment would be willing to withdraw it, but I would hope with the assurance that we will give this serious consideration, that if we do not 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 us have hearings and 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 giving that suggestion, and I would be willing to withdraw my amendment.
if we could have the assurance of some hearings.

Mr. BUTTOS. 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? The amendment is withdrawn.

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. BERMANT), 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 the country in which the contract is entered into with foreign entities in fiscal years 1990 and 1991, including—

(a) DETERMINATION

(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

(b) the term “foreign firm” means a business entity that is incorporated in a country other than the United States.

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.

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.
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 extent 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).

Mr. TRAFICANT (during the reading). 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, 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.

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 (designate the succeeding part and sections accordingly):

PART E—MISILE 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, materials, and technology necessary and intended to take all appropriate measures to—

(2) to discourage Communist-bloc countries from acquiring such weapons, material, and technology;

(3) to strengthen the Missile Technology Control Regime; and

(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 should take unilateral actions to pursue the objective in subsection (a) until such multilateral efforts prove effective and, at that time, to support and enforce similar unilateral efforts.

(d) 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 sections 38 and 2404 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) Denying 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 nondestrabilizing, the sanctions described in subparagraphs (A) and (B), but only with respect to MTCR items.

(d) The President shall take appropriate steps to discourage less developed states or entities from developing and deploying destabilizing offensive missiles. Whenever the President determines that such missiles may be the policy of the United States; and that those provisions are the following sanctions shall be applied to a state or entity under subsection (a):

(2) the foreign person has been issued an 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) A foreign person is a non-Communist country from aiding and abetting any states in acquiring such material and technology.

(D) To offer an amendment.

The CHAIRMAN pro tempore. The amendment, as modified, was read and printed in the RECORD.

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. 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 260, after line 21, insert the following new part (designate the succeeding part and sections accordingly):

PART E—MISILE 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, ma-
since the 1979 congressional amendments to the Export Administration Act, which have been cited in section (6) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(a)(5)) as amended by adding at the end thereof the following: "The Committee shall refer all licenses, applications for export of missile equipment and technology that is not contained on the United States Munitions List to the Senate by the President in consultation with the Committee on Intelligence.",

SCE. 1245. DEFINITIONS.

For purposes of this part:

(1) The term "United States person" means "United States person" as defined in section 18(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2418(2)).

(2) The term "person" means any person other than a United States person.

(b) CONTENTS OF REPORT.—(1) Each report referred to in subsection (a) shall detail the efforts to acquire offensive weapons, long-range missiles and destabilizing offensive aircraft, and to acquire the material and technology to produce and deliver such weapon systems, materiel, and technology described in paragraph (1).

(2) 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.

(c) REPORTS REQUIRED.—(1) Such report shall also 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 weapon systems, materiel, and technology described in paragraph (1).

(2) Such report shall also include an assessment of whether the President determined that an export license, or by facilitating the activities of the companies listed in paragraph (3)(A) or (3)(B), would be issued.

(3) Such report shall also include an assessment of whether the President determined that an export license to any other than a United States person.

(4) Such report shall also include an assessment of whether the President determined that an export license to any other than a United States person.

(b) CONTENTS OF REPORT.—(1) Each report referred to in subsection (a) shall detail the efforts to acquire offensive weapons, long-range missiles and destabilizing offensive aircraft, and to acquire the material and technology to produce and deliver such weapon systems, materiel, and technology described in paragraph (1).

(2) 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.

(c) REPORTS REQUIRED.—(1) Such report shall also 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 weapon systems, materiel, and technology described in paragraph (1).

(2) Such report shall also include an assessment of whether the President determined that an export license, or by facilitating the activities of the companies listed in paragraph (3)(A) or (3)(B), would be issued.

(3) Such report shall also include an assessment of whether the President determined that an export license to any other than a United States person.

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(2) 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.

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(2) Such report shall also include an assessment of whether the President determined that an export license, or by facilitating the activities of the companies listed in paragraph (3)(A) or (3)(B), would be issued.

(3) Such report shall also include an assessment of whether the President determined that an export license to any other than a United States person.

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(2) 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.

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(2) Such report shall also include an assessment of whether the President determined that an export license, or by facilitating the activities of the companies listed in paragraph (3)(A) or (3)(B), would be issued.

(3) Such report shall also include an assessment of whether the President determined that an export license to any other than a United States person.

(4) Such report shall also include an assessment of whether the President determined that an export license to any other than a United States person.
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 as described in paragraph (1).

(3) That a developing country—

(A) is importing MTCR items or long-range missiles or technologies for the delivery of weapons of mass destruction, or

(B) is equipping its forces with new or additional missile systems or other weapons delivered or 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 technologies 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 not a person under subsection (a) with respect to a product or service if the President submits to Congress a certification that—

(a) is importing MTCR items or long-range missiles or technologies for the delivery of weapons of mass destruction, or

(b) is equipping its forces with new or additional missile systems or other weapons delivered or configured to use weapons of mass destruction.

(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 in respect to any exporting, transferring, or other trading activity covered by such export license.

SEC. 1244. ANNUAL REPORTS ON THE PROLIFERATION OF LONG-RANGE MISSILES 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 all reports made under section 1242(e) during the period ending on the date of the report and any confirmed or credible intelligence or other information that any non-Communist country has aided or abetted any foreign country in those efforts; and

(2) The reports which apply to a foreign person under subsection (a) are the following:

(A) Each company which in the past has aided or abetted any foreign country in those efforts;

(B) Each company which continues to aid and abet any foreign country in those efforts, as of the date of the report.

(3) Each report shall also list—

(A) each company which in the past has aided or abetted any foreign country in those efforts;

(B) each company which continues to aid and abet any foreign country in those efforts;

(C) the end-user of such product or service.

(4) The term "MTCR item" means any item listed in the Equipment and 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 18, 1987.

(5) The term "MTCR 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. 1245. REGULATORY AUTHORITY.

The President may issue such regulations, orders, and directions as are necessary to carry out this part.

SEC. 1246. 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. BERNAN (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. BERNAN] that the amendment be modified?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from California [Mr. BERNAN] is recognized for 5 minutes in support of his modified amendment.

Mr. BERNAN. 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, EASICH, 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 irreplaceable, 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 other countries; North Korea and South Korea are producing missiles. Argentina, Brazil, Egypt, India, Taiwan, Iraq, Pakistan and South Africa are trying to gain the capability to produce one 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 bolstering the spread of missile technology.

One country, Iran, is seeking nuclear weapons. North Korea is seeking to develop a nuclear weapon. If missile technology is not contained, it will contribute to regional instability and proliferation.

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 unacceptable, and I think it is within our power to do something about it.

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. BERNAN] 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 arrogant instrument. The philosophy is to force the President, with 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 1249(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. 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?

This is a doctrine of extraterritoriality. When other countries do it to the United States, we respond. When we do it to others, 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 MTSC 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 House of Representatives 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 (Mr. BERMAN). 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 amendment 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 re-writing?

Mr. BERMAN. The gentleman would further yield, because at that point, it was not ready.

The CHAIRMAN pro tempore (Mr. DURBON). All time has expired.

The question was taken; and 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. RECORD 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 recorded 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 101-12.

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;

(3) an estimate of the funds necessary to implement the plan.

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.

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.

(OUTLINE OF 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.

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 the 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 with a will to fight. What has America come to? Where is our will to fight to win? What an immediate difference air-to-air missiles blowing these scams to bits will have in this war, and to the American people, 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 throughout 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 the military be 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.

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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. 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 withdraw 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 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 satisfied, 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 the vote 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. BROOME FIELD], who 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. BROOME FIELD].

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. BROOME FIELD].

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 move 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 to 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, 1988, 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 Conference on March 6, 1989, which would result in a dramatic reduction in Soviet and Warsaw Pact conventional forces.

(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 reduce 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 qualitative 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 my support for arms control efforts and underlines the important role that arms control plays in enhancing global security and reducing tension in the world.

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 and 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. Gorbatchev—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.

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ANNOUNCEMENT OF 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. 5 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 83 ayes, 39 nays 341, not voting 7, as follows:

[Roll No. 157]

AYES—83

Aakerman
Aktsin
Austin
Bates
Bell
Bonior
Boyer
Bruce
Cardin
Cassidy
Clay
Conyers
Costello
Coyne
Crockett
DePasco
DeLatta
Delluma
Dorgan
Downey
Dubin
Dymally
Edwards (CA)
Eggleston
Edwards (NY)
Feighan
Flake
Ford (M)
Ford (T)

NOES—341

Akaka
Craige
Anderson
Darden
Andrews
Anthony
Applegate
Arthur
Arvey
Apin
Baker
Ballenger
Barnard
Barrett
Barto
Baum
Bennett
Bentley
Bever
Billings
Blakctus
Bilski
Bosco
Boucher
Boswell
Brooks
Broomfield
Brown (CA)
Brown
Brown
Buchner
Bundy
Bustamante
Butler
Calabria
Callahan
Campbell
Campbell
Carper
Clarke
Clarke
Cline
Clinger
Coble
Cole (MO)
Coleman
Combett
Connelly
Cooper
Coughlin
Cowling

Lloyd
Lowery (CA)
Lowery (NY)
Lowery
Lower (CA)
Lukas
McAuliffe
Macleay
Mahan
Manton
Marjorie
Marlatt
Martin (IL)
Martin (NY)
Martinez
Matsui
Maxwell
McCollum
McCrery
McCurdy
McDade
McDermott
McKeen
McGrath
McMillan (MD)
McNeil
Mefford
Mitchell
Miller (OH)
Miller (WA)
Mineta
Molinar
Mollohan
Monger
Morell
Morrison (WA)
Mrazek
Murphy
Murphy
Myers
Neal (CA)
Neal (NC)
Nelson
Nelson
Nowak
Oakar
Oxley
Pallone
Park

NOT VOTING—7

Bilbray
Bilirakis
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Messrs. ESPY, HUTTO, and REGULA changed their votes from "aye" to "no."

Mr. YATES and Mr. LAFLACE 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 paragraphs 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 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—aye 399, not voting 6, as follows:

[Roll No. 158]

AYES—96

Aakerman
Aktsin
Austin
Bates
Bell
Bonior
Boyer
Bruce
Cardin
Cassidy
Clay
Conyers
Costello
Coyne
Crockett
DePasco
Delluma
Dorgan
Downey
Dubin
Dymally
Edwards (CA)
Eggleston
Edwards (NY)
Feighan
Flake
Ford (M)
Ford (T)

NOES—329

Akaka
Craige
Anderson
Darden
Andrews
Anthony
Applegate
Arthur
Arvey
Apin
Baker
Ballenger
Barnard
Barrett
Barto
Baum
Bennett
Bentley
Bever
Billings
Bilski
Bilski
Bilski
Bilski
Bilski
Bilski
Bilski
Bilski
Bilski
Bilski
Bilski
Bilski

—16181—

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Mr. SCHUMER changed her vote from "aye" to "no." The amendment was rejected.

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.
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—aye 274, noes 151, not voting 78, as follows:

<table>
<thead>
<tr>
<th>Roll No.</th>
<th>AYES-274</th>
</tr>
</thead>
</table>

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—aye 274, noes 151, not voting 78, as follows:

<table>
<thead>
<tr>
<th>Roll No.</th>
<th>AYES-161</th>
</tr>
</thead>
</table>

The Clerk designated the amendment.
employment in the National Guard, on which a recorded vote is ordered.

The vote was taken by electronic device, and there were—aye 156, noes 269, not voting 6, as follows:

[Roll No. 182]

AYES—156

Ackerman
Alexander
Annenhouzer
Bennellon
Bereuter
Berman
Bilirakis
Boehlert
Bonner
Boucher
Brooks
Brown (CA)
Brune
Bryan
Bustamante
Byron
Calahan
Chandler
Clinger
Coble
Combett
Collin
Craig
Cox
Crane
Dannenmayer
DeLay
DeWine
Dodd
Dreier
Edwards
Fields
Frenzel
Gailey
Gaydos
Geckas
Gillmor
Gingrich
Goodling
Goss
Groat
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes (CA)
Hensley
Henry
Hill
Holden
Hunt
Hyde
Hutto
Ireland
James
Jenkins
Johnson (CT)
Jones (GA)
Kanjorski
Kolbe
Kolter
Kyl
LaPallo
Lagomarsino
Lancton
Lantos
LaLonde
Leach (LA)
Leach (TX)
Lent
Levin (MI)
Levin (NY)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Loe 

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 rejected.

The results of the vote was announced as above recorded.

AMENDMENT NO. 20 OFFERED BY MR. BERNAR

The CHAIRMAN pro tempore (Mr. DURBIN). The Chair will designate the amendment as modified, offered by the gentleman from California (Mr. BRAMMER).

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

NOT VOTING—6

Collins
Courtier
Hagerty
Hansen

Mr. HUGHES changed his vote from "aye" to "no.
Mr. YATES and Mr. MARKNEY changed their vote from "no" to "aye.

So the amendment was rejected.

The results of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. EVANS

The CHAIRMAN pro tempore (Mr. DURBIN). The Chair will designate the amendment as modified, offered by the gentleman from California (Mr. BRAMMER).

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. BRAMMER), on which a recorded vote is ordered.

NOT VOTING—6

Collins
Courtier
Hagerty
Hansen

Mr. HUGHES changed his vote from "aye" to "no.
Mr. YATES and Mr. MARKNEY changed their vote from "no" to "aye.

So the amendment was rejected.

The results of the vote was announced as above recorded.
The vote was taken by electronic device, and there were—ayes 417, noes 9, not voting 5, as follows.

(roll No. 163)

The vote was 417 to 9. The ayes included Members of Congress from Illinois, New York, Georgia, and California, among others. The noes included Members of Congress from Wisconsin, Michigan, and Pennsylvania, among others. The voting was conducted to determine the fate of the SDI budget amendment.

The amendment, as modified, was agreed to. The result of the vote was announced as above recorded.

The legislative program was pursued, including the SDI budget amendment. The amendment was discussed and debated in detail. The vote on the amendment was close, with 417 to 9 in favor.

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 amendment, which if it passes will re-instate the Cheney budget in the procurement area.

So the vote that is coming up now will be a vote on whether the House of Representatives will 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 the SDI program. We have just voted to fund the SDI program.

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 elaborate 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 spending. Those were R&D dollars. It would not have any 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 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. Mooy).
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 amendment 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 indicate that we would do tomorrow? If that passes or not passes, the committee will rise for the rest of the day.

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 to-night, we will not have to stay here another hour to take up the Weldon amendment, is this 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 [Mr. MOODY] has another amendment.

The CHAIRMAN pro tempore [Mr. DUBREE]. 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.

Mr. ASPIN. Mr. Chairman, 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 dated April 29, 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.

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.

Mr. ASPIN. Mr. Chairman, as the funds available for defense continue to decline, some Members 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.

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 to-night, we will not have to stay here another hour to take up the Weldon amendment, is this 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 [Mr. MOODY] has another amendment.
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 right decisions, but I do not believe that they are 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 wanted to make the 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 does not affect the other provisions of the law. The situation of the SBE portion of the bill is that we have indicated to the Secretary that we support the Secretary, 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. This 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 his or her 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 Cheney the funds for the Army, which are in the National Guard. 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, 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 done, further amendments are offered to make adjustments, and each one of those 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 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 do our job. We cannot do the job when 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 90 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 was 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 would 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.

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 be recognized?

The CHAIRMAN pro tempore. Mr. Chairman, could I request that the gentleman from Mississippi be recognized?

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 Mississippi.

Mr. RAY. Mr. Chairman, I 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, I 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 Reserve 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
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 enough for Mr. McCURDY, 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. MCCURDY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oklahoma (Mr. McCuisky).

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 helicopters will increase and then balloons. In the end, the alternatives cost as much and more than the V-22, and we end up with a 20-year-old helicopter 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 budgeters' 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. There were 138 committee 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.

We spoke out 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.

Mr. RAVENEL. Mr. Chairman, I rise in opposition to the Cheney budget because it denials, 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.

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 35 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.
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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 morning that the committee meetings they had, on what they view as the mission 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.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Mississippi (Mr. MONTGOMERY) has 5 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. LEStR).

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 what the budget proposal is. The question of whether or not 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-14s 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 Achille Longo 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-14s, 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-14s?

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 this 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-14s 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 interesting consideration something the Pentagon has conveniently chosen 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, which was the biggest scandal 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-14s 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 the Armed Services Committee bases their calculations 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-14s?

Mr. MARTIN of New York. Mr. Chairman, I rise in support of the amendment proposed by the gentleman from Alabama to restore procurement funding levels to those in the Cheney package.

Mr. RAY. Mr. Chairman, I have been in Congress for 7 years, and for 10 years prior to that I was associated with the other Congress. I have seen Congress ask again and again for...
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.

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 programs in an inefficient and expensive way.

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 that 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 the first time, I will support it today.

Mr. 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 memorandum, and 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 V-22 Osprey, 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 economic sense to eliminate an 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 budget 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
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 some good headlines.

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. Bonner].

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 var­ity 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. Tilt-rotor technology could be a big boost to the U.S. commercial aviation industry. Development of this technol­ogy could be a big boost to the U.S. commercial aviation industry. Development of this technol­ogy could be a big boost to the U.S. commercial aviation industry.

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 3.5 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 2040. 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 Falklands conflict the British sent a number of tanks to the war zone 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.anking aircraft, 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, 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 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 $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 terminations, 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. DICKINSON. 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, I must 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 P-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 shortcomings.

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 do their work in 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, there is no 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.

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
Ashcroft
Aspin
Baker
Ballenger
Bateman
Bereuter
Bilirakis
Bingaman
Brooks
Brown
Campbell (CA)
Cardin
Chandler

Clinger
Coleman (MO)
Combest
Cooper
Coughlin
Cox
Craig
Craner
Dannemeyer
Davis
DeLay
Dickinson
Douglas
Dreier

Duncan
Edwards (OK)
Emerson
English
Fawell
Fish
Frenzel
Gekas
Gillum
Gingrich
Garlock
Grady
Grant
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 declaration of the right to object, I will not object, but I yield to the gentleman from California.

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.

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:


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. The 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 acutely 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 Fease (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 experience.

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 studies, 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 legislature 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.

And controlling 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-surgery centers, office-based specialists, and other practitioners and 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 surgery-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 insurance. 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 systems reward 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 preventive 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 of several, 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 of 1989 opens the way to 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 control insurance premiums, 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 Congresswoman 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." Sections
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 "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 facilities, 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 dependents), 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 coverage under 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 legislative official, of a State eligible to receive planning grants from the Secretary under this Act. A designated State planning body
SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $25,000,000 for fiscal year 1996.

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 F. 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 gentleman from Maryland [Mrs. BEVERLY] is recognized for 80 minutes.

Mrs. HENTLEY. 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 President's decision to end the restraint period, according to our Nation as the only band representing the United States, 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.

Since the President's proposal comes close in time to the 20th anniversary of Bastille Day, July 14, I wanted to express my pride in the excellent musicians of the Rattler Band, with their high-stepping style, and to honor our Nation as the only band representing the United States.

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.

In urging the President to extend the President's proposal comes close in time to the 20th anniversary of Bastille Day, July 14, I wanted to express my pride in the excellent musicians of the Rattler Band, with their high-stepping style, and to honor our Nation as the only band representing the United States.

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.
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 industry 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 21/2-year extension of the program with some modifications.

The President's proposal sets the import limits that have become 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 plethora 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 interna­
tional trade agreement that will be accomplished in a relatively short amount of time? The Uruguay round is scheduled to end in December 1990.

According to industry sources, the United States has 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 stan­
dards.

On a more positive note, I am encour­aged to see that provisions to im­
prove the VRA program's short-supply process are included in the administra­
tion's proposal. These recommenda­
tions are in part due to a General Ac­
counting Office investigation that I re­quested.

The damage caused by the Presi­
dent's procrastination is already an ac­
complished fact. The current program is due to expire on September 30, just 97 days from today. I think it will be difficult for the United States to effec­tively implement these proposals be­
tween now and September 30.

Overall, the President's proposal is too little, too late.

Mr. Speaker, I yield to the gentle­
man from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, I come before you tonight to enlist your sup­
port for an extension of the steel vol­
untary restraint agreement. As you
know, the President announced today his support 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 negotia­
tions 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 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 coun­
tries, decisions about investment, dis­
investment, production and pricing are influenced by the government. This level of government intervention inevi­
itably places American producers at a
disadvantage. In addition, many for­
"eigner producers remain heavily protect­
ed from foreign competition by high tariffs, quotas, restrictive import li­
censing 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 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 steel 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 Administration will 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 United States 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.

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Mrs. BENTLEY. Mr. Speaker, I thank 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 gentle­
woman from Maryland [Mrs. BENT­
LEY] 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 im­
portant 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 posture 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 Presi­
dent'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 graver crisis since the Great Depression. Massive foreign steel subsidies, totaling $20 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 crumbling down, some never to return. 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 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
Accordingly, 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 quality, energy efficiency, and cost, 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 further improvements.

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 industry's 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 import licenses get cut, and cost, 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. Subsidies, import quotas, and restricted 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 at 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. It is hoped 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 the 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 districts 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 what is necessary.

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 LUCA) 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. DYAMALI 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 $5,555.

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter):

Mr. PORTER.
Mr. RITTER.
Mr. CRAIG.
Mr. FIELD.
Mr. FRENZEL.
Mts. MORELLA.
Mr. WALKER.
Mr. GILMAN.
Mr. DORMAN of California.
Mr. GINGRICH.
Mr. GUNDERSON.
SENEATE 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. 88. An act to establish the United States Enrichment Corporation to operate the military uranium enrichment program on a profitable and efficient basis in order to maximize the long-term economic value to the United States, and 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 certain statutory responsibilities concerning the repair and improvement of the U.S. Mint at Philadelphia, PA; to the Committee on Banking and Financial Services.

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 notice of a proposed new Federal regulations for the new Anti-Terrorism Assistance Program, pursuant to 22 U.S.C. 249aa-3(a)(1); to the Committee on Foreign Affairs.

1512. A letter from the Chairman, the Board of Foreign Scholarships, transmitting an amendment to the Fulbright Program, pursuant to 22 U.S.C. 2457; to the Committee on Education and Labor.

1513. A letter from the Acting Administrator, Federal Aviation Administration, transmitting a report on the effects of plastic materials on the marine environment, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1514. A letter from the Secretary of Commerce, transmitting a report on the effects of plastic materials on the marine environment, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1515. A letter from the Secretary of the Treasury, transmitting a report on the effects of plastic materials on the marine environment, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1516. A letter from the Administrator, Federal Aviation Administration, transmitting a report on the $100,000,000 Civil Penalty and the Civil Penalty Assessment Demonstration Program, pursuant to 49 U.S.C. app. 1476 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 5154(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.

Mr. NATCHER: 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.

Mr. SMITH of Iowa: Committee on Appropriations; H.R. 2992. 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. ANDREWS: H.R. 2993. A bill extending, 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.

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.

Mr. GIBBONS (for himself, Mr. BATES, Mrs. BOXER, Mr. LIPINSKI, Mr. ACKERMAN, Mr. FAUNTY, Mr. MORRISON of Connecticut, Mr. MARRINER, Mr. NIXON, Mr. OWENS of New York, Mr. MILLER of California, Mrs. COLLINS, Mr. FROST, Mr. DE LUCA, Mr. RICHARDSON, Mr. EVANS, Mr. RAY, Mr. OLIVAS): 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. Donnelly, Mr. Frank, Mr. Gephardt, Mr. Handel, Mr. Hagan, Ms. Kaptur, Mr. McCloskey, Mr. Miller of California, Mr. Millender-McDonald, Mr. Oberstar, Mr. Pease, Mr. Sabo, Mr. Swift, Mr. Siskak, Mrs. Unsoeld, Mr. Senseburner, Mr. Gejdenson, 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 as conforming, to require the accreditation of laboratories engaged in fastener testing, to require inspection, testing, and certification, in accordance with standards established by the Department of Commerce, to increase fastener quality and reduce the danger of fastener failure, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MONTGOMERY (for himself and Mr. Stump) (both by request):

H.R. 3004. A bill to amend title 38, United States Code, to provide a presumption of service connection between certain diseases exposed by Vietnam 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 "Handicap 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 Officers 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, N.J., 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 Certification Act; to the Committee on Ways and Means.

By Mr. WHEAT (for himself and Mr. Coleman of Missouri):

H.R. 3011. A bill to suspend temporarily the duty on 0.8-Dimethyl-S-(4x0)-1,2,3-benzotriazin; to the Committee on Ways and Means.
hyde; to the Committee on Ways and Means.

By Mr. FOGLIETTA (for himself, Mr. Vento, Mr. Pelosi, Mrs. Morella, Mr. Pascrell, Mr. Conte, Mr. Gonzalez, Mr. Russo, Mr. Garcia, Mr. Falcor, Mr. Fuster, Mrs. Collins, Mr. Kaptur, Mr. Rangel, Mr. Emerson, Mr. Shoes, Mr. Henry, Mr. Franks, 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.
H.R. 2021: Mr. Martin of New York and Mr. Russo, Mr. McNulty, and Mr. Kolbe.
H.R. 1593: Mr. Engel, Mr. Jones, Mrs. Meyers of Kansas, Mr. Clinger, Mr. Borski, and Mr. Russo.
H.R. 82: Mr. Lantos, Mr. Coyne, Mr. Eckart, Mr. Watkins, Mr. Pehigian, Mr. Obey, Mr. Mollonhan, Mr. Russo, Mr. McNulty, and Mr. Kolbe.
H.R. 217: Mr. McNulty, Mr. Traficante.
H.R. 216: Mr. McNulty, Mr. Dymally, Mr. Russo, Mr. McNulty, and Mr. Kolbe.
H.R. 522: Mr. Bielikakis.
H.R. 1188: Mr. KENNEDY.
H.R. 1333: Mr. Delahunt.
H.R. 1200: Mr. Lent and Mr. Holloway.
H.R. 1276: Mr. Pease.
H.R. 1863: Mr. Martin of New York and Mr. Boehlert.
H.R. 3471: Mr. Nygren.
H.R. 2223: Mr. Foster and Mr. Evans.
H.R. 2229: 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. 2416: Mr. Atkins, Mr. Boehlert, Mr. Chabot, Mr. Jovitz, Mr. Hecker, 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. Sabo, Mr. Frost, Mr. Kaptur, and Mr. Atkins.
H.R. 2584: Mr. Tallon, Mr. Pallone, Mr. Brennan, Mr. Wolfe, and Mr. Towns.
H.R. 2606: Mr. Eckart and Mr. Machtley.

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. Pehigian, Mr. Obey, Mr. Mollonhan, 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. 789: Mr. Boehlert.
H.R. 1028: Mr. Mazetti, Mr. Florio, Mr. Laughlin, Mr. Carper, Mr. Rose, Mr. Thomas of Georgia, Mr. Sarpalis, Mrs. Pelosi, Mrs. Pryce, Mr. Engil, Mr. McMillen of Maryland, Mr. Levine of California, Mr. Tanner, Mr. Engle, Ms. Slueter of New York, Mr. Rusko, Mr. Darden, Mr. Rowland of Georgia, Mr. Crockett, Mr. Hoagland, Ms. Schroeder, Mr. Staggers, Mr. Swift, Mr. Owens of New York, Mr. Carr, Mr. Mollonhan, Mr. Balducci of New Jersey, Mr. Hall of Ohio, Mr. Mineta, Mr. Morrison of Connecticut, and Mr. Hayes of Illinois.
H.R. 1087: Mr. Akaka.
H.R. 1176: Mr. Jontz.
H.R. 1188: Mr. Kennedy.
H.R. 1200: Mr. Lent and Mr. Holloway.
H.R. 1276: Mr. Pease.
H.R. 1333: Mr. Case.
H.R. 1406: Mr. Brennan.
H.R. 1525: Mr. Kennedy.
H.R. 1593: Mr. Engel, Mr. Jones, Mrs. Meyers of Kansas, Mr. Clinger, Mr. Mrazek, Mr. Evans, Mr. Burton of Indiana, Mr. Hubbard, Mr. Emerson, Mr. Rowland of Connecticut, Mr. Balducci, Mr. Callahan, Mr. Watkins, Mr. Saxton, Mr. Whittaker, Mr. Bunning, Mr. Rahall, Mr. Rogers, Mr. Stangeland, and Mr. Mollonhan.
H.R. 1730: Mr. Burchner and Mr. Costello.
H.R. 1863: Mr. Martin of New York and Mr. Boehner.
H.R. 2021: Mr. Holloway and Mr. Herger.
H.R. 2051: Mr. Runte.
H.R. 2116: Mr. Lightfoot.
H.R. 2144: Mr. Hubbard.
H.R. 2223: Mr. Foster and Mr. Evans.
H.R. 2229: Mr. Wilson.
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. 2416: Mr. Atkins, Mr. Boehner, Mr. Chabot, Mr. Jovitz, Mr. Hecker, 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. Sabo, Mr. Frost, Mr. Kaptur, and Mr. Atkins.
H.R. 2584: Mr. Tallon, Mr. Pallone, Mr. Brennan, Mr. Wolfe, and Mr. Towns.
H.R. 2606: Mr. Eckart and Mr. Machtley.

H.R. 2620: Mr. Ford of Michigan, Mr. Delums, Mr. Thomas of Georgia, Mr. Holloway, and Mr. Ortiz.
H.R. 2642: Mr. Slaughter of Virginia and Mr. Studds.
H.R. 2648: Ms. Lowey of New York and Mr. Hamiltion.
H.R. 2712: Mr. Cook, Mr. Nangle, Mr. Hutto, Mr. Pease, Mr. Solomon, Mr. Gonzalez, Mr. Jacobs, Mr. Callahan, Mr. Huckaby, Mr. Stangeland, Mr. Clement, and Mr. Buckwild.
H.R. 2737: Mr. Dannemeyer, Mr. Rangel, and Mr. Nelson of Utah.
H.R. 2738: Mr. Dannemeyer, Mr. Rangel, and Mr. Nelson 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. 2851: Mr. Towns, Mr. Wolfe, and Mr. Bates.
H.R. 2869: Mr. Shays, Mr. Grandy, Mr. Harris, Mr. Sarpalis, and Mr. Long.
H.R. 2926: Mr. Peterson, Mr. Towns, Mr. Rose, Mr. Rangel, Mr. Pease, Mr. Kennedy, Mr. McCloskey, Mr. Evans, Mr. Dwver of New Jersey, Mr. Hoyer, Mr. Smith of Florida, Mr. LeLan, Mr. Engle, Mr. Williams, Mr. Torres, Mr. Studds, Mr. Hawkins, Mr. Wolfe, Mrs. Meyers of Kentucky, Mr. Martinez, and Mr. Sikorski.
H.R. 2941: Mr. Dymally and Mr. Gallo.
H.R. 2942: Mr. H. Res. 81: Mr. Hancock and Mr. Stump.
H.R. 2943: Mr. Sanchez.
H.R. 2944: Mr. Pendragon.
H.R. 2945: Mr. Davis and Mr. Atkins.
H.R. 2946: Mr. Noel of Hawaii.
H.R. 2947: Mr. Jones of Washington.
H.R. 2948: Mr. Wolpe, Mr. Florio, and Mr. Ritter.
H.R. 2956: Mr. Frost and Mr. Fish.
H.R. 2957: Mr. Shuster, Mr. Payne, Mr. Packard, Mr. Akaka, Mr. Rohrabacher, Mr. Ford of Michigan, Mr. Davis, and Mr. Atkins.
H.R. 2958: Mr. Rowland of Georgia, Mr. Jones of Georgia, Mr. Gingrich, Mr. Hall of Texas, Mr. Broomfield, Mr. Florio, and Mr. Ritter.
H.R. 2959: Mr. Peterson, Mr. Tipton, Mr. Packard, Mr. Akaka, Mr. McHugh, Mr. Hawkins, Mr. Panetta, Mr. Russo, Mr. Burton of Indiana, Ms. Slaughter of New York, Mr. Parvis, Mr. Binkley.

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.
HON. JOHN J. LaFALCE
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 1989
Mr. LAFAIICE. 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 contracts, by mandating affirmative action to identify and solicit procurement offers from women-owned businesses, and by designating a woman'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 it 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 multi committee 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 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 Council 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. 637(d)(l)) is amended to read as follows:
Subsection (g) of section 15 of the Small Business Act (15 U.S.C. 637(d)(l)) 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 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 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 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 (b) of section 15 of the Small Business Act (15 U.S.C. 637) is amended to read as follows:
So, 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 subcontracts and subcontracts for subcontracts, 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 or components. It is 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."

(e) 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) Small business concern owned and controlled by socially and economically disadvantaged individuals shall mean a small business concern 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 which maintains 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 individually found to be disadvantaged by the Administration pursuant to section 8(a) of the Small Business Act.

"(II) The terms "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 economically disadvantaged 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 one or more of 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) Implementing regulations.—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) The 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 socially and economically disadvantaged individuals to participate in the performance of contracts described in this section.


Subsection (k) of section 15 of the Small Business Act (15 U.S.C. 644(k)) is amended by striking out "and" at the end of paragraph (6); and inserting in lieu thereof the following new paragraph:

"(I) designates 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 our key congressional witness, 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 me. Our mission is to promote the goals of global competitiveness throughout the country. Mr. Hecht

16206 EXTENSIONS OF REMARKS July 25, 1989 any solicitation, and to submit its findings, which shall be advisory in nature, to the appropriate Federal agency; and:

(1) Subcontract Reporting.—Paragraph (1) of section 8(d)(11) of the Small Business Act (15 U.S.C. 637(d)(11)) is amended to read as follows:

"(1) 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.

(2) 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.


Subsection (k) of section 15 of the Small Business Act (15 U.S.C. 644(k)) is amended by striking out "and" at the end of paragraph (6); and inserting in lieu thereof the following new paragraph:

"(I) designates 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.

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Mr. Hecht is executive director of the Iacocca Institute at Lehigh University in Bethlehem, PA. The Institute operates with an advisory board chaired by me. Our mission is to promote the goals of global competitiveness throughout the country. Mr. Hecht
EXTENSIONS OF REMARKS

July 25, 1989

joined the Institute after a distinguished career with Owens-Illinois and he has substantial experience in international 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. The basis of this claim was the 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 the basis of Japan Inc. In the last few years many have said that Japan would take over the world economy. This has a familiar ring. Following World War II European 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 known as Japan Inc. was the basis of Japan Inc. In the last few years many have said that Japan would take over the world economy. 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 known as Japan Inc. was the basis of Japan Inc. In the last few years many have said that Japan would take over the world economy.

Goals have evolved in the American and European subsidiaries of Japanese companies that are different at home and in Japan. There are major differences in the U.S. and Japan. These differences are due in large part to an unusual focus on production out of Japan and into end markets. The American Challenge ended twenty years ago, the era of Japan Inc. is ending today.

CORONATULATIONS 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 State, Mr. Craig Murray, who is a recent graduate of the University of Idaho. The award serves as a testament to the lives he has dedicated to public service.

Mr. Speaker, I wish to extend my congratulations for his outstanding efforts. I am proud to say that he is a resident of the State of Idaho.

How My Own Career in Government 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 to protect our natural resources and their "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 imperative for us to oversee and conserve our natural resources. With the more than 800 different species of plants and animals found in the United States, these are instances when the spotted owl is a symbol of the quality of our natural environment.

The spotted owl is currently the most controversial animal in the country. Environmentalists continue to challenge the spotted owl's rights and the impact of our natural environment, while the timber industry claims the spotted owl is a threat to the timber industry.

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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 I was hunting spotted owls, old growth forests are aesthetically pleasing. Scenic river and highway corridors, and scenic vistas also pose a new wrinkle for the forester’s work. Many times the public is demanding these qualities and by manipulation of harvesting techniques and silvicultural methods, they can be accomplished while still providing wood products to the timber industry. Forest managers are using low-impact harvest methods and techniques, such as heliblade and regeneration stands using partial cutting as opposed to clearcut in visual areas between the impact and the 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 management of public lands specifies that they would be managed for stability of timber dependent communities. The maintenance of a broad inventory of plant and animal life will lead to a benefit to the country and even the affected industry for their income base. A clause in the management of public lands to provide the needed raw materials to allow them to remain open and to meet the needs of both. This will take many drops to create a river. Music cannot 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.


Dear Symphony Supporter: The first half of the “When East Meets West” Project, “When East Meets West” has been completed. The impact here in Bulgaria was greater than I would 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 recognized 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 in its twenty 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 Bulgaria.

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, Rudi Geyer, Barbara Sulzbach, Janet Pankopf, Melva Nielsen, John Ahn, Yasov Dvir, Barbara Ness, and especially my wife, Nancy, here with me as part of this first exchange.

**EXTENSIONS OF REMARKS**

July 25, 1989

On a lighter note, I became the “godfather” to the Pazardjik Symphony Concertmaster’s new Moskvich car, which he had waited for for 15 years (standard waiting period after initial deposit here in Bulgaria.)

The Second 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. The look forward now to Maestro Ivan Spasov 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 in all parts 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 denigrated as the rankest reactionary by all those "progressive" African states? Then it was; no man edged out the legendary, leftist Patrice Lumumba in the mid-60s? How Lumumba, international Marxist’s favorite, was mysteriously assassinated during the race to
grasp power in Zaire, nee "The Congo"? Re­
member the "Che" of Latin America? His was the
bravado of the young revolutionary leader who
fought hopelessly in the Congo in 1969? How
Angola, Mozambique and Ethiopia all went
perfidiously Marxist between 1974 and 1978, while
traditionalist Mobutu sat it all out in the
center?
President Mobutu came to Washington the day
that man of great promise and abiding hope fell
sitting alone and outright on the throne of the
richest country in Africa. No longer Africa's politi­
cal bogeyman of the heart of darkness, the days are now as the men of... for what is in effect the peaceful dissolution of the African Marxist states that have so long exasperated us.

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 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 by former independence. Angola? Only a week before becoming the first African head of state officially to visit the United States 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 we 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? That is the pernicious problem of Africa. Yes, after a great deal of thought, he had been meeting with the South African leaders. These are his closest friends he is not afraid to help 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 con­
tours of the "new Africa," this man who has been called everything from the "peacemaker of Africa" to the "bitter 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 billion­
aire—known for his Versailles-style palaces, for his brazeness in allegedly skinning 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.

At the World Bank, where 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 key "blood money." He wants this all to be paid 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 $189 million.

EXTENSIONS OF REMARKS
Still, despite the imperfections of Mobu­
Guterres, "Che" is deserving of the accolade that it has emerged from these tumultuous postcolonial
years as one of the more authentically African countries in a phantasmagoria of alienated Old World 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 imper­
fection ousted all those-what 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 a general 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 their role in 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 a new 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 using the community as a laboratory.

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 Live­
stock, Dairy, and Poultry. I thank Chairman STHNHOLM 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 America.

[From the Houston Post, Apr. 24, 1989]

CALF CRUELTY IS NOT NECESSARY

(By David B. Kopel)

In the United States, we sometimes con­
demn 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 cru­
elty invented in the United States, which re­sults in the torture of hundreds of thousands of calves every year. The worst 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 slaugh­
tered a week or two after birth.

But the American producers did not imi­
tate the French methods. Instead, the
Americans began using much larger, six­
ten-week-old calves (with greater weights, and hence greater profits). The U.S. produc­
ers 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 restau­
ranu...
stomach ulcers and suffer from chronic diarrhoea.

With no place to defecate the calf must lie in its own excreta and ammonia gas, which causes respiratory disorders. In an effort to ingest iron, a calf may lick its urine off the floor for its iron content.

The veal calves are extremely susceptible to every kind of disease, including intestinal disease, septicaemia (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. Antibiotics, particularly oxytetracycline, are used daily.

As a result, veal calves' bodies become breeding grounds for 'super-salmonella'—bacterial strains resistant to antibiotics. 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 antibiotic animal feeds to increased stomach ulcers and suffer from chronic diarrhoea. 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 stronger than fiction.

The production of anemic veal, that nightmarish imitation of European gourmet veal. It's the confinement of veal calves in small, darkened crates. The calves are fed calves a diet deficient of solid food and of fatty deficiency of fatty foods. Fifty-five representatives have already sponsored 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. Raising veal on a diet deficient of solid food and iron is make-believe. Instead, we will keep faking the estimates and prove that truth is stronger than fiction.

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 discover these shortcomings of 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.

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.

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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 than I discovered these the由于 of the event that take a 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 our 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.

Mr. PORTER. Mr. Speaker, the Joker—Batman's arch-enemy—would chortle over OMB's midbudget 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-slap of a budget deal—kick in another $11 billion. Technical reestimates—pay attention riddlers—add another $6 billion.

Mr. Speaker, tally them up and voids: $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
EXTENSIONS OF REMARKS

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 supervisor, 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. Other positions 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 evaluation of ESL. Iwataki was also responsible for curricular evaluation of ESL. She has also 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 "Bridge the Asian Language and Culture Gap" between 1971 until 1974. She also served as instructor between 1955-92, 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 Cambriga (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 1986, 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.

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 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 70.

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 who are age 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 their 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. Many more significantly, the 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 resort to buying "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 limits the earnings 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 co-sponsors 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.
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 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 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 to 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. Prosecution from Congress 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 Witness Protection Act of 1989. Section 1 of 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, 1889, 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 Central 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 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 milestone—$1 million 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 Centralville Building and Loan Association changed its name to First Savings and Loan Association of Bayonne. The name change was 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."

A 106-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 offices 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 sister 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 and 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 willing to lend a hand. 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 commun-
ity which has earned my respect and the re-
spect of all those in the entire State of New
York who have come in contact with its ex-
cellent leadership, productiveness, and com-
munity 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 affili-
ated 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 notewor-
thy program in my congressional district I am
privileged to represent—the Merrill Presiden-
tial 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 second-
ary 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 under-
graduate 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 hon­
ored scholars. 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 convey­
ance 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 outstand­
ing 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 teach­
ers, and university professors who have made
our Nation greater through the exercise of ex-
tordinary 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
Trumansburg, NY, who chose Maryterese
Pasquale-Bowen of Ithaca High School in
Ithaca, NY; and Patrick R. Eendett, NY, who
named Robert Gallagher of Union-
Ithaca 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 a letter from the American Associa­
tion of State Highway and Transportation
Officials. That letter accurately
demonstrates the current needs—develop­
ment, modernization and safety—of our Na­tion's aviation system that would be placed at risk if this proposal were to become reality. On
behalf of our committee, I would like to com­
ment that both second and future generations, as expressed in the two resolves. The first
resolution, identified as PR-18-89 and titled
"Highway and Transportation Funding for Air­
port Capacity Solutions," was enclosed. It was
adopted by more than the required two-thirds majority of our 52-member depart­
ments 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 diversions. 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 transporta­
tion user fees from a transportation pro­
gram to the general fund, where the reve­
uenes could be used for non-transportation
purposes. AASHTO believes that all trans­
portation 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 PRO­
GRAM FUNDING FOR AIRPORT CAPACITY SOLU­
TIONS

Whereas the continuous increases in air
passenger traffic require additional airport
capacity to safely accommodate the increas­
ing 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 allocated to
address the problems associated with air­
port capacity constraints; and

Whereas recent FAA industry surveys
reveal that numerous airports, which airports are
already operating at or near physical capac­
ity and traffic increases at medium size hubs,
may seek to reallocate for passenger service
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 suf­
cient 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 air­
port capacity solution; and

Whereas it appears that the House Ways
and Means Committee, in its effort to re­
peal the AIP program, is considering a Budge­
ting request to raise $5.3 billion in revenues
for the FY 1990 budget, may seek to repeal
the aviation "trigger tax" program of the
Airport and Airway Safety and Capacity
Expansion Act of 1987; and

Whereas the Committee is purportedly
proposing 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 Air­
port and Airports 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 Gen­
eral Fund, where the revenues could be used
for non-transportation purposes.

Now, therefore, be it resolved, by the
Policy Committee of the American Associa­
tion 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 fees reviewed by 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 additional 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 amendment.

I apologize again for not being able to attend the earlier votes.

A TRIBUTE TO LEN HALPERT
HON. JOHN J. LAFAULCE OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 1989

Mr. LAFAULCE. 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 our 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. Should 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 from another perspective the newspaper he helped build from an editor and reporter to editorial page editor since January 1980. 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 1961 and became editorial page editor in 1965 after 6½ years on the staff. From August 1950 to March 1951 he became an editorial writer for the Washington Times Herald. Halpert was 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 interesting experience for all aviation users. While it 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.

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term "vernacular." The vernacular of 19th century architecture includes a vocabulary of elements such as springblocks, keystones or cornices, and corbels. Terms like these have disappeared from the vernacular in modern architecture to be replaced by unadorned steel, glass and prefabricated concrete. Terms like these have disappeared from the vernacular in modern architecture to be replaced by unadorned steel, glass and prefabricated concrete. Terms like these have disappeared from the vernacular in modern architecture to be replaced by unadorned steel, glass and prefabricated concrete. Terms like these have disappeared from the vernacular in modern architecture to be replaced by unadorned steel, glass and prefabricated concrete. Terms like these have disappeared from the vernacular in modern architecture to be replaced by unadorned steel, glass and prefabricated concrete. Terms like these have disappeared from the vernacular in modern architecture to be replaced by unadorned steel, glass and prefabricated concrete. Terms like these have disappeared from the vernacular in modern architecture to be replaced by unadorned steel, glass and prefabricated concrete. Terms like these have disappeared from the vernacular in modern architecture to be replaced by unadorned steel, glass and prefabricated concrete. Terms like these have disappeared from the vernacular in modern architecture to be replaced by unadorned steel, glass and prefabricated concrete. Terms like these have disappeared from the vernacular in modern architecture to be replaced by unadorned steel, glass and prefabricated concrete. Terms like these have disappeared from the vernacular in modern architecture to be replaced by unadorned steel, glass and prefabricated concrete. Terms like these have disappeared from the vernacular in modern architecture to be replaced by unadorned steel, glass and prefabricated concrete. Terms like these have disappeared from the vernacular in modern architecture to be replaced by unadorned steel, glass and prefabricated concrete. Terms like these have disappeared from the vernacular in modern architecture to be replaced by unadorned steel, glass and prefabricated concrete.

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.

"The central gathering point of any small town was always the drugstore or ice cream parlor. The Creamery, in Middletown, when the restoration work on the West Main Street building caught my eye," Meinwald says.

"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. Architect John 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 spot for ice cream lovers."

Next, Meinwald and Quattrini began planning their modest but influential professional office for the group of Goshen residents who had been fortunate in finding their way into buildings in a way that respected the character of the surrounding 19th century architecture. Their initial focus was to stimulate redevelopment of the downtown area, to create the Goshen of tomorrow is by blending it with the Goshen of yesterday. Meinwald adds: "Modern architecture in the midst of all this timeless beauty would be blight on local sensibilities. We wanted to capture the character of old Goshen and blend it with the Goshen of today."

When Main Goshen, known locally as "Lawyer's Row," first arrived on the scene, Goshen's downtown was just starting to recover from decades of neglect. The village was fortunate in retaining most of its architectural heritage, but whole blocks of the downtown area had fallen into disrepair. Chamber of Commerce members, householders and a group of buildings that had served, during the 19th century, as a service to the neighboring Cataract Fire Company.

The idea was to create a cohesive block of professional office space by renovating both buildings in a way that would complement the beauty of nearly 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 property 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 reflected the Flatiron Building and all of the stable for the neighboring Cataract Fire Company."

Accolades were not long in coming. Last year, the search began for the first restoration of their own properties. 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.

The building that is rising in its place contains arched, 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, realty construction, streamlines the production process and reduces costs, but a certain grace and character are lost. Though Henningsen's work is time-consuming and cost-effective, many of the structures that result are forgettable boxes.

In building along 19th century lines, efficiency must be sacrificed for form. Henningsen and character in construction are labor intensive, requiring special talents, hours of craftsmanship and care. Any attempt to use the old masonry of mastic 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 waterproofing, which will help preserve them and even 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.