HOUSE OF REPRESENTATIVES—*Tuesday, July 25, 1989*

The House met at 9 a.m.

The Reverend William E. Wegener, pastor, Georgetown Lutheran Church, Washington, DC, offered the following prayer:

Ruler of the nations, at the beginning of another day, we come to You asking for Your blessing. Be with all who work in this place that they may have the strength to do the day's work, the wisdom to make worthy decisions, and the courage to stay with hard choices. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from South Carolina [Mr. SPENCE] will lead us in the Pledge of Allegiance.

Mr. SPENCE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 281. Joint resolution to approve the designation of the Cordell Bank National Marine Sanctuary, to disapprove a term of that designation, to prohibit the exploration for, or the development or production of, oil, gas, or minerals in any area of that sanctuary, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 83. An act to establish the United States Enrichment Corporation to operate the Federal uranium enrichment program on a profitable and efficient basis in order to maximize the long-term economic value to the United States, to provide assistance to the domestic uranium industry, and to provide a Federal contribution for the reclamation of mill tailings generated pursuant to Federal defense contracts at active uranium and thorium processing sites; and

S. 358. An act to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes.

THE REVEREND WILLIAM E. WEGENER

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, I am pleased to welcome and introduce to the House our guest chaplain this morning, the Reverend William Wegener. For the past 11 years Reverend Wegener has been the pastor of Georgetown Lutheran Church here in the District of Columbia as well as serving as the Lutheran Church in America's campus minister at American University and at Georgetown University. While I am a member of our Savior's Lutheran Church in Fond du Lac, WI, when we are in Washington, my family and I very much enjoy participating in the life of Reverend Wegener's congregation, where we are stimulated by and learn much from his sermons.

My colleagues in the House may be interested to learn that the gentleman who led us this morning in the Pledge of Allegiance, the gentleman from South Carolina [Mr. SPENCE], was a member of Reverend Wegener's congregation for many years while Reverend Wegener was there at St. Peters Lutheran Church in Lexington, SC.

I should also like to welcome the Reverend's wife, Ellie, other members of the Wegener family, and members of the congregation who have joined us on this occasion.

WHO GETS THE TAX BREAKS?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in 1980 Ronald Reagan said:

I'm going to cut your taxes, and I'm not going to stop there. I'm going to cut your boss' taxes, and when I do, you are going to have more money in your pocket and you can spend that money. Even though I cut your taxes, the Gross National Product is going to grow and our tax revenues are going to grow, even though you pay less taxes.

Well, here is how that worked. If you were a family of four making $25,000, you got a tax break about enough to take your family to a good dinner. If you made $250,000 you could take that tax break and buy a brand new Mercedes Benz, the best one made, and then take your family to dinner. So much for the tooth fairy!

Now President Bush wants to cut the capital gains tax. I say, right on, Speaker FOLEY, keep fighting before the cab drivers in New York are hauling Americans around in rickshaws.

THROUGH THE DRUG WAR MAZE IN 28 DAYS, DAY 6: HOUSE ENERGY AND COMMERCE COMMITTEE

(Mr. SMITH of Mississippi asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Mississippi. Mr. Speaker, I call attention today to the House Energy and Commerce Committee, as it relates to the war on drugs. Here is another committee that has jurisdiction over the Nation's drug-control efforts, and the work of the drug czar. Here is another part of the maze of more than 80 committees, subcommittees and select committees that the drug czar must pass through to arrive at a national drug-control strategy.

Mr. Speaker, the American people are expecting a lot from the war on drugs. My constituents in south Mississippi tell me drugs and crime are their No. 1 issue of concern. Surveys show the same is true across the country. Now, the people expect to see results.

Will it not be a shame if we cannot give them any results? Will it not be a shame if the drug czar, Bill Bennett, cannot get anything done because he has to spend from now until the middle of next year in a maze of congressional panels? Will it not it be a shame if the American people find out the war on drugs is just a public relations campaign?

Mr. Speaker, it is time for Congress to consolidate these panels into one effective committee. It is time to fight the war on drugs by troop, and not by choir. I urge my support for consolidation legislation.

SUPPORT VETERANS AGENT ORANGE LEGISLATION

(Ms. LONG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LONG. Mr. Speaker, I rise today to express my support for the veterans

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

agent orange legislation that my colleague, Mr. EVANS, will introduce this morning. This legislation will provide disability benefits to Vietnam veterans suffering from diseases associated with exposure to agent orange.

For years now, many Vietnam veterans have suffered with serious cancers, such as non-Hodgkins lymphoma and soft-tissue sarcoma, that have been linked to agent orange exposure. These veterans have applied for compensation for their disabilities, but have had their claims rebuffed by the VA, which has insisted on an excessively strict standard of proof.

The evidence is clear enough. These men and women, who went to Vietnam to serve their country, were exposed to a dangerous toxin and are now suffering the consequences. Although we cannot lessen their suffering, we can provide them with the justice they deserve and the compensation they long ago earned. I urge my colleagues to support this bill.

D.C. MURDER VICTIM NUMBER 242, A NEBRASKA BOY

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, D.C. murder victim No. 242 was a Nebraska boy recently moved to northeast Washington, DC.

Mistake—Nebraska plates on his car. He parked in front of his home on a street boasting expensive houses, a street where by day thieves break out the street lights so murder and mugging are facilitated by night.

Murder victim 242 obviously had not seen the NRA ad about D.C. the Murder Capital.

The rescuers tried to use the 911 call number but were put on hold.

The Washington Convention and Visitors Association says, "That's not the way it is here."

The Hotel and Restaurant Employees Union says, "The ad is giving the city a bad name."

Maybe they should try telling that to the Nebraska family of murder victim No. 242.

Meanwhile the animals run the streets and the joker runs the city.

By the way visitors and tourists do not call 911. You are much better off calling an Iranian taxi driver.

THE STRATEGIC DEFENSE INITIATIVE

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, in just a few moments we are going to begin debate on the strategic defense initiative. Yesterday the President of the United States, George Bush, said that the strategic defense initiative is one of his highest priorities. He said that it is a critical program for the defense of the free world.

Mr. Speaker, it is important for us to understand the options that we have before us. The Armed Services Committee reduced the President's request of $4.6 billion for SDI for fiscal year 1990 to $3.5 billion. We are going to have amendments to cut that to levels that would kill the program, and a level that would cripple the program severely with the Bennett amendment.

My amendment would fund SDI at zero real growth, that is to say $3.8 billion, taking last year's funding and simply adding inflation. Even at $3.8 billion, the program will be curtailed. It will have to be cut back in several significant areas; but I think it is the least that we can do here in the House of Representatives to take the bill to conference. The Senate Armed Services Committee has proposed funding of $4.3 billion for the strategic defense initiative.

□ 1910

I think it would be a big mistake for the House of Representatives to cut SDI funding below the $3.8 billion that I will be offering in my amendment. I hope my colleagues will listen to this debate very, very carefully, and when it is over, will support the Kyl amendment for SDI funding at zero real growth of $3.8 billion.

INTRODUCTION OF LEGISLATION PREVENTING PAYMENT OF REPARATIONS UNTIL RETURN OF HOSTAGES

(Mr. CHAPMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAPMAN. Mr. Speaker, my colleagues, today there are still hostages in the Middle East; nine Americans. A few days ago, I noticed that the President of the United States has proposed that we pay reparations to the surviving families, or the families of those who were on the Iranian airliner shot down by the U.S.S. *Vincennes.*

Mr. Speaker, while I certainly have sympathy for the victims of that incident, I think it is a mistake to open the U.S. Treasury before we have our hostages home. Today, I am going to be introducing legislation that would prevent the payment of reparations until the President of the United States certifies that there are no longer hostages, American hostages, held in the Middle East, either by Iran or groups controlled by the Government of Iran.

I hope that Members will join me in this effort. I hope that while we have sympathy for tragedies like this that we will do everything we can in this House to see to it that American hostages held in the Middle East are returned to their families, returned to their loved ones, and that we not give up any leverage that we may have to accomplish that goal. I hope that Members will join me in this effort.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1990

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, Tuesday, July 25, 1989, to file a privileged report on a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1990, and for other purposes.

Mr. MYERS of Indiana reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON THE TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1990

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, Tuesday, July 25, 1989, to file a privileged report on a bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1990, and for other purposes.

Mr. MYERS of Indiana reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND THE JUDICIARY APPROPRIATIONS BILL, 1990

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, Tuesday, July 25, 1989, to file a privileged report on a bill making appropriations for the Departments of Commerce, Justice, and

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State, and the Judiciary, and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

Mr. MYERS of Indiana reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

DRUG TESTING TO OBTAIN DRIVER'S LICENSES

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, as we debate this defense authorization bill, I think it is important to call attention to the fact that this body several weeks ago voted down an amendment that I offered which would have required drug testing of all State Department personnel. That vote failed, and that amendment failed, by a vote of four votes. I think it is important to call attention to the Members that in 1980 when Ronald Reagan first took office, there was a reported drug use of 20 percent by the defense personnel of this country. After he started drug testing of all defense personnel, all enlisted men, all officers, that rate of use dropped from 20 percent down to 4 percent, all because of drug testing.

If we are going to lick this problem of drugs that we have throughout this country, we are going to have to establish a Federal policy of doing testing throughout our American society. That is the only way we will ever reduce the demand for illegal drugs.

Mr. Speaker, one way to start is by insisting that all of the States throughout this country have drug testing for driver's licenses. If we do that, all of these rich yuppies who drive into the ghettoes of this country buying crack and other illegal drugs and thereby pushing up the demand are going to stop if they are threatened with the loss of driving privileges.

Members are going to have an opportunity to vote several times before the end of this session on drug testing. Members should go home to their constituents over August and ask them how they feel about this. I think you will find overwhelming support for drug testing to reduce the demand for these illegal drugs that are maiming and killing our young people.

WE ARE LOSING AN ENTIRE GENERATION OF OUR CHILDREN

(Mr. DELLUMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELLUMS. Mr. Speaker and Members of the House, as I have done on numerous occasions, I awakened this morning, went out, picked up my Washington Post, poured a cup of coffee, and on the front page of the Washington Post I see another young person found shot to death as a victim of drug-related violence.

What it seems to me, Mr. Speaker and Members of the House, is that there truly is a war going on. Our children are dying in the streets of America all over this country. The real war that is taking place is a war on our children.

Mr. Speaker, we are about the business of losing an entire generation of our children to drugs and violence associated with it. It brought tears to my eyes this morning, Mr. Speaker, and I would challenge my colleagues as we go forward to debate the defense authorization bill to keep in mind that we are potentially losing a generation of our children, and that is, indeed, the war that we are really fighting, and that when we start to talk about cuts in the military budget, let us be mindful of the fact that we ought to be reprioritizing the national budget, that we ought to be spending billions of dollars addressing the human misery of people in our country trying to protect our children and, on a number of occasions, on a number of points in this bill during the course of this debate, I will continue to remind my colleagues that our children are dying in America as a result of directly related violence, not some abstract notion of some enemy that I believe the rationality will never put us in conflict with.

PERMISSION FOR SUBCOMMITTEE ON COURTS, INTELLECTUAL PROPERTY, AND ADMINISTRATION OF JUSTICE OF THE COMMITTEE ON THE JUDICIARY TO SIT TODAY DURING 5-MINUTE RULE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that the Subcommittee on Courts, Intellectual Property, and Administration of Justice of the Committee on the Judiciary may sit for the purposes of markup today during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I would just take this time to ask the gentleman if he has cleared it with the ranking minority member.

Mr. KASTENMEIER. If the gentleman will yield, yes, I cleared it with the gentleman from California [Mr. MOORHEAD], who is the ranking minority member.

Mr. SOLOMON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

APPOINTMENTS AS MEMBERS OF THE UNITED STATES COMMISSION ON IMPROVING THE EFFECTIVENESS OF THE UNITED NATIONS

The SPEAKER laid before the House the following communication from the Honorable ROBERT H. MICHEL, Republican leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 20, 1989.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Sec. 723(a)(1) (B) and (C) of Public Law 100-204, I hereby appoint the following individuals to serve as members of the United States Commission on Improving the Effectiveness of the United Nations:

The gentleman from Iowa (Mr. Leach) on the part of the House;

Edwin J. Feulner, Jr., Ph.D. of Alexandria, VA; and

Mr. Charles M. Lichenstein of Washington, D.C.

Sincerely yours,

ROBERT H. MICHEL,
Republican Leader.

APPOINTMENTS AS MEMBERS OF THE UNITED STATES COMMISSION ON IMPROVING THE EFFECTIVENESS OF THE UNITED NATIONS

The SPEAKER. Pursuant to the provisions of section 723, Public Law 100-204, the Chair appoints to the U.S. Commission on Improving the Effectiveness of the United Nations the following individuals on the part of the House:

From the House of Representatives: the gentleman from Ohio [Mr. FEIGHAN].

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

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1990

The SPEAKER. Pursuant to House Resolution 211 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2461.

□ 0919

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2461) to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such De-

partment for fiscal years 1990 and 1991, and for other purposes, with Mr. HALL of Texas (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Monday, July 24, 1989, all time for general debate had expired.

Pursuant to the rule, the Committee amendment in the nature of a substitute now printed in the reported bill is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the committee amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act, Fiscal Year 1990".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS.

This Act is divided into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Other National Defense Authorizations.

SEC. 3. EXPIRATION OF AUTHORIZATIONS FOR FISCAL YEARS AFTER FISCAL YEAR 1990.

Authorizations of appropriations, and of personnel strength levels, in this Act for any fiscal year after fiscal year 1990 are effective only with respect to appropriations made during the first session of the One Hundred First Congress.

SEC. 4. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions.
Sec. 3. Expiration of authorizations for fiscal years after fiscal year 1990.

DIVISION A—DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

PART A—FUNDING AUTHORIZATIONS

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense Agencies.
Sec. 105. Reserve components.
Sec. 106. Defense Inspector General.
Sec. 107. Chemical demilitarization program.
Sec. 108. Multiyear authorizations.
Sec. 109. Extension of authority provided the Secretary of Defense in connection with the NATO Airborne Warning and Control System (AWACS) program.
Sec. 110. Repeal of certain prior milestone authorizations.

PART B—STRATEGIC BOMBER PROGRAMS

Sec. 111. Limitation on production of B-2 Advanced Technology Bomber aircraft program.
Sec. 112. Independent assessment of B-2 aircraft program.
Sec. 113. Limitations on B-1B electronic countermeasures recovery program.

PART C—OTHER PROGRAM LIMITATIONS

Sec. 121. Program limitations.
Sec. 122. M-1 tank program.
Sec. 123. Army recovery vehicle.
Sec. 124. Chemical munitions European retrograde program.
Sec. 125. Chemical demilitarization cryofracture program.
Sec. 126. Funding for V-22 aircraft program.
Sec. 127. Procurement of F-14D aircraft.

PART D—WEAPONS ACQUISITION PROCEDURES

Sec. 131. Weapons acquisition risk assessment.
Sec. 132. Low-rate initial production.
Sec. 133. Live-fire testing program.
Sec. 134. Sense of Congress on placing greater emphasis on remanufacture of existing military equipment.
Sec. 135. Revision of limitation on transfer of certain technical data packages to foreign countries.
Sec. 136. Repeal of procurement requirement and limitation of funds for the Heavy Expanded Mobility Tactical Truck.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

PART A—AUTHORIZATIONS AND FUNDING FOR SPECIFIC PROGRAMS

Sec. 201. Authorization of appropriations for fiscal year 1990.
Sec. 202. Authorizations for basic research and exploratory development for fiscal years 1991-1994.
Sec. 203. Repeal of prior milestone authorizations.
Sec. 204. Prohibition on testing Mid-Infrared Advanced Chemical Laser program against an object in space.
Sec. 205. Grant for semiconductor cooperative research program.
Sec. 206. Funds for cooperative research and development projects with major non-NATO allies.
Sec. 207. Army Heavy Force Modernization program.

PART B—STRATEGIC DEFENSE INITIATIVE

Sec. 221. Funding level for the Strategic Defense Initiative.
Sec. 222. Limitation on development and testing of antiballistic missile systems or components.

PART C—OTHER PROGRAMS

Sec. 251. Report on Biological Defense Research Program.
Sec. 252. Chemical weapons convention compliance monitoring program.
Sec. 253. Revision of competition requirement for award of grants and contracts to colleges and universities for certain purposes.
Sec. 254. Interim Infantry Anti-Tank Weapon.

TITLE III—OPERATION AND MAINTENANCE

PART A—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Operation and maintenance funding.
Sec. 302. Working Capital funds.
Sec. 303. Department of Defense base closure account.
Sec. 304. Humanitarian assistance.
Sec. 305. Army aviation flight facility at Jackson, Tennessee.
Sec. 306. Assistance to schools to benefit children of military personnel on active duty and civilian personnel.
Sec. 307. Funding requirement for procurement technical assistance cooperative agreement program.

PART B—LIMITATIONS

Sec. 311. Prohibition on payment of severance pay to foreign nationals in the event of certain base closures.
Sec. 312. Prohibition on releasing civilian personnel at the San Antonio Real Property Maintenance Agency.
Sec. 313. Prohibition on joint use of the marine corps air station at El Toro, California, with civil aviation.
Sec. 314. Clarification of prohibition on certain depot maintenance workload competitions.
Sec. 315. Limitation on use of environmental restoration funds.

PART C—MISCELLANEOUS PERMANENT LAW CHANGES

Sec. 321. Repeal of limitation on the expenditure of funds for the participation of developing countries in combined exercises.
Sec. 322. Authorization to reduce under certain circumstances the rates for meals sold at a military dining facility.
Sec. 323. Improved and expedited disposal of lost, abandoned, or unclaimed personal property in the custody of the Armed Forces.
Sec. 324. Procurement of laundry and dry cleaning services from Navy exchanges.
Sec. 325. Procurement of supplies and services from military exchanges outside the United States.
Sec. 326. Tuition-free enrollment of dependents of employees of nonappropriated fund instrumentalities in schools of the defense dependents' education system.
Sec. 327. Authority to use appropriated funds to support student meal programs in Department of Defense overseas dependents' schools.
Sec. 328. Commercial sale of recording of Air Force Singing Sergeants.
Sec. 329. Transportation of motor vehicles of military and civilian personnel stationed on Johnston Island.
Sec. 330. Authority to provide certain assistance to annual conventions of national military associations.

PART D—CONTRACTING OUT

Sec. 341. Authority of base commanders over contracting for commercial activities.
Sec. 342. Exception from cost comparison procedures for purchase of products and services of the blind and other severely handicapped individuals.
Sec. 343. Commercial activities study for base support operations at Fort Benjamin Harrison.

PART E—ARMED FORCES RETIREMENT HOMES

Sec. 351. United States Soldiers' and Airmen's Home subject to annual authorizations of appropriations.
Sec. 352. Military stoppages, fines, and forfeitures to benefit armed forces retirement homes.

Sec. 353. Deductions from the pay of enlisted members and warrant officers to benefit armed forces retirement homes.
Sec. 354. Annual inspection of armed forces retirement homes by Inspector General of the Department of Defense.
Sec. 355. Report regarding the operation and management of the Armed Forces Retirement Homes.
Sec. 356. Definitions.
Sec. 357. Repeal of superseded provisions relating to the United States Soldiers' and Airmen's Home.

PART F—ENVIRONMENTAL RESTORATION

Sec. 361. Requirement for development of environmental data base.
Sec. 362. Report on defense expenditures for environmental compliance.
Sec. 363. Five-year plan for environmental restoration at bases to be closed.
Sec. 364. Report on environmental requirements and priorities.
Sec. 365. Requirement to use portion of working-capital funds for waste minimization projects.
Sec. 366. Prohibition on certain environmental restoration activities at Rocky Mountain Arsenal.

PART G—STUDIES, REPORTS, AND OTHER MATTERS

Sec. 371. Study of waste recycling.
Sec. 372. Report on military recruiting advertising expenditures.
Sec. 373. Sense of Congress on reducing the number of members of the Army stationed in the United States whose permanent duty assignment is unrelated to intermediate-range nuclear forces.
Sec. 374. Sense of Congress on reducing the number of units of the Armed Forces stationed in the continental United States.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

PART A—ACTIVE FORCES

Sec. 401. End strengths for active forces.
Sec. 402. Reduction in authorized end strength for the number of military personnel in Europe.

PART B—RESERVE FORCES

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. Increase in number of members in certain grades authorized to be on active duty in support of the Reserves.

PART C—MILITARY TRAINING STUDENT LOADS

Sec. 421. Authorization of training student loads.

PART D—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 431. Authorization of appropriations for military personnel for fiscal year 1990.
Sec. 432. Authorization of appropriations for Reserve Other Training and Support for fiscal year 1990.

TITLE V—PERSONNEL MANAGEMENT

Sec. 501. Delayed entry program and delayed entry training program for Reservists.
Sec. 502. Annual muster duty for Ready Reservists.
Sec. 503. Extension of certain Reserve officer management programs.
Sec. 504. Extension of authority to make temporary promotions of certain Navy lieutenants.
Sec. 505. Extension of single-parent enlistment authority in Reserve components.
Sec. 506. Report on Reserve general and flag officers.
Sec. 507. Title of the admissions officer of the United States Air Force Academy.
Sec. 508. Eligibility for prisoner-of-war medal of crew of the U.S.S. Pueblo captured by North Korea.
Sec. 509. Reimbursement of Department of Defense funds for members of the Armed Forces assigned to duty in connection with foreign military sales programs.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

PART A—PAY AND ALLOWANCES

Sec. 601. Military pay raise for fiscal year 1990
Sec. 602. Limitation on adjustments in variable housing allowance.

PART B—BONUSES AND SPECIAL AND INCENTIVE PAY

Sec. 611. Enlistment bonus for members in skills designated as critical.
Sec. 612. Extension of enlistment and reenlistment bonus authorities for Reserve forces.
Sec. 613. Nuclear-qualified officers.
Sec. 614. Lump-sum payment of initial overseas housing costs.

PART C—MILITARY AVIATORS

Sec. 621. Aviation career incentive pay.
Sec. 622. Aviator retention bonuses.
Sec. 623. Reduction in nonoperational flying duty positions.
Sec. 624. Report on minimum service requirement for aviators.
Sec. 625. Report on insurance.
Sec. 626. Report on aviator assignment policies and practices.

PART D—MONTGOMERY GI BILL AMENDMENTS

Sec. 631. Increase in amount payable under Montgomery GI Bill for critical specialties.
Sec. 632. Payments for vocational-technical training under Reserve-Component GI Bill.
Sec. 633. Limitation of active guard and Reserve personnel to active-duty program.

PART E—PERSONNEL AND COMPENSATION TECHNICAL AMENDMENTS

Sec. 641. Technical amendments to military retirement laws.
Sec. 642. Technical amendments to military survivor benefit plan.
Sec. 643. Inclusion of former spouses in social security offset provision.
Sec. 644. Repeal of certain obsolete and expired provisions.
Sec. 645. Other technical amendments.

PART F—MISCELLANEOUS

Sec. 651. Military relocation assistance programs.
Sec. 652. Report on technical training for recruits and members of the Reserve components.
Sec. 653. Clarification of allowance for transportation of household effects.
Sec. 654. Special duty assignment pay for enlisted members of the National Guard or a Reserve component.
Sec. 655. Extension of test program for reimbursement for adoption expenses.

TITLE VII—HEALTH CARE PROVISIONS

PART A—HEALTH CARE PROFESSIONS PERSONNEL MATTERS

Sec. 701. Authority to repay loans of certain health professionals who serve in the selected Reserve.
Sec. 702. Revision of military physician special pay structure.
Sec. 703. Accession bonus for registered nurses.
Sec. 704. Incentive pay for nurse anesthetists.
Sec. 705. Nurse officer candidate accession bonus.
Sec. 706. Program to increase use of certain nurses by the military departments.
Sec. 707. Grade relief for Navy nurse lieutenant commanders

PART B—HEALTH CARE MANAGEMENT

Sec. 711. Prohibition on charges for outpatient medical and dental care.
Sec. 712. Sharing of health-care resources with the Department of Veterans Affairs.
Sec. 713. Prohibition on reducing end strength levels for medical personnel as a result of base closures and realignments.
Sec. 714. Revised deadline for the use of diagnosis-related groups for outpatient treatment.
Sec. 715. Armed Forces health professions scholarship program.
Sec. 716. Uniformed Services University of the Health Services and Henry M. Jackson Foundation for the advancement of military medicine.
Sec. 717. Retention of funds collected from third-party payers of inpatient care furnished at facilities of the uniformed services.
Sec. 718. Reallocation of certain civilian personnel positions to medical support.
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PART A—FUNDING AUTHORIZATIONS

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement for the Army as follows:

(1) For aircraft, $2,910,244,000.

(2) For missiles, $2,661,600,000.

(3) For weapons and tracked combat vehicles, $2,723,219,000.

(4) For ammunition, $1,704,800,000.

(5) For other procurement, $4,105,661,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) AIRCRAFT.—Funds are hereby authorized to be appropriated for fiscal year 1990 for aircraft for the Navy in the amount of $8,665,802,000.

(b) WEAPONS.—Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement of weapons (including missiles and torpedoes) for the Navy in the amount of $5,570,500,000. Amounts authorized under the preceding sentence are available as follows:

(1) For ballistic missile programs, $1,818,165,000.

(2) For other missile programs, $2,783,337,000.

(3) For torpedo programs, $697,996,000 as follows:

For the MK-48 torpedo program, $331,942,000.

For the SEA lance program, $1,799,000.

For the MK-50 torpedo program, $269,130,000.

For the ASW target program, $12,983,000.

For the ASROC program, $9,282,000.

For the modification of torpedoes and related equipment, $9,653,000.

For the torpedo support equipment program, $39,002,000.

For the antisubmarine warfare range support program, $24,205,000.

(4) For other weapons, $184,361,000, of which—

(A) $74,990,000 is for the MK-15 close-in weapon system; and

(B) $63,771,000 is for the close-in weapon system modification program.

(5) For spares and repair parts, $94,441,000.

The sum of amounts authorized to be appropriated for torpedo programs, other weapons, and spares and spare parts is reduced by $7,800,000.

(c) SHIPBUILDING AND CONVERSION.—Funds are hereby authorized to be appropriated for fiscal year 1990 for shipbuilding and conversion for the Navy in the amount of $9,925,306,000. Amounts authorized under the preceding sentence are available as follows:

For the Trident submarine program, $1,277,800,000.

For the SSN-688 nuclear attack submarine program, $806,300,000.

For the SSN-21 nuclear attack submarine program, $816,800,000.

For the aircraft carrier service life extension program (SLEP), $651,200,000.

For the Enterprise refueling/modernization program, $129,100,000.

For the DDG-51 guided missile destroyer program, $3,600,700,000.

For the LHD-1 amphibious assault ship program, $35,000,000.

For the LSD-41 cargo variant program, $229,300,000.

For the MCM mine countermeasures program, $341,500,000.

For the MHC coastal minehunter program, $282,000,000.

For the AO (Jumbo) conversion program, $35,700,000.

For the TAGOS ocean surveillance ship program, $155,800,000.

For the AOE fast combat support ship program, $356,400,000.

For the oceanographic research ship program, $278,100,000.

For the moored training ship program, $220,000,000.

For service craft and landing craft, $56,400,000.

For the landing craft, air cushion (LCAC) program, $219,300,000.

For the Fast Sealift ship program, $20,000,000

For ship production engineering, $63,906,000.

For outfitting and post delivery, $340,000,000.

For ship special support equipment, $10,000,000.

(d) OTHER PROCUREMENT, NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1990 for other procurement for the Navy in the amount of $5,840,000,000. Amounts authorized under the preceding sentence are available as follows:

(1) For the ship support equipment program, $1,721,713,000.

(2) For the communications and electronics equipment program, $1,647,194,000.

(3) For aviation support equipment, $536,398,000.

(4) For the ordnance support equipment program, $757,446,000.

(5) For civil engineering support equipment, $97,092,000.

(6) For supply support equipment, $156,081,000.

(7) For personnel and command support equipment, $409,471,000.

(8) For spares and repair parts, $529,905,000.

The sum of amounts authorized to be appropriated for ship support equipment, communications and electronics equipment, ordnance support equipment, and spares and repair parts is reduced by $15,300,000.

(e) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement for the Marine Corps in the amount of $1,202,700,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1990 for the Air Force as follows:

(1) For aircraft, $15,979,100,000.

(2) For missiles, $7,363,100,000.

(3) For other procurement, $8,605,200,000.

SEC. 104. DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement for the Defense Agencies in the amount of $1,321,200,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement of equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $404,000,000.

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

(3) For the Air National Guard, $142,500,000.

(4) For the Air Force Reserve, $285,500,000.

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

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

SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement for the Defense Inspector General in the amount of $1,051,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1990 for the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 747), in the amount of $311,400,000.

SEC. 108. MULTIYEAR AUTHORIZATIONS.

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

(1) ARMY.—For the Department of the Army:

(A) The M-1 Abrams tank program.

(B) The Bradley Fighting Vehicle program.

(C) The MH-47 helicopter program.

(D) The Palletized Loading System program.

(2) NAVY—For the Department of the Navy, the DDG-51 destroyer program.

(3) AIR FORCE.—For the Department of the Air Force:

(A) The KC-135 tanker aircraft program.

(B) The Combined Effects Munitions (CEM) program.

(C) The MH-60G helicopter program.

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

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

(1) The E-2C aircraft program.

(2) The FA-18 aircraft program.

(3) The Maverick AGM65D missile program.

SEC. 109. EXTENSION OF AUTHORITY PROVIDED THE SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM.

Effective on October 1, 1989, section 103(a) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1100), is amended—

(1) by striking out "fiscal years 1988 and 1989" both places it appears and inserting in lieu thereof "fiscal year 1990"; and

(2) by inserting after "December 6, 1978," the following: "the Memorandum of Understanding for Operations and Support of the NATO Airborne Early Warning and Control Force, signed by the United States Ambassador to NATO, and other follow-on support agreements for the NATO E-3A between the United States Government and the commander of the NATO E-3A Force,".

SEC. 110. REPEAL OF CERTAIN PRIOR MILESTONE AUTHORIZATIONS.

Section 106 of Public Law 100-180 (101 Stat. 1034) is amended by striking out subsections (a)(2), (b)(2), (c)(2), and (d)(2).

PART B—STRATEGIC BOMBER PROGRAMS

SEC. 111. LIMITATION ON PRODUCTION OF B-2 ADVANCED TECHNOLOGY BOMBER AIRCRAFT PROGRAM.

(a) REQUIRED INFORMATION.—Funds appropriated to the Department of Defense for fiscal year 1990 may not be obligated or expended for procurement (including advance procurement) for production aircraft under the B-2 Advanced Technology Bomber aircraft program until the certification referred to in subsection (b) and the report required by subsection (c) have been submitted to the congressional defense committees.

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification in writing by the Secretary of Defense to the congressional defense committees of the following:

(1) That the performance milestones (including initial flight testing) for the B-2 aircraft for fiscal year 1990 (as contained in the B-2 full performance matrix program established under section 121 of Public Law 100-180 and section 232 of Public Law 100-456) have been met and that any proposed waiver or modification to the B-2 performance matrix will be provided in writing in advance to the congressional defense committees.

(2) That the cost reduction initiatives established for the B-2 program will be achieved (such certification to be submitted together with details of the savings to be realized).

(3) That the quality assurance practices and fiscal management controls of the prime contractor and major subcontractors associated with the B-2 program meet or exceed accepted United States Government standards.

(c) REPORT ON COST, SCHEDULE, AND CAPABILITY.—The Secretary of Defense shall submit to the congressional defense committees a report providing the following:

(1) An unclassified integrated B-2 program schedule that includes—

(A) the total cost of the B-2 program by fiscal year, including costs by fiscal year for research and development, procurement (including spares and modifications), military construction, operation and maintenance, and personnel, with all such costs to be expressed in both base year and then year dollars;

(B) the annual buy rate for the B-2 aircraft; and

(C) the flight test schedule and milestones for the B-2 program.

(2) A detailed mission statement and requirements for the B-2 aircraft, including the current and projected capability of the aircraft to conduct strategic relocatable target missions and conventional warfare operations.

(3) A detailed assessment of performance of the B-2 aircraft, together with a comparison of that performance with existing strategic penetrating bombers.

(4) A detailed assessment of the technical risks associated with the B-2 program, particularly those associated with the avionics systems and components of the aircraft.

(d) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—For purposes of this section, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

SEC. 112. INDEPENDENT ASSESSMENT OF B-2 AIRCRAFT PROGRAM.

(a) INDEPENDENT ASSESSMENT.—The Secretary of Defense shall provide for an independent assessment of the technological capabilities and performance of the B-2 aircraft. The Secretary shall appoint a panel of experts and shall use the resources of federally funded research and development centers (FFRDCs) to conduct the assessment. The Secretary shall provide the panel such resources as are necessary, including technical assistance by private contractors, to assist the panel in conducting the assessment. Individuals appointed to the panel shall be independent of the Air Force and shall have no arrangements with the Air Force that would constitute a conflict of interest.

(b) REPORT.—The panel shall report its findings to Congress in a classified report no later than September 1, 1990. The report shall include the findings of the panel concerning the following:

(1) The capability of air defense of the Soviet Union to defeat the B-2 aircraft during its service life, taking into consideration in particular—

(A) the low radar signature and anticipated performance of that aircraft;

(B) technological capabilities of the Soviet Union;

(C) developments by the Soviet Union of alternatives to defeat the B-2 aircraft; and

(D) the estimated cost to the Soviet Union to defeat the B-2 aircraft.

(2) The rationale for building the B-2 aircraft as a manned penetrating bomber, taking into consideration in particular—

(A) the missions of that aircraft;

(B) the abilities of that aircraft to complete those missions; and

(C) the ability of that aircraft to search, identify, and destroy mobile strategic targets.

(3) The opportunity costs associated with the B-2 program as compared to other available or emerging technologies and operational concepts that could perform the B-2 missions at lesser costs.

(4) The planned service life of the B-2 aircraft and its growth potential for extended service life through the incorporation of preplanned product improvements (P3I) and other modifications.

(5) The requirements for any follow-on aircraft or system that incorporates both low observable technology and high speed maneuverability.

(6) An assessment of the capability of the United States to defeat, identify, and destroy low observable vehicles, including manned aircraft and unmanned systems.

(c) FUNDING LIMITATION.—If the requirements of this section are not met by September 30, 1990, no funds may be obligated for the B-2 aircraft program after that date until the requirements of this section have been met.

SEC. 113. LIMITATIONS ON B-1B ELECTRONIC COUNTERMEASURES RECOVERY PROGRAM.

(a) GENERAL LIMITATION.—The Secretary of the Air Force may proceed with the recovery program for the B-1B aircraft electronic countermeasures (ECM) system only in accordance with this section.

(b) SOURCE OF FUNDING.—The Secretary may provide funds for the recovery program only as follows:

(1) The Secretary may use expired or lapsed funds (as defined in subsection (f)(2)) for the recovery program, but only to the extent that such funds are available from the B-1B program account. Such funds may be used only for the ALQ-161A CORE component of the recovery program.

(2) Other funds necessary for the recovery program may be derived from funds appropriated for fiscal year 1990 for Air Force strategic bomber programs pursuant to authorizations of appropriations in titles I, II, and III of this Act. Such funds may be used for the ALQ-161A CORE component and the Radar Warning Receiver program component of the recovery program. Funds may be used for the recovery program pursuant to this paragraph only after the Secretary of the Air Force submits to the congressional defense committees a report containing a description of the funds to be used, including the amount and the source of the funds.

No funds other than those described in paragraphs (1) and (2) may be used for the recovery program.

(c) CERTIFICATION BY SECRETARY OF THE AIR FORCE.—Funds may be obligated for the recovery program only after the Secretary of the Air Force submits to the congressional defense committees a report on the recovery program that includes a certification—

(1) that, as a result of the incorporation of the recovery program components into the B-1B aircraft, the B-1B aircraft will be able to perform the expected mission for that aircraft under the Single Integrated Operating Plan to penetrate the air space of the Soviet Union as a strategic bomber, as defined in section 243 of Public Law 100-180 (101 Stat. 1063); and

(2) that the recovery program can be accomplished (in terms of performance, cost, and schedule) in accordance with the plan of the Department of the Air Force set forth in the report of the Secretary of Defense entitled "Department of Defense Congressional Report: B-1B Program Plan", submitted pursuant to section 231(b) of Public Law 100-456 (102 Stat. 1943).

(d) SEMIANNUAL STATUS REPORTS.—The Secretary of the Air Force shall submit to the congressional defense committees a status report on the progress of the recovery program at the end of the second and fourth quarter of each fiscal year. Each such report shall be submitted not later than 30 days after the end of such fiscal year quarter. The first such report shall be submitted not later than May 1, 1990.

(e) ACCESS BY GAO.—(1) The Secretary of the Air Force shall ensure that the General Accounting Office has full, direct, and timely access to the documentation relating to the recovery program.

(2) The Comptroller General of the United States shall actively monitor the recovery program and shall provide periodic reports to the congressional defense committees on the status and effectiveness of the program.

(f) REPORT ON FUNDS IN TREASURY M ACCOUNT.—The Secretary of the Air Force shall submit to the congressional defense committees a report on the status of the availability of expired or lapsed funds of the Department of the Air Force in the Department of Treasury Account known as the "M Account". The report shall include an accounting of all B-1B aircraft program funds that have been transferred to that account and the amount of those funds that have been withdrawn or obligated from that account. The report shall be submitted in conjunction with the report under subsection (b)(2).

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

(1) The term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropria-

tions of the Senate and House of Representatives.

(2) The term "expired or lapsed funds" means funds previously appropriated to the Air Force the availability of which for obligation has expired or lapsed.

PART C—OTHER PROGRAM LIMITATIONS

SEC. 121. PROGRAM LIMITATIONS.

(a) MC-130H (COMBAT TALON).—(1) Funds appropriated pursuant to this Act may not be obligated or expended for the procurement of MC-130H Combat Talon aircraft until the Director of Operational Test and Evaluation determines (and certifies under paragraph (2)) that the results of the developmental qualification test and evaluation and of the qualification operational test and evaluation flight test conducted between October 1988 and April 1990 demonstrate that that aircraft (including the avionics components of the aircraft) meets all contract requirements and performance specifications.

(2) A certification under paragraph (1) shall be submitted in writing to the congressional defense committees.

(b) AC-130U GUNSHIP.—No funds may be obligated or expended after the date of the enactment of this Act for procurement of AC-130U Gunship aircraft until the Secretary of the Air Force certifies in writing to the congressional defense committees that the cost of any modification, correction of deficiencies, or retrofit that is required to address and to meet established contract specifications and performance requirements for AC-130U Gunship aircraft procured using funds appropriated for the Department of Defense for fiscal year 1988 or fiscal year 1989 will be borne by the prime contractor or an appropriate subcontractor.

(c) AMRAAM MISSILE.—(1) No funds may be obligated after the date of the enactment of this Act to undertake full-rate production of the Advanced Medium-Range Air-to-Air (AMRAAM) missile until the Director of Operational Test and Evaluation (pursuant to section 138 of title 10, United States Code) certifies (1) that all required testing of that missile has been conducted, and (2) that the results of that testing demonstrate (A) that the AMRAAM missile has met all established performance requirements, and (B) that stable missile production design and configuration (including its software) have been established.

(2) For purposes of paragraph (1), full-rate production of the AMRAAM missile is production of that missile at an annual production rate of 900 or more production-configured missiles.

(d) OVER-THE-HORIZON BACKSCATTER RADAR (OTHB).—(1) Funds appropriated pursuant to this Act may not be obligated or expended for the Over-the-Horizon Backscatter Radar system (other than to initiate site preparation activities for the Alaskan sector) until the Director of Operational Test and Evaluation of the Department of Defense determines, and certifies to the congressional defense committees, that the results of the integrated initial operational and evaluation test conducted with the three east coast region sectors demonstrate that such system meets all contract requirements and performance specifications, including specifications relating to small target detection capability.

(2) The Secretary of Defense (in consultation with appropriate elements of the intelligence community) shall submit to the congressional defense committees a report on the effect of the radar system described in paragraph (1) on the bomber threat to the continental territory of the United States under a Strategic Arms Reduction Treaty (START) regime.

(3) The Secretary of Defense shall submit to the congressional defense committees, in conjunction with the submission of the President's budget for fiscal year 1991, a report—

(A) stating the capability of the radar system described in paragraph (1) to detect next generation aircraft and missiles; and

(B) describing the feasibility and cost of modifying the existing system to improve its capabilities.

(e) MILSTAR SATELLITE/TERMINAL PROGRAM.—Funds appropriated pursuant to this Act may not be obligated or expended for any component of the Milstar system until the Secretary of Defense submits to the congressional defense committees—

(1) a Selected Acquisition Report on the total Milstar program;

(2) a comprehensive master plan on the program requirements, acquisition strategy, and program execution, schedule, management and architecture; and

(3) a feasibility analysis of establishing a cost sharing plan among all potential users of the system.

(f) STANDARD MISSILE II PROGRAM.—The Secretary of the Navy shall carry out the fiscal year 1990 acquisition for the Standard Missile II so as to preserve the existing dual-source production base for that missile.

(g) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—For purposes of this section, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

SEC. 122. M-1 TANK PROGRAM.

(a) LAY-AWAY OF DETROIT ARMY TANK PLANT.—None of the funds appropriated for the Army for fiscal year 1990 may be obligated to begin the lay-away of the Detroit Army Tank Plant.

(b) BLOCK II MODIFICATION PROGRAM.—Funds appropriated for the Army for fiscal year 1990 may not be obligated for long-lead items and nonrecurring costs for the Block II modification program for the M-1 tank until—

(1) the Secretary of Defense approves the program; and

(2) the Secretary of the Army submits to the Committees on Armed Services of the Senate and House of Representatives a report with respect to the program as described in subsection (c).

(c) REPORT ON BLOCK II PROGRAM.—A report under subsection (b)(2) shall—

(1) identify the total funding requirements for the Block II program;

(2) assess the proposed modifications under the program in terms of the results of the live-fire testing;

(3) describe operational implications of the weight increase for the M-1 tank under the proposed modifications; and

(4) identify decisions in the program that have an effect on the next generation tank.

SEC. 123. ARMY RECOVERY VEHICLE.

(a) TESTING.—The Secretary of the Army shall complete the technical and operational testing of the Improved Recovery Vehicle. The Secretary shall also study all potential modifications to the existing chassis for the M-88 vehicle to perform the mission for the Improved Recovery Vehicle.

(b) CONDITIONS ON PRODUCTION DECISION.—The Secretary may not make a decision to enter into production during fiscal year 1991 concerning a Recovery Vehicle until each of the following occurs:

(1) Operational testing of such vehicle is completed.

(2) An independent Operational Test and Evaluation agency certifies that such vehicle meets performance requirements.

(3) The Secretary of the Army completes a cost-effectiveness analysis that supports the proposed production decision.

SEC. 124. CHEMICAL MUNITIONS EUROPEAN RETROGRADE PROGRAM.

(a) LIMITATIONS ON RETROGRADE PROGRAM.—The Secretary of Defense may not obligate any funds appropriated for fiscal year 1990 or a prior year for the purpose of carrying out the chemical munitions European retrograde program involving the withdrawal from Europe of chemical munitions until each of the following occurs:

(1) The Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a certification—

(A) that an adequate United States binary chemical munitions stockpile will exist before any withdrawal of the existing stockpile from its present location in Europe is carried out; and

(B) that the plan for such retrograde program is based on—

(i) minimum technical risk;

(ii) minimum operational risk; and

(iii) maximum safety to the public.

(2) The Secretary submits to those committees a revised concept plan for such retrograde program that includes a description of—

(A) the full budgetary effect of the retrograde program; and

(B) the potential effect of the retrograde program on the chemical demilitarization program.

(b) LIMITATION ON TRANSFER OF FUNDS.—The Secretary of Defense may not transfer any funds from the chemical demilitarization emergency response program for the retrograde program referred to in subsection (a).

SEC. 125. CHEMICAL DEMILITARIZATION CRYOFRACTURE PROGRAM.

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

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

SEC. 126. FUNDING FOR V-22 AIRCRAFT PROGRAM.

Of the amount appropriated for procurement of aircraft for the Navy for fiscal year 1990—

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

(2) the amount of $254,000,000 shall be available for CH-53E aircraft.

Any CH-53E aircraft procured with funds appropriated for fiscal year 1990 shall be available only for the heavy-lift mission of the Marine Corps.

SEC. 127. PROCUREMENT OF F-14D AIRCRAFT.

Of the amount appropriated for procurement of aircraft for the Navy for fiscal year 1990, the amount of $1,001,000,000 shall be available only for F-14D aircraft, of which—

(1) $857,000,000 shall be available only for procurement of 12 new production F-14D aircraft;

(2) $89,000,000 shall be available only for advanced procurement for 12 new production F-14D aircraft in fiscal year 1991; and

(3) $55,000,000 shall be available only for advanced procurement of 12 remanufactured F-14D aircraft in fiscal year 1991.

PART D—WEAPONS ACQUISITION PROCEDURES

SEC. 131. WEAPONS ACQUISITION RISK ASSESSMENT.

(a) ESTABLISHMENT OF POLICY.—The Secretary of Defense shall establish a policy for determining the amount of concurrency in a major weapons acquisition system and for assessing the degree of risk associated with the use of a concurrent acquisition strategy. That policy shall include policies for reporting those determinations to Congress.

(b) MATTERS TO BE INCLUDED IN RISK ASSESSMENTS.—The assessment of the risk of a concurrent acquisition strategy for a covered program shall include (at a minimum) consideration of the following with respect to that program:

(1) The degree of confidence in the enemy threat assessment for establishing the system's requirements.

(2) The type of contract involved.

(3) The degree of stability in program funding.

(4) The level of maturity of technology involved.

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

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

(c) INFORMATION TO BE INCLUDED IN SARs.—Information on the degree of concurrency and the required risk assessments for programs subject to the Selected Acquisition Report reporting system shall be included in quarterly SAR reports for reports submitted for fiscal-year quarters beginning no later than the first quarter of fiscal year 1991.

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

(1) The term "concurrency" means the degree of overlap between the development and production processes of a weapon system and is measured as the percentage of initial production of the total program that occurs before either developmental or operational test and evaluation is completed.

(2) The term "major defense acquisition program" means a defense acquisition program that is a major defense acquisition program within the meaning of section 2430 of title 10, United States Code.

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

(e) IMPLEMENTATION.—In the development and implementation of the policy required by subsection (a), the Secretary shall submit to the congressional defense committees a report on the policy, the criteria, and methodology that are used to prepare the required risk assessments. The report shall be submitted no later than September 30, 1990.

SEC. 132. LOW-RATE INITIAL PRODUCTION.

(a) DETERMINATION OF QUANTITIES TO BE PROCURED.—The determination of what quantity of a major weapon system should be procured for low-rate initial production shall be made at the Milestone II Defense Acquisition Board or, in the case of a nonmajor system, at the Milestone II equivalent of the military department concerned. The Milestone II decision shall also include any determination of quantities to be procured for preproduction verification articles. Any deviation from those quantities, as established by the Defense Acquisition Board (or the service equivalent), may only be made with the approval of a subsequent Defense Acquisition Board (or service equivalent). The Secretary of Defense shall include in the next Selected Acquisition Report on the program concerned a description of the approved quantities established under this subsection.

(b) LOW-RATE INITIAL PRODUCTION DEFINED.—Low-rate initial production with respect to a major weapon system is production under such system in quantities sufficient (1) to provide production-configured or representative articles adequate to conduct operational tests pursuant to section 138 of title 10, United States Code, and (2) to establish a production base for the system. The quantity of items required for operational testing shall be determined by the Director of Operational Test and Evaluation of the Department of Defense or, in the case of a non-major acquisition program, by the test agency of the military department concerned.

(c) WAIVER AUTHORITY.—In determining the appropriate low-rate initial production quantity for a major weapons system, the Secretary of Defense may waive the provisions of subsections (a) and (b) if the Secretary determines such waiver necessary for industrial-base considerations. If such a waiver is granted at Milestone II, the Secretary shall submit to Congress a report providing—

(1) an explanation of those industrial base considerations;

(2) a test master plan; and

(3) an approved acquisition strategy.

(d) ANNUAL REPORT.—The Secretary shall submit to the congressional defense committees an annual report on program execution according to the test matter plan.

SEC. 133. LIVE-FIRE TESTING PROGRAM.

(a) TESTING REPORT TO BE SUBMITTED BEFORE PRODUCTION.—Subsection (a)(1) of section 2366 of title 10, United States Code, is amended by inserting "and the report required by subsection (d) with respect to that testing has been submitted in accordance with that subsection" before the semicolon at the end of each of subparagraphs (A) and (B).

(b) AVAILABILITY OF PROCUREMENT FUNDS FOR LIVE-FIRE TESTING PROGRAMS.—Subsection (b)(3) of such section is amended by adding at the end the following: "The Secretary of Defense may, in the case of any such testing, provide funds for the conduct of such testing (and for evaluation of such testing) from funds available for procurement of the system being tested. The amount provided for such testing and evaluation of any such system for a fiscal year under the preceding sentence may not exceed one-third of 1 percent of the program acquisition cost of that system as shown in the most recent Selected Acquisition Report for that system.".

(c) CONTENT OF TESTING REPORT.—Subsection (d) of such section is amended by adding at the end the following: "Each such report shall describe the results of the survivability or lethality testing and shall give the Secretary's overall assessment of the testing.".

SEC. 134. SENSE OF CONGRESS ON PLACING GREATER EMPHASIS ON REMANUFACTURE OF EXISTING MILITARY EQUIPMENT.

It is the sense of Congress that the Secretary of Defense should place a greater emphasis on the remanufacture of existing military equipment as an interim measure to maintain readiness in light of budget constraints, production delays, and cost overruns of new equipment, in particular with regard to increasing the life of the existing fleet of medium tactical vehicles of the Army.

SEC. 135. REVISION OF LIMITATION ON TRANSFER OF CERTAIN TECHNICAL DATA PACKAGES TO FOREIGN COUNTRIES.

(a) COUNTRIES TO WHICH TRANSFERS MAY BE MADE.—Subsection (b) of section 4542 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "a friendly foreign country" and inserting in lieu thereof "a member nation of the North Atlantic Treaty Organization or a country designated as a major non-NATO ally";

(2) in paragraph (2)(B), by inserting ", except as provided in subsection (e)" before the semicolon at the end; and

(3) in paragraph (3), by inserting "or (d)" after "subsection (c)".

(b) COOPERATIVE PROJECT AGREEMENTS.—Such section is further amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following new subsections:

"(d) COOPERATIVE PROJECT AGREEMENTS.—An agreement under this subsection is a cooperative project agreement under section 27 of the Arms Export Control Act (22 U.S.C. 2767) which includes provisions that—

"(1) for development phases describe the technical data to be transferred and for the production phase prescribe the content of the technical data package or assistance to be transferred to the foreign country participating in the agreement;

"(2) require that at least the United States production of the defense item to which the technical data package or assistance relates be carried out by the arsenal concerned; and

"(3) require the Secretary of Defense to monitor compliance with the agreement.

"(e) LICENSING FEES AND ROYALTIES.—The limitation in subsection (b)(2)(B) shall not apply if the technology (or production technique) transferred is subject to nonexclusive license and payment of any negotiated licensing fee or royalty that reflects the cost of development, implementation, and proveout of the technology or production technique. Any negotiated license fee or royalty shall be placed in the operating fund of the arsenal concerned for the purpose of capital investment and technology development at that arsenal.".

(c) CONFORMING AMENDMENT.—Subsection (f) of such section (as redesignated by subsection (b)(1)) is amended by inserting "or a cooperative project" in paragraph (1) after "cooperative research and development program".

SEC. 136. REPEAL OF PROCUREMENT REQUIREMENT AND LIMITATION OF FUNDS FOR THE HEAVY EXPANDED MOBILITY TACTICAL TRUCK.

Section 129 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1045) is repealed.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

PART A—AUTHORIZATIONS AND FUNDING FOR SPECIFIC PROGRAMS

SEC. 201. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1990.

Funds are hereby authorized to be appropriated for fiscal year 1990 for the use of the Armed Forces for research, development, test, and evaluation as follows:

(1) For the Army, $5,858,500,000, of which $851,290,000 is authorized only for basic research and exploratory development.

(2) For the Navy, $10,313,999,000, of which $894,464,000 is authorized only for basic research and exploratory development.

(3) For the Air Force, $14,587,330,000, of which $854,801,000 is authorized only for basic research and exploratory development.

(4) For the Defense Agencies, $8,842,565,000, of which—

(A) $309,550,000, is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation);

(B) $124,500,000, is authorized for the Director of Operational Test and Evaluation; and

(C) $748,309,000, is authorized for the Director, Defense Research Advanced Projects Agency only for basic research and exploratory development.

SEC. 202. AUTHORIZATIONS FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT FOR FISCAL YEARS 1991-1994.

(a) AUTHORIZATIONS.—Funds are hereby authorized to be appropriated for the use of the Armed Forces for research, development, test, and evaluation, to be available only for basic research and exploratory development projects, as follows:

(1) For fiscal year 1991, $3,770,000,000.

(2) For fiscal year 1992, $3,865,000,000.

(3) For fiscal year 1993, $3,940,000,000.

(4) For fiscal year 1994, $4,015,000,000.

(b) BASIC RESEARCH AND EXPLORATORY DEVELOPMENT DEFINED.—As used in this section and section 201, the term "basic research and exploratory development" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. REPEAL OF PRIOR MILESTONE AUTHORIZATIONS.

Section 216 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1051) is amended by striking out subsections (a)(2), (b)(2), (c)(2)(A), and (c)(2)(B).

SEC. 204. PROHIBITION ON TESTING MID-INFRARED ADVANCED CHEMICAL LASER PROGRAM AGAINST AN OBJECT IN SPACE.

The Secretary of Defense may not carry out a test of the Mid-Infrared Advanced Chemical Laser (MIRACL) transmitter and associated optics against an object in space unless such testing is specifically authorized by law.

SEC. 205. GRANT FOR SEMICONDUCTOR COOPERATIVE RESEARCH PROGRAM.

Of the amount appropriated pursuant to section 201 for Defense Agencies, $100,000,000 shall be available only to make grants under section 272 of Public Law 100-180.

SEC. 206. FUNDS FOR COOPERATIVE RESEARCH AND DEVELOPMENT PROJECTS WITH MAJOR NON-NATO ALLIES.

Of the funds appropriated pursuant to section 201 that are available for NATO Cooperative Research and Development projects, not less than 10 percent shall be available for cooperative research and development projects with major non-NATO allies under section 1105 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661).

SEC. 207. ARMY HEAVY FORCE MODERNIZATION PROGRAM.

(a) FUNDING.—Of the amount appropriated for fiscal year 1990 for research, development, test, and evaluation for the Army, $58,000,000 shall be available to the Secretary of the Army only for competitive development of Advanced Technology Transition Demonstrators (ATTDs) for a common chassis for the Heavy Force Modernization program.

(b) LIMITATION ON USE OF FUNDING.—No funds may be obligated for such competitive development until—

(1) the Defense Acquisition Board for the Army's Heavy Force Modernization program makes a Milestone I decision for that program that includes proceeding with development of Advanced Technology Transition Demonstrators for the common chassis for that program; and

(2) after such decision, the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives a report described in subsection (c).

(c) REPORT.—A report under subsection (b)(2) is a report by the Secretary of Defense containing the following:

(1) A description of the actions of the Defense Acquisition Board referred to in subsection (b)(1), including a description of the demonstration and validation program approved.

(2) An updated Interagency Intelligence Memorandum providing current estimates (prepared within the preceding 12 months) for production, and for operational capabilities, of future tanks of the Soviet Union.

(3) Detailed cost estimates for research, development, test, and evaluation, and for procurement, for all programs expected to use the heavy common chassis to be selected pursuant to the competitive development under subsection (a).

(4) The criteria which the Secretary of Defense will use in determining whether—

(A) to proceed with a new tank program using the heavy common chassis to be selected pursuant to the competitive development under subsection (a) to replace the M1 tank; or

(B) to produce an M1A3 tank.

PART B—STRATEGIC DEFENSE INITIATIVE

SEC. 221. FUNDING LEVEL FOR THE STRATEGIC DEFENSE INITIATIVE.

(a) FISCAL YEAR 1990.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1990, not more than $3,538,000,000 may be obligated for the Strategic Defense Initiative.

(b) MANAGEMENT HEADQUARTERS SUPPORT.—Of the amount available for the Strategic Defense Initiative under subsection (a), not more than $26,384,000 shall be available for Management Headquarters Support.

SEC. 222. LIMITATION ON DEVELOPMENT AND TESTING OF ANTIBALLISTIC MISSILE SYSTEMS OR COMPONENTS.

(a) USE OF FUNDS.—(1) Funds appropriated to the Department of Defense for fiscal year 1990, or otherwise made available to the Department of Defense from any funds appropriated for fiscal year 1990 or for any fiscal year before 1990, shall be subject to the limitations prescribed in paragraph (2).

(2) The funds described in paragraph (1) may not be obligated or expended—

(A) for any development or testing of antiballistic missile systems or components except for development and testing consistent with the development and testing described in the January 1989 SDIO report; or

(B) for the acquisition of any material or equipment (including any long lead materials, components, piece parts, test equipment, or any modified space launch vehicle) required or to be used for the development or testing of antiballistic missile systems or components, except for material or equipment required for development or testing consistent with the development and testing described in the January 1989 SDIO report.

(3) The limitation under paragraph (2) shall not apply to funds transferred to or for the use of the Strategic Defense Initiative for fiscal year 1990 if the transfer is made in accordance with section 1201 of this Act.

(b) DEFINITION.—As used in this section, the term "January 1989 SDIO report" means the report entitled, "1989 Report to the Congress on the Strategic Defense Initiative", dated January 13, 1989, prepared by the Strategic Defense Initiative Organization and submitted by the Secretary of Defense to certain committees of the Senate and House of Representatives pursuant to section 231 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 10 U.S.C. 2431 note).

PART C—OTHER PROGRAMS

SEC. 251. REPORT ON BIOLOGICAL DEFENSE RESEARCH PROGRAM.

(a) REPORT.—Not later than March 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on research, development, test, and evaluation conducted by the Department of Defense during fiscal year 1989 under the Biological Defense Research Program. The report shall be submitted in both classified and unclassified form.

(b) CONTENT OF REPORT.—The report shall address the following matters:

(1) Each biological or infectious agent used in, or the subject of, research, development, test, and evaluation conducted under that program during that fiscal year and not previously listed in the Center for Disease Control Guidelines.

(2) The biological properties of each such agent.

(3) With respect to each agent, the location at which research, development, test, and evaluation under that program involving that agent is conducted and the amount of funds expended during that fiscal year under the program at that location.

(4) The biosafety level used in conducting that research, development, test, and evaluation.

(c) TYPES OF RESEARCH AFFECTED.—Subsection (a) applies to research, development, test, and evaluation conducted under the Biological Defense Research Program by the Department of Defense or by facilities under direct contract with the Department of Defense on etiological agents not listed in the Center for Disease Control Guidelines.

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

SEC. 252. CHEMICAL WEAPONS CONVENTION COMPLIANCE MONITORING PROGRAM.

Of the amount appropriated pursuant to section 201 for Defense Agencies, $15,000,000 shall be available to the Office of the Secretary of Defense only to conduct a program to develop and demonstrate compliance monitoring capabilities in support of efforts by the United States in the Conference on Disarmament at Geneva to achieve a verifiable convention on the prohibition of chemical weapons.

SEC. 253. REVISION OF COMPETITION REQUIREMENT FOR AWARD OF GRANTS AND CONTRACTS TO COLLEGES AND UNIVERSITIES FOR CERTAIN PURPOSES.

(a) COMPETITION REQUIREMENT.—Subsection (a) of section 2361 of title 10, United States Code, is amended by striking out "unless the grant" and all that follows

through the end of the subsection and inserting in lieu thereof "unless—

"(1) in the case of a grant, the grant is made using competitive procedures; and

"(2) in the case of a contract, the contract is awarded in accordance with section 2304 of this title (other than pursuant to subsection (c)(5) of that section).".

(b) CONSTRUCTION OF FUTURE PROVISIONS OF LAW.—Subsection (b) of such section is amended—

(1) by striking out "the date of the enactment of this section" and inserting in lieu thereof "September 30, 1989,";

(2) by inserting after "provisions of subsection (a)" the following: ", or as requiring funds to be made available by the Secretary of Defense to a particular college or university by grant or contract,"; and

(3) by striking out "specifically" and all that follows through the end of the subsection and inserting in lieu thereof "specifically—

"(1) refers to this section;

"(2) states that such provision of law modifies or supersedes the provisions of this section; and

"(3) directs that the grant or contract involved be awarded to a college or university designated in such provision of law without using competitive procedures.".

SEC. 254. INTERIM INFANTRY ANTI-TANK WEAPON.

(a) SELECTION OF INTERIM INFANTRY ANTI-TANK WEAPON.—(1) The Secretary of the Army shall conduct a side-by-side test and evaluation of the Bofors Bill weapon system and the Dragon II anti-tank weapon system. On the basis of performance of those systems in those tests, the Secretary of the Army shall select the superior weapon system as the interim infantry anti-tank weapon for the Army.

(2) Such test and evaluation shall be conducted, and such selection shall be made, not later than six months after the date of the enactment of this Act.

(3) The tests and criteria used for such evaluation shall be identical to those used for tests under section 114 of Public Law 100-456 (102 Stat. 1931).

(4) The Secretary shall manage the program for the weapon system selected so that such system is ready to enter into production no later than the beginning of fiscal year 1991.

(b) FUNDING OF TESTS.—The tests under subsection (a) shall be funded from—

(1) funds appropriated for fiscal year 1988 for evaluation of the Bofors Bill system and Milan system which remain unspent;

(2) funds appropriated for fiscal year 1989 for the terminated Dragon III program which remain unspent; and

(3) other funds available to the Secretary.

(c) INDEPENDENT ASSESSMENT.—The Comptroller General of the United States shall conduct an independent assessment of the operational tests and evaluations referred to in subsection (a). The Comptroller General shall submit a report on such assessment to the Committees on Armed Services of the Senate and House of Representatives no later than two months after the end of the tests.

TITLE III—OPERATION AND MAINTENANCE

PART A—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 1990 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

For the Army, $23,404,250,000.

For the Navy, $24,496,520,000.

For the Marine Corps, $1,703,500,000.

For the Air Force, $22,368,340,000.

For the Defense Agencies, $7,974,910,000.

For the Army Reserve, $863,000,000.

For the Naval Reserve, $917,200,000.

For the Marine Corps Reserve, $77,400,000.

For the Air Force Reserve, $984,387,000.

For the Army National Guard, $1,867,100,000.

For the Air National Guard, $1,999,793,000.

For the National Board for the Promotion of Rifle Practice, $3,970,000.

For the Defense Inspector General, $94,749,000.

For the Court of Military Appeals, $4,000,000.

For Environmental Restoration, Defense, $600,800,000.

For the Goodwill Games, as provided in section 305 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1949), $14,600,000.

For Humanitarian Assistance, $13,000,000.

(b) GENERAL AUTHORIZATION FOR CONTINGENCIES.—There is authorized to be appropriated for fiscal year 1990, in addition to the amounts authorized to be appropriated in subsection (a), such sums as may be necessary—

(1) for unbudgeted increases in fuel costs; and

(2) for unbudgeted increases as the result of inflation in the cost of activities authorized by such subsections.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1990 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working-capital funds in amounts as follows:

For the Army Stock Fund, $134,600,000.

For the Navy Stock Fund, $223,400,000.

For the Air Force Stock Fund, $339,300,000.

For the Defense Stock Fund, $104,100,000.

SEC. 303. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

There are authorized to be appropriated for fiscal year 1990 to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2631) the amount of $500,000,000.

SEC. 304. HUMANITARIAN ASSISTANCE.

(a) PURPOSE.—Funds appropriated pursuant to the authorization in section 301 for humanitarian assistance shall be used for the purpose of providing transportation for humanitarian relief for persons displaced or who are refugees because of the invasion of Afghanistan by the Soviet Union. Of the funds appropriated pursuant to such section for such purpose, not more than $3,000,000 may be used for distribution of humanitarian relief supplies to the non-Communist resistance organization at or near the border between Thailand and Cambodia.

(b) AUTHORITY TO TRANSFER FUNDS.—The Secretary of Defense may transfer to the Secretary of State not more than $3,000,000 of the funds appropriated pursuant to the authorization in section 301 for humanitarian assistance to provide for—

(1) the payment of administrative costs incurred in providing the transportation described in subsection (a); and

(2) the purchase or other acquisition of transportation assets for the distribution of humanitarian relief supplies in the country of destination.

(c) TRANSPORTATION UNDER DIRECTION OF THE SECRETARY OF STATE.—Transportation for humanitarian relief provided with funds appropriated pursuant to the authorization in section 301 for humanitarian assistance shall be provided under the direction of the Secretary of State.

(d) MEANS OF TRANSPORTATION TO BE USED.—Transportation for humanitarian relief provided with funds appropriated pursuant to the authorization in section 301 for humanitarian assistance shall be provided by the most economical commercial or military means available, unless the Secretary of State determines that it is in the national interest of the United States to provide transportation other than by the most economical means available. The means used to provide such transportation may include the use of aircraft and personnel of the reserve components of the Armed Forces.

(e) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization in section 301 for humanitarian assistance shall remain available until expended, to the extent provided in appropriation Acts.

(f) REPORTS TO CONGRESS.—

(1) REPORT REQUIREMENT.—The Secretary of Defense shall submit (at the times specified in paragraph (2)) to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report on the provision of humanitarian assistance under the humanitarian relief laws specified in paragraph (4).

(2) TIME OF SUBMISSION.—A report required by paragraph (1) shall be submitted—

(A) not later than 60 days after the date of the enactment of this Act;

(B) not later than June 1, 1990; and

(C) not later than June 1 of each year thereafter until all funds available for humanitarian assistance under the humanitarian relief laws specified in paragraph (4) have been obligated.

(3) CONTENT OF REPORT.—A report required by paragraph (1) shall contain (as of the date on which the report is submitted) the following information:

(A) The total amount of funds obligated for humanitarian relief under the humanitarian relief laws specified in paragraph (4).

(B) The number of scheduled and completed flights for purposes of providing humanitarian relief under the humanitarian relief laws specified in paragraph (4).

(C) A description of any transfer (including to whom the transfer is made) of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of title 10, United States Code.

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

(A) This section.

(B) Section 305 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 617).

(C) Section 331 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1078).

(D) Section 303 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1948).

(5) REPEAL OF SUPERSEDED REPORT REQUIREMENT.—Section 303 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1948), is amended by striking out subsection (f).

SEC. 305. ARMY AVIATION FLIGHT FACILITY AT JACKSON, TENNESSEE.

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

(b) AMOUNTS AUTHORIZED.—Of the amount appropriated pursuant to section 301 for fiscal year 1990 for operation and maintenance for the Army National Guard, the amount of $300,000 shall be available only to transfer the aviation section of the 30th Separate Armored Brigade of the Tennessee National Guard to the facility established pursuant to subsection (a).

SEC. 306. ASSISTANCE TO SCHOOLS TO BENEFIT CHILDREN OF MILITARY PERSONNEL ON ACTIVE DUTY AND CIVILIAN PERSONNEL.

(a) ASSISTANCE AUTHORIZED.—Of the amount appropriated for operation and maintenance of the active forces for fiscal year 1990, the amount of $10,000,000 shall be available to the Secretary of Defense only for the purpose of providing assistance to local educational agencies that—

(1) operate schools that include students who—

(A) are minor dependents of members of the Armed Forces on active duty or civilian officers and employees of the Department of Defense; and

(B) while in attendance at such schools, reside on Federal property; and

(2) the Secretary determines are unable to provide a minimum level of education for such students without the addition of such assistance.

(b) CRITERIA FOR ASSISTANCE.—Not later than December 31, 1989, the Secretary of Defense shall inform the Committees on Armed Services of the Senate and House of Representatives of the criteria and procedures by which the Secretary will select recipients for assistance under subsection (a).

(c) REPORT ON IMPACT AID.—Not later than December 31, 1989, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the feasibility and desirability of restoring to the Department of Defense by October 1, 1991, impact aid responsibilities for schools impacted by Department of Defense activities.

SEC. 307. FUNDING REQUIREMENT FOR PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM.

Of the amount appropriated for operation and maintenance for the Defense Agencies for fiscal year 1990, $8,000,000 shall be available only for the purpose of carrying out cooperative agreements entered into by the Secretary of Defense under chapter 142 of title 10, United States Code, to furnish procurement technical assistance to business entities.

PART B—LIMITATIONS

SEC. 311. PROHIBITION ON PAYMENT OF SEVERANCE PAY TO FOREIGN NATIONALS IN THE EVENT OF CERTAIN BASE CLOSURES.

(a) CERTAIN SEVERANCE PAY COSTS NOT ALLOWABLE COSTS WITH RESPECT TO SERVICE CONTRACTS PERFORMED OUTSIDE THE UNITED STATES.—(1) Section 2324(e)(1) of title 10, United States Code, is amended—

(A) by redesignating subparagraph (N) as subparagraph (O); and

(B) by inserting after subparagraph (M) the following new subparagraph (N):

"(N) Costs of severance pay paid by the contractor to a foreign national employed by the contractor under a service contract performed in a foreign country if the termination of the employment of the foreign national is the result of the closing of, or the curtailment of activities at, a United States military facility in that country at the request of the government of that country.".

(2) Subparagraph (N) of section 2324(e)(1) of title 10, United States Code, as added by paragraph (1), shall apply with respect to any covered contract (as defined in such section) entered into after the date of the enactment of this Act.

(b) PROHIBITION ON PAYMENT OF SEVERANCE PAY TO FOREIGN NATIONALS EMPLOYED BY THE DEPARTMENT OF DEFENSE.—(1) Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1592. Prohibition on payment of severance pay to foreign nationals in the event of certain overseas base closures

"Funds available to the Department of Defense may not be used to pay severance pay to a foreign national employed by the Department of Defense under a contract performed in a foreign country if the termination of the employment of the foreign national is the result of the closing of, or the curtailment of activities at, a United States military facility in that country at the request of the government of that country.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1592. Prohibition on payment of severance pay to foreign nationals in the event of certain overseas base closures.".

(3) Section 1592 of title 10, United States Code, as added by paragraph (1), shall apply with respect to the closing of, or the curtailment of activities at, a United States military facility located in a foreign country and occurring after the date of the enactment of this Act.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) in the event a United States military facility located in a foreign country is closed (or activities at the facility are curtailed) at the request of the government of that country, such government should be responsible for the payment of severance pay to foreign nationals in the country whose employment by the United States or by a contractor under a contract with the United States is terminated as a result of the closure or curtailment; and

(2) in negotiating a status-of-forces agreement or other country-to-country agreement with the government of a foreign country, the President should endeavor to include in the agreement a provision that the government of the foreign country shall pay severance pay to foreign nationals in the country whose employment is terminated as a result of the closing of a United States military facility (or the curtailment of activities at the facility) in the country at the request of the government.

SEC. 312. PROHIBITION ON RELEASING CIVILIAN PERSONNEL AT THE SAN ANTONIO REAL PROPERTY MAINTENANCE AGENCY.

(a) PROHIBITION.—(1) During the period between the date of the enactment of this Act and the date on which the Secretary of Defense abolishes the Real Property Maintenance Agency in San Antonio, Texas, the Secretary may not terminate the employment of, or lay off, any full-time, on-call, or temporary employee of the Department of Defense employed at that agency.

(2) Paragraph (1) may not be construed to limit the authority of the Secretary to terminate for cause the employment of a person referred to in such paragraph.

(b) HIRING FOR BASE CIVIL ENGINEERING OFFICES.—If the Secretary of Defense increases the number of civilian personnel at the base civil engineering offices being established in the San Antonio area, the Secretary shall achieve such increase, consistent with Office of Personnel Management guidelines—

(1) by the hiring of persons whose employment by the Department of Defense at the Real Property Maintenance Agency is terminated as a result of the abolishment of that agency; and

(2) by the transfer of employees of the Department of Defense employed at the Real Property Maintenance Agency in San Antonio, Texas.

SEC. 313. PROHIBITION ON JOINT USE OF THE MARINE CORPS AIR STATION AT EL TORO, CALIFORNIA, WITH CIVIL AVIATION.

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

SEC. 314. CLARIFICATION OF PROHIBITION ON CERTAIN DEPOT MAINTENANCE WORKLOAD COMPETITIONS.

Section 2466 of title 10, United States Code, is amended—

(1) by striking out "may not require" and inserting in lieu thereof "shall prohibit";

(2) by striking out "or" after "Secretary of the Army" and inserting in lieu thereof "and"; and

(3) by striking out "to carry out" and inserting in lieu thereof "from carrying out".

SEC. 315. LIMITATION ON USE OF ENVIRONMENTAL RESTORATION FUNDS.

The Secretary of Defense may not obligate or expend $83,000,000 of the total amount appropriated under section 301 for environmental restoration for fiscal year 1990 until the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report on the manner in which the remainder of the funds appropriated for such purpose have been spent.

PART C—MISCELLANEOUS PERMANENT LAW CHANGES

SEC. 321. REPEAL OF LIMITATION ON THE EXPENDITURE OF FUNDS FOR THE PARTICIPATION OF DEVELOPING COUNTRIES IN COMBINED EXERCISES.

Section 2010 of title 10, United States Code, is amended by striking out subsection (e).

SEC. 322. AUTHORIZATION TO REDUCE UNDER CERTAIN CIRCUMSTANCES THE RATES FOR MEALS SOLD AT A MILITARY DINING FACILITY.

Section 1011(a) of title 37, United States Code, is amended—

(1) by striking out "or enlisted members" and all that follows through the period in the first sentence and inserting in lieu thereof "and enlisted members."; and

(2) by adding after the second sentence the following new sentence: "Notwithstanding the preceding sentence, if the Secretary determines that it is in the best interest of the United States, the Secretary may reduce a rate for meals established under this subsection by the amount of that rate attributable to operating expenses.".

SEC. 323. IMPROVED AND EXPEDITED DISPOSAL OF LOST, ABANDONED, OR UNCLAIMED PERSONAL PROPERTY IN THE CUSTODY OF THE ARMED FORCES.

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

(1) by striking out "120 days" in the third sentence and inserting in lieu thereof "45 days";

(2) by striking out "$25 or more" and all that follows through "three months" in the fourth sentence and inserting in lieu thereof "more than $300, the Secretary may not dispose of the property until 30 days"; and

(3) by inserting after the second sentence the following new sentence: "To the greatest extent practicable, the diligent effort to find the owner (or the heirs, next of kin, or legal representative of the owner) shall begin not later than seven days after the date on which the property comes into the custody or control of the Secretary and shall not exceed 45 days.".

(b) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) by striking out "owner, his heirs or next of kin, or his legal representative" each place it appears and inserting in lieu thereof "owner (or the heirs, next of kin, or legal representative of the owner)";

(2) in subsection (a)—

(A) by striking out "his department" and inserting in lieu thereof "the Secretary's department"; and

(B) by striking out "owner, his heirs or next of kin, or his legal representatives" and inserting in lieu thereof "owner (or heirs, next of kin, or legal representative of the owner)"; and

(3) in subsection (c), by striking out "he" and inserting in lieu thereof "that person".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to lost, abandoned, or unclaimed property that—

(1) is subject to section 2575 of title 10, United States Code; and

(2) comes into the custody or control of the Secretary of a military department or the Secretary of Transportation after the date of the enactment of this Act.

SEC. 324. PROCUREMENT OF LAUNDRY AND DRY CLEANING SERVICES FROM NAVY EXCHANGES.

(a) IN GENERAL.—Chapter 143 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2423. Laundry and dry cleaning services: procurement from facilities operated by the Navy Resale and Services Support Office

"(a) AUTHORITY.—The Secretary of Defense may authorize an element of the Department of Defense to enter into a contract (through the use of procedures other than competitive procedures) with a laundry and dry cleaning facility operated by the Navy Resale and Services Support Office to procure laundry and dry cleaning services for the armed forces outside the United States or for a recruit training command in the United States.

"(b) APPLICATION.—Subsection (a) shall apply only with respect to a laundry and dry cleaning facility of the Navy Resale and Services Support Office that began operating before October 1, 1989.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2423. Laundry and dry cleaning services: procurement from facilities operated by the Navy Resale and Services Support Office.".

SEC. 325. PROCUREMENT OF SUPPLIES AND SERVICES FROM MILITARY EXCHANGES OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Chapter 143 of title 10, United States Code, is amended by adding after section 2423 (as added by section 324) the following new section:

"§ 2424. Procurement of supplies and services from exchange stores outside the United States

"(a) AUTHORITY.—The Secretary of Defense may authorize an element of the Department of Defense to enter into a contract (through the use of procedures other than competitive procedures) with an exchange store operated under the jurisdiction of the Secretary of a military department outside the United States to procure supplies or services for use by the armed forces outside the United States.

"(b) LIMITATIONS.—(1) A contract may not be entered into under subsection (a) in an amount in excess of $50,000.

"(2) Supplies provided under a contract entered into under subsection (a) shall be provided from the then existing stocks of the exchange store.

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

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2423 (as added by section 324) the following new item:

"2424. Procurement of supplies and services from exchange stores outside the United States.".

SEC. 326. TUITION-FREE ENROLLMENT OF DEPENDENTS OF EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES IN SCHOOLS OF THE DEFENSE DEPENDENTS' EDUCATION SYSTEM.

(a) INCLUSION WITHIN GROUP OF TUITION-FREE STUDENTS.—Section 1414(2)(B) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 932(2)(B)) is amended to read as follows:

"(B) a full-time civilian officer or employee of the Department of Defense who is a citizen or national of the United States.".

(b) CONFORMING AMENDMENT.—Section 1404(d)(1) of such Act (20 U.S.C. 923(d)(1)) is amended by striking out "(including employees of nonappropriated fund activities of the Department of Defense)" in subparagraph (A) and inserting in lieu thereof "(other than officers and employees described in subparagraph (B) of section 1414(2))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to periods of enrollment in schools of the defense dependents' education system after September 30, 1989.

SEC. 327. AUTHORITY TO USE APPROPRIATED FUNDS TO SUPPORT STUDENT MEAL PROGRAMS IN DEPARTMENT OF DEFENSE OVERSEAS DEPENDENTS' SCHOOLS.

(a) IN GENERAL.—(1) Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2243. Authority to use appropriated funds to support student meal programs in overseas dependents' schools

"(a) AUTHORITY.—Subject to subsection (b), amounts appropriated to the Department of Defense to operate the defense dependents' education system may be used to maintain the cost to a student of a meal provided by an overseas meal program at a cost equal to the average cost to a student of an equivalent meal under a comparable public school meal program in the United States.

"(b) LIMITATION.—The authority provided by subsection (a) may be used only if the Secretary of Defense determines that Federal payments and commodities provided under section 20 of the National School Lunch Act (42 U.S.C. 1769b) and section 20 of the Child Nutrition Act of 1966 (42 U.S.C. 1789) to support an overseas meal program are insufficient to provide a meal under such program at a cost to a student equal to the average cost to a student of an equivalent meal under a comparable public school meal program in the United States.

"(c) OVERSEAS MEAL PROGRAM DEFINED.—In this section, the term 'overseas meal program' means a program administered by the Secretary of Defense to provide breakfasts or lunches to students attending Department of Defense dependents' schools which are located outside the United States.".

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2243. Authority to use appropriated funds to support student meal programs in overseas dependents' schools.".

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

SEC. 328. COMMERCIAL SALE OF RECORDING OF AIR FORCE SINGING SERGEANTS.

(a) AUTHORITY TO PARTICIPATE IN PRODUCTION OF RECORDING FOR COMMERCIAL SALE.—The musical organization known as the United States Air Force Singing Sergeants may participate with the Cincinnati Pops Orchestra in the production of an audio recording that is intended for commercial sale.

(b) AUTHORITY TO ENTER INTO CONTRACT.—The Secretary of the Air Force may enter into an appropriate contract, under such terms as the Secretary determines to be in the best interest of the Government, for the production and sale authorized by subsection (a).

SEC. 329. TRANSPORTATION OF MOTOR VEHICLES OF MILITARY AND CIVILIAN PERSONNEL STATIONED ON JOHNSTON ISLAND.

(a) AUTHORITY TO TRANSPORT.—(1) When a member of an Armed Force or an officer or employee of the Department of Defense is stationed on Johnston Island, one motor vehicle that is owned by the person (or a dependent of the person) may be transported at the expense of the United States to a location in the State of Hawaii from the old duty station of the person (or from a location of lesser distance) if the person designates Hawaii as the State in which the immediate family of the person will reside.

(2) After the member, officer, or employee no longer performs duties on Johnston Island, one motor vehicle that is owned by the person (or a dependent of the person) may be transported at the expense of the United States from the residence in the State of Hawaii of the dependents of the person to the new duty station of the person (or to such other location at the request of the person not to exceed the distance allowed under paragraph (1)).

(b) REGULATIONS.—Subsection (a) shall be carried out under regulations prescribed by the Secretary of the Army.

SEC. 330. AUTHORITY TO PROVIDE CERTAIN ASSISTANCE TO ANNUAL CONVENTIONS OF NATIONAL MILITARY ASSOCIATIONS.

(a) AUTHORITY.—(1) Chapter 134 of title 10, United States Code, is amended by adding at the end of subchapter II the following new section:

"§ 2254. National military associations: assistance at national conventions

"(a) AUTHORITY TO PROVIDE SERVICES.—The Secretary of a military department may provide services described in subsection (c) in

connection with an annual conference or convention of a national military association.

"(b) CONDITIONS FOR PROVIDING SERVICES.—Services may be provided under subsection (a) only if—

"(1) the provision of the services in any case is approved in advance by the Secretary concerned;

"(2) the services can be provided in conjunction with training in appropriate military skills; and

"(3) the services can be provided within existing funds otherwise available to the Secretary.

"(c) COVERED SERVICES.—Services referred to in subsection (a) are—

"(1) limited air and ground transportation;

"(2) communications;

"(3) medical assistance;

"(4) administrative support; and

"(5) security support.

"(d) NATIONAL MILITARY ASSOCIATIONS.—The Secretary of Defense shall designate those organizations which are national military associations for purposes of this section.".

(2) The table of sections at the beginning of subchapter II of such chapter is amended by adding at the end the following new item:

"2254. National military associations: assistance at national conventions.".

(b) EFFECTIVE DATE.—Section 2254 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1989.

PART D—CONTRACTING OUT

SEC. 341. AUTHORITY OF BASE COMMANDERS OVER CONTRACTING FOR COMMERCIAL ACTIVITIES.

(a) IN GENERAL.—(1) Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2468. Military installations: authority of base commanders over contracting for commercial activities

"(a) AUTHORITY OF BASE COMMANDER.—The Secretary of Defense shall direct that the commander of each military installation shall have the authority and the responsibility to enter into contracts in accordance with this section for the performance of a commercial activity on the military installation.

"(b) YEARLY DUTIES OF BASE COMMANDER.—To enter into a contract under subsection (a) for a fiscal year, the commander of a military installation shall—

"(1) prepare an inventory for that fiscal year of commercial activities carried out by Government personnel on the military installation;

"(2) decide which commercial activities shall be reviewed under the procedures and requirements of Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy); and

"(3) conduct a solicitation for contracts for the performance of those commercial activities selected for conversion to contractor performance under the Circular A-76 process.

"(c) LIMITATIONS.—(1) The Secretary of Defense shall prescribe regulations under which the commander of each military installation may exercise the authority and responsibility provided under subsection (a).

"(2) The authority and responsibility provided under subsection (a) are subject to the authority, direction, and control of the Secretary.

"(d) ASSISTANCE TO DISPLACED EMPLOYEES.—If the commander of a military installation enters into a contract under subsection (a), the commander shall, to the maximum extent practicable, assist in finding suitable employment for any employee of the Department of Defense who is displaced because of that contract.

"(e) MILITARY INSTALLATION DEFINED.—In this section, the term 'military installation' means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a military department which is located within the United States, the Commonwealth of Puerto Rico, or Guam.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2468. Military installations: authority of base commanders over contracting for commercial activities.".

(b) EFFECTIVE DATE.—Section 2468 of title 10, United States Code (as added by subsection (a)), shall take effect on October 1, 1989.

SEC. 342. EXCEPTION FROM COST COMPARISON PROCEDURES FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED INDIVIDUALS.

Section 2461 of title 10, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection:

"(e) WAIVER FOR THE PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED INDIVIDUALS.—Subsections (a) through (c) shall not apply to a commercial or industrial type function of the Department of Defense that—

"(1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Wagner-O'Day Act; and

"(2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act.".

SEC. 343. COMMERCIAL ACTIVITIES STUDY FOR BASE SUPPORT OPERATIONS AT FORT BENJAMIN HARRISON.

(a) STUDY REQUIRED.—Commercial activities carried out by Government personnel at Fort Benjamin Harrison, Indiana, may not be converted to performance by private contractor under the procedures and requirements of Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy) until the Secretary of the Army completes a new commercial activities study for the military installation.

(b) CONTENTS.—The commercial activities study referred to in subsection (a) shall include—

(1) work-load data through fiscal year 1989; and

(2) sufficient data regarding the commercial activities examined for possible conversion to performance by private contractor to permit the use of fixed-price contracts for those commercial activities selected for conversion.

PART E—ARMED FORCES RETIREMENT HOMES

SEC. 351. UNITED STATES SOLDIERS' AND AIRMEN'S HOME SUBJECT TO ANNUAL AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—Section 1321(b) of title 31, United States Code, is amended—

(1) by inserting before the period in the third sentence the following: "and only if the appropriations are specifically authorized by law"; and

(2) by striking out the last sentence.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to appropriations for the operation of the United States Soldiers' and Airmen's Home made for fiscal years beginning after September 30, 1990.

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

(a) IN GENERAL.—(1) Subchapter XI of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by adding at the end the following new section (article):

"§ 941. Art. 141. Share of stoppages, fines, and forfeitures to benefit Armed Forces Retirement Homes

"(a)(1) The Secretary of the Army and the Secretary of the Air Force shall deposit in the United States Soldiers' and Airmen's Home Permanent Fund referred to in section 1321(a)(59) of title 31 a percentage (determined under paragraph (2)) of the following amounts:

"(A) The amount of stoppages and fines adjudged against an enlisted member or warrant officer in the Army or the Air Force by sentence of a court martial or under authority of section 815 of this title (article 15) over and above any amount that may be due from the member or warrant officer for the reimbursement of the United States or any individual.

"(B) The amount of forfeitures on account of the desertion of an enlisted member or warrant officer in the Army or the Air Force.

"(2) The board of commissioners for the United States Soldiers' and Airmen's Home shall determine, on the basis of the financial needs of the United States Soldiers' and Airmen's Home, the percentage to be used for purposes of paragraph (1).

"(b)(1) The Secretary of the Navy shall credit to the funds available for the operation of the Naval Home a percentage (determined under paragraph (2)) of the following amounts:

"(A) The amount of stoppages and fines adjudged against an enlisted member or warrant officer in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy) by sentence of a court martial or under authority of section 815 of this title (article 15) over and above any amount that may be due from the member or warrant officer for the reimbursement of the United States or any individual.

"(B) The amount of forfeitures on account of the desertion of an enlisted member or warrant officer in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy).

"(2) The Governor of the Naval Home shall determine, on the basis of the financial needs of the Naval Home, the percentage to be used for purposes of paragraph (1).".

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"941. Art. 141. Share of stoppages, fines, and forfeitures to benefit Armed Forces Retirement Homes.".

(b) EFFECTIVE DATE.—(1) Subsection (a) of section 941 of title 10, United States Code, as added by subsection (a), shall apply with respect to stoppages, fines, and forfeitures adjudged after the date of the enactment of this Act.

(2) Subsection (b) of such section shall apply with respect to stoppages, fines, and forfeitures adjudged after September 30, 1990.

SEC. 353. DEDUCTIONS FROM THE PAY OF ENLISTED MEMBERS AND WARRANT OFFICERS TO BENEFIT ARMED FORCES RETIREMENT HOMES.

(a) IN GENERAL.—Section 1007 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(i)(1) There shall be deducted each month from the pay of each enlisted member and warrant officer of the armed forces on active duty an amount (determined under paragraph (3)) not to exceed 50 cents.

"(2) Amounts deducted under paragraph (1) shall be—

"(A) deposited in the United States Soldiers' and Airmen's Permanent Fund, in the case of deductions from the pay of enlisted members and warrant officers in the Army and Air Force; and

"(B) credited to the funds available for the operation of the Naval Home, in the case of deductions from the pay of enlisted members and warrant officers in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy).

"(3) The Secretary of Defense, after consultation with the Governor of the Naval Home and the board of commissioners for the United States Soldiers' and Airmen's Home, shall from time to time determine the amount to be deducted under paragraph (1) on the basis of the financial needs of the homes. The amount may be fixed at different amounts on the basis of grade or time in service, or both.

"(4) In this subsection, the term 'armed forces' does not include the Coast Guard when it is not operating as a service in the Navy.".

(b) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), subsection (i) of section 1007 of title 10, United States Code, as added by subsection (a), shall take effect on the first day of the first month beginning after the date of the enactment of this Act.

(2) With respect to deductions from the pay of an enlisted member or warrant officer in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy), such subsection shall take effect on October 1, 1989.

SEC. 354. ANNUAL INSPECTION OF ARMED FORCES RETIREMENT HOMES BY INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

The Inspector General of the Department of Defense shall—

(1) conduct an annual inspection of each Armed Forces Retirement Home, including the records of that retirement home; and

(2) submit to the administering authority of that retirement home, the Secretary of Defense, and the Committees on Armed Services of the Senate and House of Representatives a report describing the results of the inspection and containing such recommendations as the Inspector General considers appropriate.

SEC. 355. REPORT REGARDING IMPROVING THE OPERATION AND MANAGEMENT OF THE ARMED FORCES RETIREMENT HOMES.

(a) REPORT REQUIREMENT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report with regard to improving the operation and management of the Armed Forces Retirement Homes.

(b) CONTENTS OF THE REPORT.—The report required by subsection (a) shall—

(1) address the feasibility of consolidating the administration and management of the retirement homes;

(2) address the feasibility of standardizing (and include proposals to standardize)—

(A) the eligibility requirements for admission to the retirement homes for persons who served as enlisted members or warrant officers in the Armed Forces;

(B) the monthly fees paid by residents of the retirement homes; and

(C) the funding arrangements for the retirement homes through a single trust fund; and

(3) include proposals to administer the retirement homes through a joint board of directors.

(c) PREPARATION OF THE REPORT.—(1) The Secretary shall appoint a board of five members to review the administration and financing of the Naval Home and the United States Soldiers' and Airmen's Home and to prepare the report required by subsection (a).

(2) The members of the board shall be appointed from persons who—

(A) are not officers or employees of the United States; and

(B) are outstanding in the fields of gerontology, health care, or the provision of retirement care.

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

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

SEC. 356. DEFINITIONS.

For purposes of this part:

(1) The terms "Armed Forces Retirement Home" and "retirement home" mean the Naval Home or the United States Soldiers' and Airmen's Home.

(2) The term "administering authority" means—

(A) the Governor of the Naval Home, in the case of that home; and

(B) the board of commissioners for the United States Soldiers' and Airmen's Home, in the case of that home.

(3) The term "Armed Forces" does not include the Coast Guard when it is not operating as a service in the Navy.

SEC. 357. REPEAL OF SUPERSEDED PROVISIONS RELATING TO THE UNITED STATES SOLDIERS' AND AIRMEN'S HOME.

The following provisions of law are repealed:

(1) Sections 4818 and 4820, and the first and third sentences of section 4819, of the Revised Statutes of the United States (24 U.S.C. 44, 44c, 51).

(2) Section 4 of the Act entitled "An Act prescribing regulations for the Soldiers' Home located at Washington in the District of Columbia, and for other purposes", approved March 3, 1883 (22 Stat. 564; 24 U.S.C. 60).

(3) Section 2(a) of Public Law 94-454 (90 Stat. 1518; 24 U.S.C. 44c).

PART F—ENVIRONMENTAL RESTORATION

SEC. 361. REQUIREMENT FOR DEVELOPMENT OF ENVIRONMENTAL DATA BASE.

(a) ENVIRONMENTAL DATA BASE.—The Secretary of Defense shall develop and maintain a comprehensive data base on environmental activities carried out by the Department of Defense pursuant to chapter 160 of title 10, United States Code, and all other applicable Federal and State environmental laws. At a minimum, the information in the data base shall include all the fines and penalties assessed against the Department of Defense pursuant to environmental laws and paid out by the Department, all notices of violations of environmental laws given to the Department, and all obligations and expenditures by the Department for compliance with environmental laws. The Secretary may include any other information he considers appropriate.

(b) REPORT.—At the same time as the President submits to Congress the budget for fiscal year 1991 (pursuant to section 1105 of title 31, United States Code), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the progress in development of the data base required under subsection (a). The report shall include a summary of the information collected for the data base with respect to environmental activities during 1989.

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

(a) REPORT.—Section 2706 of title 10, United States Code, is amended—

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

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

(C) by adding at the end the following new subsection:

"(b) ENVIRONMENTAL BUDGET REPORT.—(1) At the same time the President submits the budget for any fiscal year to Congress (pursuant to section 1105 of title 31), the Secretary of Defense shall submit to Congress a report on—

"(A) the funding levels required for the Department of Defense to comply with applicable environmental laws during the fiscal year for which the budget is submitted; and

"(B) the funding levels requested for such purposes in the budget as submitted by the President.

"(2) The Secretary shall include in the report an explanation of any differences in the funding level requirements and the funding level requests in the budget.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2706. Reports to Congress".

(2) The item relating to such section in the table of sections at the beginning of such chapter is amended to read as follows:

"2706. Reports to Congress.".

SEC. 363. FIVE-YEAR PLAN FOR ENVIRONMENTAL RESTORATION AT BASES TO BE CLOSED.

(a) PLAN.—The Secretary of Defense shall develop a comprehensive five-year plan for environmental restoration at military installations that will be closed or realigned during fiscal years 1991 through 1995, pursuant to title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526). The plan shall cover—

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

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

(3) such other information as the Secretary considers appropriate.

(b) REPORT.—At the same time the President submits to Congress the budget for fiscal year 1991 (pursuant to section 1105 of title 31, United States Code), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the five-year plan required under subsection (a). The report shall include an itemization of the funding requirements specified in the plan for environmental restoration activities during fiscal year 1991.

SEC. 364. REPORT ON ENVIRONMENTAL REQUIREMENTS AND PRIORITIES.

(a) REPORT REQUIREMENT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a comprehensive report on the long-range environmental challenges and goals of the Department of Defense.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following:

(1) A discussion of major environmental concerns that the Department of Defense will face world-wide in the next decade, and a qualitative and quantitative assessment, where practicable, of each concern.

(2) A status report of current efforts, programs, resources, and policies used to address the concerns identified under paragraph (1).

(3) An assessment of anticipated Federal, State, and local environmental regulatory requirements.

(4) An analysis of all the information described in paragraphs (1) through (3) and a discussion of potential courses of action, priorities, and goals of the Department of Defense.

(5) Such comments and recommendations as the Secretary considers appropriate.

(c) SUBMISSION OF REPORT.—The report required by subsection (a) shall be submitted not later than two years after the date of the enactment of this Act.

(d) FUNDING.—The Secretary may obligate or expend not more than $3,000,000 to carry out the requirements of this section.

SEC. 365. REQUIREMENT TO USE PORTION OF WORKING-CAPITAL FUNDS FOR WASTE MINIMIZATION PROJECTS.

The Secretary of Defense shall provide that of the total amount of payments received in fiscal year 1991 by funds established under section 2208 of title 10, United States Code, for industrial-type activities, not less than 1/2 of 1 percent shall be used during fiscal year 1992 for the purpose of carrying out waste minimization projects at such activities. Any such project shall be designed to achieve, not later than three years after the date on which the project begins, reductions in the cost of the disposal of hazardous or solid wastes generated by the activity in an amount which is not less than the cost of the project.

SEC. 366. PROHIBITION ON CERTAIN ENVIRONMENTAL RESTORATION ACTIVITIES AT ROCKY MOUNTAIN ARSENAL.

(a) PROHIBITION.—Subject to subsection (b), the Secretary of the Army may not conduct any on-post remedial investigation, endangerment assessment, or feasibility study for Rocky Mountain Arsenal, Colorado, except in furtherance of the goal expressed in paragraph 2.6 of the federal facility agreement described in subsection (c).

(b) EXCEPTION.—(1) The prohibition in subsection (a) does not apply if the Secretary of the Army authorizes, in writing—

(A) the use of some portion of Rocky Mountain Arsenal for commercial or light industrial purposes; and

(B) a remedial investigation, endangerment assessment, or feasibility study in connection with such purposes.

(2) At least 30 days before making such authorization, the Secretary of the Army shall notify the Committees on Armed Services of the Senate and House of Representatives of the intention to make such authorization and of the reasons for such authorization.

(c) FEDERAL FACILITY AGREEMENT.—The federal facility agreement referred to in subsection (a) is the agreement entered into pursuant to section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620), Docket No. CERCLA VIII-89-13, effective February 17, 1989, concerning Rocky Mountain Arsenal. The goal expressed in paragraph 2.6 of such agreement is that, following completion of necessary response actions, significant portions of Rocky Mountain Arsenal shall be available for use as open space for the public benefit (including, but not limited to, use as wildlife habitat and park).

PART G—STUDIES, REPORTS, AND OTHER MATTERS

SEC. 371. STUDY OF WASTE RECYCLING.

(a) STUDY.—The Secretary of Defense shall conduct a study on the following:

(1) Current practices and future plans for managing postconsumer waste at Department of Defense facilities such as commissary and exchange stores, cafeterias, mess halls, and other places where such waste is generated. For purposes of this section, the term "postconsumer waste" means garbage and refuse which includes, among other things, items after they have passed through their end use as a consumer item.

(2) The feasibility of such Department of Defense facilities participating in programs at military installations or in local communities to recycle the postconsumer waste generated at the facilities.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report that describes the findings and conclusions of the study required by this section.

SEC. 372. REPORT ON MILITARY RECRUITING ADVERTISING EXPENDITURES.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report evaluating—

(1) each of the types of media used for advertising for military recruiting; and

(2) the anticipated effects on military recruitment of increasing the portion of expenditures for such advertising that is for print media.

SEC. 373. SENSE OF CONGRESS ON REDUCING THE NUMBER OF MEMBERS OF THE ARMY STATIONED IN THE UNITED STATES WHOSE PERMANENT DUTY ASSIGNMENT IS UNRELATED TO INTERMEDIATE-RANGE NUCLEAR FORCES.

It is the sense of Congress that—

(1) the Secretary of the Army should not take any action with respect to implementing that part of the proposal—

(A) contained in the amended budget request of the President for fiscal year 1990; and

(B) relating to a reduction in the number of members of the Army stationed in the United States whose permanent duty assignment is unrelated to intermediate-range nuclear forces; and

(2) in lieu of implementing that part of the proposal referred to in paragraph (1), the Secretary of the Army should achieve the reduction sought in that proposal only by reducing the number of members of the Army—

(A) whose permanent duty assignments on the date of the enactment of this Act are related to intermediate-range nuclear forces and are unnecessary as a result of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-range and Shorter-range Missiles, signed on December 8, 1987 (commonly referred to as the "INF Treaty"); and

(B) who are stationed in Europe or are stationed in the United States at Fort Sill, Oklahoma, or in a duty assignment that is transient, trainee, holding, or student.

SEC. 374. SENSE OF CONGRESS ON REDUCING THE NUMBER OF UNITS OF THE ARMED FORCES STATIONED IN THE CONTINENTAL UNITED STATES.

It is the sense of Congress that any combat unit of battalion or squadron size (or larger size) that on the date of the enactment of this Act is stationed in the continental United States should not be deactivated unless a realignment of forces occurs as a result of the current negotiations regarding reduction of conventional forces in Europe.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

PART A—ACTIVE FORCES

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

(a) FISCAL YEAR 1990.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1990, as follows:

(1) The Army, 764,021.

(2) The Navy, 591,541, of whom not less than 72,493 shall be commissioned officers.

(3) The Marine Corps, 197,159.

(4) The Air Force, 567,474.

(b) FISCAL YEAR 1991.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1991, in the same strengths as authorized in subsection (a), except that in the case of the Air Force, the authorized strength is 562,415 and of the number authorized for the Navy, not less than 72,313 shall be commissioned officers.

SEC. 402. REDUCTION IN AUTHORIZED END STRENGTH FOR THE NUMBER OF MILITARY PERSONNEL IN EUROPE.

(a) REDUCTION REQUIRED.—Effective on September 30, 1991, section 1002(c)(1) of the Department of Defense Authorization Act, 1985 (Public Law 98-525), is amended by striking out "326,414" and inserting in lieu thereof "311,627".

(b) BASIS FOR REDUCTION.—The reduction required by subsection (a) is in an amount equal to the total of the number of permanent duty assignments in Europe for the Armed Forces—

(1) that were related to intermediate-range nuclear forces on December 8, 1987, and are unnecessary as a result of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-range and Shorter-range Missiles, signed on December 8, 1987 (commonly referred to as the "INF Treaty"); or

(2) that were selected for elimination by the Department of Defense as part of the actions of the Department to implement the report of the Deputy Inspector General of the Department entitled "Review of Unified and Specified Command Headquarters", completed in February 1988.

PART B—RESERVE FORCES

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) FISCAL YEAR 1990.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1990, as follows:

(1) The Army National Guard of the United States, 458,000.

(2) The Army Reserve, 321,977.

(3) The Naval Reserve, 153,940.

(4) The Marine Corps Reserve, 44,000.

(5) The Air National Guard of the United States, 116,800.

(6) The Air Force Reserve, 85,130.

(7) The Coast Guard Reserve, 13,575.

(b) FISCAL YEAR 1991.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1991, as follows:

(1) The Army National Guard of the United States, 458,800.

(2) The Army Reserve, 323,644.

(3) The Naval Reserve, 155,540.

(4) The Marine Corps Reserve, 44,100.

(5) The Air National Guard of the United States, 116,900.

(6) The Air Force Reserve, 85,430.

(7) The Coast Guard Reserve, 15,150.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) or (b) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) FISCAL YEAR 1990.—Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1990, the following number of Reserves to be serving on full-time active duty, or in the case of members of the National Guard, full-time National Guard duty, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 26,164.

(2) The Army Reserve, 13,707.

(3) The Naval Reserve, 22,708.

(4) The Marine Corps Reserve, 2,301.

(5) The Air National Guard of the United States, 8,565.

(6) The Air Force Reserve, 686.

(b) FISCAL YEAR 1991.—Within the end strengths prescribed in section 411(b), the reserve components of the Armed Forces are authorized, as of September 30, 1991, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 26,514.

(2) The Army Reserve, 14,081.

(3) The Naval Reserve, 23,565.

(4) The Marine Corps Reserve, 2,401.

(5) The Air National Guard of the United States, 8,516.

(6) The Air Force Reserve, 700.

SEC. 413. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) SENIOR ENLISTED MEMBERS.—(1) Effective on October 1, 1989, the table in section 517(b) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9	542	200	224	13
E-8	2,504	425	637	74".

(2) Effective on October 1, 1990, that table is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9	557	202	231	13
E-8	2,585	429	670	74".

(b) OFFICERS.—(1) Effective on October 1, 1989, the table in section 524(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,030	1,065	575	110
Lieutenant Colonel or Commander	1,448	520	476	75
Colonel or Navy Captain	351	188	190	25".

(2) Effective on October 1, 1990, that table is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	575	110
Lieutenant Colonel or Commander	1,524	520	532	75
Colonel or Navy Captain	364	188	194	25".

PART C—MILITARY TRAINING STUDENT LOADS

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) FISCAL YEAR 1990.—For fiscal year 1990, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 79,667.

(2) The Navy, 67,224.

(3) The Marine Corps, 21,656.

(4) The Air Force, 39,575.

(5) The Army National Guard of the United States, 19,168.

(6) The Army Reserve, 15,377.

(7) The Naval Reserve, 3,237.

(8) The Marine Corps Reserve, 4,179.

(9) The Air National Guard of the United States, 2,941.

(10) The Air Force Reserve, 1,752.

(b) FISCAL YEAR 1991.—For fiscal year 1991, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 74,760.

(2) The Navy, 66,517.

(3) The Marine Corps, 22,235.

(4) The Air Force, 37,757.

(5) The Army National Guard of the United States, 18,667.

(6) The Army Reserve, 15,963.

(7) The Naval Reserve, 3,259.

(8) The Marine Corps Reserve, 4,178.

(9) The Air National Guard of the United States, 2,939.

(10) The Air Force Reserve, 1,774.

(c) ADJUSTMENTS.—The average military student loads authorized in subsections (a) and (b) shall be adjusted consistent with the end strengths authorized in parts A and B. The Secretary of Defense shall prescribe the manner in which such adjustment shall be apportioned.

PART D—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL FOR FISCAL YEAR 1990.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1990 a total of $79,241,600,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1990.

SEC. 432. AUTHORIZATION OF APPROPRIATIONS FOR RESERVE OTHER TRAINING AND SUPPORT FOR FISCAL YEAR 1990.

Within the amount authorized by section 431, there is authorized to be appropriated for Reserve Other Training and Support a total of $4,372,890,000.

TITLE V—PERSONNEL MANAGEMENT

SEC. 501. DELAYED ENTRY PROGRAM AND DELAYED ENTRY TRAINING PROGRAM FOR RESERVISTS.

(a) DELAYED ENTRY PROGRAM ENLISTMENTS.—Section 511 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) A person with no prior military service who is qualified for enlistment for active duty in an armed force may (except as provided in paragraph (3)) be enlisted as a Reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve for a term of not less than six years nor more than eight years.

"(2) A person enlisted under this subsection shall, unless sooner ordered to active duty under chapter 39 of this title or another provision of law, be discharged from the reserve component in which enlisted and immediately enlisted in a regular component of an armed force within 365 days after enlistment in the reserve component. During the period beginning on the date on which the person enlists under paragraph (1) and ending on the date on which the person is enlisted in a regular component under the preceding sentence, the person shall be placed in the Ready Reserve of the armed force concerned.

"(3) A person who is under orders to report for induction into an armed force under the Military Selective Service Act (50 U.S.C. App. 451 et seq.), except as provided in clause (ii) or (iii) of section 6(c)(2)(A) of that Act, may not be enlisted under paragraph (1).

"(4) This subsection shall be carried out under regulations to be prescribed by the Secretary of Defense or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.".

(b) DELAYED ENTRY PROGRAM EXEMPTION FROM READY RESERVE TRAINING REQUIREMENTS.—Section 270(a) of title 10, United States Code, is amended by inserting "or 511(e)" after "section 269(b)" in the first sentence.

(c) DELAYED ENTRY TRAINING PROGRAM LONGEVITY FOR PAY.—Subsection (e) of section 205 of title 37, United States Code, is amended to read as follows:

"(e)(1) Notwithstanding subsection (a), a period of service described in paragraph (2) of a member who enlists in a reserve component may not be counted under this section.

"(2) Paragraph (1) applies to—

"(A) service performed while a member of a reserve component under an enlistment under section 511(b) of title 10 before the member begins service on active duty under that section (other than a period of active duty for training performed before beginning such service on active duty);

"(B) service performed while a member of a reserve component under an enlistment under section 511(d) of title 10 before the member begins an initial period of active duty for training under that section (other than a period of active duty for training performed before beginning such initial period of active duty for training); and

"(C) service performed while a member of a reserve component under an enlistment under section 511(e) of title 10.".

SEC. 502. ANNUAL MUSTER DUTY FOR READY RESERVISTS.

(a) ORDER TO ANNUAL MUSTER DUTY.—(1) Chapter 39 of title 10, United States Code is amended by adding at the end the following new section:

"§ 691. Ready Reserve: muster duty

"(a) Under regulations prescribed by the Secretary of Defense, a member of the Ready Reserve may be ordered to muster duty one time each year without his consent. A member on muster duty under this section shall be engaged for at least two hours on the day of muster in the performance of that duty.

"(b) The period which a member may be required to devote to muster duty under this section and to round-trip travel to and from the location of such duty may not total more than one day each calendar year.

"(c) Except as specified in subsection (d), muster duty under this section shall be treated as the equivalent of inactive-duty training for the purposes of this title and titles 37 and 38, including the determination of eligibility for and the receipt of benefits and entitlements prescribed in those titles for Reserves performing inactive-duty training and for their dependents and survivors.

"(d) Muster duty under this section shall not be credited in determining entitlement to, or in computing, retired pay under chapter 67 of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"691. Ready Reserve: muster duty.".

(b) ALLOWANCE FOR ANNUAL MUSTER DUTY.—(1) Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 433. Allowance for muster duty

"(a) Under uniform regulations prescribed by the Secretaries concerned, a member of the Ready Reserve who is not a member of the National Guard or of the Selected Reserve is entitled to an allowance for muster duty performed pursuant to section 691 of title 10 if the member is engaged in that duty for at least two hours.

"(b) The amount of the allowance under this section shall be 125 percent of the amount of the average per diem rate for the United States (other than Alaska and Hawaii) under section 404(d)(2)(A) of this title as in effect on September 30 of the year preceding the year in which the muster duty is performed.

"(c) The allowance authorized by this section may not be disbursed in kind and shall be paid to the member on or before the date on which the muster duty is performed. The allowance shall constitute the single, flat-rate monetary allowance authorized for the performance of muster duty and shall constitute payment in full to the member, regardless of grade or rank in which serving, as commutation for travel to the immediate vicinity of the designated muster duty location, transportation, subsistence, and the special or extraordinary costs of enforced absence from home and civilian pursuits, including such absence on weekends and holidays.

"(d) A member who performs muster duty is not entitled to compensation for inactive-duty training under section 206(a) of this title for the same period.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"433. Allowance for muster duty.".

SEC. 503. EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT PROGRAMS.

(a) GRADE DETERMINATION AUTHORITY FOR RESERVE MEDICAL OFFICERS.—Sections 3359(b) and 8359(b) of title 10, United States Code, are amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

(b) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d) and 8380(d) of such title are amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360 note), is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

SEC. 504. EXTENSION OF AUTHORITY TO MAKE TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS.

Section 5721(f) of title 10, United States Code, is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

SEC. 505. EXTENSION OF SINGLE-PARENT ENLISTMENT AUTHORITY IN RESERVE COMPONENTS.

Section 523(d) of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 510 note) is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1990".

SEC. 506. REPORT ON RESERVE GENERAL AND FLAG OFFICERS.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report on the number and distribution of general and flag officers of the reserve components. The report shall be submitted not later than February 1, 1991.

(b) RESERVE GENERAL AND FLAG OFFICERS ON ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY.—The report shall include, with respect to reserve general and flag officers on active duty or full-time National Guard duty, the following:

(1) The number of such officers during fiscal year 1990 and a statement of the duty assignments held by those officers during that year.

(2) The change in the number of duty assignments held by such officers during each of fiscal years 1982 through 1991, shown by the number and percentage of that change from the preceding fiscal year.

(3) The projected requirement of the Department of Defense for such officers during fiscal year 1992 and each of fiscal years 1993 through 1996.

(c) RESERVE GENERAL AND FLAG OFFICERS IN AN ACTIVE STATUS.—The report shall also include, with respect to the number of reserve general and flag officers in an active status, the following:

(1) The total number of such officers required for the Armed Forces for each of fiscal years 1990 through 1998.

(2) The requirements of each of the Armed Forces for such officers for those fiscal years, shown by grade and by duty assignment and including a description of each such duty assignment and the reason that a general or flag officer is required for that duty assignment.

(d) METHODOLOGY.—The report shall be prepared using, to the maximum extent possible, comparable methodologies to those used in preparing the report submitted to Congress by the Secretary of Defense in 1988 entitled "Study on General and Flag Officer Requirements and Distributions in the Department of Defense", and the Department of Defense report entitled "Review of Unified and Specified Command Headquarters", dated February 1988.

(e) EXCLUSION OF COAST GUARD FLAG OFFICERS.—Flag officers of the Coast Guard Reserve shall not be counted for purposes of the report required by this section.

SEC. 507. TITLE OF THE ADMISSIONS OFFICER OF THE UNITED STATES AIR FORCE ACADEMY.

(a) CHANGE IN TITLE OF REGISTRAR.—Chapter 903 of title 10, United States Code, is amended as follows:

(1) Section 9331(b)(6) is amended by striking out "registrar" and inserting in lieu thereof "director of admissions".

(2) Section 9333(c) is amended by striking out "registrar" and inserting in lieu thereof "director of admissions".

(3) Section 9334(b) is amended by striking out "registrar" and inserting in lieu thereof "director of admissions".

(4) Section 9336(b) is amended by striking out "registrar" each place it appears and inserting in lieu thereof "director of admissions".

(b) CLERICAL AMENDMENTS.—(1) The heading of section 9336 of such title is amended to read as follows:

"§ 9336. Permanent professors; director of admissions".

(2) The item relating to such section in the table of sections at the beginning of chapter 903 of such title is amended to read as follows:

"9336. Permanent professors; director of admissions.".

SEC. 508. ELIGIBILITY FOR PRISONER-OF-WAR MEDAL OF CREW OF THE U.S.S. PUEBLO CAPTURED BY NORTH KOREA.

A member of the Armed Forces who was taken prisoner and held captive by the Democratic People's Republic of Korea as a result of the seizure of the U.S.S. Pueblo on January 23, 1968, is eligible for the prisoner-of-war medal under section 1128 of title 10, United States Code, without regard to paragraphs (1) through (3) of subsection (a) of that section.

SEC. 509. REIMBURSEMENT OF DEPARTMENT OF DEFENSE FUNDS FOR MEMBERS OF THE ARMED FORCES ASSIGNED TO DUTY IN CONNECTION WITH FOREIGN MILITARY SALES PROGRAMS.

(a) IN GENERAL.—(1) Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

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

"The Secretary of a military department may assign a member of the Armed Forces to duty in connection with the administration of a program under the Arms Export Control Act (or any other provision of law respecting the sale of defense articles or services to another nation) only to the extent that applicable appropriations of that military department are reimbursed for that assignment.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

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

(b) EFFECTIVE DATE.—Section 983 of title 10, United States Code, as added by subsection (a), shall apply with respect to duty assignments to become effective after September 30, 1989.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

PART A—PAY AND ALLOWANCES

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1990

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1990 shall not be made.

(b) INCREASE IN BASIC PAY, BASIC ALLOWANCE FOR QUARTERS, AND BASIC ALLOWANCE FOR SUBSISTENCE.—The rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 3.6 percent effective on January 1, 1990.

(c) INCREASE IN CADET AND MIDSHIPMAN PAY.—Effective on January 1, 1990, section 203(c)(1) of title 37, United States Code, is amended by striking out "525" and inserting in lieu thereof "543.90".

SEC. 602. LIMITATION ON ADJUSTMENTS IN VARIABLE HOUSING ALLOWANCE.

Section 403a(c)(2) of title 37, United States Code, is amended by inserting before the period the following: ", except that the monthly amount of a variable housing allowance for a member may not be reduced to the extent that the total of basic pay, basic allowance for quarters, basic allowance for subsistence, and variable housing allowance of the member is reduced, as a result of such a reduction, below the monthly total of those items for the month preceding the effective date of the most recent increase in the rate of basic pay of the member".

PART B—BONUSES AND SPECIAL AND INCENTIVE PAY

SEC. 611. ENLISTMENT BONUS FOR MEMBERS IN SKILLS DESIGNATED AS CRITICAL.

(a) INCREASE IN AUTHORIZED BONUS AND FIRST INSTALLMENT.—Section 308a(a) of title 37, United States Code, is amended—

(1) by striking out "$8,000" in the first sentence and inserting in lieu thereof "$12,000"; and

(2) by striking out "$5,000" in the second sentence and inserting in lieu thereof "$7,000".

(b) LIMITATION ON PAYMENTS.—The total amount of payments made during fiscal year 1990 under section 308a(a) of title 37, United States Code, by the Secretary of the Army may not exceed $66,400,000.

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

Sections 308b(g), 308c(f), 308e(e), 308g(h), 308h(g), and 308i(i) of title 37, United States Code, are amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1995".

SEC. 613. NUCLEAR-QUALIFIED OFFICERS.

(a) EXTENSION OF SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING ACTIVE DUTY.—Section 312(e) of title 37, United States Code, is amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1995".

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

(c) EXTENSION OF NUCLEAR CAREER ANNUAL INCENTIVE BONUS PROGRAM.—Section 312c of title 37, United States Code, is amended by striking out "October 1, 1990" in subsections (a)(1), (b)(1), and (e) and inserting in lieu thereof "October 1, 1995".

SEC. 614. LUMP-SUM PAYMENT OF INITIAL OVERSEAS HOUSING COSTS.

(a) PAYMENTS AUTHORIZED.—Section 405 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(d) In the case of a member of the uniformed services authorized to receive a per diem allowance under subsection (a), the Secretary concerned may make a lump-sum payment for nonrecurring expenses incurred by the member in initially occupying private housing outside of the United States. Expenses for which a payment is made under this subsection may not be considered for purposes of determining the per diem allowance of the member under subsection (a).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to expenses incurred after August 31, 1990.

PART C—MILITARY AVIATORS

SEC. 621. AVIATION CAREER INCENTIVE PAY.

(a) ENTITLEMENT REQUIREMENTS.—(1) Section 301a(a)(4) of title 37, United States Code, is amended—

(A) by striking out "6 of the first 12, and 11 of the first 18 years of his aviation service." in the first sentence and inserting in lieu thereof "9 of the first 12, and 12 of the first 18, years of the aviation service of the officer.";

(B) by striking out "at least 9 but less than 11 of the first 18 years of his aviation service, he" in the second sentence and inserting in lieu thereof "at least 10 but less than 12 of the first 18 years of the aviation service of the officer, the officer"; and

(C) by striking out "his officer service" in the second sentence and inserting in lieu thereof "the officer's service as an officer".

(2) Section 301a(b)(1) of such title is amended by striking out "6 years" each place it appears after the portion of the table designated as Phase II and inserting in lieu thereof "9 years".

(b) WAIVER OF ENTITLEMENT REQUIREMENTS BY THE SECRETARY CONCERNED.—Section 301a(a)(5) of such title is amended by inserting after the first sentence the following new sentence: "The Secretary concerned may permit, on a case by case basis for the needs of the service, an officer to continue to receive continuous monthly incentive pay despite the failure of the officer to perform the prescribed operational flying duty requirements during the prescribed periods of time so long as the officer has performed those requirements for not less than 6 years of aviation service.".

(c) COMPUTATION OF YEARS OF AVIATION SERVICE AND YEARS OF SERVICE TO INCLUDE ONLY PERIODS OF ACTIVE DUTY.—Section 301a(a) of such title is amended by adding at the end the following:

"(7) For purposes of this subsection and subsection (b), in computing years of service as an officer under section 205 of this title and years of aviation service, the Secretary concerned may include only periods when the officer is on active duty.".

(d) MONTHLY RATES.—(1) Section 301a(b)(1) of such title is amended—

(A) by striking out "400" in the portion of the table designated as Phase I and inserting in lieu thereof "650"; and

(B) by striking out the portion of the table designated as Phase II and inserting in lieu thereof the following:

"Phase II

"Years of service as an officer:	*Monthly rate:*
Over 18	*$585*
Over 20	*495*
Over 22	*385*
Over 25	*250".*

(2) Section 301a(b)(2) of such title is amended by striking out "400" in the portion of the table designated as Phase I and inserting in lieu thereof "650".

(e) REPORT ON NUMBER OF OFFICERS RECEIVING A WAIVER.—Section 301a of such title is amended by adding at the end the following new subsection:

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

"(1) the total number of officers during the preceding fiscal year who were determined under subsection (a)(5) to have failed to perform the minimum prescribed operational flying duty requirements;

"(2) the number of those officers who continued to receive continuous monthly incentive pay despite their failure to perform the minimum prescribed operational flying duty requirements and the extent to which they failed to perform those requirements; and

"(3) the reasons for each waiver under subsection (a)(5) of those requirements.".

(f) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made—

(A) by subsections (c) and (d) shall take effect on October 1, 1989; and

(B) by subsections (a), (b), and (e) shall take effect on October 1, 1991.

(2) The Secretary of a military department may delay, subject to the approval of the Secretary of Defense, the implementation of the amendment made by subsection (d) with respect to the department of that Secretary until such time as the Secretary concerned determines that implementation of the amendment is necessary to meet the needs of that department.

(3) If the Secretary of a military department delays under paragraph (2) the implementation of the amendment made by subsection (d) beyond October 1, 1991, the Secretary may also delay implementation of the amendments made by subsections (a), (b), and (e) until the date on which the Secretary implements the amendment made by subsection (d). During the delay in implementation, the provisions of section 301a of title 37, United States Code, as in effect on September 30, 1989, (and as amended by subsection (c)), shall continue to apply in the case of such department to the payment of avia-

tion career incentive pay under such section.

(g) TRANSITION.—(1) If, as of the date the amendments made by subsections (a), (b), and (e) take effect, an officer of a uniformed service has performed the prescribed operational flying duties (including flight training but excluding proficiency flying) for 6 of the first 12 years, or 11 of the first 18 years, of the aviation service of such officer, such officer shall be entitled to continuous monthly incentive pay at the rates provided in section 301a(b) of title 37, United States Code (as amended by this section), notwithstanding the failure of the officer to satisfy the entitlement requirements that take effect on such date. Such officer shall be required to continue to comply with the entitlement requirements in effect on September 30, 1991.

(2) The Secretary concerned may provide transitional entitlement requirements to allow an officer of a uniformed service who completes an initial operational flying assignment before the date the amendments made by subsections (a), (b), and (e) take effect to remain entitled to continuous monthly incentive pay under section 301a of title 37, United States Code (as amended by this section), if the Secretary concerned determines that—

(A) the officer would likely satisfy the entitlement requirements in effect on September 30, 1991; and

(B) the officer is unlikely to satisfy the requirements added by subsection (a).

(h) DEFINITIONS.—(1) For purposes of subsections (f) and (g), the terms "Secretary concerned" and "uniformed services" have the meaning given to such terms in section 101 of title 37, United States Code.

(2) For purposes of subsection (g), the definitions of the terms in section 301a(6) of title 37, United States Code, shall apply to the corresponding terms used in subsection (g).

SEC. 622. AVIATOR RETENTION BONUSES.

(a) EXTENSION AND CODIFICATION OF CURRENT PROGRAM.—Section 301b of title 37, United States Code, is amended to read as follows:

"§ 301b. Special pay: aviation career officers extending period of active duty

"(a) BONUS AUTHORIZED.—An aviation officer described in subsection (b) who, during the period beginning on January 1, 1989, and ending on September 30, 1991, executes a written agreement to remain on active duty in aviation service for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

"(b) COVERED OFFICERS.—An aviation officer referred to in subsection (a) is an officer of a uniformed service who—

"(1) is entitled to aviation career incentive pay under section 301a of title 37, United States Code;

"(2) is in a pay grade below pay grade 0-6;

"(3) is qualified to perform operational flying duty;

"(4) has completed at least six but less than 13 years of active duty;

"(5) has completed any active duty service commitment incurred for undergraduate aviator training; and

"(6) is in an aviation specialty designated by the Secretary concerned (with the approval of the Secretary of Defense in the case of the Secretary of a military department) as a critical aviation specialty.

"(c) AMOUNT OF BONUS.—The amount of a retention bonus paid under this section shall be not more than—

"(1) $12,000 for each year covered by the written agreement, if the officer agrees to remain on active duty to complete 14 years of commissioned service; or

"(2) $6,000 for each year covered by the written agreement, if the officer agrees to remain on active duty for one or two years.

"(d) PRORATION.—The term of an agreement under subsection (a) and the amount of the bonus under subsection (c) may be prorated as long as such agreement does not extend beyond the date on which the officer making such agreement would complete 14 years of commissioned service.

"(e) PAYMENT OF BONUS.—Upon the acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed and may be paid by the Secretary in either a lump sum or installments.

"(f) ADDITIONAL PAY.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

"(g) REPAYMENT OF BONUS.—(1) If an officer who has entered into a written agreement under subsection (a) and has received all or part of a retention bonus under this section fails to complete the total period of active duty specified in the agreement, the Secretary concerned may require the officer to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid under this section.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1). This paragraph applies to any case commenced under title 11 after January 1, 1989.

"(h) REGULATIONS.—Each Secretary concerned shall prescribe regulations to carry out this section with regard to the department of that Secretary. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.

"(i) REPORTS.—(1) Not later than February 15 of each year, each Secretary concerned shall submit to the Secretary of Defense a report analyzing the effect of the provision of retention bonuses to aviation officers during the preceding fiscal year on the retention of qualified aviators in the department of the Secretary concerned. Each report shall include—

"(A) a comparison of the cost of paying bonuses to officers who enter into an agreement for the period referred to in subsection (c)(1) with the cost of paying bonuses to officers who enter into an agreement for a period referred to in subsection (c)(2);

"(B) a description of the increase in the retention of qualified aviators as a result of the program; and

"(C) an examination of the desirability of targeting the retention bonus program toward officers in a critical aviation specialty rather than on the basis of experience or other criteria.

"(2) Not later than March 15 of each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives copies of the reports submitted to the Secretary under paragraph (1) with regard to the preceding fiscal year, together with such comments and recommendations as the Secretary considers appropriate.

"(j) LIMITATION ON PAYMENTS FOR A FISCAL YEAR.—(1) The total amount of payments made under this section to officers of the Air Force during fiscal year 1990 may not exceed $78,000,000.

"(2) The total amount of payments made under this section to officers of the Navy during fiscal year 1990 may not exceed $30,000,000.

"(k) DEFINITIONS.—In this section:

"(1) The term 'aviation service' means the service performed by an officer holding an aeronautical rating or designation (except a flight surgeon or other medical officer).

"(2) The term 'aviation specialty' means a community of pilots or other designated aeronautical officers identified by type of aircraft or weapon system.

"(3) The term 'critical aviation specialty' means an aviation specialty in which there exists a shortage of officers on the date of designation under subsection (b).

"(4) The term 'operational flying duty' has the meaning given such term in section 301a(a)(6)(A) of this title.".

(b) CONFORMING AMENDMENT.—Section 611 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1977), is amended by striking out subsection (e).

(c) PRIOR AGREEMENTS.—(1) The amendment made by subsection (a) shall not affect an agreement entered into under section 301b of title 37, United States Code (as in effect on September 30, 1989), and, except as provided in paragraph (2), the provisions of such section as in effect on such day shall continue to apply with respect to such agreement.

(2) For pay periods beginning after September 30, 1989, an officer serving under an agreement entered into under section 301b of such title before October 1, 1987, shall be entitled during the remainder of the agreement to the monthly rate of aviation career incentive pay specified in section 301a(b) of such title and corresponding to the years of aviation service or years of service as an officer of the office.

SEC. 623. REDUCTION IN NONOPERATIONAL FLYING DUTY POSITIONS.

(a) REDUCTIONS REQUIRED.—(1) Not later than September 30, 1991, the Secretary of Defense shall reduce the number of nonoperational flying duty positions in the Armed Forces by a number equal to not less than two percent of the total number of such positions in existence on September 30, 1989.

(2) Not later than September 30, 1992, the Secretary of Defense shall reduce the number of nonoperational flying duty positions in the Armed Forces by a number equal to not less than five percent of the total number of such positions in existence on September 30, 1989.

(b) LIMITATION ON INCREASES IN NONOPERATIONAL FLYING DUTY POSITIONS AFTER FISCAL YEAR 1991.—No increase in the number of nonoperational flying duty positions in the Armed Forces (as a percentage of all flying duty positions in the Armed Forces) may be made after September 30, 1991, unless the increase is specifically authorized by law.

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

(1) The term "Armed Forces" does not include the Coast Guard.

(2) The term "nonoperational flying duty position" means a position in a military de-

partment identified by the Secretary of that department as a position that—

(A) requires the assignment of an aviator; and

(B) does not include operational flying duty (as defined in section 301a(6)(A) of title 37, United States Code).

SEC. 624. REPORT ON MINIMUM SERVICE REQUIREMENT FOR AVIATORS.

(a) REPORT REQUIRED.—Not later than eight months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the minimum active duty obligations imposed on aviation officers. The report shall include—

(1) a description of the reasons for the disparate obligations imposed by the military departments;

(2) an examination of the legitimacy of the differences in light of the operational requirements of each military department; and

(3) a recommendation regarding the desirability of establishing uniform minimum active duty obligations for aviation officers.

(b) DEFINITION.—For purposes of subsection (a), the term "active duty obligation" means the period of active duty required to be served after completion of undergraduate training in an aviation specialty.

SEC. 625. REPORT ON INSURANCE.

(a) REPORT REQUIRED.—Not later than February 15, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the adequacy of the current Servicemen's Group Life Insurance program and the practicality and desirability of providing an accidental death insurance plan for aviators and other aviation crew members serving on active duty that provides for the payment of death benefits in the amount of $100,000 for death resulting directly from the performance of operational flying duty. The report shall include a legislative proposal containing the recommendations of the Secretary following such evaluation and a recommendation on the advisability of providing an accidental death insurance plan for other members of the Armed Forces on active duty in an occupational specialty characterized as hazardous.

(b) DEFINITION.—For purposes of subsection (a), the term "operational flying duty" has the meaning given to that term in section 301a(a)(6)(A) of title 37, United States Code.

SEC. 626. REPORT ON AVIATOR ASSIGNMENT POLICIES AND PRACTICES.

Not later than February 15, 1990, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the aviator assignment policies and practices of the Armed Forces. The report shall include an analysis of the effectiveness and efficiency of the aviator assignment policies and practices of the Armed Forces, including an analysis of the policies and practices followed in accommodating the assignment preferences of aviators within operational needs of the Armed Forces.

PART D—MONTGOMERY GI BILL AMENDMENTS

SEC. 631. INCREASE IN AMOUNT PAYABLE UNDER MONTGOMERY GI BILL FOR CRITICAL SPECIALTIES.

(a) INCREASE.—Section 1415(c) of title 38, United States Code, is amended by striking out "$400 per month" and inserting in lieu thereof "$700 per month".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to enlistments after September 30, 1989.

SEC. 632. PAYMENTS FOR VOCATIONAL-TECHNICAL TRAINING UNDER RESERVE-COMPONENT GI BILL.

(a) IN GENERAL.—Section 2131(c)(1) of title 10, United States Code, is amended to read as follows:

"(c)(1) Educational assistance may be provided under this chapter for pursuit of any program of education that is an approved program of education for purposes of chapter 30 of title 38 other than a program of education in a course of instruction beyond the baccalaureate degree level.".

(b) AMOUNT OF ASSISTANCE.—Section 2131 of such title is amended—

(1) in subsection (b)—

(A) by striking out "Each" and inserting in lieu thereof "Except as provided in subsections (d) through (f), each"; and

(B) by inserting ", through the Secretary of Veterans Affairs," after "Secretary concerned"; and

(2) by adding at the end the following:

"(d)(1) Except as provided in paragraph (2), the amount of the monthly educational assistance allowance payable to a person pursuing a full-time program of apprenticeship or other on-the-job training under this chapter is—

"(A) for each of the first six months of the person's pursuit of such program, 75 percent of the monthly educational assistance allowance otherwise payable to such person under this chapter;

"(B) for each of the second six months of the person's pursuit of such program, 55 percent of such monthly educational assistance allowance; and

"(C) for each of the months following the first 12 months of the person's pursuit of such program, 35 percent of such monthly educational assistance allowance.

"(2) In any month in which any person pursuing a program of education consisting of a program of apprenticeship or other on-the-job training fails to complete 120 hours of training, the amount of the monthly educational assistance allowance payable under this chapter to the person shall be limited to the same proportion of the applicable full-time rate as the number of hours worked during such month, rounded to the nearest 8 hours, bears to 120 hours.

"(3)(A) Except as provided in subparagraph (B), for each month that such person is paid a monthly educational assistance allowance under this chapter, the person's entitlement under this chapter shall be charged at the rate of—

"(i) 75 percent of a month in the case of payments made in accordance with paragraph (1)(A);

"(ii) 55 percent of a month in the case of payments made in accordance with paragraph (1)(B); and

"(iii) 35 percent of a month in the case of payments made in accordance with paragraph (1)(C).

"(B) Any such charge to the entitlement shall be reduced proportionately in accordance with the reduction in payment under paragraph (2).

"(e)(1) The amount of the monthly educational assistance allowance payable to a person pursuing a cooperative program under this chapter shall be 80 percent of the monthly allowance otherwise payable to such person under this chapter.

"(2) For each month that a person is paid a monthly educational assistance allowance for pursuit of a cooperative program under this chapter, the person's entitlement under this chapter shall be charged at the rate of 80 percent of a month.

"(f)(1)(A) The amount of the educational assistance allowance payable under this chapter to a person who enters into an agreement to pursue, and is pursuing, a program of education exclusively by correspondence is an amount equal to 55 percent of the established charge which the institution requires nonveterans to pay for the course or courses pursued by such person.

"(B) For purposes of subparagraph (A), the term 'established charge' means the lesser of—

"(i) the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency; or

"(ii) the actual charge to the person for such course or courses.

"(C) Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the person and serviced by the institution.

"(2) In each case in which the amount of educational assistance is determined under paragraph (1), the period of entitlement of the person concerned shall be charged with one month for each $140 which is paid to the individual as an educational assistance allowance.".

(c) CONFORMING AMENDMENTS.—Section 2136(b) of such title is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "Except as otherwise provided in this chapter, the provisions of sections 1434(b), 1663, 1670, 1671, 1673, 1674, 1676, 1682(g), and 1683 of title 38 and the provisions of subchapters I and II of chapter 36 of such title (with the exception of sections 1780(c), 1780(g), 1786(a), 1787, and 1792) shall be applicable to the provision of educational assistance under this chapter."; and

(2) by striking out ", as used" in the second sentence and inserting in lieu thereof "and the term 'a person', as used".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any person who after September 30, 1989, or the date of the enactment of this Act, whichever is later, meets the requirements set forth in subparagraph (A) or (B) of section 2132(a)(1) of title 10, United States Code.

SEC. 633. LIMITATION OF ACTIVE GUARD AND RESERVE PERSONNEL TO ACTIVE-DUTY PROGRAM.

(a) LIMITATION.—Section 2132(d) of title 10, United States Code, is amended by adding at the end the following new sentence: "However, a person may not receive credit under the program established by this chapter for service (in any grade) described in subparagraph (B) or (C) of section 523(b)(1) of this title.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1989, or the date of the enactment of this Act, whichever is later.

(c) REFERENCES TO ADMINISTRATOR OF VETERANS' AFFAIRS.—Chapter 106 of title 10, United States Code, is amended—

(1) by striking out "Administrator of Veterans' Affairs" in sections 2131(b)(4), 2132(c), 2132(d), and 2136(a) and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(2) by striking out "to the Administrator" in section 2132(c) and inserting in lieu thereof "to that Secretary".

(d) OTHER TECHNICAL AMENDMENTS.—(1) Section 2131(b) of such title is amended by striking out "and educational" in the matter preceding paragraph (1) and inserting in lieu thereof "of an educational".

(2) Section 2132(d) of such title is amended by striking out "An individual" and inserting in lieu thereof "A person".

PART E—PERSONNEL AND COMPENSATION TECHNICAL AMENDMENTS

SEC. 641. TECHNICAL AMENDMENTS TO MILITARY RETIREMENT LAWS.

(a) CLARIFICATION OF COMPUTATION OF RETIRED PAY UNDER HIGH-THREE SYSTEM.—Section 1407 of title 10, United States Code, is amended—

(1) in subsection (b), by inserting "or (d)" after "subsection (c)";

(2) by striking out subsections (c), (e), (f) and (g);

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (b) the following new subsections (c) and (d):

"(c) COMPUTATION OF HIGH-THREE AVERAGE FOR MEMBERS ENTITLED TO RETIRED OR RETAINER PAY FOR REGULAR SERVICE.—

"(1) GENERAL RULE.—The high-three average of a member entitled to retired or retainer pay under any provision of law other than section 1204 or 1205 or section 1331 of this title is the amount equal to—

"(A) the total amount of monthly basic pay to which the member was entitled for the 36 months (whether or not consecutive) out of all the months of active service of the member for which the monthly basic pay to which the member was entitled was the highest, divided by

"(B) 36.

"(2) SPECIAL RULE FOR SHORT-TERM DISABILITY RETIREES.—In the case of a member who is entitled to retired pay under section 1201 or 1202 of this title and who has completed less than 36 months of active service, the member's high-three average (notwithstanding paragraph (1)) is the amount equal to—

"(A) the total amount of basic pay to which the member was entitled during the period of the member's active service, divided by

"(B) the number of months (including any fraction thereof) of the member's active service.

"(d) COMPUTATION OF HIGH-THREE AVERAGE FOR MEMBERS AND FORMER MEMBERS ENTITLED TO RETIRED PAY FOR NONREGULAR SERVICE.—

"(1) RETIRED PAY UNDER CHAPTER 67.—The high-three average of a member or former member entitled to retired pay under section 1331 of this title is the amount equal to—

"(A) the total amount of monthly basic pay to which the member or former member was entitled during the member or former member's high-36 months (or to which the member or former member would have been entitled if the member or former member had served on active duty during the entire period of the member or former member's high-36 months), divided by

"(B) 36.

"(2) NONREGULAR SERVICE DISABILITY RETIRED PAY.—The high-three average of a member entitled to retired pay under section 1204 or 1205 of this title is the amount equal to—

"(A) the total amount of monthly basic pay to which the member was entitled during the member's high-36 months (or to which the member would have been entitled if the member had served on active duty during the entire period of the member's high-36 months), divided by

"(B) 36.

"(3) SPECIAL RULE FOR SHORT-TERM DISABILITY RETIREES.—In the case of a member who is entitled to retired pay under section 1204 or 1205 of this title and who was a member for less than 36 months before being retired under that section, the member's high-three average (notwithstanding paragraph (2)) is the amount equal to—

"(A) the total amount of basic pay to which the member was entitled during the entire period the member was a member of a uniformed service before being so retired (or to which the member would have been entitled if the member had served on active duty during the entire period the member was a member of a uniformed service before being so retired), divided by

"(B) the number of months (including any fraction thereof) which the member was a member before being so retired.

"(4) HIGH-36 MONTHS.—The high-36 months of a member or former member whose retired pay is covered by paragraph (1) or (2) are the 36 months (whether or not consecutive) out of all the months before the member or former member became entitled to retired pay for which the monthly basic pay to which the member or former member was entitled (or would have been entitled if serving on active duty during those months) was the highest. In the case of a former member, only months during which the former member was a member of a uniformed service may be used for purposes of the preceding sentence.".

(b) CLARIFICATION OF APPLICABILITY OF PROVISIONS TO FORMER MEMBERS ENTITLED TO RETIRED PAY.—Chapter 71 of title 10, United States Code, is amended as follows:

(1) Section 1401a is amended—

(A) in subsection (b)(3), by inserting "and former member" after "member" the first place it appears;

(B) in subsection (e), by inserting "or former member" after "member" the first and third places it appears; and

(C) in subsection (f), by inserting "or former member" in the second sentence after "member".

(2) Section 1407(b) is amended by striking out "member" and "member's" and inserting in lieu thereof "person" and "person's", respectively.

(3) Section 1409(a)(1) is amended by striking out "who is retired" and inserting in lieu thereof "who is entitled to that pay".

(4) Section 1410 is amended—

(A) in the matter preceding paragraph (1), by inserting "or former member" after "member" each place (other than the second place) it appears; and

(B) in paragraph (1), by striking out "member's retired pay" and inserting in lieu thereof "retired pay of the member or former member".

(c) PAYMENTS FROM MILITARY RETIREMENT FUND.—Section 1463(a) of such title is amended—

(1) in paragraph (1), by striking out "persons" and inserting in lieu thereof "members";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) retired pay payable under chapter 67 of this title to former members of the armed forces (other than retired pay payable by the Secretary of Transportation);".

SEC. 642. TECHNICAL AMENDMENTS TO MILITARY SURVIVOR BENEFIT PLAN.

Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(1) Section 1447 is amended—

(A) in paragraph (5), by striking out "this clause" both places it appears and inserting in lieu thereof "this paragraph";

(B) in paragraph (11), by inserting "paid under section 6330 of this title" after "retainer pay"; and

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

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

(2) Sections 1447(2)(B), 1447(2)(C)(ii), 1448(a)(1)(B), 1448(a)(2)(B), 1448(f)(1)(A), 1448(f)(1)(B), and 1450(l)(1) are amended by striking out "retired pay under chapter 67 of this title" and inserting in lieu thereof "reserve-component retired pay".

(3) Sections 1447(2)(C)(i), 1447(3), 1447(4), 1448(a)(4)(A), 1449, and 1450(l)(2) are amended by striking out "or retainer".

(4) Section 1450(f)(3)(B) is amended—

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

(B) by striking out ", whichever is later".

(5) Section 1451(c) is amended—

(A) in paragraph (3), by inserting "who first became a member of a uniformed service before September 8, 1980" after "of this title"; and

(B) in paragraph (4), by inserting "by reason of the service of a person who first became a member of a uniformed service before September 8, 1980" after "of this title".

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

(7) Section 1451(e)(1)(B) is amended—

(A) by striking out "is" each place it appears and inserting in lieu thereof "was";

(B) by striking out "has" in clause (ii) and inserting in lieu thereof "had"; and

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

(8) Section 1451(e)(2) is amended by striking out "(as the base amount is adjusted from time to time under section 1401a of this title)" in subparagraphs (A) and (B).

(9) Section 1452(h) is amended—

(A) by inserting "(or any other provision of law)" after "of this title" the first place it appears; and

(B) by striking out "increased under section 1401a of this title" and inserting in lieu thereof "so increased".

SEC. 643. INCLUSION OF FORMER SPOUSES IN SOCIAL SECURITY OFFSET PROVISION.

(a) CONFORMANCE WITH POLICY FOR SURVIVING SPOUSES.—Section 1451(e) of title 10, United States Code, is amended by inserting "or former spouse" in paragraphs (3)(A) and (4)(A) after "widow or widower".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply only with respect to the computation of an annuity for a person who becomes a former spouse under a divorce that becomes final after the date of the enactment of this Act.

SEC. 644. REPEAL OF CERTAIN OBSOLETE AND EXPIRED PROVISIONS.

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

(1)(A) Section 971(a) is amended by striking out ", under an appointment accepted after June 25, 1956,".

(B) The limitation in section 971(a) of title 10, United States Code, shall not apply with respect to a period of service referred to in that section while also serving under an

appointment as a cadet or midshipman accepted before June 26, 1956.

(2) Section 971(b) is amended—

(A) in paragraph (1), by striking out ", if he was appointed as a midshipman or cadet after March 4, 1913"; and

(B) in paragraph (2), by striking out ", if he was appointed as a midshipman or cadet after August 24, 1912".

(3) Section 1482(e) is amended by striking out "the effective date of this subsection, or the date of death," and inserting in lieu thereof "the date of death".

(4) Sections 3014(f), 5014(f), and 8014(f) are each amended by striking out paragraph (5).

(5) Section 6330(a) is amended by striking out "under—" and all that follows through "this section." and inserting in lieu thereof "under this section.".

(6) Section 8925(a) is amended by striking out "and service computed under section 8683 of this title".

(7) Section 8926 is amended—

(A) in subsection (a)—

(i) by inserting "and" at the end of paragraph (1);

(ii) by striking out the semicolon at the end of paragraph (2) and inserting in lieu thereof a period; and

(iii) by striking out paragraphs (3) and (4); and

(B) by striking out subsection (d).

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

(1) Sections 308b(e) and 308c(e) are each amended by striking out the second sentence.

(2) Section 308c(a) is amended by striking out ", after September 30, 1978,".

(3) Section 416(a) is amended by striking out ", after July 9, 1952,".

SEC. 645. OTHER TECHNICAL AMENDMENTS.

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

(1) Section 502 is amended by striking out "or affirmation".

(2) Section 603(f) is amended—

(A) by striking out "terminates—" and inserting in lieu thereof "terminates on the earliest of the following:";

(B) by striking out "on the" in paragraph (1) and inserting in lieu thereof "The";

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

(D) by striking out "at the" in paragraph (2) and inserting in lieu thereof "The";

(E) by striking out "; or" at the end of paragraph (2) and inserting in lieu thereof a period;

(F) by striking out "on the" in paragraph (3) and inserting in lieu thereof "The"; and

(G) by striking out the semicolon at the end of paragraph (3) and all that follows and inserting in lieu thereof a period.

(3) Section 671b(a) is amended by striking out "Armed Forces of the United States" and inserting in lieu thereof "armed forces".

(4) Section 1076 is amended by striking out "1 year" in subsection (e)(3)(C) and inserting in lieu thereof "one year".

(5) Section 1408(a) is amended—

(A) by striking out "(26 U.S.C. 3402(i))" in paragraph (4)(D); and

(B) by inserting "entitled to retired pay under section 1331 of this title" in paragraph (5) after "a former member".

(6) Section 1482(a) is amended—

(A) by striking out "expenses of—" and inserting in lieu thereof "expenses of the following:";

(B) by capitalizing the first letter of the first word in each of paragraphs (1) through (11);

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

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

(E) in paragraph (11)—

(i) by striking out "clause" each place it appears and inserting in lieu thereof "paragraph"; and

(ii) by striking out "decedent; for the" and inserting in lieu thereof "decedent. For the".

(b) CORRECTION OF TABLE HEADING.—Section 305a(b) of title 37, United States Code, is amended by inserting "COMMISSIONED" before "OFFICERS" in the heading of the table in that subsection relating to officers in pay grades O-1 through O-6.

(c) CORRECTIONS TO AMENDMENTS MADE BY PUBLIC LAW 100-456.—(1) Section 411g(a) of title 37, United States Code, is amended by striking out "to" after "may be paid".

(2) Section 419 of such title is amended—

(A) by striking out "a officer" both places it appears and inserting in lieu thereof "an officer"; and

(B) by striking out "to" after "may be paid".

(d) PUNCTUATION AMENDMENT.—Section 209(c) of title 37, United States Code, is amended by striking out the period after "title 10" the first place it appears.

(e) CROSS REFERENCE CORRECTIONS.—(1) Section 1094(c)(2) of title 10, United States Code, is amended by striking out "subsections (b) and (d) through (g)" and inserting in lieu thereof "subsections (c) and (e) through (h)".

(2) Section 403(b)(1)(B) of Public Law 99-661 (10 U.S.C. 521 note) is amended by striking out "3033," and "8033," and inserting in lieu thereof "3021," and "8021,", respectively.

(f) REFERENCE TO THE CANAL ZONE.—Section 708(a) of title 32, United States Code, is amended by striking out "governor of each State and Territory, Puerto Rico, and the Canal Zone" and inserting in lieu thereof "Governor of each State or Territory and Puerto Rico".

PART F—MISCELLANEOUS

SEC. 651. MILITARY RELOCATION ASSISTANCE PROGRAMS.

(a) REQUIREMENT TO PROVIDE ASSISTANCE.—In order to help neutralize the negative effects of relocation on retention, readiness, and morale, the Secretary of Defense shall provide relocation assistance to members of the Armed Forces and their families as provided in this section. In addition, the Secretary of Defense shall make every effort, consistent with readiness objectives, to stabilize and lengthen tours of duty to neutralize the adverse effects of relocation.

(b) TYPES OF ASSISTANCE.—(1) The Secretary of Defense shall provide relocation assistance, through military relocation assistance programs described in subsection (c), for a member of the Armed Forces who is ordered to make a change of permanent station (and for dependents of such member who are authorized to move in connection with the change of permanent station) as follows:

(A) Destination area information and preparation, to be provided before the change of permanent station takes effect, with emphasis on information with regard to moving costs, housing costs and availability, child care, spouse employment opportunities, cultural adaptation, and community orientation.

(B) Counseling about financial management, home buying and selling, renting, stress management aimed at intervention and prevention of abuse, property management, and shipment and storage of household goods (including motor vehicles and pets).

(C) Settling-in services, with emphasis on available government living quarters, private housing, child care, spouse employment assistance information, cultural adaptation, and community orientation.

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

(c) MILITARY RELOCATION ASSISTANCE PROGRAMS.—(1) The Secretary of Defense shall provide for the establishment of military relocation assistance programs to provide the relocation assistance described in subsection (b). The Secretary shall establish a program in each geographic area in which at least 500 members of the Armed Forces are assigned to or serving at a military installation. A member who is not stationed within a geographic area that contains such a program shall be given access to such a program. The Secretary shall ensure that persons on the staff of each program are trained in the techniques and delivery of professional relocation assistance.

(2) The Secretary shall ensure that, not later than September 30, 1991, information available through each military relocation assistance program shall be managed through a computerized information system that can interact with all other military relocation assistance programs of the military departments, including programs located outside the continental United States.

(3) Duties of each military relocation assistance program shall include assisting personnel offices on the military installation in using the computerized information available through the program to help provide members of the Armed Forces who are deciding whether to reenlist information on locations of possible future duty assignments.

(d) DIRECTOR.—The Secretary of Defense shall appoint a Director of Military Relocation Assistance Programs in the office of the Assistant Secretary of Defense (Force Management and Personnel) to oversee development and implementation of the military relocation assistance programs.

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

(f) REPORT.—The Director of Military Relocation Assistance Programs shall submit to Congress a report each year. The report shall provide the following:

(1) An objective assessment of available, affordable economy housing for members of the Armed Forces and their families, to assist in making decisions on housing construction and variable housing allowance levels.

(2) An objective assessment of the actual nonreimbursed costs incurred by members of the Armed Forces and their families who are ordered to make a change of permanent station, to assist in making decisions on whether additional entitlements should be provided.

(3) Information on where members of the Armed Forces live, shown by military installation, including the number of members of the Armed Forces who live on a military installation and the number who do not live on a military installation.

(4) Information on the effects of the relocation assistance programs established under this section on the quality of life of members of the Armed Forces and their families and on retention and productivity of members of the Armed Forces.

(g) INAPPLICABILITY TO COAST GUARD.—This section does not apply to the Coast Guard.

(h) DEADLINE FOR REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement this section not later than 90 days after the date of the enactment of this Act.

(i) REPORT ON COSTS.—Not later than 90 days after regulations are prescribed under subsection (h), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on a plan for the full implementation of this section.

SEC. 652. REPORT ON TECHNICAL TRAINING FOR RECRUITS AND MEMBERS OF THE RESERVE COMPONENTS.

(a) REPORT REGARDING PROVISION OF TECHNICAL TRAINING.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report, prepared as provided in paragraph (2), evaluating the practicality and desirability of—

(A) providing persons who desire to enlist in the Armed Forces with technical training before enlistment;

(B) using civilian institutions of higher education and vocational schools to provide such training; and

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

(2) Subject to the availability of appropriated funds, the Secretary shall make a grant to, or enter into a contract with, an independent and nonprofit organization to prepare the report required by paragraph (1). Such organization shall be an independent and nonprofit organization that the Secretary determines—

(A) has no obligation to any institution of higher education, vocational school, or governmental entity that could create a conflict of interest in the preparation of the report; and

(B) has the requisite expertise regarding programs offered by institutions of higher education and vocational schools and technical skills training provided for persons enlisting in the Armed Forces.

(3) The Secretary shall inform the Committees on Armed Services of the Senate and House of Representatives not later than 60 days after the effective date of this section regarding plans to obtain the report required by paragraph (1).

(4) The report required by paragraph (1) shall include—

(A) a comparison of technical skills training provided by the Armed Forces and technical skills training available in civilian institutions of higher education and vocational schools;

(B) a description of a program by which a person eligible for enlistment in the Armed Forces would receive technical training in an institution of higher education or vocational school (and a stipend to pursue such training) before enlistment in exchange for a commitment to serve in the Armed Forces;

(C) a description of the personnel and other savings that would result from the implementation of such a program;

(D) a description of a program by which institutions of higher education and vocational schools would enhance the readiness of the Reserve components by supplementing active-duty individual skills training;

(E) a description of the specific training improvements that would result from the implementation of such a program; and

(F) a proposal for a demonstration program to implement such programs, on a limited basis as determined by the Secretary, and a description of the cost of such demonstration.

(5) The report required by paragraph (1) shall be submitted not later than February 1, 1991.

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

(1) The term "institution of higher education" has the meaning given to such term in section 435(b) of the Higher Education Act of 1965 (20 U.S.C. 1085(b)).

(2) The term "nonprofit organization" means an organization—

(A) described in section 501(c) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)); and

(B) exempt from taxation under section 501(a) of such Code (26 U.S.C. 501(a)).

(3) The term "Secretary" means the Secretary of Defense.

(4) The term "technical training" means training in noncombat technical skills, including electricity, machinery, welding, surveying, journalism, and photography.

(5) The term "vocational school" has the meaning given to such term in section 435(c) of the Higher Education Act of 1965 (20 U.S.C. 1085(c)).

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

SEC. 653. CLARIFICATION OF ALLOWANCE FOR TRANSPORTATION OF HOUSEHOLD EFFECTS.

(a) WAIVER FOR SUBSTANTIAL HARDSHIP.—(1) Section 406(b)(1) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

"(D) If the Secretary concerned determines that application of a weight allowance specified in subparagraph (C) for a pay grade below pay grade O-6 would result in significant hardship to a member entitled to that weight allowance or the dependents of the member, the Secretary may authorize, in connection with the change of temporary or permanent station of the member, a higher weight allowance not to exceed the weight allowance specified in subparagraph (C) for pay grades O-6 to O-10. Any such determination shall be made under regulations prescribed by the Secretary of Defense.".

(b) TECHNICAL AMENDMENT.—Such section is further amended by inserting "in pounds" in subparagraph (C) after "weight allowance" in the matter preceding the table.

(c) EFFECTIVE DATE.—The authority provided in subparagraph (D) of such section, as added by subsection (a), shall apply with respect to the transportation of baggage and household effects occurring after June 30, 1989.

SEC. 654. SPECIAL DUTY ASSIGNMENT PAY FOR ENLISTED MEMBERS OF THE NATIONAL GUARD OR A RESERVE COMPONENT.

(a) IN GENERAL.—Section 307 of title 37, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b)(1) An enlisted member described in paragraph (2) may, in addition to other compensation or allowances to which the member is entitled, receive special duty assignment pay at the rate of 1/30 of the monthly special duty assignment pay payable under subsection (a).

"(2) An enlisted member referred to in paragraph (1) is an enlisted member of the National Guard or a Reserve component who—

"(A) is entitled to compensation under section 206 of this title; and

"(B) is performing duties that are comparable to the duties for which special duty assignment pay is paid under subsection (a) to an enlisted member who is entitled to basic pay under section 204 of this title.

"(3) An enlisted member referred to in paragraph (1) may receive special duty assignment pay under such paragraph for duty during periods in which the member is entitled to compensation under paragraphs (1) or (2) of section 206(a) of this title.".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

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

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

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

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

Subsection (h) of section 638 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (101 Stat. 1108; 10 U.S.C. 113 note) is amended by striking out "before October 1, 1989" and inserting in lieu thereof "before October 1, 1990".

TITLE VII—HEALTH CARE PROVISIONS

PART A—HEALTH CARE PROFESSIONS PERSONNEL MATTERS

SEC. 701. AUTHORITY TO REPAY LOANS OF CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.

(a) EXPANSION OF EDUCATION LOANS THAT QUALIFY FOR REPAYMENT.—Subsection (a) of section 2172 of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(4) a loan made, insured, or guaranteed by a State, the District of Columbia, or a territory or possession of the United States if that loan was used to finance basic or advanced health professions education.".

(b) EXTENSION OF AUTHORITY.—Subsection (d) of section 2172 of title 10, United States Code, is amended by striking out "October 1, 1990" and inserting in lieu thereof "October 1, 1992".

(c) TECHNICAL AMENDMENTS.—(1) Subsection (a) of section 2172 of title 10, United States Code, is amended by striking out "a portion of" in paragraph (1).

(2) Subsection (c) of such section is amended by striking out "portion of" in paragraph (2) and inserting in lieu thereof "amount of".

(d) REPORT ON LOAN REPAYMENTS FOR HEALTH PROFESSIONALS.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—

(A) evaluating the loan repayment program for certain health professionals established under section 2172 of title 10, United States Code (as amended by this section); and

(B) containing a legislative proposal to establish a comprehensive and coordinated program in the military departments to repay education loans for health profession-

als who serve on active duty or in a reserve component.

(2) The report required by paragraph (1) shall be submitted not later than January 15, 1990.

SEC. 702. REVISION OF MILITARY PHYSICIAN SPECIAL PAY STRUCTURE.

(a) REVISION IN RATES OF SPECIAL PAY.—Section 302 of title 37, United States Code, is amended as follows:

(1) Subsection (a)(2) is amended—

(A) by striking out "$10,000" in subparagraph (C) and inserting in lieu thereof "$12,000";

(B) by striking out "$9,500" in subparagraph (D) and inserting in lieu thereof "$11,500";

(C) by striking out "$9,000" in subparagraph (E) and inserting in lieu thereof "$11,000";

(D) by striking out "$8,000" in subparagraph (F) and inserting in lieu thereof "$10,000";

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

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

(G) by striking out "$5,000" in subparagraph (I) and inserting in lieu thereof "$7,000".

(2) Subsection (a)(4) is amended—

(A) by striking out "(A)";

(B) by striking out "who has less than ten years of creditable service";

(C) by striking out "$9,000" and inserting in lieu thereof "$15,000"; and

(D) by striking out subparagraph (B).

(3) Subsection (a)(5) is amended—

(A) by striking out "$2,000" in subparagraph (A) and inserting in lieu thereof "$2,500";

(B) by striking out "$2,500" in subparagraph (B) and inserting in lieu thereof "$3,500";

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

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

(E) by striking out "$5,000" in subparagraph (E) and inserting in lieu thereof "$6,000".

(4) Subsection (b)(1) is amended—

(A) by striking out "$8,000" and inserting in lieu thereof "$20,000"; and

(B) by striking out "unless the Secretary concerned determines" and all that follows through "wartime skill".

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) by inserting "VARIABLE, ADDITIONAL, AND BOARD CERTIFICATION SPECIAL PAY.—" in subsection (a) after "(a)";

(2) by inserting "INCENTIVE SPECIAL PAY.—" in subsection (b) after "(b)";

(3) by inserting "ACTIVE-DUTY AGREEMENT.—" in subsection (c) after "(c)";

(4) by inserting "REGULATIONS.—" in subsection (d) after "(d)";

(5) by inserting "FREQUENCY OF PAYMENTS.—" in subsection (e) after "(e)";

(6) by inserting "REFUND FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—" in subsection (f) after "(f)";

(7) by inserting "DETERMINATION OF CREDITABLE SERVICE.—" in subsection (g) after "(g)";

(8) by inserting "RESERVE MEDICAL OFFICERS SPECIAL PAY.—" in subsection (h) after "(h)";

(9) by inserting "EFFECT OF DISCHARGE IN BANKRUPTCY.—" in subsection (i) after "(i)"; and

(10) by striking out "of this section" and "of this subsection" each place they appear (other than in subsection (g)).

(c) LIMIT ON FISCAL YEAR 1990 EXPENDITURES FOR MEDICAL SPECIAL PAY.—The amount that may be paid for incentive special pay for medical officers under section 302(b) of title 37, United States Code, during fiscal year 1990 may not exceed $55,600,000.

(d) TRANSITION.—(1) An officer who executed a written agreement under section 612 of the National Defense Authorization Act, Fiscal Year 1989 (102 Stat. 1979), to receive a medical officer retention bonus shall be given the opportunity, before accepting the next payment due under such agreement, to terminate such agreement.

(2) An officer who elects to terminate such an agreement shall be entitled to special pay under section 302 of title 37, United States Code (as amended by this section).

(3) Until such termination, and in the case of an officer who elects not to terminate such an agreement, the officer shall not be entitled to additional special pay under subsection (a)(4) of section 302 of such title in excess of the rates in effect for such pay on September 30, 1989.

(e) REPORTS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives the following reports:

(1) A report describing the manner by which the Secretary of each military department will provide incentive special pay to medical officers under section 302(b) of title 37, United States Code (as amended by subsection (a)) during fiscal year 1990. Such report shall be submitted not later than the earlier of—

(A) December 1, 1989; and

(B) the date that is 30 days before the date such section is first executed.

(2) A report describing the manner by which the Secretary of each military department will provide incentive special pay to medical officers under such section during fiscal year 1991 and including such recommendations for modification of the program as the Secretaries consider appropriate. Such report shall be submitted not later than March 1, 1990.

(3) A report evaluating the Medical Officer Retention Bonus program authorized by section 612 of the National Defense Authorization Act, Fiscal Year 1989 (102 Stat. 1979), and including an assessment of the effect on the retention of medical officers of bonus levels for agreements of different lengths. Such report shall be submitted not later than February 1, 1990.

(f) EFFECTIVE DATE.—(1) The amendments made by paragraphs (1) and (3) of subsection (a) shall take effect on January 1, 1990.

(2) The amendments made by paragraphs (2) and (4) of subsection (a) shall apply to an agreement entered into under section 302(c)(1) of title 37, United States Code, on or after the later of—

(A) the date of the enactment of this Act; and

(B) October 1, 1989.

SEC. 703. ACCESSION BONUS FOR REGISTERED NURSES.

(a) ACCESSION BONUS AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by adding after section 302c the following new section:

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

"(a) ACCESSION BONUS AUTHORIZED.—(1) A person who is a registered nurse and who, during the period beginning on October 1, 1989, and ending on September 30, 1990, executes a written agreement described in subsection (c) to accept a commission as an officer and remain on active duty for a period of not less than four years may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

"(2) The amount of an accession bonus under paragraph (1) may not exceed $5,000.

"(b) LIMITATION ON ELIGIBILITY FOR BONUS.—A person is not eligible for a bonus under subsection (a) if—

"(1) the person received financial assistance from the Department of Defense to pursue a baccalaureate degree; or

"(2) the Secretary concerned determines that the person is not qualified as a registered nurse.

"(c) AGREEMENT.—The agreement referred to in subsection (a) shall provide that the individual agrees to accept a commission as an officer with a view toward placement as an officer of the Nurse Corps of the Army or Navy, an officer of the Air Force designated as a nurse, or an officer designated as a nurse in the commissioned corps of the Public Health Service.

"(d) REPAYMENT.—(1) An officer who receives a payment under subsection (a) and who fails to remain licensed as a registered nurse during the period for which the payment is made shall refund to the United States an amount equal to the full amount of such payment.

"(2) An officer who voluntarily terminates service on active duty before the end of the period agreed to be served under subsection (a) shall refund to the United States an amount that bears the same ratio to the amount paid to the officer as the unserved part of such period bears to the total period agreed to be served.

"(3) An obligation to reimburse the United States imposed under paragraph (1) or (2) is for all purposes a debt owed to the United States.

"(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or this subsection. This paragraph applies to any case commenced under title 11 after October 1, 1989.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302c the following new item:

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

(b) ADMINISTRATION AND IMPLEMENTATION.—Section 303a of title 37, United States Code, is amended by inserting "302d," after "302c," each place it appears.

(c) REPORT ON IMPLEMENTATION.—Not later than March 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the manner in which the authority provided in section 302d of title 37, United States Code (as added by subsection (a)), is implemented.

SEC. 704. INCENTIVE PAY FOR NURSE ANESTHETISTS.

(a) AUTHORIZATION FOR INCENTIVE PAY.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 302d (as added by section 703) the following new section:

"§ 302e. Special pay: nurse anesthetists

"(a) SPECIAL PAY AUTHORIZED.—(1) An officer described in subsection (b) who executes a written agreement to remain on active duty for a period of one year or more may, upon the acceptance of the agreement by the Secretary concerned, be paid incentive special pay in an amount not to exceed $6,000 for any 12-month period.

"(2) The Secretary concerned shall determine the amount of incentive special pay to be paid to an officer under paragraph (1). In determining that amount, the Secretary concerned shall consider the term of the agreement under that paragraph.

"(b) COVERED OFFICERS.—An officer referred to in subsection (a) is an officer of a uniformed service who—

"(1) is an officer of the Nurse Corps of the Army or Navy, an officer of the Air Force designated as a nurse, or an officer designated as a nurse in the commissioned corps of the Public Health Service;

"(2) is a qualified certified registered nurse anesthetist; and

"(3) is on active duty under a call or order to active duty for a period of not less than one year.

"(c) TERMINATION OF AGREEMENT.—Under regulations prescribed by the Secretary of Defense, with respect to the Army, Navy, and Air Force, and the Secretary of Health and Human Services, with respect to the Public Health Service, the Secretary concerned may terminate an agreement entered into under subsection (a). Upon termination of an agreement, the entitlement of the officer to special pay under this section and the agreed upon commitment to active duty of the officer shall end. The officer may be required to refund that part of the special pay corresponding to the unserved period of active duty.

"(d) PAYMENT.—Special pay payable to an officer under subsection (a) of this section shall be paid annually at the beginning of the 12-month period for which the officer is to receive that payment.

"(e) REPAYMENT.—(1) An officer who voluntarily terminates service on active duty before the end of the period agreed to be served under subsection (a) shall refund to the United States an amount that bears the same ratio to the amount paid to the officer as the unserved part of such period bears to the total period agreed to be served.

"(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or this subsection. This paragraph applies to any case commenced under title 11 after October 1, 1989.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302d (as added by section 703) the following new item:

"302e. Special pay: nurse anesthetists.".

(b) ADMINISTRATION AND IMPLEMENTATION.—Section 303a of title 37, United States Code (as amended by section 703(b)) is further amended by inserting "302e," after "302d," each place it appears.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1989.

(d) REPORT ON MILITARY USE OF CERTIFIED REGISTERED NURSE ANESTHETISTS.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the use of Certified Registered Nurse Anesthetists by the military departments. The report shall include—

(A) a description of restrictions imposed by the military departments on the use of such nurses;

(B) a comparison of such restrictions with restrictions imposed by other entities on the use of such nurses;

(C) a description of the number of persons who annually receive training by the military departments to be Certified Registered Nurse Anesthetists; and

(D) the desirability and cost of expanding the capability of the military departments to provide such training.

(2) The report required by paragraph (1) shall be submitted not later than March 1, 1990.

SEC. 705. NURSE OFFICER CANDIDATE ACCESSION BONUS.

(a) BONUS AUTHORIZED.—Chapter 105 of title 10, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER III—NURSE OFFICER CANDIDATE ACCESSION PROGRAM

"Sec.
"2130a. Financial assistance: nurse officer candidates.

"§ 2130a. Financial assistance: nurse officer candidates

"(a) BONUS AUTHORIZED.—(1) An individual described in subsection (b) who executes a written agreement in accordance with subsection (c) to accept an appointment as a nurse officer may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus of not more than $5,000. The bonus shall be paid in periodic installments, as determined by the Secretary concerned at the time the agreement is accepted, except that the first installment may not exceed $2,500.

"(2) In addition to the accession bonus payable under paragraph (1), an individual selected under such paragraph shall be entitled to a monthly stipend of not more than $500 for each month the individual is enrolled as a full-time student in an accredited baccalaureate degree program in nursing at a civilian educational institution that does not have a Senior Reserve Officers' Training Program established under section 2102 of this title. The continuation bonus may not be paid for more than 24 months.

"(b) ELIGIBLE STUDENTS.—An individual eligible to enter into an agreement under subsection (a) is an individual who—

"(1) has completed the second year of an accredited baccalaureate degree program in nursing and has more than 6 months of academic work remaining before graduation;

"(2) is enrolled as a full-time student in an accredited baccalaureate degree program in nursing at a civilian educational institution that does not have a Senior Reserve Officers' Training Program established under section 2102 of this title; and

"(3) meets the qualifications for appointment as an officer of a reserve component of the Army, Navy, or Air Force as set forth in section 591 of this title or, in the case of the Public Health Service, section 207 of the Public Health Service Act (42 U.S.C. 209) and the regulations of the Secretary concerned.

"(c) REQUIRED AGREEMENT.—The agreement required to receive the bonus and stipend payable under subsection (a) shall provide that the individual agrees to the following:

"(1) That the individual will complete the nursing degree program described in subsection (b).

"(2) That, upon acceptance of the agreement by the Secretary concerned, the individual will enlist in a reserve component of an armed force;

"(3) That the individual will accept an appointment as an officer in the Nurse Corps of the Army or the Navy or as an officer designated as a nurse officer in the Air Force or commissioned corps of the Public Health Service upon graduation from the nursing degree program.

"(4) That the individual will serve on active duty as such an officer—

"(A) for a period of 4 years in the case of an individual whose agreement was accepted by the Secretary concerned during the individual's fourth year of the nursing degree program;

"(B) for a period of 5 years in the case of an individual whose agreement was accepted by the Secretary concerned during the individual's third year of the nursing degree program.

"(d) REFUND OF PAYMENTS.—An individual shall refund a bonus paid under subsection (a) if the individual—

"(1) fails to complete the nursing degree program in which the individual is enrolled;

"(2) having completed the nursing degree program, fails to accept an appointment, if tendered, as an officer of the Nurse Corps of the Army or the Navy or as an officer designated as a nurse officer of the Air Force or commissioned corps of the Public Health Service; or

"(3) fails to complete the period of obligated active service required under the agreement.

"(e) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section.".

(b) CLERICAL AMENDMENT.—The table of subchapters at the beginning of chapter 105 of title 10, United States Code, is amended by adding at the end the following new item:

"III. Nurse Officer Candidate Accession Program ..... 2130a".

SEC. 706. PROGRAM TO INCREASE USE OF CERTAIN NURSES BY THE MILITARY DEPARTMENTS.

(a) PROGRAM REQUIRED.—(1) Not later than September 30, 1991, the Secretary of each military department shall implement a program to appoint persons who have an associate degree or diploma in nursing (but have not received a baccalaureate degree in nursing) as officers and to assign such officers to duty as nurses.

(2) An officer appointed pursuant to the program required by subsection (a) shall be appointed in a warrant officer grade or in a grade not to exceed O-3. Such officer may not be promoted beyond the grade of O-3 unless the officer receives a baccalaureate degree in nursing.

(b) REPORT ON IMPLEMENTATION.—Not later than April 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on steps taken by the military departments to implement the program required by this section.

SEC. 707. GRADE RELIEF FOR NAVY NURSE LIEUTENANT COMMANDERS.

(a) INCREASE IN AUTHORIZED NUMBER FOR FISCAL YEAR 1991.—During fiscal year 1991, the limitation specified in section 523(a)(2) of title 10, United States Code, with respect

to the grade of lieutenant commander is increased by 173. The Secretary of the Navy shall provide that all of the increase in authorized strength in grade under the preceding sentence shall be allocated to the Nurse Corps for nurses in duty assignments involving direct patient care.

(b) REPORT ON GRADE TABLE RESTRICTIONS.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a comprehensive report on the adequacy of the strength-in-grade limitations prescribed by section 523(a) of title 10, United States Code, particularly as those limitations affect the ability to recruit and retain nurses and other health professionals on active duty. The report shall discuss the advantages and disadvantages of the current limitations for each of the armed forces and shall include such recommendations as the Secretary considers appropriate.

(2) The report shall be submitted not later than March 1, 1990.

(c) MATTERS TO BE CONSIDERED BY PROMOTION BOARDS.—The Secretary of each military department, under uniform regulations prescribed by the Secretary of Defense, shall direct that each promotion board considering officers on the active-duty list in a health-professions competitive category for promotion to a grade below colonel or, in the case of the Navy, captain, shall give consideration to clinical proficiency and skill as a health professional to at least as great an extent as the board gives to administrative and management skills.

(d) REPORT ON CONSTRUCTIVE CREDIT FOR NURSES.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the awarding of constructive credit to military nurses for education, training, or experience. The report shall discuss existing provisions of law providing for such constructive credit, including a discussion of any inequities which the Secretary considers that such provisions may have created. If the Secretary determines that any such inequities have been created, the report shall include recommendations by the Secretary for ways to eliminate or reduce those inequities.

(2) The report shall be submitted not later than March 1, 1990.

PART B—HEALTH CARE MANAGEMENT

SEC. 711. PROHIBITION ON CHARGES FOR OUTPATIENT MEDICAL AND DENTAL CARE.

During fiscal years 1990 and 1991, the Secretary of Defense may not impose a charge for the receipt of outpatient medical or dental care at a military medical treatment facility.

SEC. 712. SHARING OF HEALTH-CARE RESOURCES WITH THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1104. Sharing of health-care resources with the Department of Veterans Affairs

"(a) SHARING OF HEALTH-CARE RESOURCES.—Health-care resources of the Department of Defense may be shared with health-care resources of the Department of Veterans Affairs in accordance with section 5011 of title 38 or under section 1535 of title 31.

"(b) REIMBURSEMENT FROM CHAMPUS FUNDS.—Pursuant to an agreement entered into under section 5011 of title 38 or section 1535 of title 31, the Secretary of a military department may reimburse the Secretary of Veterans Affairs from funds available for that military department for the payment of medical care provided under section 1079 or 1086 of this title.

"(c) CHARGES.—The Secretary of Defense may prescribe by regulation a premium, deductible, copayment, or other charge for health care provided to covered beneficiaries under this chapter pursuant to an agreement entered into under section 5011 of title 38 or section 1535 of title 31.

"(d) PROVISION OF SERVICES DURING WAR OR NATIONAL EMERGENCY.—Members of the armed forces on active duty during and immediately following a period of war, or a national emergency involving the use of the armed forces in armed conflict, may be provided health-care services by the Department of Veterans Affairs in accordance with section 5011A of title 38.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1104. Sharing of health-care resources with the Department of Veterans Affairs.".

SEC. 713. PROHIBITION ON REDUCING END STRENGTH LEVELS FOR MEDICAL PERSONNEL AS A RESULT OF BASE CLOSURES AND REALIGNMENTS.

(a) PROHIBITION.—The end strength levels for medical personnel for each component of the Armed Forces, and the number of civilian personnel of the Department of Defense assigned to military medical facilities, may not be reduced as a result of the closure or realignment of a military installation under section 2687 of title 10, United States Code, or title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526).

(b) MEDICAL PERSONNEL DEFINED.—For purposes of subsection (a), the term "medical personnel" has the meaning given that term in subparagraph (D) of section 115(b)(1) of title 10, United States Code.

SEC. 714. REVISED DEADLINE FOR THE USE OF DIAGNOSIS-RELATED GROUPS FOR OUTPATIENT TREATMENT.

The regulations required by section 1101(a) of title 10, United States Code, to establish the use of diagnosis-related groups as the primary criteria for the allocation of resources to health care facilities of the uniformed services shall be prescribed to take effect not later than October 1, 1991, in the case of outpatient treatments.

SEC. 715. ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM.

(a) SPECIALIZED TRAINING DEFINED.—Section 2120 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The term 'specialized training' means advanced training in a health professions specialty received in an accredited program beyond the basic education required for appointment as an officer in a health profession.".

(b) EXPANSION OF PROGRAM.—Section 2121 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "health professions scholarship program" and inserting in lieu thereof "health professions scholarship and financial assistance program";

(2) in subsection (b), by inserting "and specialized training" after "study"; and

(3) in subsection (c)—

(A) by striking out "of the program" in the second sentence and inserting in lieu thereof "pursuing a course of study"; and

(B) by inserting after the second sentence the following new sentence: "Members pursuing specialized training shall serve on active duty in a pay grade commensurate with their educational level, as determined by appointment under section 3353, 5600, or 8353 of this title, with full pay and allowances of that grade for a period of 14 days during each year of participation in the program.".

(c) ELIGIBILITY.—Paragraph (1) of section 2122(a) of title 10, United States Code, is amended by striking out "in a course of study" and all that follows through the semicolon and inserting in lieu thereof "in a course of study or selected to receive specialized training;".

(d) FINANCIAL ASSISTANCE.—(1) Section 2127 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) A person participating as a member of the program in specialized training shall be paid an annual grant of $15,000 in addition to the stipend under section 2121(d) of this title. The amount of the grant shall be increased annually by the Secretary of Defense, effective July 1 of each year, in the same manner as provided for stipends.".

(2) The heading of such section is amended to read as follows:

"§ 2127. Contracts for scholarships or financial assistance: payments".

(3) The item relating to such section in the table of sections at the beginning of subchapter I of chapter 105 of such title is amended to read as follows:

"2127. Contracts for scholarships or financial assistance: payments.".

(e) REPORT ON IMPLEMENTATION.—Not later than March 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the manner in which the new authority provided by this section is implemented.

(f) REPORT ON SUCCESS OF FINANCIAL ASSISTANCE PROGRAM.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—

(A) evaluating the success of the financial assistance program established by this section; and

(B) describing the number of participants in the program receiving specialized training payments under subsection (e) of section 2127 of title 10, United States Code (as added by subsection (d)) and the projected number of officers to be gained by specialty as a result of the program for each military department.

(2) The report required by paragraph (1) shall be submitted not later than March 1, 1990.

(g) DELAY IN TARGETING SCHOLARSHIPS FOR CRITICALLY NEEDED WARTIME SKILLS.—Notwithstanding section 712(b)(2) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180, 10 U.S.C. 2124 note), section 2124 of title 10, United States Code, as in effect on September 30, 1989, shall remain in effect through September 30, 1990.

(h) CLERICAL AMENDMENTS.—(1) Section 2120 of title 10, United States Code, is amended by striking out "the Armed Forces Health Professions Scholarship program" each place it appears and inserting in lieu thereof "the Armed Forces Health Professions Scholarship and Financial Assistance program".

(2) The subchapter heading of subchapter I of chapter 105 of such title is amended to read as follows:

"SUBCHAPTER I—HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM FOR ACTIVE SERVICE".

(3) The item relating to such subchapter in the table of subchapters at the beginning of such chapter is amended to read as follows:

"I. Health Professions Scholarship and Financial Assistance Program for Active Service..... 2120".

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1989.

SEC. 716. UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SERVICES AND HENRY M. JACKSON FOUNDATION FOR THE ADVANCEMENT OF MILITARY MEDICINE.

(a) INCREASED NUMBER OF EXEMPTIONS FROM DUAL-PAY PROVISION.—Subsection (f)(2) of section 2113 of title 10, United States Code, is amended by striking out "two exemptions" in the last sentence and inserting in lieu thereof "five exemptions".

(b) GRANT AUTHORITY.—Subsection (j)(1)(A) of section 2113 of title 10, United States Code, is amended by inserting ", accept grants from, and make grants to" after "contracts with".

(2) Subsection (g)(1) of section 178 of title 10, United States Code, is amended by inserting ", accept grants from, and make grants to" after "contracts with".

(c) DUAL EMPLOYMENT.—Subsection (h) of section 178 of title 10, United States Code, is amended to read as follows:

"(h) A person who is a full-time or part-time employee of the Foundation may be an employee (full-time or part-time) of the United States so long as compensation is within guidelines established by the Secretary of Defense.".

SEC. 717. RETENTION OF FUNDS COLLECTED FROM THIRD-PARTY PAYERS OF INPATIENT CARE FURNISHED AT FACILITIES OF THE UNIFORMED SERVICES.

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

"(h) To the extent provided in appropriation Acts, amounts collected under this section from a third-party payer for the costs of inpatient hospital care provided at a facility of the uniformed services shall be credited to the appropriation supporting the maintenance and operation of the facility.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 1989, and shall apply to amounts collected under section 1095 of title 10, United States Code, on or after that date.

SEC. 718. REALLOCATION OF CERTAIN CIVILIAN PERSONNEL POSITIONS TO MEDICAL SUPPORT.

(a) REALLOCATION OF POSITIONS REQUIRED.—In implementing the Report of the Deputy Inspector General of the Department of Defense entitled "Review of Unified and Specified Command Headquarters" (completed in February 1988), the Secretary of the Army and the Secretary of the Navy shall reallocate the 939 civilian positions selected for elimination to medical support positions.

(b) REPORT.—(1) The Secretary of the Army and the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing, as of the date such report is submitted—

(A) the medical support positions created pursuant to subsection (a);

(B) the location of such positions; and

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

(2) The report required by paragraph (1) shall be submitted not later than March 1, 1990.

SEC. 719. CODIFICATION OF APPROPRIATION PROVISION RELATING TO CHAMPUS.

(a) Subsection (c) of section 1074 of title 10, United States Code, is amended by adding at the end the following new sentence: "If the private facility or health care provider providing care under this subsection is a health care provider under the Civilian Health and Medical Program of the Uniformed Services, the Secretary of Defense, after consultation with the other administering Secretaries, may by regulation require the institutional or individual provider to provide such care in accordance with the same payment rules (subject to any modifications considered appropriate by the Secretary) as apply under that program.".

SEC. 720. CLARIFICATION AND CORRECTION OF PROVISIONS PROVIDING HEALTH BENEFITS FOR CERTAIN FORMER SPOUSES.

(a) ELIGIBILITY OF CERTAIN FORMER SPOUSES.—Section 1072(2) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of clause (F);

(2) by striking out the period at the end of clause (G) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new clause:

"(H) a person who would qualify as a dependent under clause (G) but for the fact that the date of the final decree of divorce, dissolution, or annulment of the person is on or after April 1, 1985, except that the term does not include the person after the end of the one-year period beginning on the date of that final decree.".

(b) AVAILABILITY OF CONVERSION HEALTH POLICIES AND EXTENSION OF ELIGIBILITY FOR MEDICAL AND DENTAL CARE.—(1) Chapter 55 of such title is amended by inserting after section 1086 the following new section:

"§ 1086a. Certain former spouses: extension of period of eligibility for health benefits

"(a) AVAILABILITY OF CONVERSION HEALTH POLICIES.—The Secretary of Defense shall inform a person who is a dependent for a one-year period under section 1072(2)(H) of this title of the availability of a conversion health policy for purchase by the person.

"(b) EFFECT OF PURCHASE.—(1) Subject to paragraph (2), if a person who is a dependent for a one-year period under section 1072(2)(H) of this title purchases a conversion health policy within that period (or within a reasonable time after that period as prescribed by the Secretary of Defense), the person shall continue to be eligible for medical and dental care in the manner described in section 1076 of this title and health benefits under section 1086 of this title until the end of the one-year period beginning on the later of—

"(A) the date the person is no longer a dependent under section 1072(2)(H) of this title; and

"(B) the date of the purchase of the policy.

"(2) The extended period of eligibility provided under paragraph (1) shall apply only with regard to a condition of the person that—

"(A) exists on the date on which coverage under the conversion health policy begins; and

"(B) for which care is not provided under the policy solely on the grounds that the condition is a preexisting condition.

"(c) CONVERSION HEALTH POLICY DEFINED.—In this section, the term 'conversion health policy' means a health insurance policy with a private insurer, developed through negotiations between the Secretary of Defense and the private insurer, that is available for purchase by or for the use of a person who is a dependent for a one-year period under section 1072(2)(H) of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1086 the following new item:

"1086a. Certain former spouses: extension of period of eligibility for health benefits.".

(c) CONFORMING AMENDMENTS.—(1) Subsection (f) of section 1076 of such title is repealed.

(2) Paragraph (3) of section 1086(c) of such title is amended to read as follows:

"(3) A dependent covered by clause (F), (G), or (H) of section 1072(2) of this title who is not eligible under paragraph (1).".

(d) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—(1) The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to a person referred to in section 1072(2)(H) of title 10, United States Code (as added by subsection (a)), whose decree of divorce, dissolution, or annulment becomes final on or after that date.

(2) The amendments made by this section shall also apply to a person referred to in such section whose decree of divorce, dissolution, or annulment became final during the period beginning on September 29, 1988, and ending on the day before the date of the enactment of this Act, as if the amendments became effective on September 29, 1988.

(e) TRANSITION.—(1) In the case of a person who was qualified as a dependent under section 645(c) of the Department of Defense Authorization Act, 1985 (98 Stat. 2549), on September 28, 1988, the Secretary of Defense shall make a conversion health policy available for purchase by the person during the remaining period the person is considered to be a dependent under that section (or within a reasonable time after that period as prescribed by the Secretary of Defense).

(2) Purchase of a conversion health policy under paragraph (1) by a person shall entitle the person to health care for preexisting conditions in the same manner and to the same extent as provided by section 1086a(b) of title 10, United States Code (as added by subsection (b)), until the end of the one-year period beginning on the later of—

(A) the date the person is no longer qualified as a dependent under section 645(c) of the Department of Defense Authorization Act, 1985; and

(B) the date of the purchase of the policy.

(3) For purposes of this subsection, the term "conversion health policy" has the meaning given that term in section 1086a(c) of title 10, United States Code (as added by subsection (b)).

SEC. 721. REALLOCATION OF NAVAL RESERVE REAR ADMIRALS AUTHORIZED FOR HEALTH PROFESSIONS.

Section 5457(a) of title 10, United States Code, is amended—

(1) by striking out "Medical Corps—7" and inserting in lieu thereof "Medical Corps—5"; and

(2) by inserting after and below paragraph (7) the following:

"(8) Nurse Corps—1.

"(9) Medical Service Corps—1.".

TITLE VIII—MILITARY CHILD CARE

SEC. 801. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This title may be cited as the "Military Child Care Act of 1989".

(b) DEFINITIONS.—For purposes of this title:

(1) The term "military child development center" means a facility on a military installation (or on property under the jurisdiction of a military installation) at which child care services are provided for children of members of the Armed Forces.

(2) The term "child care employee" means a civilian employee of the Department of Defense who is employed to work in a military child development center (regardless of whether the employee is paid from appropriated or nonappropriated funds).

SEC. 802. FUNDING FOR MILITARY CHILD CARE FOR FISCAL YEAR 1990.

(a) FISCAL YEAR 1990 FUNDING.—(1) Of the total estimated operating expenses of the Department of Defense during fiscal year 1990 for military child development centers, the Secretary of Defense shall make available, from funds appropriated pursuant to this Act, a sufficient amount for military child care equal to 70 percent of those expenses. In using those funds, the Secretary shall give priority to increasing the number of child care employees who are directly involved in providing child care and to expanding the availability of child care for members of the Armed Forces.

(2) The Secretary may waive the requirements of subsection (b) and of section 803(e) if the Secretary determines that those requirements cannot be carried out in an orderly manner.

(3) Not later than December 31, 1989, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on how the Secretary intends to use the funds referred to in paragraph (1), including how the Secretary intends to achieve the priority specified in the second sentence of that paragraph. The Secretary shall include in the report a description of any use made, or proposed to be made, of the authority provided by paragraph (2), including a statement of the reasons for any such waiver (together with supporting cost information and other information justifying the waiver). If the Secretary uses such authority after December 31, 1989, the Secretary shall promptly inform the committees of the waiver and of the reasons for the waiver.

(b) FUNDS DERIVED FROM PARENTS FEES TO BE USED FOR EMPLOYEE COMPENSATION.—(1) During fiscal year 1990, nonappropriated funds of the Department of Defense described in paragraph (2) that are used for the purpose of providing child care for members of the Armed Forces may be used only for compensation of child care employees who are directly involved in providing child care.

(2) Funds referred to in paragraph (1) are those nonappropriated funds derived from fees paid by members of the Armed Forces for child care services.

SEC. 803. CHILD CARE EMPLOYEES.

(a) TRAINING.—(1) The Secretary of Defense shall establish, and prescribe regulations to implement, a uniform training program for child care employees as a condition of employment.

(2) Under those regulations, the Secretary shall require that each child care employee shall complete the training program not later than six months after the date on which the employee begins to work as a child care employee (except that, in the case of a child care employee hired before the date on which the training program is established, the Secretary shall require that the employee complete the program not later than six months after such date).

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

(A) Early childhood development.

(B) Activities and disciplinary techniques appropriate to children of different ages.

(C) Child abuse prevention and detection.

(D) Cardiopulmonary resuscitation and other emergency medical procedures.

(b) PAY.—(1) The Secretary of Defense shall increase the compensation of child care employees of the Department of Defense who are directly involved in providing child care in accordance with paragraph (2).

(2) For the purpose of enabling child care development centers to compete favorably for a qualified and stable civilian workforce, child care employees who are directly involved in providing child care and who are paid from nonappropriated funds shall be paid compensation at rates comparable to that of other employees with comparable training, seniority, and experience at the same military installation (whether such employees are paid from appropriated or nonappropriated funds).

(3) The Secretary of Defense shall implement the requirement of paragraph (1) not later than six months after the date of the enactment of this Act.

(c) TRAINING AND CURRICULUM CHILD CARE EMPLOYEES.—(1) The Secretary of Defense shall require that at each military child development center at least one employee shall be a training and curriculum child care employee. Such position shall be in addition to existing civil service positions at military child development centers as of the date of the enactment of this Act.

(2) The Secretary shall require appropriate credentials and experience for such employees. The duties of such employees shall include the following:

(A) Special teaching activities at the center.

(B) Daily oversight and instruction of other child care employees at the center.

(C) Daily assistance in the preparation of lesson plans.

(D) Assistance in the center's child abuse prevention and detection program.

(E) Advising the director of the center on the performance of other child care employees.

(2) Each training and curriculum child care employee shall be an employee in a competitive service position.

(d) EMPLOYMENT PREFERENCE FOR MILITARY SPOUSES.—The Secretary of Defense shall provide a preference for qualified spouses of members of the Armed Forces in hiring for, or promoting within, the position of child care employee in a position paid from nonappropriated funds if the spouse is among persons determined to be best qualified for the position. A spouse who is provided a preference under this subsection at a military child development center is not precluded from obtaining another preference, in accordance with section 806 of the Military Family Act of 1985 (10 U.S.C. 113 note), in the same geographical area as the military child development center.

(e) ADDITIONAL CHILD CARE POSITIONS.—Not later than September 30, 1990, at least 3,700 competitive service positions shall be made available in the Department of Defense for child care personnel in addition to the number of such positions available as of September 30, 1989. Positions for which such personnel may be used include—

(1) training and curriculum child care employees under subsection (c);

(2) child care administrators;

(3) supplemental care administrators;

(4) director of military child development centers; and

(5) family day care coordinators.

(f) COMPETITIVE SERVICE POSITION DEFINED.—For purposes of this section, the term "competitive service position" means a position to which an employee is appointed and paid in accordance with chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

SEC. 804. PARENT FEES.

The Secretary of Defense shall prescribe regulations on fees to be charged parents for the attendance of children at military child development centers. Those regulations shall be uniform for the military departments and shall require that fees charged to parents for child care be based on family income.

SEC. 805. CHILD ABUSE PREVENTION AND SAFETY.

(a) ABUSE TASK FORCE.—The Secretary of Defense shall establish and maintain a special task force to respond in the case of allegations of widespread child abuse at a military child development center. The task force shall be composed of personnel (from both within the Department of Defense and outside the Department of Defense) from a variety of disciplines, including medicine, psychology, childhood development, and building safety. The task force shall provide assistance to base commanders and parents in helping them to deal with such allegations.

(b) NATIONAL HOTLINE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish and publicize a national telephone hotline for persons to report (anonymously if desired) suspected child abuse or safety violations at a military child development center or family day care home. The Secretary shall establish a mechanism to follow up on complaints and information received over the hotline.

(c) ASSISTANCE FROM LOCAL AUTHORITIES.—The Secretary of Defense shall prescribe regulations requiring that in a case of allegations of child abuse at a military child development center, the commander of the military installation or the task force established under subsection (a) shall seek the assistance of local child protective authorities if such assistance is available.

(d) SAFETY REGULATIONS.—The Secretary of Defense shall prescribe uniform regulations on safety and operating procedures at military child development centers.

(e) INSPECTIONS.—The Secretary of Defense shall require that each military child development center be inspected at least four times a year. The inspections shall be unannounced. At least one inspection a year shall be carried out by a representative of the base that the center is serving, and one inspection a year shall be carried out by a representative of the major command under which the base operates.

(f) REMEDIES FOR VIOLATIONS.—(1) Except as provided in paragraph (2), any violation of a law or regulation (discovered at an inspection or otherwise) of a military child development center shall be remedied immediately.

(2) In the case of a violation that is not life threatening, the commander of the major command under which the base (that the military child development center is serving) operates may waive the requirement for immediate remediation of the vio-

lation for a period of up to 90 days beginning on the date of the discovery of the violation. The violation must be remedied at the end of that 90-day period. If the violation is not remedied as of the end of the period, the military child development center shall be closed until it is remedied unless the Secretary of the military department concerned authorizes the center to remain open in a case in which the violation cannot reasonably be remedied with 90 days or in which major facility reconstruction is required.

(3) In the event of a closing of a military child development center under paragraph (2), the Secretary of the military department concerned shall promptly submit to the Committees on Armed Services of the Senate and House of Representatives a report notifying those committees of the closing. The report shall include notice of the violation that caused the closing, the cost of remedying the violation, and the reasons why the violation has not been remedied as of the time of the report.

(g) REPORT ON COOPERATION WITH DEPARTMENT OF JUSTICE.—(1) The Secretary of Defense shall study areas of interdepartmental concern in military child care. Those areas shall include the following:

(A) Improving communication between the Department of Defense and the Department of Justice in investigations of child abuse at military child development centers and in the coordination of the conduct of such investigations.

(B) Eliminating overlapping responsibilities between those departments.

(C) Making better use of government and non-government experts in child abuse investigations and prosecutions.

(D) Improving communication between agencies and affected families.

(2) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the study required by paragraph (1). The report shall include recommendations on methods for improving the areas studied.

(3) The study shall be carried out, and the report shall be prepared, in consultation with the Comptroller General.

SEC. 806. PARENT PARTNERSHIPS WITH CHILD DEVELOPMENT CENTERS.

(a) PARENT BOARDS.—The Secretary of Defense shall require the establishment of a board of parents at each military child development center, to be composed of parents of children attending the center. Each such board shall meet periodically with staff at the military child development center and the commander of the base that the center is serving for the purpose of discussing problems and concerns. The board, together with the center staff, shall be responsible for coordinating the parent participation program described in subsection (b).

(b) PARENT PARTICIPATION PROGRAMS.—(1) The Secretary of Defense shall require the establishment of a parent participation program at each military child development center. Under such a program, parents of children attending the center shall—

(A) participate in activities related to the military child development center; or

(B) be required to pay a higher fee (as prescribed by the Secretary of Defense in regulations) for the attendance of children at the center.

(2) The Secretary of Defense may exempt a parent from the requirements of the participation program in the case of hardship or special local considerations.

SEC. 807. REPORT ON FIVE-YEAR DEMAND FOR CHILD CARE.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report on the expected demand for child care by military and civilian personnel of the Department of Defense over the five-year period beginning on the date of the submission of the report.

(b) PLAN FOR MEETING DEMAND.—The report shall include a plan for meeting that demand and shall set forth the cost of implementing that plan.

(c) MONITORING OF FAMILY DAY CARE PROVIDERS.—The report shall also include a description of methods for monitoring family day care programs of the military departments. For purposes of the preceding sentence, a family day care program is a program in which an individual certified by the Secretary of the military department concerned provides child day care in the individual's home.

(d) TIME FOR SUBMISSION.—The report shall be submitted not later than six months after the date of the enactment of this Act.

SEC. 808. DEADLINE FOR REGULATIONS.

Regulations required to be prescribed by this title shall be prescribed not later than 90 days after the date of the enactment of this Act.

TITLE IX—ACQUISITION POLICY

SEC. 901. ACQUISITION LAWS TECHNICAL AMENDMENTS.

(a) REPEAL OF DUPLICATE PROVISION; RESTORATION OF INADVERTENTLY STRICKEN PROVISION.—(1) Section 2324 of title 10, United States Code, is amended—

(A) by striking out "(l)(1)" and all that follows through "In subsection (k):" and inserting in lieu thereof "(6) In this subsection:";

(B) by redesignating subsection (l) as subsection (m); and

(C) by inserting after subsection (k) the text of subsection (k) of such section as in effect on the day before the date of the enactment of the Major Fraud Act of 1988 (Public Law 100-700; 102 Stat. 4631 et seq.), with such text designated as subsection (l).

(2) Section 833(c) of Public Law 100-456 (102 Stat. 2024) is amended by striking out "section 2324(k)" and inserting in lieu thereof "section 2324(m)".

(b) REFERENCES TO FAR.—(1) Section 2320(a) of title 10, United States Code, is amended—

(A) in paragraph (1), by inserting "issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1))" before the period at the end of the second sentence; and

(B) by striking out paragraph (4).

(2) Clause (i) of section 2324(k)(5)(B) of such title is amended by striking out "the single" and all that follows through the period and inserting in lieu thereof "the Federal Acquisition Regulation issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)).".

(c) PROCUREMENT MANAGEMENT PERSONNEL CLARIFICATIONS.—(1) Section 1622(b)(2) of title 10, United States Code, is amended by striking out "acquisition, support, and maintenance of weapon systems," and inserting in lieu thereof "acquisition of weapon systems or related items of supply,".

(2) Section 1621(2) of such title is amended by inserting after "Army Material Command," the following: "the Army Information Systems Command, the Army Strategic Defense Command,".

(3) The amendments made by this subsection shall take effect on July 1, 1989.

(d) CORRECTION OF REFERENCE.—Section 2304(b)(2) of title 10, United States Code, is amended—

(1) by striking out "An executive agency" and inserting in lieu thereof "The head of an agency"; and

(2) by inserting "concerns" before "other than".

SEC. 902. AUTHORITY TO CONTRACT WITH UNIVERSITY PRESSES FOR PRINTING, PUBLISHING, AND SALE OF HISTORY OF THE OFFICE OF THE SECRETARY OF DEFENSE.

The Government Printing Office, on behalf of the Secretary of Defense, shall contract for services for the printing, publishing, and sale of volumes III and IV of the publication entitled "History of the Office of the Secretary of Defense", using procurement procedures that exclude sources other than university presses.

TITLE X—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

PART A—PROFESSIONAL MILITARY EDUCATION

SEC. 1001. REPORTS RELATING TO COURSES OF INSTRUCTION AT CERTAIN PROFESSIONAL MILITARY EDUCATION SCHOOLS AND PROFESSIONAL MILITARY EDUCATION REQUIREMENTS FOR PROMOTION TO GENERAL OR FLAG RANK.

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

(A) evaluating the principal courses of instruction at each intermediate or senior professional military education school operated by that department in light of the mission of that school; and

(B) recommending the appropriate duration for those courses and the level and courses of professional military education that should be required before an officer is selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half).

(2) The reports required by paragraph (1) shall be prepared independently of the report required by subsection (b) and independently of each other.

(3) The reports required by paragraph (1) shall be submitted at such time as may be required by the Secretary of Defense.

(b) SECRETARY OF DEFENSE REPORT.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—

(A) containing copies of the reports submitted to the Secretary under subsection (a), together with such comments on each report as the Secretary considers appropriate;

(B) evaluating the principal courses of instruction at each intermediate or senior professional military education school in light of the mission of that school; and

(C) recommending the appropriate duration for those courses and the level and types of professional military education that should be required before an officer is selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half).

(2) The report required by paragraph (1) shall be submitted not later than April 2, 1990.

(c) OTHER MATTERS TO BE INCLUDED IN THE REPORTS.—The reports required by subsection (a) and subsection (b) shall include a discussion of the following:

(1) The implications of establishing by law a minimum length of 10 months duration for the principal courses of instruction at each intermediate or senior professional military education school.

(2) The implications of requiring by law, beginning January 1, 1999, that a prerequisite for selection of an officer for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half) shall be graduation from an intermediate professional military education school and a senior professional military education school.

(3) The practicability of providing that—

(A) the promotion eligibility of an officer may not be adversely affected by the attendance of the officer at a professional military education course of 10 months or more at an intermediate or senior professional military education school; and

(B) an officer who attends a professional military education course of 10 months or more at an intermediate or senior professional military education school shall be entitled to an additional year of service for each such course to prevent prejudice when considering the officer for discharge or retirement pursuant to subchapter III of chapter 36 of title 10, United States Code—

(i) for failure of selection for promotion; or

(ii) for years of service.

(d) INTERMEDIATE OR SENIOR PROFESSIONAL MILITARY EDUCATION SCHOOL DEFINED.—For purposes of this section, the term "intermediate or senior professional military education school" means any of the following:

(1) The Army War College.

(2) The College of Naval Warfare.

(3) The Air War College.

(4) The United States Army Command and General Staff College.

(5) The College of Naval Command and Staff.

(6) The Air Command and Staff College.

(7) The Marine Corps Command and Staff College.

SEC. 1002. THE NATIONAL DEFENSE UNIVERSITY SCHOOLS.

(a) JOINT PROFESSIONAL MILITARY EDUCATION.—Section 663(b) of title 10, United States Code, is amended in the first sentence by striking out "(and of any other joint professional military education school)".

(b) CONFORMING AMENDMENTS.—Section 663(d) of such title is amended by striking out "joint professional military education school" both places it appears and inserting in lieu thereof "school of the National Defense University".

SEC. 1003. ELIGIBLE STUDENTS AND DURATION OF PRINCIPLE COURSE OF INSTRUCTION AT THE ARMED FORCES STAFF COLLEGE.

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

"§ 2011. Armed Forces Staff College: eligible students; duration of principal course of instruction

"(a) ELIGIBLE STUDENTS.—(1) To be eligible to attend a course of instruction at the Armed Forces Staff College of the National Defense University, an officer shall have completed a course of instruction at a professional military education school operated by a military department.

"(2) In this subsection, the term 'professional military education school operated by a military department' means any of the following:

"(A) The Army War College.

"(B) The College of Naval Warfare.

"(C) The Air War College.

"(D) The United States Army Command and General Staff College.

"(E) The College of Naval Command and Staff.

"(F) The Air Command and Staff College.

"(G) The Marine Corps Command and Staff College.

"(b) DURATION OF PRINCIPAL COURSE OF INSTRUCTION.—The duration of the principal course of instruction offered at the Armed Forces Staff College may not be less than three months.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of title 10, United States Code, is amended by adding at the end the following new item:

"2011. Armed Forces Staff College: eligible students; duration of principal course of instruction.".

PART B—OTHER MATTERS

SEC. 1011. LIMITED AVAILABILITY OF CONFIDENTIAL AIRCRAFT MISHAP SAFETY INVESTIGATION REPORTS.

(a) AVAILABILITY TO CERTAIN MEMBERS OF CONGRESS.—Whenever there is a class A aircraft accident with respect to which the Secretary of the military department concerned conducts a mishap safety investigation, the Secretary shall make a copy of the report on the investigation available to the chairmen and ranking minority members of the Committees on Armed Services of the Senate and House of Representatives. The report shall be made available pursuant to the preceding sentence not later than seven days after the date on which the written report containing the results of the investigation is completed.

(b) DELETION OF NAMES OF WITNESSES.—The Secretary concerned shall delete from the copy of the report made available pursuant to subsection (a) the name of any witness providing a statement included in the report.

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

(1) The term "class A aircraft accident" means an accident involving a military aircraft that results in—

(A) property damage in the amount of $1,000,000 or more;

(B) the destruction of the aircraft; or

(C) the death or permanent disability of an individual.

(2) The term "mishap safety investigation", with respect to an accident involving a military aircraft, means an investigation—

(A) that is conducted by the Secretary of the military department concerned to determine the cause of the accident and to obtain information to prevent the occurrence of similar accidents; and

(B) in which information is obtained on the promise of confidentiality.

TITLE XI—MILITARY DRUG INTERDICTION AND LAW ENFORCEMENT SUPPORT

SEC. 1101. TECHNICAL AND CLERICAL AMENDMENTS RELATING TO DRUG INTERDICTION.

(a) CHAPTER HEADING.—(1) The heading of the chapter following chapter 17 of title 10, United States Code (relating to drug interdiction and military cooperation with civilian law enforcement officials), is amended to read as follows:

"CHAPTER 18—DRUG INTERDICTION AND SUPPORT FOR CIVILIAN LAW ENFORCEMENT AGENCIES".

(2) The items relating to such chapter in the table of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, of such title are amended to read as follows:

"18. Drug Interdiction and Support for Civilian Law Enforcement Agencies..... 371".

(b) REFERENCE TO TARIFF SCHEDULES.—Section 374(b)(4) of such title is amended by striking out "general headnote 2 of the Tariff Schedules of the United States" in subparagraph (A)(iii) and inserting in lieu thereof "general note 2 of the Harmonized Tariff Schedule of the United States".

(c) CROSS-REFERENCE AMENDMENT.—Section 374(c) of such title is amended by striking out "paragraph (2)" and inserting in lieu thereof "subsection (b)(2)".

TITLE XII—GENERAL PROVISIONS

PART A—FINANCIAL AND BUDGET MATTERS

SEC. 1201. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division between any such authorizations (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $3,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON OBLIGATION LIMITATIONS.—A transfer made under the authority of this section increases by the amount of the transfer the obligation limitation provided in this division on the account (or other amount) to which the transfer is made.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1202. RESTATEMENT AND CLARIFICATION OF REQUIREMENT FOR CONSISTENCY IN THE BUDGET PRESENTATIONS OF THE DEPARTMENT OF DEFENSE.

(a) RESTATEMENT AND CLARIFICATION.—(1) Chapter 2 of title 10, United States Code, is amended by inserting after section 114 the following new section:

"§ 114a. Five-Year Defense Program: submission to Congress; consistency in budgeting

"(a) The Secretary of Defense shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, the current five-year defense program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in the budget submitted to Congress by the President for that year.

"(b)(1) The Secretary of Defense shall ensure that amounts described in subparagraph (A) of paragraph (2) are consistent with amounts described in subparagraph (B) of paragraph (2).

"(2) Amounts referred to in paragraph (1) are the following:

"(A) The amounts specified in program and budget information submitted to Congress by the Secretary in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31 for any fiscal year, as shown in the five-year defense program submitted pursuant to subsection (a).

"(B) The total amounts of estimated appropriations necessary to support the programs, projects, and activities of the Department of Defense included pursuant to paragraph (5) of section 1105(a) of title 31 in the budget submitted to Congress under that section for any fiscal year.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 114 the following new item:

"114a. Five-Year Defense Program: submission to Congress; consistency in budgeting.".

(b) CONFORMING AMENDMENT.—Section 114 of title 10, United States Code, is amended by striking out subsections (f) and (g).

SEC. 1203. BUDGETS FOR UNIFIED AND SPECIFIED COMMANDS.

Section 166 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "for such activities of each of the unified and specified combatant commands as may be determined under subsection (b)" and inserting in lieu thereof "for each of the unified and specified combatant commands"; and

(2) in subsection (b)—

(A) by striking out "the Secretary" in the first sentence and all that follows through "include" in the second sentence; and

(B) by adding at the end the following:

"(5) Command and control.".

PART B—NAVAL VESSELS AND SHIPYARDS

SEC. 1211. HANDLING OF HAZARDOUS WASTES IN NAVAL SHIP REPAIR WORK.

(a) REVISION OF REQUIRED CONTRACT PROVISIONS.—Section 7311 of title 10, United States Code, is amended to read as follows:

"§ 7311. Repair or maintenance of naval vessels: handling of hazardous waste

"(a) CONTRACTUAL PROVISIONS.—The Secretary of the Navy shall ensure that each contract entered into for work on a naval vessel (other than new construction) includes the following provisions:

"(1) IDENTIFICATION OF HAZARDOUS WASTES.—Provisions in which the Navy identifies the types and amounts of hazardous wastes that are required to be removed by the contractor from the vessel, or that are expected to be generated, during the performance of work under the contract, with such identification by the Navy to be in a form sufficient to enable the contractor to comply with Federal and State laws and regulations applicable to information required with respect to the storage, transportation, or disposal of hazardous waste.

"(2) COMPENSATION.—Provisions specifying that the contractor shall be compensated under the contract for work performed by the contractor for duties of the contractor specified under paragraph (3).

"(3) STATEMENT OF WORK.—Provisions mutually acceptable to the Navy and the contractor specifying the responsibilities of the Navy and of the contractor, respectively, for the removal (and the handling, storage, transportation, and disposal) of hazardous wastes arising out of the performance of the contract.

"(b) CONTRACTOR INDEMNIFICATION.—(1) A contract covered by subsection (a) shall also include provisions (hereinafter in this section referred to as 'contract indemnification provisions') under which the United States agrees to indemnify the contractor against a covered claim, loss, or damage to the extent that the covered claim, loss, or damage—

"(A) arises out of, or results from, the removal by the contractor of hazardous wastes generated by the Navy from the naval vessel on which the work is being performed (or the handling, storage, transportation, or disposal by the contractor of such wastes); and

"(B) is not otherwise compensated for by insurance or otherwise.

"(2) For purposes of contract indemnification provisions, a covered claim, loss, or damage is—

"(A) a claim (including reasonable expenses of litigation and settlement) by a third person (including the United States and its agencies, the several States and their agencies, and employees of the contractor) for—

"(i) death or personal injury;

"(ii) loss of, damage to, or loss of use of property; or

"(iii) loss of, damage to, or loss of use of natural resources; or

"(B) loss of, or damage to, property of the contractor and loss of use of such property (other than loss of profit).

"(3) Such contract indemnification provisions shall also provide that in the case of any covered claim, loss, or damage, the United States will defend the contractor against the claim, loss, or damage to the same extent that the United States is required to indemnify the contractor under paragraph (1).

"(4) Such contract indemnification provisions shall also provide—

"(A) that the contractor shall not be entitled to be indemnified under such provisions to the extent that the claim, loss, or damage is within the deductible amounts (as of the time the contract is entered into) of the contractor's insurance; and

"(B) that, in a case in which a claim, loss, or damage is caused by failure of the contractor to comply with an applicable Federal or State law or regulation, the contractor shall not be indemnified under such provisions.

"(5) Contract indemnification provisions shall also provide that the rights and obligations of the Navy and of the contractor under those provisions shall survive the termination, expiration, or completion of the contract to which they apply.

"(6) Contract indemnification provisions shall also provide that—

"(A) the contractor may, with the prior written approval of the contracting officer, agree to indemnify the subcontractor in any subcontract under the contract against claims, loss, or damage in the same manner, and subject to the same limitations, as apply to the contractor under paragraph (1);

"(B) that the contracting officer for the contract may also approve indemnification of subcontractors at any lower tier, under the same terms and conditions; and

"(C) that the United States shall indemnify the contractor against liability to subcontractors incurred under subcontract provisions approved under this paragraph by the contracting officer.

"(7) The contract indemnification provisions shall also provide that, in the case of any payment to be made by the United States under those provisions, the United States may make the payment to the contractor or subcontractor being indemnified or may make the payment directly to the party to whom the contractor or subcontractors may be liable.

"(c) RENEGOTIATION OF CONTRACT.—The Secretary of the Navy shall renegotiate a contract described in subsection (a) if—

"(1) the contractor, during the performance of work under the contract, discovers hazardous wastes different in type or amount from those identified in the contract; and

"(2) those hazardous wastes originated on, or resulted from material furnished by the Government for, the naval vessel on which the work is being performed.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any contract for work on a naval vessel (other than new construction) entered into after the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 1212. FISCAL YEAR 1990 PROHIBITION ON PROCURING ANCHOR AND MOORING CHAIN FROM FOREIGN SOURCES.

Funds appropriated pursuant to this Act may not be used for the purchase of welded shipboard anchor and mooring chain manufactured outside the United States, except in the case of chain with a diameter greater than 4 inches.

SEC. 1213. PROGRESS PAYMENTS UNDER NAVAL VESSEL REPAIR CONTRACTS.

Section 7312 of title 10, United States Code, is amended—

(1) by striking out "90 percent" and "85 percent" in subsection (a) and inserting in lieu thereof "95 percent" and "90 percent", respectively; and

(2) by striking out "(other than a nuclear-powered vessel) for work required to be performed in one year or less" in subsection (b).

SEC. 1214. RESTRICTIONS ON INTERNATIONAL AGREEMENTS RELATING TO NAVAL NUCLEAR PROPULSION.

Section 144 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2164(c)) is amended—

(1) by inserting "(1)" after "c.";

(2) by inserting "subject to paragraph (2)," before "communicate" in paragraph (2);

(3) by inserting "or militarily sensitive information" after "Restricted Data" in paragraph (2) and in the material appearing after paragraph (2);

(4) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

(5) by adding at the end the following new paragraphs:

"(2) No agreements relating to communication or exchange of Restricted Data or militarily sensitive information concerning the uses for naval nuclear propulsion may be entered into after the date of the enactment of the National Defense Authorization Act, Fiscal Year 1990. In the case of any such agreement in existence on such date, any Restricted Data or militarily sensitive information that is to be conveyed under such an agreement may not be conveyed until the President—

"(A) meets the requirements of section 123 and of this section; and

"(B) determines and reports to Congress that—

"(i) the receiving nation has established a policy firmly against the further proliferation of any naval nuclear propulsion technology;

"(ii) the receiving nation has identified and implemented those measures necessary to assure that its use of the information will not adversely affect United States naval nuclear propulsion work;

"(iii) the receiving nation has supplied unequivocal indemnity to the United States Government and its contractors that holds them harmless from any injury sustained as a consequence of the use of such information; and

"(iv) if the information is for actual research, development, or design of a naval nuclear propulsion plant, the receiving

nation has provided clear evidence of the existence of the technical and programmatic infrastructure and commitment of resources necessary for the safe execution of such a project.

"(3) For purposes of this subsection, the term 'militarily sensitive information' means—

"(A) unclassified information that is prohibited from unauthorized dissemination pursuant to section 148 of this Act; and

"(B) technical data with military or space application that is withheld from public disclosure pursuant to section 130 of title 10, United States Code.".

SEC. 1215. FUNDING FOR SHIP PRODUCTION ENGINEERING.

(a) CATEGORY FOR FUNDING.—Any request submitted to Congress for appropriations for ship production engineering necessary to support the procurement of any ship included (at the time the request is submitted) in the five-year shipbuilding and conversion plan of the Navy shall be set forth in the Shipbuilding and Conversion account of the Navy (rather than in research and development accounts).

(b) APPLICABILITY.—Subsection (a) shall apply only with respect to appropriations for a fiscal year after fiscal year 1990.

SEC. 1216. DEPOT-LEVEL MAINTENANCE OF SHIPS HOMEPORTED IN JAPAN.

(a) REQUIREMENT FOR WORK TO BE PERFORMED IN UNITED STATES.—The Secretary of the Navy shall require that not less than one-half of the depot-level maintenace work described in subsection (b) (measured in cost) shall be carried out in shipyards in the United States (including the territories of the United States).

(b) COVERED WORK.—Depot-level maintenance work referred to in subsection (a) is depot-level maintenance work for naval vessels that is scheduled as of October 1, 1989, to be carried out in Japan during fiscal years 1990, 1991, and 1992.

SEC. 1217. REPORT ON ALTERNATIVES TO NAVY OXYGEN BREATHING APPARATUS FOR SHIPBOARD FIREFIGHTING.

(a) STUDY.—The Secretary of the Navy shall evaluate alternatives to the Oxygen Breathing Apparatus (OBA) of the Navy used in shipboard firefighting. The evaluation shall include consideration of—

(1) firefighting breathing devices which are used by other government agencies;

(2) firefighting breathing devices which are commercially available; and

(3) undeveloped technologies which could lead to the development of a more effective breathing device for shipboard firefighting.

(b) CRITERIA.—In performing the evaluation under subsection (a), the Secretary shall consider the following criteria for firefighting breathing devices:

(1) Uninterrupted breathing duration.

(2) Adaptability to shipboard space limitations.

(3) Portability in use.

(4) Training requirements for effective use.

(5) Cost.

(6) Availability.

(c) REPORT.—(1) The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the evaluation under subsection (a). The report shall include an acquisition plan for providing an improved breathing apparatus for shipboard firefighting as soon as possible. In preparing that plan, the Secretary shall consider the use of any available expedited research and development and acquisition procedures.

(2) The report shall be submitted no later than 180 days after the date of the enactment of this Act.

SEC. 1218. STRIPPING OF NAVAL VESSELS TO BE USED FOR EXPERIMENTAL PURPOSES.

Section 7306 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "The Secretary of the Navy,"; and

(2) by adding at the end the following:

"(b)(1) Before using any vessel for an experimental purpose pursuant to this section, the Secretary shall carry out such stripping of the vessel as is practicable.

"(2) Amounts received as a result of stripping of vessels pursuant to this subsection shall be credited to applicable appropriations available for the procurement of scrapping services under this subsection, to the extent necessary for the procurement of those services. Amounts received which are in excess of amounts necessary for procuring those services shall be deposited into the general fund of the Treasury.

"(3) In providing for stripping of a vessel pursuant to this subsection, the Secretary shall ensure that such stripping does not destroy or diminish the structural integrity of the vessel.".

PART C—FORCE STRUCTURE

SEC. 1221. FRAMEWORK FOR DETERMINING CONVENTIONAL FORCE REQUIREMENTS IN A CHANGING THREAT ENVIRONMENT.

(a) EVALUATION OF EFFECT OF WARSAW PACT REDUCTIONS AND OF POSSIBLE C.F.E. AGREEMENT.—(1) The Secretary of Defense shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a report providing the Secretary's evaluation of the effect that the unilateral force reductions being implemented by the Warsaw Pact countries may be expected to have upon requirements of the United States for conventional forces and for military spending.

(2) As part of the evaluation under paragraph (1), the Secretary shall address the potential effect that an agreement described in paragraph (3) at the negotiations in Geneva on reductions in conventional forces in Europe (referred to as the C.F.E. talks) would have upon conventional force requirements of the United States.

(3) An agreement referred to in paragraph (2) is an agreement establishing rough parity in conventional forces in Europe between forces of the North Atlantic Treaty Organization and the Warsaw Pact at equal levels (at approximately 90 percent of NATO's current inventory) of tanks, artillery, armored troop carriers, combat helicopters, and land-based tactical aircraft.

(b) MATTERS TO BE INCLUDED IN EVALUATION.—In carrying out the evaluation required by subsection (a) of the unilateral force reductions referred to in paragraph (1) of that subsection and the potential effect of an agreement referred to in paragraph (1) of that subsection, the Secretary shall include in the evaluation (at a minimum) the following (stated for both the near-term and mid-term):

(1) The effect on the defense strategy of the United States for meeting its NATO commitments in the changing threat environment.

(2) The effect on—

(A) the mix of active and reserve forces;

(B) the ratio of conventional forces deployed in the European theater and in the continental United States; and

(C) air and sea lift requirements.

(3) The effect on operational military concepts such as Follow-on Forces Attack (FOFA), AirLand Battle, Maritime Strategy, and Rapid Reinforcement that were initially developed to counter the large advantage of the Warsaw Pact in conventional land forces in the European theater.

(4) The effect on equipment requirements of the United States for meeting its NATO commitments in the 1990s.

(c) TIME FOR SUBMISSION.—The report required by subsection (a) shall be submitted concurrently with the submission to Congress of the President's budget for fiscal year 1991 pursuant to section 1105 of title 31, United States Code.

SEC. 1222. STUDY OF MILITARY FORCE STRUCTURE.

(a) STUDY OF FORCE STRUCTURE.—The Secretary of Defense shall provide for a study of the military force structure of the United States, particularly in terms of the mix of forces between the active and reserve components. The study shall be carried out by an advisory panel to be established by the Secretary and to be composed of equal numbers of (1) senior-level active-duty military officers, (2) reserve-component officers, and (3) non-Department of Defense participants. The panel shall review, and shall make specific recommendations concerning, the most effective force structure mix between active and reserve forces. Meetings of the panel may be closed to the public in connection with the consideration of classified material.

(b) SUPPORT.—The Secretary shall ensure that the panel, in carrying out its duties and responsibilities, shall have access to federally funded research centers (FFRCs) and other necessary support.

(c) MATTERS TO BE CONSIDERED.—In carrying out the study required by subsection (a), the panel shall do the following:

(1) Review and make specific recommendations on methodology used by the Department of Defense in determining assignment and reassignment of missions to the active and reserve components, including methodology to be used in distributing force reductions among the active and reserve components.

(2) Specifically analyze the factors considered in determining the force structure, and the mix of active and reserve components, for each of the Army, Navy, Air Force, and Marine Corps. The following should be incorporated in such analysis as a minimum:

(A) Response times for unit deployments.

(B) Equipment distribution and modernization.

(C) Training time and costs required for mission qualification by skill.

(D) Personnel availability in terms of active component accession requirements and the capability of reserves to fulfill the mission.

(E) Cost-benefit analysis for various options.

(F) Rotation base of people and equipment required to meet worldwide missions.

(G) Analysis of component units that are identified for employment during the first 30 days of a mobilization and that are not mission ready (as defined by the Chairman of the Joint Chiefs of Staff).

(3) Analyze the military force structure required to meet the threat as outlined in assessments prepared pursuant to section 153 of title 10, United States Code.

(4) In conjunction with paragraph (2), examine the effect of reduced total United States military force requirements, based on each of the following, before addressing the optimum mix of active and reserve forces:

(A) Current conventional arms control proposals.

(B) Burdensharing adjustments within the member nations of the North Atlantic Treaty Organization.

(C) Diminished threat.

(5) Evaluate the total force structure and the optimum mix of active and reserve forces in the context of the available budget resources (and not solely on the basis of unconstrained budget plans).

(6) Examine the rationale for the current force structure in terms of readiness of the military components as well as the sustainability of forces, and any change (additive or reductions) to that structure on a fiscal basis.

(7) Evaluate separately and collectively the readiness and sustainability of the active and reserve forces and the respective contributions they make to the military capability of the United States.

(8) Analyze the capability of the active and reserve forces, both jointly and separately considered, to meet various levels of contingency before reliance on the next step in the mobilization process.

(9) Analyze the chain of responsibility for evaluating and integrating active force requirements and the relationship to responsibility of each authority in the process, and in the Department of Defense budget process, in terms of time and function.

(10) Make such recommendations to the Secretary of Defense that the panel considers appropriate regarding specific proposals for such legislation necessary to effect mission changes that are not otherwise advanced to Congress, including proposals for clarification of section 673 of title 10, United States Code, pertaining to implications of call up of reserve components, and revisions to the War Powers Act.

(d) REPORTS.—The panel shall report its findings to the Secretary of Defense at such times as the Secretary may require. The Secretary shall submit an interim report on the findings of the panel to the defense committees of the Senate and House of Representatives no later than March 1, 1990, and shall submit a final report, together with the recommendations of the Secretary, no later than September 1, 1990.

(e) INTERIM PRESERVATION OF EXISTING FORCE STRUCTURE.—Until the final report of the advisory panel is received under subsection (d), the Secretary of Defense may not carry out any action to implement a reduction to the existing force structure except as the Secretary determines necessary—

(1) to accommodate programmed changes for new reserve force missions and programmed equipment modernization programs; or

(2) to reflect the attrition of personnel.

SEC. 1223. STUDIES OF CLOSE SUPPORT FOR LAND FORCES.

(a) SECRETARY OF DEFENSE STUDY.—The Secretary of Defense shall conduct a study of close support, including close air support.

(b) CONTRACTOR STUDY.—In conducting the study required by subsection (a), the Secretary shall provide for a study to be conducted by the Institute for Defense Analysis, a Federal contract research center. The Institute shall submit a report to the Secretary on such study at such time before March 1, 1990, as the Secretary may require.

(c) JCS STUDY.—The Chairman of the Joint Chiefs of Staff shall conduct a study of close support, including close air support. The Chairman shall submit a report to the Secretary of Defense on such study at such time before March 1, 1990, as the Secretary may require.

(d) STUDIES TO BE INDEPENDENT.—Each study under subsections (a), (b), and (c) shall be conducted independently of the others.

(e) MATTERS TO BE INCLUDED.—The studies conducted under subsections (a), (b), and (c) shall include consideration of each of the following:

(1) The nature of the present, and anticipated future, battlefield across a representative set of conflict levels.

(2) The requirements of the land force for close support across this representative set of conflict levels in terms of targets and time, including the lessons of recent combat experience.

(3) With regard to the battlefields and close support requirements identified pursuant to paragraphs (1) and (2), the current and anticipated ground and air systems capable of meeting these requirements.

(4) With regard to these major systems, their significant characteristics in terms of effectiveness, integration with allies, command and control, survivability, and life-cycle cost.

(5) The implications (in terms of roles and missions) of the selection of, or failure to select, each of these major systems as part of an appropriate force structure.

(f) REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress a report on the studies conducted under this section. The report shall include—

(1) the findings, conclusions, and recommendations of the Secretary in the study conducted by the Secretary under subsection (a) with respect to each of the matters set forth in subsection (e);

(2) copies of the reports to the Secretary under subsections (b) and (c), including the findings, conclusions, and recommendations contained in those reports; and

(3) such comments on those reports as the Secretary considers appropriate.

(g) TIME FOR SUBMISSION.—The report required under subsection (f) shall be submitted not later than March 1, 1990.

(h) CLOSE AIR SUPPORT DEFINED.—For purposes of this section, the term "close air support", as defined in Joint Chiefs of Staff Publication 1, dated June 1, 1987, means air action against hostile targets which are in close proximity to friendly forces and which require detailed integration of each air mission with the fire and movement of those forces.

SEC. 1224. CLARIFICATION OF OPERATIONAL TEST REQUIREMENT FOR CLOSE AIR SUPPORT MISSION ALTERNATIVES.

In carrying out section 108 of Public Law 100-526 (102 Stat. 2626), the Secretary of Defense shall ensure that—

(1) the tests conducted under that section are operational (rather than developmental) in nature;

(2) the tests are conducted in a manner consistent with the March 31, 1989, test plan of the Director of Defense Operational Test and Evaluation, including the elements of that plan stipulating that the Army shall serve as the test directorate and that the tests shall be conducted at Ft. Hood, Texas; and

(3) the tests include evaluation of any fixed-wing aircraft, helicopter, ground system, and unmanned aerial vehicle which is a potential alternative for the close support mission.

PART D—TECHNICAL CORRECTIONS AND GENERAL TECHNICAL AND CLERICAL AMENDMENTS

SEC. 1231. CLARIFICATION OF REQUIREMENT FOR COMPLETION OF FULL TOUR OF DUTY AS QUALIFICATION FOR SELECTION AS A JOINT SPECIALTY OFFICER.

Section 661(c) of title 10, United States Code, is amended by striking out "(as described in section 664 (f)(1) or (f)(3) of this title)" in paragraphs (1)(B) and (3)(A) and inserting in lieu thereof "(as described in section 664(f) of this title (other than in paragraph (2) thereof))".

SEC. 1232. CORRECTION OF PAY GRADE FOR NEW ASSISTANT SECRETARY OF THE AIR FORCE.

(a) EXECUTIVE SCHEDULE IV.—Section 5315 of title 5, United States Code, is amended by striking out "(3)" after "Assistant Secretaries of the Air Force" and inserting in lieu thereof "(4)".

(b) INCREASE IN TOTAL NUMBER OF EXECUTIVE SCHEDULE POSITIONS IN DEPARTMENT OF DEFENSE.—Section 8037 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 102 Stat. 2270-23), is amended by striking out "39 individuals" and inserting in lieu thereof "40 individuals".

SEC. 1233. MISCELLANEOUS TECHNICAL AND CLERICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) CORRECTION OF DUPLICATE SECTION NUMBERS.—The second section 7313 of title 10, United States Code (enacted by section 1225 of Public Law 100-456), is redesignated as section 7314, and the item relating to that section in the table of sections at the beginning of chapter 633 of such title is revised to reflect that redesignation.

(b) TRANSFER AND REDESIGNATION OF SECTION.—(1) Section 975 of title 10, United States Code, is transferred to chapter 141, inserted after section 2389, and redesignated as section 2390.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2389 the following new item:

"2390. Prohibition on the sale of certain defense articles from the stocks of the Department of Defense.".

(3) The table of sections at the beginning of chapter 49 of such title is amended by striking out the item relating to section 975.

(c) PUNCTUATION AND CAPITALIZATION CORRECTIONS.—Title 10, United States Code, is further amended as follows:

(1) Section 113(j)(2)(B) is amended by striking out "Five-Year Defense Program" and inserting in lieu thereof "five-year defense program".

(2) The item relating to section 421 in the table of sections at the beginning of chapter 21 is amended to read as follows:

"421. Funds for foreign cryptologic support.".

(3) Section 421(c) is amended—

(A) by inserting "of Representatives" after "of the House"; and

(B) by striking out "National Security Act of 1947, as amended, and funds" and inserting in lieu thereof "National Security Act of 1947 (50 U.S.C. 413 et seq.). Funds".

(4) Section 1482(e) is amended by striking out "chapter 10, title 37" and inserting in lieu thereof "chapter 10 of title 37".

(4) Section 2325(d) is amended by striking out "previously-developed" and inserting in lieu thereof "previously developed".

(5) Subparagraph (D) of section 2326(g)(1) is amended by striking out "(D) Congressionally-mandated" and inserting in lieu thereof "(D) Congressionally mandated".

(6) Sections 2463(b) and 2464(b)(3)(A) are amended by striking out "Committee on Appropriations" and inserting in lieu thereof "Committees on Appropriations".

(7) Section 7309(a) is amended by inserting a comma after "armed forces".

(d) REVISION TO PART HEADING.—

(1) The heading of part III of subtitle A of title 10, United States Code, is amended to read as follows:

"PART III—TRAINING AND EDUCATION".

(2) The item relating to that part in the table of chapters at the beginning of subtitle A of that title is amended to read as follows:

"PART III.—TRAINING AND EDUCATION".

(e) DEFINITIONS.—Title 10, United States Code, is further amended as follows:

(1) Section 138(a)(2) is amended—

(A) by striking out "(A) 'Operational'" and inserting in lieu thereof "(A) The term 'operational'"; and

(B) by striking out "(B) 'Major'" and inserting in lieu thereof "(B) The term 'major'".

(2) Section 1032(d) is amended—

(A) by striking out "(1) 'Dependent" and inserting in lieu thereof "(1) The term 'dependent"; and

(B) by inserting "The term" after "(2)".

(3) Section 1094(d) is amended—

(A) by striking out "(1) 'License" and inserting in lieu thereof "(1) The term 'license"; and

(B) by striking out "(2) 'Health-care" and inserting in lieu thereof "(2) The term 'health-care".

(4) Section 1586(g) is amended—

(A) by striking out "For the purposes of this section—" and inserting in lieu thereof "In this section:";

(B) by inserting "The term" in paragraphs (1) and (2) after the paragraph designation; and

(C) by striking out "; and" at the end of paragraph (1) and inserting in lieu thereof a period.

(5) Sections 1095(g), 4348(d), and 9348(d) are amended by inserting "the term" after "In this section,".

(6) Section 1408(a) is amended—

(A) by inserting "The term" in each paragraph after the paragraph designation; and

(B) by revising the first word after the open quotation marks in each paragraph so that the initial letter of that word is lower case.

(7) Section 1461(b) is amended by inserting "the term" after "In this chapter,".

(8) Sections 5441, 6964(a), and 7081(a) are amended by inserting ", the term" after "In this chapter".

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

(1) Section 2575(a) is amended by striking out "of this section" in the first sentence.

(2) Section 7422(c)(2)(B) is amended by striking out "one hundred eighty days prior to" and inserting in lieu thereof "180 days before".

(g) DATE OF ENACTMENT REFERENCE.—Section 6334(a) of title 10, United States Code, is amended by striking out "the date of the enactment of this section" and inserting in lieu thereof "December 4, 1987".

PART E—MISCELLANEOUS

SEC. 1241. REPORT REGARDING TRIDENT SUBMARINE CONSTRUCTION RATE.

(a) REPORT REQUIREMENT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a written report, in both a classified and unclassified version, evaluating the practicality and desirability of reducing the rate at which Trident submarines are procured.

(b) PREPARATION AND CONTENT.—In preparing the report required by subsection (a), the Secretary shall consider alternative construction rates for the Trident submarine slower than one ship per year. The report shall include for each of such alternative rates—

(1) an evaluation of the effect of the alternative rate on—

(A) the availability and capability of the Trident submarine to perform the mission assigned to the Trident submarine; and

(B) the level and stability of the work force in the naval shipbuilding industry; and

(2) a discussion of the practicality and desirability of accelerating the procurement of other vessels for the Navy with funds saved by using the alternative rate.

(c) TIME FOR SUBMISSION.—The report required by subsection (a) shall be submitted concurrently with the submission of the budget of the United States Government for fiscal year 1991 under section 1105 of title 31, United States Code.

SEC. 1242. LIMITATION ON EXPENDITURES FOR RELOCATION OF FUNCTIONS LOCATED AT TORREJON AIR BASE, MADRID, SPAIN.

(a) LIMITATION.—During the period beginning on June 27, 1989, and ending on October 1, 1993, not more than $250,000,000 may be obligated or expended from funds available to the Department of Defense for the purpose of relocating functions of the Department of Defense located at Torrejon Air Base, Madrid, Spain, on June 15, 1989, to any other location outside the United States.

(b) COUNTING OF NATO INFRASTRUCTURE CONTRIBUTIONS.—For purposes of subsection (a), contributions for the North Atlantic Treaty Organization Infrastructure program pursuant to section 2806 of title 10, United States Code, that are used (directly or indirectly) for the purpose of relocations described in subsection (a) shall be included in determining the amount expended on such relocations.

(c) COUNTING OF REPAYMENTS FOR NATO INFRASTRUCTURE FAMILY HOUSING COMMITMENTS.—(1) All amounts which the United States is obligated to pay under a housing reimbursement agreement described in paragraph (2) shall be deemed to be amounts obligated for purposes of subsection (a), regardless of when the agreement is entered into or when payments pursuant to the agreement are to be made.

(2) A housing reimbursement agreement for purposes of paragraph (1) is an agreement calling for the United States to make a series of annual payments as repayment for advances for the cost of construction, through the NATO Infrastructure program, of military family housing in connection with the relocations described in subsection (a).

(d) EXCLUSION FOR PERSONNEL EXPENSES.—There shall be excluded from the determination of amounts expended on relocations described in subsection (a) amounts spent for expenses associated with permanent change of station moves and other personnel-related expenses.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act, 1990".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ALABAMA

Anniston Army Depot, $2,300,000.
Fort McClellan, $2,750,000.
Redstone Arsenal, $18,390,000.
Fort Rucker, $3,600,000.

ALASKA

Fort Richardson, $3,350,000.

ARIZONA

Fort Huachuca, $9,900,000.
Yuma Proving Ground, $11,400,000.

CALIFORNIA

Fort Irwin, $4,950,000.
Fort Ord, $2,450,000.
Sacramento Army Depot, $3,900,000.

COLORADO

Fitzsimons, Army Medical Center, $2,100,000.
Fort Carson, $4,700,000.

FLORIDA

Key West Naval Air Station, $6,100,000.

GEORGIA

Fort Benning, $10,100,000.
Fort Gordon, $4,000,000.
Fort Stewart, $5,200,000.

HAWAII

Fort Shafter, $9,300,000.
Schofield Barracks, $10,000,000.

ILLINOIS

Savanna Army Depot, $850,000.

INDIANA

Fort Benjamin Harrison, $359,000.

KANSAS

Fort Leavenworth, $3,000,000.
Fort Riley, $12,680,000.

KENTUCKY

Fort Campbell, $30,450,000.
Fort Knox, $7,620,000.

LOUISIANA

Fort Polk, $23,350,000.

MARYLAND

Aberdeen Proving Ground, $1,700,000.
Fort Detrick, $1,300,000.
Fort Meade, $6,200,000.
Fort Ritchie, $630,000.

MASSACHUSETTS

Fort Devens, $3,550,000.

MISSOURI

Fort Leonard Wood, $10,450,000.

NEW JERSEY

Fort Monmouth, $8,600,000.
Picatinny Arsenal, $11,800,000.

NEW YORK

Fort Drum, $70,600,000.
United States Military Academy, $3,450,000.

NORTH CAROLINA

Fort Bragg, $65,400,000.

OKLAHOMA

Fort Sill, $13,170,000.
McAlester Army Ammunition Plant, $2,200,000.

PENNSYLVANIA

New Cumberland Army Depot, $14,000,000.

TEXAS

Corpus Christi Army Depot, $5,200,000.
Fort Bliss, $16,600,000.
Fort Hood, $21,400,000.

UTAH

Dugway Proving Ground, $2,400,000.

VIRGINIA

Fort Belvoir, $23,000,000.
Fort Lee, $10,050,000.
Fort Monroe, $1,100,000.
Fort Story, $3,350,000.

WASHINGTON

Fort Lewis, $770,000.

VARIOUS LOCATIONS

Classified Location, $3,900,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

GERMANY

Ansbach, $2,900,000.
Augsburg, $600,000.
Hanau, $14,800,000.
Hohenfels, $4,950,000.
Mainz, $26,400,000.
Stuttgart, $9,400,000.
Wuerzburg, $12,000,000.
Vilseck, $3,320,000.
Various locations, $4,150,000.

KOREA

Camp Casey, $24,200,000.
Camp Garry Owen, $4,200,000.
Camp Hovey, $15,300,000.
H-220 Heliport, $4,050,000.

KWAJALEIN ATOLL

Kwajalein, $9,500,000.

PUERTO RICO

Fort Buchanan, $690,000.

TURKEY

Location 276, $1,950,000.

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Army may construct or acquire family housing units (including land acquisition), using amounts appropriated pursuant to section 2104(a)(6)(A), at the following installations in the number of units, and in the amounts, shown for each installation:

Fort Rucker, Alabama, two units, $400,000.

Helemano, Hawaii, ninety units, $10,322,000.

Hickam Air Force Base, Hawaii, twenty units, $2,500,000.

Kaneohe, Hawaii, forty units, $4,700,000.

Oahu, Hawaii, various, three hundred units, $30,000,000.

Fort Lee, Virginia, one unit, $210,000.

(b) PLANNING AND DESIGN.—The Secretary of the Army may, using amounts appropriated pursuant to section 2104(a)(6)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $1,349,000.

(c) WAIVER OF SPACE LIMITATIONS.—(1) The family housing units authorized by subsection (a) to be constructed at Fort Rucker, Alabama, and at Fort Lee, Virginia, shall be constructed for assignment to general officers, who hold positions as commanders or who hold special command positions (as designated by the Secretary of Defense), and notwithstanding section 2826 of title 10, United States Code, the units may be constructed with the maximum net floor area of 3,000 square feet.

(2) For the purpose of this subsection, the term "net floor area" has the meaning given that term by section 2826(f) of title 10, United States Code.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Army may, using amounts appropriated pursuant to section 2104(a)(6)(A), improve existing military family housing in an amount not to exceed $89,329,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Army may—

(1) carry out projects to improve existing military family housing units at the following installations in the number of units shown and in the amount shown, for each installation:

(A) Fort Leavenworth, Kansas, one unit, $95,900, of which $86,900 is for concurrent repairs; and

(B) Pusan, Korea, twenty units, $1,250,000; and

(2) carry out projects to improve four units at Fort Sill, Oklahoma, the improvement of which was authorized by the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), in the amount of $178,088.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,283,359,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $493,619,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $138,410,000.

(3) For the construction of the Central Distribution Center, Phase III, Red River Army Depot, Texas, as authorized by section 2101 of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), $39,000,000.

(4) For unspecified minor construction projects authorized under section 2805 of title 10, United States Code, $11,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United Sates Code, $74,420,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $138,810,000; and

(B) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,383,000,000, of which not more than $319,142,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $5,100,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2105. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS.

(a) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1985 PROJECTS.—Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1495), authorization for the following projects authorized in section 101 of that Act, as extended by section 2107(b) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4012) and section 2105(a) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1179), and section 2106(a) of the Military Construction Authorization Act, 1989 (Public Law 100-456; 102 Stat. 2087) shall remain in effect until October 1, 1990, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Barracks modernization in the amount of $660,000 at Argyroupolis, Greece.

(2) Barracks modernization in the amount of $660,000 at Perivolaki, Greece.

(b) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1986 PROJECTS.—Notwithstanding the provisions of section 603(a) of the Military Construction Act, 1986 (Public Law 99-167; 99 Stat. 961), authorizations for the following projects authorized in sections 101 and 102 of that Act, as extended by section 2105(b) of the Military Construction Authorization Act 1988 and 1989 (division B of Public Law 99-180; 101 Stat. 1179) and section 2106(b) of the Military Construction Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), shall remain in effect until October 1, 1990, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Modified record fire range in the amount of $2,850,000 at Nuernberg, Germany.

(2) Family housing, new construction, 6 units, in the amount of $596,000 at Fort Myer, Virginia.

(3) Flight simulator building in the amount of $2,900,000 at Wiesbaden, Germany.

(c) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1987 PROJECTS.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4012), authorizations for the following projects authorized in sections 2101, 2102, and 2103 of that Act as extended by section 2106(c) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), shall remain in effect until October 1, 1990, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Aircraft maintenance hangar in the amount of $7,100,000 at Hanau, Germany.

(2) Family housing, new construction, 40 units in the amount of $4,100,000 at Crailsheim, Germany.

(d) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1988 PROJECTS.—Notwithstanding the provisions of section 2171 of the Military Construction Authorization Act of 1988 (division B of Public Law 100-180), authorizations for the following projects authorized in sections 2101 and 2102 of that Act shall remain in effect until October 1, 1990, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Child Development Center in the amount of $1,050,000 at Rheinberg, Germany.

(2) Training Exercise Facility in the amount of $5,900,000 at Einsiedlerhof, Germany.

(3) Operations Building Modifications in the amount of $5,400,000 at Stuttgart, Germany.

(4) Hardstand/Tactical Equipment Shop in the amount of $2,250,000 at Wiesbaden, Germany.

(5) Servicemember Support Complex in the amount of $5,700,000 at Fort Rucker, Alabama.

(6) Family Housing, new construction, 25 units, in the amount of $2,200,000 at Fort A.P. Hill, Virginia.

(7) Family Housing, new construction, 106 units, in the amount of $11,200,000 at Bamberg, Germany.

(8) Family Housing, new construction, 152 units, in the amount of $12,600,000 at Baumholder, Germany.

(9) Troop Support Facility Upgrade in the amount of $4,150,000 in Honduras.

(10) Wartime Host Nation Support in the amount of $4,500,000, in Europe, various locations.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ALABAMA

Mobile, Navy Station, $3,965,000.

ALASKA

Adak, Naval Air Station, $18,870,000.

ARIZONA

Yuma, Marine Corps Air Station, $900,000.

CALIFORNIA

Camp Pendleton, Marine Corps Air Station, $2,100,000.

Camp Pendleton, Marine Corps Base, $57,600,000.

China Lake, Naval Weapons Center, $17,500,000.

Concord, Naval Weapons Station, $5,640,000.

Coronado, Naval Amphibious Base, $7,770,000.

Coronado, Surface Warfare Officers School Command Detachment, $4,360,000.

El Centro, Naval Air Facility, $7,200,000.

Lemoore, Naval Air Station, $2,100,000.

Moffett Field, Naval Air Station, $1,000,000.

Monterey, Fleet Numerical Oceanography Center, $6,760,000.

Monterey, Naval Post Graduate School, $2,000,000.

North Island, Naval Air Station, $6,160,000.

San Diego, Fleet Anti-Submarine Warfare Training Center, Pacific, $820,000.

San Diego, Fleet Combat Training Center, Pacific, $3,670,000.

San Diego, Fleet Intelligence Training Center, Pacific, $2,500,000.

San Diego, Fleet Training Center, $12,800,000.

San Diego, Integrated Combat Systems Test Facility, $4,100,000.

San Diego, Marine Corps Recruit Depot, $3,070,000.

San Diego, Naval Hospital, $7,500,000.

San Diego, Naval Ocean Systems Center, $1,300,000.

San Diego, Naval Station, $1,000,000.

San Diego, Naval Submarine Base, $10,800,000.

San Diego, Naval Training Center, $7,150,000.

San Diego, Naval Public Works Center, $4,400,000.

San Francisco, Navy Public Works Center, $3,910,000.

Seal Beach, Naval Weapons Station, $9,000,000.

Tustin, Marine Corps Air Station, $2,990,000.

Twentynine Palms, Marine Corps Air-Ground Combat Center, $3,140,000.

Vallejo, Mare Island Naval Shipyard, $9,000,000.

CONNECTICUT

New London, Naval Submarine Base, $24,250,000.

New London, Naval Submarine School, $8,200,000.

New London, Naval Underwater Systems Center, $12,600,000.

DISTRICT OF COLUMBIA

Washington, Commandant, Naval District, $420,000.

Washington, Naval Observatory, $2,500,000.

FLORIDA

Cecil Field, Naval Air Station, $1,970,000.

Jacksonville, Naval Hospital, $2,080,000.

Mayport, Naval Station, $20,000,000.

Orlando, Naval Training Center, $18,400,000.

Panama City, Naval Diving and Salvage Training Center, $4,300,000.

Panama City, Naval Experimental Diving Unit, $2,900,000.

Pensacola, Navy Public Works Center, $2,100,000.

GEORGIA

Albany, Marine Corps Logistics Base, $1,300,000.

Athens, Navy Supply Corps School, $1,000,000.

Kings Bay, Naval Submarine Base, $66,690,000.

HAWAII

Kaneohe Bay, Marine Corps Air Station, $13,150,000.

Lualualei, Naval Magazine, $4,600,000.

Pearl Harbor, Naval Submarine Base, $18,600,000.

Pearl Harbor, Naval Submarine Training Center, Pacific, $5,550,000.

Pearl Harbor, Navy Public Works Center, $750,000.

ILLINOIS

Great Lakes, Naval Hospital, $12,270,000.

Great Lakes, Naval Training Center, $15,900,000.

INDIANA

Crane, Naval Weapons Support Center, $3,200,000.

Indianapolis, Naval Avionics Center, $8,000,000.

MAINE

Brunswick, Naval Air Station, $1,000,000.

Brunswick, Naval Branch Medical Clinic, $2,650,000.

Kittery, Portsmouth Naval Shipyard, $1,000,000.

MARYLAND

Indian Head, Naval Explosive Ordnance Disposal Technology, Center, $7,700,000.

Indian Head, Naval Ordnance Station, $10,670,000.

Patuxent River, Naval Air Test Center, $17,000,000.

St. Inigoes, Naval Electronic Systems Engineering Activity, $2,950,000.

MISSISSIPPI

Meridian, Naval Air Station, $11,800,000.

Pascagoula, Naval Station, $2,220,000.

NEVADA

Fallon, Naval Air Station, $1,000,000.

NEW JERSEY

Bayonne, Navy Publications and Printing Service Detachment Office, $1,000,000.

Earle, Naval Weapons Station, $14,270,000.

NEW MEXICO

Elephant Butte, Naval Space Surveillance Field Station, $4,700,000.

NEW YORK

New York, Naval Station, $25,640,000.

NORTH CAROLINA

Camp Lejeune, Marine Corps Base, $21,210,000.

Cherry Point, Marine Corps Air Station, $10,750,000.

New River, Marine Corps Air Station, $21,100,000.

OKLAHOMA

Tinker Air Force Base, Naval Air Detachment, $21,500,000.

PENNSYLVANIA

Philadelphia, Naval Shipyard, $9,700,000.

RHODE ISLAND

Newport, Naval Education and Training Center, $8,290,000.

SOUTH CAROLINA

Beaufort, Marine Corps Air Station, $4,920,000.

Charleston, Naval Supply Center, $700,000.

Charleston, Naval Weapons Station, $4,600,000.

TENNESSEE

Memphis, Naval Air Station, $10,000,000.

TEXAS

Ingleside, Naval Station, $19,720,000.

Lackland Air Force Base, Naval Technical Training Center Detachment, $4,500,000.

VIRGINIA

Chesapeake, Naval Security Group Activity, Northwest, $1,300,000.

Dahlgren, Naval Surface Warfare Center, $1,000,000.

Dam Neck, Marine Environmental Systems Facility, $8,000,000.

Little Creek, Naval Amphibious Base, $6,500,000.

Norfolk, Naval Air Station, $4,400,000.

Norfolk, Naval Eastern Oceanography Center, $680,000.

Norfolk, Naval Supply Center, $6,500,000.

Oceana, Naval Air Station, $12,555,000.

Portsmouth, Norfolk Naval Shipyard, $9,700,000.

Williamsburg, Cheatham Annex, Naval Supply Center, $18,500,000.

Yorktown, Naval Weapons Station, $21,420,000.

WASHINGTON

Bremerton, Naval Hospital, $1,000,000.

Bremerton, Puget Sound Naval Shipyard, $19,900,000.

Bremerton, Puget Sound Naval Supply Center, $690,000.

Everett, Naval Station, $11,200,000.

Keyport, Naval Undersea Warfare Engineering Station, $1,850,000.

Oso, Jim Creek Naval Radio Station, $1,200,000.

VARIOUS LOCATIONS

Land Acquisition, $21,000,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

ASCENSION ISLAND

Naval Communication Detachment, $3,500,000.

AUSTRALIA

Exmouth, Harold E. Holt Naval Communication Station, $610,000.

GUAM

Camp Covington, Mobile Construction Battalion, $4,300,000.

Fleet Surveillance Support Command, $27,000,000.

Navy Public Works Center, $4,150,000.

ICELAND

Keflavik, Naval Air Station, $7,500,000.

Keflavik, Naval Communication Station, $8,450,000.

ITALY

Naples, Naval Support Activity, $46,600,000.

JAPAN

Atsugi, Naval Air Facility, $14,900,000.

Okinawa, Camp Smedley D. Butler Marine Corps Base, $3,200,000.

Okinawa, Futenma Marine Corps Air Station, $7,450,000.

PUERTO RICO

Roosevelt Roads, Naval Communication Station, $1,300,000.

SPAIN

Rota, Naval Station, $880,000.

UNITED KINGDOM

Edzell, Scotland, Naval Security Group Activity, $5,820,000.

London, Naval Activities, $10,130,000.

VARIOUS LOCATIONS

Classified Location, $5,800,000.

Host Nation Infrastructure Support, $1,000,000.

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Navy may, using amounts appropriated pursuant to section 2204(a)(6)(A), construct or acquire family housing units (including land acquisition), at the following installations in the number of units, and in the amount, shown for each installation:

Camp Pendleton, Marine Corps Base, California, four hundred and twelve units, $35,150,000.

El Toro, Marine Corps Air Station, California, two hundred units, $15,000,000.

Long Beach, Naval Station, California, three hundred units, $24,900,000.

Moffett Field, Naval Air Station, California, seventy-four units, $6,600,000.

San Francisco, Navy Public Works Center, California, five hundred and ninety-four units, $50,750,000.

Thurmont, Naval Support Facility, Maryland, eleven units, $1,160,000.

Ballston Spa, Nuclear Power Training Unit, New York, one hundred units, $7,900,000.

Guantanamo Bay, Naval Station, Cuba, two hundred and fifty-four units, $31,669,000.

Keflavik, Naval Air Station, Iceland, one hundred and twelve units, $23,213,000.

(b) PLANNING AND DESIGN.—The Secretary of the Navy may carry out architectural and engineering services and construction design activities, using amounts appropriated pursuant to section 2204(a)(6)(A), with respect to the construction or improvement of military family housing units in an amount not to exceed $6,100,000.

(c) PROJECT.—(1) The Secretary of the Navy may construct one family housing unit, at a cost not to exceed $140,000, on the Naval Air Station at Kingsville, Texas, in accordance with applicable provisions of law.

(2) Funds appropriated to the Department of the Navy for any fiscal year before fiscal year 1991 for military family housing projects that remain available, as savings, for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, to carry out paragraph (1).

(3) The authority to carry out this subsection shall expire on October 1, 1994.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may, using amounts appropriated pursuant to section 2204(a)(6)(A), improve existing military family housing units in the amount of $65,448,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Navy may carry out projects to improve existing military family housing units at the following installations in the number of units, and in the amount, shown for each installation:

Long Beach, Naval Station, California, forty-four units, $2,208,200.

San Diego, Navy Public Works Center, California, one unit, $79,900.

Great Lakes, Navy Public Works Center, Illinois, two hundred and sixty-two units, $17,198,100.

Lakehurst, Naval Air Engineering Center, New Jersey, thirty-two units, $1,946,400.

Lakehurst, Naval Air Engineering Center, New Jersey, one unit, $80,100.

New York, Naval Station, New York, ten units, $842,000.

New York, Naval Station, New York, ten units, $719,100.

Cherry Point, Marine Corps Air Station, North Carolina, two hundred and fourteen units, $13,398,000.

Newport, Naval Education and Training Center, Rhode Island, two hundred and twenty units, $13,700,000.

Portsmouth Norfolk, Naval Shipyard, Virginia, one hundred and twenty-five units, $5,785,700.

Bangor, Naval Submarine Base, Washington, one hundred units, $5,844,200.

Guantanamo Bay, Naval Station, Cuba, one unit, $104,700.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,063,654,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $869,790,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $152,590,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $14,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $84,970,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $5,810,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $267,890,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $668,604,000 of which not more than $41,488,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) LIMITATION.—None of the funds appropriated pursuant to the authorizations made by subsection (a)(2) may be obligated or expended for the construction of the Command, Control, Communications, and Intelligence Building at the Capodichino Airfield, Italy, until the Secretary of the Navy—

(1) explores the availability and suitability of alternative sites for such building; and

(2) transmits, by October 15, 1989, to the Committees on Armed Services of the Senate and the House of Representatives a report that specifies—

(A) sites (including the Capodichino Airfield) within 50 miles of Agnano, Italy, to which the building could be relocated; and

(B) the costs and benefits of relocating functions to each such site.

SEC. 2205. OFFICE AND RELATED SPACE.

(a) PROHIBITION.—The Secretary of the Navy may obligate or expend funds with respect to leases or other agreements entered into, or extended or otherwise amended, after the date of the enactment of this Act for the provision of office and related space within the National Capitol Area Region only after the issuance of a solicitation of proposals by the Administrator of General Services for the acquisition of such space from all areas of the National Capitol Region, including the District of Columbia and the areas of the States of Maryland and Virginia that are within such Region.

(b) STUDY AND PLAN.—(1) The Secretary shall carry out a study to determine the amount of office and related space of the Department of the Navy in the National Capital Area Region that could be relocated outside the Region as part of a plan to maximize the effectiveness and efficiency of the administrative operations of the Department. In carrying out such study, the Secretary shall identify those functions of the Department that are most effectively and efficiently carried out in such Region, taking into consideration the needs of the Department and the functions carried out by the other military departments in such Region.

(2) The Secretary shall, within 120 days of the date of the enactment of this Act, transmit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(A) the findings and conclusions reached as a result of the study carried out under paragraph (1); and

(B) a plan for the phased reduction of office and related space used by the Department in the National Capitol Area Region as part of an effort to maximize the effectiveness and efficiency of the administrative operations of the Department.

(c) DEFINITION.—For purposes of this section, the term "National Capitol Area Region" means the District of Columbia and

any area within 50 miles of the District of Columbia.

SEC. 2206. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS.

Notwithstanding the provisions of section 2171(a) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1179), authorizations for the following projects authorized in section 2121 of that Act shall remain in effect until October 1, 1990, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Physical security improvements in the amount of $2,460,000 at Naval Air Station, Sigonella, Italy.

(2) Cold-iron utilities support in the amount of $7,480,000 at Naval Support Office, La Maddalena, Italy.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the installations and locations inside the United States:

ALABAMA

Gunter Air Force Base, $12,100,000.
Maxwell Air Force Base, $2,200,000.

ALASKA

Clear Air Force Station, $5,000,000.
Eielson Air Force Base, $11,000,000.
King Salmon Airport, $8,000,000.
Shemya Air Force Base, $22,700,000.

ARKANSAS

Little Rock Air Force Base, $8,500,000.
Eaker Air Force Base, $4,050,000.

ARIZONA

Davis-Monthan Air Force Base, $4,200,000.
Luke Air Force Base, $3,970,000.
Williams Air Force Base, $1,850,000.

CALIFORNIA

Beale Air Force Base, $13,472,000.
Castle Air Force Base, $12,580,000.
Edwards Air Force Base, $12,400,000.
McClellan Air Force Base, $26,530,000.
Onizuka Air Force Station, $14,800,000.
Travis Air Force Base, $9,000,000.
Vandenberg Air Force Base, $8,150,000.

COLORADO

Lowry Air Force Base, $21,250,000.

DELAWARE

Dover Air Force Base, $4,100,000.

DISTRICT OF COLUMBIA

Bolling Air Force Base, $5,900,000.

FLORIDA

Cape Canaveral Air Force Station, $89,000,000.
Eglin Air Force Base, $12,100,000.
Eglin Air Force Base, Auxiliary Field 9, $21,900,000.
Homestead Air Force Base, $7,350,000.
MacDill Air Force Base, $4,490,000.
Patrick Air Force Base, $3,800,000.
Tyndall Air Force Base, $8,500,000.

GEORGIA

Robins Air Force Base, $32,250,000.

HAWAII

Hickam Air Force Base, $530,000.

INDIANA

Grissom Air Force Base, $6,800,000.

KANSAS

McConnell Air Force Base, $5,200,000.

LOUISIANA

Barksdale Air Force Base, $7,700,000.
England Air Force Base, $2,700,000.

MAINE

Loring Air Force Base, $8,500,000.

MARYLAND

Andrews Air Force Base, $5,550,000.

MASSACHUSETTS

Hanscom Air Force Base, $5,600,000.

MISSISSIPPI

Columbus Air Force Base, $1,200,000.

MISSOURI

Whiteman Air Force Base, $97,500,000.

MONTANA

Malmstrom Air Force Base, $32,100,000.

NEBRASKA

Offutt Air Force Base, $1,150,000.

NEVADA

Nellis Air Force Base, $4,800,000.

NEW JERSEY

McGuire Air Force Base, $4,900,000.

NEW MEXICO

Holloman Air Force Base, $17,350,000.
Kirtland Air Force Base, $18,350,000.

NEW YORK

Griffiss Air Force Base, $7,400,000.
Plattsburgh Air Force Base, $9,900,000.

NORTH CAROLINA

Seymour Johnson Air Force Base, $4,500,000.

NORTH DAKOTA

Grand Forks Air Force Base, $1,900,000.

OHIO

Newark Air Force Base, $2,300,000.
Wright Patterson Air Force Base, $610,000.

OKLAHOMA

Altus Air Force Base, $5,200,000.
Tinker Air Force Base, $55,250,000.

SOUTH CAROLINA

Charleston Air Force Base, $4,650,000.
Myrtle Beach Air Force Base, $2,350,000.
Shaw Air Force Base, $5,700,000.

SOUTH DAKOTA

Ellsworth Air Force Base, $11,350,000.

TEXAS

Bergstrom Air Force Base, $2,400,000.
Carswell Air Force Base, $650,000.
Goodfellow Air Force Base, $3,300,000.
Kelly Air Force Base, $17,200,000.
Lackland Air Force Base, $34,250,000.
Lackland Training Annex, $1,994,000.
Laughlin Air Force Base, $5,350,000.
Randolph Air Force Base, $630,000.
Reese Air Force Base, $4,630,000.

UTAH

Hill Air Force Base, $15,650,000.

VIRGINIA

Langley Air Force Base, $3,300,000.

WASHINGTON

Fairchild Air Force Base, $14,200,000.

WYOMING

F.E. Warren Air Force Base, $104,850,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

CANADA

Various Locations, $24,000,000.

GERMANY

Hahn Air Base, $7,920,000.
Ramstein Air Base, $2,800,000.
Sembach Air Base, $3,050,000.
Spangdahlem Air Base, $5,950,000.
Zweibrucken Air Base, $6,100,000.

GUAM

Andersen Air Force Base, $6,500,000.

ICELAND

Naval Air Station, Keflavik, $7,400,000.

ITALY

Aviano Air Base, $6,050,000.
San Vito Air Station, $2,750,000.

JAPAN

Kadena Air Base, $4,300,000.
Yokota Air Base, $4,700,000.

KOREA

Kunsan Air Base, $13,140,000.
Osan Air Base, $7,550,000.

PORTUGAL

Lajes Field, $7,700,000.

SPAIN

Zaragoza Air Base, $1,950,000.

TURKEY

Ankara Air Station, $4,200,000.
Balikesir Radio Relay Site, $3,600,000.
Erhac Air Base, $2,750,000.
Incirlik Air Base, $5,910,000.

UNITED KINGDOM

Bovingdon Radio Relay Site, $400,000.
High Wycombe Air Station, $4,100,000.
RAF Alconbury, $4,200,000.
RAF Barford St. John, $490,000.
RAF Bentwaters, $5,400,000.
RAF Christmas Common Radio Relay Site, $210,000.
RAF Fairford, $10,950,000.
RAF Lakenheath, $860,000.
RAF Mildenhall, $5,050,000.
RAF Upper Heyford $5,350,000.

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(7)(A), construct or acquire family housing units (including land acquisition) at the following installations in the number of units, and in the amount, shown for each installation:

Kelly Air Force Base, Texas, eleven units, $1,619,000.

Ramstein Air Base, Germany, two hundred units, $20,660,000.

(b) PLANNING AND DESIGN.—The Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(6)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $8,000,000.

SEC. 2303. IMPROVEMENT TO MILITARY FAMILY HOUSING UNITS.

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(7)(A), improve existing military family housing units in an amount not to exceed $220,411,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Air Force may carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Maxwell Air Force Base, Alabama, eight units, $357,000; eight units, $800,000; one unit, $108,000; thirty-two units, $1,548,000; seven units, $728,000.

Elmendorf Air Force Base, Alaska, eighty-eight units, $9,578,000.

Etelson Air Force Base, Alaska, fifty-one units, $5,669,000.

Davis-Monthan Air Force Base, Arizona, five units, $200,000.

Eaker Air Force Base, Arkansas, one hundred and eighty-eight units, $11,500,000.

Travis Air Force Base, California, one hundred and forty-two units, $7,691,000; one hundred and forty-four units, $7,560,000.

Peterson Air Force Base, Colorado, thirty-two units, $1,438,000.

Bolling Air Force Base, District of Columbia, forty units, $1,683,000.

MacDill Air Force Base, Florida, forty-four units, $2,456,000.

Tyndall Air Force Base, Florida, forty units, $2,441,000.

Scott Air Force Base, Illinois, four units, $250,000; eighty units, $4,076,000.

England Air Force Base, Louisiana, one hundred and one units, $4,208,000.

Whiteman Air Force Base, Missouri, fifteen units, $970,000.

Nellis Air Force Base, Nevada, thirty-two units, $1,727,000.

Holloman Air Force Base, New Mexico, one hundred and twenty-three units, $5,710,000; one unit, $47,000.

Myrtle Beach Air Force Base, South Carolina, one hundred and twenty-five units, $5,549,000.

Bergstrom Air Force Base, Texas, two units, $149,000.

Carswell Air Force Base, Texas, one hundred and nineteen units, $5,432,000.

Kelly Air Force Base, Texas, seventy-nine units, $3,650,000; thirty-three units, $1,750,000.

Randolph Air Force Base, Texas, one hundred and twenty-four units, $4,136,000; one unit, $78,000.

Hill Air Force Base, Utah, two units, $158,000.

Langley Air Force Base, Virginia, eighty-six units, $5,398,000.

Fairchild Air Force Base, Washington, two hundred and thirty units, $12,162,000.

Ramstein Air Base, Germany, one unit, $137,000; twenty-four units, $2,180,000; thirty-eight units, $2,681,000.

Spangdahlem Air Base, Germany, four units, $302,000.

Andersen Air Base, Guam, two hundred units, $17,817,000.

Kadena Air Base, Japan, one unit, $127,000; seventy-five units, $5,851,000.

Misawa Air Base, Japan, one hundred and eleven units, $9,028,000.

Clark Air Base, Philippines, seventy-seven units, $3,234,000.

RAF Alconbury, United Kingdom, one unit, $55,000.

RAF Bentwaters, United Kingdom, eighty-three units, $4,610,000.

RAF Chicksands, United Kingdom, thirty-four units, $3,027,000.

RAF Lakenheath, United Kingdom, fourteen units, $1,153,000, sixty units, $3,408,000.

RAF Mildenhall, United Kingdom, two units, $89,000.

(c) WAIVER OF SPACE LIMITATIONS FOR FAMILY HOUSING UNITS.—(1) To support the United States Air Forces in Europe and Military Airlift Command, the Secretary of the Air Force may carry out improvement projects to add to and alter existing family housing units and, notwithstanding section 2826(a) of title 10, United States Code, to—

(A) increase the net floor area of one family housing unit at Ramstein Air Base, Germany, to not more than 3,045 square feet; and

(B) increase the net floor area of four family housing units at Scott Air Force Base, Illinois, to not more than 2,470 square feet.

(2) To support the Air Force Logistics Command and Pacific Air Forces, the Secretary of the Air Force may, notwithstanding section 2826(a) of title 10, United States Code, carry out new construction projects to build five family housing units at Kelly Air Force Base, Texas, to not more than 3,000 square feet.

(3) To support the Air Force Logistics Command, the Secretary of the Air Force may carry out family housing improvement projects to add to and alter existing family housing units and notwithstanding section 2826(a) of title 10, United States Code, increase the net floor area of two family housing units at Hill Air Force Base, Utah, to not more than 2,315 square feet.

(4) For purposes of this subsection, the term "net floor area" has the same meaning given that term by section 2826(f) of title 10, United States Code.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,303,406,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $930,586,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $165,330,000.

(3) For the construction of the Large Rocket Test Facility, Arnold Engineering Development Center, Tennessee, as authorized by section 2301(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), $66,000,000.

(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, $7,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $106,000,000.

(6) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $3,000,000.

(7) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $250,690,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $774,800,000 of which not more than $101,592,000 may be obligated or expended, for leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) PROJECT.—The Secretary of the Air Force may provide not more than $7,250,000 of the amount appropriated pursuant to the authorization in subsection (a)(1) to the Douglas School District, South Dakota, for the construction of a middle school primarily for the dependents of Armed Forces personnel assigned to duty at Ellsworth Air Base, South Dakota.

SEC. 2305. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS.

(a) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1986 PROJECT.—Notwithstanding the provisions of section 606(a) of the Military Construction Authorization Act, 1986 (Public Law 99-167; 99 Stat. 961), authorization for the following project authorized in section 301 of that Act shall remain in effect until October 1, 1990, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

GEODSS Site 5, Portugal, Composite Support Facility in the amount of $2,250,000 and Spacetrack Observation Facility in the amount of $12,400,000.

(b) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1987 PROJECT.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4012), authorization for the following project authorized in section 2301 of that Act shall remain in effect until October 1, 1990, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

KC-135 CPT Simulator Facility in the amount of $760,000 at Beale Air Force Base, California.

(c) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1988 PROJECTS.—Notwithstanding the provisions of section 2171(a) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1179), authorization for the following projects authorized in sections 2131 and 2132 of that Act shall remain in effect until October 1, 1990, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) KC-135 CPT Simulator Facility, in the amount of $1,150,000 at Loring Air Force Base, Maine.

(2) Thirty-four family housing units in the amount of $2,530,000 at Holbrook, Arizona.

SEC. 2306. LUKE AIR FORCE BASE, ARIZONA.

(a) IN GENERAL.—Section 2301(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087) is amended—

(1) by striking out "Williams Air Force Base, $11,130,000." and inserting in lieu thereof "Williams Air Force Base, $9,230,000."; and

(2) by striking out "Luke Air Force Base, $4,550,000." and inserting in lieu thereof "Luke Air Force Base, $6,450,000.".

(b) LIMITATION.—(1) Except as provided in paragraph (2) of this subsection and notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), authorization for a Simulator Maintenance Training Facility in the amount of $1,900,000 at Luke Air Force Base, Arizona, authorized in section 2301(a) of such Act, as amended by subsection (a), shall remain in effect until October 1, 1991, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later.

(2) The limitation made by paragraph (1) shall not apply if appropriated funds are obligated for such facility by October 1, 1991, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of

the following installations and locations inside the United States:

DEFENSE LOGISTICS AGENCY

Defense Depot, Tracy, California, $24,000,000.

Defense Reutilization and Marketing Office, Eglin Air Force Base, Florida, $2,750,000.

Defense Construction Supply Center, Columbus, Ohio, $26,600,000.

Defense Personnel Support Center, Philadelphia, Pennsylvania, $3,800,000.

Defense General Supply Center, Richmond, Virginia, $6,066,000.

Defense Fuel Support Point, Manchester, Washington, $22,600,000.

DEFENSE MEDICAL FACILITIES OFFICE

Maxwell Air Force Base, Alabama, $1,600,000.

Naval Air Station, Mobile, Alabama, $3,000,000.

Marine Corps Air Station, Twenty-Nine Palms, California, $38,000,000.

Fitzsimons Army Medical Center, Colorado, $5,200,000.

Hurlburt Field, Florida, $6,000,000.

Naval Air Station, Jacksonville, Florida, $2,400,000.

Patrick Air Force Base, Florida, $2,700,000.

Andrews Air Force Base, Maryland, $2,900,000.

Naval Station, Pascagoula, Mississippi, $2,548,000.

Nellis Air Force Base, Nevada, $62,000,000.

Lackland Air Force Base, Texas, $6,000,000.

Naval Station, Ingleside, Texas, $2,300,000.

Portsmouth Naval Hospital, Virginia, $330,000,000.

DEFENSE NUCLEAR AGENCY

Armed Forces Radiobiology Research Institute, Bethesda, Maryland, $900,000.

NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, $21,444,000.

OFFICE OF THE SECRETARY OF DEFENSE

Defense Language Institute, Monterey, California, $10,600,000.

The Pentagon, Arlington, Virginia, $3,500,000.

Classified Location, $4,500,000.

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Bethesda, Maryland, $600,000.

STRATEGIC DEFENSE INITIATIVE ORGANIZATION

Nellis Air Force Base, Nevada, $6,542,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

DEFENSE MEDICAL FACILITIES OFFICE

Camp Carroll, Korea, $1,500,000.

Camp Garry Owen, Korea, $800,000.

DEFENSE NUCLEAR AGENCY

Johnston Atoll, $6,168,000.

DEPARTMENT OF DEFENSE SCHOOLS

Naval Air Station, Bermuda, $4,810,000.

Augsburg, Germany, $6,300,000.

Frankfurt, Germany, $7,101,000.

Grafenwoehr, Germany, $4,186,000.

Hohenfels, Germany, $17,079,000.

Royal Air Force, Bicester, United Kingdom, $6,275,000.

Royal Air Force, Upwood, United Kingdom, $4,175,000.

Various Locations, $6,600,000.

DEPARTMENT OF DEFENSE SECTION VI SCHOOLS

Fort Buchanan, Puerto Rico, $1,155,000.

Roosevelt Roads, Puerto Rico, $6,541,000.

NATIONAL SECURITY AGENCY

Classified Location, $23,000,000.

SEC. 2402. FAMILY HOUSING.

The Secretary of Defense, may, using amounts appropriated pursuant to section 2405(a)(10)(A), construct or acquire three family housing units (including land acquisition) at classified locations in the total amount not to exceed $400,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 to title 10, United States Code, the Secretary of Defense may, using amounts appropriated pursuant to section 2405(a)(10)(A), improve existing military family housing units in an amount not to exeed $200,000.

SEC. 2404. CONFORMING STORAGE FACILITIES.

Section 2404(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4012) is amended to read as follows:

"(a) AUTHORITY TO CONSTRUCT.—The Secretary of Defense may, using not more than $10,000,000 appropriated for fiscal year 1987, using not more than $5,000,000 appropriated for fiscal year 1988, using not more than $9,300,000 appropriated for fiscal year 1989, and using not more than $11,000,000 appropriated for fiscal year 1990, carry out military construction projects not otherwise authorized by law for conforming storage facilities.".

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $552,620,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $225,050,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $95,690,000.

(3) For military construction projects at Fort Sill, Oklahoma, as authorized by section 2401(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), $27,000,000.

(4) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4012), $53,000,000.

(5) For military construction projects at Fort Lewis, Washington, authorized by section 101(a) of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1495), $16,000,000.

(6) For unspecified minor constructed projects under section 2805 of title 10, United States Code, $13,100,000.

(7) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(8) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $80,480,000.

(9) For conforming storage facilities construction under the authority of section 2404 of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4012), $11,000,000.

(10) For military family housing functions—

(A) for construction and acquisition of military family housing facilities, $600,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $20,700,000, of which not more than $17,825,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 may not exceed—

(1) the total amount authorized to be appropriated under paragraph (1) and (2) of subsection (a);

(2) $321,500,000 (the balance of the amount authorized under section 2141(a) for the construction of a medical facility at Portsmouth Naval Hospital, Virginia); and

(3) $52,000,000 (the balance of the amount authorized by section 2141(a) for the construction of a hospital at Nellis Air Force Base, Nevada).

SEC. 2406. EXTENSION OF CERTAIN PREVIOUS AUTHORIZATIONS.

(a) EXTENSION OF CERTAIN 1987 PROJECT.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4012), the authorization for the Defense Fuel Support Point, Charleston, South Carolina, in the amount of $5,590,000, in section 2401(a) of that Act shall remain in effect until October 1, 1990, or until the date of enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later.

(b) EXTENSION OF CERTAIN 1988 PROJECTS.—Notwithstanding the provisions of section 2171(a) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1179), authorizations for the following projects authorized in section 2141 of that Act shall remain in effect until October 1, 1990, or until the date of enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Fuel Tankage, in the amount of $9,400,000 at Defense Fuel Supply Point, Key West, Florida.

(2) Connector Warehouse, in the amount of $18,500,000 at Defense General Supply Center, Richmond, Virginia.

SEC. 2407. MEDICAL FACILITY, FORT SILL, OKLAHOMA.

(a) PROJECT AMOUNT.—Section 2401 of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat 2087) is amended in the items listed under the heading "Defense Medical Facilities Office", by striking out "Fort Sill, Oklahoma, $54,000,000." and inserting in lieu thereof "Fort Sill, Oklahoma, $68,000,000.".

(b) TITLE TOTAL.—Section 2407(b)(2) of such Act is amended by striking out "$27,000,000" and inserting in lieu thereof "$41,000,000".

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of

the amount authorized to be appropriated for this purpose in section 2502 of this Act and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2501 of this Act, in the amount of $424,714,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the total amount of $556,567,000, as follows:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $182,372,000, and

(B) for the Army Reserve, $80,505,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $56,600,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $190,890,000, and

(B) for the Air Force Reserve, $46,200,000.

TITLE XXVII—EXPIRATION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER TWO YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI, XXII, XXIII, XXIV, and XXV for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor) shall expire on October 1, 1991, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later.

(b) EXCEPTION.—The provisions of subsection (a) do not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before October 1, 1991, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later, for construction contracts, land acquisitions, family housing projects and facilities, or contributions to the NATO Infrastructure Program.

SEC. 2702. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on October 1, 1989, or the date of enactment of this Act, whichever is later.

TITLE XXVIII—GENERAL PROVISIONS

PART A—MILITARY CONSTRUCTION PROGRAM CHANGES

SEC. 2801. FAMILY HOUSING RENTAL GUARANTEE PROGRAM.

Section 802(b) of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note) is amended—

(1) in paragraph (11), by striking out "rendering the agreement null and void" and inserting in lieu thereof "rendering the agreement null and void or providing such other remedy as is deemed appropriate";

(2) by striking out "and" at the end of paragraph (11);

(3) by striking out the period at the end of paragraph (12) and inserting in lieu thereof a semicolon; and

(4) by adding after paragraph (12) the following—

"(13) may provide that utilities, trash collection, snow removal, and entomological services will be furnished by the Federal Government, at no cost to the occupant, to the same extent that these items are provided to other occupants of government-owned housing; and

"(14) may require that rent collection and the operation and maintenance of the housing be accomplished through the use of separate agreements or the use of government personnel.".

SEC. 2802. FAMILY HOUSING LEASING OUTSIDE UNITED STATES.

Section 2828 of title 10, United States Code, is amended—

(1) in subsection (e)(1), by striking out the first sentence and inserting in lieu thereof the following: "Expenditures for the rental of family housing in foreign countries (including the costs of utilities, maintenance, and operation) may not exceed $20,000 per unit per annum as adjusted for foreign currency fluctuation from October 1, 1987."; and

(2) in subsection (e)(2), by striking out "38,000" and inserting in lieu thereof "53,000".

SEC. 2803. LONG TERM FACILITIES CONTRACTS.

Section 2809 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(B)(ii), by striking out "Potable" and inserting in lieu thereof "Utilities, including potable";

(2) in subsection (b), by inserting before the period the following: "and utility plants"; and

(3) in subsection (c), by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1990".

SEC. 2804. IMPROVEMENTS TO FAMILY HOUSING UNITS.

Section 2825(b)(1) of title 10, United States Code, is amended by adding at the end thereof the following: "This limitation shall not apply to improvements that are necessary to accommodate the needs of the handicapped and the cost of which does not exceed $60,000 per unit.".

SEC. 2805. DOMESTIC BUILD-TO-LEASE PROGRAM.

Section 2828(g) of title 10, United States Code, is amended—

(1) in paragraph (8)(C)—

(A) by striking out "2,000" in clause (ii) and inserting in lieu thereof "4,000"; and

(B) by striking out "2,100" in clause (iii) and inserting in lieu thereof "3,600"; and

(2) in paragraph (9), by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1990".

SEC. 2806. TURN-KEY SELECTION PROCEDURES.

Section 2862 of title 10, United States Code, is amended by striking out subsection (a)(1) and inserting in lieu thereof the following:

"(a)(1) The Secretaries of the military departments and the heads of defense agencies may use one-step turn-key selection procedures for the purpose of entering into contracts for the construction of authorized military construction projects, except that such procedures may be used by the head of a defense agency only with the approval of the Secretary of Defense.".

SEC. 2807. PROHIBITION OF FUNDING FOR CERTAIN MILITARY CONSTRUCTION CONTRACTS ON GUAM.

(a) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding after section 2243 (as added by section 327) the following new section:

"§ 2244. Military construction contracts on Guam

"(a) IN GENERAL.—Except as provided in subsection (b), no funds appropriated for military construction may be obligated or expended with respect to any contract for a military construction project on Guam if any work is carried out on such project by any person who is a nonimmigrant alien described in section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)).

"(b) EXCEPTION.—In any case in which there is no acceptable bid made in response to a solicitation by the Secretary of a military department for bids on a contract for a military construction project on Guam and the Secretary concerned makes a determination that the prohibition contained in subsection (a) is a significant deterrent to obtaining bids on such contract, the Secretary concerned may make another solicitation for bids on such contract and the prohibition contained in subsection (a) shall not apply to such contract after the 21-day period beginning with the date on which the Secretary concerned transmits a report concerning such contract to the Committees on Armed Services of the Senate and the House of Representatives.".

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding after the item relating to section 2243 (as added by section 327) the following:

"2244. Military construction contracts on Guam.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into, amended, or otherwise modified on or after the date of the enactment of this Act.

SEC. 2808. AUTHORIZED COST VARIATIONS.

Section 2853 of title 10, United States Code, is amended to read as follows:

"§ 2853. Authorized cost variations

"(a) Except as provided in subsection (c) or (d), the cost authorized for a military construction project or for the construction, improvement, and acquisition of a military family housing project may be increased by not more than 25 percent of the amount appropriated for such project by the Congress or 200 percent of the minor construction project ceiling established pursuant to section 2805(a)(1) of this title, whichever is less, if the Secretary concerned determines that such an increase in cost is required for the sole purpose of meeting unusual variations in cost and that such variations in cost could not have reasonably been anticipated at the time the project was approved originally by the Congress.

"(b) Except as provided in subsection (c), the scope of work for a military construction project or for the construction, im-

provement, and acquisition of a military family housing project may be reduced by not more than 25 percent from the amount approved by the Congress.

"(c) The limitations on cost increases in subsection (a) and the limitations on scope reductions in subsection (b), do not apply if the increase in cost or reduction in scope is approved by the Secretary concerned and 21 days have elapsed from the date of submission by the Secretary concerned to the appropriate committees of the Congress of a written notification of the rationale for the proposed increase in cost or reduction in scope.

"(d) The limitations on cost increases in subsection (a) do not apply to within scope modifications to existing contracts or to the settlement of contractor claims under existing contracts if the increase in cost is approved by the Secretary concerned and a written notification of the facts relating to the proposed increase in cost is submitted by the Secretary concerned to the appropriate committees of the Congress.".

PART B—LAND TRANSACTIONS

SEC. 2811. LAND CONVEYANCE, PITTSBURGH, PENNSYLVANIA.

(a) IN GENERAL.—Subject to subsections (b) through (e), the Secretary of the Navy may convey to Carnegie-Mellon University all right, title, and interest of the United States in and to approximately 1.29 acres of land located at 4902 Forbes Avenue, Allegheny County, Pittsburgh, Pennsylvania, together with any improvements thereon, comprising the Naval and Marine Corps Reserve Center in Pittsburgh.

(b) CONSIDERATION.—In consideration for the sale and conveyance, the University shall pay to the United States the fair market value, as determined by the Secretary, of the property to be conveyed by the United States under subsection (a).

(c) USE OF FUNDS.—(1) Funds received by the Secretary under subsection (b) may be used to pay for the acquisition or construction of a replacement facility, including the acquisition of land, in the greater Pittsburgh area to be used as a Naval and Marine Corps Reserve Center.

(2) Funds received by the Secretary under subsection (b) and not used for the acquisition or construction of replacement facilities shall be deposited into the miscellaneous receipts of the Treasury within 60 months of receipt thereof.

(d) LEGAL DESCRIPTION OF LAND.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey which is satisfactory to the Secretary. The cost of such survey shall be borne by the University.

(e) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2812. SALE OF LAND AND REPLACEMENT OF CERTAIN FACILITIES, KAPALAMA MILITARY RESERVATION, HAWAII.

Section 2332 of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180, 101 Stat. 1223) is amended—

(1) in subsection (a)—

(A) by striking out "convey" and inserting in lieu thereof "sell and convey to the State of Hawaii"; and

(B) by striking out "43.72" and inserting in lieu thereof "35.92";

(2) in subsection (b)—

(A) by striking out "the purchasers of such property" and inserting in lieu thereof "the State of Hawaii";

(B) by inserting after "United States" the following: "no less than the fair market value, as determined by the Secretary, of the property to be conveyed by the United States under subsection (a). The Secretary shall use the proceeds received from the sale authorized by this section";

(C) by striking out "in a manner determined by the Secretary," in paragraph (1);

(D) by inserting "sale under subsection (a) and" immediately before "relocation" in paragraph (2);

(E) by adding "and" at the end of paragraph (1) and by striking out "; and" at the end of paragraph (2) and inserting in lieu thereof a period; and

(F) by striking out paragraph (3);

(3) by striking out subsection (c) and redesignating subsection (d) as subsection (c);

(4) in subsection (c), as so redesignated, by striking out "If the fair market value" and all that follows through "may use such amount" and inserting in lieu thereof "The Secretary may use any proceeds remaining after paying all costs related to the sale and replacement";

(5) by striking out subsection (e) and redesignating subsections (f) and (g) as subsections (d) and (e), respectively; and

(6) by striking out "the purchaser" in subsection (d), as so redesignated, and inserting in lieu thereof "the State of Hawaii".

SEC. 2813. CONVEYANCE OF LAND AT MARINE CORPS AIR STATION, EL TORO, CALIFORNIA, AND CONSTRUCTION OF FAMILY HOUSING AT MARINE CORPS AIR STATION, TUSTIN, CALIFORNIA.

(a) IN GENERAL.—Subject to subsections (b) through (d), the Secretary of the Navy may—

(1) convey to the County of Orange, California, or its designee, or both, all right, title, and interest of the United States in and to approximately 77 acres of real property, and the improvements thereon, consisting of three severable parcels at Marine Corps Air Station, El Toro, California; and

(2) accept monetary consideration equal to the fair market value of such property and expend it for the construction of additional military family housing and associated support facilities at Marine Corps Air Station, Tustin, California.

(b) CONDITIONS.—(1) The Secretary shall provide that all conveyances under this section are subject to the retention of appropriate interests to ensure that future use of the conveyed property is compatible with military activities.

(2) Conveyances under this section shall be in exchange for fair market value monetary compensation, as determined by an independent appraisal satisfactory to the Secretary and paid for by the County or its designees, or both.

(3) All construction authorized under this section shall be awarded through competitive procedures.

(4) The Secretary may not enter into any contract for construction under this section until after the 21-day period beginning on the date on which the Secretary transmits to the Committee on Armed Services and the Committee on Appropriations, of the Senate and the House of Representatives, a report of the full details of a proposed contract.

(5) Proceeds from the conveyances authorized by this section that are not expended in the construction of military family housing and associated support facilities described in subsection (a)(2) shall be deposited into the general fund the Treasury within 60 months of receipt.

(c) DESCRIPTION OF REAL PROPERTY.—The exact acreage and and legal descriptions of real property to be conveyed under this section shall be based on surveys that are satisfactory to the Secretary. The cost of such surveys shall be borne by the County or its designee, or both.

(d) ADDITIONAL TERMS AND CONDITIONS.—Any agreement entered into under this section shall be subject to such other terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2824. LAND CONVEYANCE, FORT KNOX, KENTUCKY.

(a) IN GENERAL.—Subject to subsections (b) through (e), the Secretary of the Army may sell and convey all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 12 acres, together with improvements thereon, contiguous to the corporate limits of the City of Radcliff, Kentucky, and bounded on the east by U.S. Highway 31W, by the Radcliff city park on the south, by residential property to the west, and by Fort Knox to the north.

(b) COMPETITIVE BID REQUIREMENT; MINIMUM SALE PRICE.—(1) The Secretary shall use competitive procedures for the sale of the property referred to in subsection (a).

(2) In no event may any of the property referred to in subsection (a) be sold for less than the fair market value of the property, as determined by the Secretary.

(c) USE OF PROCEEDS.—(1) The Secretary shall use the proceeds from the sale of the property referred to in subsection (a) for the construction of up to four units of military family housing at Fort Knox, Kentucky.

(2) Any proceeds of the sale not used for such purpose shall be used for repairs or improvements to existing family housing at Fort Knox, Kentucky.

(d) LEGAL DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The costs of such survey shall be borne by the purchaser of the property.

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

(f) ADDITIONAL AUTHORITY.—The military family housing authorized by this section is in addition to any military family housing otherwise authorized by law.

PART C—MISCELLANEOUS PROVISIONS

SEC. 2821. WHITE SANDS MISSILE RANGE, NEW MEXICO.

(a) IN GENERAL.—The Secretary of the Army shall, subject to such terms and conditions as the Secretary deems appropriate to protect the interests of the United States, issue a revocable license to the Ova Noss Family Partnership, a California limited partnership, to conduct a search for treasure trove in the Victorio Peak region of White Sands Missile Range, New Mexico, and may provide the Ova Noss Family Partnership with necessary processing, administration, and support incident to the license, including transportation, communications, safety and security, ordnance disposal services, housing, and public affairs assistance that the Ova Noss Family Partnership cannot contract for directly.

(b) REIMBURSEMENT.—(1) The Secretary of the Army shall require the Ova Noss Family Partnership to reimburse the Department of the Army for—

(A) all costs related to providing such processing, administration, and support; and

(B) other costs or losses incurred by the Department of the Army in connection with or as a result of the search.

(2) Reimbursements for such costs shall be credited to the Department of the Army appropriation from which the costs were paid.

(c) REPORT.—For each fiscal year in which any action is carried out under this section, the Secretary shall transmit a report to the Committees on Armed Services of the Senate and the House of Representatives containing an accounting of all funds expended and received under this section.

SEC. 2822. COMMUNITY PLANNING ASSISTANCE.

The Secretary of Defense may use funds appropriated to the Department of Defense for fiscal year 1990 for planning and design purposes to provide community planning assistance in the following amounts to the following communities:

(1) Not to exceed $250,000 of the planning and design funds of the Department of the Army for communities located near the newly established light infantry division posts at Fort Drum, New York.

(2) Not to exceed $250,000 of the planning and design funds of the Department of the Navy for communities located near the newly established Navy strategic dispersal program homeport at Everett, Washington.

(3) Not to exceed $250,000 of the planning and design funds of the Department of the Air Force for communities located near Whiteman Air Force Base, Knob Noster, Missouri.

SEC. 2823. CONVEYANCE OF FACILITY, LITTLE ROCK, ARKANSAS.

The Secretary of the Army may convey, without reimbursement, to the University of Arkansas at Little Rock, Arkansas, the facility being utilized as the Army Reserve Center at such University as soon as the Secretary determines that such facility is no longer needed for Reserve activities.

SEC. 2824. DEVELOPMENT OF LAND AND LEASE OF FACILITY AT HENDERSON HALL, ARLINGTON, VIRGINIA.

(a) IN GENERAL.—The Secretary of the Navy may—

(1) using funds provided by the Navy Mutual Aid Association, design, supervise, construct, and inspect a multipurpose facility of approximately 62,000 square feet to be located at Henderson Hall, Arlington, Virginia; and

(2) lease, without reimbursement, to the Navy Mutual Aid Association approximately one-third of the square footage of the facility to be constructed.

(b) TERMS OF LEASE.—The lease entered into under subsection (a) shall—

(1) be for a term of 50 years;

(2) be in full consideration for the funds provided to the Secretary by the Navy Mutual Aid Association pursuant to subsection (a);

(3) provide that in the event the lease is canceled by the Secretary before expiration, the Secretary shall, as determined by the Secretary, provide comparable alternative space or, subject to the availability of funds, reimburse the Navy Mutual Aid Association for the unamortized cost of the building; and

(4) allow, at the discretion of the Secretary, for the Navy Mutual Aid Association to continue to use the space after the initial 50-year term, in compliance with laws and regulations applicable at that time.

(c) CONDITIONS.—(1) Title to the facility described in subsection (a)(1) shall be and remain in the United States.

(2) All construction authorized under this section shall be awarded through competitive procedures.

(3) Any lease or other agreement entered into under the authority of this section shall be subject to such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

DIVISION C—OTHER NATIONAL DEFENSE AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

PART A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

SEC. 3101. OPERATING EXPENSES.

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1990 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For weapons activities, $3,804,970,000, to be allocated as follows:

(A) For research and development, $1,070,370,000.

(B) For weapons testing, $532,600,000.

(C) For production and surveillance, $2,104,097,000.

(D) For program direction, $97,903,000.

(2) For defense nuclear materials production, $1,654,691,000, to be allocated as follows:

(A) For production reactor operations, $578,049,000.

(B) For processing of defense nuclear materials, including naval reactors fuel, $589,609,000, of which $78,744,000 shall be used for special isotope separation.

(C) For supporting services, $282,868,000.

(D) For uranium enrichment for naval reactors, $168,900,000.

(E) For program direction, $35,265,000.

(3) For environmental restoration and management of defense waste and transportation, $1,119,639,000, to be allocated as follows:

(A) For environmental restoration, $436,293,000. Such funds may also be used for plant and capital equipment.

(B) For waste operation and projects, $568,167,000.

(C) For waste research and development, $90,225,000.

(D) For hazardous waste process planning, $10,163,000.

(E) For transportation management, $11,841,000.

(F) For program direction, $2,950,000.

(4) For verification and control technology, $149,146,000.

(5) For nuclear materials safeguards and security technology development program, $82,241,000.

(6) For security investigations, $41,200,000.

(7) For new production reactors, $203,500,000.

(8) For naval reactors development, $562,800,000.

SEC. 3102. PLANT AND CAPITAL EQUIPMENT.

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1990 for plant and capital equipment (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

(1) For weapons activities:

Project 90-D-101, general plant projects, various locations, $28,130,000.

Project 90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $1,000,000.

Project 90-D-103, environment, safety, and health improvements, various locations, $10,700,000.

Project 90-D-121, general plant projects, various locations, $30,850,000.

Project 90-D-122, production capabilities for the nuclear depth/strike bomb (ND/SB), various locations, $8,000,000.

Project 90-D-123, follow on to lance warhead production facilities, various locations, $3,000,000.

Project 90-D-124, high explosives (HE) synthesis facility, Pantex Plant, Amarillo, Texas, $1,800,000.

Project 90-D-125, steam plant ash disposal facility, Y-12 Plant, Oak Ridge, Tennessee, $1,500,000.

Project 90-D-126, environmental, safety, and health enhancements, various locations, $26,700,000.

Project 89-D-122, production waste storage facilities, Y-12 Plant, Oak Ridge, Tennessee, $9,200,000.

Project 89-D-125, plutonium recovery modification project, Rocky Flats Plant, Golden, Colorado, $45,000,000.

Project 89-D-126, environmental, safety, and health upgrade, Phase II, Mound Plant, Miamisburg, Ohio, $3,500,000.

Project 88-D-102, sanitary wastewater systems consolidation, Los Alamos National Laboratory, Los Alamos, New Mexico, $3,100,000.

Project 88-D-104, safeguards and security upgrade, Phase II, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 88-D-105, special nuclear materials research and development laboratory replacement, Los Alamos National Laboratory, Los Alamos, New Mexico, $44,000,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $94,400,000.

Project 88-D-122, facilities capability assurance program, various locations, $83,099,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, $5,500,000.

Project 88-D-124, fire protection upgrade, various locations, $5,400,000.

Project 88-D-125, high explosive machining facility, Pantex Plant, Amarillo, Texas, $36,000,000.

Project 87-D-104, safeguards and security enhancement, Phase II, Lawrence Livermore National Laboratory, Livermore, California, $7,000,000.

Project 87-D-122, short-range attack missile II (SRAM II) warhead production facilities, various locations, $41,200,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $5,200,000.

Project 86-D-130, tritium loading facility replacement, Savannah River Plant, Aiken, South Carolina, $24,025,000.

Project 85-D-105, combined device assembly facility, Nevada Test Site, Nevada, $9,460,000.

(2) For materials production:

Project 90-D-141, Idaho chemical processing plant fire protection, Idaho National Engineering Laboratory, Idaho, $3,500,000.

Project 90-D-142, coal storage facility environmental upgrade, Feed Materials Production Center, Fernald, Ohio, $920,000.

Project 90-D-143, plutonium finishing plant fire safety and loss limitation, Richland, Washington, $800,000.

Project 90-D-146, general plant projects, various locations, $36,802,000.

Project 90-D-149, plantwide fire protection, Phase I, Savannah River, South Carolina, $4,900,000.

Project 90-D-150, reactor safety assurance, Phase I, Savannah River, South Carolina, $12,700,000.

Project 90-D-151, engineering center, Savannah River, South Carolina, $7,000,000.

Project 89-D-140, additional separations safeguards, Savannah River, South Carolina, $10,300,000.

Project 89-D-141, M-area waste disposal, Savannah River, South Carolina, $7,800,000.

Project 89-D-142, reactor effluent cooling water thermal mitigation, Savannah River, South Carolina, $40,000,000.

Project 89-D-148, improved reactor confinement system, design only, Savannah River, South Carolina, $7,100,000.

Project 88-D-153, additional reactor safeguards, Savannah River, South Carolina, $6,400,000.

Project 87-D-159, environmental, health, and safety improvements, Phases I, II, and III, Feed Materials Production Center, Fernald, Ohio, $55,111,000.

Project 86-D-148, special isotope separation project, Idaho Falls, Idaho, $40,000,000.

Project 86-D-149, productivity retention program, Phases I, II, III, and IV, various locations, $81,780,000.

Project 86-D-152, reactor electrical distribution system, Savannah River, South Carolina, $3,164,000.

Project 86-D-156, plantwide safeguards systems, Savannah River, South Carolina, $6,181,000.

Project 85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $75,000,000.

(3) For defense waste and environmental restoration:

Project 90-D-170, general plant projects, various locations, $29,036,000.

Project 90-D-171, laboratory ventilation and electrical system upgrade, Richland, Washington, $1,100,000.

Project 90-D-172, aging waste transfer lines, Richland, Washington, $1,300,000.

Project 90-D-173, B plant canyon crane replacement, Richland, Washington, $1,500,000.

Project 90-D-174, decontamination laundry facility, Richland, Washington, $2,800,000.

Project 90-D-175, landlord program safety compliance-I, Richland, Washington, $4,200,000.

Project 90-D-176, transuranic (TRU) waste facility, Savannah River, South Carolina, $3,100,000.

Project 90-D-177, RWMC transuranic (TRU) waste treatment and storage facility, Idaho National Engineering Laboratory, Idaho Falls, Idaho, $5,000,000.

Project 90-D-178, TSA retrieval containment building, Idaho National Engineering Laboratory, Idaho Falls, Idaho, $6,000,000.

Project 89-D-171, Idaho National Engineering Laboratory road renovation, Idaho, $7,400,000.

Project 89-D-172, Hanford environmental compliance, Richland, Washington, $27,600,000.

Project 89-D-173, tank farm ventilation upgrade, Richland, Washington, $15,400,000.

Project 89-D-174, replacement high level waste evaporator, Savannah River, South Carolina, $9,360,000.

Project 89-D-175, hazardous waste/mixed waste disposal facility, Savannah River, South Carolina, $6,440,000.

Project 88-D-173, Hanford waste vitrification plant, Richland, Washington, $29,100,000.

Project 87-D-173, 242-A evaporator crystallizer upgrade, Richland, Washington, $700,000.

Project 87-D-181, diversion box and pump pit containment buildings, Savannah River, South Carolina, $2,790,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, $14,140,000.

(4) For verification and control technology:

Project 90-D-186, center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico, $1,000,000.

(5) For new production reactor:

Project 88-D-154, new production reactor capacity, various locations, $100,000,000.

(6) For naval reactors development:

Project 90-N-101, general plant projects, various locations, $8,500,000.

Project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $3,600,000.

Project 90-N-103, advanced test reactor off-gas treatment system, Idaho National Engineering Laboratory, Idaho, $200,000.

Project 90-N-104, facilities renovation, Knolls Atomic Power Laboratory, Niskayuna, New York, $3,900,000.

Project 89-N-102, heat transfer test facility, Knolls Atomic Power Laboratory, Niskayuna, New York, $6,500,000.

Project 89-N-103, advanced test reactor modifications, Test Reactor Area, Idaho National Engineering Laboratory, Idaho, $3,100,000.

Project 89-N-104, power system upgrade, Naval Reactors Facility, Idaho, $6,400,000.

Project 88-N-102, expended core facility receiving station, Naval Reactors Facility, Idaho, $3,000,000.

(7) For capital equipment not related to construction:

(A) For weapons activities, $304,175,000, including $24,040,000 for the defense inertial confinement fusion program.

(B) For materials production, $104,425,000.

(C) For defense waste and environmental restoration, $50,126,000.

(D) For verification and control technology, $9,732,000.

(E) For nuclear safeguards and security, $4,967,000.

(F) For naval reactors development, $54,000,000.

SEC. 3103. FUNDING LIMITATIONS.

(a) PROGRAMS, PROJECTS, AND ACTIVITIES OF THE DEPARTMENT OF ENERGY RELATING TO STRATEGIC DEFENSE INITIATIVE.—Of the funds appropriated to the Department of Energy for fiscal year 1990 for operating expenses and plant and capital equipment, not more than $250,700,000 may be obligated or expended for programs, projects, and activities of the Department of Energy relating to the Strategic Defense Initiative.

(b) INERTIAL CONFINEMENT FUSION.—Of the funds appropriated to the Department of Energy for fiscal year 1990 for operating expenses and plant and capital equipment, not less than $184,240,000 shall be obligated or expended for the defense inertial confinement fusion program.

(c) SPECIAL ISOTOPE SEPARATION PROJECT.—The funds authorized for Project 86-D-148, special isotope separation project, Idaho Falls, Idaho, may not be used for site preparation, construction, or procurement of long-lead materials or equipment.

PART B—RECURRING GENERAL PROVISIONS

SEC. 3121. REPROGRAMMING.

(a) NOTICE TO CONGRESS.—(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) $10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may be taken after a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives of notice from the Secretary of Energy (in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed $1,200,000.

(b) REPORT TO CONGRESS.—If at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,200,000, the Secretary shall immediately furnish a complete report to the Committees on Armed Services and on the Committees on Appropriations of the Senate and House of Representatives explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3102 of this title, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken after a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives of notice from the Secretary of Energy (in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) IN GENERAL.—Funds appropriated pursuant to this title may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

(b) SPECIFIC TRANSFER.—The Secretary of Defense may transfer to the Secretary of Energy not more than $100,000,000 of the funds appropriated for fiscal year 1990 to the Department of Defense for research, development, test, and evaluation for the Defense Agencies for the performance of work on the Strategic Defense Initiative. Funds so transferred—

(1) may be used only for research, development, and testing for nuclear directed energy weapons, including plant and capital equipment related thereto;

(2) shall be merged with the appropriations of the Department of Energy; and

(3) may not be included in calculating the amount of funds obligated or expended for purposes of the funding limitation in section 3103(a).

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) IN GENERAL.—(1) Within the amounts authorized by this title for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In any case in which the total estimated cost for such planning and design exceeds $300,000, the Secretary shall notify the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN.

In addition to the advance planning and construction design authorized by section 3102, the Secretary may perform planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses or for plant and capital equipment may remain available until expended.

PART C—MISCELLANEOUS PROVISIONS

SEC. 3131. MAJOR DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

(a) MAJOR PROGRAM DEFINED.—In this section, the term "major Department of Energy national security program" means a research and development program (which may include construction and production activities), a construction program, or a production program—

(1) that is designated by the Secretary of Energy as a major Department of Energy national security program; or

(2) that is estimated by the Secretary of Energy to cost more than $500,000,000 (based on fiscal year 1989 constant dollars).

(b) REQUIRED REPORTS.—(1) Except as provided in paragraph (3), the Secretary of Energy shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives at the end of each calendar-year quarter a report on each major Department of Energy national security program.

(2) Each such report shall include, at a minimum, the following information:

(A) A description of the program, its purpose, and its relationship to the mission of the national security program of the Department of Energy.

(B) The program schedule, including estimated annual costs.

(C) A comparison of the current schedule and cost estimates with previous schedule and cost estimates, and an explanation of changes.

(3) A report under this section need not be submitted for the first, second, or third calendar-year quarter if the comparison between current schedule and cost estimates and schedule and cost estimates contained in the last submitted report shows that there has been—

(A) less than a 5 percent change in total program cost; and

(B) less than a 90-day delay in any significant schedule item of the program.

(c) SUBMISSION OF REPORT.—Each report under this section shall be submitted not later than 30 days after the end of each calendar-year quarter. The first report shall cover the fourth quarter of 1989 and shall be submitted not later than January 30, 1990.

(d) IDENTIFICATION OF PROGRAMS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall submit a report to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives that identifies all programs of the Department of Energy that are major Department of Energy national security programs, as defined in subsection (a).

SEC. 3132. FIVE-YEAR BUDGET PLAN REQUIREMENT.

(a) PLAN REQUIREMENT.—The Secretary of Energy each year shall prepare a five-year budget plan for the national security programs of the Department of Energy. The plan shall contain the estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the national security programs and shall be at a level of detail comparable to that contained in the budget submitted by the President to Congress under section 1105 of title 31, United States Code.

(b) SUBMISSION OF PLAN.—The Secretary shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives the plan required under subsection (a) at the same time as the President submits to Congress the budget pursuant to section 1105 of title 31, United States Code.

SEC. 3133. AMENDMENT TO ATOMIC COMMUNITY ACT OF 1955.

Section 91 c. of chapter 9 of the Atomic Community Act of 1955 (42 U.S.C. 2391(c)) is amended by adding at the end the following sentence: "No payments may be made under this section for a fiscal year to a governmental entity unless such entity provides satisfactory assurances to the Secretary of Energy that the payments will be used to supplement and not supplant the level of State and local funds that would otherwise be available to the entity were the Federal funds not paid to the entity for that fiscal year.".

SEC. 3134. PROHIBITION AND REPORT ON BONUSES TO CONTRACTORS OPERATING DEFENSE NUCLEAR FACILITIES.

(a) PROHIBITION.—The Secretary of Energy may not provide any bonuses, award fees, or other form of performance- or production-based awards to a contractor operating a Department of Energy defense nuclear facility unless, in evaluating the performance or production under the contract, the Secretary of Energy considers the contractor's compliance with all applicable environmental, safety, and health statutes, regulations, and practices for determining both the size of, and the contractor's qualification for, such bonus, award fee, or other award. The prohibition in this subsection applies with respect to contracts entered into, or contract options exercised, after the date of the enactment of this Act.

(b) REPORT ON ROCKY FLATS BONUSES.—The Secretary of Energy shall investigate the payment, from 1981 to 1988, of production bonuses to Rockwell International, the contractor operating the Rocky Flats Plant (Golden, Colorado), for purposes of determining whether the payment of such bonuses was under fraudulent circumstances. Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of that investigation, including the Secretary's conclusions and recommendations.

(c) DEFINITION.—In this section, the term "Department of Energy defense nuclear facility" has the meaning given such term by section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2268g).

(d) REGULATIONS.—The Secretary of Energy shall promulgate regulations to implement subsection (a) not later than 90 days after the date of the enactment of this Act.

SEC. 3135. PREFERENCE FOR ROCKY FLATS WORKERS.

In any contract awarded by the Secretary of Energy to carry out any cleanup, decontamination, or decommissioning of the Rocky Flats Plant (Golden, Colorado), the Secretary of Energy shall require the contractor to give first preference in hiring employees to those employees who worked at

the Rocky Flats Plant before it was closed and who are qualified to carry out the duties for the positions, as determined by the contractor.

SEC. 3136. AUTHORIZATION AND FUNDING FOR ROCKY FLATS AGREEMENT.

(a) AUTHORIZATION.—Using funds available pursuant to subsection (b), the Secretary of Energy may make such payments as may be necessary—

(1) to carry out the agreement entered into on June 16, 1989, between the Department of Energy and the State of Colorado with respect to the Rocky Flats Plant; and

(2) to enable the State of Colorado to ensure the safety, purity, and cleanliness of the drinking water of those communities whose water supply flows through, runs off, or is otherwise affected by air or water emissions of, the Rocky Flats Plant, by means of testing and related activities.

(b) FUNDING.—Of the funds appropriated to the Department of Energy for fiscal year 1990 pursuant to the authorization in this Act for environmental restoration and management of defense waste, up to $3,435,000 shall be obligated or expended to carry out such agreement and to provide for testing and related activities authorized under subsection (a)(2).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1990 $10,000,000 for the establishment and operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2268 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. STRATEGIC AND CRITICAL MATERIALS DEVELOPMENT, RESEARCH, AND CONSERVATION.

Section 8 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98g) is amended by adding at the end the following new subsections:

"(c) The President shall make scientific, technologic, and economic investigations concerning the feasibility of—

"(1) developing domestic sources of supply of materials (other than materials referred to in subsections (a) and (b)) determined pursuant to section 3(a) to be strategic and critical materials; and

"(2) developing or using alternative methods for the refining or processing of a material in the stockpile so as to convert such material into a form more suitable for use during an emergency or for storage.

"(d) The President shall encourage the conservation of domestic sources of any material determined pursuant to section 3(a) to be a strategic and critical material by making grants or awarding contracts for research regarding the development of—

"(1) substitutes for such material; or

"(2) more efficient methods of production or use of such material.

"(e) A grant or contract under this section for the performance of development and research (or for the construction of a facility for the performance of such development and research) may be made or awarded only—

"(1) using competitive procedures, in the case of a grant, or in accordance with section 2304 of title 10, United States Code (other than subsection (c)(5)), in the case of a contract; and

"(2) if the President determines at the time of making such grant or awarding such contract that such grant or contract shall serve national defense needs identified in a report submitted under section 14(c).

"(f) A provision of law enacted after the date of the enactment of this subsection may not be construed as modifying or superseding the requirements specified in subsection (e) unless that provision of law specifically refers to subsection (e) and specifically states that such provision of law modifies or supersedes such requirements.".

SEC. 3302. DEVELOPMENT OF DOMESTIC SOURCES.

(a) AUTHORITY OF THE PRESIDENT.—The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.) is amended by adding at the end the following new section:

"DEVELOPMENT OF DOMESTIC SOURCES

"SEC. 15. (a) Subject to subsection (c), and to the extent the President determines such action is required for the national defense, the President shall encourage the development of domestic sources of materials determined pursuant to section 3(a) to be strategic and critical materials—

"(1) by purchasing, or making a commitment to purchase, strategic and critical materials of domestic origin when such materials are needed for the stockpile; and

"(2) by contracting with domestic facilities, or making a commitment to contract with domestic facilities, for the processing or refining of strategic and critical materials in the stockpile when processing or refining is necessary to convert such materials into a form more suitable for storage and subsequent disposition.

"(b) Purchases and commitments to purchase made under subsection (a) may be made for periods of up to five years for such quantities and on such terms and conditions, including advance payments, as the President considers to be necessary.

"(c)(1) Transactions to carry out the authority provided in subsection (a) shall be included in the appropriate annual materials plan submitted to Congress under section 11(b). Changes to any such transaction, or the addition of a transaction not included in such plan, shall be made in the manner provided by section 5(a)(2).

"(2) The authority of the President to enter into obligations under this section is effective for any fiscal year only to the extent of the availability of amounts in the National Defense Stockpile Transaction Fund.

"(d) The authority provided to the President in subsection (a) includes the authority to transport and to incur other incidental expenses related to carrying out such subsection.

"(e) The President shall provide information with respect to activities conducted under this section in the reports required under section 11(a).".

(b) USE OF NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.—Section 9(b)(2) of such Act (50 U.S.C. 98h(b)(2)) is amended by adding at the end the following new subparagraph:

"(F) Activities authorized under section 15.".

SEC. 3303. NATIONAL DEFENSE STOCKPILE MANAGER.

(a) REDESIGNATION AND TRANSFER OF SECTION.—Section 6A of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e-1) is—

(1) transferred to appear after section 15 of such Act (as added by section 3302); and

(2) redesignated as section 16.

(b) AUTHORITY OF THE PRESIDENT.—Such section is amended—

(1) by striking out "sections 7, 8, and 13" each place it appears and inserting in lieu thereof "sections 7 and 13";

(2) by adding at the end of subsection (c) the following new sentence: "The President may not delegate functions of the President under sections 7 and 13."; and

(3) by striking out "section 6(b) or 6(d)" in subsection (d) and inserting in lieu thereof "section 6(a)(6)".

SEC. 3304. AUTHORITY TO DISPOSE OF MATERIALS IN THE STOCKPILE FOR INTERNATIONAL CONSUMPTION.

Section 6 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e) is amended—

(1) in subsection (b)—

(A) by striking out paragraph (3);

(B) by inserting "and" at the end of paragraph (1); and

(C) by striking out "; and" at the end of paragraph (2) and inserting in lieu thereof a period; and

(2) by striking out "paragraph (1), (2), or (3)" in subsection (d) and inserting in lieu thereof "paragraph (1) or (2)".

SEC. 3305. INFORMATION INCLUDED IN REPORTS TO CONGRESS.

Section 11(a)(5) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-2(a)(5)) is amended by striking out "made from the fund" and inserting in lieu thereof "made to the fund, and obligations to be made from the fund,".

SEC. 3306. CHANGES IN STOCKPILE REQUIREMENTS.

Pursuant to section 3(c)(4) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 90b(c)(4)), the National Defense Stockpile Manager may revise quantities of materials to be stockpiled under that Act in accordance with the following table:

Material	Current Quantity	Revised Quantity
Aluminum oxide, abrasive grain group	638,000 short tons (contained)	374,000 short tons (contained)
Antimony	36,000 short tons	88,500 short tons
Asbestos, amosite	17,000 short tons	0 short tons
Bauxite, refractory	1,400,000 long calcined tons	1,240,000 long calcined tons
Bismuth	2,200,000 pounds	1,060,000 pounds
Chromite, refractory grade ore	850,000 short dry tons	695,000 short dry tons
Columbium group	4,850,000 pounds (contained)	12,520,000 pounds (contained)
Diamond, industrial group	29,730,000 carats	7,730,000 carats
Fluorspar, acid grade	1,400,000 short dry tons	900,000 short dry tons

Material	Current Quantity	Revised Quantity
Fluorspar, metallurgical grade	1,700,000 short dry tons	310,000 short dry tons
Germanium	146,000 kilograms	78,000 kilograms
Graphite, natural, malagasy, crystalline	20,000 short tons	14,200 short tons
Graphite, natural, other than Ceylon and Malagasy graphite	2,800 short tons	1,930 short tons
Manganese, battery grade group	87,000 short dry tons	50,000 short dry tons
Mica, muscovite block, stained and better	6,200,000 pounds	2,500,000 pounds
Natural insulation fibers	1,500,000 pounds	0 pounds
Platinum group metals, iridium	98,000 troy ounces	86,000 troy ounces
Platinum group metals, palladium	3,000,000 troy ounces	2,150,000 troy ounces
Quartz crystals	600,000 pounds	240,000 pounds
Talc, steatite block and lump	28 short tons	0 short tons
Tungsten group	50,666,000 pounds (contained)	70,090,000 pounds (contained)

SEC. 3307. AUTHORIZED DISPOSALS.

(a) AUTHORITY.—Notwithstanding section 5(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(b)), and subject to subsection (c), the National Defense Stockpile Manager may during fiscal years 1990 and 1991 dispose of materials in the National Defense Stockpile in accordance with this section. The value of materials disposed of may not exceed $180,000,000 during each of such fiscal years, and such disposal may be made only as specified in subsection (b).

(b) MATERIALS AUTHORIZED TO BE DISPOSED.—Any disposal under subsection (a) shall be made from quantities of materials in the National Defense Stockpile previously authorized for disposal by law or from the following quantities of materials currently held in the National Defense Stockpile, such quantities having been determined to be excess to stockpile requirements:

(1) 34,000 short tons of asbestos, amosite.

(2) 255,400 pounds of bismuth.

(3) 8,000,000 carats of diamond, industrial, crushing bort.

(4) 15,000 short dry tons of fluorspar, metallurgical grade.

(5) 3,635 short tons of graphite, natural, malagasy, crystalline.

(6) 873 short tons of graphite, natural, other than Ceylon and Malagasy graphite.

(7) 15,000 flasks of mercury.

(8) 10,000 pounds of mica, muscovite block, stained and better.

(9) 690 short tons of silicon carbide.

(10) 15,000,000 troy ounces of silver.

(11) 28 short tons of talc, block and lump.

(12) 5,000 metric tons of tin.

(c) LIMITATION ON DISPOSALS DURING FISCAL YEARS 1990 AND 1991.—The National Defense Stockpile Manager may dispose of materials under this section during each of the fiscal years 1990 and 1991 only to the extent that the total amount received (or to be received) from such disposals for each such fiscal year does not exceed the amount obligated from the National Defense Stockpile Transaction Fund during such fiscal year for the purposes authorized under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

SEC. 3308. AUTHORIZATION OF ACQUISITIONS.

(a) ACQUISITIONS.—During each of the fiscal years 1990 and 1991, the National Defense Stockpile Manager shall obligate $180,000,000 out of funds of the National Defense Stockpile Transaction Fund (subject to such limitations as may be provided in appropriations Acts) for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

(b) UPGRADE PROGRAMS.—Of the amount specified in subsection (a), at least $30,000,000 shall be obligated during each of such fiscal years for programs not already required by law for upgrading stockpile materials.

(c) PURCHASE OF GERMANIUM.—Of the amount specified in subsection (a) for fiscal year 1990, at least $12,000,000 shall be obligated during that fiscal year to acquire germanium for the National Defense Stockpile.

TITLE XXXIV—CIVIL DEFENSE

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $151,535,000 for the fiscal year ending September 30, 1990, to carry out the provisions of the Federal Civil Defense Act of 1950.

Amend the title so as to read: "A bill to authorize appropriations for fiscal year 1990 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.".

The CHAIRMAN pro tempore. No amendments to said substitute are in order except amendments designated in House Report 101-168. Said amendments shall be considered only in the order and manner specified and shall be considered as having been read. Said amendments, except those printed in part 2 of said report, may only be offered by the Member designated for said amendment in House Report 101-168, or the rule, or his designee. Debate time specified for each amendment shall be equally divided and controlled by the proponent of the amendment and a Member opposed thereto, except as specified in the rule or House Report 101-168.

Said amendments are not subject to amendment, except as specified in the rule or House Report 101-168, or to a demand for a division of the question. Any general debate specified in the rule shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

It shall be in order for the chairman of the Committee on Armed Services, or his designee, to offer amendments en bloc, including modifications in the text of any amendment which is germane thereto, printed in parts 2 or 3 of said report. Said amendments en bloc are considered as having been read and are not subject to amendment or to a demand for a division of the question. Said amendments en bloc shall be debatable for 60 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The original proponents of the amendments offered en bloc shall have permission to insert statements in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may postpone recorded votes, if ordered, on any first degree amendment until a designated point later that legislative day or until the next legislative day. The Chair may reduce to a minimum of 5 minutes the period of time within which a recorded vote, if ordered, may be taken on all amendments following the first vote in the series.

If the Committee of the Whole does not complete consideration of any amendment printed in parts 1 or 2 of said report, it shall be in order on any subsequent legislative day for the chairman of the Committee on Armed Services, after consultation with the ranking minority member and after giving at least 1 hour's notice, to request the Chair to recognize the proponent of said amendments, and the Chair may recognize the proponents of said amendments, notwithstanding the order of amendments specified in said report. If the chairman of the Committee on Armed Services does not give such notice or make such request, said amendments may be offered by their proponents following the disposition of all other amendments contained in part 2 of said report.

The proponent of any amendment printed in part 3 of the House Report 101-168 not considered in the order specified in the rule may offer that amendment at the conclusion of con-

sideration of all other amendments printed in part 2 of said report.

The Chair will announce the number of the amendment made in order by the rule and the name of its sponsor in order to give notice to the Committee of the Whole as to the order of recognition.

It is now in order to debate the subject matter of the strategic defense initiative.

Pursuant to the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 30 minutes and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

□ 0920

Mr. ASPIN. Mr. Chairman, I ask unanimous consent that I be allowed to strike the last word to talk a little bit about the schedule today.

The CHAIRMAN pro tempore (Mr. HALL of Texas). Without objection, the gentleman from Wisconsin [Mr. ASPIN] is recognized for 5 minutes.

There was no objection.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from California [Mr. DELLUMS].

PARLIAMENTARY INQUIRY

Mr. DELLUMS. Mr. Chairman, I thank my colleague for yielding.

Mr. Chairman, I would like to propound the following parliamentary inquiry: I understand we are now proceeding to debate the strategic defense initiative. The rule provides 1 hour, evenly divided between the gentleman from Wisconsin [Mr. ASPIN], who chairs the committee, and the gentleman from Alabama [Mr. DICKINSON], who is the ranking minority member.

There are three amendments, one amendment that goes forward with the strategic defense initiative, one amendment that stops it, and one amendment that slows it down.

The question that I would raise with the Chair is what is the rationale for dividing the time evenly between the gentleman from Alabama [Mr. DICKINSON] and the gentleman from Wisconsin [Mr. ASPIN] when it appears as if this is to some extent unfair? On the other side of the aisle the majority position is to support the gentleman from Arizona [Mr. KYL], so I think that one could argue, and I think legitimately, that the gentleman from Arizona [Mr. KYL] then has approximately 30 minutes of the general debate time. There are two amendments on this side, which means we end up, even if you give us half of the time, with 15 minutes, and I think that there is some lack of equity in this regard.

The parliamentary inquiry I would raise is this: What is the rationale for dividing the time and who is perceived as proponents and opponents in this debate? I think the gentlewoman from California [Ms. BOXER] and the gentleman from California [Mr. DELLUMS] should be perceived as opponents, and we should then have half the time to debate against any SDI amendments, since we want to stop SDI. And we think that the process, with all due respect to the Rules Committee seems to be unfair at this point, and I ask it not in controversy, but simply to try to get an explanation.

The CHAIRMAN pro tempore. The gentleman from California might be advised that the chairman and ranking minority member who control the time under the rule have the right to yield. That is for any general debate on this bill and it is traditionally so divided, as it as been divided here.

Mr. DELLUMS. I thank the distinguished Chair.

Mr. ASPIN. Mr. Chairman, I would like to discuss a little bit with the gentleman from Alabama today's schedule just so that Members understand what we are doing before we start on this day, which promises to be a long one.

Let me just announce that the schedule for today is that the first issue that the Committee of the Whole will consider under the defense bill is, as the gentleman from California said, the SDI amendments. The plan is to have general debate on the subject for an hour, followed by a 10-minute debate on each amendment. The amendments are first the Kyl amendment; 5 minutes for, 5 minutes against and a vote. Followed by the Dellums-Boxer amendment; 5 minutes for, 5 minutes against and a vote.

Finally, the Bennett amendment; 5 minutes for, 5 minutes against and a vote.

Following the conclusion of the issue on the SDI funding, there will be, according to the rule, three separate add-ons. If any of the amendments has passed in the Committee of the Whole to cut SDI, there will be three amendments offered to add money for specific programs. Each of them has a 15-minute debate time to be divided between the proponents and opponents; 15 minutes debate and a vote. The first is on the Bennett amendment to add $232 million to conventional forces; second, is the Spratt amendment to add $300 million for DOE environmental cleanup; and, third, the Mavroules amendment to add $450 million for drug interdiction.

Following that, and I do not know how long that will take, there will be a number of votes. The next issue is two amendments relating to burden-sharing. It is the rule's stipulation that the Schroeder amendment and the Ireland amendment, both relating to burden-sharing, are both in order and both have a 30-minute debate time and a vote.

At the conclusion of that, the rule calls for consideration of part 2 amendments. Part 2 amendments are general amendments that are listed in part 2 of the rule, are listed in order by author and subject. They will be called up in order; and author will have 5 minutes in support of his amendment, and opponents to the amendment will have 5 minutes in opposition to the amendment.

It is possible that when we come to that point, any votes that are desired will be clustered and will come at the end of the process.

What amendments come up next is the gentleman from Alabama. [Mr. DICKINSON] the ranking Republican on the committee, who will at that point offer in effect the Cheney budget for the procurement part of the bill. Under the rule there is 40 minutes debate time, 20 minutes to be controlled by the gentleman from Alabama [Mr. DICKINSON] and 20 minutes by the opposition to the amendment, and that will be followed by a vote.

Depending on how that comes out, we may or may not then be following on with the Weldon amendment. The Weldon amendment would add back the F-14, and V-22 and the Guard and Reserves.

That in essence is the outline of the program today. Whenever we get to the end of that, we will be finished for the day.

I would say that there is some disconnect between consideration of the part 2 amendments and then considering the Cheney budget. What we have talked about, and I have been talking with the gentleman from Alabama about this, is it seems to me to be fair to the authors of the amendments and be fair to the Cheney budget if what we do in this process is to make sure that we do not consider any part 2 amendment that relates to the procurement today.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. ASPIN] has expired.

(By unanimous consent, Mr. ASPIN was allowed to proceed for 5 additional minutes.)

Mr. ASPIN. We will in effect do any part 2 amendments that relate to the procurement part of the bill tomorrow or the next day, or put them off until the end of the part 2 amendments.

□ 0930

The purpose of this is that if we pass any part 2 amendments, then that will be affected, procurement could be wiped out by a subsequent vote on the Cheney budget.

So to be fair, out of consideration for the Cheney budget and to be fair to the people who want to offer amendments, part 2 amendments to the procurement part of the bill, we want to make sure that we put those off until another day.

So what we will consider, in consideration of the part 2 amendments,

that is listed here in the rule, we will make sure that those amendments will be the ones that affect R&D, affect personnel, affect readiness, we can consider all of those because the Cheney package which the gentleman from Alabama will offer affects only the procurement part of the bill.

I wanted to at least take the time at the beginning of today to explain all of this because I think it is going to be a long day and we want people to be treated as fairly as we can but also we want to deal with the process expeditiously, and hopefully we can get through not too late tonight.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, the chairman has stated the situation as correctly as I understand it, and as we have discussed. I think it makes eminently good sense and is an orderly way to proceed, since there will be a Cheney amendment offered which deals only with procurement and would prohibit the add-back of programs not in the budget. Those amendments of part 2, would come following the Cheney amendment rather than preceding it, since the Cheney amendment, if it passed, would wipe out all that had been passed in the debate and the votes would go for naught.

I think this is a reasonable approach, and I think it is a commonsense approach.

I know that I am speaking correctly when I say that the chairman and staff will notify the authors of the various amendments, since we will not be going sequentially, so they will be notified in ample time so that they can be over here to speak on behalf of their amendments.

Mr. ASPIN. Yes.

Mr. DICKINSON. After the Cheney amendment is considered, regardless of whether it passes or not, the balance of the bill dealing with procurement funding will then be brought up in order at any time that the chairman cares to call for it.

Mr. ASPIN. That is correct.

Mr. DICKINSON. This is my understanding and I am certainly in agreement.

The CHAIRMAN pro tempore (Mr. HALL of Texas). Pursuant to the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 30 minutes, and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I yield 4 minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. I thank the chairman for yielding.

Mr. Chairman, the current Star Wars Program is the "Would you believe?" system of the military budget. Do you remember the TV program, "Get Smart?" The main character on that program was the hapless agent, Maxwell Smart. He would start to weave some fantastic story or theory to get himself out of trouble and when his listener looked skeptical, he would utter that famous line, "Would you believe * * *?" and come up with another plan.

That, to me, sums up the history of star wars. This program has run its course. It lacks a coherent mission, except as a great threat to arms control. It has cost billions and we cannot afford it anymore. That is why I am proud to support and join in the Dellums-Boxer star wars amendment.

The Dellums-Boxer amendment would dismantle the office of star wars that administers this ever-changing program, but it would authorize sufficient funding at $1.3 billion to continue basic research into ballistic missile defense technology. This is about the level at which this program would have been before the wild idea came into play.

Mr. Chairman, I do not understand how Members on the other side of the aisle who say they are so concerned about the budget could stand here with all the budgetary pressures we face and seriously consider pouring billions more into this chameleon program which changes every day according to the political climate.

Since its birth in the imagination of President Reagan 6 years and $17 billion ago, we have seen the star wars salesmen of the Reagan and Bush administrations change their star wars pitch in three basic areas: its mission, its technology, and its cost.

Let me briefly review this "Would you believe" program and its would you believe mission. Star wars was first billed as a total population defense. Every man, woman, and child would be protected.

We saw those TV commercials of the little child throwing a shield over his house. That did not last very long. Because after a while even the scientists admitted it would not work. So the only person who really believed it to the end was President Reagan and for a while former Secretary of Defense "Cap" Weinberger.

Even the Joint Chiefs of Staff acknowledged that there would be leaks in this shield, that the fact is we could not protect our people from such a missile attack.

So they said, "Would you believe," and we were told star wars' purpose now was really to protect military installations. It would be a deterrent.

Well, we have a deterrent, my friends: many nuclear warheads and the memory of Hiroshima and Nagasaki.

Let us look at this "would you believe" technology. In March 1983, when star wars was announced, TV screens were full of seductive video images. Since then we have learned that such technologies are decades and decades away if they can ever come at all.

So they changed their story. They said, "Would you believe," and all of a sudden there was a shift of priorities from research on long-term so-called exotic technologies to some of the old ideas discarded in the 1970's of rockets intercepting other rockets.

Regardless of whether these technologies were at all effective, the administration promised they could be tested and deployed in a few years. That is what mattered, tests of real objects that people could see on TV.

So they decided to do tests on television that we could see. But who cared if those tests ran up against the ABM Treaty? But Congress balked. We said, "No." Then one day the chairman of the Senate Armed Services Committee said, "Would you believe," a new idea for star wars? A new idea that it would be protecting us against accidental launch. There must have been panic among the star warriors. So a new idea was born, brilliant pebbles, an idea that Mr. Bennett called crazy marbles. I have to agree with Mr. Bennett on that.

Let me talk about cost: Brilliant pebbles is billed as a bargain at a mere $10 billion comapred to the $69 billion. A bargain? Why should we believe this or any other cost estimate trotted out by the administration? We have seen the costs of the B-2. We simply cannot afford it.

So all I want to say to my colleagues in summing up is you have three options to choose from today. I say stop this "would you believe" system, get back to reality and support the Dellums-Boxer amendment.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we enter into the debate on SDI, I think it is very important that we keep certain facts in mind. First, it is my recollection that nobody has ever seriously contended that SDI would be a leakproof, 100-percent assured protection. As I understood it, as ranking Republican on the Subcommittee on Research and Development, it has always been a shield that would allow some degree of protection, perhaps as little as 50 percent, with the idea that if SDI could defeat 50 to 60 percent of incoming Soviet missiles, it would put great uncertainty into the minds of Soviet planners.

□ 0940

SDI would so confound Soviet offensive planners they could never launch a first strike on the United States.

That is what deterrence is all about. No one said it is 100-percent guaranteed. I never understood, and I do not think the members of the Armed Services Committee understood, that SDI is supposed to be a 100-percent guarantee.

To review some of the SDI budget figures, the Reagan budget, as it initially came over, had a total of $5.9 billion for SDI. The Bush administration, when they came in, reduced SDI by $1 billion, to $4.9 billion. The Bush R&D funding was $4.6 billion.

The funding level of the amendment being offered by my colleague from Arizona, Mr. KYL, would leave SDI at this year's level of $3.7 billion, plus inflation, which provides zero real growth for the program.

The Bennett amendment will provide $3.1 billion for SDI. If you take out the Department of Energy portion, the Bennett number is $2.8 billion. Finally, the gentleman from California [Mr. DELLUMS] will offer an amendment to reduce SDI to $1.3 billion.

I have just read a recent statement by the former SDI Program director, Lieutenant General Abrahamson. The thrust of his statement was that if we continue this up-and-down funding profile we are, in fact, washing the whole program. Congress cannot go year to year, going from funding peak to valley. I would urge the Members to fund SDI at the year's level, plus inflation. I realize that it is appealing for people to say, "Hey, we've got a great big pot of money in SDI we can use to fund drug wars." I want Members to know that we are spending hundreds of millions of dollars to fight the drug wars, without taking additional moneys out of SDI. As for toxic waste clean up, we have a Superfund, and many hundreds of millions of dollars already committed to the problem. These funds do not have to come out of SDI.

I would urge the Members to vote for stability in SDI funding so that we can rationally plan ahead. This means funding SDI at this year's level, plus inflation. If we need other funds to do other jobs, we should authorize and appropriate them separately. We should not always use SDI as the bill payer for every motherhood issue that might be popular at the time. SDI is an important program. We need it. It is justified. It is doable. We certainly should not deny ourselves the capacity to prove the feasibility of strategic defenses. I would urge all the Members to listen to the debates that will ensue. When the votes occur, support the Kyl $3.8 billion amendment—this year's level, plus inflation.

I reserve the balance of my time.

Mr. PICKETT. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, all Members, I think, want to have a stronger national defense. I do not know of any Member who does not.

The problem we are facing is the fact that today we do not have adequate funds to do the things that we would like, and know we should be doing if we could afford the funds. So we have to meet these problems in a very restrictive way.

I have suggested the figure of $3.1 billion, and that would be the amendment I will offer on SDI. The reason for that is because it has passed the House twice. That has been the figure we have had. That is one of the reasons. Another reason is we had hearings on the amount that would be needed. In those hearings, although they were diverse in the amount of money that was suggested, I do not think any person suggested more than $3.5 billion, and some suggested as small as $2 billion. The thing that was consistent with every person who testified was that it ought to be stable, if possible. Since this is the figure that has passed most frequently in the House, it seems logical to take $3.1 billion as the figure.

Now Congress has not meddled in the way in which SDI should be done. In almost every other program that we have, the Federal Government is somewhat structured by Congress in the details of it. There is some justification for that. Under the Constitution, Congress is responsible for providing for national defense. The President is not. The Congress is, by the terms of the Constitution. So we do have a right to look into the matter and to be corrective and suggestive with regard to what the Pentagon will do. We actually have not done that with regard to SDI. We have left that up to the Pentagon mostly to do, and tried to arrive at a stable figure.

The figure I suggest is a good stable figure, fits in the middle. Actually a little higher than the middle of the people who testified for a Democratic caucus task force on SDI that I set up 2 years ago and chaired. A logical figure is $3.1 billion. We spent $15 billion or more already on the research, and we should go forward with research. The greatest weakness about SDI is it has a good answer. It is not, as the gentleman from Alabama said, a complete shield, it is not a thing that guarantees that nukes are going to be obsolete and none will get through. Therefore, since some will get through, we have to listen to what the general from Russia said a week or so ago in our committee. He said, "Since that is so, we are going to have to have more nuclear weapons. That is the only way to make it possible for us to suggest we would be willing to have this shield, even though partial, and want to bring down the number of nuclear weapons posed toward you." The reverse of that position would be an illogical position to take from their viewpoint; and they do not intend to take it. Actually, Gorbachev said sometime ago when asked the question of what would the reply be to SDI, and he said, "to create more ICBMs, and also to have diversionary things, decoys," and things like that, to see to it that their missiles are more penetrable then otherwise.

A few have spoken about the first strike. Of course, there are two ideas that went through people's mind talking of first strike. One, the first to strike. Everyone agrees that is not what first strike means. The second definition is a strike by a weapon which makes it impossible for the other side to reply. Of course, there is no such weapon. No country has that. If we are entirely wiped out, we would still have our submarines and could entirely wipe them out after that. The same thing is true on the other side, just with their submarines alone. So there is not any first strike weapon. All that garbage about first strike is a bunch of stuff, because if Members look at the definition of first strike, it means either one or the other. Everyone agrees that it does not mean the first to strike. The other meaning is ability to strike so no one can respond. There is not any weapon like the latter, with or without SDI. There is no possibility of that because we have the ability from underwater at least to make a reply that is very devastating, completely devastating to the other side.

□ 0950

Mr. Chairman, I support the figure of $3.1 billion because I think it is a solidly arrived at figure. It is one that was arrived at after hundreds of hours of testimony as to what the figure ought to be. It is not one which meddles in any kind of micromanagement or anything like that. It is a figure which is one that will let us go forward with research and will not put us into deployment, which, of course, in my opinion would be a very great mistake. Deployment is not only contrary to our treaties but also a very dangerous thing for the future, particularly for our own country.

Mr. DICKINSON. Mr. Chairman, I yield 10 minutes to the very distinguished gentleman from Arizona [Mr. KYL], who will be offering the principal amendment in support of SDI.

(Mr. KYL asked and was given permission to revise and extend his remarks.)

Mr. KYL. Mr. Chairman, Monday, yesterday, President Bush made the following statement as he began a meeting with Members of the other body at 10 o'clock in the Cabinet Room. This is what he said:

I just wanted to just briefly say that—as we begin the critical debate, that I strongly support what we sent up there to the Hill. SDI, in my view, is critical, it's critically important. We've got a good program there and I think it's essential that it go forward.

Mr. Chairman, in a letter dated July 24, 1989, to our ranking member, the gentleman from Alabama [Mr. DICKINSON], the President said as follows:

I have taken another hard look at SDI and confirmed that the goal of the program—providing the basis for an informed decision on deployment of defenses that would strengthen deterrence—remains sound. We owe it to ourselves and our children to pursue that goal. I am personally and deeply committed to doing so.

Moreover, SDI is at a critical juncture. The technological progress we have made means that we need to conduct large scale realistic, and therefore expensive, tests to prove the feasibility of defenses. Already, because of cuts required in the overall Defense budget, I have reluctantly submitted a revised budget, cutting over $1 billion from the program. If the Congress cuts even more deeply, our ability to investigate and test the most promising options will be seriously damaged. We will be unable to determine, in a meaningful way, whether we can rely more on defenses for our security. The American people are entitled to that assessment.

The President is absolutely right. As to the question that some of my colleagues have asked, "Can we afford SDI?" I would like to point out to my colleagues that the budget set forth by Secretary Cheney, which already cut $1 billion from the original request, represents only about 1½ percent of our defense budget. That is 1½ percent, and it represents only about four-tenths of 1 percent of the entire Federal budget.

Just to illustrate the point, Mr. Chairman, there is a chart here that describes what we spend in this country on various things. We see that Americans spend $80 billion-plus on alcoholic beverages, we spend about $30 billion on soft drinks, we spend about the same on jewelry and watches, we spend over $40 billion on tobacco products, and we spend almost as much on pantyhose in this country as it is suggested we should spend on SDI.

Where are our priorities? We owe it to the American people to provide a defense and a deterrence against an attack by the Soviet Union. The Members can see that the far bar on this chart show the strategic defense initiative as the very smallest item in our priorities. No one is arguing that the American consumer should not spend money on the various goods we want to enjoy in this country. That is the difference between the United States and the Soviet Union. We have a balance in this country. We make tough choices. We decide how much we want to spend on defense and how much our people are going to spend on themselves. That is not the way they do it in the Soviet Union.

But where are our priorities if we argue that we cannot afford to spend 1½ percent of the defense budget on SDI, or four-tenths of 1 percent of our Federal budget?

There is also a point to be made here, Mr. Chairman, with respect to the effect of further cuts; and I would simply like to note the fact that further deep cuts in SDI would be debilitating to the program. Let me just quote a couple of comments for the Director of the Strategic Defense Initiative Organization, Gen. George Monahan. He says that further cuts would be devastating and would "wreak havoc with the research program." He said that it would "jeopardize the really astonishing technical and strategic successes we have achieved in the program." He went on further to say that it would disrupt the entire program, and that it "not only could shut down existing projects, but could turn away some of the country's best scientists and engineers."

He said further:

In short, funding the program below the President's request will not allow us to achieve the program's objectives.

Then he said:

The cuts will be costly and result in dismantling programs and losing much of the skilled workforce participating in Strategic Defense research and development.

I say to my colleagues that we all know that once these people are gone, they are gone. We cannot bring them back in any meaningful way.

General Monahan then went on to say:

An SDI program funded below the President's request will lower the level of research in important technologies, areas of technical risk and cost reduction. It will cause program disruption, cancellation of planned experiments and validation tests, and we will waste the progress SDI has achieved to date.

Mr. Chairman, many of my colleagues say, "Well, we don't know whether it will work." Yet they are not willing to fund it and do the tests to find out whether it will work. I challenge them to provide this modest level of funding to enable us to answer these questions so we can make a deployment decision within the next 4 years.

To reduce funding to the level of the Bennett amendment or the Dellums-Boxer amendment would, as the chart shows, deny deployment options in this century. We would have no capability any longer to be able to deploy a system in this century.

Further, it would limit our flexibility in arms control negotiations. I covered this yesterday in two different presentations I made to my colleagues. SDI provides an insurance policy; it will make it much easier for us to agree to drastic limits in the START talks if we know we have that strategic defense to protect us against cheating by the Soviets. Otherwise we will have to cancel the research effort, and we will have to cancel contracts, shelve technology, delay experiments, stop alternative approaches, and lose the interest of private industry which, after all, has to see something in the program in order to continue its effort. We will lose scientists and engineers.

As General Monahan's comments indicate, 8,000-plus employees will have to be let go from this project at the funding level suggested by the gentleman from Florida [Mr. BENNETT]. Obviously there would be a much more drastic cut than that if the Dellums-Boxer amendment were to pass.

Finally, Mr. Chairman, we would have to rely forever on nuclear retaliation rather than a balanced mix of offense and defense as the deterrent for the United States in the 21st century.

It has always puzzled me why those who want to avoid nuclear war believe that the best way to do it is to threaten mutual suicide with the Soviets. Does it not make sense to provide for our people a protection against attack, not only a massive attack by a country like the Soviet Union but also an accidental launch, or protection against a Third World country attack?

According to William Webster, the CIA Director, in the next decade 15 Third World nations are going to acquire ballistic missile technology. They already have the technology to put a chemical warhead on those missiles. They would be able to blackmail not only the United States but other allies around the world. If we have a strategic defense system that blackmail would no longer succeed because we would be able to protect our citizens.

The gentlewoman from California says:

Well, the program is no longer designed to protect citizens, it is now designed to protect our military assets.

It protects both, because it deters an attack. But as to the precise mission, should an attack occur, it still protects both. On an accidental launch, for example, or launch by a Third World country it protects the people of the United States of America.

The bottom line, of course, is that when we have a program that so disrupts the planning of the Soviets, as SDI will—and we all know how afraid the Soviet Union is of SDI—if we disrupt the planning process of the Soviet Union to the extent that SDI would do so, we deter an attack. That is the reason why we have SDI in the first place.

So, Mr. Chairman, the effect of further cuts would be to ruin the SDI program, to preclude us from making the kind of deployment decision we need to make in this century, and that is why I urge my colleagues to support

the Kyl amendment, which would at least fund SDI at zero real growth level. That is last year's level plus inflation.

That level is not too much to ask. The administration reluctantly supports that amendment. They would rather have the $4.6 billion that the Cheney budget requested; but at a minimum, I say to my colleagues, we should support zero real growth. We should reject the Bennett amendment at $2.8 billion and the Dellums-Boxer amendment at a significantly lower level than that.

So, Mr. Chairman, I ask my colleagues, when the time comes, to vote to support the Kyl amendment and reject both the Dellums-Boxer amendment and the Bennett amendment.

Mr. Chairman, I include with my remarks the following letter:

THE WHITE HOUSE,
Washington, DC, July 24, 1989.

Hon. WILLIAM L. DICKINSON,
Committee on Armed Services,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN DICKINSON: When the Fiscal Year 1990 Defense Authorization Bill comes to the floor next week, you and your colleagues will make critical decisions affecting the future of deterrence and arms control for the balance of the century. Before you vote, I want to be certain that you understand my reasons for the strategic modernization program I have proposed.

Taken together, these strategic programs are essential to preserve a capable, survivable and effective deterrent. They are an integrated package that deals with the evolving threat and is flexible enough to hedge against uncertainties. They also undergird our arms control negotiations and provide incentives to the Soviets to continue the internal changes they appear to be making. Each represents, not simply modestly improved capability but fundamental change in strategy or system performance.

I am optimistic about what we are beginning to see in the Soviet Union. The Soviets may finally be willing to make significant changes in the character and size of their military forces. This willingness is at least in part the result of our commitment to a modern, capable deterrent force. Weakening the commitment now could undermine the positive trends we see emerging in Soviet forces.

I have taken another hard look at SDI and confirmed that the goal of the program—providing the basis for an informed decision on deployment of defenses that would strengthen deterrence—remains sound. We owe it to ourselves and our children to pursue that goal. I am personally and deeply committed to doing so.

Moreover, SDI is at a critical juncture. The technological progress we have made means that we need to conduct large scale realistic, and therefore expensive, tests to prove the feasibility of defenses. Already, because of cuts required in the overall Defense budget, I have reluctantly submitted a revised budget, cutting over $1 billion from the program. If the Congress cuts even more deeply, our ability to investigate and test the most promising options will be seriously damaged. We will be unable to determine, in a meaningful way, whether we can rely more on defenses for our security. The American people are entitled to that assessment.

The B-2 is also at a critical point. The aircraft is based on revolutionary technology that will guarantee the effectiveness of the penetrating bomber well into the next century. Without it, the strategic Triad, which has been the bedrock of our nuclear strategy, will virtually disappear. The B-2 is also the core of our START strategy for achieving stable deterrence at reduced levels. Indeed, under the terms of our current arms control proposal, the bomber force will be assigned a very large percentage of our targets. I have no doubt that the B-2 is worth its cost and deserves your support.

ICBM modernization has been marked with considerable controversy and strong opinion. Yet there is broad agreement that mobility is required for our land-base missiles to improve their survivability and enhance their unique capabilities. After careful review of the issue, I have determined that we should deploy, in a carefully phased manner, the Rail-garrison Peacekeeper and the Small road mobile ICBM. I am committed to doing so.

Rail-garrison Peacekeeper will improve the survivability of the ICBM force quickly and at modest cost, while preserving the considerable military capability of this system. The Small ICBM represents the future of the ICBM force. It offers a high degree of survivability, even with virtually no warning. But, it will not be ready to deploy as soon as Rail-garrison and will obviously be more expensive than a multiple warhead system. We can field Rail-garrison in the near term while at the same time continuing development of the Small ICBM for 1997 deployment. We likewise need to commit to an ICBM mobility program to avoid a deadlock in the START negotiations on the mobile issue.

In addition to the requirement for these forces as the heart of our nuclear deterrent strategy, in which they form an integrated and inseparable whole, there is the role which this modernization program plays in our arms control strategy. We are entering a very important and promising state in our strategic arms control negotiations. We have already introduced some changes in our position and we are actively considering others which could make a significant contribution to the stability of the nuclear balance. To pull the rug out from under me at this crucial juncture by weakening my program could destroy this opportunity to make real progress. Indeed, it could even prevent the conclusion of an arms control agreement. I need the negotiating flexibility which this dynamic and sensible modernization program provides. Don't prevent me from achieving a treaty which could make great strides toward reducing the chances of nuclear conflict.

Let me add two cautionary notes. First, good arms control cannot be legislated. I seek and welcome the advice and counsel of the Congress and regularly consult you on the full range of arms control issues. But, in the final analysis, I must be responsible for negotiating arms control agreements. The many arms control amendments that are customarily proposed to the defense bills only undercut me and our foreign policy and frequently have an effect opposite to that intended by their sponsors.

Second, the pressures to play one modernization program off against another or to pay for one with cuts in another threaten the balanced strategy behind our programs. Secretary Cheney and I have had to make hard choices in these times of tight budgets—this budget is the best balance of needs and affordability and represents an integrated strategic approach.

As you begin final debate on the defense bill, I ask you to carefully consider the affordable, integrated plan we have designed to strengthen deterrence, to reinforce the incentives for change in the Soviet Union, and to further our goal of negotiating arms control agreements that will reduce the likelihood of nuclear war. We cannot afford to lower our defenses because of Gorbachev's rhetoric; we cannot afford to pull the rug out from our negotiators, and we cannot afford to forfeit the investments we have made in strategic modernization. We can afford to make the needed improvements provided by this cohesive, fiscally sound package. It deserves your support.

Sincerely,

GEORGE BUSH.

Mr. SKEEN. Mr. Chairman, today I rise as a strong supporter of this Nation's Strategic Defense Initiative [SDI] Program.

On March 23, 1983, President Reagan challenged scientists to undertake research aimed at eliminating the threat posed by strategic nuclear missiles. To be examined were possible technologies for a defensive system that could intercept and destroy offensive missiles before they reached their targets. The concept was labeled "star wars."

It did not take long for SDI to become the cornerstone of the Nation's Peace Through Strength Program.

Since the beginning of SDI's research and development and testing, it's not surprising that the Russians have come to the bargaining table and negotiated arms control treaties. Our nations—and the rest of the world—have significantly benefited from these treaties.

And what has been the price of SDI? Very minuscule, as compared to the benefits of enhanced peace and freedom throughout the world. This Nation's defense superstar, in fiscal year 1989, had a contract which represents slightly more than 1 percent of this Nation's total defense budget and only three-tenths of 1 percent of our entire Federal budget. That's quite a bargain for proven results.

Further research and development is critical to the SDI Program. We are at the point of being able to demonstrate and validate important technologies through planned experiments, many of which would be delayed or canceled as a result of severe funding cuts.

In my district in New Mexico, White Sands Missile Range is home to some of the Nation's most successful SDI research and development. The MIRACL laser has already fired successfully in tests with drone missiles. We are holding great prospects for other directed energy programs at White Sands including the ground-based free electron laser and the nuclear particle beam.

Mr. Chairman, today I strongly urge my colleagues to vote in favor of the gentleman from Arizona's [Mr. KYL] amendment which would fund SDI at current levels and keep pace with inflation.

The other amendments offered, if accepted and ultimately adopted, could place the world's most effective peace through strength program in mothballs. Is that the way to reward success? I strongly urge rejection of

the two amendments which would cut SDI funding by over $1 billion next year.

□ 1000

Mr. PICKETT. Mr. Chairman, I yield 2 minutes to the gentleman from Maine [Mr. BRENNAN].

Mr. BRENNAN. Mr. Chairman, when the United States develops a new weapons system, we do not do this in a vacuum. You can be absolutely certain that there is going to be a response from the Soviets.

In the case of star wars, one very logical response is for the Soviets to build more intercontinental ballistic missiles to overwhelm our star wars system. If that is the reasoned predicted response to a star wars system, I ask, how have we made the United States or the world a safer place by star wars, I think the answer is we have made the world a less safe place, for the result of star wars will be more Soviet missiles, not fewer, and an escalation of the arms race.

Star wars was sold to us by President Reagan as some sort of astrodome over the United States that would protect all of us from nuclear assault. Now its purpose has changed more to protecting our offensive weapons, and as a general, but rather vague, deterrent.

Keep in mind, there are many very respected scientists from the very prestigious National Academy of Science who say overwhelmingly that star wars is simply a pipe dream and it will not work, and besides, it could cost up to $1 trillion ultimately.

For all these reasons, I urge my colleagues to support the Dellums-Boxer amendment that calls for some research to keep abreast of the technology at a moderate level and that gets away from the crash program.

The Dellums-Boxer amendment also saves us $3 billion and keeps us from going down the road with a program that could ultimately cost $1 trillion, and it keeps us from building a system that would force the Soviets to build more intercontinental ballistic missiles aimed at the United States.

Mr. Chairman, I urge support for the Dellums-Boxer amendment of $1.3 billion for some research. Let us save that money. Let us try to make this Nation and this world a safer place.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. Mr. Chairman, there are several considerations that I think are of highest importance when we consider SDI. First of all, we must ask what the effective way is to achieve disarmament. Is it unilaterally? If we disarm unilaterally, will that improve security for this Nation and this world? My judgment is that it will not, that achieving reductions of weapons can best be done mutually, not unilaterally. That is the question we face with SDI. Shall we unilaterally reduce the amount we provide for research and development of technology in this important area, or should we insist that any reductions be carried out mutually. Shouldn't the Russians be asked to reduce their research in this area just as we are considering today?

I think that reductions ought to be accomplished mutually in this area. To unilaterally reduce this research, as has been suggested, I believe is a great mistake.

Second, Mr. Chairman, I think it is important for us to ask ourselves what is the most effective way we can compete with the Soviet Union in terms of building a reliable defense system. Will we be able to match the Soviet Union with only conventional weapons? I think not. Their armed services personnel are more than double ours. With our current budget, we do not have the resources to match them in conventional weapons and numbers of troops.

The simple fact is we do not have the money to do it, but we can and indeed will match them in terms of effectiveness if we use our high-technology advantages.

If we are committed to finding the most cost-effective method of defending this country, we are forced to use our edge in advance technology.

Mr. Chairman, I believe it would be a mistake to cut SDI funding unilaterally.

Mr. PICKETT. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, I rise in support of the amendment offered by my good friend and distinguished colleague from Florida. We have collaborated on a similar amendment during the debate on the last three Defense authorization bills and CHARLIE BENNETT remains, in my view, one of the most thoughtful Members to serve in Congress in recent decades.

The amendment we offer this morning reflects a consensus we believe exists to continue a robust Strategic Defense Initiative Program without spending funds that can be more wisely spent elsewhere.

SDI is a critical and necessary part of an overall program to improve our strategic defenses. It should not be crippled at this time by amendments like the one that will be offered by my colleagues from California. Most analysts agree that Soviet missile improvements require that we improve the survivability of our ICBM's in the 1990's. We must not put our President in a "use or lose" position due to vulnerability of our ICBM force.

Nor should we simply commit the American taxpayer to spending as much as $89 billion, according to CBO estimates—with inflation—to deploy a limited defense that could be achieved with considerably less funds. The SDI mission continues to evolve—the leakproof shield is history and now we are only discussing enhanced deterrence. Enhanced deterrence is absolutely essential but it takes many different forms and comes with a variety of price tags.

The figure we propose to spend for SDI next year, $3.1 billion, is not a reduction for reduction for reduction's sake. It is a figure that many scientists within and outside the SDIO organization say is enough to maintain a robust SDI research program. My colleagues, take a look at what CBO estimates it would take, in 1991, to put the following SDI options on track:

The sum of $2.98 billion in 1991 to deploy a SDI mission based on an accidental launch protection system to render a limited attack ineffective, to maintain a hedge in case the Soviets were to deploy their own system and to have a useful countermeasures program that includes decoys. Under this approach, the military would learn to operate and integrate ALPS with other systems of command and control and this effort could be valuable in deciding whether to deploy a larger system of defenses.

The sum of $3.15 billion in 1991 to deploy a SDI mission based on protecting silo-based ICBM's, to maintain a hedge against the Soviets and to have a useful countermeasures program. This approach would provide a similar experience in terms of operating and integrating a defense system with the additional benefit of increasing the number of warheads likely to survive a nuclear attack.

This amendment does not advocate either option but the funds provided, $3.1 billion, could pay for either. Most importantly, these figures illustrate that $3.1 billion does not come close to gutting this program—you could expect $500 million to be spent on directed energy weapons, $370 million to be spent on kinetic energy weapons, $560 million for surveillance, $310 million for systems analysis, $245 million for survivability, $275 million to develop and deploy an exatmospheric ground-based interceptor, $105 million to develop and deploy the ground-based surveillance and tracking system, $165 million to develop and deploy a ground-based radar, $525 million for command, control and integration and $100 million for countermeasures. This amendment does not require that funds be spent in this manner. But, this is what CBO estimates the defense Department could do with $3.1 billion—in other words, plenty.

The sum of $3.1 billion is a sensible level of spending for a program that continues to evolve as its mission continues to be redefined and the ap-

proach to its mission continues to change. It is a sensible level of spending for a program with many still unproven technologies that may never overcome technologies that provide for countermeasures. It is a sensible level of spending because it does not put all of our eggs in the SDI basket.

This spring, the Joint Chiefs of Staff urged for restraint on SDI spending. The Joint Chiefs recommended the lowest of several options for SDI spending and proposed that the United States no longer insist on the right to eventually deploy extensive antimissile defenses. In my view, they were calling for the kind of balance provided for in this amendment—balancing our strategic and conventional needs and balancing our desire for more defense with the state of current technology.

Since 1984, $17 billion has been spent on SDI research. The Pentagon proposes to spend an additional $31 billion over the next 5 years and current estimates for deployment of phase I are in the $74 to $89 billion range. As SDI consumes more and more, conventional readiness and other strategic programs will suffer.

Congressman BENNETT and I share a concern for the need to adequately fund our conventional forces. If this amendment is approved by this Chamber, we will immediately offer an amendment which restores $150 million for some of the Army's most critical needs which would not be met under the current bill. This amendment will repair helicopters in Texas, procure artillery rockets, procure much-needed ammunition and restore funding for research on high priority conventional weapons programs. Other Members will offer amendments to use the funds in other ways.

But the point remains that, without this amendment, our defense spending is out of balance and that balance must be restored. We cannot afford to waste critical defense dollars on a crash program of unproven technologies when we have other programs that are more than lean. Many of our conventional programs are being starved to death by this need to find an immediate fix. My colleagues, we must pursue the SDI fix but keep in mind that the fix will not be immediate no matter how many dollars we throw at it.

I ask for your support for the Bennett-Ridge amendment. It offers the proper balance of solid, credible support for a most important Strategic Defense Program [SDI] with our other immediate national security needs.

□ 1010

Mr. DICKINSON. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, as we go out to our districts from time to time, we are asked the question in the various places we speak of what would happen if the Soviet Union deployed an SS-18, what actual defense do we have. In all candor, I think the only answer we could give is absolutely nothing. We have no defense.

Mr. Chairman, SDI is a massive undertaking. Its potential for protecting the United States from nuclear attack is enormous, and more and more credible scientists and engineers are endorsing the concept of space defense against nuclear missiles. These experts have scrutinized SDI with facts and data, not with myths and politically motivated allegations.

We always hear this question or statement that says it will not work. I remember it was not too many years ago that the President from Massachusetts, Mr. Kennedy, stood up at that pulpit and made the statement that we would put a man on the Moon and return him safely. The answer came from many folks that it would not work. All the experts are saying it will not work. I have researched all those who said it will not work, and we then had another President on the project known as the Manhattan Project, and he was told by the best explosives experts in the world that, "Mr. President, it will not work," and now we are hearing the same thing again that, "It will not work."

We know that SDI offers amazing possibilities that were not previously thought possible.

Apparently someone else has come to believe that SDI will work, Mikhail Gorbachev. He has made a long-term commitment to strategic defense, a Soviet strategic defense. The Soviets have deployed their fifth generation of anti-ballistic missiles around Moscow, and they would like to keep us from doing the same.

But as we debate SDI, let's focus on the real issue. SDI moves our technological expertise away from offensive systems to defensive systems.

I can think of no greater way to bring real reductions in the nuclear arsenals on both sides than with SDI. The Strategic Defense Initiative complements our nuclear weapons reduction efforts. It offers the potential possibility of making all intercontinental ballistic missiles obsolete. We have the opportunity to make the Soviets think twice about expanding their nuclear forces, and I think we should take advantage of that opportunity.

SDI should be judged on the extent to which it can save lives and enhance deterrence, not on whether it will offer 100 percent protection against incoming missiles. If a Soviet missile takes off and lands on American soil, it is going to kill American people. We do not want Americans killed by a Soviet ICBM.

Mr. Chairman, let us keep up this technology, and I urge Members to support the Kyl amendment.

Mr. PICKETT. Mr. Chairman, I yield 3½ minutes to the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. Mr. Chairman, I rise in support of the Bennett amendment, and I also rise in support of the SDI program. I rise in support of steady funding for that program to get it to the point where we really know what we are doing. We know what we can do technically, and we know what it is going to cost us. We also know how we are going to deal with the conflict with the Soviet Union and other countries with regard to deploying.

I have been opposed to various schemes to promote this program by escalating its dollars.

Members may remember that 3 or 4 years ago we had demonstration projects where we had early deployment, and that was the big thing. Then, based on some pressure from the Congress, they came up with the idea of phase I, which was sort of a half-baked partial answer to the problem. It was based on some planning, however, and it would be ready in about the late 1990's.

This year now we have a new promotional gimmick, and that is brilliant pebbles. I do not know for sure what a brilliant pebble is, but I can tell the Members for sure that it has not been designed yet, and it is not something that exists in any form. Nobody knows whether it is good for us or not.

Mr. Chairman, I do not think we need to accelerate this program. We never did need to accelerate the program.

Scientists who have followed this program since its beginning in about 1985 have settled on a level of around $3 billion as the level of research that it is really going to take for us to get ahold of the technologies and get them to the point where we know what we are doing.

Another reason that we have been asked to escalate the program has been the fear of the Soviet Union and the claims that have been bade about the Soviet Union's progress.

One development and test facility frequently referred to by the people who are trying to push this escalation has been the Sary Shagan test site in the Soviet Union, in the lower part of the country, in the middle of the country, where they said there is a multimegawatt laser which exists which could be part of the air defense and ABM program or Asat.

Mr. Chairman, 2 weeks ago I joined JOHN SPRATT and BOB CARR and some American scientists, and we visited that location as guests of the Russian

Soviet Academy of Sciences. We found there not a laser that was going to shoot something out of the sky. We found a college-level laser, a small ruby laser, and about a 2-kilowatt Co_2 laser which were working together out of a common beam director. There is no way that one could describe this facility as any kind of a threat to the United States either presently of in the future. The scientists who were there said that the power level of this laser was somewhere between 1,000 and 10,000 times lower capacity than our own lasers that are in current development. One scientist said, "Had we known what this decision really was, we would have saved $10 billion."

Mr. Chairman, what this tells me is that there is no clear and present danger. We need this program. We need to know what can be accomplished, and we need to know what our adversaries can accomplish.

We are on the right path with about a $3-billion level of funding. We need to make that a steady level that people can count on.

I urge all of my colleagues to vote for the Bennett amendment and let this program be technology driven, and have it make sense.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, I had the opportunity recently to visit the test bed facility for SDI and was absolutely amazed at the process that they have made.

In fact, one of the statements that was made to me was that in spite of the fact that we have only received about half as much as we thought was necessary to this stage for SDI, we have accomplished about twice as much as we dreamed possible. In fact, those scientists do not even question anymore the doability of it. One of the people who certainly believes in the doability of it, or in our doability of it, is Mr. Gorbachev.

If we remember in Iceland when President Reagan was desperately trying to get a treaty signed right at the last moment, Gorbachev threw SDI on the table and said, "This has to be a part of it." Mr. Reagan folded his papers and said, "Forget it."

Mr. Chairman, Gorbachev is convinced we can make it work and that he cannot. I was told by one of the top Reagan advisers during the Reagan administration that Gorbachev repeatedly at those conferences told Ronald Reagan, "Why do you make such a big deal about SDI? He said, "All we want is what your own Congress wants with SDI."

I am afraid I saw that during the deliberations on this budget this year, and members of the committee were doing exactly what Gorbachev is trying to convince us to do at Geneva.

Why would we not want a defensive system? Why are there those who seem to feel that there is something evil about us defending ourselves? Mr. BENNETT says that some will get through, some of the missiles will get through. There has never been a question. We know some of the missiles could get through in a massive attack. Some will get through. That is not the question.

Mr. Chairman, the question is to raise a doubt in the Soviet military planner's mind as to whether or not they could simultaneously strike enough targets to make the risk worthwhile, and this will do this.

I would encourage my colleagues to support the Kyl amendment to this budget to keep this a robust program that will move us as quickly as possible to the position where we can make honest, logical decisions about whether this is something we would want to deploy. Let us support the Kyl amendment and keep this going.

□ 1020

Mr. PICKETT. Mr. Chairman, I yield 8 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, again this year I join my distinguished colleague, the gentlewoman from California [Mrs. BOXER] in offering an amendment whose practical effect would be to terminate the program that we euphemistically refer to as star wars.

We provide for funds in excess of $1 billion that would allow us to continue to engage in fundamental and basic research, not to go forward to develop a system.

Question: Why does the gentleman from California [Mr. DELLUMS] or the gentlewoman from California [Mrs. BOXER] continue to offer this so-called radical amendment? Do they not realize that we now have a new and improved and different and moderate Strategic Defense Initiative Program? The answer is yes, we realize that the Strategic Defense Initiative Program has indeed changed. but our argument, Mr. Chairman, has never been rooted in the question of the impossibility of the technology of the strategic defense initiative, but rather we have questioned the strategic irrationality of proceeding with this program.

The reality is that the strategic defense initiative would violate both the terms and indeed the logic of the ABM Treaty. While debate has gone forward with respect to answering the question at what point do tests violate or abrogate the ABM Treaty, no argument has really gone forward in a full-blown fashion to really address this issue. The question that this gentleman put to General Monahan, who is now the Director for the Strategic Defense Initiative Office, I asked him in my capacity as subcommittee chairperson for the Research and Development Subcommittee, I said:

> General, if we proceed with the strategic defense initiative, don't we at some point become required to abrogate the ABM Treaty?

The general was very candid and very forthcoming, quite refreshing for a Pentagon witness, and he said:

> Yes indeed, at some point it will become a responsibility of this country to decide whether or not it will indeed abrogate the treaty, because to proceed with the strategic defense initiative will require abrogation.

My challenge to this body is as follows, if Members believe in the ABM Treaty and the logic of the ABM Treaty, then by definition they must oppose the strategic defense initiative, because it is, at minimum, Mr. Chairman, an ABM system. We ought to always be walking in a very delicate and fragile way when we begin to proceed down the road toward abrogation of a treaty.

The overwhelming majority of my colleagues on several occasions when the question has been put: Do you support the narrow or the broad interpretation of ABM, the majority of my colleagues have supported the narrow interpretation of ABM, thereby saying that they do not choose to abrogate the treaty. I would ask Members to look at their own logic. If they believe that we should not abrogate this treaty, they cannot go forward with SDI because SDI requires abrogation of the treaty.

With respect to the logic of ABM, the framers of that treaty realized that absent an ABM Treaty, we would go forward with a defense missile arms race that would cause us to spend billions and billions of dollars, making the world a very dangerous place, that we would also have a corresponding offensive arms race because offensive weapons can overwhelm the strategic defense initiative. Absent that treaty, we would spend megabillions of dollars in this twin arms race. So both parties signed ABM.

I would suggest in no uncertain terms to proceed with the strategic defense initiative would require that we move down this road with these twin arms races, requiring us to spend megabillions of dollars that would not make the world a safer place, perhaps an even more dangerous place, and certainly setting the priorities of this Nation on their head.

Let us look at the fallacy of this notion of the astrodome concept of the strategic defense initiative. President Reagan attempted to sell America on the notion that we could produce this astrodome over America rendering nuclear weapons impotent and obsolete, in theory perhaps a wonderful idea, but the practical reality is

that even the Bush administration has come to realize that this is a fanciful idea. No serious supporter, serious supporter of the strategic defense initiative will argue that we will protect the population. Every honest broker in that regard has come to realize that the strategic defense initiative, even in its new and improved form, is simply an effort to defend missiles, missiles, not protect the American population.

So in that regard, when President Reagan said I want to develop a program that would move us beyond the immoral notions of mutual assured destruction, what we euphemistically refer to as MAD, I would suggest, and I would be willing to debate in open session if the rule allowed us to exchange and really have an honest debate rather than each side giving speeches, that this program only expands the concept of mutual assured destruction. It is not in lieu of it, it only supports it, because once we get to the point where we are talking about the survivability of mobile ICBM's, we are not talking about protecting the American people, we are only talking about protecting military assets.

Mr. KYL. Mr. Chairman, will the gentleman yield for just a moment?

Mr. DELLUMS. I yield to the gentleman from Arizona.

Mr. KYL. Mr. Chairman, I do not want to take the gentleman's time. I just want to make the point the gentleman and I would like to have more time to debate these kinds of issues because they are critically important, and the gentleman from California makes some very important points that need to be responded to.

Let me just ask the gentleman one question. Is it not correct that the American population would be protected from an accidental launch or a Third World missile attack on the United States?

Mr. DELLUMS. I appreciate the gentleman's argument and I would simply say to my colleagues that the ABM Treaty expressly prohibits a territorial defense. In order to even develop a moderate ALPS Program, small Strategic Defense Initiative Program, it would require abrogation of the ABM Treaty. The ABM Treaty allows 100 launches to protect a specific area. The United States decided to reject that notion because they realized that it gave us nothing.

But if we develop an ALPS Program, it would require territorial defense expressly prohibited by the ABM Treaty.

I would further suggest to my colleagues and the distinguished gentleman from Arizona [Mr. KYL], even if we assumed that ALPS could work, it would only be effective against ICBM's, not cruise missiles, not low trajectory weapons, not bombers, not bombs that could be carried in on backpacks, and so it is an impotent program.

We ask that Members save the American taxpayers megabillions of dollars and support the Dellums-Boxer amendment that would put this program to sleep. It serves no useful purpose. Let us go to the table and negotiate, use this atmosphere that is pregnant with potential for peace.

I thank the gentleman for his generosity.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I tracked very carefully what the prior gentleman said, and if the ABM Treaty abrogates this Nation's right to defend ourselves from a terrorist weapon of nuclear capability or from any kind of a Third World strike, given the growing terrorism around the world, then the ABM Treaty is inherently immoral. It is unethical to tell a nation that it cannot defend itself from a terrorist attack.

I just want to underscore a lot of the things that that gentleman from Arizona [Mr. KYL] said yesterday in the debate.

□ 1030

And to point out that if the Bennett amendment gives us a stable program, I do not know what the word "stable" means. What gives us a stable program is the Kyl amendment, which is a no-growth situation.

The Bennett money, even with a small amount allocated to the Department of Energy, is more than a 70-percent cut.

Here are just six points briefly of what it does, again: The national work force currently planned for SDI researcHwould be reduced by 8,000 personnel. Do you think these Ph.D.'s and M.A.'s, these talented men and women, are ever going to be coaxed back into this program again? An initial deployment would be delayed until well after the year 2000. That is two, maybe three Presidents from now, with no provision for any follow-on systems to offset the Soviet countermeasures to the initially deployed system.

All aspects of the system would be fund-limited rather than free to advance at a pace which the technology develops. If we are to continue development of layered defenses that meet the JCS requirements, directed energy and advanced technology programs for follow-on systems would all have to be canceled and/or minimally funded.

Fifth, U.S. funding for most allied cooperative programs would be terminated unless of course we fence the money for political purposes to some countries, which I will end up supporting but which is certainly an insult to other allied nations.

A final point: The funding level could not support the research and testing needed to make an informed decision within 4 years, which is what I thought we all wanted.

Mr. PICKETT. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I rise in support of the Dellums-Boxer amendment.

Back in 1983, Ronald Reagan had a dream. The Russians were the Evil Empire, we were going to be Luke Skywalker, and star wars weapons were going to defend us against Soviet missiles. We all know who inspired Reagan's dream, it was ET. Not the cuddly little alien from the Steven Spielberg movie, but the original ET: Edward Teller.

When the program started out back in 1983 and 1984, the x-ray laser was the superstar of star wars and Edward Teller was telling senior Reagan administration officials not to reach any arms control agreements that limited SDI because we were just 3 years away from getting an x-ray laser that would allow "a single x-ray laser module the size of an executive desk which applied this technology [to] potentially shoot down the entire Soviet land-based missile force, if it were to be launched into the module's field-of-view."

But we soon found that there weren't going to be any desk-sized x-ray lasers to eliminate the threat of nuclear war. Those in charge of x-ray laser program now acknowledge that they are 10 years and a billion dollars away from even establishing the basic feasibility of the x-ray laser.

With the early expiration of the desk-sized x-ray laser, the star warriors came up with a new scheme—electro-magnetic railguns. But we soon found we didn't have the technology for high velocity railguns and could do better job with traditional anti-missile rockets at lower velocities.

When these problems derailed the rail gun the star warriors turned to the neutral particle beam. But technical problems soon neutralized the neutral particle beam and sent the star warriors scurrying back to their drawing boards where they came up with a new idea: Free electron lasers.

When they found that free electron lasers weren't going to be a free ride either, the star warriors turned to kinetic kill vehicles, also known as KKV's or smart rocks. KKV's were anti-missile missiles that were going to be housed in orbiting satellite "garages" from which they would await a Soviet missile launch. Then someone figured out that those KKV smart rock garages were really going to be big dumb sitting ducks in space.

Today, the star warriors have now come up with a new pet rock called

brilliant pebbles, which has been brought to us by the same guys who gave us the desk-sized x-ray laser—Edward Teller and Lowell Wood.

Brilliant pebbles are small KKV's without the garages. Lowell Wood claims to be able to develop computer the size of a deck of playing cards that have the power of our most sophisticated Cray supercomputers. He wants to put up to 100,000 of these pebbles up in space and promises it will cost us only $50,000 to $100,000 apiece.

If you believe this latest scheme will work, I've got a desk-size x-ray laser I'd like to sell you.

Like all of its predecessors, brilliant pebbles will ultimately be ground down into dumb dust when they're hit by the cold reality of cost and countermeasures. By this stage in the game we've seen enough to know that when those brilliant pebbles crumble, the star warriors will come right back in with another scheme to bilk the American taxpayer. We'll be seeing viewgraphs on "genius dust" and leaks in Aviation Week about "magnificant microbes," or other fancy new scheme which is supposed to make America safe from nuclear war.

I say its time we called a halt to the star wars shuffle, and turned this program back into a basic research effort.

It's time we passed the Dellums-Boxer amendment.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, what will keep America safe and at peace, what our adversaries fear most, is not our numbers or our courage, but instead our scientific genius and our technological capabilities.

In 1983, President Reagan challenged America's best minds to develop a new system to protect our country from nuclear attack, not by a threat to obliterate any potential enemy, but instead to offer a degree of protection.

In the years since, few programs have come under such verbal attack and ridicule than SDI. Opponents first said it could never work, they then said it was too expensive. It was called a fantasy.

Nevertheless, when I was part of a delegation to the Soviet Union in 1985, it was crystal clear that nothing we were doing so concerned the bosses in the Kremlin than America's commitment to developing its strategic defenses.

If SDI is a waste of money, if it is unworkable, an impossible dream—why have our adversaries been so focused on it? If this system is as impractical as our opponents suggest, why would the Soviet Union not be encouraging us to waste our resources?

We are now in our sixth year of SDI research and the program is already an overwhelming success. The cost estimates for providing America a degree of protection has been going down, not up. Our adversaries in the Soviet Union are in total disarray, which, I believe, is in no small degree due to our commitment, made during the Reagan years, to rebuilding our defenses, including the development of SDI.

We have in these 6 years reached an agreement to, for the first time, reduce the number of nuclear weapons in the arsenals of the United States and the Soviet Union. Our commitment to SDI has been an incentive to our adversary to reach such agreements.

In the future, it will give us the means of achieving even more extensive arms reduction agreements. The fear that one side may be cheating is far less frightening if a system is in place that affords some protection, while threatening no one.

This is not a time to turn back. America can expand the potential for the cause of peace and freedom, if we are willing to stay on course and bring to play our greatest asset, our scientific and technological genius, we can create a more peaceful world. Instead of a sword to the throat of our adversaries, let us build a shield for ourselves.

I urge my colleagues to keep faith with the future. I urge full funding for SDI and the cause of technology, peace, and freedom.

Mr. DICKINSON. Mr. Chairman, I yield 2½ minutes, the balance of our time, to the distinguished gentleman from Arizona [Mr. KYL] in order to close debate.

Mr. KYL. Mr. Chairman, there has been a lot of discussion here about a stable level of funding. I want all of our colleagues to be very clear about one thing: The Bennett amendment does not represent a stable level of funding. The Bennett amendment calls for DOD funding level of $2.8 billion. That is $1 billion below last year's DOD funding level of $3.8 billion.

So the Bennett amendment does not equal stable funding, it represents a deep, deep, significant cut in SDI funding.

Now my funding level, the Kyl amendment, is at $3.8 billion, exactly what we spent last year. It is a zero-growth figure.

If we are interested in stable funding, the Kyl amendment is the amendment to support.

Second, Mr. Chairman, a lot of our colleagues who oppose SDI have said, "we don't know whether it will work. Let's don't spend too much money on this until we know what we are doing, until we know whether it will work."

Mr. Chairman, that is what R&D funding is for, to find out the answers to these questions.

We know that the technology we have been developing is extremely promising. That is what the Soviets are concerned about, as my colleague from California just spoke about a moment ago.

If they were not so concerned about it, they would not be holding up SDI as the one obstacle to some kind of arms agreement. So, clearly, the Soviets are concerned that our R&D is going to show that these concepts do work.

My colleagues cannot have it both ways. If you want to know the answers to the questions, if you really want to know the answers, then you have got to be willing to support funding on at least a level that will answer these questions, at a stable level of funding, no less then zero growth.

My amendment should provide enough money to provide those answers.

Finally, Mr. Chairman, let there be no doubt about the actual impact of the Bennett level of funding.

I am going to refer to a Department of Defense paper on the potential impact of SDI at various levels and, I would say the probable impact of the Bennett amendment. These are the results of the Bennett level of funding:

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Space surveillance and tracking systems, this is SSTS critical components of SDI: canceled. The exoatmospheric interceptor [ERIS]: canceled. Space-based interceptor: canceled. HEDI: canceled. Airborne optical adjunct: canceled. ARROW missile: canceled. Extended range interceptor: canceled. Chemical laser, free electron laser, neutral particle beam: all canceled.

We cannot have the Bennett level and still continue with a program that will actually find out the answers to the questions about SDI.

Mr. RICHARDSON. Mr. Chairman, New Mexico is taking a leadership role in SDI's directed energy program. The critical ground-based free electron laser project is located at the White Sands Missile Range in New Mexico. The purpose of this experiment is to determine that a high-energy, free-electron laser beam can be generated and propagated through the atmosphere from a ground-based facility. This technology is leading to significant advances with incalculable applications.

First and foremost, this program is designed to eliminate the threat of ballistic missiles and provide increased United States and allied security.

Second, the SDI Office for Technology Applications is applying laser technology to a host of medical applications with exceptional results, such as purging leukemia cells from bone marrow. Laser technology is also shortening the time for delicate surgical procedures, such as the placement of fractured hip joints in elderly patients.

Third, the directed energy program has also created over 800 procurement opportunities

for small minority and disadvantaged businesses in 21 States. The associated general contractors estimates that for every $1 spent at the White Sands project, an additional expenditure of approximately $2.50 is generated in local economies.

Mr. Chairman, the SDI Program has advanced significantly since its inception in 1983 while costing less than 1 percent of the cumulative defense budget. In view of this progress, I am particularly concerned about reductions in the design and construction phase for the ground-based laser program over the last several years by SDIO. The present level of $5.6 million is a substantial reduction from the anticipated level of between $40 to $57 million. The continued success of this experiment requires state-of-the-art facilities.

Mr. Chairman, I urge that every effort be made by SDIO to ensure that the ground-based laser program continues to be a priority of the strategic defense initiative.

The CHAIRMAN pro tempore. It is now in order to consider the amendments relating to the strategic defense initiative printed in part 1 of House Report 101-168, by, and if offered by, the following Members or their designees, which shall be considered in the following order only: by Representative KYL; by Representative DELLUMS or Representative BOXER; and by Representative BENNETT.

If more than one of said amendments is adopted, only the last such amendment which is adopted shall be considered as finally adopted and reported back to the House.

AMENDMENT OFFERED BY MR. KYL

Mr. KYL. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KYL:

At the end of part B of title II (page 50, after line 18), insert the following new section:

SEC. 223. FUNDING FOR THE STRATEGIC DEFENSE INITIATIVE.

(a) FUNDING LEVEL.—Notwithstanding any other provision of this Act, of the amount provided in section 201 for Defense Agencies, $3,836,000,000 shall be available for the Strategic Defense Initiative.

(b) FUNDING ADJUSTMENTS.—(1) The amount provided in section 201 for the Army is hereby reduced by $70,000,000. None of such amount shall be available for the Chemical Verification program, $36,000,000 of such amount shall be available for the Tactical Missile Defense program, and $20,000,000 of such amount shall be available for the Infrared Focal Plane.

(2) The amount provided in section 201 for the Navy is hereby reduced by $30,000,000. None of such amount shall be available for the Torpedo Detection Processor program and $2,000,000 of such amount shall be available for the Laser Sub Communication program.

(3) The amount provided in section 201 for the Air Force is hereby reduced by $153,000,000. Of such amount, $157,000,000 shall be available for the National Aerospace Plane and $10,400,000 shall be available for the Satellite Survivability program.

(4) The amount provided in section 201 for the Defense Agencies is hereby increased by $251,500,000. Of such amount, $10,000,000 shall be available for the Lightsat program and $24,500,000 shall be available for the Nuclear Monitoring program.

The CHAIRMAN pro tempore (Mr. BRUCE). Pursuant to the rule, the gentleman from Arizona [Mr. KYL] will be recognized for 5 minutes in support of his amendment, and the gentleman from California [Mr. DELLUMS] will be recognized for 5 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Arizona [Mr. KYL].

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. DICKINSON. It is my understanding there will be no vote at the conclusion of the debate on each of the three amendments proposed to be offered, but if a vote is requested, at the end of all three, they will be bunched and voted on at that time, is that correct?

The CHAIRMAN pro tempore. The Chair has that discretion, under the rule, but the Chair has not been advised that he should exercise that discretion. The Chair presently plans to put the question on each amendment at the conclusion of debate on each amendment.

Mr. DICKINSON. Mr. Chairman, it was my understanding that they would be bunched, and I did not know if the rule provided that or simply makes it discretionary by the Chair. Is it the Chair's ruling that he intends to vote on each at the end of the ten-minute segments?

The CHAIRMAN pro tempore. The Chair is willing to consult with Members during the pending amendment, but at the present time it is the Chair's intention to allow the vote at the conclusion of debate on each amendment, but obviously the Chair will consult with Members.

The gentleman from Arizona [Mr. KYL] is recognized for 5 minutes in support of his amendment.

Mr. KYL. Mr. Chairman, I am going to take a minute to reiterate something I said a moment ago, because we are now at the question of what funding level we will provide for SDI for the upcoming fiscal year.

My amendment is for $3.8 billion for the Department of Defense funding level. That represents zero growth. If my colleagues are really interested in stable funding for this program, I do not understand how they could reject the Kyl amendment which is precisely stable funding. It represents zero real growth.

The Bennett amendment, on the other hand, and the Dellums-Boxer amendment, would drastically cut the SDI funding even further—to a point, as I said a moment ago, that very significant elements of the program would have to be canceled. Mr. Chairman, the point is this: If we are really going to find out the answer of the questions so many of my colleagues have raised, as to whether or not the program will work, we need to fund the program at the levels that will provide Members with those answers. That is what the stable funding level, zero growth level of the Kyl amendment—$3.8 billion—will do.

Mr. Chairman, my amendment could not be more reasonable. It is supported by the administration. I urge my colleagues to support it.

I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, I would like to respond to the argument of "stability" that we have heard in support of Kyl amendment.

Make no mistake about it, $3.8 billion was last year's aggregate DOD funding level. Not the House version, but last year's aggregate. As today is Tuesday, we know, for a fact, that when this measure goes to conference with the other body there will be substantial additions as is historically the case when the House funds SDI at a lower level. The proponents of the Kyl amendment are not asking for stability. They are really asking for more. Every Member in support of the Kyl amendment knows that once it goes into conference, we can anticipate a $400 to $800 million added on.

Do not be misled or beguiled by the argument that the Kyl amendment provides stability in funding. It does not. Proponents are looking for more. We should not give it to them.

Mr. KYL. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, we are not responsible for what the other House of this Congress does. We are responsible for setting out a policy that we believe will bring our country to a position of peace and protect our freedom.

I urge support for the Kyl amendment because any other approach would be either a hesitation or a reversal on a path that has brought America to a point where we have reached agreement with the Soviet Union for reductions of our nuclear arsenals. We have come a long way, because we have looked into a new potential, our scientific genius has been mobilized, and now is not the time to turn off the light, but to increase the electricity going into that light in order to seek out new potential for the future.

America needs not another sword to put at the throats of our enemies but

instead to develop a field that will protect Americans. Protection is a moral method that we should look at, and that the President of the United States in 1983 mobilized the scientific community behind. We should not be turning back. I urge support of this amendment.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Let me simply take a little time to respond to some of the arguments I have written down. One of my distinguished colleagues on the other side of the House quoted the Kyl amendment, suggesting that the Soviets are worried about strategic defense initiatives. Of course they are, because the SDI can also be an antisatellite capability. Not only able to shoot down missiles, but also shoot down satellites, to shoot down command patrol, very potentially frightening and potentially very, very dangerous.

The fact of the matter is, Mr. Chairman, that one of the reasons why the Soviets are frightened of this program is that they perceive it as part of a nuclear war fighting strategy, and I suggest anyone who believes that we can engage in a nuclear war fighting scenario is living in an absurd and insane world calculated to destroy human life on this planet beyond our comprehension.

The second argument my colleague makes, is the Soviet Union is now in disarray. Granted, but I would suggest that if the Member picks up a newspaper of every major city in this country, our children are dying all over America, we are in disarray with poverty and hunger and disease and drug addiction and violence associated with it, and rendering ourselves impotent in our capacity to cope in the real world, to save a generation of our children while engaging in an abstract idea, while the moment is pregnant with the potential of peace, not violence, peace not war, and we ought to be getting away from the obsolete notion of the cold war, and engaged in the realities of the possibility of arms control and negotiation and not spending mega billions of dollars, pouring it down a rathole for some illusionary defense weapon. We ought to be addressing the realities.

Finally, the argument that is made that people think it will not work. We have not cast our major argument in the impossibilities of the technological capacity of this thing to work. We have stated that we have challenged the irrationality of the strategic idea itself. It will indeed abrogate the ABM Treaty, with all due respect to my distinguished colleague from Arizona, I have a different conclusion. That is, I do not believe the American people will support abrogation of the ABM Treaty. I believe that once the American people realize that they have been sold a propagandized bill of goods, that this is not a program designed to protect them, but to protect military assets, they will realize that we are back in the old mad bag we have been before, and they will reject this notion.

I reserve the balance of my time.

The CHAIRMAN pro tempore. The Chair would advise the gentleman from California [Mr. DELLUMS] he has 1 minute remaining.

□ 1050

PARLIAMENTARY INQUIRY

Mr. KYL. Mr. Chairman, I have a parliamentary inquiry.

First of all, Mr. Chairman, how much time do we have remaining on this side, and, second, do I have the right to close debate on my amendment?

The CHAIRMAN pro tempore (Mr. BRUCE). The gentleman from Arizona [Mr. KYL] has 3 minutes remaining, and the gentleman from Arizona has the right to close debate.

Mr. KYL. Mr. Chairman, I yield myself 1 minute to respond to the two arguments that have just been made.

My colleague, the gentleman from Pennsylvania [Mr. RIDGE], made the argument that obviously we are going to make a deal with the Senate and, therefore, we need to have a low-funding level here because the Senate level is much higher and we would end up with stable funding if we have a very low level coming out of the House. The truth of the matter is that, based on last year's funding level, the only way we can come out with a funding level close to last year's with not even real growth, is to have the committee mark, which will only occur if all the amendments are defeated here.

The only way to have zero real growth, that is to say, last year's funding level plus inflation, is to adopt the Kyl amendment and then agree in conference to an even split with the Senate Armed Services Committee level.

So if we are talking about a compromise with the Senate, splitting the difference with them in order to come out at last year's funding level is to support the Kyl amendment.

Mr. DELLUMS. Mr. Chairman, it is my pleasure to yield the remainder of my time, 1 minute, to the distinguished gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, there is only one thing to know about star wars: If we build it, the Soviets are going to build one, too, and a Soviet SDI will help the Russians zap us between the eyes.

If star wars works, it will work better as a first strike offense than as a defense. Star wars will depend on satellites, but if star wars works for us against Soviet missiles, it will work even better for the Soviets to blow our star wars satellites out of the sky, including our early warning satellites. That leaves us a blind victim of Soviet aggression.

I do not think that star wars supporters intentionally want to give the Soviets a first strike, but if it works and it is affordable, that is what they are going to be doing. So if we in the Chamber value America's security, we should ban star wars. We should not build it.

Mr. Chairman, we can begin by defeating the Kyl amendment and supporting the Dellums-Boxer amendment.

Mr. KYL. Mr. Chairman, I yield myself the balance of my time, 2 minutes.

Mr. Chairman, in response to a comment made by my colleague just a moment ago, I think the American people would much rather have an arms race if it involves a race in defensive weapons, weapons that we cannot use to strike each other, than they would to have the current situation where the only arms race is with offensive weapons, which can obviously do both sides great damage.

We have been relying on the notion of mutually assured destruction, although the Soviets have never bought off on that theory—the idea that if they strike us, we will retaliate by striking them, and, therefore, they will not try to strike us.

How much longer can we afford to rely upon that outmoded doctrine? Is it not better to have a defense which so complicates the Soviets planning that they would be deterred from attacking us in the first place? And if, as my colleagues suggest, that causes the Soviets to engage in an arms race with us to develop their own defense, then I say, more power to them. It is much better to have a race in defensive weapons than it is to have a race in offensive weapons.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield briefly to me?

Mr. KYL. I just have a limited amount of time; in a moment.

Mr. Chairman, my colleague, the gentleman from California, suggested that the American people would not support abrogating the ABM Treaty. I suggest to my colleagues that when it comes to protecting themselves, for example, from an accidental launch or from a Third World country attack, I think the American people would be willing to abrogate the treaty for that purpose.

Mr. Chairman, I will yield very briefly to my colleague, the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I would simply say that because we know you can overwhelm the strategic defense initiative, it will not just be a

defense arms race but a corresponding offensive arms race as well.

Mr. KYL. Mr. Chairman, I appreciate my colleague's making that point, but our arms negotiators are very supportive of the SDI Program and do not want us to give away that point unilaterally now. Congress' underfunding of the SDI Program this year will work against our arms negotiators at the very time they are trying to negotiate these very deep offensive arms reductions with the Soviets. So I think that, while arms negotiations are not the justification for SDI, they certainly are an argument for it.

Mr. Chairman, I think it is much better to build shields than to build swords. The Kyl funding level is for zero real growth, and I urge my colleagues to support the Kyl amendment.

Mr. FRENZEL. Mr. Chairman, the committee's mark of $3.8 billion is admittedly short of the amount required, about $4.1 billion, to keep SDI at current spending levels. However, with the Senate at $4.5 billion, and assuming the normal split, the committee's figure would seem to bring us out somewhere near a freeze.

Because I believe the SDI technology ought to go forward until limited by mutual agreement with other nations, I support the extension of the program. I do not, however, want to see SDI expenses escalate too rapidly.

Therefore, I shall vote against the Kyl amendment because I believe it will result in a final figure well above last year's spending.

I shall also vote against amendments to reduce the committee's mark. One, the Dellums amendment, seems to me to be a radical reduction which would amount to killing the SDI Program. Others, like the Bennett amendment, which provide for smaller reductions, are harder to assess. That one, again assuming the usual split with the Senate, would slow down the program a bit, but not ruin it.

However, in case of doubt, I usually side with the Commander in Chief, who is charged with the responsibility to defend the country and who must negotiate with our adversaries. Hence my vote for the committee's figure, and against all amendments.

Mr. GARCIA. Mr. Chairman, the strategic defense initiative [SDI], or the so-called star wars program, is typical of so many of the defense plans proposed by President Reagan and now President Bush. It is too expensive, untested, unproven, and according to many experts, impossible, and unnecessary.

When originally proposed, star wars was billed as a peace shield which would keep the entire United States under an umbrella of lasers and magically shoot down incoming Soviet missiles. Despite the protests of highly knowledgeable scientists who denounced the plan as technologically unfeasible, the administration continued support and funding for SDI.

When more facts became known about the improbability of such a device ever working, the scope of star wars changed. No longer would the cities and general population of the United States be protected, only strategic bases and missile sites would be protected by the revised systems of electron lasers, projectiles, and brilliant pebbles which would intercept the thousands of speeding missiles. No longer was it a peace shield, but an expensive peace sieve, which would according to the Joint Chiefs of Staff, ward off only 30 percent of incoming ICBM's, 30 percent of the SLBM's, and zero percent of the air launched missiles. This rate of success does not provide a very strong deterrence to launching the thousands of missiles and ICBM's which the Soviets have in their arsenals. Yet research and development continued at billions of dollars per year.

It is time that we faced the reality of budget constraints and current technology. Star wars will not work, and we are spending too much money on a program which may hamper strategic arms reductions more than bring the Soviets to the bargaining table. Pursuing this program may lead the United States to violate 1972 Anti-Ballistic Missile Treaty and reverse the progress we have made in negotiating arms reductions with the Soviet Union.

It is possible that the research of such technologies will lead to a breakthrough in defense weapons or nondefense applications. However, the levels of funding which SDI has received are outrageous considering what we have sacrificed to produce such tiny results. Education, housing, the environment, AIDS research, drug programs, transportation. All of these important social programs have been cut to the bone to provide money for such unproven and unneeded measures such as star wars.

The days of unlimited defense spending and waste are over. We must now face the dilemma of how to restore the cuts on our society which have been made in the past 9 years. We must concentrate on educating our children, housing our homeless, feeding our hungry, curing our sick, and employing our jobless. Tough decisions need to be made, but one thing is clear. We cannot afford to spend billions of dollars on a program which is unproven and impractical when we desperately need money to help people get off the streets, off drugs, and off welfare. I urge my colleagues to vote against continued funding for the strategic defense initiative.

Mr. GARCIA. Mr. Chairman, the recent roll down the runway and following flight of the B-2 Stealth bomber was touted as a remarkable breakthrough in aviation and defense technology. What is remarkable about this first flight, however, is not any new technology or deterrence capability, but is rather the amount of time, money, and resources which have been used in getting this project this far.

The B-2, which will supposedly be nearly invisible to enemy radar, have extended range, and use new radar jamming technology, is neither affordable nor necessary. It is already the most expensive single weapon system in history, costing over $70 billion. Experts estimate that the cost of a single Stealth bomber will exceed $600 million, and $75 billion for the whole 132-plane program. $23 billion was spent on this plane before its first flight. This is no reason to spend an additional $50 billion on a plane whose technology is questionable and its mission undefined.

We need only to look at the problems we have encountered with the B1-B to determine what types of challenges we will face with the B-2. The B-1 used relatively mature and proven technologies and designs. Billions of dollars were spent on research and development of this bomber before it was produced, and still we learn about the problems with its radar and jamming systems. The B-2 incorporates much more radical and controversial airframe designs, avionics, and stealth technology, all of which must be developed and tested. And yet, even though the costs are enormous and the technology questionable, the administration wants us to purchase 132 of these planes for $70 billion. Before we spend this much money on anything, we should know what we are buying.

Not only is the expense of the B-2 a strong deterrence for supporting it, the mission of the Stealth bomber is undefined and flawed. Its original mission was supposed to be to attack strategic mobile targets and hardened missile silos deep inside the Soviet Union. The Air Force now admits that the technology to find and destroy mobile targets is years away, and hardened silos can be hit by cruise missiles and sea-launched ballistic missiles at a fraction of the cost. Neither would I support sending a half-a-billion dollar plane on an anti-terrorist mission when we have much less expensive F-14's, F-16's, F-111's, E-6's, and other attack planes which are well suited to the job.

Recent GAO reports indicate that the Defense Department will have a $125 billion funding deficit over the next 5 years. It is not logical to spend great sums of money on a questionable product when so many other tried and tested projects can be produced with these funds. The $50 billion which we can save by mothballing the production line for the B-2 could feed millions of hungry people, buy thousands of books for our schools, house many of New York City's homeless for years, wipe out the drug violence epidemic, and still have pocket change to spare. This measure would not eliminate our budget deficit, but it would go a long way toward funding many other more necessary and practical programs.

I urge my colleagues to vote against any further funding for the B-2 Stealth bomber.

Mr. LEWIS of Florida. Mr. Chairman, I rise in strong support of the F-14 Tomcat fighter. The F-14 is simply our best and most versatile carrier based fighter. It makes no sense to cut it with the slim hope that the advanced tactical fighter, which is still on paper, will be ready to take over its mission. Even if the ATF is ready in time, the Navy will have an unacceptable shortfall in the mid-1990's.

The argument that this will save money is without merit. This money will not go back to the Treasury, it will be used for other military projects.

Leaving the obvious arguments on the merit of the F-14 aside, there are several other reasons for keeping the F-14. First, cutting the F-14 will leave only one major supplier of naval combat aircraft, McDonnell-Douglas. While McDonnell-Douglas is a reputable company, we should have learned the dangers

posed by a lack of competition a long time ago.

In addition, the Grumman corporation invested several hundred million dollars to retool their production lines because they had every reason to believe that the Navy would not back out on their agreement to buy F-14's. What kind of message are we sending to all our Government contractors if we lead them on to invest, and then back out of our agreement?

Mr. Chairman, it was F-14 Tomcats that shot down two Libyan fighters in 1982 and flew support during the Grenada invasion. As late as January of this year, F-14's were once again called upon to engage and shoot down two Soviet-made Libyan jets. Clearly, the Tomcat's usefulness is far from over.

Many of the opponents of the F-14 frame their debate in terms of tough choices. However, as I explained earlier, cutting the F-14 will not save the taxpayer money.

Finally, Mr. Chairman, I am not one to avoid tough choices. But I am one who will oppose bad choices. Cutting out the F-14 is a bad choice. We must ensure that our carrier fleets are adequately protected, and that our naval aviation industry remains strong and competitive.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Arizona [Mr. KYL].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. KYL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 117, noes 299, not voting 15, as follows:

[Roll No. 151]

AYES—117

Armey
Ballenger
Barnard
Bartlett
Barton
Bentley
Bilirakis
Bliley
Boehlert
Broomfield
Browder
Brown (CO)
Bunning
Burton
Callahan
Coleman (MO)
Coleman (TX)
Combest
Cox
Craig
Crane
Dannemeyer
DeLay
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Edwards (OK)
Emerson
Fawell
Fields
Flippo
Gallegly
Gekas
Gillmor
Gilman
Goss
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hefley
Herger
Hiler
Holloway
Hutto
Inhofe
Ireland
James
Kasich
Kolbe
Kyl
Lagomarsino
Lewis (CA)
Lewis (FL)
Livingston
Lowery (CA)
Lukens, Donald
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McEwen
Miller (OH)
Miller (WA)
Moorhead
Morrison (WA)
Myers
Oxley
Packard
Parris
Pashayan
Patterson
Paxon
Quillen
Rhodes
Richardson
Ritter
Robinson
Rohrabacher
Roth
Rowland (CT)
Sarpalius
Schaefer
Schiff
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (MS)
Smith (NE)
Smith (TX)
Smith, Robert (NH)
Solomon
Spence
Stangeland
Stearns
Stump
Thomas (CA)
Upton
Vucanovich
Walker
Walsh
Weber
Whittaker
Wilson
Wolf
Wylie
Young (AK)
Young (FL)

NOES—299

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Baker
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Buechner
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Conte
Conyers
Cooper
Costello
Coughlin
Coyne
Crockett
Darden
Davis
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray
Green
Guarini
Hall (OH)
Hamilton
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lightfoot
Lloyd
Long
Lowey (NY)
Luken, Thomas
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Rahall
Rangel
Ravenel
Ray
Regula
Ridge
Rinaldo
Roberts
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (OR)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—15

Archer
Collins
Courter
de la Garza
Florio
Gingrich
Gunderson
Hunter
Hyde
Lipinski
Mfume
Michel
Molinari
Schuette
Vander Jagt

The Clerk announced the following pairs:

On the vote:

Mr. Gingrich for, with Mr. Florio against.
Mr. Michel for, with Mr. Mfume against.
Mr. Hunter for, with Mrs. Collins against.

Messrs. THOMAS A. LUKEN, SENSENBRENNER, JONES of Georgia, WAXMAN, PEASE, GOODLING, and PORTER changed their vote from "aye" to "no."

Mr. McCOLLUM changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELLUMS:

Strike out section 221 (page 48, line 19 through page 49, line 6) and insert in lieu thereof the following:

SEC. 221. STRATEGIC DEFENSE INITIATIVE LIMITATIONS.

(a) TERMINATION OF SIDO.—The Secretary of Defense shall terminate the organization within the Department of Defense known as the Strategic Defense Initiative Organization and shall reassign the functions of that organization to the military departments and the Defense Agencies as the Secretary considers appropriate.

(b) LIMITATION OF FUNCTIONS TO BASIC RESEARCH.—Fund appropriated or otherwise made available for the Strategic Defense Initiatve for fiscal year 1990 may only be obligated for basic research programs.

(c) FISCAL YEAR 1990 FUNDING.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for fiscal year 1990 for research, development, test, and evaluation, not more than $1,300,000,000 may be obligated for the Strategic Defense Initiative. The amount provided in section 201 for the Defense Agencies is hereby reduced by $2,238,000,000.

The CHAIRMAN pro tempore. (Mr. BRUCE). Pursuant to the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Mr. KYL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Arizona (Mr. KYL) will be recognized for 5 minutes in opposition to the amendment.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

□ 1120

Mr. DELLUMS. Mr. Chairman, I yield one-half of my time, 2½ minutes, to the gentlewoman from California [Mrs. BOXER], coauthor of the amendment.

Mrs. BOXER. Mr. Chairman, in this business we really need a sense of humor as well as a serious side, and the ever changing nature of star wars, it seems to me, lends itself to some humor.

Two comedians come to mind. First, there is the late Gilda Radner. She had a character called Emily Latella. We remember Emily Latella; every time she got caught in a fix, she would say, "Never mind," and then she would try again. Then there was Maxwell Smart. When he was caught in a tall tale, he would say, "Would you believe," and then he would spin another.

Star wars is the "Would-you-believe, never-mind" system of the military budget, and now the gentleman from Arizona [Mr. KYL] in his debate, I think, brought some more of a sense of humor to this debate when he says that America spends almost as much on panty hose as it does on star wars. I cannot help but bring a sense of humor to that analogy.

My colleagues, take it from me, panty hose is affordable. Star wars is not. Panty hose has a clear function. Star wars does not. Panty hose gives us 100 percent support. Star wars does not. Panty hose has a mission that does not change every day. The star wars mission has changed from a protective shield to military installation defense to accidental launch protection to brilliant pebbles to terrorist deterrence. Let us face it, star wars has changed more times than Imelda Marcos has changed her shoes.

Mr. Chairman, I say it is time to bring some reality to this program. The Dellums-Boxer amendment, by taking the program back to $1.3 billion, would allow us to have a good and robust research program. It is the right thing to do. It is what we should do if we believe in arms control. It is what we should do if we believe in budgetary control.

I thank the Members for their attention.

PARLIAMENTARY INQUIRY

Mr. DELLUMS. Mr. Chairman, I have a parliamentary inquiry.

Mr. CHAIRMAN pro tempore (Mr. BRUCE). The gentleman will state his parliamentary inquiry.

Mr. DELLUMS. Mr. Chairman, I rise just to inquire, as author of the amendment, we are, indeed, entitled to close debate? Is that not correct?

The CHAIRMAN pro tempore. The Chair would advise that under these circumstances, the gentleman from California [Mr. DELLUMS] will be allowed to close debate.

Mr. DELLUMS. Mr. Chairman, may I further inquire, did the gentlewoman from California yield back any of the 2½ minutes?

The CHAIRMAN pro tempore. The gentlewoman used exactly her 2½ minutes.

Mr. DELLUMS. Mr. Chairman, I reserve the balance of my time.

Mr. KYL. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Chairman, throughout this decade, the United States of America and the Soviet Union have embarked on unprecedented negotiations. We all in this House hailed that historic intermediate nuclear force treaty when we for the first time in history began to reduce an entire class of nuclear weapons.

We now know that there are many in this House and many around the country who have consistently said that star wars, the strategic defense initiative, as I like to call it, is a fantasy and it will never work. The fact of the matter is that while there are people in the United States who believe that it will not work, we know full well that the Soviets truly believe that it will work. They believe it will work, because we know that they have spent some 8 to 10 times as much on their own strategic defense as we have in the United States.

We also know that as we look toward the prospect of continued negotiations, the goal of eliminating SDI would seriously jeopardize any chance for continued negotiations, and that is why the gentleman from Arizona [Mr. KYL] offered a truly balanced approach, zero real growth, last year's level plus inflation.

□ 1130

This proposed package by my good friends from California, Mr. DELLUMS and Ms. BOXER, is a package which will in fact endanger the chance for us to bring about a further reduction in nuclear weapons.

It was March 23 of 1983 that President Reagan threw out his proposal for the peace shield. Many on both sides of the aisle have said that goal was impractical. But I do believe, Mr. Chairman, that that goal is one which we should pursue, and proceeding with research and development is something that we must do.

I urge opposition to this amendment which truly could jeopardize continued peace.

Mr. KYL. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. Mr. Chairman, I thank the gentleman from Arizona for yielding time to me.

Mr. Chairman, I believe the decision before the House with this amendment is a very simple and straightforward one. Do Members believe in unilateral reductions in SDI or do they believe in mutual reductions.

The record shows that mutual disarmament is far more effective. If Members believe that, they are going to conclude that reductions in spending not only in SDI but in other functions should be negotiated, and they ought to be mutual. The Soviet Union ought to reduce its expenditures in this area, not just the United States.

If we pass this amendment, Members are saying they think the best way to handle this area is to unilaterally cut advanced weapons research in this area. The record is very clear, when we have insisted that disarmament be mutual, we have had a promising reaction from the Soviet Union. When we try unilateral disarmament, our record has been unsuccessful.

Adoption of this amendment sends the wrong message. Unilateral concessions make lasting peace less likely.

Mr. KYL. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, I would like to close the debate on our side by first of all acknowledging the humor of the gentlewoman from California [Ms. BOXER] with respect to pantyhose. I appreciate the injection of a little humor into this debate.

But, Mr. Chairman, as all of us here who have been debating this issue have acknowledged, this is a very serious proposition. The deterrence to attack by the Soviet Union is an extremely serious matter. The argument is made here that SDI is not "100 percent effective." That is to say, a missile might get through or some missiles might get through. I hope my colleagues understand that the purpose of SDI is not to provide a perfect shield over the globe. Rather, it is to provide enough of a deterrent effect to so complicate the Soviet planning for an attack that they would never choose to attack in the first place. That is the whole idea of deterrence, and I hope that my colleagues are not persuaded by the argument that any weapon has to be 100 percent effective in order to be funded.

That gets us to the final point. A lot of my colleagues have said they are just not sure whether it will work. Mr. Chairman, the point here is to provide a funding level sufficient to find out the answer to that question.

My amendment would have done that. The gentleman from Florida [Mr. BENNETT] will argue that his amendment will do it. I do not think it

will. But I think all of us understand that the Boxer-Dellums amendment will not even begin to get close to providing those funds necessary to conduct the tests to find out whether SDI will work so that we can make an informed judgment.

The level of funding that the Dellums-Boxer amendment would provide is only sufficient for basic research to understand what the Soviets are doing. It will never get us to that level necessary for us to make an informed decision, to know whether or not we can deploy SDI.

So I would urge my colleagues to vote no on the Dellums-Boxer amendment. It would not provide the level of funding necessary to make the crucial decisions that the President has asked the Congress to make. It would result in the elimination of thousands of jobs, minimum of 8,000 jobs. Obviously, it is not a level of funding sufficient to actually carry out the program.

Therefore, I urge my colleagues to vote no on the Dellums-Boxer amendment.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Mr. Chairman, I rise in support of the Dellums-Boxer amendment.

Mr. Chairman, since former President Reagan started us tilting at the SDI windmill in 1984, with illusory promises that it would "render nuclear weapons impotent and shield all of us from the scourge of nuclear attack," America has spent more than $21 billion on SDI. What do we have to show for this enormous outlay of public funds, while we have been running up record deficits as far as the eye can see? The answer is: Very little.

I rise in support of the Dellum-Boxer amendment to limit SDI activities to $1.3 billion next year. For America to continue to spend at least $3 billion a year on SDI is illogical and wrong-headed.

At the end of May, no less authorities than the Joint Chiefs of Staff warned against recklessly moving away from and abandoned the 1972 Anti-Ballistic Missile Treaty in pursuit of rapid deployment of Anti-missile defenses, assuming that such SDI-related defense become feasible at any time. They understand that SDI, in whatever form, does not offer civilian protection against cruise and other low-trajectory missiles, bomber attacks, or small tactical weaponry. To continue to proceed with funding as though we have an unassailable right to deploy SDI-related defenses invites the very costly nightmare and instability that the ABM Treaty was negotiated to prevent—defensive as well as offensive arms races.

I give the Bush administration credit for owning up to the fact that SDI cannot possibly provide a secure nuclear umbrella for all of the American people. Rather they now seek increased SDI funding primarily to develop better systems to protect our ICBM's, not our civilian population. But isn't that also the principal mission for the funding in this bill for more mobile land-based missile systems like the Midgetman and the rail-based MX weaponry?

In view of these considerations and our ongoing budget crisis, the time has come to stop SDI funding, other than for the most basic research programs.

Mr. DELLUMS. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, we come to the close of the debate on this issue. All of the issues, it seems to me, have been addressed. My colleagues are clearly aware what this amendment does. It would, in effect, terminate the Strategic Defense Initiative Program, allow for $1.3 billion to continue to engage in basic and fundamental research.

In the time that I have remaining, I would like to respond to two points.

First of all, it is important for all of my colleagues to understand that once you abandon the concept of the astrodome, that is defending the American population, what you really are down to are defending ICBM's, other missiles. Think about this. In order to enhance the survivability of our ICBM's, you want the strategic defense initiative that will cost us hundreds of billions of dollars, the MX Missile Rail Garrison, costing us billions of dollars, the Midgetman that will cost us billions of dollars. All of these programs are designed to enhance the survivability not of the American people, but of missiles. We are back to mutual assured destruction. This is not some new concept.

Finally, let me make one other argument, if I can have the attention of my colleagues. It is extremely difficult, Mr. Chairman. I think the American people frankly ought to be ashamed of how we conduct ourselves on a matter of such great importance when we are talking about national security, and we have 15 or 20 conversations going on that can go off of this floor and at least allow those of us who are serious about the issue we are talking about to be able to command the attention of our people.

Mr. Chairman, I make this final argument: I think many of my colleagues are very serious when they suggest that our amendment would in some way endanger arms control negotiations. I want to make this assertion very aggressively. It is the strategic defense initiative that will endanger arms control, and let me tell Members why.

The gentleman from Arizona [Mr. KYL] suggests that this would only create a defensive arms race. Yet when he yielded to me, he agreed that it would also create a corresponding offensive arms race, because you can overwhelm a strategic defense initiative. Think about this.

If the other guy knows that you are going to build the strategic defense initiative, you can overwhelm it with offensive weapons, why then should the person sit down and negotiate a reduction in their own offensive weapons? I would suggest in no uncertain terms that you remove the incentive for arms control and you make the world a more dangerous place.

If Members really want arms control, do not lift up the strategic defense initiative, removing the Soviets' incentive to come to the table for arms control. Gorbachev is saying let us remove nuclear weapons from our lives by the year 2000. We owe this to our children and our grandchildren.

Reject the strategic defense initiative. Make the world a better place for all Americans and the entire world. Join us in supporting the Dellums-Boxer amendment to bring back some sanity and save the American people $3 billion to allow us to address other issues.

Mr. MFUME. Mr. Chairman, I join my colleagues in strong support of the Dellums-Boxer amendment to limit funding for SDI activities to $1.3 billion which would be used for basic research.

We have spent more than $16 billion on SDI and still do not know in what direction this program takes us. In the early 1980's, the SDI Program was presented to the American people as a financially and technologically feasible ballistic defense system. Supposedly, it is capable of protecting our cities and missile silos from a Soviet missile attack. Now, 5 years later and after spending billions of dollars, I haven't seen enough progress to warrant increased funding of this program other than for basic research as provided by the amendment offered by the gentleman from California [Mr. DELLUMS].

Before we invest $69.1 billion which only pays for the first phase of the program, let's make sure that the SDI Program is consistent with our current treaty agreements and objectives. In fact, a deployed SDI system as presented would certainly be in direct conflict with the 1972 ABM Treaty. I do, however, support continued research to keep pace with advancing technology until we can better define how this program can and should proceed.

Furthermore, the United States and the Soviet Union are at a critical juncture in seriously negotiating substantive arms control agreements. When we may have an opportunity to move forward with negotiations stemming from the INF Treaty, it would be foolish to push for advance deployment of a defensive system that would only serve to thwart those efforts. The Soviets have already indicated that their response to developing a deployable system will be to build more ICBM's at a much cheaper cost to overwhelm SDI capabilities. Our only response would be to spend hundreds of billions of dollars on additional defensive systems or resume building our offensive arsenal which would lead back a costly arms race.

Mr. Chairman, in light of the uncertainties of the program and the difficulty of allocating funds to incresingly scacre resources for all of the programs competing in the defense budget, I urge my colleagues to support the Dellums-Boxer amendment.

Mr. DURBIN. Mr. Chairman, I rise in support of the Dellums-Boxer amendment to H.R. 2461, the Defense Authorization Act of 1989. I do so because I strongly believe that the Nation's scarce resources are being squandered on the strategic defense initiative [SDI], and that it is time to put this idea to rest once and for all.

The SDI was not the product of careful, thoughtful scientific research, but the brainchild of a handful of self-interested nuclear theorists. Before this costly and complicated idea could be scrutinized by independent scientists, President Reagan mounted an enormous public relations campaign for the SDI. Before any research had gotten underway, President Reagan had already announced that the United States favored scrapping our longstanding commitment to the ABM treaty in order to pursue the SDI fantasy. Even as mounting budget deficits suggested that we needed to take a second look at programs like the SDI, the President refused to listen and urged even higher levels of spending.

Mr. Chairman, we have already spent $20 billion pursuing President Reagan's pipedream. First we were promised a comprehensive defensive shield against incoming ballistic missiles. Scientist after scientist said it couldn't be done, but the SDI project went forward anyway. When research indicated the scientists were right, supporters of SDI came up with the idea of a limited defensive shield that would enhance deterrence by stopping some unknown percentage of incoming missiles. When scientists again demonstrated the flaws of this limited shield, the SDI boosters developed the "Brilliant Pebbles" concept, a space-based defense depending on small rockets being able to intercept enemy missiles during the boost phase.

So what have we bought at the end of this mad search? Certainly not a defensive shield. Certainly not a feasible, affordable defensive system that would enhance our security. Certainly not commercial applications of the SDI technology. No, what we have bought is a huge budget deficit and a pile of glossy briefing books describing our former President's dream.

That is why the Joint Chiefs of Staff this past April recommended a significantly lower level of spending for SDI and stated that the United States "should not insist on the explicit right eventually to deploy extensive antimissile defenses." I share the skepticism of the Joint Chiefs, and their concern for the ABM treaty, and I suggest that in this time of budgetary constraints, we do the smart thing and abandon the goal of quick deployment of SDI technologies.

Let us instead rely on the proven worth of our strategic deterrent, pursue arms control talks with the Soviet Union, and keep SDI research at the reasonable level proposed in the Dellums-Boxer amendment.

□ 1140

The CHAIRMAN pro tempore (Mr. BRUCE). All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. DELLUMS].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KYL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 137, noes 286, not voting 8, as follows:

[Roll No. 152]

AYES—137

Ackerman
Akaka
Atkins
AuCoin
Bates
Beilenson
Berman
Bonior
Boucher
Boxer
Brennan
Brooks
Bruce
Bryant
Campbell (CA)
Carper
Carr
Clay
Conte
Conyers
Coyne
Crockett
DeFazio
Dellums
Dingell
Dixon
Dorgan (ND)
Downey
Durbin
Dymally
Early
Eckart
Edwards (CA)
Engel
Espy
Evans
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank
Garcia
Gejdenson
Gephardt
Glickman
Gray
Hall (OH)
Hawkins
Hayes (IL)
Hertel
Jacobs
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
LaFalce
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowey (NY)
Markey
Matsui
Mavroules
McDermott
McHugh
Mfume
Miller (CA)
Mineta
Moakley
Moody
Morrison (CT)
Mrazek
Murphy
Nagle
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Owens (NY)
Owens (UT)
Panetta
Payne (NJ)
Pease
Pelosi
Perkins
Poshard
Rahall
Rangel
Roybal
Russo
Sabo
Sangmeister
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Shays
Sikorski
Skaggs
Slaughter (NY)
Smith (FL)
Solarz
Staggers
Stark
Stokes
Studds
Swift
Synar
Torres
Towns
Traficant
Traxler
Udall
Unsoeld
Vento
Visclosky
Waxman
Weiss
Wheat
Williams
Wolpe
Wyden
Yates

NOES—286

Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Borski
Bosco
Broomfield
Browder
Brown (CA)
Brown (CO)
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CO)
Cardin
Chandler
Chapman
Clarke
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Cooper
Costello
Coughlin
Cox
Craig
Crane
Dannemeyer
Darden
Davis
de la Garza
DeLay
Derrick
DeWine
Dickinson
Dicks
Donnelly
Dornan (CA)
Douglas
Dreier
Duncan
Dwyer
Dyson
Edwards (OK)
Emerson
English
Erdreich
Fascell
Fawell
Fazio
Fields
Fish
Flippo
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gekas
Gibbons
Gillmor
Gilman
Gingrich
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Green
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Johnston
Jones (GA)
Kaptur
Kasich
Kolbe
Kostmayer
Kyl
Lagomarsino
Lancaster
Lantos
Laughlin
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (OH)
Miller (WA)
Mollohan
Montgomery
Moorhead
Morella
Morrison (WA)
Murtha
Myers
Natcher
Neal (NC)
Nelson
Nielson
Olin
Ortiz
Oxley
Packard
Pallone
Parker
Parris
Pashayan
Patterson
Paxon
Payne (VA)
Penny
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (IA)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Spratt
Stallings
Stangeland
Stearns
Stenholm
Stump
Sundquist
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torricelli
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walgren
Walker
Walsh
Watkins
Weber
Weldon
Whittaker
Whitten
Wilson
Wise
Wolf
Wylie
Yatron
Young (AK)
Young (FL)

NOT VOTING—8

Collins
Courter
Florio
Hyde
Lipinski
Martinez
Molinari
Schuette

□ 1158

The Clerk announced the following pairs:

On this vote:

Mr. Martinez for, with Mr. Florio against.

Mrs. Collins for, with Mr. Courter against.

Mr. COX changed his vote from "aye" to "no."

Mr. SHAYS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1200

AMENDMENT OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. BRUCE). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BENNETT:

Strike out section 221(a) (page 48, line 21 through page 49, line 2) and insert in lieu thereof the following:

(a) FISCAL YEAR 1990.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1990, not more than $2,844,500,000 may be obligated for the Strategic Defense Initiative. The amount provided in section 201 for Defense Agencies is hereby reduced by $693,500,000.

Strike out section 3103(a) (page 338, lines 11 through 18) and insert in lieu thereof the following:

(a) PROGRAMS, PROJECTS, AND ACTIVITIES OF THE DEPARTMENT OF ENERGY RELATING TO THE STRATEGIC DEFENSE INITIATIVE.—Of the funds appropriated to the Department of Energy for fiscal year 1990 for operating expenses and plant and capital equipment, not more than $245,000,000 may be obligated or expended for programs, projects, and activities of the Department of Energy relating to the Strategic Defense Initiative.

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. BENNETT] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair will inquire, is the gentleman from Alabama [Mr. DICKINSON] in opposition to the amendment?

Mr. DICKINSON. I am, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Alabama will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I support strategic defense, but in the case of SDI, less may just be more. A cut in the SDI budget could actually be a plus for the program. It would lengthen the time horizon for deployment, to be sure, I readily admit that, but it could also lift the sights of SDI's managers to a further horizon, causing them to concentrate more on longer term technologies, like the free electron laser that held the promise perhaps of providing a strategic defense, and lesson near term choices, like Zenith Star and Brilliant Pebble, which are not survivable and probably will not be cost effective.

Second, in my opinion, we need to go in low, at the level of Bennett-Ridge, to come out of conference at about where SDI ought to be. At this level the SDI budget is likely to be flattened out or a little less for the next couple of years or for next year at least. The Bush administration wants to spend $32 billion over the next 5 years on SDI, $6 billion in 1992, $7 billion in 1993, and $8 billion in 1994.

Mr. Chairman, by voting for Bennett-Ridge, we position ourselves for conference and serve notice on the administration to bring this futuristic program down into the world of budget reality.

Mr. DICKINSON. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, this is not the first time we have had this debate.

Mr. Chairman, the purpose of this amendment, I think, is laudible. The gentleman from Florida [Mr. BENNETT] would like to see more funds allocated to the conventional weaponry of this country and less to our strategic defense. As far as increasing our conventional weapons capability, it is true and it is fact that we need to do more. We have neglected it in the past, and we need to do more.

For the Army, we have cut back on our production of tanks and we are decimating Army aviation by terminating the AHIP and the Apache helicopters.

Yes, we need more funds. The problem is, however, that we are taking them from the wrong source. Each year we make a run at SDI, and SDI becomes a "cash cow;" a pool to dip into to fund various other programs. There comes a point when, if we keep embezzling from this particular program, we are going to kill it.

Everyone who has spoken on SDI, whether they are for or against a funding cut, recognizes that it is essential for us to continue with robust research and development, and to continue to work to prove its feasibility. At a minimum, this is necessary to force the Soviets to negotiate with us seriously in Geneva. We would not have had an INF Treaty if we had not deployed the Pershing II's and GLCM's which brought the Soviets to the table. We deployed the capability, they came to the table, and they negotiated with us.

What we are doing here is sytematically killing the SDI Program by "nickel-and-diming" it to death. The causes we are funding, whether it be toxic cleanup, whether it be drug wars, or whether it be contentional armaments are worthwhile. But we are killing the SDI Program in the meantime.

Mr. Chairman, I urge the Members to support the committee position and vote against the $3.1 billion Bennett amendment. Let us at least maintain the committee position of $3.5 billion, which is still negative spending over last year's budget.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. HOCHBRUECKNER].

Mr. HOCHBRUECKNER. Mr. Chairman, let me remind my colleagues that I come from an engineering background, and I look at things from a very practical point of view. As we all know, we have listened to this debate enough to know that star wars or SDI was sold as an impenetrable shield that would protect the American people. That is no longer the goal of the program.

The fact of the matter is that today star wars is merely another form of deterrence. Its present purpose is to protect our missiles from attack by other missiles, so that American people have very little in SDI to protect them directly. If we want more deterrence, we should buy more deterrence, but there are less expensive ways to buy more deterrence than fielding SDI. Buy the Midgetman or other missiles, what-have-you. We do not need to support star wars to the extent requested.

I realize that we must avoid technological surprise on the part of the Russians. Therefore, it makes sense to continue a robust research effort. Clearly, the $3.1 billion is more than enough funding to provide a continuing appropriate research program for star wars.

Mr. Chairman, I support the Bennett amendment, and I hope all the Members will support that amendment.

Mr. DICKINSON. Mr. Chairman, I yield one minute to the gentleman from California [Mr. HUNTER].

□ 1210

Mr. HUNTER. Mr. Chairman, the gentleman from New York [Mr. HOCHBRUECKNER] who preceded me and many others talked about deterrence and buying deterrence. Deterrence requires one prime ingredient. It requires rationality on the part of one's adversary, and we have always hoped for that rationality in the Politburo in Moscow, but we have to look now for deterrence not to Moscow. We have to look in the near future, I think, to Libya. We may be looking to North Korea.

In fact, Mr. Chairman, our projections by our intelligence agencies tells us that by the year 2000 some 15 nations will have intercontinental ballistic missile capability. That means a deterrence that might have worked with the Soviet Union may not work in Libya. It may not work in North Korea. It may not work in China.

Mr. Chairman, SDI is an experiment to see if defense will work. We have to spend the money to get the answers, and I would urge my colleagues to deny this amendment to take us below the House position.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. Mr. Chairman, the Bennett amendment is not only the com-

promise position on this issue. It really is the only one that makes sense.

Three years ago we were looking at forecast funding for the SDI program of 5, 6, 7 and even $8 billion. It is interesting that this year for the first time even the administration has pulled back some. The gentleman from Arizona [Mr. KYL] is only talking 4.1 billion, and the reason for that is that the plan for SDI never did support funding much over the $3 billion level.

Mr. Chairman, it is also true that the Armed Services Committee of the Senate has passed 4.5 billion. Bennett is at 3.1. I say to my colleagues, "You compromise those two, you get 3.8, and that's not only enough for the research to continue at 3 billion, but it even supplies money for whatever promotional activities seem to be necessary."

Mr. Chairman, this is the commonsense provision. I hope that Members of the House in general will take a look at it. It makes sense. It supports the research. It stabilizes the program at a level that is plenty adequate for all purposes.

Mr. DICKINSON. Mr. Chairman, I yield my remaining 1½ minutes to the gentleman from Arizona [Mr. KYL].

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of the strategic defense initiative and the amendment offered by Mr. KYL of Arizona to fund the SDI at its fiscal year 1989 level of $3.8 billion. I am strongly opposed to the Dellums-Boxer amendment which, in reality, kills the SDI Program and the Bennett amendment which further reduces critical SDI funding.

It should be recognized that the Armed Services Committee has already slashed SDI funding by 22 percent authorizing only $3.8 billion of the administration's requested $4.9 billion. If we are to provide America with the strategic defense shield it needs, which I strongly believe we should, we must provide realistic, sufficient funding for the program. The Kyl amendment does just that.

The concept of pursuing defenses is not new. In fact, it is wholly consistent with deterrence. It was actually being pursued during the Carter administration, but not in a very comprehensive or cohesive way. The reasoning behind the SDI is very logical and responsible. The policy of mutually assured destruction [MAD] has worked so far, but the costs of a potential breakdown are too great. I believe it is far safer and certainly less threatening to protect America with a shield rather than rely on the sword of nuclear holocaust as we presently do. In addition, an effective strategic defense can enhance deterrence by greatly complicating the war plans of the attacking nation. If greater uncertainty about the outcome of initiating such an attack can be achieved, defenses will have contributed to deterrence and stability.

Many of my colleagues believe the answer to strategic security lies not with the SDI but only in reaching further arms control agreements. Unfortunately, history has proven that arms control agreements alone do not provide security and safety. Recent Soviet violations of arms control agreements—accords we unilaterally uphold—dictate that we back up arms control with some sort of insurance. The SDI provides that. Examining the track record of Soviet compliance—or lack thereof—with arms control agreements dictates that realism, not blind trust, will lead to successful, effective arms control measures equally beneficial to both sides.

Critics assert that the SDI cripples arms control. This is not true. Obviously the Soviets believe that the two, arms control and strategic defense, go together. They are pursuing both. I will give Mikhail Gorbachev credit for what he is trying to do and for the slick PR work he has done. His propaganda against our defensive efforts have pulled the wool over the eyes of many. In discrediting our legitimate defensive needs, he has managed to distract attention from his own, greater, more intensive strategic defense system. Within the last decade the CIA estimates that the Kremlin has spent over $150 billion on it's version of the SDI. During an interview with "NBC News" General Secretary Gorbachev admitted that the Soviets are working on their own SDI. According to respected Soviet dissident scientists, including some we in Congress helped emigrate, the Soviets devote much more of its efforts and resources into its SDI Program than we do into ours. They also warned that the Soviet Union would likely continue to proceed with its SDI even if it signed an agreement not to. They recommended that we not yield on development of the strategic defense peace shield.

In addition, the Soviets continue to strengthen their antiballistic missile capability, often in violation of the ABM Treaty. The Krasnoyarsk radar clearly proves that. The development of a two-layer ABM system, modernization of the galosh ABM system around Moscow and advances in laser technology also indicate that regardless of the ABM treaty, the Soviets are moving along rapidly toward deploying their SDI while we debate about funding research and development of our system. In fact, Soviet ballistic missile defense activities are so extensive that Moscow now has the potential to break out of the ABM Treaty much more rapidly than the United States can respond. Incidentally, our SDI Program remains, by law, within the confines of the ABM Treaty.

SDI has enhanced arms control. As Zbigniew Brzezinski, President Carter's National Security Advisor, said, the Soviets would not even be at the negotiating table with us had it not been for President Reagan's commitment to the SDI. The SDI is a very promising arms control mechanism. By providing a defensive shield, it reduces the need for nuclear missiles making reduction agreements—like the ongoing start talks to cut our strategic nuclear arsenals in half—more attractive and obtainable. The SDI coupled with arms reductions makes the argument that the Soviets can overwhelm our defense moot. Even at partial effectiveness, the SDI denies any power the ability to carry out a successful first strike, thereby even further enhancing deterrence and making arms reduction proposals more acceptable. To those who still disagree I point out that over the past few years we have made real progress in arms reduction—the INF Treaty and new progress on START and conventional arms cuts. All this has happened while we have been pursuing the SDI.

Clearly the SDI has helped, not hurt arms control. And, that's only natural because SDI works best with arms control and vise-versa. However, if we were to damage the SDI Program by further cuts, as advocated by the Bennett amendment or the killer Dellums/Boxer amendment, we are weakening the position of our negotiators in Geneva and lessening the chances for real progress on start and other agreements.

With Gorbachev's new policies of Glasnost and Peristroika, some believe the Soviets and their nuclear missiles to be less of a threat. While encouraging rhetoric is coming from behind the Iron Curtain, the Soviets continue to modernize and expand their war machine—including their strategic nuclear weapons systems. Furthermore, as recent events in China have shown, the reforming Communist Government can quickly and harshly reverse themselves. It is important for us to remain strong and maintain a credible defense.

While many focus on the threat from the Soviets, the SDI is critical to American security because we also face other nuclear missile threats. The chaotic events in China further underscore the need for SDI. The same leaders who ordered the massacre in Tiananmen Square also control China's strategic nuclear arsenal. Of even greater concern is the control, or possible lack thereof, over China's nuclear weapons should the present or some future political turmoil factionalize the military and top Communist leadership. While the power struggles and factionalization apparently have been kept to a manageable level at this time, the history of chaos and violence associated with governing Communist China and the real potential for future anarchy provide very valid and serious reasons for the SDI.

Other countries around the globe are also developing ballistic missiles. While some of these countries do not, at present, have nuclear weapons some do have chemical and biological weapons. Both Iraq and Iran are developing missiles and both have used chemical weapons. The SDI would provide protection against any threats posed by these missiles—whether they were armed with nuclear, chemical, biological or conventional warheads.

Today the United States has absolutely no protection against ballistic missiles. We have no way to protect against any of the threats I've mentioned. Again, the SDI would provide that protection.

Some critics claim the SDI will not work. However, great strides have been made in our ability to track and intercept missiles before they reach their targets in many different stages of flight. In this debate, opponents of the SDI will cite Nobel laureats and other distinguished physicists in arguing that the SDI is neither feasible nor safe. I urge my colleagues to carefully examine the details of the reports they are quoting. Unfortunately, many are flawed in important respects and include misleading information. Last year during debate on the SDI, I provided members with an article

detailing these flaws. I stand ready to share it again this year.

Throughout history there have been expert nay-sayers who argued we could never fly, make a steam engine, or reach the Moon. They were wrong. I submit that many of today's critics fall into that same category.

Since President Reagan proposed the SDI, we have continued to make outstanding progress. Now is not the time to stop. It is important for us to continue to show the world that we are committed to peace and security based on full armor—a shield and a small sword, not just the sword. I strongly urge my colleagues to support the Kyl amendment and oppose the Dellums/Boxer and Bennett amendments.

Mr. KYL. Mr. Chairman, I thank the gentleman from Alabama [Mr. DICKINSON] for yielding.

Mr. Chairman, I rise in opposition to this amendment. The choice now is between the Bennett amendment at $2.8 billion and the committee mark of $3.5 billion. I think we ought to support the committee mark of $3.5 billion and reject the Bennett amendment.

Mr. Chairman, my colleague, the gentleman from South Carolina [Mr. SPRATT] said that at this juncture we have to make a decision whether to fund the short-term SDI Program or the long-term SDI Program.

My colleagues, that is not really a choice presented by the Bennett level. As a matter of fact, the gentleman from New York [Mr. HOCHBRUECKNER], our colleague, just confirmed that point when he said that the Bennett amendment will allow enough funding for a basic research program. That is correct, but I think it will allow precious little more than that.

As a result, Mr. Chairman, I do not think we can say that we are going to be funding a robust SDI Program with the Bennett level. As a matter of fact, according to the Department of Defense, the potential impacts on long-term projects like the chemical laser, the free-electron laser and the neutral particle beam are to cancel all three of those programs, and those are all long-range programs.

So, let us not be deceived. This level of funding will not permit us to move forward. It provides essentially for a basic level of research only.

Mr. Chairman, in conclusion, the Bennett amendment is not the compromise position. Last year SDI was funded at a little bit over $4 billion. The Senate's position this year in the committee was $4.3 billion. The House committee mark is $3.5 billion, and the Bennett amendment is $2.8 billion.

Mr. Chairman, the Bennett amendment is not the compromise at this point. The Bennett amendment is the low mark. I urge my colleagues to support the Committee on Armed Services' mark, the level that the Committee on Armed Services overwhelmingly voted to support at $3.5 billion, by rejecting the Bennett amendment of $2.8 billion.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, in the few moments I have in this debate I would like to share a few thoughts with my colleagues.

Right now the SDI Program consumes about 10 percent of the Pentagon's research budget. If we let the proposed funding escalation occur over the next 4 years, it will be in excess of 20 percent of all the Pentagon's research.

What the gentleman from Florida [Mr. BENNETT] tries to do in a reasonable, rationale way is put a cap on it, provide some stable funding so that research for this year, and hopefully foreseeable years, is around 10 percent.

The gentleman from Florida [Mr. BENNETT] and I are not dictating the research that should be done. We are not trying to micromanage. We are just saying to them, "You're going to realize funding somewhere between $3.1 billion and $4.5 billion. You know what needs to be done for short-term or long-term deployment. You must prioritize, make a decision, but you can't fund everything."

Mr. Chairman, we think there is certainly enough money in that range, between $3.1 and $4.5 billion, for the Pentagon to engage in a long-term research program with short-run deployment possibilities. My colleagues, politicians and generals can say what they want for SDI, but it is clear that we should only listen to the scientists to identify what they need. The scientific community will say that they need what the gentleman from Florida [Mr. BENNETT] has suggested, $3.1 billion. I urge my colleagues to support his amendment.

Mr. BENNETT. Mr. Chairman, I yield myself the remaining 1 minute to close the debate.

Mr. Chairman, this amendment of 3.1 is arrived at after hearings, after study, as being the proper figure. It is actually a little more generous than the evidence that we had before as to what is needed for a good SDI research program. It is not something picked out of space. It is based upon hearings which were actually had.

Mr. Chairman, we feel like the action of the Joint Chiefs of Staff spoke eloquently on this matter when they chose the least of the alternatives which were offered to them for support for research of SDI, and my colleagues will note this amendment does not do any micromanaging at all. All the micromanagement that has been done on this floor today has been done by people who oppose this amendment. They have suggested things will have to be cut, but this amendment does not suggest that at all. It leaves the alternatives with the actual management of SDI.

Mr. Chairman, I think this is a reasonable amendment, and I hope it will overwhelmingly pass.

Mr. FAZIO. Mr. Chairman, I rise today in strong support of the Bennett-Ridge-Fazio-Olin-Shays-Hochbrueckner amendment to the Department of Defense authorization bill for fiscal year 1990.

The Bennett-Ridge amendment provides $3.1 billion for the strategic defense initiative [SDI]. This represents a reduction of $700 million from the funding level reported by the Armed Services Committee and $1.7 billion from the administration's request. This bipartisan amendment will allow for a generous research and development program without sacrificing modernization of our conventional forces. Scientists associated with the SDI program testified that $2 billion to $3 billion per year is adequate for research in advanced weapon technology. In addition, earlier this year, the Joint Chiefs of Staff recommended a much lower level of appropriations for the SDI program than was advocated by civilian Defense Department officials. It is clear that $4.8 billion for SDI is unrealistic and unncessary.

As Co-Chairman of last year's task force on the Strategic Defense Initiative, I had the opportunity to hear from knowledgeable experts on strategic defense. After 6 months of hearings, meetings and intensive research, the task force developed a number of recommendations. I believe it is important to remember one particular conclusion:

> Funding for this research must be based on a realistic assessment of priorities within the defense budget and must not undercut more pressing defense needs, particularly in areas of conventional force improvements. All of our defenses are a deterrent against war; funds spent on strategic defense will be funds not spent to strengthen other forces.

Our amendment today to reduce SDI to $3.1 billion represents a commitment to research which will allow us to maintain our Nation's qualitative advantage in this critical area, while simultaneously maintaining our commitments to other vital defense programs.

I urge my colleagues to support the amendment.

The CHAIRMAN pro tempore (Mr. BRUCE). All time has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. BENNETT].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BENNETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 248, noes 175, not voting 8, as follows:

[Roll No. 153]

AYES—248

Ackerman	Applegate	Bennett
Akaka	Aspin	Bereuter
Alexander	Atkins	Berman
Anderson	AuCoin	Bilbray
Annunzio	Bates	Boggs
Anthony	Beilenson	Bonior

Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Coble
Conte
Conyers
Cooper
Costello
Coughlin
Coyne
Crockett
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Goodling
Gordon
Grandy
Grant
Gray
Green
Guarini
Hall (OH)
Hamilton
Hawkins
Hayes (IL)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Horton
Hoyer
Hubbard
Huckaby
Hughes
Jacobs
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lightfoot
Long
Lowey (NY)
Luken, Thomas
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Moakley
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Porter
Poshard
Price
Pursell
Rahall
Ray
Regula
Ridge
Roe
Rose
Rostenkowski
Roukema
Roybal
Russo
Sabo
Saiki
Sangmeister
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shays
Sikorski
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (VT)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NOES—175

Andrews
Archer
Armey
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bentley
Bevill
Bilirakis
Bliley
Boehlert
Broomfield
Browder
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Clinger
Coleman (MO)
Coleman (TX)
Combest
Cox
Craig
Crane
Dannemeyer
Darden
Davis
DeLay
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Dyson
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Flippo
Frenzel
Gallegly
Gallo
Gekas
Gillmor
Gilman
Gingrich
Goss
Gradison
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Herger
Hiler
Holloway
Hopkins
Houghton
Hunter
Hutto
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Kasich
Kolbe
Kyl
Lagomarsino
Laughlin
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Lowery (CA)
Lukens, Donald
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Michel
Miller (OH)
Miller (WA)
Mollohan
Montgomery
Moorhead
Morrison (WA)
Murtha
Myers
Nelson
Nielson
Oxley
Packard
Parker
Parris
Pashayan
Patterson
Paxon
Pickett
Pickle
Quillen
Ravenel
Rhodes
Richardson
Rinaldo
Ritter
Roberts
Robinson
Rogers
Rohrabacher
Roth
Rowland (CT)
Rowland (GA)
Sarpalius
Saxton
Schaefer
Schiff
Shaw
Shumway
Shuster
Sisisky
Skeen
Skelton
Slaughter (VA)
Smith (MS)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stearns
Stump
Sundquist
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Whittaker
Whitten
Wilson
Wolf
Wylie
Young (AK)
Young (FL)

NOT VOTING—8

Collins
Courter
Florio
Hyde
Lipinski
Molinari
Rangel
Schuette

□ 1236

Mr. KLECZKA changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. It is now in order to consider the amendments relating to the SDI add-backs printed in part 1 of House Report 101-168, by, and if offered by, the following Members or their designees, which shall be considered in the following order only: by Representative BENNETT; by Representative SPRATT; and by Representative MAVROULES.

AMENDMENT OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BENNETT: Page 36, after line 16, insert the following new section:

SEC. 128. INCREASED FUNDING FOR PROCUREMENT OF CONVENTIONAL FORCES FOR FISCAL YEAR 1990.

(a) ARMY AIRCRAFT PROCUREMENT.—The amount specified in section 101 for Army aircraft procurement is hereby increased by $47,000,000, to be available for procurement of additional spare parts and supplies needed during fiscal year 1990 to repair Army helicopters damaged in recent storms.

(b) ARMY MISSILE PROCUREMENT.—The amount specified in section 101 for Army missile procurement is hereby increased by $41,000,000, to be available for procurement of conventional, nonchemical munition Multiple-Launch Rocket System (MLRS) rockets.

(c) ARMY AMMUNITION PROCUREMENT.—The amount specified in section 101 for Army ammunition procurement is hereby increased by $30,000,000, to be available for procurement of conventional ammunition war reserve stocks and training rounds.

Page 48, after line 17, insert the following new section:

SEC. 208. INCREASED FUNDING FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR CONVENTIONAL FORCES FOR FISCAL YEAR 1990.

The amount specified in section 201 for research, development, test, and evaluation for Defense Agencies is hereby increased by $32,000,000, to be available for the Balanced Technology Initiative.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Florida [Mr. BENNETT] will be recognized for 7½ minutes, and the gentleman from Arizona [Mr. KYL] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, this bipartisan amendment is offered by myself and Congressmen TOM RIDGE, VIC FAZIO, JIM OLIN, GEORGE HOCHBRUECKNER, and CHRISTOPHER SHAYS. It is a special pleasure to work with the gentleman from Pennsylvania, TOM RIDGE, who is an infantry soldier like myself, and who has contributed enormously to our national defense.

Our amendment would add back $150 million for important conventional forces. It would not compete for dollars with any other add-back amendment which will be considered later today.

Since this is a modest amendment, I would like to emphasize that about $1 billion was already cut from the SDI budget request in committee, which used those funds for conventional forces in two ways. First, some $400 million went to new initiatives, including technology base enhancements that will allow breakthroughs in the capability of our conventional forces. Second, and more importantly, the general availability of the $1 billion from SDI meant that the committee could fund many more conventional forces than would have been true otherwise. These include the F-14D, the V-22, the Guard and Reserve enhancements, and others. Some of these might not have been possible if SDI hadn't been reduced by $1 billion in committee.

The amendment we are offering today was crafted to respond to the priorities of our military. Our top soldier, the chairman of the Joint Chiefs of Staff, Admiral Crowe, testified to

the Armed Services Committee April 25 that:

The most glaring weakness in our global posture is our inability of adequately defend Western Europe conventionally.

Our amendment would add funds for four conventional items. These were chosen because they are high military priorities, because they are procurement success stories, and because they make sense in an era of tight budgets and possible arms control.

First, the amendment would provide full funding, $47 million, to repair Army helicopters damaged by the severe storms at Fort Hood, TX, on May 13, 1989. The Army has made an urgent request to Congress for these funds. Because the storm happened after the President's budget came to Congress, the bill as reported contains no money for this important item. Our amendment would fully fund repair of these helicopters.

Second, the amendment would restore funding for MLRS Army artillery rockets closer to last year's level. The MLRS rocket is the Army's best artillery fire support weapon, and the Army has recently doubled its requirement for these rockets from 400,000 to 800,000. But the bill as reported would halve procurement of MLRS rockets compared to last year. The most efficient rate or procurement of these rockets is 72,000 per year. But the budget request and the bill as reported would procure MLRS rockets at an extremely inefficient rate—24,000 per year. This stretchout would cause a 21-percent increase in the cost of each rocket compared to last year.

The amendment increases funding for these rockets by $41 million, enough to boost rocket procurement to almost 30,000 per year.

Third, the amendment restores some funds, $30 million, for Army ammunition. Army ammunition was cut in the budget request and bill by $300 million compared to last year. Since 1985, funding for ammunition procurement has declined by almost 50 percent after inflation. As a former infantry soldier, I assure you that having enough ammunition should be a No. 1 concern of our defense posture. However, Gen. Thomas Richards, the Deputy Commander in Chief of the U.S. European Command, has testified to Congress that: "all the services—Army, Navy, Air Force, Marine Corps—all have shortages, severe shortages of preferred munitions."

That is why our amendment would add some money, and leave it up to the Army to decide which type of conventional ammunition most needs an increase.

Fourth, the amendment would restore funds for the Balanced Technology Initiative [BTI], a conventional weapons research program started in 1986 by Senator SAM NUNN and myself. Our amendment adds $32 million to bring the total BTI funding back to the original funding level requested by President Reagan, $238 million, before reductions in the Bush budget request.

The BTI was started as a counter to SDI, which had been gobbling up military research funds. The purpose of the BTI is to address gaps in our conventional defense by applying breakthrough technologies that potentially render obsolete entire elements of the enemy defense structure.

I hope Members can support this amendment.

□ 1240

Mr. KYL. Mr. Chairman, I yield back the balance of my time.

Mr. BENNETT. Mr. Chairman, I yield the remainder of my time to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, this amendment is as important for what it says as for what it does. I would like to just share a few thoughts with Members about it.

Clearly the gentleman from Florida [Mr. BENNETT] and I are trying to restore some dollars to provide for funding in the conventional arena. We are preoccupied today and tomorrow with very, very expensive, high-technology, very sophisticated, complex equipment and the procurement of that equipment. The gentleman from Florida and I feel that during the defense debate over the past 3 or 4 years we have truly lost sight of what should be an equally important priority, and that is our conventional fighting capability.

One of the four items contained in the Bennett amendment, and one of the four items that we are trying to restore, ladies and gentlemen, is basic ammunition. We will talk about $3 billion or $4 billion for SDI, and we are going to talk about $500 million for each Stealth bomber. But while these debates have been going on the past couple of years, we have seen a depletion of our ammunition stores in NATO. So what the gentleman from Florida is trying to do is bring us back to Earth to think about our conventional capability.

Ultimately the soldier in any kind of conflict must take and retain ground. It is the toughest physical and psychological warfighting mission. If you are engaged in combat, your ultimate mission is to take and retain ground.

We can talk about SDI and we can talk about Stealth bombers, and we can talk about a lot of other expensive strategic and nuclear systems, but we also better start talking about readiness, we had better start talking about sustainability, we had better start talking about what kind of equipment we give to those men who are conventional fighters, who have the toughest, the most important mission in the Department of Defense.

One of my personal frustrations throughout the defense debate over the past 3 or 4 years has been the absence of any interest in this body to provide our infantry with an effective light antitank weapon, a light, shoulder-held antitank weapon. That is not real sexy, not too many headlines are written for those with an interest in conventional armaments. Next to his M-16 or whatever rifle he may employ, the antitank weapon is the most important piece of equipment an infantry soldier can carry. A few of us have tried for 3 years to convince them to have a test of the six or seven available antitank weapons in the world today. We want them to be tested under realistic, live fire conditions, and then we want the best one purchased and delivered to our soldiers.

I would just congratulate the gentleman from Florida [Mr. BENNETT] for elevating in this very small but significant way the whole question of conventional capability and urge my colleagues to support this amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the amendment offered by the gentleman from Florida [Mr. BENNETT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BENNETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 375, noes 43, not voting 13, as follows:

[Roll No. 154]

AYES—375

Ackerman	Brown (CA)	Dixon
Akaka	Brown (CO)	Donnelly
Alexander	Bruce	Dorgan (ND)
Anderson	Bryant	Dornan (CA)
Andrews	Buechner	Douglas
Annunzio	Bunning	Downey
Anthony	Burton	Dreier
Applegate	Bustamante	Duncan
Archer	Byron	Durbin
Armey	Callahan	Dwyer
Aspin	Campbell (CO)	Dyson
Atkins	Cardin	Eckart
AuCoin	Carr	Edwards (CA)
Baker	Chapman	Edwards (OK)
Ballenger	Clarke	Emerson
Barnard	Clay	Engel
Bartlett	Clement	English
Barton	Clinger	Erdreich
Bateman	Coble	Espy
Bennett	Coleman (MO)	Evans
Bentley	Coleman (TX)	Fascell
Bereuter	Combest	Fawell
Berman	Conte	Fazio
Bevill	Cooper	Feighan
Bilbray	Costello	Fields
Bilirakis	Cox	Fish
Bliley	Craig	Flake
Boehlert	Crane	Foglietta
Boggs	Dannemeyer	Ford (MI)
Bonior	Darden	Ford (TN)
Borski	Davis	Frank
Bosco	de la Garza	Frost
Boucher	DeLay	Gallegly
Boxer	Derrick	Gallo
Brennan	DeWine	Garcia
Brooks	Dickinson	Gaydos
Broomfield	Dicks	Gekas
Browder	Dingell	Gephardt

Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Hertel
Hiler
Hoagland
Hochbrueckner
Hopkins
Horton
Houghton
Hoyer
Hubbard
Hughes
Hunter
Hutto
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Nelson
Nielson
Nowak
Oakar
Oberstar
Olin
Ortiz
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Russo
Sabo
Saiki
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schneider
Schroeder
Schulze
Schumer
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (OR)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tanner
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walgren
Walsh
Watkins
Waxman
Weber
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOES—43

Bates
Bellenson
Campbell (CA)
Carper
Chandler
Conyers
Coughlin
Coyne
Crockett
DeFazio
Dellums
Dymally
Early
Frenzel
Gejdenson
Goodling
Hancock
Henry
Herger
Holloway
Huckaby
Kastenmeier
LaFalce
Lewis (GA)
Lightfoot
Neal (MA)
Obey
Owens (NY)
Petri
Porter
Roth
Roybal
Sangmeister
Savage
Scheuer
Sensenbrenner
Shumway
Smith, Robert (NH)
Solomon
Tauke
Vento
Walker
Weiss

NOT VOTING—13

Collins
Courter
Flippo
Florio
Hyde
Jones (NC)
Leland
Lipinski
Martinez
Molinari
Moody
Neal (NC)
Schuette

□ 1305

Mr. LEWIS of Georgia changed his vote from "aye" to "no."

Mr. SMITH of Vermont changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SPRATT:

In title XXXI, page 327, line 25, strike out: "$1,119,639,000, to be allocated as follows:" and insert in lieu thereof "$1,419,639,000. Of that amount, $1,119,639,000 shall be allocated as follows:".

The CHAIRMAN pro tempore. Under the rule, 15 minutes of debate is allowed on this amendment, 7½ minutes on each side.

The Chair recognizes the gentleman from South Carolina [Mr. SPRATT] for 7½ minutes in support of his amendment.

Mr. SPRATT. Mr. Chairman, the effect of this amendment is to add $300 million for defense, waste, and environmental restoration in the DOE Department of Energy component of this Defense Authorization bill.

That means we will be appropriating, authorizing next year $1,636,000,000 for defense, waste, and environmental restoration. In effect, closing the loop.

The Committee on the Budget first came to the floor with a budget resolution, accompanied by a committee report, recommending that we plus up this account by $300 million. Our committee followed suit and looked favorably, the subcommittee on energy and water development of the Committee on Appropriations has already beat Members to the punch. They brought to the floor a bill which provided for a $5 million increase in these accounts.

Our bill contains $35 million of that in the way of authorization. We are now providing the $300 million addition to it. This particular amendment affects States all over the United States. There are 17 States where the defense production complex for nuclear materials are located including Washington State, California, Colorado, Idaho, South Carolina, Tennessee and Ohio.

One of those States is Tennessee, and I yield 1 minute to the gentlewoman from Tennessee [Mrs. LLOYD]

Mrs. LLOYD. Mr. Chairman, I rise in support of the amendment offered by my colleague from South Carolina to increase funding for the Department of Energy's defense waste management and environmental restoration account by $300 million.

Solving the waste management and environmental problems associated with the Department of Energy's nuclear weapons complex will require tremendous dedication from the Department, as well as billions of dollars from Congress over the next two decades. Secretary of Energy, Admiral Watkins, has pledged to devote the time and energies of his Department to solving its environmental problems. He has promised to usher in a new era at DOE, an era in which environmental concerns are as important as production of nuclear materials. For this the Secretary deserves high praise and our full support.

The Oak Ridge DOE complex has been working very hard since 1983 to correct its environmental problems. The Department has been successful in changing attitudes about waste handling and caring for the environment on the Oak Ridge reservation. DOE instituted a waste minimization program throughout the Oak Ridge operations. Oak Ridge has performed at a commendable level considering the financial limitations we have placed on them. It is time that we give Oak Ridge and other DOE facilities working to solve their environmental problems the resources they need to get the job done.

We can begin today by agreeing to this amendment and adding $300 million to the Department's defense waste and environmental restoration account. This would increase the total funding in this account to just over $1.6 billion. Secretary Watkins has announced his support for congressional efforts to add $300 million to the cleanup account. This measure is also supported by the Armed Services Committee, and by passing this amendment we would bring the authorizing legislation into agreement with the appropriations legislation, which provided for an additional $300 million for the cleanup account.

It is no longer possible for DOE to place production goals ahead of environmental considerations when operating facilities in the nuclear weapons complex. Our national security requires that both be given equal time and consideration. Secretary Watkins has pledged to do so. By passing this amendment, the Congress will be

pledging its support for this goal and giving the Secretary the resources he needs to carry it out.

If we are serious about wanting the weapons complex cleaned up, and if we plan to hold DOE responsible for that activity, it is critical that we give the Department the support, tools, and most importantly, the funding to carry out that mission. Mr. Chairman, I urge my colleagues to support this amendment.

□ 1310

The CHAIRMAN pro tempore (Mr. DURBIN). The Chair will inquire, does the gentleman from Alabama [Mr. DICKINSON] seek recognition on this amendment?

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, I have a parliamentary inquiry.

Is there a division of time on this? Do I control part of the time?

The CHAIRMAN pro tempore. Is the gentleman opposed to the amendment?

Mr. DICKINSON. I am, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] is entitled, then, to 7½ minutes, under the rule.

Mr. DICKINSON. That being the case, Mr. Chairman, I yield 2 minutes to the lovely and very distinguished gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman for his generosity in yielding time to me, and I rise in strong support of the amendment.

Mr. Chairman, since the House with my support has adopted an amendment to cut SDI funding, I now rise in support of the Spratt amendment which would transfer $300 million in SDI funds to environmental restoration activities at the Nation's nuclear weapons facilities. This amendment would simply bring the defense bill in line with the House-passed fiscal year 1990 energy and water appropriations bill and thereby authorize $1.6 billion next year for this important purpose. I believe this amendment makes eminently good sense.

The environmental degradation at Rocky Flats, CO; Fernald, OH; Savannah River, SC; and Hanford, WA, and other facilities will cost this Nation untold billions in cleanup expenditures in decades to come. The General Accounting Office has estimated that up to $155 billion will be required in the next 20 years to clean up these facilities. As if the S&L mess wasn't enough for the American taxpayer.

Under the delusion that "the Russians are coming," the managers of the Nation's nuclear weapons facilities for too long have put health and safety a distant second to production. Last week, the House took a strong step toward correcting these outrageous abuses by rejecting gutting amendments to the Eckart bill which will rightly subject Federal Government facilities to the same environmental standards that the Federal Government imposes on businesses and local governments.

But, we need to do more. If we delay in committing adequate resources to control the presently out-of-control environmental problems at these facilities, the cost to the taxpayer will only skyrocket in the future. Let's not change the meaning of S&L to "safety later." For the American taxpayer and for the environment, health, and safety of this Nation, vote "yes" on the Spratt amendment.

Mr. SPRATT. Mr. Chairman, one State that is particularly affected by this matter is the State of Colorado, and I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from South Carolina for yielding time to me, and I want to say that this is really a very, very important amendment.

For so long, DOE thought that they were above the Federal laws, the environmental laws, and in fact in my very State of Colorado, when they got sued by the EPA for a number of violations, they went to the Justice Department and said, "You can't enforce this against us. It is a Federal agency suing a Federal agency."

Nobody wants to see that kind of thing continue. I think that having some money for cleanup is absolutely essential.

I had hoped to be able to offer an amendment which the Rules Committee did not allow me to offer to go even one step further, to take some more money and put it out there for safety enforcement by State health departments and other agencies that are looking at this, because I think that is the only way DOE facilities are going to be able to continue. This is the way they can continue to have some trust, which they do not have now. This would be a beginning, that we are really going to enforce DOE's new life.

Mr. Chairman, I support the amendment, and I urge an "aye" vote on the amendment.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I was the author of the language that provided the original $300 million for the cleanup and that was cosponsored with the Speaker of the House, Mr. FOLEY. We have Fernald and Mound located in Ohio. We have a tremendous problem and tremendous responsibility to clean up the waste that exists in our nuclear plants. At Fernald in Ohio, even the Government inspectors refused to enter the plant, it was so dangerous.

People in the area are very worried about their health for the long term, with not only short-term but long-term implications from this problem.

What we are simply doing here is adding a little bit more money to probably what is about a $110 billion problem, according to the GAO. It is going to take a long time. The gentleman from Arizona [Mr. KYL] has done a very good job on this, along with the gentleman from Georgia [Mr. RAY]. Everybody is trying to focus on how we can responsibly find the resources over the long haul to address this problem.

Mr. Chairman, I ask the Members to support the amendment, and I am pleased to say that I believe we are about to adopt this amendment.

Mr. SPRATT. Mr. Chairman, I thank the gentleman from Ohio [Mr. KASICH] for his comments, and I should say that he started the ball rolling, taking the initiative in the Budget Committee to get this approved.

Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. DICKS], whose State is also affected by this problem.

Mr. DICKS. Mr. Chairman, I want to say that this is one amendment that the gentleman from Ohio [Mr. KASICH] and I agree upon.

The cleanup of the waste at the defense facilities around the country is a pressing national priority. It has been estimated by GAO that the cost of this cleanup could be as high as $150 billion to $200 billion.

I want to compliment the new administration for taking an enlightened approach, but clearly the Spratt amendment is necessary. It is needed to keep us moving down that road.

The State of Washington has entered a consent agreement with the Department of Energy. We have got to turn around the public perception, which is that the Department of Energy and the Department of Defense are not doing a good job at these facilities, that there are serious health risks there because of this waste not being taken care of.

I want to commend the gentleman from South Carolina [Mr. SPRATT] for his leadership on this and the gentleman from Wisconsin [Mr. ASPIN], the chairman of the committee, for putting this ad hoc group together and giving them the authority to work. I have enjoyed being a member of it, and I think it is essential that we pass the Spratt amendment.

The CHAIRMAN pro tempore. The gentleman from South Carolina [Mr. SPRATT] has 3 minutes remaining, and the gentleman from Alabama [Mr. DICKINSON] has 4½ minutes remaining.

Mr. DICKINSON. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I think that this is a very good purpose to which these funds will be put. For that reason, we are not fighting the amendment.

I was opposed to making the cuts, but once the cuts have been made, I think toxic cleanup is a fine purpose. I would caution all the Members and say that, when we go to conference, if part of the SDI funds are restored, then the restoration has got to come from somewhere. I would think that these things we are putting back now would be a logical target.

So, Mr. Chairman, I raise that issue as a caution flag and a point of interest for the Members.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Idaho [Mr. STALLINGS].

Mr. STALLINGS. Mr. Chairman, I rise in strong support of the Spratt amendment.

Mr. Chairman, I think it is critical not only to the people of the State of Idaho but to the national nuclear defense facilities. I believe the people of this Nation are crying out for the Government to clean up the mess they have created around these nuclear facilities. I believe that it is becoming their No. 1 concern.

The people of Idaho have told me loud and clear that cleanup should not take a back set to new production facilities and should not take a back seat to new programs.

It should be the top priority, they say, and I certainly agree.

This amendment and how the department uses the money will make a difference in how the public perceives and accepts or rejects those nuclear facilities. So I believe it is incumbent upon this Congress to do something that we have not done for the last 40 years, and that is to take care of the waste we have generated at these facilities.

Our Governor of Idaho, I think, set the trend when he told the department that Idaho would accept no more waste, and I think that has created an atmosphere in which this department must deal with the issue or we are going to close down these nuclear facilities.

Mr. SPRATT. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I rise in strong support of the Spratt amendment, and I ask that it be adopted.

Mr. DICKINSON. Mr. Chairman, since I have no further requests for time, I yield myself the balance of my time.

Mr. Chairman, I would like to re-emphasize what I said earlier. I think the add-back for drug enforcement is a salutary, commendable purpose to which these funds can be put. The same is true with toxic waste; something must be done to deal with the problem. The point is there are funds that are already being used for these purposes. But since SDI cuts have been made, I have no problem with allocating them for the purposes which have been announced.

I do want to emphasize though, to all the Members, that if any of the SDI funds are restored in conference, the restoration has to come from somewhere. I would anticipate that these things that are being added back because of SDI funding cuts would be very likely targets, to be diminished by the amount of the add-back.

Mr. Chairman, I just thought that the Members might be interested in knowing the practical problem that we will have in dealing with this matter in the conference. Certainly, the purpose to which the funds are being put after the cut is something that we have no problem with.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The gentleman from South Carolina [Mr. SPRATT] has 2 minutes remaining.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I rise in strong support of this amendment.

Mr. Chairman, I think that even the old Secretary of Energy, James Watkins, has acknowledged that one of the major tasks of the Department of Energy is not to build more nuclear weapons but to cleanup the existing problems, whether they be at Fernald, OH, at Rocky Flats, or at numerous other facilities around the country.

I would like to ask the author of the amendment, in terms of the research and development for the cleanup of some of these facilities, what role does the gentleman foresee for the Los Alamos and Sandia laboratories and Oak Ridge, those that have been in the vanguard of building some of these weapons? Does the gentleman see a role in the cleanup for these institutions?

□ 1320

Mr. SPRATT. Mr. Chairman, before we determined the amount, we asked the department for a list of projects that were worthwhile to undertake, and they gave us such a list, and there are waste problems at the laboratory for the first part.

Second, Admiral Watkins has emphasized that he wants to apply new technology to find solutions for the radioactive and toxic waste problems, and the labs should be essential to that.

Mr. RICHARDSON. Mr. Chairman. I submit an article I wrote on waste cleanup research.

[From the Albuquerque (NM) Tribune, July 17, 1989]

NEW MEXICO LABS SHOULD TAKE LEAD IN WASTE CLEANUP RESEARCH

(By Bill Richardson)

The Department of Energy faces a difficult task: cleaning up its own back yard.

Potentially explosive material lingers in waste sites. Volatile organic compounds threaten our ground water. Solvents and gasoline contaminate our aquifers. The highly publicized environmental troubles at DOE facilities are so severe that corrective action must be taken immediately.

The question is no longer "are we going to clean up the sites?" The question is "how are we as a nation going to do it now?"

Surprisingly, many of the major problems at the DOE weapons facilities involve not radiation but non-nuclear hazardous and toxic wastes. Because these problems are similar to those faced by the Department of Defense and segments of United States industry, technologies developed for the DOE could have much broader applications.

I propose a tough but flexible program that uses the strengths of our national laboratories, government agencies, universities and private industry.

In this comprehensive program, national laboratories, working with industry and universities, will develop new technologies and apply them in pilot programs at the laboratories. Once we know these technologies are effective, industry can take them over and begin large-scale cleanup. It makes no sense to clean up the DOE complex with dump-truck technology, merely moving waste from one site to another.

The national laboratories should take a leadership role in resolving our federal facilities' environmental problems. I am now working with the DOE to put our two New Mexico laboratories, Los Alamos and Sandia, in this leadership position.

In a hearing before the House Energy and Commerce Committee, I emphasized to Energy Secretary James D. Watkins that the national laboratories have the expertise and experience to play a significant role in cleaning up the DOE complex.

Secretary Watkins responded positively and spoke of a "lead laboratory" concept to focus and utilize specialty capabilities currently available in the DOE laboratories.

Most recently, in a major move, the secretary announced the implementation of a series of 10 initiatives to strengthen environmental protection and waste management activities at DOE's production, research and testing facilities. I commend the secretary's foresight and support for the laboratories' environmental management technologies.

Los Alamos and Sandia have already begun researching many of these environmental technologies. At Los Alamos, creative approaches to waste disposal and cleanup have brought far-reaching accomplishments. Lab scientists are experimenting with bacteria that "eat" explosives and organic chemicals, making them biodegradable in as little as six months. This biological remediation is one-tenth the cost of hauling off the explosives and burning or burying them.

Enhanced oil recovery technologies from the petroleum industry have potential application to hazardous-waste problems. Working with the petroleum industry and universities, Los Alamos is exploring ways to use these techniques to isolate and clean up "in situ" underground plumes of hazardous

materials. These technologies can be applied to contaminated ground water and inactive waste sites. In addition, several of the methods used for petroleum recovery or mining should apply to removal of underground contaminants.

Also under way is the development of a portable instrument that will change waste-site chemical analysis from a complicated process lasting several days to an easy 10-minute task. Other projects include using certain strong acids called superacids to process radioactive elements. Using superacids, the separation of plutonium from radioactive waste takes only minutes while alternative techniques normally require four to six hours.

Meanwhile, at Sandia, scientists are working to use sunlight in conjunction with tailored catalysts to destroy toxic chemicals in waste streams. Two processes are under development: one for decontaminating large volumes of slightly contaminated wastewaters, the other for high-temperature destruction of concentrated wastes.

Sophisticated numerical codes are being modified at Sandia to help predict chemical migration so that safe disposal sites can be identified. In addition, Sandia is pioneering the application of robotics and artificial intelligence to waste management activities. Cutting-edge techniques, first developed for radioactive waste handling, will be applied to hazardous chemical problems.

Cleanup of the DOE weapons facilities must be a top government priority because the public's health is at risk. New Mexico's laboratories for decades have been at the top of technological innovation when approaches to solving national problems are needed. The laboratories are once again in the position to take the lead on this matter of extreme national importance—environmentally related research and development technologies. Collaboration among our national laboratories, universities, and industry is an innovative, efficient, and cost-effective approach.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from South Carolina [Mr. SPRATT] has 1 minute remaining.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, I thank the gentleman from South Carolina [Mr. SPRATT] for yielding to me. I appreciate his good work on this amendment, and I urge my colleagues to support the amendment.

As my colleagues know, when it comes to bomb production and the cleaning up of the wastes that are attendant to bomb production in this country, the Department of Energy's sense of priorities has basically been bomb production has an A, if one is going to go on an alphabetical list of priorities, and cleaning up the wastes is about a Z. What the gentleman's amendment does is turn those priorities around and clean up the mess as we are producing these weapons.

Mr. Chairman, I think that it is long overdue that Congress take concrete steps, such as the gentleman from South Carolina [Mr. SPRATT] proposes, so that those who make bombs in the name of protecting us insure that the DOD, the DOE does something to prohibit this Nation from being poisoned through the wastes that are being created through the production of these weapons.

So, Mr. Chairman, I thank the gentleman from South Carolina [Mr. SPRATT] for his good work, and I am happy to have worked with him on his efforts.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from South Carolina [Mr. SPRATT].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 400, noes 22, not voting 9, as follows:

[Roll No. 155]

AYES—400

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Conte
Conyers
Cooper
Costello
Coughlin
Cox
Coyne
Craig
Crockett
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Hopkins
Horton
Houghton
Hoyer
Hubbard
Hughes
Hunter
Hutto
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schulze
Schumer
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOES—22

Barton
Bereuter
Campbell (CA)
Combest
Crane
Dannemeyer
Dickinson
Gekas
Goodling
Hancock
Hansen
Holloway
Huckaby
Kastenmeier
Lightfoot
Marlenee
Packard
Sensenbrenner
Shumway
Solomon
Stump
Thomas (WY)

NOT VOTING—9

Collins
Courter
Florio
Hyde
Lipinski
Molinari
Pallone
Schuette
Wilson

□ 1342

Mr. McEWEN changed his vote from "no" to "aye."

Mr. TRAFICANT changed his vote from "present" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

LEGISLATIVE PROGRAM

(By unanimous consent, Mr. GEPHARDT was allowed to proceed out of order.)

Mr. GEPHARDT. Mr. Chairman, I take this moment to try to give Members a sense of what the rest of the day might look like, although we never know for sure, but so they can have a better plan of their time for the rest of the day.

We are now going to have the Mavroules amendment, according to the schedule. That will then be followed by the amendment by the gentlewoman from Colorado [Mrs. SCHROEDER] and the gentleman from Florida [Mr. IRELAND] on burdensharing. I am told that that may not take as long as we thought it would, and in fact the amendments this morning in some cases have not taken as long as we thought they would. That amendment by the gentlewoman from Colorado [Mrs. SCHROEDER] and the gentleman from Florida [Mr. IRELAND] will be followed by a series of amendments, what we call section 2 amendments. We would like to, by this announcement, be telling Members who have amendments in that section that they need to be on the floor in the next 3 hours in order to make those amendments, and then following those, we will try to move to the amendment by the ranking member, the gentleman from Alabama [Mr. DICKINSON], better known as the Dickinson amendment.

We believe now, and we could be wrong, but we believe all of that business may be able to be accomplished by around 7 o'clock this evening. If we see or feel that that cannot be done, our hope was to have a period of time for Members to be able to go to dinner around 6 o'clock, and then resume voting after that at 7 or 7:30. It now appears that we can finish what we had scheduled for today by about 7 o'clock, and if we can do that, we intend to do that.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. GEPHARDT. I am happy to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I just want to make sure that my understanding of it is the same as has been accounced.

Following the Mavroules amendment, which deals with allocation of part of the SDI funds as an add-back for drug enforcement, then as the gentleman said, we would go to two amendments, one by the gentleman from Florida [Mr. IRELAND], and one by the gentlewoman from Colorado [Mrs. SCHROEDER], dealing with burdensharing. Then we get into the section 2 amendments.

In my discussion with the chairman, these were of two types. One had nothing to do with money, but the procurement types we had discussed the possibility of, and if I might have the chairman's attention, of letting those come after the Cheney amendment, since they were directly impacted by the Cheney amendment, so we would handle everything that had nothing to do with Cheney, dispose of those, take up the Cheney, and then if it passed, it would affect those money amendments, and if it did not pass, then the money amendments would just be taken up in due course. That was my informal understanding with the chairman.

Mr. Chairman, I wonder if the majority leader would explain if what he has said changes that. Is that different?

Mr. ASPIN. Mr. Chairman, will the majority leader yield?

Mr. GEPHARDT. I am happy to yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, let me just, in regard to the question raised by the gentleman from Alabama, say that it would be my understanding that the arrangement that he and I made still holds, that we would do when we come to consideration of the part II amendments, which we would proceed with right after the Schroeder and the Ireland amendment, that we would deal with those part 2 amendments which did not relate to procurement. There are six or seven of those part 2 amendments that relate to procurement.

In order to be fair to the authors of those amendments and in order to be fair to the author of the Cheney amendment, we would not want to cloud up the debate by passing those before we considered Cheney.

It would be the intention of the chairman of the committee that we would put those off until another time. I would point out to the gentleman from Alabama that according to the rule which the Committee on Rules granted, there are two other points at which we will consider part 2 amendments, one tomorrow and another on Thursday.

It would be my intention to consider those amendments relating to procurement at that time and not deal with them today.

Mr. DICKINSON. If the majority leader will continue to yield, I thank the gentleman. This was what we had agreed to, because those amendments that were in the part 2 amendments dealt directly with procurement. Cheney deals only with procurement. So the outcome of the Cheney amendment directly affects those that follow after that, and so this, we felt, was the most commonsense approach to it, and if what the majority leader has said does not alter that, we all are in harmony, and I think we could proceed most expeditiously and perhaps get out early today.

I just might say on the drug thing to follow and on the Schroeder-Ireland, I do not anticipate any big fight about it. I think we pretty well are in accord, which expedites things more, and it seems like the authors of the amendment, out of our pride of authorship, are asking for the votes. We are not asking for them over here. That time could be saved if they did not want the credit.

Mr. GEPHARDT. That is correct. That is our understanding.

Mr. HOPKINS. Mr. Chairman, will the majority leader yield?

Mr. GEPHARDP. I am happy to yield to the gentleman from Kentucky.

Mr. HOPKINS. Mr. Chairman, would the majority leader clarify his most recent target for today then? Would it be for the final vote to occur around 7:00? Is that correct?

Mr. GEPHARDT. Mr. Chairman, I do not want to mislead Members and say that we know that that can happen. I am just trying to alert Members to the fact that the schedule we envisioned that would have taken us into the evening tonight is beginning to change, because we are going through amendments faster than we thought we could, and it could be that we can finish all of the business we had scheduled today by 7. If we cannot do that, we will continue on until we finish.

We had also hoped, if we were going to 10 or 11 or 9, to have a dinner hour so that Members could eat dinner between, say, 6 and 7 o'clock. If we see later that the schedule is going to go to 9 or 10, we will still try to cluster votes to get that dinner hour.

□ 1350

But if we can finish everything by 7, that is what we are going to do.

Mr. HOPKINS. Mr. Chairman, will the gentleman yield further?

Mr. GEPHARDT. I yield to the gentleman from Kentucky.

Mr. HOPKINS. If that target changes, will the gentleman from Missouri keep us advised a little bit later on?

Mr. GEPHARDT. We will endeavor to keep Members updated.

AMENDMENT OFFERED BY MR. MAVROULES

Mr. MAVROULES. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MAVROULES: Strike out title XI (page 220, lines 1 through line 24), and insert in lieu thereof the following:

TITLE XI—MILITARY DRUG INTERDICTION AND LAW ENFORCEMENT SUPPORT

SEC. 1101. FINDINGS.

Congress makes the following findings:

(1) The large volume for illegal drugs entering the United States from foreign sources poses a direct and immediate threat to the national security of the United States.

(2) The Department of Defense has the responsibility to protect and defend the United States against all threats, foreign and domestic.

(3) The Department of Defense has vast air, ground, and sea reconnaissance, tracking, and intercept capabilities which can be readily adapted to the mission of drug interdiction.

(4) In light of these capabilities, title XI of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456), assigned the following three missions to the Department of Defense specifically related to preventing the transit of illegal drugs into the United States:

(A) Being the lead Federal agency responsible for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States.

(B) Having responsibility to integrate into an effective communications network the command, control, communications, and technical intelligence assets of the United States that are dedicated to drug interdiction.

(C) Having responsibility to oversee an enhanced drug interdiction and law enforcement role for the National Guard under the direction of State governors.

(5) Assignment of these missions to the Department of Defense, at no additional cost to the taxpayer, is intended—

(A) to use Department of Defense capabilities to permit law enforcement agencies to eliminate or reduce their performance of certain functions and more efficiently focus their effort on direct law enforcement; and

(B) to make additional funding available for demand reduction programs.

(6) There is a need for the Department of Defense to increase and focus its actions in implementing the provisions of the National Defense Authorization Act, Fiscal Year 1989, related to drug interdiction and law enforcement support, as evidenced by the following:

(A) Required reports concerning the role of the Armed Forces in drug interdiction have been poorly prepared, late, and incomplete.

(B) Agreements between the Department of Defense and all Federal law enforcement agencies involved in drug interdiction have not been completed.

(C) The amended budget request of the President for fiscal year 1990 for the Department of Defense and the most recent five-year defense program submitted to Congress under section 114(g) of title 10, United States Code, do not contain any provisions for the funding of the drug interdiction effort by the Department of Defense.

(D) The Department of Defense and law enforcement agencies have not established an effective intelligence sharing network.

(E) The Department of Defense has failed to undertake policies to eliminate duplication of effort between the Department of Defense and law enforcement agencies involved in drug interdiction.

(F) The Department of Defense has assigned few personnel to the joint task forces created for drug interdiction.

SEC. 1102. TRAINING EXERCISES IN DRUG-INTERDICTION AREAS.

(a) EXERCISES REQUIRED.—Subsection (b) of section 371 of title 10, United States Code, is amended to read as follows:

"(b)(1) The Secretary of Defense shall direct that the armed forces, to the maximum extent practicable, shall conduct military training exercises (including training exercises conducted by the reserve components) in drug-interdiction areas.

"(2) Not later than December 1 of each year, the Secretary shall submit to the Congress a report on the implementation of paragraph (1) during the fiscal year ending on September 30 of that year. The report shall include—

"(A) a description of the exercises conducted in drug-interdiction areas and the effectiveness of those exercises in assisting civilian law enforcement officials; and

"(B) a description of those additional actions that could be taken (and an assessment of the results of those actions) if additional funds were made available to the Department of Defense for additional military training exercises in drug-interdiction areas for the purpose of enhancing interdiction and deterrence of drug smuggling.

"(3) In this subsection, the term 'drug-interdiction areas' includes land and sea areas in which, as determined by the Secretary of Defense, the smuggling of drugs into the United States occurs or is believed by the Secretary to have occurred.".

(b) FIRST REPORT REQUIRED.—The first report required by section 371(b)(2) of title 10, United States Code (as added by subsection (a)), shall be submitted not later than December 1, 1990.

SEC. 1103. OPERATION OF EQUIPMENT USED AT POINTS OF ENTRY OR USED TO TRANSPORT CIVILIAN LAW ENFORCEMENT PERSONNEL.

(a) PURPOSES FOR WHICH EQUIPMENT MAY BE OPERATED.—Setion 374(b)(2) of title 10, United States Code, is amended—

(1) by striking out subparagraph (C) and inserting in lieu thereof the following new subparagraph:

"(C) Inspection of cargo, vehicles, vessels, and aircraft at points of entry into the land area of the United States."; and

(2) by striking out ", and the Attorney General" and all that follows through "outside the land area of the United States" in subparagraph (E) and inserting in lieu thereof "and the Attorney General (and the Secretary of State in the case of a law enforcement operation outside of the land area of the United States)".

(b) CONFORMING AMENDMENTS.—(1) Section 374(b) of title 10, United States Code, is further amended—

(A) by striking out paragraph (3);

(B) by redesignating paragraph (4) as paragraph (3); and

(C) by striking out "paragraph (4)(A)" both places it appears and inserting in lieu thereof "paragraph (3)(A)".

(2) Section 379 of such title is amended—

(A) by striking out "section 374(b)(4)(A)" in subsection (c) and inserting in lieu thereof "section 374(b)(3)(A)"; and

(B) by striking out "section 374(b)(4)(B)" in subsection (d) and inserting in lieu thereof "section 374(b)(3)(B)".

SEC. 1104. SUPPORT NOT TO AFFECT ADVERSELY MILITARY PREPAREDNESS TO A SUBSTANTIAL DEGREE.

(A) CHANGE IN LIMITATION ON SUPPORT.—Section 376 of title 10, United States Code, is amended—

(1) by inserting "the Secretary of Defense determines that" after "under this chapter if" in the first sentence; and

(2) by inserting "to a substantial degree" before the period in both sentences.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 376. Support not to affect adversely military preparedness to a substantial degree".

(2) The item relating to such section in the table of sections preceding section 371 of such title is amended to read as follows:

"376. Support not to affect adversely military preparedness to a substantial degree".

SEC. 1105. REIMBURSEMENT.

(A) IN GENERAL.—Section 377 of title 10, United States Code, is amended to read as follows:

"§ 377. Reimbursement

"Notwithstanding section 1535 of title 31 or any other provision of law, a civilian law enforcement agency to which support is provided under this chapter is not required to reimburse the Department of Defense for that support."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to support provided by the Department of Defense after the date of the enactment of this Act.

SEC. 1106. ENHANCED DRUG INTERDICTION AND LAW ENFORCEMENT SUPPORT BY THE DEPARTMENT OF DEFENSE

(a) IN GENERAL.—(1) Subtitle A of title 10, United States Code, is amended by inserting after section 380 the following new sections:

§ 381. Detection and monitoring of aerial and maritime transit of illegal drugs: Department of Defense to be lead agency

"(a) The Department of Defense shall serve as the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the land area of the United States.

"(b)(1) To carry out subsection (a), Department of Defense personnel may operate equipment of the Department to intercept a vessel or an aircraft detected outside the land area of the United States for the purposes of—

"(A) identifying and communicating with that vessel or aircraft; and

"(B) directing that vessel or aircraft to go to a location designated by appropriate civilian officials.

"(2) In cases in which a vessel or an aircraft is detected outside the land area of the United States, Department of Defense personnel may begin or continue pursuit of that vessel or aircraft over the land area of the United States.

"(c) The limitation on providing support to civilian law enforcement officials specified in section 376 of this title shall not apply to the activities of the Department of Defense under this section.

§ 382. Drug interdiction and law enforcement support: budget proposals

"The Secretary of Defense shall include in the annual budget of the Department of Defense submitted to Congress a separate budget proposal for the activities of the Department of Defense related to drug interdiction and support for civilian law enforcement agencies.

§ 383. National Guard: enhanced drug interdiction and enforcement role

"(a) If the Governor of a State or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard submits a plan to the Secretary of Defense under subsection (b), the Secretary may provide to that Governor or commanding general sufficient funds for the pay, allowances, clothing, subsistence, gratuities, travel and related expenses of personnel of the National Guard of that State or the District of Columbia used—

"(1) for the purpose of drug interdiction and enforcement operations; and

"(2) for the operation and maintenance of the equipment and facilities of that National Guard used for that purpose.

"(b) A plan referred to in subsection (a) shall—

"(1) specify how personnel of the National Guard are to be used in drug interdiction and enforcement operations;

"(2) certify that those operations are to be conducted at a time when the personnel involved are not in Federal service; and

"(3) certify that participation by National Guard personnel in those operations is service in addition to annual training required under section 502 of title 32.

"(c) Before funds are provided under subsection (a), the Secretary of Defense shall consult with the Director of National Drug Control Policy regarding the adequacy of the plan submitted under subsection (b).

"(d) Nothing in this section shall be construed as a limitation on the authority of any unit of the National Guard of a State or the District of Columbia, when such unit is not in Federal service, to perform law enforcement functions authorized to be performed by the National Guard by the laws of the entity concerned.

"(e) The Secretary of Defense shall prescribe and enforce training criteria for the National Guard to enhance the capability of the National Guard to assist in drug interdiction and law enforcement support.

"(f) In this section, the term 'State' means each of the several States, the Commonwealth of Puerto Rico, and any territory and possession of the United States.

"§ 384. Annual report on drug interdiction

"Not later than December 1 of each year, the Secretary of Defense shall submit to Congress a report on the drug interdiction activities of the Department of Defense under this chapter and other applicable provisions of law during the preceding fiscal year. The report shall include—

"(1) specific information as to the size, scope, and results of Department of Defense drug interdiction operations;

"(2) specific information on the nature and terms of interagency agreements with other law enforcement agencies relating to drug interdiction; and

"(3) any recommendations for additional legislation that the Secretary determines would assist in furthering the ability of the Department to perform its mission under this chapter or to assist other agencies.".

(2) The table of sections preceding section 371 of such title is amended by adding at the end the following new items:

"381. Detection and monitoring of aerial and maritime transit of illegal drugs: Department of Defense to be lead agency.

"382. Drug interdiction and law enforcement support: budget proposals.

"383. National Guard: enhanced drug interdiction and enforcement role.

"384. Annual report on drug interdiction.".

(b) CONFORMING REPEALS.—Sections 1102 and 1105 of the National Defense Authorization Act, Fiscal Year 1989 (102 Stat. 2042, 2047), are repealed.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1989.

SEC. 1107. RESTRICTION ON DIRECT PARTICIPATION BY MILITARY PERSONNEL.

Section 375 of title 10, United States Code, is amended to read as follows:

"§ 375. Restriction on direct participation by military personnel

"The Secretary of Defense shall prescribe such regulations as may be necessary to ensure that any activity (including the provision of any equipment or facility or the assignment or detail of any personnel) under this chapter does not include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search and seizure, an arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law.".

SEC. 1108. AUTHORIZATION OF APPROPRIATIONS RELATED TO DRUG INTERDICTION.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts otherwise authorized to be appropriated by this Act, there is hereby authorized to be appropriated to the Department of Defense—

(1) $450,000,000 for fiscal year 1990; and

(2) $600,000,000 for fiscal year 1991.

(b) OPERATIONS OF THE DEPARTMENT OF DEFENSE.—Of the amounts appropriated pursuant to subsection (a), $135,000,000 of the amount appropriated for fiscal year 1990 and $275,000,000 of the amount appropriated for fiscal year 1991 shall be available only to carry out the mission of the Department of Defense relating to drug interdiction and law enforcement support (other than for purpose specified in subsections (c) through (g)).

(c) NATIONAL GUARD.—Of the amounts appropriated pursuant to subsection (a), $70,000,000 shall be available during each of the fiscal years 1990 and 1991 shall be available only to provide assistance to the National Guard under section 383 of title 10, United States Code (as added by section 1106).

(d) INTEGRATION OF C31 ASSETS.—Of the amounts appropriated pursuant to subsection (a), $50,000,000 of the amount appropriated for fiscal year 1990 and $60,000,000 of the amount appropriated for fiscal year 1991 shall be available only to continue the activities of the Department of Defense under section 1103 of the National Defense Authorization Act, Fiscal Year 1989 (10 U.S.C. 374 note).

(e) AIRCRAFT CONVERSION.—Of the amounts appropriated pursuant to subsection (a), $49,000,000 of the amount appropriated for fiscal year 1990 and $48,000,000 of the amount appropriated for fiscal year 1991 shall be available only to convert existing Marine Corps Reserve OV-10A aircraft for improved drug interdiction performance.

(f) USE OF CERTAIN FACILITIES.—Of the amounts appropriated pursuant to subsection (a), $20,000,000 shall be available during each of the fiscal years 1990 and 1991 only to carry out—

(1) research and development activities under the plan prepared pursuant to section 6163(a) of the Anti-Drug Abuse Act of 1988 (102 Stat. 4350), and

(2) other research and development related to drug interdiction and law enforcement support.

(g) CIVIL AIR PATROL.—Of the amounts appropriated pursuant to subsection (a), $1,000,000 of the amount appropriated for fiscal year 1990 and $2,000,000 of the amount appropriated for fiscal year 1991 shall be available only to support Civil Air Patrol activities in support of civil law enforcement agencies.

(h) DETECTION AND MONITORING EQUIPMENT.—Of the amounts appropriated pursuant to subsection (a), $125,000,000 shall be available during each of the fiscal years 1990 and 1991 only for the purchase of detection and monitoring systems and associated equipment.

SEC. 1109. REPORTS.

(a) BY THE PRESIDENT.—Not later than April 1, 1990, the President shall submit to Congress a report—

(1) describing the progress made on implementation of the plan required by section 1103 of the National Defense Authorization Act, Fiscal Year 1989 (10 U.S.C. 374 note);

(2) containing an analysis of the feasibility of establishing a National Drug Operations Center for the integration, coordination, and control of all drug interdiction operations; and

(3) describing how intelligence activities relating to narcotics trafficking can be integrated, including—

(A) coordinating the collection and analysis of intelligence information;

(B) ensuring the dissemination of relevant intelligence information to officials with responsibility for narcotics policy and to agencies responsible for interdiction, eradication, law enforcement, and other counternarcotics activities; and

(C) coordinating and controlling all counternarcotics intelligence activities.

(b) BY THE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—(1) Not later than December 1, 1989, the Director of National Drug Control Policy shall submit to Congress a report—

(A) on the feasibility of detailing not more than 200 officers in the Judge Advocate General's Corps of the military departments to the Department of Justice to assist in the prosecution of drug cases in areas in which there is a lack of sufficient prosecutorial resources; and

(B) on the feasibility of permitting the employment of former and retired members of the Armed Forces as law enforcement officers even though they are over age 35 at the time of initial employment.

(2) In preparing the report required by paragraph (1), the Director of National Drug Control Policy shall consult with the Attorney General, the Secretary of Defense, and other appropriate heads of agencies.

(c) BY THE SECRETARY OF DEFENSE.—(1) Not later than December 1, 1989, the Secretary of Defense shall submit a report to Congress—

(A) on the specific drug-related research and development projects to be funded, and the planned allocation of funding for such projects, under section 1108(f); and

(B) containing a plan to increase the employment of the resources and personnel of the Special Operations Command in drug interdiction and law enforcement support.

(2) Not later than April 1, 1990, the Secretary of Defense, in coordination with the Secretary of Transportation and Director of National Drug Control Policy, shall submit a report to Congress on—

(A) the feasibility of establishing aerial and maritime navigational corridors by which civilian aircraft and vessels may

travel through drug interdiction areas, as defined in section 371(b)(3) of title 10, United States Code (as added by section 1102);

(B) the feasibility of requiring the submission of navigational plans for all civilian aircraft and vessels that will travel in such areas; and

(C) the funding considered necessary to implement a plan to carry out the matters referred to in subparagraphs (A) and (B).

SEC. 1110. TECHNICAL AND CLERICAL AMENDMENTS RELATING TO DRUG INTERDICTION.

(a) CHAPTER HEADING.—(1) The heading of the chapter following chapter 17 of title 10, United States Code (relating to drug interdiction and military cooperation with civilian law enforcement officials), is amended to read as follows:

"CHAPTER 18—DRUG INTERDICTION AND SUPPORT FOR CIVILIAN LAW ENFORCEMENT AGENCIES".

(2) The items relating to such chapter in the table of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, of such title are amended to read as follows:

"18. Drug Interdiction and Support for Civilian Law Enforcement Agencies ..... 371".

(b) REFERENCE TO TARIFF SCHEDULES.—Section 374(b)(3) of such title (as redesignated by section 1103(b)) is amended by striking out "general headnote 2 of the Tariff Schedules of the United States" in subparagraph (A)(iii) and inserting in lieu thereof "general note 2 of the Harmonized Tariff Schedule of the United States".

(c) CROSS-REFERENCE AMENDMENT.—Section 374(c) of such title is amended by striking out "paragraph (2)" and inserting in lieu thereof "subsection (b)(2)".

The CHAIRMAN pro tempore. Under the rule, 15 minutes of debate is allotted for this amendment.

The gentleman from Massachusetts [Mr. MAVROULES] will be recognized for 7½ minutes.

Is the gentleman from Alabama [Mr. DICKINSON] rising in opposition to the amendment?

Mr. DICKINSON. Mr. Chairman, in order to control the time in opposition, I would have to say that I was opposed to the amendment, is that correct?

The CHAIRMAN pro tempore. The gentleman is correct. Is the gentleman from Alabama opposed to the amendment?

Mr. DICKINSON. In order to control the time, Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] will be recognized for 7½ minutes in opposition to the amendment.

The Chair recognizes the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today, the gentleman from Kentucky, my colleague and ranking member on Investigations Subcommittee, and I bring before the House a drug interdiction package based on extensive hearings and staff work. This is a package that the House can be proud of—not a quick response to the floor action and politics of the moment.

In last year's Defense authorization bill, the Congress seized the initiative and, under the leadership of our late colleague, Bill Nichols, created a new role for the military in drug interdiction. Today, we clarify, strengthen and fund that new role.

Let me tell you what this package is not:

It is not the answer to the enormous drug problem in this country.

It is not a program which will destroy the readiness of the Armed Forces.

It is not a plan to put the military on the streets enforcing the laws of this country.

This package calls upon the military to help fight the real threat to our national security in a way that enhances conventional readiness, without making the military a law enforcement agency.

Last year we put our money where our mouth was to the tune of $300 million. We are making progress. We have seen some successes, some changing patterns of smuggling, and some changing attitudes on the part of the Department of Defense. This year we put our money where our mouth is to the tune of $450 million.

Here is what we fund: $100 million for operations—steaming days and flying hours, $125 million for equipment such as radars and aerostats and associated communications, $70 million for State National Guard operations, $50 million for interoperable communications gear for law enforcement agencies, $48 million for aircraft conversions (Marine OV-10), $35 million for intelligence support, $20 million for drug-related R&D for law enforcement agencies, and $1 million for Civil Air Patrol flying hours in support of law enforcement agencies.

Once again Congress must seize the initiative because the President's and Defense Secretary's budget contained no funding for drug interdiction. We know what the people of this country are concerned about in the area of national security—and drugs is their number one concern. Make no mistake about it, this is a national security matter. Congress must respond and this package keeps the initiative in the Congress. I urge my colleagues on both sides of the aisle to get behind this program and send a clear message to our citizens and the drug smugglers alike.

The CHAIRMAN pro tempore. The gentleman from Massachusetts [Mr. MAVROULES] has consumed 3½ minutes.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the ranking member, the distinguished gentleman from Kentucky [Mr. HOPKINS].

Mr. HOPKINS. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, I am proud to join my friend and Chairman of the Investigations Subcommittee, NICK MAVROULES, in bringing this comprehensive military drug interdiction amendment before the House. I want to extend my congratulations to the gentleman for his leadership in this area.

Everyone in this Chamber knows that the war on drugs is being lost.

Look at our schools, look at our streets, look at the borders and in our Nation's Capital City the drug smugglers and drug traffickers are laughing at the best efforts of our law enforcement community. They need help.

It should be clear that America must deploy whatever resources, like the military and use them where prudent and necessary.

For the past 2 years, the House has adopted amendments during this debate strongly directing the Department of Defense to help out in this war on drugs.

Last year, the House-Senate conference yielded an agreement which established a brand new mission for the military in the area of drug interdiction.

Predictably, the military's immediate knee-jerk reaction was one of skepticism and opposition, but I believe this is changing. They wouldn't volunteer, so we drafted them.

After a number of hearings and extensive consultation with the Joint Chiefs of Staff, I am pleased to report that progress is being made.

The Department of Defense is beginning to formulate the necessary plans and resources to put together a credible and effective drug enforcement plan.

Last year, we not only gave them the charter, we also gave them funds to get this effort off the ground and meet the challenge head on.

With our amendment today, we are ready to take the second step.

We have crafted a responsible, measured and effective package which deserves the strong support of this House.

In the future—consider using—special operations like SEAL teams who I think would welcome to help with drug interdiction.

But for now, vote "yes" on the Mavroules drug interdiction amendment.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. HUGHES] for the purpose of a colloquy.

Mr. HUGHES. Mr. Chairman, I want to thank the gentleman from Massachusetts for yielding me 1 minute, and want to thank him and his colleague the gentleman from Kentucky for doing good work in this entire area. I have a question of the gentleman.

I appreciate the work the gentleman has done to strengthen and refine the role of the military in drug interdiction. I agree that the military can help, but I want to confirm that the gentleman's amendment, by implication or expressly, does not place the military in the position of being directly involved in law enforcement.

Mr. MAVROULES. Mr. Chairman, if the gentleman will yield, absolutely not. As a matter of fact, at the suggestion of the gentleman, we have strengthened and expanded the statutory prohibition against military participation in direct law enforcement. We do not want the military enforcing the law on the streets of this country and this amendment reinforces that clear and important public policy.

Mr. HUGHES. Mr. Chairman, I thank the gentleman, and I support his amendment.

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Mr. DICKINSON. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I rise in strong support for this amendment because it emphasizes that illegal drugs pose a direct and immediate threat to the national security of our country. And that message needs to be hammered home throughout our Government.

We have been studying the drug issue in the Intelligence Committee for several months, and I am convinced we are in danger of turning our so-called war on drugs into a costly failure.

The Defense Department—and all our agencies—need to understand that we are changing priorities in this country—that the drug war is a crucial mission. This is new, and uncomfortable for both DOD and the intelligence community. But they must adjust their thinking. DOD's 1990 budget request did not contain any provisions for funding drug interdiction efforts, and that reflects a mindset that has got to change.

But this amendment is only a step in the right direction. The crucial test of our commitment to the war on drugs will come when Bill Bennett submits his master plan to the President on September 5. It will not be worth the paper it's written on unless the drug czar is given the authority and responsibility to run this war. Right now Bill Bennett is a general without an army. Our war on drugs is going off in many, well-meaning, uncoordinated directions. Heightening and defining DOD's responsibilities, as this amendment does, is progress, but this war is going to be lost unless a unified command is created to run the show.

Mr. MAVROULES. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GARCIA].

Mr. GARCIA. Mr. Chairman, I rise in strong support of this amendment. If we ever needed an amendment to this bill, this is it.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment. Let me say that the use of the National Guard in drug interdiction has been a total success.

Mr. Chairman, I had the privilege last fall of going down to Florida and watching the Guard working with Customs officers. It is a good program. Under this amendment, $70 million would be added to drug interdiction to go to the National Guard.

They are now getting $40 million in the budget. This money will be helpful in that all 50 States, Mr. Chairman, have submitted plans to have drug interdiction with the National Guard doing that work.

Actually, if you were going to use the military, the best way to go at it is to use the Guard forces because the Governors of the States can call these guardsmen up, call up a certain number, and the Federal Government does not have to federalize these National Guardsmen. They can give them the mission to each of the different States, the Governors call up these National Guardsmen.

They are paid by the Federal Government. Drug interdiction is working with the Guard, and I support the amendment.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I just wanted to say to the gentleman from Mississippi [Mr. MONTGOMERY] that the Guard and Reserve have performed admirably under the plan that we put into effect last year. They have caught thousands of pounds of cocaine and marijuana, hundreds of thousands of rounds of ammunition have been captured by the Guard and Reserve in their interdiction operations.

Let me thank the gentleman from Massachusetts [Mr. MAVROULES] for his wonderful work on this and also the gentleman from Kentucky [Mr. HOPKINS].

Let me commend also the gentleman from Alabama [Mr. DICKINSON], who had the temerity last year to go against the chairman of the full committee and offer the bill that basically gave the Guard and the Reserve and the DOD the lead agency role in detection of drug planes and drug ships coming in.

Mr. DICKINSON offered the Hunter-Robinson amendment that got the wheels moving.

Senator WILSON, on the other side, offered that counterpart.

We moved out and we have this thing basically in effect right now. It has been very effective, particularly with respect to the Guard and Reserve elements.

I want to especially thank the chairman for his sticking to this very important critical problem.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the very distinguished gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of this amendment.

Mr. Chairman, I would like to take this opportunity to commend my colleague from Massachusetts and the gentleman from Kentucky for their hard work and effort that they put into this package. This amendment is a result of this subcommittee's effort to develop the military's role in the war on drugs.

Mr. Chairman, 2 months ago I met with an advisory committee on crime and drugs. It was a distinguished group of experts in Rhode Island who gave me an insight into how best to fight the drug problem.

Mr. Chairman, I came away from that meeting with a clear message that we are in fact at war. We are being invaded, our shores are being invaded, and they are penetrating our airspace.

They are the drug lords and the drug dealers.

Let us today in this historic Chamber declare that war against drugs. Let us send a message to these people that we will use whatever military force is available and appropriate to win this war.

Mr. Chairman, we must protect our shores. I urge strong support of this amendment.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Chairman, I rise to support the amendment being offered by the distinguished gentleman from Massachusetts. I do so because I am convinced that the magnitude of the drug problem in this country demands the involvement of the assets of the military, especially those of the National Guard in each of our 50 States.

I emphasize the National Guard because of its nationwide presence and because of the diversity of skills and capabilities contained in its many units. In addition, Guard units operate under the control of their respective Governor, all of whom must confront the drug problem within their jurisdictions.

No one is suggesting the use of military units, active or reserve, in a law enforcement role. We seek only to use military resources to supplement and complement the herculean work being done by the thousands of men and women in law enforcement agencies at every level of government in this country.

There is no doubt that military units can be of invaluable assistance to those agencies. Operations coordinated between law enforcement and the military have already resulted in documented success. Military aircraft have assisted in the apprehension of aircraft used in drug trafficking. National Guard units have participated in the seizure of tons of marijuana and cocaine. Those smuggling this chemical poison into our country are finding that they must contend with military technology and equipment and the great skill of those operating it.

This amendment is being offered because the administration regretably chose not to include funds for drug interdiction in its Defense Department request. I urge my colleagues to rectify this deficiency by supporting this amendment.

Mr. MAVROULES. Mr. Chairman, I yield one-half minute to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. I thank the gentleman for yielding.

Mr. Chairman, this amendment is simple; it is trading star wars for drug wars. It is trading an ephemeral war which we hopefully and probably will never fight, for a war that the people of our country wage on their streets every day.

We cannot be the greatest power in the world unless we deal with the crime problem that is ravaging our streets, unless we deal with the human resources that are wasted by it, unless we deal with the real problem that our people face every day when they wake up in the morning.

Mr. Chairman, this is a good amendment. I compliment the gentleman from Massachusetts [Mr. MAVROULES] for introducing it.

Mr. DICKINSON. Mr. Chairman, I yield the balance of my time to the very distinguished gentleman from Florida [Mr. SHAW].

The CHAIRMAN pro tempore. The gentleman from Florida is recognized for 30 seconds.

Mr. SHAW. I thank the gentleman for his great generosity.

Mr. Chairman, this is a very important amendment. We have been very proud of the successes that our military have scored in the war against drugs.

□ 1410

We have the whole underbelly of the United States undefended by aerostat. This will expedite this program.

Every place that we have gotten the military involved we have had successes. We must get them even more involved. This is a very important amendment, and this is a very important first step in a long, long journey that we must go together to get the military even more involved if we are going to win this war against drugs.

Mr. MAVROULES. Mr. Chairman, I yield the final minute to the gentleman from Maine [Mr. BRENNAN].

Mr. BRENNAN. Mr. Chairman, I strongly support the very important Mavroules amendment which adds $450 million to our Defense Department action in the war on drugs.

If we are serious about addressing the drug epidemic that is plaguing this country, support for this amendment is needed. Every single day we are confronted with more news about drug-related crime. Here in our Nation's capital we are seeing violence that threatens to wipe out an entire generation. Witness the tragic death of a 13-year-old boy just yesterday.

As a Nation, we can do a lot better than we are doing in the war against drugs. As a member of the Subcommittee on Investigations, I have heard Defense Department witnesses testify with very tepid endorsements of their role in the drug war. I believe our military must play an active and aggressive role in fighting drugs if our Nation is to win the war against drugs. We can show our commitment to fighting drugs by supporting this badly needed funding for our military's role, and I hope the military gets the message that this Congress is serious about that war. It is very important.

Mrs. LLOYD. Mr. Chairman, I rise today in support of the amendment offered by my distinguished colleague from Massachusetts to authorize $450 million in fiscal year 1990 and $600 million in fiscal year 1991 for drug interdiction and law enforcement activities by the military.

Last year, during debate on the fiscal year 1989 Defense authorization bill, Congress approved an amendment which assigned the military a role in this Nation's war against drugs. The military was assigned responsibility for detecting and monitoring the transit of illegal drugs into the United States. The Congress also established a special program to fund State National Guard anti-drug efforts. I supported these actions because I felt one of the gravest threats to our national security was the flow of illegal drugs into this country. I continue to believe that one of the Nation's top priorities must be its war against drugs, and I believe that the amendment before us today steps up that war and builds upon the successes of the past year.

During the past year the active forces and the Guard and Reserve have been of tremendous assistance to America's civilian law enforcement agencies fighting the war against drugs. Aircraft attempting to smuggle drugs into the United States have been detected by military radar and communication centers, such as the command and control center at NORAD, tracked by Guard and Reserve aircraft who have provided the smugglers' landing point to law enforcement officials, allowing them to arrest the smugglers at the point of contact before their cargo was allowed to poison the streets and communities of this country.

The amendment before us today authorizes $70 million to expand the National Guard's involvement in drug interdiction activities, $125 million to purchase five aerostats, radars, sites, and deployment, and $50 million for communications equipment for loan to law enforcement agencies. This will allow the military to better utilize the capabilities it has in the fight against drugs.

Mr. Chairman, the United States faces a grave threat to its security in the flow of drugs across its borders and into its schools, streets, and communities. We need to do all we can to fight and win the war against drugs. I urge my colleagues to support this amendment as a method of doing just this.

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the amendment offered by the gentleman from Massachusetts [Mr. MAVROULES].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MAVROULES. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 410, noes 10, not voting 11, as follows:

[Roll No. 156]

AYES—410

Ackerman	Bryant	Dornan (CA)
Akaka	Buechner	Douglas
Alexander	Bunning	Downey
Anderson	Burton	Dreier
Andrews	Bustamante	Duncan
Annunzio	Byron	Durbin
Anthony	Callahan	Dwyer
Applegate	Campbell (CA)	Dymally
Archer	Campbell (CO)	Dyson
Armey	Cardin	Early
Aspin	Carper	Eckart
Atkins	Carr	Edwards (CA)
AuCoin	Chandler	Edwards (OK)
Baker	Chapman	Emerson
Ballenger	Clarke	Engel
Barnard	Clay	English
Bartlett	Clement	Erdreich
Barton	Clinger	Espy
Bateman	Coble	Evans
Bates	Coleman (MO)	Fascell
Beilenson	Coleman (TX)	Fawell
Bennett	Combest	Fazio
Bentley	Conte	Feighan
Bereuter	Cooper	Fields
Berman	Costello	Fish
Bevill	Coughlin	Flake
Bilbray	Cox	Flippo
Bilirakis	Coyne	Foglietta
Bliley	Craig	Ford (MI)
Boehlert	Crane	Ford (TN)
Boggs	Crockett	Frank
Bonior	Darden	Frenzel
Borski	Davis	Frost
Bosco	DeFazio	Gallegly
Boucher	DeLay	Gallo
Boxer	Dellums	Garcia
Brennan	Derrick	Gaydos
Brooks	DeWine	Gejdenson
Broomfield	Dickinson	Gekas
Browder	Dicks	Gephardt
Brown (CA)	Dixon	Gibbons
Brown (CO)	Donnelly	Gillmor
Bruce	Dorgan (ND)	Gilman

Gingrich
Glickman
Gonzalez
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOES—10

Dannemeyer
Goodling
Kastenmeier
Kolbe
Michel
Ridge
Sabo
Shumway
Stump
Williams

NOT VOTING—11

Collins
Conyers
Courter
de la Garza
Dingell
Florio
Hyde
Lipinski
McDermott
Molinari
Schuette

□ 1430

Mr. DICKINSON and Mr. BEREUTER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1430

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider the amendments related to burden-sharing printed in part 1 of House Report 101-168 by and if offered by the following Members or designees which shall be considered in the following order: First, by the gentlewoman from Colorado [Mrs. SCHROEDER]; second, by the gentleman from Florida [Mr. IRELAND].

For what purpose does the gentlewoman from Colorado [Mrs. SCHROEDER] rise?

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. SCHROEDER:

At the end of title XII (page 253, after line 15), insert the following new section:

SEC. 1243. LIMITATION ON FUNDING FOR UNITED STATES MILITARY FACILITIES IN CERTAIN FOREIGN COUNTRIES.

(a) LIMITATION.—The Secretary of Defense may not use any funds appropriated for the Department of Defense to operate, construct, or maintain facilities at a United States military installation in a foreign country unless the Secretary of Defense determines that the agreement with that foreign country providing for the use of such installation is not conditioned, directly or indirectly, on—

(1) the provision of economic or security assistance to that country by the United States; or

(2) an agreement by an official of the executive branch to use best efforts to obtain economic or security assistance to that country by the United States.

(b) EFFECTIVE DATE.—(1) Subsection (a) shall not apply with respect to an agreement in effect before the date of enactment of this Act.

(2) With respect to an amendment to an agreement referred to in subsection (a), subsection (a) shall apply to an amendment entered into on or after the date of enactment of this Act.

(3) The limitation in subsection (a) shall not apply with respect to funds appropriated before the enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I ask unanimous consent to offer a modification to that amendment.

The CHAIRMAN pro tempore. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mrs SCHROEDER:

At the end of title XII (page 253, after line 15), insert the following new section:

SEC. 1243. LIMITATION ON FUNDING FOR UNITED STATES MILITARY FACILITIES IN NATO MEMBER COUNTRIES.

(a) LIMITATION.—The Secretary of Defense may not use any funds appropriated for the Department of Defense to operate, construct, or maintain facilities at a United States military installation in a foreign country which is a member nation of the North Atlantic Treaty Organization (NATO) unless the Secretary of Defense determines that the agreement with that country providing for the use of such installation is not conditioned, directly or indirectly, on—

(1) the provision of economic or security assistance to that country by the United States; or

(2) an agreement by an official of the executive branch to use best efforts to obtain economic or security assistance to that country by the United States.

(b) EFFECTIVE DATE.—(1) Subsection (a) shall not apply with respect to an agreement in effect before the date of enactment of this Act.

(2) With respect to an amendment to an agreement referred to in subsection (a), subsection (a) shall apply to an amendment entered into on or after the date of enactment of this Act.

(3) The limitation in subsection (a) shall not apply with respect to funds appropriated before the enactment of this Act.

Mrs. SCHROEDER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

The CHAIRMAN pro tempore. The unanimous-consent request is still pending before the House for the modification.

Mr. MARTIN of New York. Mr. Chairman, reserving the right to object, and under my reservation I am going to ask the gentlewoman from Colorado [Mrs. SCHROEDER] to explain not only the amendment, but the modification. As it was originally drafted, it was this Member's feeling that he would have to voice strenuous objection because of the substantial reduction in the flexibility it gives the U.S. Government in negotiating base rights agreements, and we do not now

know about situations down the road where we might require, in times of emergency particularly, a great deal of flexibility. As I understand the gentlewoman from Colorado [Mrs. SCHROEDER] and her modification amendment, it resolves at least this gentleman's problem.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of New York. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, at the suggestion of Congressman SOLARZ, I decided to modify my amendment to just cover NATO countries. The effect of this modification is to exclude the Philippines from the limitation.

Frankly, I think there should be no linkage between base rights and foreign aid for the Philippines as for other countries. Nevertheless, we are about to enter into base rights negotiations with the Philippines. An abrupt change in the ground rules, which enactment of my amendment would surely cause, might be viewed in the Philippines as directed specifically at that country. It might be seen as a sign of decreased American support for the government of Corazon Aquino. My amendment does not carry that message. To avoid any possibility of misunderstanding, I have agreed to modify my amendment to only cover NATO nations.

There are some special circumstances which apply to NATO nations. They are on the front lines with the Eastern bloc. As such, these countries should best understand the value of their mutual defense arrangements with the United States.

Moreover, Europe is about to become economically unified in 1992. As such, the appropriateness of American foreign aid to NATO nations becomes questionable.

That said, I still think this limitation should apply worldwide and expect to attempt to expand it in future years.

The CHAIRMAN pro tempore. The Chair desires to announce that this discussion in relation to the modification is coming from the time allotted to the debate on this issue.

Does the gentleman from New York [Mr. MARTIN] persist in his reservation?

Mr. MARTIN of New York. Mr. Chairman, further reserving the right to object, I would like to say at this point that we are going to do everything we can to expedite this, and I think, as modified, there will be no requirement, in the interests of time, to have a vote on this.

However, Mr. Chairman, I think it is important under the reservation to say to the gentlewoman from Colorado [Mrs. SCHROEDER], and I discussed this with her, that in the report language, as well as when we go to conference, we want to make sure that the concern over words in the amendment, direct or indirect, are explained so that every little side conversation at a negotiating city would not be considered as something violative of this provision.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of New York. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I think the gentleman from New York [Mr. MARTIN] knows that would be our intent. Obviously that is why we specifically limited it in the modification to the Secretary of Defense and what he understands the general purpose was rather than getting into also the Secretary of State, which would then bring in every little nuance and every little thing that went along.

So, we tried to do it by doing it in that way, and I understand some people are nervous about that selection. We will be happy to talk to them about it, but the real thing is that we do not want the direct linkage, the strong, direct linkage, that we have been seeing going on and that I think that the State Department and the Defense Department are trying to change.

Mr. MARTIN of New York. Mr. Chairman, I have no objections as long as we have that modification.

Mr. Chairman, I withdraw my reservation of objection.

Mr. WALKER. Mr. Chairman, I reserve the right to object.

Mr. Chairman, I reserve the right to object simply to comment that this is one of those areas where there is a penalty involved in writing rules as strictly as we have written the rule on this particular bill. The advantage to writing these kinds of rules is the fact that we do get efficiency. The committee does know what amendments are coming at it. The committee does have some feel for what Members may be doing with regard to their bill in the floor, and the membership itself has some feel for the kinds of amendments that are going to be before us.

Mr. Chairman, the problem is that we also find ourselves then locked into amendments as they were presented to the Committee on Rules. Now I understand that what the gentlewoman from Colorado [Mrs. SCHROEDER] is attempting to do with her modification is to take care of problems that have arisen since that language was submitted to the Committee on Rules, and I appreciate her willingness to attempt to compromise the language.

I would also have to say that I am concerned that this may become a pattern in the course of the deliberations on this bill.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I will yield to the gentlewoman from Colorado [Mrs. SCHROEDER] in just a moment.

Mr. Chairman, I am concerned that we may get into a pattern here where amendments that were presented to the Committee on Rules and are defined by the rule will be modified, will be changed, will be substantially revised, and that we will end up then having the rule only apply one way, and that would be a concern.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I think the concern of the gentleman from Pennsylvania [Mr. WALKER] really goes in the other direction. I announced in full committee that we would be offering this; our burden-sharing panel was talking about this. It was not offered in the Committee on Armed Services because of the joint referral problems, so we tried to specifically narrow it that way.

Mr. Chairman, it has been printed, it has been around, and just in the last hour we heard discussions about how they would like it narrowed to just NATO, so our modification is attempting to be agreeable.

I personally would like to have all bases decoupled from foreign aid. I think that is the way we should go. However I was convinced, and people said to me, "Well, let's narrow it. There's been to many things going on."

So, I hear the concern of the gentleman from Pennsylvania [Mr. WALKER], but actually this went just the opposite way, trying to narrow rather than expand it.

Mr. WALKER. Mr. Chairman, further reserving the right to object, I do not think it alleviates my concern. I think it, in fact, demonstrates the concern that I have, and that is that we have had an amendment which has been around now for weeks, and all of a sudden at the very end of the process, then we modify it on the floor by unanimous consent.

Mr. Chairman, what I am suggesting to the gentlewoman from Colorado [Mrs. SCHROEDER] is that, if we were operating under the 5-minute rule, there would be absolutely no problem with this process. Somebody can come with an amendment to the amendment of the gentlewoman from Colorado [Mrs. SCHRODER], and we would have absolutely no problem with the process. Operating by the process that we are now under, it does in fact limit the Members, and it strangles off some of the ability of members to modify that which is brought to the floor.

□ 1440

I do not intend to object to this request, but I am putting the Members

on notice that this is probably the last one that will not have an objection to it, because I am using this opportunity to present fair warning that if we have a series of these modifications and so on, this gentleman is not going to be willing to allow those modifications to take place.

Mr. MARTIN of New York. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from New York.

Mr. MARTIN of New York. Mr. Chairman, I would point out to the gentleman, and I agree with what he is saying, and in this particular instance it was this gentleman that requested the modification.

Mr. WALKER. I understand, and for that reason, I will not object.

Mr. MARTIN of New York. I was put on notice months ago about this amendment.

Mr. WALKER. The Members did not have an opportunity to understand what the position of this gentleman would be, but I will say I do not think this should become a pattern of modifying amendments by unanimous consent under the rule under which we are operating.

Mr. MARTIN of New York. Mr. Chairman, I thank the gentleman.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The CHAIRMAN pro tempore (Mr. DURBIN). Is there objection to the request of the gentlewoman from Colorado for the modification of her amendment?

There was no objection.

The CHAIRMAN pro tempore. The modification to the amendment of the gentlewoman from Colorado is agreed to.

Mrs. SCHROEDER. Mr. Chairman, I ask unanimous consent that the time consumed during this debate on the modification be restored to me.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

Mr. CHAIRMAN pro tempore. Pursuant to the rule, 30 minutes is allotted to the amendment, as modified; 15 minutes to the gentlewomen from Colorado and 15 minutes to a Member in opposition.

Is there a Member in opposition to this amendment?

Mr. DICKINSON. Mr. Chairman, in order to control the time, I will go on record as opposing it; but I must say that on the last vote I did the same thing then. I went on record as opposing it, but I was so overwhelmed by the eloquence of the arguments and the persuasiveness and the common sense that was put forth that in the final conclusion I had to change my vote and vote for it.

I will go on record as opposing this amendment and ask to control the time from the table.

The CHAIRMAN pro tempore. The Chair takes note of that phenomenon and will recognize the gentleman from Alabama [Mr. DICKINSON] in opposition to the amendment.

The Chair now recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, my amendment would sever the link between base rights and foreign aid in NATO countries. Today, the United States is being held up to the tune of $2 billion a year worldwide in foreign aid payments to nations with U.S. bases. This is nearly one-quarter of our foreign aid budget. Just 15 years ago, we spent only $200 million for the same purpose.

My amendment takes foreign aid off the table in base rights negotiations. It tells our negotiators to work agreements with host nations based on all the other matters which are negotiated in base rights talks: mutual defense, domestic security, local employment, access, construction preference, and, where necessary, rent. But, the amendment says that our negotiators may not promise any foreign aid or any "best efforts" to secure foreign aid.

Is this realistic? You bet it is. Up until recently, no one ever thought to link foreign aid to base rights. And, just last year, we negotiated a new base rights agreement with Spain which explicitly eliminated any use of foreign aid as a condition for base rights. The United States can secure base rights without paying for them through the foreign aid budget.

Currently four nations—the Philippines, Turkey, Greece, and Portugal—receive foreign aid under base rights agreements. My amendment would only relate to three of these countries and exclude the Philippines. It would not undo these base rights agreements. It would not force us to leave these countries. Rather, my amendment applies only to new agreements and says that any new base rights agreement could not be conditioned on foreign aid.

Now, some have argued that my amendment would effectively have us withdraw from these countries. Nonsense. The Government of Turkey will make its decision on whether to extend our base rights at Incirlik, Ankara, and Izmir based on factors like Turkish national security, the effect of bases on mutual security obligations, domestic politics, jobs of Turkish citizens, and economic stimulus. The Greek Government will decide whether to extend our base rights at Hellenikon based on similar factors.

My amendment also does not cut off foreign aid to these, or any other, countries. I am a big supporter of foreign aid to Turkey. I think we should be doing more and should be encouraging Japan and our NATO allies to provide far more untied developmental assistance to Turkey. I just do not want this aid linked to base rights.

In considering this amendment, keep in mind the reason for our bases around the world. The United States has mutual defense pacts which oblige us to defend the territory of allies, including Turkey, Greece, and Portugal. One important reason we have bases in these countries is to meet these mutual defense obligations. It is bewildering to me how we got ourselves in the position of paying for the privilege of protecting our allies.

This is really the heart of burden-sharing. We and our allies have a common defense burden. Yet, we have been paying huge sums to meet this burden while our allies have kept their defense budgets low. I think we should say, fine. You assess your defense needs and fund them accordingly. And, we will decide on our own vital interests and fund them. No longer can you depend on us to provide your defense needs for you. When the proposition is put this way, I am confident that our allies will decide that American base rights are in their interest, even without a linkage to foreign aid.

I urge support of the amendment.

Mr. MARTIN of New York. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from New York.

Mr. MARTIN of New York. Mr. Chairman, about the questions and concerns I had, and appreciate that the gentlewoman recognizes that sensitive negotiations are ongoing.

I agree wholeheartedly on the expanded version, if that would work in the practical world, but unfortunately, for every country with their different mores, different societies, different politics, we find that if we do not have flexibility, it would be difficult to have any type of arrangement or agreement with all of them. That is the reason why I appreciate the gentlewoman restricting it to the NATO countries. There have been abuses in the past, without question, but many times it is in our best interests to give our Government and foreign governments the flexibility they need to reach an agreement.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from New York and I appreciate his help on this matter.

Mr. DICKINSON. Mr. Chairman, I have no requests for time, and I yield back the balance of my time.

Mrs. SCHROEDER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER], as modified.

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. IRELAND

Mr. IRELAND. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. IRELAND:

At the end of part B of title III (page 68, after line 9), insert the following new section:

SEC. 316. REDUCTION IN THE NUMBER OF CIVILIAN PERSONNEL ASSIGNED TO DUTY IN EUROPE.

(a) REDUCTION REQUIRED.—The number of civilian officers and employees of the Department of Defense assigned to duty in Europe on the date of the enactment of this Act shall be reduced by a number equal to the number of employment assignments for officers and employees of the department that—

(1) were related to intermediate-range nuclear forces on December 8, 1987; and

(2) are unnecessary as a result of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-range and Shorter-range Missiles, signed on December 8, 1987 (commonly referred to as the "INF Treaty").

(b) TIME FOR REDUCTION. The reduction in the number of employment assignments required by subsection (a) shall be completed not later than October 1, 1991.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Florida [Mr. IRELAND] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Is there a Member in opposition to the amendment? If not, the gentleman from Florida [Mr. IRELAND] is recognized for 15 minutes.

Mr. IRELAND. Mr. Chairman, I rise to offer my last and final amendment relating to DOD personnel assigned to ground launched cruise and Pershing missile units slated for deactivation under the INF treaty.

The pending amendment would reduce the number of DOD civilians on duty in Europe by 1,017—the number assigned to INF units there.

The bill, as presented on the floor today, incorporates the bulk of my INF initiative, which has two parts: First, it lowers the troop ceiling in Europe from 326,414 to 311,627—a reduction of 14,787; and second, it cuts Air Force end-strength by an additional 4,385. Since the Army had already planned to cut its INF personnel, no further Army end-strength cuts were in order. Proposed cutbacks would be phased in over 2 years to coincide with the schedule for unit deactivations.

Mr. Speaker, I want to extend a special word of thanks to the able chairwoman of the Military Personnel Subcommittee BEVERLY BYRON and her staff assistant Debbie Lee for their advice, assistance, and support. Somehow they were able to bring order and direction to a complex issue.

While the main part of the INF issue was resolved at the committee level, the full committee decided to defer action on the civilian employees assigned to INF units, pending further investigation. I then asked the GAO and DOD to provide me with the latest available information on the disposition of those employees. Information papers were subsequently provided by DOD and GAO, indicating that most of these employees are scheduled to be eliminated from the work force by the end of fiscal year 1991

With that information in hand, I decided to modify and refocus the final piece of the INF initiative.

Consistent with my amendments relating to military personnel assigned to INF units, the modified amendment, which I offer today, reduces the number of DOD civilians in Europe by 1,017. The recommended reduction would take effect by the end of fiscal year 1991.

The approach taken in the case of the civilians is identical to the approach taken in the case of military personnel: First, reduce the number of personnel in Europe; and second, cut the end-strength or work force. Another approach would be to establish a ceiling on civilian personnel in Europe, but I know the committee is adamantly opposed to such a policy, so I selected a more acceptable approach.

A United States-Soviet treaty has been signed, ratified, and taken effect. That treaty eliminates an entire mission and class of weapons. The need for those civilians no longer exists, therefore the total number of DOD civilians assigned to duty in Europe should be decreased accordingly.

The latest DOD information suggests, however, that the trend is in the opposite direction—civilian strength in Europe is creeping upward. Between September 30, 1988, shortly after the INF treaty took effect, and March 31, 1989, the number of civilians in Europe increased from 105,284 to 106,630—an increase of 1,346. This is the continuation of a trend that began in the early 1980's when there were about 95,000 civilians in Europe. And there is room for expansion. A large number of authorized and funded civilians positions in Europe lie vacant. The Air Force, for example, which has 96 percent of the INF civilians in Europe (974 of 1,017), has close to 900 vacant slots in Europe.

Further increases in the number of DOD civilians in Europe must be halted. This trend must be reversed, or else the Appropriations Committee will put a much tighter lid on the number of civilians overseas and in Europe, and I will help them to it. My approach is a more reasonable one.

The need for 1,017 civilian positions in Europe no longer exists. I urge you to support my amendment.

Mr. Speaker, in conclusion, I would like to thank the chairman of the Readiness Subcommittee the gentleman from Florida [Mr. HUTTO] and his assistant, Will Confer, for their support and cooperation. I understand that the committee is prepared to accept my amendment. If that is indeed the case, then I urge its adoption.

Reports referred to follow:

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, July 17, 1989.

Hon. ANDY IRELAND,
House of Representatives,
Washington, DC.

DEAR MR. IRELAND: After the issuance of our June 8, 1989, report ("INF Treaty: Army and Air Force Personnel Reductions", GAO/NSIAD-89-173FS), Mr. Charlie Murphy of your staff asked us to verify the disposition of the 1,099 Air Force civilian positions scheduled to be eliminated as a result of the Intermediate Range Nuclear Forces [INF] Treaty. According to the Department of Defense, all civilian billets associated with INF have been taken out of its budget submission.

After reviewing Air Force Justification of Estimates for fiscal years 1990/1991 submitted to the Congress in January 1989, we have documented that these civilian positions are scheduled to be eliminated by 1991. All positions are included in the Operations and Maintenance Justification Book Tracks. Of the 1,099 positions, 432 are scheduled to be eliminated in fiscal year 1989, 31 positions in fiscal year 1990, and 636 positions in fiscal year 1991.

If you have any additional questions, please call Albert H. Huntington, III, Assistant Director on 557-1469, or Mary K. Quinlan, Evaluator-in-Charge, on 557-1524.

Sincerely yours,

JOSEPH E. KELLEY,
Director, Security and International Relations Issues.

FACT ISSUE PAPER

Question. Reference 1,142 civilian personnel reductions as a result of INF implementation, Mr. Murphy requests an information paper which lays out the accounts in which the reductions occurred and, if these spaces have been applied elsewhere, identify the accounts and the number of spaces by which they have been increased.

Answer. All Air Force civilian manpower associated with the GLCM program has been eliminated from the operation and maintenance account of the FYDP—resulting in a 1,099 Air Force civilian end strength reduction. The following table shows the GLCM manpower baseline in FY 88 (prior to INF) and tracks the annual GLCM end strength changes through FY 91 (there is no difference in GLCM end strength between the Reagan and Bush budgets).

GLCM CIVILIAN END STRENGTH TRACK

[In fiscal years]

GLCM end strength	1988-89 PBA		1990-91 Reagan/Bush Budgets					
			1989		1990		1991	
	CONUS	EUR	CONUS	EUR	CONUS	EUR	CONUS	EUR
Programmed	125	974	125	542	111	525	0	0
Drawdown	0	0	0	−432	−14	−17	−111	−525

Note.—Increases in other high priority Air Force requirements in NATO Europe were accommodated through offsets from other programs across the Air Force. GLCM savings were not used to fund these NATO Europe requirements. In fact, GLCM savings were not applied against any other programs throughout the Air Force—they were reduced from the FYDP.

Source: Provided by Office of the Comptroller of the Department of Defense, July 20, 1989.

□ 1450

Mr. HUTTO. Mr. Chairman, will the gentleman yield?

Mr. IRELAND. I am happy to yield to the gentleman from Florida.

Mr. HUTTO. Mr. Chairman, as the gentleman knows, in our committee markup when he offered the amendment, I asked him if he would hold off on it until we could gather more information. I appreciate the way the gentleman has gone about this and his working with us.

The amendment that he has now is acceptable to the Subcommittee on Readiness and to the committee on this side of the aisle.

As I understand it, the modified amendment appears at section 316 of the report on providing for the consideration of this bill. It is acceptable to the committee and to the Department of Defense now because all civilian positions will have been eliminated by September 30, 1991, which is 1 day before that required by the amendment. The amendment is a good one and is completely acceptable.

Mr. IRELAND. Mr. Chairman, I thank the gentleman for his words and also for his assistance and help.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. IRELAND. I am happy to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I want to congratulate the gentleman from Florida for being so tenacious on this. He has been very, very good in following through and getting the right numbers, and it has not been an easy task.

One would think that this would be a very simple task. It is really not at all. I really appreciate him, and I think this is going to save lots of money.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. IRELAND. I am happy to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, we have studied the amendment on this side of the aisle, and I think it is a good amendment. We will certainly be willing to accept it.

Mr. IRELAND. Mr. Chairman, I yield back the balance of my time.

Mr. DURBIN. Mr. Chairman, I rise in support of the amendment offered by my colleague, Mr. IRELAND, that would reduce by 1,017 the number of U.S. troops stationed in Western Europe.

Forty years ago, in the aftermath of World War II, the United States took the lead in rebuilding and defending the war-torn nations of Europe and Japan. Through the formation of the North Atlantic Treaty Organization [NATO] and the Marshall Plan, we were able to contain the spread of communism and allow the economic recovery of Europe and Japan. The decision to aid our allies was both right and farsighted.

Now, however, the situation has changed dramatically. Our adversary throughout the could war, the Soviet Union, is struggling with ethnic and labor unrest at home and political liberalization in the neighboring Warsaw Pact countries of Hungary and Poland. At the same time, our European allies and Japan are enjoying stronger economic growth and lower budget deficits than is true in the United States, where we face enormous budget deficits and a trillion dollar debt.

Despite these changes, the Department of Defense has estimated that 60 percent of the U.S. defense budget can be attributed to the defense of our European allies and Japan. In 1990 alone, the U.S. contribution will total over $180 billion, or almost three times the cost of the entire B-2 program.

Mr. Chairman, the United States can no longer afford to be the principal guarantor of our allies' defense. It is unfair to ask American citizens to continue paying $1,300 in taxes to pay for the defense of our allies when the average Japanese citizen only pays $130. It is unfair for the United States to contribute over 6.8 percent of its GDP to defense when our allies only contribute 3.3 percent of their GDP on average.

In 1977, each of the NATO allies pledged to increase defense expenditures annually by 3 percent above inflation. Yet from 1978 through 1985, when the United States increased defense spending by 5.7 percent, the allies only averaged 2.2 percent growth in defense spending. Despite numerous new studies documenting this gap in contributions to the common defense, and despite repeated promises from our allies to shoulder a greater share of the burden, the situation has not changed.

The plain fact is that our allies are being treated to a free ride on the back of the American taxpayer, and they will not get off until we tell them to. We need to say to them, directly and candidly, that we will not help them unless they begin to help themselves.

The amendment offered by Mr. IRELAND is a modest step in the right direction. It advances the principle that the savings realized by arms control agreements such as the INF pact should be reflected in reduced numbers of troops stationed in Europe.

I had hoped that we could have a more far-reaching debate on defense burdensharing. In particular, I think we need to explore the possibility of reducing the number of U.S. troops in Europe and transferring some of the money saved to our National Guard programs. An increased commitment to our National Guard programs would save money, would keep spending on defense within the United States where it would bolster local economies, and would tie the defense of our great country more closely to our communities.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida [Mr. IRELAND].

The amendment was agreed to.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore (Mr. DURBIN). Without objection, the gentleman from Wisconsin [Mr. ASPIN] is recognized for 5 minutes.

Mr. ASPIN. Mr. Chairman, a point of inquiry: We are now going to go to the section 2 amendments, which is the 5-minutes-on-a-side amendments. I have a question of the Chair: Is it the intention of the Chair to put the amendments, if we come to votes on the amendments, put them together en bloc at the end of the process here today?

The CHAIRMAN pro tempore. Under the rule that decision is within the discretion of the Chair, and the Chair would exercise that discretion, after consultation with the floor managers on both sides.

Mr. ASPIN. Mr. Chairman, it would be, I think, our hope that we would do that. I would like to get the gentleman from Alabama into the discussion. I think it was our anticipation that if we got to that, if we could get the Chair to use his discretion in putting the amendments en bloc, with a 15-minute vote for the first one and 5 minutes for the subsequent votes. That would be all right with the gentleman on this side.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I am happy to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, this was our discussion, and it was for this reason that we urged the Committee on Rules to make this in order. They had made it at the discretion of the Chair, which is fine. We felt that this would be very time-saving in view of the number of hours that are already scheduled for the floor. We thought this would be very beneficial and helpful to the Members, and I would urge on the Chair that that would be the procedure that we follow.

The CHAIRMAN pro tempore. The Chair is inclined to exercise its discretion in that manner. I think at this time we should proceed with the amendments under section 2.

Mr. ASPIN. Mr. Chairman, I also would like to announce that pursuant to the prior discussion with the gentleman from Alabama, the section 2 amendments numbered 1, 2, 3, 5, 6, and 7 will be deferred until a point later in the proceedings.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. WEISS

Mr. WEISS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WEISS: Page 36, after line 16, insert the following new section:

SEC. 128. PROHIBITION OF RETROFITTING TRIDENT SUBMARINES TO CARRY D-5 MISSILES.

(a) PROHIBITION.—The Secretary of the Navy may not carry out the conversion of any Trident submarine to enable it to carry Trident II (D-5) missiles.

(b) REDUCTION IN FUNDING.—The amount specified in section 102(d) for Other Procurement for the Navy for fiscal year 1990 is hereby reduced by $6,800,000.

The CHAIRMAN pro tempore. The gentleman from New York [Mr. WEISS] will be recognized for 5 minutes, and Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let me at the outset address the issue which I thought was being discussed earlier just a moment ago about the sequence of votes. I think that it is difficult enough when one has amendments of great substance which are limited to 5 minutes of debate on each side, but, OK, one can sort of accept that. But the rule proviso which then says we are going to lump our votes together at the end, I think, is a real travesty. I understand the Committee on Rules had little choice, because they were given directions as to how much time they could provide for this bill, but coming from a nonsupported amendment where the committee opposed it, under the best of circumstances, it is difficult to get serious consideration when, in fact, one then has a 2-hour delay between the debate on that amendment and the final vote. That is fact removes whatever chance there is of serious consideration, and that, I think, is absolutely wrong.

Mr. Chairman, I would hope that it there is discretion to be exercised by the Chair, that he would keep that in mind. Beyond that, I would hope that we are never faced with this kind of situation again.

Mr. Chairman, Let me say that this D-5 amendment, the Trident II missile, is different from those that we have offered in years preceding.

Mr. Chairman, for the past 4 or 5 years this gentleman has offered amendments to delete funding for the D-5 missile program, and we have lost, and that fight is really over. At this point, the amendment that I offer has nothing to do with canceling the D-5 program.

Mr. Chairman, I rise in support of the amendment. This amendment would cancel the D-5 refit program. It is a modest amendment. It is a practical amendment.

The D-5 program is moving full steam ahead. After some delay due to problems in the testing phase, the first Trident submarine equipped with D-5 missiles is scheduled for deployment in March of 1990.

Let me underscore that this is not an amendment to cancel the D-5 program. I understand that there have been some misconceptions about my amendment in this regard.

The amendment we are discussing would not prohibit the continuation of the D-5 program. It would, however, cancel a portion of the program which is strategically and fiscally unnecessary. My amendment would eliminate the $6.8 million in this year's authorization for the refit program and prohibit any further funding for the program in the future.

From now on, every Trident submarine deployed will carry D-5 missiles. Eventually this submarine force will exceed 20 according to the Navy's 5-year defense plan. In addition, the Navy, beginning in 1993, plans to call back all eight Tridents currently equipped with C-4 missiles and replace them with D-5's. The so-called refit program is expected to cost in excess of $6 billion. This particular section of the D-5 program is the subject of my amendment.

Many Members of Congress are excited about the new D-5 missile. The missile has an incredibly high yield and pinpoint accuracy. With the D-5, the United States will, for the first time, have the capacity to strike Soviet hard targets from the sea leg of our nuclear triad. While we have debated the merits of this program in the past, this new capability is a fait accompli. No matter what your views on that debate, I believe supporting this amendmnent is entirely consistent.

People say, "I'm a supporter of the D-5. I can't support this amendment." This is fundamentally untrue. Even with the passage of this amendment, the United States will deploy 660 D-5 missiles equipped with either 12 Mark IV warheads, or 8 of the more powerful Mark V warheads.

However, it is important to keep in mind that the primary purpose of our sea-launched ballistic missiles is to deter a Soviet first strike. In fact, the C-4 missiles have served this purpose quite adequately. C-4's have over 100 times the explosive yield of the bombs dropped on Hiroshima and Nagasaki. No one questions the retaliatory capability of the C-4.

In fact, C-4 missiles can do almost every thing the D-5's can do. They can destory airfields, troop concentrations, naval bases, industrial facilities, and governmental centers. The C-4 can reach its target in 10 to 20 minutes, the same as the D-5, and has the same range—4,000 to 6,000 miles, depending on payload. The only significant difference is that the D-5 can dig Soviet land-based missiles out of their silos.

Today's amendment deals with the eventual makeup of our seabased missile force. If there were no refit program, our Trident force would contain at least 12 submarines equipped with D-5's. These submarines would have the capacity to aim well over 2,000 hard-target warheads. For point of reference, the Soviet Union has a total under 1,300 silo-based ICBM's. I remind those supporters of the D-5 program to consider this fact.

Clearly, even without the additional capability that would result from backfitting the first eight Trident subs with D-5's, our sea-based hard-target capability would be overwhelming. When land- and air-based forces are taken into account, our ability to strike hard targets would be much greater still. Mr. Chairman, the Navy admits that our sea-based missile force will target not only hard targets but also those softer targets covered by C-4's. That is to say, the Navy plans to replace the C-4's with D-5's even though our C-4's are more than adequate to destroy their current targets. For $6 billion, we can aim D-5's at targets which are already adequately covered by C-4's.

This is not an anti-D-5 amendment. It in no way compromises our strategic forces. And it has no impact on our ability to deter Soviet aggression.

Instead, this amendment allows for a commonsense way to save a significant sum of money without altering the strategic assumptions of the D-5 program. The United States no longer has the luxury of deploying every weapon system that may appeal to us. In the future, decisions about military spending must be made much more stringently. The D-5 refit program simply does not pass the test of a strategically necessary program.

Mr. BENNETT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in strong opposition to the Weiss amendment. In short, this amendment would relegate eight of our most survivable, stable, and capable strategic systems to second-rate status for their entire lifetimes. Not only would this be a detriment to our strategic capability, it would also be a terrible waste of the taxpayers' money. Allow me to elaborate.

This body has agonized over the years and will no doubt do so this year over the survivability of various parts of our strategic triad. Raging debates over the MX rail garrison basing mode, the mobile Midgetman missile, the B-1 and B-2 bombers, and other systems all revolve around the bedrock issue of survivability and how to achieve it. But in all of these debates one system stands out as a beacon of survivability; an example of a system that does not suffer from the "use it or lose it" syndrome. That system is the Trident submarine. And so, Mr. Chairman, I submit that we should ensure that each of these survivable platforms has all of the capability we can muster for it. In the case of the

Trident submarine that means the D-5 missile.

From the very outset nearly two decades ago the Trident submarine has been conceived, designed, and outfitted to carry the larger, more capable Trident II or D-5 missile. To date the Congress has authorized 16 of these ships, with the 17th in this bill. The taxpayers of this country have bought and paid for this capability. They expect us to follow through on our promise made many years ago to make all Trident submarines fully capable. That means equipping them with the D-5 missile. At the beginning, we were able to build the submarines faster than the missiles, so eight of these ships initially went to sea with the older, less capable Trident I or C-4 missile. We are now nearing the point when we will fulfill our promise and equip them with the D-5 missile, the missile for which they were built.

This body has rejected attempts to halt production of the D-5 missile seven times in recent years. Why is this so? Simply put, it is because the D-5 can carry either greater payloads or equivalent payloads to longer ranges than its predecessor, thereby providing a much greater scope of opportunities to our strategic planners, opportunities that mean greater flexibility and survivability for our strategic forces.

Relegating our first eight Tridents to second-rate status may save money in the short run. But the savings would be illusory. The Navy estimates that perpetuation of the C-4 missile system in just these eight boats would cost over $1 billion more than if they carried D-5 missiles over the next decade and a half. This is truly a false economy. The added costs come from: First, the necessity of extending the life of C-4 missiles by 20 years and; second, the added upkeep costs for two versus one system.

If the proponents of this amendment are worried about the potential effects of a START agreement on the size of the Trident force I would invite their attention to two matters. First, if it became necessary to reduce warheads at sea the Navy has assured the committee it could reduce the number of missile tubes per submarine. And if that is insufficient, I would invite proponents of this amendment to join me in examining a slowdown of the Trident submarine building rate in the future. If they wish to save money on strategic programs that would be the way to do it, not but foregoing improvements to submarines already built.

In summary, Mr. Chairman, this amendment would prevent us from realizing the full capability of our most survivable and stable strategic platforms for some inflated claims of cost savings. I urge my colleagues to join me in voting to defeat this amendment.

□ 1500

Mr. WEISS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the C-4 missiles can do almost everything the D-5's can do. They can destroy airfields, troop concentrations, naval bases, industrial facilities, and government centers. They can reach their targets in about the same time as the D-5. They have the same range, 4,000 to 6,000 miles. They have 100-kiloton capacity or power compared to the D-5's 475-kiloton capacity, and that is because the D-5 really was constructed to dig missiles out of silos, land-based silos.

But what it is important to remember is that the Navy has said all along that even after the D-5's come on line there will still be soft target utilization capacity that will be required so that all we are saying is that since the 12 D-5 submarines that will be coming on line will be more than enough to overwhelm the hard targets that the Soviet Union has, for example, we can save $6 billion by simply allowing the C-4's that are on the Trident submarines right now to be used for soft target capacity.

I think the time has long since gone when we can afford the most exotic weapons and two of every kind just because somebody decided to have it. This is not necessary in this instance. It does not deter any of our strategic considerations. In fact, it is a simple, clear-cut way of saving $6 billion over the course of the next 5 to 8 years. I would think that this body should want to do that.

I urge that the membership vote for this amendment when it comes time to do so.

Mr. BENNETT. Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman. I rise in opposition to the amendment. This amendment is simply "old wine in new bottles." It seeks to curtail, in a new way, the Trident II D-5 missile program, something this body has refused to do seven times in the recent past.

I would like to concentrate on two aspects of this amendment that are especially troubling: The loss of effectiveness it would impose on our strategic forces, and the inflated claims of cost savings being made by the proponents.

We already know that the Trident submarine is our most survivable, stable, and enduring strategic system. So it makes sense to make these submarines as capable as we can. Failing to backfit the first eight ships with the D-5 missile would preclude us from realizing the full potential of the Trident. Without the backfit program, for example, we would be unable to cover all potential targets from both oceans; we would not have the missile accuracy to reduce collateral damage; and we would lose the deterrent value of the D-5 missile's greater range, payload, and accuracy.

Contrary to the proponents' claims we need these additional hard-target capable warheads at sea. Counting one warhead per Soviet missile silo significantly understates the requirement for such capability.

Now let me address the cost savings issue for a moment. Claims of savings of $6 billion for failing to backfit the first eight Tridents are inflated, because they simply ignore the costs of maintaining the older, less capable C-4 missile system over 20 years longer than originally intended. When account is taken of the costs of maintaining two separate missile systems into the 21st century; the cost of extending the C-4 design life for 20 more years; and the costs of replacing aging C-4 missiles, this amendment could end up costing us in excess of $1 billion more over the next decade and a half!

In short, Mr. Chairman, this amendment would result in a less-then-fully capable Trident force and could very well end up costing us money. Doesn't make much sense, does it? I urge my colleagues to join me to defeat this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New York [Mr. WEISS].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. WEISS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore (Mr. DURBIN). Pursuant to the provisions of paragraph 5 of section 2, House Resolution 211, and the Chair's prior announcement, the vote on the amendment offered by the gentleman from New York [Mr. WEISS] will be postponed until after consideration of amendment No. 29 to be offered by the gentleman from Michigan [Mr. BROOMFIELD] in part two of House Report 101-168.

The next amendment before the committee is the amendment of the gentleman from California [Mr. DELLUMS].

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELLUMS:

At the end of part A of title II (page 48, after line 17) insert the following new section:

SEC. 208. LIMITATION ON FUNDING FOR FOLLOW-ON-TO-LANCE MISSILE PROGRAM.

(a) LIMITATION.—None of the funds appropriated or otherwise made available to the Department of Defense for fiscal year 1990 may be used for full-scale development for the Follow-on-to-Lance missile program. Of amounts appropriated for fiscal year 1990 for research, development, test, and evaluation for the Army, not more than $16,000,000 shall be available for the Follow-on-to-Lance missile program, which may be used only for continuation of studies.

(b) REDUCTION IN FUNDING.—The amount provided in section 201 for the Army is hereby reduced by $16,819,000.

The CHAIRMAN pro tempore. Under the rule, the gentleman from California [Mr. DELLUMS] is recognized for 5 minutes in support of the amendment.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the brief time that I have I would like to point out that what this amendment would do is cut $16 million from the R&D portion of this budget for the purposes of full-scale development of the weapons system known as Follow-on-to-Lance.

For Members who are not aware of the history, in the 1983 Montebello Agreement, the NATO allies came together and agreed upon a program to modernize their nuclear weapons.

However, I would like to point out that since 1983, a new development has occurred. That is the INF Agreement where the United States and the Soviet Union signed a treaty to limit our intermediate-range nuclear weapons. The Follow-on-to-Lance is an effort to modernize our short-range nuclear weapons.

The present range of the so-called aging Lance missile is 20 kilometers. I find it fascinating and interesting, Mr. Chairman, that the range of the anticipated follow-on to Lance is some 480 kilometers, interestingly enough only 20 kilometers short of the 500-kilometer limitation proposed in the INF Treaty.

I would suggest, Mr. Chairman, that this is a modernization program of the aging Lance. First of all, we already have a modernized conventional missile delivered by the Lance system, so why is there need for us to engage in modernization of our nuclear weapon version of the Lance missile? Under what scenario, Mr. Chairmam, would there be a tactical nuclear war? Anyone who believes that we can engage in a surgical strike, a limited nuclear war, is living in never-never land. Once the genie is out of the bottle, the nuclear genie will expand and include us in a global, strategic war. Make no mistake about that.

What scenario would allow us to just use tactical nuclear weapons given the incredible capacity of our awesome nuclear arsenal, including the French as well as the British?

□ 1510

There is no convincing argument, in my humble opinion. Therefore, if you remove the usefulness of our follow-on to the Lance in a tactical nuclear war, there are only two reasons why you would go forward with this modernization. One is deterrence, and the second is as a bargaining chip.

With respect to deterrence, I would humbly point out that we already have the enormous capacity to deter nuclear war in Europe.

The Soviets are clearly aware of that.

At this incredible period of budget austerity, why are we marching down the road to begin to spend millions that will, in turn, become the billions of dollars on a new weapons system when we already have deterrence?

This small additional menace that would be created by this weapons system is grossly offset by the enormous capacity of our weapons system.

If it is for a bargaining chip, I would suggest that it is unlikely useful as a bargaining chip since the Soviet Union has already said, "Let us go to the table to negotiate removal of short-range nuclear weapons, expand the INF agreement to include short-range nuclear weapons."

I hasten to point out that we are the Nation that has at this point refused to do so.

So if it is a bargaining chip, the door is already open, the Soviets are already prepared to go to the table to negotiate this weapon.

Therefore, I would suggest that my amendment would allow for research on a modernized weapon but would not allow limited full-scale development of these weapons.

This is intended, Mr. Chairman, and members of the committee, first to allow West Germany to deal with the political question of whether or not they will allow these weapons on their soil. And you and I know that is an extremely controversial matter.

Second, it would provide time for the United States and the Soviet Union to negotiate their limitation.

Therefore, I am asking my distinguished colleagues to join with me in this amendment to remove $16 million from full-scale development.

Mr. Chairman, I reserve the balance of my time for the purpose of closing debate.

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment, and I yield 5 minutes to the distinguished gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Mr. Chairman, I thank the gentleman for yielding me his time.

Mr. Chairman, in response to the gentleman from California's amendment, let me say that he mentioned the German position on this. I think that is a very important thing to consider. When you really cut it in half, the research and development moneys are for a follow-on to the Lance missile, the whole issue of modernizing the Lance, has of course precipitated recent concerns between Germany and NATO and United States/German relations.

Resolution of this was made by the President prior to the NATO conference with the German Government. That was to provide a framework in which negotiations might proceed after the conventional arms negotiations in Vienna were to proceed and to be successful.

In other words, we want the conventional forces to be addressed first but continue to possibly hold open the possibility of an SNF negotiation later on.

This placated the German officials and the German Government and really put off until after their 1990 December elections the issue of whether or not to totally modernize the Lance missiles.

I recently was in Bonn and asked the chancellor, Helmut Kohl, a direct question about the concerns of the German Government regarding this research and development money because it was, at least, quoted in the press as being a divisive issue.

The chancellor, in direct response to the question I made on it, said it was good for America to continue to research and develop the follow-on to Lance. In other words, I think he recognizes that to not do so, to vote for the Dellums amendment, would be to undermine our negotiating position with the Soviets on the SNF negotiations that might occur.

The Germans have not yet closed the door on the Lance or the follow-on to Lance, they have not closed the door on any modernization issue. Yes, it is a political question. Yes, we are addressing ourselves to political questions this entire week on this bill.

So I think that what we need to say to the Germans and to our NATO allies and, yes, to the Soviets, is that we support full funding of the R&D on the follow-on to Lance. To do otherwise I think is actually breaking the word that we gave to both our NATO allies, the Germans and certainly sends the wrong signal to the Soviet Union at this very important time.

Mr. Chairman, I yield back the balance of my time to the gentleman from Alabama [Mr. DICKINSON].

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Missouri [Mr. COLEMAN], yields back 2 minutes to the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume and then will yield part of it to my colleague, the gentleman from Arizona [Mr. KYL].

Let me say, Mr. Chairman, that we have on three different occasions, in Montebello in 1983, again in 1985 and in 1988, we made an agreement; a solemn agreement with our NATO allies that we would modernize our nuclear forces in Europe. We are attempting to do this; there will be no deployment decision made until 1992. This is matter of common sense if we need to modernize.

Let me comment to the analogy that my friend from California made about negotiating without having any chips when we sit down at the table. I do not know if my good friend plays poker or not, but if he and I decided to play poker, we would sit down at the table and he would say "would you play?" and I would say "yes". I would say "put your chips on the table." He puts his on the table, and wants me to put chips on the table that I do not have.

How are we going to play? No, because there is nothing to negotiate. If we do not have any chips, you cannot even begin to talk.

Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. KYL].

Mr. KYL. I thank the gentleman for yielding.

Mr. Chairman, I am going to ask that we insert in the RECORD at the conclusion of my remarks three letters, one from the National Security Adviser, Brent Scowcroft to our ranking minority Member; the second from Secretary Cheney; and the third one from the Secretary of the Air Force. In all three of these letters officials of our administration are asking the Congress to fund the follow-on to the Lance program at its full level.

I would point out that the Committee on Armed Services, by a very wide margin, supported full funding for the follow-on to Lance.

The existing Lance is an old weapon, it is close to out of date, and would be by the mid-1990's. FOTL is simply the new technology.

Yes, it has longer range than the old Lance. Our guys in the field appreciate that. It makes it safer for them.

Our NATO allies want us to continue with this program, the administration wants us to continue with this program and, therefore, I would urge that our colleagues vote "no" on the Dellums amendment.

THE WHITE HOUSE,
Washington, DC, June 22, 1989.

Hon. WILLIAM DICKINSON,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN DICKINSON: I am writing to add my concern to that expressed by Secretary Cheney about the funding cuts proposed in the Defense Authorization bill for the follow-on to LANCE (FOTL) and the Short-Range Attack Missile-Tactical (SRAM/T).

Both of these systems represent long-standing NATO requirements. In particular, last month's NATO Summit reaffirmed Alliance support for continued U.S. development of the FOTL. The President strongly supports continued development of both these systems, as vital components of our theater nuclear deterrent.

Our successes at the NATO Summit were possible because we have a firm and stable security posture. One of the most serious mistakes we could make would be to begin anticipating arms control progress, and, by our own actions, undermine our security posture.

I urge you to support the modest funding levels for both FOTL and SRAM/T in our budget request. Failure to do so would not only send the wrong signal to other NATO countries, but would also foreclose NATO's options to deploy these systems in the future.

Sincerely,

BRENT SCOWCROFT.

THE SECRETARY OF DEFENSE,
Washington, DC., June 21, 1989.

Hon. WILLIAM L. DICKINSON,
Ranking Member, Subcommittee on Research and Development, Armed Services Committee, House of Representatives, Washington, DC.

DEAR BILL: I am writing to express my deep concern about funding cuts proposed in the Defense Authorization bill for two critical programs to maintain our theater nuclear deterrent—the follow-on to Lance (FOTL) and the Short-Range Attack Missile-Tactical (SRAM/T).

I am concerned over the misperception that the SRAM/T circumvents the spirit of INF. The requirement for SRAM/T predates the INF Treaty and is in no way a circumvention of the spirit or letter of the Treaty. It is widely supported throughout NATO as a system that will enhance aircraft survivability and permit significant reductions in NATO's nuclear stockpile.

Our theater nuclear forces requirements are based on the overall Warsaw Pact threat—both conventional and nuclear—and what we require to maintain deterrence. In this context, the Soviet Union maintains a massive superiority in theater nuclear forces—the result of an aggressive, decade-long modernization program. This program includes replacement of the old and inaccurate Frog rocket with the much more advanced and highly accurate SS-21 missile, and replacement of the SS-23 missile with the Scud missile as the SS-23s are eliminated under the INF treaty. The Scud missile, with a range of 300 kilometers, is being improved qualitatively. The Soviets have also modernized their air-delivered missile forces, including the introduction of the new AS-16 tactical air-to-surface missile.

Both the FOTL and the SRAM/T programs represent long-standing requirements. In 1983, NATO Ministers agreed at Montebello, Canada, to reduce the nuclear stockpile in Europe by 1400 weapons, while at the same time agreeing that the remaining weapons must be responsive, survivable, and effective. In order to implement the Ministerial decision, the Supreme Allied Commander, Europe (SACEUR) specified in 1985—and reaffirmed in 1988—a number of modernization requirements for NATO's nuclear forces, including FOTL and SRAM/T. SACEUR determined that deployment of these systems is needed to maintain a credible nuclear deterrent and to shift the emphasis to longer ranges. This requirement is in response to the Warsaw Pace posture and not a consequence of the INF Treaty.

The Montebello Decision and further work by NATO's Nuclear Planning Group have provided a clear road map for ensuring the continued credibility of NATO's deterrent strategy with a minimum number of nuclear weapons. While we have agreed at the recent NATO Summit that specific deployment decisions from our Allies are not needed now, the requirements for FOTL and SRAM/T remain valid, and NATO nations have consistently and publicly—most recently at the Summit—expressed their continued support for U.S. research and development efforts to meet those requirements and provide needed options for future deployment decisions.

The current LANCE system does not meet NATO requirements. Its limited range, complex loading procedures, and the limited number of launchers from which the system can be fired all degrade significantly the system's survivability. A FOTL of longer range—and which is fully compliant with the INF Treaty—will enhance deep target coverage, including important fixed and mobile targets. Moreover, FOTL will permit increased use of NATO's dual-capable aircraft (DCA) for even deeper targets and will allow these aircraft to be available for their important conventional roles. It will provide for enhanced system survivability by permitting greater setback and will provide greater operational flexibility, such as support to adjacent corps. Use of the MLRS launcher for FOTL will ensure opportunities for widespread basing, which demonstrates Alliance solidarity and underlines the collective contribution and commitment of NATO to Alliance security objectives.

Similarly, a tactical air-to-surface missile for NATO's dual-capable aircraft is essential. The role of DCA in providing deterrence and coupling the defense of Europe to U.S. strategic forces will increase with the elimination of INF missiles. A TASM, widely deployed on NATO DCA, will counter improvements in Warsaw Pact air defenses and improve our capability to hold at risk heavily defended targets, especially those deep in Warsaw Pact territory. The extension of effective DCA range, enhanced aircraft survivability, and increased penetrativity associated with deployment of TASM will measurably enhance NATO's deterrent posture.

In conclusion, I urge you to support full funding in FY90 for FOTL and SRAM/T. Failure to do so would send the wrong signal to our NATO Allies, who fully support our continued research and development efforts to provide options for future deployment decisions. It would also jeopardize NATO's capability to maintain a credible nuclear deterrent to support Alliance strategy in the future. The requirement remains valid and consistent with past INF Warsaw Pact actions, not a circumvention of INF.

Best regards,

DICK CHENEY.

SECRETARY OF THE AIR FORCE,
Washington, DC.

Hon. RONALD V. DELLUMS,
Chairman, Subcommittee on Research and Development, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: During Air Force testimony before your committee in March, you expressed concern over a potential INF

treaty violation by acquiring the Short Range Attack Missile—Tactical (SRAM-T). This letter further clarifies the justification for the SRAM-T and substantiates why it will not violate the INF treaty.

The INF Treaty specifically addresses ground-launched missiles with a range of 500 to 5,500 kilometers. SRAM-T is air-launched with a maximum range well under 500 kilometers. These are critically important distinctions. NATO air delivered weapons were carefully excluded from the INF treaty as were comparable Soviet weapons, such as their AS-X-16 Kickback missile and the longer range AS-3 and AS-4 missiles carried on the Backfire bomber.

Additionally, the SRAM-T promotes nuclear arms reduction. Deploying the SRAM-T will decrease overall nuclear stockpile requirements for Europe, without jeopardizing our deterrent capability, due to its projected high reliability and survivability, and the inherent flexibility of air delivery. This lessens the requirement for other air delivered nuclear weapons which would otherwise be required to achieve an acceptable level of deterrence. Thus, developing SRAM-T directly supports NATO's 1983 Montebello decision to unilaterally reduce Western Europe's nuclear stockpile by replacing numerous older weapons with fewer, more modern weapons. It will fill a crucial role in continuing the credibility of NATO's doctrine of flexible response.

We remain committed to our national efforts for arms reduction, but we must also continue to develop and deploy weapons that meet our validated military requirements. We stand ready to discuss the SRAM-T program and provide you with any additional information you may require.

Sincerely,

DONALD B. RICE.

Mr. DELLUMS. Mr. Chairman, I will have to speak very quickly.

As I tried to argue with respect to the intermediate-range weapons, when Members try to make the military-strategic arguments I said deploying those weapons is really political, not military. It turned out that it was political.

We spent hundreds of millions of dollars deploying weapons in Europe that make no sense.

We built towns in Europe when we ought to be dealing with the homeless in this country; that made no sense then. This is a political issue.

If it is a political issue, our major allies have deferred the issue until 1990 and we can defer the issue of full-scale development.

What I do is allow the research and development to go forward. We do not have to build these weapons at this particular point. Let us go forward with the conventional talks. If the Germans can put off a decision until 1990, we certainly can put off a decision to go forward with full-scale development.

The research-and-development funds are there, Mr. Chairman.

Again, this is an incredible waste of time, waste of energy, waste of money to develop a weapons system that ultimately we and the Soviets will sit down to negotiate.

But what can you do once you have built these weapons? You cannot feed people, our American people, you cannot house American people, you cannot educate American children. You have wasted these resources.

We have a modernized conventional weapon, we have enormous nuclear forces in Europe. This is the time we ought to reap the benefits of the potential for peace. Let us sit down and negotiate. Let us not waste $16 million to go ahead with full-scale development.

I ask my colleagues to support the amendment.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. DELLUMS].

RECORDED VOTE

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

□ 1520

Pursuant to the provisions of paragraph 5, section 2, House Resolution 211, and the Chair's prior announcement, the vote on the amendment offered by the gentleman from California [Mr. DELLUMS] will be postponed until after consideration of amendment No. 29 in part 2 of Report No. 100-168.

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELLUMS.

At the end of part A of title II (page 48, after line 17) insert the following new section:

SEC. 208. DENIAL OF FUNDING FOR SRAM-T MISSILE PROGRAM.

(a) LIMITATION.—None of the funds appropriated or otherwise made available to the Department of Defense for fiscal year 1990 may be used for research, development, test, and evaluation for the SRAM-T missile program.

(b) REDUCTION IN FUNDING.—The amount provided in section 201 for the Air Force is hereby reduced by $55,000,000.

The CHAIRMAN pro tempore. The gentleman from California [Mr. DELLUMS] will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I might preface my remarks by saying that I realize this is an efficient rule, but it certainly does not permit any substantive discussion of critical issues. The issue of the follow on to LANCE, the weapon I am going to talk about, and the SRAM-T, these are issues that most Members do not know about. The response will be knee jerk.

We have awesome responsibility as members of the Committee on Armed Services to attempt to be educative, but I suggest it is difficult to be educative in the context of this march forward approach with 5 minutes to discuss major concerns.

Having said that, what this amendment will do is, it will save the American taxpayers $55 million in R&D funds for the weapons system known as SRAM-T. This is a tactical air-to-surface missile that we have designed or prepared to design to again deploy in Europe. I find it fascinating, Mr. Chairman, that this is an air-to-surface missile with roughly the same range as the limitations again of the INF agreement. As a matter of fact, sitting in my capacity as chairman of the Subcommittee on Research and Development, I asked the Air Force general in charge of this program, "Are you attempting to regain the capability with the SRAM-T missile that we have ostensibly given up in the INF treaty?" In a moment of candor, he said, "Yes, that is what we are attempting to do, but we are not in violation of the treaty." Of course, not in technical violation of the treaty, because the INF treaty deals with ground launch weapons, not air-to-surface missiles.

However, I ask all of my colleagues, why should we go forward with a missile system that we allow the Pentagon to undermine the spirit of the INF agreement by taking a weapon that was a limited ground launch weapon, limited in the INF treaty, tack it onto a plane and continue to have the same capability? The American people thought that we were limiting these weapons in the INF agreement.

I am suggesting, under the guise of modernizing our nuclear forces, we have developed a SRAM-T missile that, in my humble opinion, regains the capability. I do not think we need it. I think while it is not technically violative of the INF, it undermines the purpose. We are attempting to save $55 million. Let Members stop this program at this point. I make the same argument I made with respect to the follow on to LANCE.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from California [Mr. DELLUMS] has 2 minutes remaining.

Mr. KYL. Mr. Chairman, I rise in opposition to the amendment. I think it is important for our colleagues to know that the President of the United States, the Secretary of Defense, the National Security Adviser, the Secretary of the Air Force, all support the SRAM-T.

Let me read a letter from Gen. Brent Scowcroft, National Security Adviser. He said:

I am writing to add my concern to that expressed by Secretary Cheney about the funding cuts proposed in the Defense Authorization bill for the follow-on to LANCE (FOTL) and the Short-Range Attack Missile-Tactical (SRAM-T).

Both of these systems represent longstanding NATO requirements. In particular, last month's NATO Summit reaffirmed Alliance support for continued U.S. development of the FOTL. The President strongly supports continued development of both these systems, as vital components of our theater nuclear deterrent.

Our successes at the NATO Summit were possible because we have a firm and stable security posture. One of the most serious mistakes we could make would be to begin anticipating arms control progress, and, by our own actions, undermine our security posture.

I urge you to support the modest funding levels for both FOTL and SRMA-T in our budget request. Failure to do so would not only send the wrong signal to other NATO countries, but would also foreclose NATO's options to deploy these system in the future.

Mr. Chairman, the Committee on Armed Services overwhelmingly supported the SRAM-T. It is not an expensive program. The level of funding that is requested for this program for this fiscal year is $55 million. The total of the research and development costs, including the integration in the F-15E aircraft, are projected to be only $270 million. This weapon is needed because there is currently no standoff nuclear weapon for technical dual capabilities aircraft in Europe. Dual capability meaning for our allies there, for their aircraft as well as our own.

The requirement for the SRAM-T grew out of the 1983 Montebello decision and was officially established by the SACEUR in 1985, and reconfirmed in 1988. So this is nothing new.

Clearly, the requirement was established prior to the INF treaty, and therefore, is not some kind of 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 No. 1 priority. NATO's dual capability aircraft with the SRAM-T will have the capacity of theaterwide, all-weather, 24-hour-a-day flying. That is very, very important for that part of the world. The SRAM-T increases aircraft survivability because it allows the targets to be attacked from a standoff range rather than requiring aircraft of fly over the target.

Finally, the standoff capability, in combination with specific missile characteristics that allow it to attack hardened and defended targets, provides great target flexibility for SACEUR. As a result, Mr. Chairman, this is one of those weapons that all of our NATO allies are asking the United States to develop. It is time now to fund this weapon.

As my colleague pointed out just a moment ago, it is not the time to begin negotiating away these weapons at the very time we are sitting down at the bargaining table with the Soviets. It is NATO's possession of exactly this kind of theater type of weapon, not a strategic weapon but a theater type of weapon, that has brought the Soviets to the negotiating table to talk about reducing their overwhelming superiority in conventional arms. The whole purpose of those negotiations is to get them to reduce their conventional arms to a level that does not threaten NATO.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I want to commend the gentleman on his argument. He is absolutely right, by the United States showing the will of the West and going forward with the ground launch cruise missile and the Pershing missile, we brought the Soviets to the bargaining table. Members could use exactly the same argument that it was a waste of money to have ever built these in the first place, but the facts are, if we had not built these, the Soviets would never have removed the SS-20 that they were intimidating our allies with.

This is a very important manifestation of the will, not only of this country but of the Western alliance. Mr. Gorbachev has been over there driving the wedge, and we need to show our allies that it has not worked, and show our adversaries that it has not worked. I commend the gentleman.

Mr. KYL. Mr. Chairman, SRAM-T is the No. 1 priority of SACEUR, a weapon that our National Security Adviser and Secretary of Defense have written to us saying, whatever you do, do not reduce the funding of this very, very important program.

As a result, Mr. Chairman, I urge all Members to vote no on the Dellums amendment to zero out the funding for this very important tactical weapon in Europe, the SRAM-T. I urge all Members to vote no on the Dellums amendment.

Mr. DELLUMS. Mr. Chairman, first, I suggest that we already have the SRAM-T missile. The opponents of my amendment suggest that the SRAM-T missile being deployed in Europe is unsafe, it would not meet European standards, but the SRAM-T is deployed here. I find that fascinating. That is not acceptable on the context of Europe, but it is acceptable to be deployed here among the American people. I do not understand that argument.

No. 2, we still have assigned to NATO 1,500 warheads, plus bombers, plus Trident submarines, assigned to NATO. Fifteen hundred warheads, bombers, and Trident submarines, but not enough, not only to destroy Europe, but the entire world. Why would we need these two additional weapons systems?

My colleagues suggest that R&D is only $270 million. That is just the nose under the tent.

□ 1530

Once we go to full scale development, once we go to production, we are talking about billions of dollars, and now we are talking about real money. We are not talking about simply R&D; we are talking about billions of dollars to build these weapons that we do not need and that we can negotiate away.

Finally, Mr. Chairman, I would suggest to my colleagues that we ought to wake up and smell the coffee. The world is changing, the cold war is over. Let us quit marching into the well talking about the "Evil Empire." This is not the cold war era. If Margaret Thatcher, who is no flaming radical by any stretch of the imagination, can awaken to the reality that the cold war is over, can we not in this body understand that there are new emerging realities in the world?

We do not need SRAM-T, and we do not need the follow-on to Lance. What we need is people with enough courage and enough heart to sit down and exploit the potential of this movement, to take the world toward peace, to take the world toward disarmament. We continue to be the hawks here, assuming that we can engage in nuclear war.

Mr. Chairman, our children do not need it. Neither do our children's children. I ask the Members to join me in stopping this $55 billion.

Mrs. LLOYD. Mr. Chairman, I want to voice my opposition to the amendment to eliminate authorization for the SRAM-T. With all due respect to my honorable colleague from California, I do not believe that in funding the SRAM-T the Air Force violated the spirit of the INF Treaty.

The INF Treaty is very clear as to the types and ranges of the missiles it sought to eliminate. They were ground-launched missiles with a range of 500 to 5,000 kilometers. The SRAM-T missile is air launched and its maximum range would be well under 500 kilometers. Further discussion of this point is not possible because we are in open session.

Furthermore, I wish to point out that in developing a missile such as the SRAM-T, the United States will match an already existing Soviet capability. Soviet missile systems, such as the AS-X-16 Kickback, and the longer range AS-3 and AS-4, carried on Backfire bombers, are all comparable to the SRAM-T. During negotiations, which I hasten to point were painstaking and thorough, a decision was made to exclude such missiles from the INF Treaty. This coupled with the fact that similar Soviet systems already exist, suggest that in no way is the SRAM-T a violation of the spirit of the INF Treaty.

Mr. Chairman, I urge my colleagues to restore funding to the SRAM-T Program. Devel-

oping and deploying the system is consistent with U.S. and NATO interests.

The CHAIRMAN pro tempore (Mr. DURBIN). All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. DELLUMS].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the provisions of paragraph 5 of section 2 of House Resolution 211 and the prior announcement of the Chair, the vote on the amendment offered by the gentleman from California [Mr. DELLUMS] will be postponed until after consideration of amendment No. 29 in part two of House Report 101-168.

AMENDMENT OFFERED BY MR. HOPKINS

Mr. HOPKINS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOPKINS: At the end of title XII (page 253, after line 15), insert the following new section:

SEC. 1243. ARMY HELICOPTER PROGRAMS.

(a) DENIAL OF FUNDING FOR LHX PROGRAM.—None of the amount appropriated for fiscal year 1990 for research, development, test, and evaluation for the Army shall be available for the Light Armed Scout Helicopter (LHX) program. The amount provided in section 201 for the Army is hereby reduced by $240,728,000.

(b) ARMY HELICOPTER IMPROVEMENT PROGRAM.—Of the amount provided in section 101 for procurement of aircraft for the Army for fiscal year 1990, $240,728,000 shall be available for continued production of the Army Helicopter Improvement Program (AHIP). The amount provided in that section for aircraft for the Army is hereby increased by $240,728,000.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Kentucky [Mr. HOPKINS] will be recognized for 5 minutes in support of the amendment, and a Member in opposition will also be recognized for 5 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. HOPKINS].

Mr. HOPKINS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, with this amendment, Members of the House will have an opportunity to say no to a new expensive and totally unnecessary program that will eventually cost $42 billion.

The program in question is the LHX helicopter. Its price tag is outrageous. It adds nothing to national security, and in short, we cannot afford it, we do not need it, we should not start it, we ought to kill it, and the time to do that is right now.

It zeroes out the $240 million proposed in the bill to fund the startup costs of LHX and transfers those funds to the Army's current fleet of proven, workable, more affordable, and needed helicopters like the AHIP.

Mr. Chairman, this is no time to commit the American taxpayer to a new $42 billion extravaganza when we can get the same results for a tiny fraction of the cost.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] is recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment to delete the funding for the LHX.

The Army has designated the LHX as its follow-on to current helicopter programs with an admittedly optimistic assessment of a 1995 initial operating capability. All three military services keep follow-on programs on the drawing board because the development time is lengthy—usually 12 to 14 years. So, the Army has the LHX just as the Air Force has its ATF and the Navy its ATA.

The Army has the LHX as its own follow-on to existing helicopter programs. It will be a light, maneuverable, air-to-air capable helicopter. It is not an insignificant program.

We took a vote on Mr. HOPKINS' anti-LHX amendment in committee. While the AHIP add back was not a part of it, the committee rejected the anti-LHX initiative on a vote of 41 to 8.

Mr. Chairman, I support the AHIP. I think it is a good program, but we would be foolish to kill the LHX in order to get it. There will be another amendment offered by my colleague from Texas [Mr. LEATH] to restore the AHIP with Army-identified offsets. We do not have to kill the LHX to buy the AHIP. So the AHIP should not be a player in this debate. The Army wants LHX. The LHX is the linchpin of the Army's future in aviation. They have planned their aviation future around the LHX, and we would be very shortsighted indeed to terminate the program.

Mr. Chairman, I urge all Members to vote no on the Hopkins amendment because if enacted, it would deny the Army a capability it needs very much.

Mr. DARDEN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I would be pleased to yield to the gentleman from Georgia.

Mr. DARDEN. Mr. Chairman, I appreciate the gentleman's yielding.

Mr. Chairman, I reluctantly rise in opposition to the amendment offered by my friend, the gentleman from Kentucky [Mr. HOPKINS], which would cancel the LHX Program and restore funding for the Advanced Helicopter Improvement Program known as AHIP.

I am going to support AHIP today as well because I think AHIP is a good program. However, I do not think it ought to be restored if it has to be restored at the expense of the LHX.

Mr. Chairman, the Army wants AHIP today to fix its most pressing aviation deficiency—seeing the battlefield at night. They wanted it bad enough that during the DOD budget process they identified two sources of funding to reinstate the AHIP program. LHX was never on either list.

AHIP is a good day-night reconnaissance aircraft and, when armed provides an excellent solution for the armored cavalry units—replacing both the Cobras and older OH-58 with one aircraft. But it is a modification to existing aircraft—and there is little potential to modify it again to incorporate 21st century technology. For the future we need LHX.

LHX is an attempt to bring in new technology whose design should support future technology growth—keeping its capabilities ahead of the emerging threat. LHX is the future and without it, our future Army aviators will be at a distinct disadvantage. We simply cannot afford to terminate this program. As needed as AHIP is, it is not worth terminating LHX.

I urge my colleagues not to support this amendment.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] has 1 minute remaining, and the gentleman from Kentucky [Mr. HOPKINS] has 4 minutes remaining.

Mr. HOPKINS. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, let me tell the Members what happened and go back into history, as the gentleman from Alabama [Mr. DICKINSON] said. Someone in the Defense Department said, "We need a new helicopter that will do everything, and let's call it the LHX."

In the meantime, the Army said that to help pay for this $42 billion helicopter, we will have to downsize the regular Army helicopter units and we have to downsize the National Guard and Reserve units, and we will even have to eliminate some National Guard helicopter units.

But, Mr. Chairman, we still have not seen an LHX that has been built. Not one of them has been built. We have good helicopters in the Apaches, the Blackhawks, the Cobras, and the AHIP. The Army's aim is to take helicopters away from the Guard and the

Reserve and someday they say we will get the LHX.

Mr. Chairman, the Guard and the Reserve have got to have something that will fly. The army is taking these helicopters away, and they are going to sell these helicopters, when they take them from the Reserve, to the U.S. Forest Service. That is not right.

Mr. Chairman, this is a good amendment, and we should eliminate the LHX.

□ 1540

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY. Mr. Chairman, I rise in strong opposition to the amendment of the gentleman from Kentucky [Mr. HOPKINS].

The Army needs a new Scout helicopter with air-to-air capability. This has gone through the Research and Development Subcommittees, and it has strong bipartisan support. The full committee rejected this amendment previously by a vote of 8 in favor and 41 against. The Apache has too large an airframe to be survivable in the future, and the new technology should reduce maintenance and increase maneuverability.

Mr. Chairman, today we have invested over $644 million in this technology. The Army should be able to make a decision. The Army wants to have a modernized helicopter fleet, rotor fleet, and I think the LHX is a good program.

Mr. Chairman, we have done a lot to address the concerns of technologists and other people who have opposed it in the past. I think the Army has finally settled on a program. We are making progress. We should continue the progress. We should not cling to the outdated programs of the past.

Mr. Chairman, it is time to move forward, and I urge a no vote on the amendment of the gentleman from Kentucky [Mr. HOPKINS].

Mr. HOPKINS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. My colleagues, I support the amendment of the gentleman from Kentucky [Mr. HOPKINS] for the simple reason that the LHX in my estimation is clinging to the programs of the past. It is not a quantum leap in technology, and the experts who will come over and brief us will admit that the LHX will be a system that can be shot down by a peasant operating a .51-caliber machine gun. Most of the helicopters that we lost in Vietnam were lost to gunfire. They were not lost as a result of having too large a radar signature.

In fact what happened; the gentleman from Mississippi stated it exactly right, is that the Army had a bag of deficiencies, and they tried to build this into a single system, and that is what LHX is going to do.

The V-22 is a quantum leap in technology, and, if the Army had bought onto V-22, the Marine Corps system, they would not have moved forward with LHX.

It is true that Mr. Cheney has said that we have too many programs. We cannot nickel-and-dime the programs to death. Some of them will absolutely have to be eliminated.

Mr. Chairman, the gentleman from Kentucky [Mr. HOPKINS] had the good sense to move this amendment. I think we ought to kill this $42 billion program because we have Apache that flies at night, and we have a good Scout helicopter, and we need V-22.

Mr. HOPKINS. Mr. Chairman, I yield myself 1½ minutes, the balance of my time.

Mr. Chairman, I ask my colleagues a simple question: What are we getting for $42 billion? Are we really going to get $42 billion worth of national security? I ask my colleagues to keep in mind that this is the most single most expensive Army program ever proposed. Yet not even its proponents can offer convincing evidence that the LHX program can justify a $42 billion expenditure.

Mr. Chairman, I hear my colleagues on the other side, the great salesmen that they are, trying to make it easier for the rest of us, telling us to take out our little credit cards and put them in the box because today is just a small down payment. Only $240 million. But they do not say that the total cost is going to be $42 billion.

My colleagues, we have all bought cars where the saleman says, "It's so easy. Just one small little payment." But I am here to tell my colleagues that the taxpayers will grow weary in the years ahead when payments continue year after year and when the tires get slick and the muffler starts dragging on the LHX, the taxpayer's you committed them to, got a very bad deal.

Today is the day to stop it, stop it while it is still just on paper. There is time, I think, Mr. Chairman, to use some economic discipline.

I ask my colleagues to vote yes on the Hopkins amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). All time under the rule has expired.

The question is on the amendment offered by the gentleman from Kentucky [Mr. HOPKINS].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HOPKINS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the provisions of paragraph (5) of section 2, House Resolution 211, and the Chair's prior announcement, the vote on the amendment offered by the gentleman from Kentucky [Mr. HOPKINS] will be postponed until after consideration of amendment No. 29 in part 2 of House Report 101-168.

AMENDMENT OFFERED BY MR. OWENS OF UTAH

Mr. OWENS of Utah. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OWENS of Utah: Strike out section 251 (page 50, line 20 through page 52, line 4) and insert in lieu thereof the following:

SEC. 251. IDENTIFICATION OF BIOLIGICAL AGENTS USED IN BIOLOGICAL DEFENSE RESEARCH PROGRAM.

(a) ANNUAL PUBLICATION IN FEDERAL REGISTER.—(1) Chapter 139 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2370. Identification of biological agents used in Biological Defense Research Program: publication in Federal Register

"(a) IDENTIFICATION REQUIRED.—Not later than December 1 of each year, the Secretary of Defense shall publish in the Federal Register a report with respect to research conducted by the Department of Defense during the preceding fiscal year under the Biological Defense Research Program. Each such report shall identify the following:

"(1) Each biological agent used in, or the subject of, research conducted under that program during that fiscal year.

"(2) The unique and complete biological properties of each such agent.

"(3) With respect to each such agent, the location at which research under that program involving that agent is conducted and the amount of funds expended during that fiscal year under the program at that location.

"(4) The biosafety level used in conducting that research.

"(b) TYPES OF RESEARCH PROJECTS AFFECTED.—Subsection (a) applies to all research conducted under the Biological Defense Research Program, including research performed by contract with, or by grant to, educational or research institutions or private businesses or with other agencies of the United States.

"(c) EXCEPTION FOR CLASSIFIED INFORMATION.—(1) Subsection (a) does not require the identification of a biological agent used in, or the subject of, research conducted under the Biological Defense Research Program if the Secretary determines that identification of that agent or subject would involve the disclosure of classified information.

"(2) If in any year the Secretary withholds, under paragraph (1), identification of a biological agent, or the subject of research, otherwise required to be identified in a report under this section, the Secretary shall—

"(A) prepare a classified version of the report required by subsection (a) which includes all the information required by that subsection; and

"(B) submit that report to Congress not later than the date on which the unclassified report for that year is published in the Federal Register.

"(d) DEFINITIONS.—In this section:

"(1) The term 'biosafety level' means the applicable biosafety level described in the publication entitled 'Biosafety in Microbiological and Biomedical Laboratories' (CDC-NIH, 1984).

"(2) The term 'research' means research, development, test, and evaluation.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2370. Identification of biological agents used in Biologcial Defense Research Program: publication in Federal Register.".

(b) EFFECTIVE DATE.—Section 2370 of title 10, United States Code, as added by subsection (a), shall take effect with repsect to fiscal year 1989. Notwithstanding the time specified in subsection (a) of that section for publication of reports under that section, the report with respect to fiscal year 1989 shall be published not later than (1) December 1, 1989, or (2) 60 days after the date of the enactment of this Act, whichever is later.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Utah [Mr. OWENS] is recognized for 5 minutes in support of the amendment, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, the horrors of biological warfare—the rampant, indiscriminate destruction wrought by these weapons—have been known ever since the 14th century, when the Tartars catapulted the dead bodies of their own plague-infested soldiers into enemy cities. Today, with the advent of sophisticated delivery systems and genetically engineered or other highly infectious agents, the prospects of a biological war are all the more terrifying.

Our best deterrent against biological proliferation is the 1972 Biological Weapons Convention, which outlaws the production or use of biological weapons. The United States and 100 other countries are signatories to that treaty. To maintain our defensive posture, however, the Department of the Army conducts the Biological Defense Research Program in at least 29 different States throughout the country. This research, using highly lethal and contagious micro-organisms, develops protective measures and treatments to counter potential biological warfare agents.

Over the last 8 years, there has been a 400-percent increase in funding for our Biological Defense Program. Unfortunately, this sharp increase in funding has not been accompanied by a corresponding increase in public information. While all the work done under this program is unclassified, public health officials around the country—the people whose job it is to respond to biological disasters—are forced to rely on often incomplete or fragmented information.

Of world significance, this unnecessary secrecy also raises concerns internationally that the United States is producing biological weapons. By publishing readily accessible unclassified information on the Biological Defense Program, we send a clear signal that our research is strictly defensive.

This amendment, which is strongly endorsed by two past presidents of the American Public Health Association, requires the DOD to publish in the Federal Register four things:

One, a list of each unclassified biological agent used in its research program; two, the biological properties of each unclassified agent; three, the location at which biological research is conducted, and the amount of funds expended at each facility; and four, the biosafety level used in conducting the research.

This amendment does not, in any way, require the publication of classified material. The Biological Defense Research Program is unclassified to begin with. All of their research is available to the public. By the terms of this amendment, any information which reveals U.S. deficiencies, vulnerability, significant technological breakthroughs—in short, all classified information—will be exempt from the publication requirement.

The bill before us today already requires that a classified and an unclassified report be submitted with this information to the Armed Services Committee in the House and Senate. This amendment will only supply vital information to the people who need it most, without uncertainty and without redtape. This amendment will give public health officials the tools they need to combat lethal biological warfare agents in the event of an emergency. I urge your support.

Mr. HANSEN. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Utah [Mr. OWENS].

Mr. Chairman, this particular amendment has been offered before. We saw this amendment in committee, and we thought we had resolved it in committee, that we had some agreement that this was worked out.

Let me point out that many people really do not understand biological warfare. We are talking BL2, BL3, and BL4 facilities. These facilities handle different types of things that could be very, very detrimental.

Mr. Chairman, for us to take this information and now publish it in the Federal Register, it just kind of amazes me a little bit. We might as well send a copy of it to Qadhafi and everyone else of our enemies.

What does this mean? It means we turn around and say, "What effect does biological warfare have on the use of a helicopter and a person using a certain rifle? What does this mean with someone who has a certain type of suit that he is wearing? What can a man or woman do as they are operating under a very serious situation with this particular type of thing?"

So, Mr. Chairman, we looked at those areas, and I really do not think it would be wise for us to take it upon ourselves to now publish this in the Federal Register. If we are going to do that, we might as well do away with biological warfare.

□ 1550

Let me point out that the committee was concerned about that. If you turn to page 51 of the bill, you will see what we have said should not have happened, on line 4:

(b) CONTENT OF REPORT.—The report shall address the following matters:

(1) Each biological or infectious agent used in, or the subject of, research, development, test, and evaluation conducted under that program during that fiscal year and not previously listed in the Center for Disease Control Guidelines.

It goes on to talk about these; so in response to my friend, the gentleman from Utah, let me just say that I really do not see a need for this. I think it is opening this up way beyond where we want to go. I think it would be detrimental to the security of America, and I would ask that we resist this amendment and vote "no" on the amendment.

Mr. OWENS of Utah. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Chairman, I appreciate my colleague, the gentleman from Utah, yielding me this time.

Mr. Chairman, as a member of the Armed Services Committee, I rise in strong support of the Owens amendment.

In section 251 of the bill, the committee has already approved the text of this amendment. Section 251 requires the Secretary of Defense to submit a report to the House and Senate Armed Services Committees disclosing all etiological or infectious agents used in research, development, testing, and evaluation that is conducted by the Department of Defense under the Biological Defense Research Program.

All the Owens amendment does is expand on the committee position and ensure that this information is made available to the general public.

Mr. Chairman, there is no question that research on biological elements is potentially hazardous. The American people have a right to know just exactly what is being tested, where it is being tested, and how safe the tests are.

I must also point out that this amendment does not call for the disclosure of any classified materials or information. But, this amendment ensures that those biological agents and tests that are unclassified will be made public.

The committee bill supports disclosing this information to the appropriate congressional committees. I believe we should disclose this information to the American people.

Mr. HANSEN. Mr. Chairman, I really have no argument on the right to know. I am sure we all feel comfortable about that, but we have asked the Secretary to give us a classified and an unclassified area, so we have put the onus on the Secretary. He can say, "Yes, there is a right to know in certain areas, and I will make that open to the American public."

But there is not a right to know in other areas, so that has already been taken care of.

I personally feel that we handled this in the committee. The gentleman from California [Mr. DELLUMS] and I worked this out. I can see no reason at all why we should have to go ahead with this amendment. I really feel it would be detrimental to those people who are working so diligently in the BL-3 and BL-4 institutions.

Mr. OWENS of Utah. Mr. Chairman, I yield my last 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague, the gentleman from Utah [Mr. OWENS]. I am pleased to be a cosponsor of the legislation which underlies this amendment, H.R. 806, the Biological Defense Safety Act, and I wish to commend the gentleman and our assembled colleagues for taking the opportunity to consider this important measure.

Mr. Chairman, this amendment will require the disclosure of nonclassified information relating to the properties and contents of chemicals and biological materials used in the Biological Defense Research Program [BDRP]. While the United States does not produce biological weapons, there nonetheless has been a 400-percent increase in funding for biological weapons research over the last 8 years. This amendment will rectify the significant public health threat which this research entails by allowing public health officials to make adequate preparations necessary to ensure the public safety.

Mr. Chairman, it is my understanding that this amendment will require the disclosure of no information which would be deemed to compromise U.S. national security interests. Rather, this amendment will merely require the Secretary of Defense to codify information which is otherwise publicly available into one coherent and complete list for publication in the Federal Register. This information will allow local safety officials to take adequate precautions and ensure against calamity as we pursue the important research efforts necessary to provide for our common defense.

Mr. Chairman, this amendment represents an important effort to protect the public health and safety in the conduct of our defense policy. Accordingly, I urge my colleagues to fully support the measure.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Utah [Mr. OWENS].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OWENS of Utah. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the provisions of paragraph (5) of section 2, House Resolution 211, and the Chair's prior announcement, the vote on the amendment offered by the gentleman from Utah [Mr. OWENS] will be postponed until after consideration of amendment No. 29 in part 2 of House Report 101-168.

AMENDMENT OFFERED BY MR. EVANS

Mr. EVANS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. EVANS: At the end of title V (page 118, after line 2), insert the following new section:

SEC. 510. PROHIBITION AGAINST REQUIRING CIVILIAN EMPLOYEES OF THE NATIONAL GUARD TO WEAR MILITARY UNIFORMS WHILE PERFORMING CIVILIAN SERVICE.

(a)(1) Subchapter I of chapter 59 of title 5, United States Code, is amended by adding at the end thereof the following:

"§ 5904. Prohibition against requiring civilian employees of the National Guard to wear military uniforms while performing civilian service

"(a) A civilian employee of the National Guard may not be required, by regulation or otherwise, to wear a military uniform while performing civilian service.

"(b) For the purpose of this section—

"(1) the term 'civilian employee of the National Guard means an employee appointed by an adjutant general designated by the Secretary concerned under section 709(c) of title 32;

"(2) the term 'military uniform' means the uniform, or a distinctive part of the uniform, of the Army or Air Force (as defined under regulations prescribed by the Secretary of Defense); and

"(3) the term 'civilian service' means service other than service compensable under chapter 3 of title 37.".

(2) The analysis for chapter 59 of title 5, United States Code, is amended by adding after the item relating to section 5903 the following:

"5904. Prohibition against requiring civilian employees of the National Guard to wear military uniforms while performing civilian service.".

(b) Section 5903 of title 5, United States Code, is amended by striking out "this subchapter." and inserting in lieu thereof "sections 5901 and 5902 of this title.".

(c) The amendments made by this section shall take effect as of the first pay period beginning after the expiration of the sixty-day period beginning on the date of the enactment of this Act.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Illinois [Mr. EVANS] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Chairman, I am offering an amendment to prohibit the National Guard from requiring civilian technicians to wear military uniforms during the performance of their civilian duties. For too long, civilian technicians have been forced by the National Guard to wear military uniforms, for no apparent reason, at the expense of the American taxpayer. It is time for this wasteful practice to end.

The differences between civilian technicans and military personnel are obvious. Civilian technicans are classified and paid in the same manner and at the same rates as other civilian employees of the Department of Defense. They participate in normal Guard activities for one weekend a month and for 2 weeks of annual training. In this capacity, on annual training and on weekend training, they train as members of the National Guard units to which they belong, and they proudly wear their uniforms; but otherwise they are asking for the right not to be coerced to wear those uniforms.

Civilian technicians are not given the medical or dental care given to military personnel; they receive no housing allowance; and they have no post exchange or commissary privileges. They are not military employees, they hold no military rank, and they do not enjoy the same privileges as military personnel. Civilian technicians are not even covered by military regulations, they are covered by civilian personnel regulations. Yet, they are still required to wear costly and inappropriate military uniforms to their civilian jobs every working day of the year—at a cost to the Federal Government now estimated to be around $10 million a year. Since the early 1970's, the Federal Service Impasses Panel, a Federal labor relations panel, has heard arguments from a number of State units of the Association of Civilian Technicians, the National Federation of Federal Employees and National Guard units from those States concerning the wearing of military uniforms by nonmilitary civilian technicians. In nearly every case, the panel agreed that these employees should have the option of wearing either the military uniform or agreed-upon civilian attire without the display of military rank.

Civilian technicians are proud to wear the uniform when in military service, but they object when they are

required to wear the uniform in the performance of their civilian duties. They are not asking for any special privileges, just for the right to perform these duties, unhindered, as civilians. This means being treated the same as their civilian colleagues throughout the Department of Defense. We should end the false notion that they are something that they are not once and for all. I urge you to vote for my amendment.

Mr. BATEMAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Illinois [Mr. EVANS] to prohibit the National Guard from requiring military technicians to wear military uniforms while they are serving in a civilian pay status.

Military technicians are Federal employees whose job is to train and administer the National Guard and maintain its equipment. They are one element in a cadre of full-time support personnel responsible for the readiness and day-to-day operation of the National Guard—a military element of the total force. Military technicians are there basically to ensure that the part-timers get maximum benefit from their weekend drills. The day-to-day duties of the technicians are military in nature; their work environment is governed by military standards, policies, and regulations. The military chain of command and the requirement that they be active members of the National Guard make it clear that the National Guard technician is not a regular civil service employee.

Wearing the military uniform has a rational relationship to the military purpose of full-time support manning in the National Guard. I urge my colleagues to defeat this ill-advised amendment.

□ 1600

Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the amendment from my good friend who has offered this, the gentleman from Illinois [Mr. EVANS].

Mr. Chairman, the amendment says that guardsmen on work during their duty hours would not have to wear the uniform of the National Guard or the uniform of this country.

The Enlisted Association of the National Guard of the United States, which represents all of these enlisted personnel, says this is a bad amendment: "We want to wear the uniform when we work."

I am not trying to be too hard on my fellow guardsmen, but if they do not want to wear the uniform, then I would say let them get out of the National Guard and get other jobs. These technician jobs are some of the best jobs in the Federal Government, and these people ought to be proud that they serve our country and that they can wear the uniform.

Let me set an example of why it is so important that these guardsmen wear these uniforms during the workday. Take the Sioux City, flight 232, crash of that airliner. There is an Air Guard unit on base there. They were wearing their uniforms when the crash came about. They were over there, over 100 of them, and participated in their uniforms. They did things that had to be done, helping out these passengers that were in trouble. Can anyone imagine walking over in civilian clothes and not knowing whether they were in the Guard or what they were doing there?

I have a great admiration for my friend, the gentleman from Illinois, but, quite frankly, this is a bad, bad amendment. These technicians, as I said earlier, have some of the best jobs in the Federal Government, and if they are going to serve in the National Guard, serve our country, they have to wear the uniform.

Mr. BATEMAN. Mr. Chairman, I yield the balance of my time, 2 minutes, to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Chairman, as chairman of the Subcommittee on Military Personnel and Compensation, I rise in opposition to the gentleman's amendment. I would add that the Department of Defense and the National Guard oppose this measure as well.

Mr. Chairman, the Army National Guard and the Air National Guard are an integral part of the first line military defenses of the United States. To fulfill its Federal role, the National Guard trains toward readiness for immediate response to, deployment with, and integration into the active Army and Air Force. National Guard technicians are Federal employees employed to train and administer the National Guard and maintain its equipment. Those affected by this amendment are required by Federal law to hold and maintain military status and compatible military rank and duties as National Guardsmen as a prerequisite to employment as technicians. Technicians, while Federal employees, have always been considered military technicians. They work in a completely military environment.

It is the universally held position of military command authorities that the wearing of the military uniform by technicians when performing National Guard duties is essential to the mission of the National Guard. Wearing of the uniform fosters military discipline, promotes uniformity and regularity, encourages esprit de corps, increases readiness for early deployment, but more importantly, enhances the identification of the National Guard as a professional, prepared military organization in the eyes of the local community, our allies, and hostile nations.

This regulation governing the wear of the military uniform by military technicans has withstood a variety of judicial and administrative challenges by individuals and unions. Circuit courts, district courts, and the Federal Labor Relations Authority have all held that the military uniform requirement for technicians is reasonably related to the military purposes of the National Guard. In a series of recent decisions, five circuit courts ruled that State National Guards need not negotiate, in collective bargaining, the requirement for wearing of the military uniform. The courts affirmed that the military uniform requirement is a management right negotiable only at the election of the agency.

In short, Mr. Chairman, this amendment is bad policy. I urge my colleagues to reject this measure.

The courts have said no; the Guard has said no; the Committee has said no; and now we can say no.

Mr. EVANS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I will briefly summarize. The Association of Civilian Technicians and the National Federation of Federal Employees, representing the civilian technicians themselves, support this amendment.

We do all, of course, commend the Iowa National Guard for their quick response, but I will remind my chairman, the gentleman from Mississippi [Mr. MONTGOMERY], that most of those Air National Guard and National Guard members responding so quickly were in their civilian outfits when the crash occurred and responded very quickly.

We just want to give these civilian technicians the same rights that Army and Air Force Reserve technicians have. They are able to wear civilian clothing when they are working as technicians and wear their military uniforms when serving on active duty with Army and Air Force Reserve units. We just want to give the same right to National Guard civilians.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. EVANS. I am happy to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I have been listening to the gentleman's words. Let me ask him just straight out, because I really do not understand this: If one were going to work for the National Guard and they have a requirement that they wear a uniform, and the individual understands that when he goes to work, and just like going to work in a hotel, a bellhop is required to wear a bellhop uniform, and if they are a doorman, they expect

the employee to wear a doorman's uniform, or whatever it is. That is the job.

Why should not a technician working for the National Guard wear a military uniform when he is working? I do not understand that. Why not?

Mr. EVANS. Reclaiming my time, the balance of my time, basically they are not on active military service at that time. It is confusing, I think, to the personnel to assume that those members wearing a uniform are then on active duty.

Mr. DICKINSON. Is he working in the armory? Is he working on military property? Is he working in the armory?

Mr. EVANS. They are not on military status at that time.

Mr. DICKINSON. Is he working in the military establishment at that time? Is he in the armory, or is he on the military reservation?

Mr. EVANS. The gentleman is correct.

Mr. DICKINSON. Why should he not wear a military uniform? He has the job. I do not understand that.

Mr. BONIOR. Mr. Chairman, I would like to express my support for the Evans amendment to H.R. 2461, the National Defense Authorization Act. My good friend and colleague, Congressman LANE EVANS, has introduced an amendment which would change National Guard policy by not requiring civilian technicians to wear military uniforms while performing civilian service.

The amendment is a commonsense piece of legislation. Not only would this amendment end the current discrepancy between the treatment of civilian technicians and military personnel, but this amendment would also save the Federal Government $10 million per year. Today we have debated some very costly weapon systems. It is refreshing to support an amendment that would both simplify current policies and save us a considerable amount of money.

The issue we are dealing with in this amendment is very clear. Civilian technicians are not military employees, they hold no military rank. Yet civilian technicians are required to wear costly and inappropriate military uniforms to their civilian jobs every working day of the year. Civilian technicians are classified and paid the same rates as other civilian employees of the Department of Defense. Civilian technicians do not receive the medical care, housing allowances, or commissary privileges given to military personnel. In this instance, the only similarity between civilian technicians and military personnel is the uniform they wear.

Civilian technicians are responsible for maintaining our vital National Guard units which contribute greatly to the defense of our country. Under the current National Guard policy, civilian technicians' uniforms reflect only their rank in the National Guard but do not accurately reflect their position as civilian technicians. Constituents of mine who happen to be senior-ranking civilian technicians may wear uniforms with military rankings that are far below their civilian stature. Although civilian technicians are not part of the military chain of command, in their uniform they are indistinguishable from military personnel.

Frequently, military personnel of higher rank give orders to civilian technicians who, according to their uniforms, are of lesser rank but as civilian technicians do not fit into the military hierarchy and are, therefore, not subject to a military officer's authority. This disparity between civilian technicians' uniforms and their actual responsibilities has reduced morale among civilian technicians.

The Department of Defense supplies civilian technicians their uniforms at a cost of $10 million per year. Changing this needless policy would allow this $10 million to be diverted to programs more essential to our national security. This amendment affords us a rare opportunity to save some money, improve morale, and shore up our national defense. Mr. Speaker, it is time that we change the National Guard policy which forces civilian technicians to wear military uniforms.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Illinois [Mr. EVANS].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. EVANS. Mr. Chairman, I demand a recorded vote.

A recorded vote, was ordered.

The CHAIRMAN pro tempore. Pursuant to the provisions of paragraph 5 of section 2, House Resolution 211, and the Chair's prior announcement, the vote on the amendment offered by the gentleman from Illinois [Mr. EVANS] will be postponed until after consideration of amendment No. 29 in part 2 of House Report 101-168.

AMENDMENT OFFERED BY MR. EVANS

Mr. EVANS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. EVANS: At the end of part D of title III (page 82, after line 6), insert the following new section:

SEC. 344. PROTESTS AND JUDICIAL REVIEW OF DECISIONS RELATING TO CONVERSION TO CONTRACTOR PERFORMANCE.

(a) IN GENERAL.—(1) Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2468. Conversion to contractor performance: protests and judicial review

"(a) APPLICABILITY OF PROTEST SYSTEM TO CONVERSION CONTRACTS.—(1) The procurement protest system under subchapter V of chapter 35 of title 31 shall apply to any contract awarded for the purpose of converting any commercial or industrial type activity from performance by civilian employees of the Department of Defense to contractor performance of such activity.

"(2) For purposes of applying the protest system to such a contract—

"(A) the term 'protest' includes an objection that a relevant performance work statement is inaccurate or incomplete;

"(B) the term 'interested party' includes—

"(i) any labor organization accorded, under section 7111 of title 5, exclusive recognition to represent an appropriate unit (determined under section 7112 of such title) that includes the employees referred to in paragraph (1); and

"(ii) in any case in which no labor organization has been accorded exclusive recognition, any representative of a majority of such employees, determined as provided in regulations issued by the Comptroller General; and

"(C) the term 'regulation' includes Office of Management and Budget Circular A-76 and any other order or directive issued by the President, the Director of the Office of Management and Budget, or the head of an agency (as defined in section 2302(1) of this title) that sets out standards, procedures, or requirements for converting any commercial or industrial type activity from performance by civilian employees of the Department of Defense to contractor performance of such activity.

"(b) JUDICIAL REVIEW.—(1) A determination by the head of an agency (as defined in section 2301(1) of this title) to award a contract for the purpose of converting any commercial or industrial type activity from performance by employees of the Department of Defense to contractor performance of such activity (including any executive agency action in connection with such a determination) is subject to judicial review pursuant to chapter 7 of title 5. The reviewing court may conduct a trial de novo in order to determine the facts relevant to such determination, including the accuracy and completeness of a performance work statement relevant to such contract.

"(2) For purposes of chapter 7 of title 5, each of the following parties shall be considered an aggrieved person with respect to a contract or proposed contract referred to in paragraph (1):

"(A) Any labor organization accorded under section 7111 of title 5, exclusive recognition to represent an appropriate unit (determined under section 7112 of such title) that includes the employees referred to in paragraph (1).

"(B) In any case in which no labor organization has been accorded exclusive recognition, any representative of a majority of such employees.

"(3) Section 701(a)(2) of title 5 does not apply to a determination or an executive agency action referred to in paragraph (1).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2468. Conversion to contractor performance: protests and judicial review.".

(b) EFFECTIVE DATE.—Section 2468 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts for which solicitations are issued after the end of the -day period beginning on the date of the enactment of this Act.

The CHAIRMAN. Under the rule, the gentleman from Illinois [Mr. EVANS] is recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I am offering an amendment to the fiscal year 1990-91 Defense authorization bill that addresses one aspect of an issue that has received considerable attention by Members of Congress in the past.

This amendment provides DOD employees with the same opportunities for appeal which are currently afforded to private contractors who lose Government bids under contracting out procedures.

In 1983 the Office of Management and Budget's Circular A-76, which provides the guidelines for governing the contracting out of commercial and industrial activities, was revised to provide the administration with unprecedented authority to transfer Federal functions to the private sector. This revision resulted in the loss of thousands of Federal jobs and has cost the Government in terms of contract abuses, shoddy workmanship, and cost overruns.

As my colleagues might recall, the issue of contracting out certain functions was a controversial issue during last year's House-Senate conference on the Defense authorization bill. The House bill contained a provision prohibiting contract conversions in certain instances and even annulled the contracting out of trainer aircraft maintenance jobs. The Senate, though, successfully opposed that legislation, and the contract for aircraft maintenance was let. It is no secret, however, that in less than a year from the issuance of the contract to a private contractor, the Air Force admitted that the contract was fatally flawed and would have to be totally reworked.

The Department of Defense spends billions of dollars annually to private contractors for essential goods and services. Thousands of other activities performed by DOD employees are under continuous review for possible transfer to the private sector. Yet, the requirements for converting Federal activities, such as proper cost comparison studies, which are outlined in OMB Circular A-76 are constantly abused and ignored.

While it is extremely important that A-76 reviews are properly conducted, it is also critical that the interested parties have the right to appeal the award of the contract. Federal employees who perform the function know better than anyone whether a contractor has made a realistic bid. Under existing law, when employees observe what they believe to be an improperly written contract, they can only appeal using internal appeal procedures, the scope of this internal appeals process is narrow and heavily biased to uphold the original award of the contract. On the other hand, private contractors who believe a contract was unfairly awarded can take their case directly to an independent authority at the GAO for resolution.

By amending the Competition in Contracting Act, we will provide DOD employees, whose Government function is contracted out the right to appeal under the General Accounting Office procurement protest system if they believe the performance of the function was improperly awarded to a contractor. According to the GAO, the average time to resolve a contractor's bid protest is 32 days. If DOD employees or their representatives use internal appeal procedures, then attempt to appeal to an arbitrator under a negotiated grievance procedure, the case can take months or even years.

In allowing employees the right to appeal to GAO, we can avoid situations in which the Government accepts unreasonably low bids by contractors, who within months of receiving the contract, request costly modifications that result in the taxpayers' paying even more for the performance of the function than they would have if the work had stayed in-house. I believe that an adequate appeals process for all interested parties is critical to ensure that taxpayer dollars are spent wisely.

Mr. Chairman, I have long been a staunch opponent of the contracting out process, it is my strong belief that in most cases the process works to greatly weaken the morale of local workers and usually results in wasteful spending. However, whether one believes contracting out is effective or not, it is inconceivable how anyone can argue that the system should not treat all parties involved equally. That is why I am offering this amendment today. Thank you.

□ 1610

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Illinois [Mr. EVANS] has 1 minute remaining.

Mr. HUTTO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. HUTTO] is recognized for 5 minutes.

Mr. HUTTO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in reluctant opposition to the amendment by my good friend, the gentleman from Illinois, because I too have felt for a long time that the Defense Department often times has gone overboard in contracting out. As a matter of fact, the Defense Department has contracted out far more than any other agency of the Federal Government it is my understanding.

But we have never had any hearings on this particular procedure being proposed by the gentleman from Illinois. And although the Defense Department has a goal of studying 30,000 civilian positions a year, they have only studied about 11,000. This amendment I believe goes a little too far. There is already a provision for the aggrieved civilian employees, for the civilian who have been studied and then contracted to go through to try to get some kind of relief. Of course, they are also offered first refusal by the contractor of a job, and if that is not satisfactory, often times they could be transferred to another position within the Federal Government.

So I reluctantly oppose the amendment of the gentleman. I think it will clog up the works, so to speak, and hamper the orderly process that we are going through on contracting out. Certainly we cannot go overboard, but I think we are looking to try to protect and make sure that we do not go overboard.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. HUTTO. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I thank the gentleman for yielding.

I have to confess I really do not feel that I am in a position to appreciate the full impact or import of the gentleman's amendment. Has the subcommittee of the gentleman from Florida or whatever subcommittee where it properly would come had an opportunity to have hearings on this subject?

Mr. HUTTO. No, we have not had hearings on this procedure.

Mr. DICKINSON. I have received word that the Department of Defense strongly opposes this amendment because it really makes substantial interference with their ability to even comply with what they have been directed to do in the past in studying additional jobs.

But I would hope that next year, if this does not pass, and I do not know if the offeror of the amendment would be willing to withdraw it, but I would hope with the assurance that we will give this serious consideration, and let us have hearings, let us let the Department of Defense come in and tell us why it is bad, because I do not know that much about it, except that they say it is going to mess them up and they think it is bad, but I say let us give the proponents their day in court, let them come in and make a case, and let the Department of Defense convince us, if they can, why it is a bad thing. I would hope the gentleman from Illinois would be willing to do that, with the assurance that we will get a hearing, and we will set a date and have all sides heard, if that would be reasonable.

Mr. EVANS. Mr. Chairman, will the gentleman yield.

Mr. HUTTO. I yield to the gentleman from Illinois.

Mr. EVANS. Mr. Chairman, I thank the ranking Republican member for making that suggestion, and I would be willing to withdraw my amendment

if we could have the assurance of some hearings.

Mr. HUTTO. As the chairman of the Subcommittee on Readiness, I assure the gentleman from Illinois that we will be happy to hold a hearing on this subject.

Mr. EVANS. Mr. Chairman, I ask unanimous consent to withdraw my amendment at this time.

The CHAIRMAN pro tempore (Mr. DURBIN). Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

Mr. ASPIN. Mr. Chairman, we are awaiting the author of the next amendment, the gentleman from California [Mr. BERMAN], but he is not here. The other amendments have all been put en bloc and are not going to be offered today.

I would suggest that the Chair call on the gentleman from Ohio [Mr. TRAFICANT], who has amendment No. 21.

The CHAIRMAN pro tempore. Is there objection to pursuing the order as described by the gentleman from Wisconsin?

There was no objection.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: At the end of title IX (page 212, after line 21), add the following new section:

SEC. 903. BUY-AMERICAN REQUIREMENT.

(a) DETERMINATION BY SECRETARY OF STATE.—(1) If the Secretary of State, with the concurrence of the United States Trade Representative and the Secretary of Commerce, determines that the public interest so requires, the Secretary of Defense may award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(A) the final product of the domestic firm will be completely assembled in the United States;

(B) when completely assembled, not less than 50 percent of the final product of the domestic firm will be domestically produced; and

(C) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

(2) In determining under this subsection whether the public interest so requires, the Secretary of State shall take into account United States international obligations and trade relations.

(b) LIMITED APPLICATION.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) LIMITATION.—This section shall apply only to contracts for which—

(1) amounts are authorized by this Act to be made available; and

(2) solicitations for bids are issued after the date of the enactment of this Act.

(d) REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress a report on contracts covered under this section and entered into with foreign entities in fiscal years 1990 and 1991, including—

(1) the number of contracts that meet the requirements of subsection (a) but that are determined by the United States Trade Representative to be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party; and

(2) the number of contracts for which amounts are authorized by this Act and which are awarded pursuant to this section.

(e) DEFINITIONS.—For purposes of this section—

(1) the term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States; and

(2) the term "foreign firm" means a business entity not described in paragraph (1).

The CHAIRMAN. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, the Pentagon, in terms of assets, is bigger than the top 30 Fortune 500 companies in America.

Democrats keep saying around election time they want to cut massive defense spending and waste. Republicans keep saying they want to cut the deficit. There are not too many places, but I say this is one.

The reason I say that, Mr. Chairman, is that it is common accounting knowledge that the best-run corporations in America have a 10-percent waste factor. I am saying that we have no more defense than we had in 1980. What we have are some high-priced, high-ticket items. We have Trident missiles that are like Shamu, they do cartwheels, and our level of spending has increased by 80 percent since 1980.

I have discussed with the leadership my Buy America amendment, which is so important to me, and they have agreed with some modifications to accept the language.

I would like to engage in a brief colloquy here before that amendment is called forward. We have discussed some modifications and changes. If the subcommittee chairman would so provide this information, we have talked with staff and worked out some arrangements on my Buy American language, and I would like to know if the chairman and if both sides of the aisle are going to accept that modification so that I can move forward on this.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, as staff has explained it to me, this amendment has been significantly modified. I think the gentleman has provided for a 6-percent figure instead of 50 percent. I think it is a fair amendment, and we would be prepared to accept it over here, if the majority will.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. Mr. Chairman, we also have reviewed this very carefully. Changes have been quite significant. I think they are very meaningful, by the way, and therefore we do not have an objection, and we would accept the amendment at this point, and would be delighted to accept it.

MODIFICATION OFFERED BY MR. TRAFICANT TO THE AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that the modification language to the Buy American language be placed to order.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN pro tempore. The amendment is modified.

The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified offered by Mr. TRAFICANT: At the end of title IX (page 212, after line 21), add the following new section:

SEC. 903. BUY-AMERICAN REQUIREMENT.

(a) DETERMINATION BY SECRETARY OF STATE.—(1) If the Secretary of State, with the concurrence of the United States Trade Representative and the Secretary of Commerce, determines that the public interest so requires, the Secretary of Defense may award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(A) the final product of the domestic firm will be completely assembled in the United States;

(B) when completely assembled, not less than 50 percent of the final product of the domestic firm will be domestically produced; and

(C) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

(2) In determining under this subsection whether the public interest so requires, the Secretary of State shall take into account United States international obligations and trade relations.

(b) LIMITED APPLICATION.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that the application of this section would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party and the country in which

the foreign firm produces the item does not discriminate against U.S. products of the same type.

(c) LIMITATION. —This section shall apply only to contracts for which—

(1) amounts are authorized by this Act to be made available; and

(2) solicitations for bids are issued after the date of the enactment of this Act.

(d) REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress a report on the amount of DOD purchases with foreign entities in fiscal years 1990 and 1991, including—

(1) the amount of DOD purchases that meet the requirements of subsection (a) but that are determined by the United States Trade Representative to be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party; and

(2) the amount of DOD purchases for which amounts are authorized by this Act and which are awarded pursuant to this section.

(e) DEFINITIONS.—For purposes of this section—

(1) the term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States; and

(2) the term "foreign firm" means a business entity not described in paragraph (1).

□ 1620

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. DURBIN). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I offer the amendment, as modified.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment, as modified, was agreed to.

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that amendment No. 15 in part 2 relating to the 6 percent cut be withdrawn.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT OFFERED BY MR. BERMAN

Mr. BERMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BERMAN: Page 250, after line 21, insert the following new part (and redesignate the succeeding part and sections accordingly):

PART E—MISSILE TECHNOLOGY CONTROL REGIME

SEC. 1241. POLICY.

(a) IN GENERAL.—It should be the policy of the United States to take all appropriate measures—

(1) to discourage the proliferation, development, and production of the weapons, material, and technology necessary and intended to produce or acquire missiles that can deliver weapons of mass destruction;

(2) to discourage Communist-bloc countries from aiding and abetting any states from acquiring such weapons, material and technology;

(3) to strengthen the Missile Technology Control Regime and other aspects of the United States control regime to prohibit the flow of United States materials, equipment, and technology that would assist countries in acquiring the ability to produce or acquire missiles that can deliver weapons of mass destruction, including missiles, warheads and weaponization technology, targeting technology, test and evaluation technology, and range and weapons effect measurement technology.

(4) to discourage private companies in non-Communist countries from aiding and abetting any states in acquiring such material and technology; and

(5) to monitor closely the development, sale, acquisition, and deployment of missiles, destabilizing offensive aircraft, and other weapons delivery systems which can be used to deliver weapons of mass destruction, and to make every effort to discourage such activity when such delivery systems seem likely to be used for such purposes.

(b) MULTILATERAL DIPLOMACY.—The United States should seek to pursue the policy described in subsection (a) to the extent practicable and effective through multilateral diplomacy.

(c) UNILATERAL ACTIONS.—The United States retains the right to and should take unilateral actions to pursue the objective in subsection (a) until such multilateral efforts prove effective and, at that time, to support and enhance the multilateral efforts.

SEC. 1242. ENFORCEMENT OF MISSILE TECHNOLOGY CONTROL REGIME.

(a) DETERMINATION BY THE PRESIDENT.—Whenever there is reliable evidence, as determined by the President—

(1) that a United States person—

(A) is exporting, transferring, or otherwise engaged in the trade of any MTCR item in violation of the provisions of section 38 of the Arms Export Control Act (22 U.S.C. 2778) or section 5 or 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404 or 2405), or any regulations issued under any such provisions,

(B) is conspiring to or attempting to engage in such export, transfer, or trade, or

(C) is knowingly facilitating such export, transfer, or trade by any other person, or

(2) that a foreign person—

(A) is exporting, transferring, or otherwise engaged in the trade of any MTCR item for which an export license would be denied if such export, transfer, or trade were subject to those provisions of law and regulations referred to in paragraph (1)(A),

(B) is conspiring to or attempting to engage in such export, transfer, or trade, or

(C) is knowingly facilitating such export, transfer, or trade by any other person, or

(3) that a less developed state or entity—

(A) is importing MTCR items or long-range missile systems for the delivery of weapons of mass destruction, or

(B) is equipping its forces with new or additional missile systems or other weapons delivery systems configured to use weapons of mass destruction,

then, subject to subsection (c), the President shall impose not less than one of the applicable sanctions described in subsection (b).

(b) SANCTIONS.—

(1) The sanctions which apply to a United States person under subsection (a) are the following:

(A) Denying such United States person all export licenses under section 38 of the Arms Export Control Act (22 U.S.C. 2778) and sections 5 and 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404 and 2405).

(B) Prohibiting all contracting with, or procurement of any products and services from, such United States person by any department, agency, or instrumentality of the United States Government.

(C) In a case in which the President determines that the violation under subsection (a) is an initial violation and is nondestabilizing, the sanctions described in subparagraphs (A) and (B), but only with respect to MTCR items.

(2) The sanctions which apply to a foreign person under subsection (a) are the following:

(A) Denying the issuance of any export license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) or section 5 or section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404, 2405) if such foreign person is the designated consignee or end-user in the application for such export license or if the President has reason to believe that such foreign person will benefit from the issuance of such export license.

(B) Prohibiting all contracting with, or procurement of any products and services from, such foreign person by any department, agency, or instrumentality of the United States Government.

(C) In a case in which the President determines that the violation under subsection (a) is an initial violation and is nondestabilizing, the sanctions described in subparagraphs (A) and (B), but only with respect to MTCR items.

(3) The President shall take appropriate steps to dissuade less developed states or entities from developing and deploying destabilizing offensive missiles. Whenever the President determines that such missiles may be used to deliver weapons of mass destruction, one or more of the following sanctions shall be applied to a state or entity under subsection (a):

(A) Denying or reducing all technical assistance.

(B) Denying transfer of all or selected technology in aviation, electronics, missiles, or space systems or equipment under the control of the United States Government.

(4) Sanctions shall be imposed under this section for a period of not less than 2 years and not more than 5 years.

(c) WAIVER.—The President may waive the imposition of sanctions on a person under subsection (a) with respect to a product or service if the President certifies to the Congress that—

(1) the product or service is essential to the national security of the United States;

(2) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments; and

(3) the end-user of such product or service is the United States Government.

(d) INAPPLICABILITY TO FOREIGN PERSONS LICENSED BY AN MTCR COUNTRY.—If a foreign person has been issued an export license by the government of an MTCR country under any provision of law of such country similar to a provision of law or regula-

tions referred to in subsection (a)(1)(A) and such foreign person is a national of such country or, in the case of a business entity, is established pursuant to the laws of such country, subsection (a) does not apply with respect to any exporting, transferring, or other trading activity covered by such export license.

SEC. 1243. REPORTS ON THE PROLIFERATION OF LONG-RANGE MISSILE AND DESTABILIZING OFFENSIVE AIRCRAFT.

(a) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader and Minority Leader of the Senate, the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives and the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Banking, Housing, and Urban Affairs of the Senate a report described in subsection (b).

(b) CONTENTS OF REPORT.—(1) Each report referred to in subsection (a) shall detail the efforts of all foreign countries to acquire long-range missiles and destabilizing offensive aircraft, and to acquire the material and technology to produce and deliver such weapons, together with an assessment of the present and future capability of those countries to produce and deliver such weapons.

(2) Each report under this section shall include an assessment of whether and to what degree any communist-bloc country has aided or abetted any foreign country in its efforts to acquire weapons systems, material, and technology described in paragraph (1).

(3) Each such report shall also list—

(A) each company which in the past has aided or abetted any foreign country in those efforts; and

(B) each company which continues to aid and abet any foreign country in those efforts, as of the date of the report.

(4) Such report shall also include an assessment as to whether any company listed in paragraph (3)(A) or (3)(B) aware that the assistance provided was for the purpose of developing a long-range missile or offensive aircraft.

(5) Each report under this section shall provide any confirmed or credible intelligence or other information that any non-Communist country has aided or abetted any foreign country in those efforts, either directly or by selling such missiles or aircraft or by facilitating the activities of the companies listed in paragraph (3)(A) or (3)(B), but took no action to halt or discourage such activities.

(c) INTERPRETATION.—Nothing in this section—

(1) requires the disclosure of information in violation of Senate Resolution 400 of the Ninety-fourth Congress or otherwise alters, modifies, or supersedes any of the authorities contained in that resolution; or

(2) shall be construed as requiring the President to disclose any information which, in his judgment, would seriously—

(A) jeopardizes the national security of the United States;

(B) undermine existing and effective efforts to meet the policy objectives outline in section 1241; and

(C) compromise sensitive intelligence operations, with resulting grave damage to the national security of the United States.

(d) EXCLUDED INFORMATION.—If the President, consistent with subsection (c)(2), decides not to list any company or countries in that part of the report required under paragraphs (3) and (5) of subsection (b) which would have been listed otherwise, the President shall include that fact in that report, and his reasons therefor.

SEC. 1244. REVIEW BY THE SECRETARY OF STATE OF CERTAIN LICENSE APPLICATIONS.

Section 6(a)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(a)(5)) is amended by adding at the end thereof the following: "The Secretary shall refer all license applications for the export of missile equipment and technology that is not contained on the United States Munitions List to the Secretary of State for review by the Secretary of State, in consultation with the Secretary of Defense.".

SEC. 1245. DEFINITIONS.

For purposes of this part:

(1) The term "United States person" means "United States person" as defined in section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(2)).

(2) The term "foreign person" means any person other than a United States person.

(3) The term "person" means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and includes the singular and plural of such natural persons and entities, and any successors of such entities.

(4) In the case of Communist-bloc countries, where it may be impossible to identify a specific governmental entity, "person" shall mean all activities of that government relating to the development or production of any technology affected by the Missile Technology Control Regime, plus all activities of that government affecting the development or production of aircraft, electronics, and space systems or equipment.

(5) The term "otherwise engaged in the trade of" means, with respect to a particular export or transfer, to be a freight forwarder or designated exporting agent, or a consignee or end user of the item to be exported or transferred.

(6) The term "MTCR item" means any item listed in the Equipment and Technology Annex of the Missile Technology Control Regime which was adopted by the governments of Canada, France, the Federal Republic of Germany, Italy, Japan, the United Kingdom, and the United States on April 7, 1987, and in accordance with which the United States Government agreed to act beginning on April 16, 1987.

SEC. 1246. REGULATORY AUTHORITY.

The President may issue such regulations, licenses, and orders as are necessary to carry out this part.

The CHAIRMAN pro tempore. Under the rule, the gentleman from California [Mr. BERMAN] will be recognized for 5 minutes in support of the amendment and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I ask unanimous consent that the amendment be modified.

The CHAIRMAN. The clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mr. BERMAN: Page 250, after line 21, insert the following new part (and redesignate the succeeding part and sections accordingly):

PART E—MISSILE TECHNOLOGY CONTROL REGIME

SEC. 1241. POLICY.

(a) IN GENERAL.—It should be the policy of the United States to take all appropriate measures—

(1) to discourage the proliferation, development, and production of the weapons, material, and technology necessary and intended to produce or acquire missiles that can deliver weapons of mass destruction;

(2) to discourage Communist-bloc countries from aiding and abetting any states from acquiring such weapons, material and technology;

(3) to strengthen the Missile Technology Control Regime and other aspects of the United States control regime to prohibit the flow of United States materials, equipment, and technology that would assist countries in acquiring the ability to produce or acquire missiles that can deliver weapons of mass destruction, including missiles, warheads and weaponization technology, targeting technology, test and evaluation technology, and range and weapons effect measurement technology;

(4) to discourage private companies in non-Communist countries from aiding and abetting any states in acquiring such material and technology; and

(5) to monitor closely the development, sale, acquisition, and deployment of missiles, destabilizing offensive aircraft, and other weapons delivery systems which can be used to deliver weapons of mass destruction, and to make every effort to discourage such activity when such delivery systems seem likely to be used for such purposes.

(b) MULTILATERAL DIPLOMACY.—The United States should seek to pursue the policy described in subsection (a) to the extent practicable and effective through multilateral diplomacy.

(c) UNILATERAL ACTIONS.—The United States retains the right to and should take unilateral actions to pursue the objectives in subsection (a) until such multilateral efforts prove effective and, at that time, to support and enhance the multilateral efforts.

SEC. 1242. ENFORCEMENT OF MISSILE TECHNOLOGY CONTROL REGIME.

(a) DETERMINATION BY THE PRESIDENT.—Subject to subsection (c), the President shall impose not less than one of the applicable sanctions described in subsection (b) whenever there is reliable evidence, as determined by the President, of any of the following:

(1) That a United States person—

(A) is exporting, transferring, or otherwise engaged in the trade of any MTCR item in violation of the provisions of section 38 of the Arms Export Control Act (22 U.S.C. 2778) or section 5 or 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404 or 2405), or any regulations issued under any such provisions,

(B) is conspiring to or attempting to engage in such export, transfer, or trade, or

(C) is knowingly facilitating such export, transfer, or trade by any other person.

(2) That a foreign person—

(A) is exporting, transferring, or otherwise engaged in the trade of any MTCR item for which an export license would be denied if such export, transfer, or trade were subject

to those provisions of law and regulations referred to in paragraph (1)(A),

(B) is conspiring to or attempting to engage in such export, transfer, or trade, or

(C) is knowingly facilitating such export, transfer, or trade by any other person.

(3) That a developing country—

(A) is importing MTCR items or long-range missile systems for the delivery of weapons of mass destruction, or

(B) is equipping its forces with new or additional missile systems or other weapons delivery systems configured to use weapons of mass destruction.

(b) SANCTIONS.—

(1) The sanctions which apply to a United States person under subsection (a) are the following:

(A) Denying such United States person all export licenses under section 38 of the Arms Export Control Act (22 U.S.C. 2778) and sections 5 and 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404 and 2405).

(B) Prohibiting all contracting with, or procurement of any products and services from, such United States person by any department, agency, or instrumentality of the United States Government.

(C) In a case in which the President determines that the violation under subsection (a) is an initial violation and is nondestabilizing, the sanctions described in subparagraphs (A) and (B), but only with respect to MTCR items.

(2) The sanctions which apply to a foreign person under subsection (a) are the following:

(A) Denying the issuance of any export license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) or section 5 or section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404, 2405) if such foreign person is the designated consignee or end-user in the application for such export license or if the President has reason to believe that such foreign person will benefit from the issuance of such export license.

(B) Prohibiting all contracting with, or procurement of any products and services from, such foreign person by any department, agency, or instrumentality of the United States Government.

(C) In a case in which the President determines that the violation under subsection (a) is an initial violation and is nondestabilizing, the sanctions described in subparagraphs (A) and (B), but only with respect to MTCR items.

(3) The sanctions which apply to a developing country under subsection (a) are the following:

(A) Denying or reducing all technical assistance in aviation, electronics, missiles, or space systems or equipment under the control of the United States Government.

(B) Denying transfer of all or selected technology in aviation, electronics, missiles, or space systems or equipment under the control of the United States Government.

(4) Sanctions under this section shall be imposed for a period of not less than two years and not more than five years.

(c) WAIVER.—The President may waive the imposition of sanctions on a person under subsection (a) with respect to a product or service if the President submits to Congress a certification that—

(1) the product or service is essential to the national security of the United States;

(2) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments; and

(3) the end-user of such product or service is the United States Government.

(d) INAPPLICABILITY TO FOREIGN PERSONS LICENSED BY AN MTCR COUNTRY.—If a foreign person has been issued an export license by the government of an MTCR country under any provision of law of such country similar to a provision of law or regulations referred to in subsection (a)(1)(A) and such foreign person is a national of such country or, in the case of a business entity, is established pursuant to the laws of such country, subsection (a) does not apply with respect to any exporting, transferring, or other trading activity covered by such export license.

SEC. 1243. SEMI-ANNUAL REPORTS ON THE PROLIFERATION OF LONG-RANGE MISSILE AND DESTABILIZING OFFENSIVE AIRCRAFT.

(a) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress a report described in subsection (b).

(b) CONTENTS OF REPORT.—(1) Each report under subsection (a) shall describe in detail the efforts of all foreign countries to acquire long-range missiles and destabilizing offensive aircraft and to acquire the material and technology to produce and deliver such weapons and shall include an assessment of the present and future capability of those countries to produce and deliver such weapons.

(2) Each report under subsection (a) shall include an assessment of whether and to what degree any Communist-bloc country had aided or abetted any foreign country in its efforts to acquire weapons systems, materials, and technology described under paragraph (1).

(3) Each such report shall also list—

(A) each company which in the past has aided or abetted any foreign country in those efforts; and

(B) each company which continues to aid and abet any foreign country in those efforts, as of the date of the report.

(4) Each such report shall also include an assessment as to whether any company listed under paragraph (3)(A) or (3)(B) was aware that the assistance provided was for the purpose of developing a long-range missile or offensive aircraft.

(5) Each such report shall also provide any confirmed or credible intelligence or other information that any non-Communist country has aided or abetted any foreign country in those efforts, either directly or by selling such missiles or aircraft or by facilitating the activities of the companies listed under paragraph (3)(A) or (3)(B), but took no action to halt or discourage such activities.

(c) INTERPRETATION OF SECTION.—Nothing in this section—

(1) requires the disclosure of information in violation of Senate Resolution 400 of the Ninety-fourth Congress or otherwise alters, modifies, or supersedes any authority contained in that resolution; or

(2) shall be construed as requiring the President to disclose any information which, in his judgment, would seriously—

(A) jeopardize the national security of the United States;

(B) undermine existing and effective efforts to meet the policy objectives outlined in section 1241; and

(C) compromise sensitive intelligence operations, with resulting grave damage to the national security of the United States.

(d) EXCLUDED INFORMATION.—If the President, consistent with subsection (c)(2), decides not to list any company or countries in that part of the report required under paragraphs (3) and (5) of subsection (b) which would have been listed otherwise, the President shall include that fact in that report, and his reasons therefor.

SEC. 1244. REVIEW BY THE SECRETARY OF STATE OF CERTAIN LICENSE APPLICATIONS.

Section 6(a)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(a)(5)) is amended by adding at the end thereof the following: "The Secretary shall refer all license applications for the export of missile equipment and technology that are not contained on the United States Munitions List to the Secretary of State for review by the Secretary of State, in consultation with the Secretary of Defense.".

SEC. 1245. DEFINITIONS.

For purposes of this part:

(1) The term "United States person" has the meaning given that term in section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(2)).

(2) The term "foreign person" means any person other than a United States person.

(3)(A) The term "person" means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and any successor of any such entity.

(B) In the case of Communist-bloc countries (where it may be impossible to identify a specific governmental entity) the term "person" means—

(i) all activities of that government relating to the development or production of any technology affected by the Missile Technology Control Regime; and

(ii) all activities of that government affecting the development or production of aircraft, electronics, and space systems or equipment.

(4) The term "otherwise engaged in the trade of" means, with respect to a particular export or transfer, to be a freight forwarder or designated exporting agent, or a consignee or end user of the item to be exported or transferred.

(5) The term "MTCR item" means any item listed in the Equipment and Technology Annex of the Missile Technology Control Regime which was adopted by the governments of Canada, France, the Federal Republic of Germany, Italy, Japan, the United Kingdom, and the United States on April 7, 1987, and in accordance with which the United States Government agreed to act beginning on April 16, 1987.

(6) The term "developing country" means a country that is listed as a country with a low-income economy or a middle-income economy on pages 164 and 165 of the report of the World Bank entitled "World Development Report 1989", published by Oxford University Press.

SEC. 1246. REGULATORY AUTHORITY.

The President may issue such regulations, licenses, and orders as are necessary to carry out this part.

SEC. 1247. EFFECTIVE DATE.

Section 1242(a) shall take effect at the end of the six-month period beginning on the date of the enactment of this Act.

Mr. BERMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN pro tempore. Is there objection to the initial request of the gentleman from California [Mr. BERMAN] that the amendment be modified?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from California [Mr. BERMAN] is recognized for 5 minutes in support of his modified amendment.

Mr. BERMAN. I thank the chairman very much.

Mr. Chairman, I appreciate the opportunity to offer my amendment to the Department of Defense authorization bill.

My amendment deals with the dangerous problem of ballistic missile technology proliferation.

The amendment is based on legislation I originally introduced last year along with my colleagues, Congressman SOLOMON, KASICH, LEVINE of California and DOWNEY. The amendment, like the bill, mandates the denial of certain privileges of doing business with the United States to companies which irresponsibly transfer dangerous missile equipment and technology to other countries.

Missiles, because of their speed, their ability to carry weapons of mass destruction and because they are unrecallable, pose a unique threat to world stability.

Already the U.S.S.R. has provided at least eight countries in the Middle East, Africa, and Asia with ballistic missiles; China has supplied them to one country. Iran, Israel, North Korea and South Korea are producing missiles. Argentina, Brazil, Egypt, India, Taiwan, Iraq, Pakistan and South Africa are trying to gain the capability too. Some of these may have developed certain components by themselves, but most have acquired missile technology from the industrialized countries.

Two years ago the United States and six of its allies decided to adhere to a set of export guidelines, incorporated in the missile technology control regime, which forbid the export of goods and technology to ballistic missile programs in other countries.

Yet practically every day, even after we have entered into this regime with our allies, we see an example of how a usually Western company evades the principles embodied in the MTCR, so far without punishment in the several instances with which I am familiar.

Some of these companies continue to do serious defense business with the United States. It has been alleged in numerous public documents that some of the technology transferred to one joint project of Argentina, Iraq, and Egypt—the Condor project—was state-of-the-art United States Pershing technology transferred via scientists who worked on both projects.

This kind of behavior is simply unacceptable. I understand that some member countries are trying to toughen up their laws to crack down on the violating countries, but I think we can effect the desired halt in this kind of activity with tools readily at our disposal.

The amendment before you would require the President to make a determination as to whether a company was exporting MTCR items in a way which would be prohibited in the United States.

If he so determined, he would be required to impose at least one sanction on that company. The sanctions include denial of U.S. Government contracts and denial of advanced technology which requires a U.S. Government export license.

A separate provision of the amendment, section 1244, assures that missile technology items listed on the MTCR annex which are only on the commodity control list, but not on the munitions list, are reviewed by both the State and Defense Departments.

In addition, the legislation provides the President with a range of options to dissuade less-developed countries from acquiring ballistic missile technology. These include denial or reduction of U.S. technical assistance or high-technology goods to that country.

While I was not initially drawn to the idea of sanctions against these importing countries, stories such as the one that appeared in last week's papers incline me more and more toward parallel efforts toward that end.

The most recent story was of Brazil's attempts to squeeze out of France ballistic missile technology in return for awarding French companies a contract sought also by other companies, including American ones. Brazil, according to the deal, would give the French company the contract to launch two Brazilian communications satellites in return for technology related to the Viking liquid rocket engine France uses to launch the Ariane space-launch vehicle. McDonnell Douglas, Ariane's competitor, is forbidden to transfer such kind of technology to Brazil.

It is important and instructive to note that there is a longstanding association between Brazil and Libya in developing ballistic missiles. Libya has offered to pay $2 billion for Brazil's latest theater ballistic missiles. There have been numerous reports of its financing much of Brazil's missile development. This kind of activity is atrocious, and I think it is within our power to do something about it.

Fundamentally, the superpowers seek to try to approach stability to arms control through sensible rationalization of our defense systems.

We find that more and more of this question of ballistic missile proliferation and ancillary proliferation of chemical weapons and nuclear weapons adds to the instability in the world. We in the United States, our Western allies and the Soviet Union have a high interest in bringing a halt to this proliferation. I think this amendment is a helpful step along that road, and I would ask for its adoption.

Mr. WELDON. Mr. Chairman, I rise in opposition to the Berman amendment, and I have several objections.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON. Mr. Chairman, I rise reluctantly in opposition to my friend and colleague from California [Mr. BERMAN] on this amendment. I have several objections.

First, on procedure, I am disturbed that the Committee on Rules has made this amendment, which would not be referred to the Committee on Armed Services, in order while barring consideration of dozens of amendments that are germane to this particular piece of legislation.

This amendment was not considered by our committee because it is not germane to our bill.

The sponsors apparently could not get their bill out of their own committee of jurisdiction and have now gone shopping for a vehicle.

My second objection relates to what is contained in the bill. It is a very blunt instrument. The philosophy is to force the President to use the brute force of sanctions against foreign countries or companies that export missile technology. The amendment says we are not being tough enough on the Germans and the French and the Italians, so let us clobber them over the head. It is not terribly subtle.

My third objection is the arrogance implicit in the bill. It seeks to impose on others our standards. If you look at section 1242(d), it states that sanctions will be imposed on a foreign firm even if it holds a valid export license from its own government, if that license was not issued under a law or regulation similar to American laws or regulations. If a British company is given a license by the British Government to export an item we would not license for export, the President is supposed to impose sanctions on that British company. Ladies and gentlemen, what would you think if the British Government tried to impose British standards on American firms? What would you think if the German Government im-

posed sanctions on us for not abiding by the standards of the German Government in our trade with third countries?

□ 1630

This is a doctrine of extraterritoriality. When other countries do it to the United States, we scream. There is such an arrogance when we then do it to others.

My fourth objection is to what is not in the bill. Mr. Chairman, this bill assumes that there is a fixed standard, understood by all, as to what the International Agreement on Missile Technology Control means. On the contrary, there are hassles every day within the administration, within our Government, over precisely what is or is not covered by the agreement. Before we start trying to discipline others, I think we ought to get our own shop in order.

Mr. Chairman, very simply put, this amendment does not belong on this bill. As a freestanding piece of legislation, it was referred to the Committee on Foreign Affairs, not to the Committee on Armed Services. The principal sponsor of the bill sits on the principal committee of jurisdiction. Just last month, the House considered a 600-page bill, brought to Members by the Committee on Foreign Affairs. The amendment now before us relates to the Arms Export Control Act. The amendment before us last month rewrote the Arms Control Export Act. This amendment did not make it into that massive rewrite. It appears that this amendment has little standing with the members of the principal committee of jurisdiction.

Now we are being asked to respond to it in a 10-minute debate on the floor of the House with no hearings before the full committee or any of our subcommittees. This amendment proposes to make major changes in import policy. It may or may not be a good idea. I have only listed a few concerns, but I do not think we want to make such major changes with no committee report before us on a mere 10 minutes of floor debate. The proper thing to do, Mr. Chairman, is to send this amendment back to the proper committee of jurisdiction. Let them act on it before it comes to the floor for final consideration. We should not be dealing with a topic like this so offhandedly.

Mr. Chairman, I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, first on the substantive point, if the gentleman turned to page 7 of the amendment, he would see very clearly that the provision entitled "Inapplicability to foreign persons licensed by an MTCR country," member country who grants export license, subsection does not apply in this case, which is directly opposite to the point the gentleman made.

Mr. WELDON. That may be the case. If there is a consideration, I should have looked at it. I apologize.

However, the point is, we have not considered this legislation in the committee. It is unfair to ask members in the Committee on Armed Services to add a substantive piece of legislation in this nature without giving members the opportunity to debate to air the pros and cons, and to have 5 minutes back and forth on this issue. I do not think we should vote.

Mr. BERMAN. If the gentleman would yield further, procedurally, the Committee on Foreign Affairs has conducted hearings on this subject.

The committees to which this bill has been referred in its freestanding form have consented to the jurisdiction of this committee. The chairman of the Committee on Armed Services was informed of this amendment.

Mr. WELDON. Mr. Chairman, why was it not part of the bill last month on the Arms Control Export Act rewriting?

Mr. BERMAN. If the gentleman will further yield, because at that point, it was not ready.

The CHAIRMAN pro tempore (Mr. DURBIN). All time has expired.

The question is on the amendment, as modified, offered by the gentleman from California [Mr. BERMAN].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BERMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the provisions of paragraph 5, section 2, House Resolution 211, and the Chair's prior announcement, the vote on the amendment, as modified, offered by the gentleman from California [Mr. BERMAN] will be postponed until after consideration of amendment No. 29, part 2, of House Report 101-168.

AMENDMENT OFFERED BY MR. RAVENEL

Mr. RAVENEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RAVENEL: Page 220, after line 24, insert the following new section:

SEC. 1102. REPORT REGARDING THE USE OF THE ARMED FORCES TO STOP THE AERIAL AND MARITIME TRANSIT OF ILLEGAL DRUGS INTO THE UNITED STATES.

(a) REPORT REQUIREMENT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing—

(1) a detailed plan under which the Armed Forces would be used to stop the aerial and maritime transit of illegal drugs into the United States;

(2) legislative proposals to provide authority to the Secretary to carry out the plan; and

(3) an estimate of the funds necessary to implement the plan.

(b) CONTENT.—(1) The report required by subsection (a), shall include proposals to—

(A) designate authorized corridors by which civilian aircraft and vessels may travel through drug-interdiction areas; and

(B) require the submission of navigational plans for all civilian aircraft and vessels that will travel in drug-interdiction areas.

(2) For purposes of this subsection, the term "drug-interdiction area" has the meaning given that term in section 379(d) of title 10, United States Code.

(c) TIME FOR SUBMISSION.—The report required by subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from South Carolina [Mr. RAVENEL] will be recognized for 5 minutes in support of his amendment, and the gentleman from Massachusetts [Mr. MAVROULES] will be recognized for 5 minutes in opposition to the amendment.

Mr. RAVENEL. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, our country continues to lose the war on drugs because we persist in waging the war with our hands tied and most of our weapons sheathed. It is my often-voiced opinion that we are not going to win this war until we actively employ our military to stop the flow of drugs pouring into our country.

What we need to do is close our borders except for strictly designated, well-published and constantly patrolled corridors of exit and entry for civilian ships and planes. All crafts seeking to enter the United States outside these corridors should then, upon some identification, be shot down or sunk by our Armed Forces.

To those who say the task cannot be done, cannot be accomplished by the military, I say then what is our military for? If we cannot stop the invasion of drugs into the United States, how can they be expected to defend our shores from invasions by foreign countries? Our military can win this war on drugs, and they can do it quickly.

I have advocated this course of action in a meeting with our drug czar, William Bennett, who is not adverse to my contention. Endless talk, bleeding-heart wailing, and short-term jail sentences in comfortable quarters for our enemies never won any war. This conflict against drugs will ultimately be won with the assistance of air-to-air missiles and ship-to-ship missiles. How many more millions of American lives will be ruined or lost before we really get serious and fight to win?

All that the current law and that proposed in this bill for the military in this losing war is a standard, "Hi, fellows," to the enemy when they have

been detected and are on their way into our country with their lethal cargo. Currently, invading units routinely are throwing our people the bird, literally, then turning around and going home to make their run at another time.

What a farce. What has America come to? Where is our will to fight to win? What an immediate difference air-to-air missiles blowing these scum to bits will have in this war, and to the applause, pride, and satisfaction of the American people.

Mr. Chairman, I reserve the balance of my time.

Mr. MAVROULES. Mr. Chairman, I rise in great reluctance in opposition to the proposed amendment put forth by the gentleman from South Carolina [Mr. RAVENEL].

Let me assure him that the frustrations he is feeling certainly are being felt by this Member and all Members throughout the country. I think today we made a very significant move with relation to a drug war on the part of DOD. Four hundred and fifty million dollars that was added back, and hopefully next year we can improve upon that, would give the country the necessary funds to really, really put on a good war on interdiction.

However, I must rise in opposition to my colleague's amendment, and I want to make a couple of points, very briefly. The drug interdiction package passed by the House earlier today contained many, many, many of the gentleman's provisions. We worked with him and incorporated, including studying navigation corridors for vessels and aircraft entering this country.

No. 2, what we could not incorporate and cannot now support is any implications, even by requiring a report, that we favor the military being involved in direct law enforcement, much less shooting down civilian aircraft. So I tell my colleague that we believe firmly that the military has a proper role to play in drug interdiction, and that we must strengthen and support this role.

□ 1640

But we must be very, very careful to oppose any suggestion that the military get into the direct law enforcement. Therefore, Mr. Chairman, I say to my colleagues that I very reluctantly as a matter of fact oppose the amendment and urge the House to oppose the gentleman's amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Massachusetts [Mr. MAVROULES] has 3 minutes remaining, and the gentleman from South Carolina [Mr. RAVENEL] has 2 minutes remaining.

Mr. RAVENEL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the language in my amendment does not provide for the unleashing of any missiles. All it does is instruct the Secretary of Defense to prepare a detailed plan under which our military would be used to stop the aerial and maritime transit of illegal drugs into the United States if and when called upon. It is just providing some preliminary planning.

Mr. Chairman, I say to my colleagues that full military involvement is what is ultimately coming if this Congress can ever find the guts to win this war. So I ask why not let us get ready for it?

Mr. Chairman, I yield back the balance of my time.

Mr. MAVROULES. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. RAVENEL].

The amendment was rejected.

POSTPONEMENT OF CONSIDERATION OF CERTAIN AMENDMENTS

The CHAIRMAN pro tempore. The Chair will inquire of the gentleman from New Mexico [Mr. RICHARDSON], does the gentleman have an amendment at the desk?

Mr. RICHARDSON. I have two amendments at the desk, Mr. Chairman, and I am asking for unanimous consent to put these off until tomorrow. I yield to the chairman of the committee for an answer. I understand the minority agrees.

Mr. ASPIN. Mr. Chairman, if the gentleman will withhold his request, let me ask unanimous consent to strike the last word.

The CHAIRMAN pro tempore. Without objection, the gentleman from Wisconsin is recognized for 5 minutes.

There was no objection.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from New Mexico for an explanation. Do I understand that what the gentleman is saying is that he would like to take up his two amendments having to do with Los Alamos tomorrow and not today; is that true?

Mr. RICHARDSON. Yes, Mr. Chairman, and if the gentleman will yield, the reason is that the minority and I are working on an accommodation. This would avoid a recorded vote today which I would ask for, but hopefully we can work it out tomorrow.

Mr. ASPIN. Mr. Chairman, let me yield to the gentleman from Alabama [Mr. DICKINSON]. If it is all right with him, it is all right with me.

Mr. DICKINSON. Mr. Chairman, it is my understanding that there is in the works an agreement or an accommodation that could possibly settle the whole issue without a vote or without a formal amendment, and they are in the process of negotiating at the present time. I think in the interest of comity and common sense also perhaps, putting it off until tomorrow would give them an opportunity to negotiate, at which time, if they are not successful, we could then have a vote and not lose anything. So I would like to go along with the gentleman's request.

Mr. ASPIN. Mr. Chairman, that would be all right with us, so let us put that one off until tomorrow.

Let me also announce to the Chair and to the Members that amendment No. 28, the amendment to be offered by the gentleman from Texas [Mr. COLEMAN], is now in acceptable form, and we are putting it in the en bloc amendments.

If I could, I would like to enter into a colloquy with the gentleman from Alabama and talk a little bit about where we are. We are then left with one remaining amendment, which is the only other amendment we are going to consider in the category B amendments this afternoon, and that is the amendment of the gentleman from Michigan [Mr. BROOMFIELD], who I see is here. At that point we are finished with those amendments. So I would like to announce to the members of the full committee at this point that the last amendment now that we are going to consider before we start the clustered voting is an amendment that is allotted 10 minutes, 5 pro and 5 con, the amendment from the gentleman from Michigan [Mr. BROOMFIELD].

Without the amendment offered by the gentleman from Michigan, my count is that we have eight votes. I do not know what the count of the Chair is. Does the Chair concur?

The CHAIRMAN pro tempore. It is the Chair's opinion that we have seven votes, not counting the amendment offered by the gentleman from Michigan [Mr. BROOMFIELD].

Mr. ASPIN. The Chair is correct. We have 7 votes, not counting the vote on the amendment offered by the gentleman from Michigan. Depending on how that turns out, we will have either 7 votes or 8 votes, at which point, as I understand the way the Chair has been putting the question, the first of those 7 votes would be a 15-minute vote, and it would be followed by 6 or 7 votes, depending upon the disposition of the Broomfield amendment, and those votes would be 5-minute votes. Is that the understanding of the Chair?

The CHAIRMAN pro tempore. Yes, that is the understanding of the Chair.

Mr. ASPIN. At that point we would have finished with the category B amendments for the day, and the rest of the schedule, according to the rule granted by the Rules Committee, is that we would go to the next order of business, which is the offering of the Cheney budget by the ranking Republican, the gentleman from Alabama [Mr. DICKINSON]. That would be a 40-

minute debate, pro and con, and a 15-minute vote. If that amendment is defeated, it is the end for the day. If that amendment carries, we would then have in order the Weldon amendment, which would also be a 40-minute debate and a vote.

So we will have a series of votes coming up right now, followed by a 40-minute debate and a vote on the amendment on the Cheney budget, and then after that perhaps followed by 40 minutes of debate on the Weldon amendment.

Is that the understanding of the gentleman from Alabama and the Chairman of the Committee of the Whole?

Mr. DICKINSON. Mr. Chairman, if the gentleman will yield, that is our understanding. In discussing this matter with the staff, the statement of the chairman of the committee is correct, as I understand it, and it is certainly agreeable with this side of the aisle.

Mr. ASPIN. That is fine.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The Chair would advise the members of the committee that the first vote is likely to occur near 5 p.m. after consideration of the amendment offered by the gentleman from Michigan [Mr. BROOMFIELD].

AMENDMENT OFFERED BY MR. BROOMFIELD

Mr. BROOMFIELD. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROOMFIELD: Page 359, after line 7 insert the following:

TITLE XXXV—ARMS CONTROL

SEC. 3501. SENSE OF CONGRESS ON ARMS CONTROL NEGOTIATIONS AND UNITED STATES MILITARY ACQUISITION POLICY.

(a) FINDINGS.—The Congress finds as follows—

(1) The government of the United States is currently engaged in a wide range of arms control negotiations in the area of strategic nuclear forces, strategic defenses, conventional force levels, chemical weapons, and security and confidence building measures.

(2) On May 30, 1989, the NATO allies issued a "Comprehensive Concept on Arms Control and Disarmament" which placed a special emphasis on arms control as a means of enhancing security and stability in Europe.

(3) President Bush has stated that arms control is one of the United States' highest priorities in the area of security and foreign policy and that the United States will pursue a dynamic, active arms control dialogue with the Soviet Union and the other Warsaw Pact countries.

(4) The United States has already made major proposals at the Conventional Forces in Europe Talks, convened on March 6, 1989, which would result in a dramatic reduction in Soviet and Warsaw Pact conventional forces.

(5) The United States' position on chemical weapons, originally presented by President Bush in 1984, continues to be the centerpiece of the chemical weapons negotiations under way in Geneva which have as their goal the global elimination of all chemical weapons.

(b) SENSE OF CONGRESS.—It is therefore the sense of Congress that—

(1) The President of the United States should be commended for pursuing a wide array of arms control initiatives in the context of a multitude of arms control negotiations, all of which have been designed to enhance global security and result in meaningful, militarily significant reductions in military forces;

The Congress of the United States fully supports the arms control efforts of the President and encourages the government of the Soviet Union to respond favorably to U.S. arms control proposals which would require the Soviet Union to reduce its massive quantitative superiority in military weaponry; and

(3) The Congress should refrain from taking legislative actions which undermine United States negotiating positions at existing arms control negotiations though attempting to impose budgetary or other limitations or restrictions intended to force the Executive branch to undertake new arms control negotiations or unilaterally restricting the development or production of weapon systems by the United States solely for arms control purposes sought by the Congress but not yet negotiated by the Administration.

The CHAIRMAN pro tempore. The gentleman from Michigan [Mr. BROOMFIELD] is recognized for 5 minutes in support of his amendment.

Mr. BROOMFIELD. Mr. Chairman, it is not necessary for me to take a great deal of time—there is nothing controversial about the amendment I am offering. My amendment expresses the emerging feeling of strong support here in Congress for President Bush's overall arms control efforts.

During the Presidency of Ronald Reagan, several of our colleagues—wrongly I believe—questioned the administration's commitment to arms control. "The proof is in the pudding." There is no need for such questioning now.

Under President Bush's able stewardship, the United States is engaged in a wide range of arms control negotiations. Strategic arms reductions, conventional force reductions, chemical weapons elimination—these are just a few of the important arms control negotiations currently underway.

And what is happening at these negotiations? Virtually every week there is progress on a major proposal or counterproposal.

If anything, some people say that arms control is moving too fast. But I believe the President is pursuing arms control in the same deliberate, methodical, and cautious way as President Reagan did. And it is clear that President Bush is more than willing to take full advantage of arms control opportunities which genuinely enhance and preserve our Nation's security.

For all of these reasons, I believe that my amendment offers all of us an opportunity to express our strong support and appreciation for President Bush's arms control efforts. I would urge my colleagues to support this amendment and send a strong message to Mr. Gorbachev—the American people and their Representatives in Congress stand united behind President Bush in this most important area.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Does any Member wish to rise in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Michigan [Mr. BROOMFIELD].

The amendment was agreed to.

□ 1650

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. DURBIN). Pursuant to the provisions of paragraph 5 of section 2, House Resolution 211, the Committee will now resume proceedings postponed earlier today on which recorded votes were ordered. The votes will be taken in the following order:

Amendment No. 4 offered by the gentleman from New York [Mr. WEISS] relative to the D5; amendment No. 8 offered by the gentleman from California [Mr. DELLUMS] relative to the follow-on-to Lance Program; amendment No. 9 offered by the gentleman from California [Mr. DELLUMS] relative to the SRAM-T Missile Program; amendment No. 10, offered by the gentleman from Kentucky [Mr. HOPKINS] relative to the LHX Program; amendment No. 12 offered by the gentleman from Utah [Mr. OWENS] relative to the biological agents used in research; amendment No. 13 offered by the gentleman from Illinois [Mr. EVANS] relative to civilian employees of the National Guard; and amendment No. 20 offered by the gentleman from California [Mr. BERMAN] relative to missile technology control.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. WEISS

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered by the gentleman from New York [Mr. WEISS].

The Clerk designated the amendment.

The CHAIRMAN pro tempore. The pending business is the vote on the amendment offered by the gentleman from New York [Mr. WEISS] relative to the D5 on which a recorded vote is ordered.

The vote was taken by electronic device, and there were—yeas 83, nays 341, not voting 7, as follows:

[Roll No. 157]

AYES—83

Ackerman
Atkins
AuCoin
Bates
Beilenson
Bonior
Boxer
Bruce
Cardin
Carr
Clay
Conyers
Costello
Coyne
Crockett
DeFazio
Dellums
Dorgan (ND)
Downey
Durbin
Dymally
Edwards (CA)
Engel
Evans
Feighan
Flake
Ford (MI)
Ford (TN)
Frank
Garcia
Gephardt
Hawkins
Hayes (IL)
Jones (NC)
Jontz
Kastenmeier
Kennedy
Kildee
LaFalce
Lehman (FL)
Leland
Lewis (GA)
Lowey (NY)
Markey
Mavroules
McHugh
Miller (CA)
Moakley
Moody
Morrison (CT)
Nagle
Oberstar
Obey
Owens (NY)
Panetta
Payne (NJ)
Pelosi
Penny
Poshard
Rangel
Roybal
Russo
Sabo
Sangmeister
Savage
Scheuer
Sikorski
Skaggs
Stark
Stokes
Studds
Swift
Towns
Traficant
Unsoeld
Vento
Walgren
Waxman
Weiss
Wheat
Williams
Wolpe
Yates

NOES—341

Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Borski
Bosco
Boucher
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Carper
Chandler
Chapman
Clarke
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Conte
Cooper
Coughlin
Cox
Craig
Crane
Dannemeyer
Darden
Davis
de la Garza
DeLay
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dornan (CA)
Douglas
Dreier
Duncan
Dwyer
Dyson
Early
Eckart
Edwards (OK)
Emerson
English
Erdreich
Espy
Fascell
Fawell
Fazio
Fields
Fish
Flippo
Foglietta
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Kanjorski
Kaptur
Kasich
Kennelly
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Mineta
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Nelson
Nielson
Nowak
Oakar
Olin
Ortiz
Owens (UT)
Oxley
Packard
Pallone
Parker
Parris
Pashayan
Patterson
Paxon
Payne (VA)
Pease
Perkins
Petri
Pickett
Pickle
Price
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stearns
Stenholm
Stump
Sundquist
Synar
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Traxler
Udall
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Watkins
Weber
Weldon
Whittaker
Whitten
Wilson
Wise
Wolf
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NOT VOTING—7

Collins
Courter
Florio
Frenzel
Hyde
Lipinski
Porter

□ 1711

Messrs. ESPY, HUTTO, and REGULA changed their votes from "aye" to "no."

Mr. YATES and Mr. LAFALCE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FRENZEL. Mr. Chairman, when the House voted on the amendment of the gentleman from New York [Mr. WEISS] I missed the vote due to other legislative business. Had I voted, my vote would have been "no."

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to the provisions of paragraph 5, section 2, House Resolution 211, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 8 OFFERED BY MR. DELLUMS

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered by the gentleman from California [Mr. DELLUMS].

The Clerk designated the amendment.

The CHAIRMAN pro tempore. The pending business is the vote on the amendment offered by the gentleman from California [Mr. DELLUMS], on which a recorded vote is ordered.

The vote was taken by electronic device, and there were—ayes 96, noes 329, not voting 6, as follows:

[Roll No. 158]

AYES—96

Ackerman
Atkins
AuCoin
Bates
Beilenson
Berman
Bonior
Boxer
Brennan
Brown (CA)
Bruce
Cardin
Clay
Conyers
Coyne
Crockett
DeFazio
Dellums
Dorgan (ND)
Downey
Durbin
Dymally
Edwards (CA)
Engel
Espy
Evans
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank
Garcia
Gejdenson
Gray
Hall (OH)
Hawkins
Hayes (IL)
Hertel
Jacobs
Johnson (SD)
Jones (NC)
Jontz
Kastenmeier
Kennedy
Kildee
Lehman (FL)
Leland
Lewis (GA)
Markey
Martinez
McCloskey
McDermott
Mfume
Miller (CA)
Mineta
Moakley
Moody
Morrison (CT)
Murphy
Nagle
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Owens (NY)
Payne (NJ)
Pelosi
Rangel
Roybal
Russo
Sabo
Savage
Scheuer
Schroeder
Schumer
Sikorski
Skaggs
Stark
Stokes
Studds
Synar
Towns
Traficant
Traxler
Udall
Unsoeld
Walgren
Waxman
Weiss
Wheat
Williams
Wolpe
Wyden
Yates

NOES—329

Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Borski
Bosco
Boucher
Brooks
Broomfield
Browder
Brown (CO)
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Carper
Carr
Chandler
Chapman
Clarke
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Conte
Cooper
Costello
Coughlin
Cox
Craig
Crane
Dannemeyer
Darden
Davis
de la Garza
DeLay
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dornan (CA)
Douglas
Dreier
Duncan
Dwyer
Dyson
Early
Eckart
Edwards (OK)
Emerson
English
Erdreich
Fascell
Fawell
Fazio
Fields
Fish
Flippo
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant

Green
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Johnston
Jones (GA)
Kanjorski
Kaptur
Kasich
Kennelly
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (WA)
Mrazek
Murtha
Myers
Natcher
Neal (NC)
Nelson
Nielson
Olin
Ortiz
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (VA)
Pease
Penny
Perkins
Petri
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schneider
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stearns
Stenholm
Stump
Sundquist
Swift
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Watkins
Weber
Weldon
Whittaker
Whitten
Wilson
Wise
Wolf
Wylie
Yatron
Young (AK)
Young (FL)

NOT VOTING—6

Collins
Courter
Florio
Hyde
Lipinski
Porter

□ 1721

Ms. SCHNEIDER changed her vote from "aye" to "no."

Mr. TRAXLER and Mr. SCHUMER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1723

AMENDMENT NO. 9 OFFERED BY MR. DELLUMS

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered by the gentleman from California [Mr. DELLUMS].

The Clerk designated the amendment.

The CHAIRMAN pro tempore. The pending business is the vote on the amendment offered by the gentleman from California [Mr. DELLUMS] relative to the SRAM-T Missile Program, on which a recorded vote is ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 73, noes 350, not voting 8, as follows:

[Roll No. 159]

AYES—73

Ackerman
Bates
Beilenson
Bonior
Boxer
Bruce
Cardin
Clay
Conte
Coyne
Crockett
DeFazio
Dellums
Dixon
Dorgan (ND)
Downey
Durbin
Dymally
Edwards (CA)
Evans
Flake
Foglietta
Ford (MI)
Ford (TN)
Garcia
Gejdenson
Hawkins
Hayes (IL)
Hertel
Johnson (SD)
Jontz
Kastenmeier
Kennedy
Kildee
Lehman (FL)
Leland
Lewis (GA)
Markey
Mfume
Miller (CA)
Mineta
Mrazek
Murphy
Nagle
Neal (MA)
Oakar
Oberstar
Obey
Owens (NY)
Payne (NJ)
Pelosi
Perkins
Rahall
Rangel
Roybal
Russo
Savage
Scheuer
Schroeder
Sikorski
Stark
Stokes
Studds
Towns
Traficant
Unsoeld
Vento
Walgren
Waxman
Weiss
Wheat
Williams
Yates

NOES—350

Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Borski
Bosco
Boucher
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Carper
Carr
Chandler
Chapman
Clarke
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Cooper
Costello
Coughlin
Cox
Craig
Crane
Dannemeyer
Darden
Davis
de la Garza
DeLay
Derrick
DeWine
Dickinson
Dicks
Dingell
Donnelly
Dornan (CA)
Douglas
Dreier
Duncan
Dwyer
Dyson
Early
Eckart
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flippo
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnston
Jones (GA)
Jones (NC)
Kanjorski
Kaptur
Kasich
Kennelly
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (OH)
Miller (WA)
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Murtha
Myers
Natcher
Neal (NC)
Nelson
Nielson
Nowak
Olin
Ortiz
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (VA)
Pease
Penny
Petri
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Sabo
Saiki
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schneider
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stearns
Stenholm
Stump
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Traxler
Udall
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Watkins
Weber
Weldon
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NOT VOTING—8

Collins
Conyers
Courter
Florio
Hyde
Lent
Lipinski
Porter

□ 1728

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. HOPKINS

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered by the gentleman from Kentucky [Mr. HOPKINS].

The Clerk designated the amendment.

The CHAIRMAN pro tempore. The pending business is the vote on the amendment offered by the gentleman from Kentucky [Mr. HOPKINS], on which a recorded vote is ordered.

The vote was taken by electronic device, and there were—ayes 148, noes 275, not voting 8, as follows:

[Roll No. 160]

AYES—148

Ackerman
Anthony
Ballenger
Barton
Bates
Beilenson
Bentley
Bevill
Bosco
Boxer
Browder
Brown (CA)
Brown (CO)
Bruce
Bunning
Burton
Byron
Clay
Clement
Coyne
Crockett
Dannemeyer
Dellums
Dixon
Dreier
Duncan
Durbin
Dyson
Early
Eckart
Edwards (CA)
Erdreich
Espy
Fawell
Fazio
Flake
Flippo
Ford (MI)
Garcia
Gekas
Grandy
Grant
Green
Gunderson
Harris
Hawkins
Hayes (IL)
Hefley
Henry
Holloway
Hopkins
Hubbard
Hunter
Hutto
Inhofe
Ireland
Johnson (SD)
Jones (NC)
Kaptur
Kasich
Kastenmeier
Kleczka
Kostmayer
LaFalce
Laughlin
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Lewis (GA)
Lowey (NY)
Lukens, Donald
Madigan
Marlenee
Martin (IL)
Martinez
Mavroules
Mazzoli
McCollum
Meyers
Miller (CA)
Montgomery
Moody
Natcher
Nielson
Obey
Ortiz
Owens (NY)
Packard
Parker
Patterson
Paxon
Payne (NJ)
Pease
Pelosi
Perkins
Petri
Pursell
Rahall
Rangel
Ravenel
Ridge
Ritter
Roberts
Rogers
Rohrabacher
Roukema
Roybal
Russo
Saiki
Sangmeister
Sarpalius
Savage
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Shumway
Smith (MS)
Smith (VT)
Smith, Robert (OR)
Snowe
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Tauke
Torres
Towns
Traficant
Unsoeld
Upton
Vander Jagt
Visclosky
Walgren
Walker
Waxman
Weiss
Wheat
Whittaker
Williams
Yates

NOES—275

Akaka
Alexander
Anderson
Andrews
Annunzio
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Barnard
Bartlett
Bateman
Bennett
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Boucher
Brennan
Brooks
Broomfield
Bryant
Buechner
Bustamante
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Conte
Cooper
Costello
Coughlin
Cox
Craig
Crane
Darden
Davis
de la Garza
DeFazio
DeLay
Derrick
DeWine
Dickinson
Dicks
Dingell
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dwyer
Dymally
Edwards (OK)
Emerson
Engel
English
Evans
Fascell
Feighan
Fields
Fish
Foglietta
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Gray
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Hastert
Hatcher
Hayes (LA)
Hefner
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Horton
Houghton
Hoyer
Huckaby
Hughes
Jacobs
James
Jenkins
Johnson (CT)
Johnston
Jones (GA)
Jontz
Kanjorski
Kennedy
Kennelly
Kildee
Kolbe
Kolter
Kyl
Lagomarsino
Lancaster
Lantos
Leath (TX)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Luken, Thomas
Machtley
Manton
Markey
Martin (NY)
Matsui
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Mfume
Michel
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Olin
Owens (UT)
Oxley
Pallone
Panetta
Parris
Payne (VA)
Penny
Pickett
Pickle
Poshard
Price
Quillen
Ray
Regula
Rhodes
Richardson
Rinaldo
Robinson
Roe
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Sabo
Sawyer
Saxton
Schaefer
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stump
Sundquist
Swift
Synar
Tallon
Tanner
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torricelli
Traxler
Udall
Valentine
Vento
Volkmer
Vucanovich
Walsh
Watkins
Weber
Weldon
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NOT VOTING—8

Collins
Conyers
Courter
Florio
Hyde
Lipinski
Pashayan
Porter

□ 1738

Messrs. DYMALLY, NEAL of Massachusetts, EMERSON, and LOWERY of California changed their vote from "aye" to "no."

Mr. ACKERMAN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. OWENS OF UTAH

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered by the gentleman from Utah [Mr. OWENS].

The Clerk designated the amendment.

The CHAIRMAN pro tempore. The pending business is the vote on the amendment offered by the gentleman from Utah [Mr. OWENS], on which a recorded vote is ordered.

The vote was taken by electronic device and there were—ayes 274, noes 151, not voting 6, as follows:

[Roll No. 161]

AYES—274

Ackerman
Akaka
Andrews
Annunzio
Applegate
Aspin
Atkins
AuCoin
Baker
Barnard
Bartlett
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boehlert
Boggs
Bonior
Borski
Boucher
Boxer
Brennan
Brooks
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke
Clay
Clement
Coleman (MO)
Coleman (TX)
Conte
Conyers
Cooper
Costello
Coyne
Crockett
Darden
Davis
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Gallo
Garcia
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grandy
Gray
Green
Guarini
Hall (OH)
Hamilton
Hammerschmidt
Harris
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Hoyer
Hubbard
Hughes
Hutto
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lloyd
Long
Lowey (NY)
Luken, Thomas
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (OH)
Mineta
Moakley
Molinari
Montgomery
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickle
Porter
Poshard
Price
Pursell
Rahall
Rangel
Regula
Richardson
Rinaldo
Roe
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (MS)
Smith (NJ)
Smith (TX)
Smith (VT)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar

Tallon
Tanner
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walgren
Walsh
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Yates
Yatron

NOES—151

Alexander
Anderson
Anthony
Archer
Armey
Ballenger
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Bosco
Broomfield
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Chandler
Clinger
Coble
Combest
Coughlin
Cox
Craig
Crane
Dannemeyer
de la Garza
DeLay
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Edwards (OK)
Fields
Frenzel
Gallegly
Gaydos
Gekas
Gillmor
Gingrich
Goodling
Goss
Grant
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hatcher
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Huckaby
Hunter
Inhofe
Ireland
James
Kasich
Kyl
Lagomarsino
Laughlin
Leath (TX)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Lukens, Donald
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
Michel
Miller (WA)
Mollohan
Moorhead
Morrison (WA)
Murtha
Myers
Nielson
Ortiz
Oxley
Packard
Parris
Pashayan
Patterson
Paxon
Pickett
Quillen
Ravenel
Ray
Rhodes
Ridge
Ritter
Roberts
Robinson
Rogers
Rohrabacher
Roth
Sarpalius
Schaefer
Schiff
Schuette
Shaw
Shumway
Shuster
Skeen
Skelton
Slaughter (VA)
Smith (NE)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stearns
Stenholm
Stump
Sundquist
Tauke
Tauzin
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Wylie
Young (AK)
Young (FL)

NOT VOTING—6

Collins
Courter
Florio
Hyde
Lipinski
Miller (CA)

□ 1745

Mr. KASICH changed his vote from "aye" to "no."

Mr. COLEMAN of Missouri and Mr. SAXTON changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 13 OFFERED BY MR. EVANS

The CHAIRMAN pro tempore (Mr. DURBIN). The Clerk will designate the amendment offered by the gentleman from Illinois [Mr. EVANS].

The Clerk designated the amendment.

The CHAIRMAN pro tempore. The pending business is the vote on the amendment offered by the gentleman from Illinois [Mr. EVANS] on civilian employment in the National Guard, on which a recorded vote is ordered.

The vote was taken by electronic device, and there were—ayes 156, noes 269, not voting 6, as follows:

[Roll No. 162]

AYES—156

Ackerman
Alexander
Annunzio
Beilenson
Bereuter
Berman
Bevill
Bilirakis
Boehlert
Bonior
Borski
Boucher
Boxer
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Campbell (CO)
Carper
Clay
Clement
Conte
Conyers
Coyne
Craig
Crockett
Darden
de la Garza
DeFazio
Dellums
Dingell
Donnelly
Dorgan (ND)
Durbin
Dymally
Edwards (CA)
Engel
Erdreich
Evans
Fazio
Fish
Flake
Ford (MI)
Ford (TN)
Frank
Garcia
Gejdenson
Gilman
Glickman
Gonzalez
Gordon
Grant
Green
Guarini
Hamilton
Hatcher
Hawkins
Hayes (IL)
Hertel
Hochbrueckner
Holloway
Horton
Hoyer
Jacobs
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kaptur
Kasich
Kastenmeier
Kennedy
Kildee
Kleczka
Kostmayer
Lehman (CA)
Lehman (FL)
Leland
Levine (CA)
Lewis (GA)
Long
Lowey (NY)
Machtley
Markey
Marlenee
Martinez
McCloskey
Miller (CA)
Mineta
Moakley
Molinari
Moody
Morella
Mrazek
Murphy
Neal (MA)
Nielson
Nowak
Oakar
Oberstar
Ortiz
Owens (NY)
Owens (UT)
Paxon
Payne (NJ)
Pelosi
Petri
Rahall
Rangel
Rinaldo
Robinson
Roe
Roybal
Russo
Sabo
Sangmeister
Savage
Schaefer
Scheuer
Schneider
Schroeder
Sharp
Shays
Sikorski
Skaggs
Slattery
Slaughter (NY)
Staggers
Stangeland
Stark
Stokes
Studds
Tanner
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vento
Visclosky
Walgren
Walsh
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NOES—269

Akaka
Anderson
Andrews
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Bennett
Bentley
Bilbray
Bliley
Boggs
Bosco
Brennan
Broomfield
Browder
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Campbell (CA)
Cardin
Carr
Chandler
Chapman
Clarke
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Cooper
Costello
Coughlin
Cox
Crane
Dannemeyer
Davis
DeLay
Derrick
DeWine
Dickinson
Dicks
Dixon
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Dwyer
Dyson
Early
Eckart
Edwards (OK)
Emerson
English
Espy
Fascell
Fawell
Feighan
Fields
Flippo
Foglietta
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gekas
Gephardt
Gibbons
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Gray
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hiler
Hoagland
Hopkins
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Jones (GA)
Kanjorski
Kennelly
Kolbe
Kolter
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Luken, Thomas
Lukens, Donald
Madigan
Manton
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Mollohan
Montgomery
Moorhead
Morrison (CT)
Morrison (WA)
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nelson
Obey
Olin
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Payne (VA)
Pease
Penny
Perkins
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Ritter
Roberts
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Sarpalius
Sawyer
Saxton
Schiff
Schuette
Schulze
Schumer
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Skelton
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Vander Jagt
Volkmer
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Whitten
Wilson
Wolf
Wylie
Young (AK)
Young (FL)

NOT VOTING—6

Collins
Courter
Florio
Hyde
Lipinski
Solarz

□ 1730

Mr. HUGHES changed his vote from "aye" to "no."

Mr. YATES and Mr. MARKEY changed their vote from "no" to "aye."

So the amendment was rejected.

The results of the vote was announced as above recorded.

AMENDMENT NO. 20 OFFERED BY MR. BERMAN

The CHAIRMAN pro tempore (Mr. DURBIN). The Clerk will designate the amendment as modified, offered by the gentleman from California [Mr. BERMAN].

The Clerk designated the amendment.

The CHAIRMAN pro tempore. The pending business is the vote on the amendment as modified, offered by the gentleman from California [Mr. BERMAN], on which a recorded vote is ordered.

The vote was taken by electronic device, and there were—ayes 417, noes 9, not voting 5, as follows:

[Roll No. 163]

AYES—417

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Conte
Conyers
Cooper
Costello
Cox
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
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Mollohan
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Morella
Morrison (CT)
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Nowak
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Ortiz
Owens (NY)
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Oxley
Packard
Pallone
Panetta
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Pashayan
Patterson
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Payne (NJ)
Payne (VA)
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Perkins
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Quillen
Rahall
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Regula
Rhodes
Richardson
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Robinson
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Rogers
Rohrabacher
Rose
Rostenkowski
Roukema
Rowland (CT)
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Roybal
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Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOES—9

Archer
Coughlin
Frenzel
Ireland
Kleczka
Nagle
Ray
Roth
Shumway

NOT VOTING—5

Collins
Courter
Florio
Hyde
Lipinski

□ 1801

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

LEGISLATIVE PROGRAM

(By unanimous consent Mr. DICKINSON was allowed to proceed out of order.)

Mr. DICKINSON. Mr. Chairman, I would like to ask the chairman of the Armed Services Committee, if I might, if he would give us an idea as to what we might expect next and for the rest of the evening, as much as is possible.

It is my understanding that the next item of business will be for me to offer the Cheney budget amendment. Could the chairman amplify on that?

Mr. ASPIN. Mr. Chairman, if the gentleman will yield, the gentleman is correct. We have moved the schedule along here a lot better than was anticipated when the rule was sent up. We thought we would be going until about 9 o'clock tonight. It looks like we will be out sooner than that.

The next order of business, the only order remaining on the agenda that we will do today is the issue having to do with the Cheney budget.

The gentleman from Alabama [Mr. DICKINSON] has an amendment which is the next order of business. There will be 40 minutes of debate on that, 20 minutes to each side. At that point we will have a vote on the Dickinson amendment, which if it passes will reinstate the Cheney budget in the procurement area.

I would point out that all the amendments that we have dealt with today so far have not been involved with the procurement budget. We dealt with the R&D budget and the SDI. All these smaller amendments we dealt with today were either in the personnel area or R&D or they were into O&M or some other area of the bill.

So the vote that is coming up now will be a vote on whether the House of Representatives wants to go with the Cheney procurement budget, and it is not at variance with anything that we have done so far today. Everything that affects the procurement part of the bill is now beginning with the Cheney budget vote.

Mr. DICKINSON. Well, if the committee chairman would help me clarify one point, I have been asked by a number of Members what would be the effect of the passage of the so-called Cheney budget on what we have just done to SDI when we deleted funds and then added them back.

It has been my answer to them that this is not a part of the Cheney budget. If the Cheney budget passes, it is not the intent or understanding of either the chairman of the full committee or myself that it would have any impact on the add-backs from the SDI funds.

I wonder if the gentleman would elucidate on that.

Mr. ASPIN. Mr. Chairman, if the gentleman will yield further, the gentleman is correct.

I think what we were dealing with was the SDI part of the budget. We cut the R&D part of the budget. We cut the SDI program. We allocated those spendings. Those were R&D dollars. It will not be undone no matter what happens with the Cheney budget vote that is coming up.

Mr. DICKINSON. So the money that was added back for drugs, the money added back for toxic cleanup, and the money that was added back for conventional arms, will not be affected regardless whether the Cheney budget passes or not.

Mr. ASPIN. That is correct.

Let me just finish the explanation, and then I will yield to the gentleman from Wisconsin [Mr. MOODY].

Following the vote on the amendment to be offered by the gentleman from Alabama [Mr. DICKINSON], there is yet the Weldon amendment on the notice for the rule.

If the Dickinson amendment passes and the Cheney budget passes, the Weldon amendment is in order and the Weldon amendment would be to put in the money for the V-22, the F-14 and the Guard and the Reserve; so there is a possibility of two votes tonight, at least one more vote tonight, maybe two more, but they will both come with 40 minutes of debate, followed by a vote.

Mr. DICKINSON. Mr. Chairman, if I might recap what has just been said, there was an understanding of a coupling between the Weldon amendment and the so-called Cheney budget. If I am successful when I offer my amendment to reinstate the Cheney budget, then following on the heels of that, the gentleman from Pennsylvania [Mr. WELDON] has the opportunity to offer an amendment with another 40 minutes of debate to restore those three things that were added in the committee, the V-22, the F-14D and the National Guard Reserve money. That would be the next vote in the package. That would be the second vote. If that passes or not passes, the committee will rise for the rest of the day.

Mr. ASPIN. Mr. Chairman, the gentleman is correct.

Mr. MOODY. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I am pleased to yield to the gentleman from Wisconsin.

Mr. MOODY. Mr. Chairman, I would like to ask the chairman or anyone, what are the implications of this for the votes scheduled tomorrow regarding the B-2 and those things? If the amendment of the gentleman from Alabama passes, then does that imply what we would do tomorrow?

Mr. ASPIN. Mr. Chairman, if the gentleman will yield, it does not affect the votes tomorrow. The votes tomorrow on the B-2 will be working off whether the Cheney package passes or not, but it will not affect the votes tomorrow.

Mr. MOODY. The Cheney package could pass, and we could still work on the B-2, the MX and all that tomorrow?

Mr. ASPIN. All that happens tomorrow, regardless.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I am very pleased to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, I would like to ask the Chairman of the committee, it is also true, though, if the Dickinson-Cheney budget amendment is defeated tonight, we will not have to stay here another hour to take up the Weldon amendment, is that not correct, and we will be through?

Mr. DICKINSON. Now, Mr. Chairman, I did not yield to the gentleman for that purpose.

Mr. ASPIN. Mr. Chairman, if the gentleman will yield, the gentleman from Mississippi is correct.

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider amendment No. 9 relating to procurement alternatives printed in part 1 of House Report 101-168 by, and if offered by, the gentleman from Alabama [Mr. DICKINSON] or his designee.

If the amendment offered by the gentleman from Alabama [Mr. DICKINSON] is agreed to, it shall be in order to consider amendment No. 10 printed in part 1 of House Report 101-168 by the gentleman from Pennsylvania [Mr. WELDON].

AMENDMENT OFFERED BY MR. DICKINSON

Mr. DICKINSON. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DICKINSON: Page 32, strike out lines 7 through 10 (and redesignate the succeeding subsections accordingly).

At the end of title I (page 43, after line 25), insert the following new section:

SEC. 137. FUNDING AT LEVELS AND FOR PROGRAMS AS SUBMITTED IN REVISED BUDGET OF THE PRESIDENT.

Notwithstanding any other provision of this Act, the amounts authorized to be appropriated pursuant to this title for fiscal year 1990 for procurement for the Armed Forces (and the programs for which such amounts are authorized) shall be in the amounts and for the programs as submitted to Congress in the amended budget of the President submitted in April 1989 (other than with respect to programs and accounts within the jurisdiction of the Seapower and Strategic and Critical Materials Subcommittee of the Committee on Armed Services of the House of Representatives).

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Alabama [Mr. DICKINSON] will be recognized for 20 minutes and the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, this is probably the most significant vote we will cast during the entire debate on the defense authorization bill. This is, you might say, where the rubber meets the road. This is where you stand up and be counted, whether you are really sincere about economy in government, good government, elimination of pork, whether you want to get the best buy for the buck in our defense budget.

□ 1810

Mr. Chairman, as the funds available for defense continue to decline, and this year's budget represents the fifth consecutive year of negative growth, many Members are finally recognizing we cannot afford to throw tens of millions of dollars to various projects that are not requested by the Secretary of Defense simply to satisfy narrow parochial interests of individual Members or as a jobs bill for back home.

Members are being far more conscientious in placing national interests ahead of local interests. I think this is a good and healthy situation.

In the Committee on Armed Services markup on June 20, the chairman, the gentleman from Wisconsin [Mr. ASPIN], and I joined forces in sponsoring an amendment to keep intact the procurement portion of the Cheney budget. Despite widespread partisan support, the amendment lost by a 16 to 26 tie vote. Why did this unprecedented amendment attract half the votes on the committee, we who have the reputation of being big spenders and buying all the weapons systems that the Pentagon wants? As the chairman, the gentleman from Wisconsin [Mr. ASPIN], pointed out, he and others recognize the futility of trying to accommodate over $7 billion of add-ons that he and the committee received from various Members of the House.

There are many good reasons to support the Cheney amendment. A yes vote is a conscientious choice for good government. Some Members will argue that a vote for Cheney is an abrogation of our oversight responsibilities, but I contend just the contrary is true. We are making a conscious, affirmative decision when we support good government by cutting out waste, fraud, abuse, redundancy, and weapons systems that are not needed or are not affordable. A "yes" vote is a vote of confidence for the Secretary of Defense, Dick Cheney.

For years my colleagues and I have urged previous Secretaries of Defense to make the hard choices. There is not a person within the sound of my voice here or watching on closed television at home who does not remember that time after time we have asked the Secretary, "Mr. Secretary, we cannot buy everything that is in the requested budget. What is the most important? Would you prioritize?" The answer traditionally has been in the negative. For the first time now, the Secretary of Defense has done what we have asked him to do, he has made the tough choices. It is not popular. It is not easy, but he has made the tough choices, instead of stretching out programs and buying everything. If we fail to eliminate any programs, but stretch out the programs, we pay more

for them later, and this is a terribly inefficient way to do business.

The Secretary has done what we have asked him to do. He has made the tough choices. They are not popular, as I said when he came before the committee. Some people thought he cut too much. Some people thought he did not cut enough. Everybody agreed that he cut the wrong thing. I do not like everything that was in the budget. I think he made some mistakes, but overall, I said at that time and I still say, I will support the budget if it is kept intact. I think it is that the Secretary has done a courageous thing. I think he has done what we have asked him to do. I think he has done what the American people expect him to do, by eliminating those programs that are not affordable, that are not financially and economically viable, and he has done just that.

Mr. Chairman, I would say that the Secretary has called our bluff. We have been asking him to do this, and so all of a sudden we have a Secretary who says, "OK, I will do it."

What I am asking the Members to do is to get on board and let us vote for a responsible budget for defense. Let us make the tough vote. Members have an opportunity, even if this passes, to add their amendments to restore things that they think were improperly cut, even if this amendment passes.

Let me clear up one thing that the chairman and I just discussed in our colloquy before we started this vote. The result of this vote, if the Cheney budget passes, it has no impact on what we have just done in the SDI portion of the bill, on R&D, the adding back of money for drug interdiction, for toxic-waste cleanup, for conventional arms. The passage of this budget amendment which supports Cheney, as the chairman of the full committee has said to the Members, and as I understand it, has no impact on what we have done today on the SDI portion of the bill.

A "yes" vote on Cheney does not preclude adjustments. As I have said, anybody who wants to offer an amendment hereafter is perfectly welcome and capable of doing so, and let each one stand on its own merit.

If the Cheney procurement amendment passes, And I certainly hope it will, the Members will have an opportunity to make the necessary and desirable adjustments, but the important vote is that of giving Secretary Dick Cheney our support and recognizing that small adjustments in his procurement budget may be desirable.

In summary, I would urge all of my colleagues to cast a vote for good government, to vote for defense acquisition reform which this budget means, to vote against pork and for the national interest. Give our former colleague, Dick Cheney, a strong vote of confidence by joining with him in his efforts to improve the management of the Pentagon. If there are adjustments in the Cheney budget, that will be made, vote yes on Cheney, and then vote yes on whatever adjustments Members feel would be indicated or necessary.

I think this is a good-government amendment. Dick Cheney has called our bluff. He has put his cards on the table. Are we going to cut and run now and say that all this talk we have had about economy in government, waste, fraud, and abuse in the Pentagon, that we want to change the way of doing business, is that rhetoric, is that just talk, or do we mean it? This is the time to stand up and be counted.

Mr. Chairman, I would urge all of my colleagues to vote, first, for good government, support the cuts contained in the Cheney budget as it came over, which is included in my amendment, and then before the bill is over, further amendments are offered to make adjustments, and each one of those then can be addressed on its individual merits.

Please support my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MONTGOMERY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in opposition to the Cheney-Dixon amendment.

I would like to point out to my colleagues tonight that Secretary Cheney, in this bill, is getting over 90 percent of what he wanted. There are only three items that are changed from the Cheney budget that came over from the Defense Department, and I think we have enough abilities on the Committee on Armed Services, and we have more experience, and Mr. Cheney knows that, that at least we can put some amendments in that we think have merit to it, and certainly I do not think we should be locked in by the Cheney budget.

Mr. Cheney has been over there less than 50 days in the Defense Department. We made the three changes of the F-14, V-22, and needed equipment for the National Guard and Reserve.

I want to talk about the Guard and Reserve. That is my amendment, and it was not really an add-on. It was the needed equipment for the Guard and Reserve of $1.2 billion. The Defense Department has never asked for enough money for the Guard and Reserve. They expected us to do it over here. It is the wrong procedure, and that is the way the Defense Department does it.

They put in 1.8 percent of the total $76 billion budget for procurement, 1.8 percent which will go to the National Guard and Reserve.

Mr. Chairman, the Guard has 50 percent of the combat missions of the Army, which are in the National Guard.

Fifty percent of the combat missions are in the Army Guard. Thirty-three percent of the Air Guard and Air Reserve missions are for them, for the Air Force.

My amendment will add about another 2 percent, so the Guard and Reserve, under this amendment, and if Members vote against this amendment, this $1.2 billion will stay for the Guard and Reserve and will give them about 3 percent of this total $76 billion.

This is not a lot to ask for. This equipment will go to every State and to Members' districts, and this equipment will not go overseas.

I would hope that the Members would defeat the Dickinson amendment.

□ 1820

The CHAIRMAN pro tempore (Mr. DURBIN). The time of the gentleman from Mississippi [Mr. MONTGOMERY] has expired.

Mr. RAY. Mr. Chairman, could I request that the gentleman from Mississippi have one more minute?

The CHAIRMAN pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] is in control of the time in opposition to the Dickinson amendment.

Mr. MONTGOMERY. Mr. Chairman, I really do not have any time.

Mr. RAY. Mr. Chairman, I request one more minute.

The CHAIRMAN pro tempore. The gentleman from Mississippi would have to yield the time.

Mr. MONTGOMERY. Mr. Chairman, I would suggest that the gentleman get the time from the gentleman from Alabama on the other side of the aisle.

Mr. RAY. Mr. Chairman, will the gentleman from Alabama [Mr. DICKINSON] yield 1 minute?

Mr. DICKINSON. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I just have one question, and the gentleman from Mississippi knows that I support the Guard. But I wanted to ask would the $550 million in Air Force spare parts still be in the set-aside to be offset?

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. RAY. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, it sure is, and I hope if we have some extra moneys, and I have talked to the chairman, that it would be for a ship, but I think it is more important that we give this extra equipment to the National Guard and the Reserves and quit worrying about a few spare parts.

Mr. RAY. The gentleman knows my argument in that respect, and it affects the logistics centers, and they

cannot repair the Guard planes, and in that respect I just have to oppose the amendment, Mr. Chairman.

Mr. MONTGOMERY. The gentleman from Georgia has just about as much National Guard as any other Member in this Chamber tonight, and I certainly cannot quite understand the gentleman's argument.

Mr. RAY. I have 15,000 people in the logistics center at Robins Air Force Base, and 88,000 in the five logistics centers who will be affected by the spare parts. They repair the Guard planes.

Mr. MONTGOMERY. I think the gentleman has been sold a bill of goods, and I think he is overexaggerating about spare parts.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY Mr. Chairman, I have sat on the Armed Services Committee for 9 years and have been able to watch the performance of a number of Secretaries of Defense. But I must say that Secretary Cheney in just a few short months has done a phenomenal job. He has made tough choices. He had to cut close to $10 billion out of the defense budget this year and that was difficult.

But let me tell Members, it is going to be even worse next year. Next year we will have to cut probably close to $20 billion, and if Members thought it was tough this year, just wait.

For 8 years we have been criticizing Secretary of Defense Weinberger and that administration, and we criticized the Carlucci administration for not making choices, for not setting priorities and for just throwing money at the problems. My colleagues, Secretary Cheney did make some tough choices. I did not agree with him 100 percent. None of us do. However, Congress needs to work when at all possible with the Department to make a policy that makes sense.

We are adding on programs that create a wedge, that are going to provide funding for expenses and expenditures in the future that are murder. For all of my colleagues who have campaigned on the issue of procurement reform or campaigned on behalf of the Packard Commission report and for eliminating pork in the defense budget, whoever argued for increasing the efficiency of the Department of Defense should consider voting for the Cheney budget.

Many of my colleagues from this side say that Democrats should not vote for a Republican proposal. But my friends, many have criticized the chairman of this committee, but the chairman knows, as did a number of Democrats on the Armed Services Committee, that by adding programs we create these wedges in the budget that grow out of control in the future.

If Members put policy above pork, now is the time to make that statement. This is not a partisan issue. It is an issue of setting policy above parochial concerns.

Mr. Chairman, I urge you and ask you to seriously consider voting for the Dickinson amendment, which is the Cheney budget.

Mr. MONTGOMERY. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the Dickinson amendment. We are being told today that a vote for the Cheney procurement package is a vote for good government and fiscal responsibility.

Based on an initial look at the procurement requirements of this budget, that could appear to be the case, but take a closer look. Take the V-22 Osprey versus proposed alternatives, for example. After the first few years, the cost for helicopter alternatives increases and then balloons. In the end, the alternatives cost as much and more than the V-22, and we end up with 20-year-old aircraft with 40-year-old technology. And on top of that, the Marine Corps and DOD have both admitted on the record that the alternatives have yet to be tested.

It looks like the Pentagon pencil pushers have finessed the art of smoke and mirrors. Rejecting the Pentagon budgeteers' package is no more pork barrel politics than rubberstamping it is fiscal responsibility.

The supporters of the Cheney package are trying to portray the committee budget as pork. The only thing close to pork is their argument. It is pure hogwash.

Mr. Chairman, we began the hearings for the DOD bill on February 22 of this year and ended on June 7 of this year. We held a total of 138 subcommittee hearings and markup sessions, six full committee sessions and four markups.

The committee restored the V-22, the most cost-effective alternative and revolutionary aircraft. We restored the F-14D to address a shortfall in naval aviation, and we restored critical aircraft to our Guard and Reserve, and the votes were not ties. The vote to restore the V-22 and the F-14 was a 28-to-15 division, a bipartisan majority. The vote to support the Guard and Reserve package was a 34-to-19 vote, clear and decisive wins, based upon the debate that we heard in those 138 sessions.

These are not programs that benefit only local interests at the expense of national needs. I urge in the strongest terms that my colleagues vote down the Dickinson amendment and vote for the choice that we have in this body to effect our defense budget decisions.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to our distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, I rise in support of the Cheney budget as embodied in the amendment offered by the gentleman from Alabama [Mr. DICKINSON], the distinguished ranking member.

We owe it to our former colleague to back him up in the tough choices that he has had to make. If I remember correctly, the Secretary told us at the outset of assuming his office that he had to take a $10 billion hit right off the bat. In the procurement budget he presented, he took us at our word. We said as a body, not necessarily this Member, but as a body we said cut the defense budget, so he told us exactly how he was going to do it in an age of glasnost and the budget crunch.

The Armed Services Committee then I guess confronted him, eyeball to eyeball, with his honest defense budget. And what did the committee do? It blinked on a 26-to-26 vote.

For years we have been hearing howls from the House about the need to do away with smoke and mirrors in the defense budget. So hurricane Cheney blows away the smoke, shatters the mirrors, and what do we do? Some of us start building smoke machines of our own and installing fun house mirrors all around the place. Pet projects take precedence over sound national security policy.

The author of the amendment, the distinguished ranking member of our committee, the gentleman from Alabama, Mr. BILL DICKINSON, said the defeat of the Cheney budget in the committee was "a bad day for good government," and I agree. It was a bad day for our credibility around here.

We howl about the need for cuts, but when the cuts are not to our liking, we howl even louder.

The Cheney budget is an honest one, it is responsive to our needs, and to our demands, and it is responsible, and yes, I say it is courageous in view of all of the facts surrounding it.

Mr. Cheney blew through this institution with great force, but it is exactly what we needed, a cleansing, powerful, direct assault on the complicity that has made the Congress a partner in a number of defense spending fiascos that we have been witness to.

I would strongly urge the House to adopt this amendment, not for the Secretary's sake alone, or for the President's, but for the integrity and the credibility of this institution. To do anything less is to make a mockery of all our Pentagon calls for Pentagon reform.

We asked for the cuts, and the new Secretary gave us cuts, and did it in

such a way as to preserve the triad that we need across the board.

□ 1830

That is a delicate balance to have to strike when you are under the kind of restraints that we imposed upon him.

And then, with all that consideration, then to have the top defense man responsible in the country, second only to the President, have his choices undermined the way we have, I would say we have to give the Secretary all the chance and opportunity to do the job that he has been obliged to do.

The medicine may be bitter, but the disease has to be cured, not tomorrow but on this very afternoon.

Mr. MONTGOMERY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I want to point out to the minority leader, our good friend, that Mr. Cheney added the mobile Midgetman missile of $30 billion. So he was not too careful about cuts then. He added an additional $30 billion.

We are not trying to add that much at all.

Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. McCLOSKEY].

Mr. McCLOSKEY. Mr. Chairman, one of the most disappointing and ludicrous aspects of the dialog so far on the Cheney procurement budget has been the tendency of some to characterize the Committee on Armed Services' mark, somehow, as bad government. A vote for the V-22 and two other items is not a vote for bad government but it is a vote to save lives. An indepth Navy report recently showed that during 6 months of sustained combat the Marines would lose three to four times as many air crews in the UH-60, the states alternative, as in the V-22's.

Marine Corps Deputy Chief of Staff for Aviation, General Pitman, told me in an Armed Services Committee hearing that without the V-22 mission capacity would be severely degraded.

No wonder the V-22 continues to be the highest procurement and aviation priority of the Marine Corps.

It also is playing reckless with the facts to argue a vote against Dickinson is a vote for additional defense spending. In reality it would be approximately the same but with different priorities for a mere 2.3 percent of the procurement budget.

To disagree with 2.3 percent, a fraction of the defense budget is not a mark of disloyalty against Mr. Cheney, who already is doing a very fine job.

The truth is we want funding for the V-22, the F-14D and additional Guard and Reserve equipment. The Dickinson amendment would have that money go to the Stealth bomber, the MX and Midgetman missiles and SDI, as envisioned by the administration; a budget-buster program if there ever was one.

Taxpayers have a stake in the Osprey with nearly $2.4 billion already spent on a plane nearly 80 percent complete.

Why scuttle this now when a Marine Corps report showed that the Cheney alternative to the V-22 in the long run would cost at least $1 billion more and only deliver half the capabilities?

Vote for better government. Vote for the committee and against the Dickinson amendment.

Mr. MONTGOMERY. I thank the gentleman.

Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. I thank the gentleman for yielding.

Quite frankly I was not going to get up and speak on this issue but I think we are making a lot of nothing out of nothing, quite frankly, if that makes any sense at all.

In committee I made a commitment to support the Cheney budget, personally, with a condition, of course, that if it did not carry in committee all bets were off and I would come back to the floor and try to be supportive of a good defense bill.

But what we are doing here, I believe, if the Cheney budget passes tonight, what we ought to do quite frankly is eliminate the next 2 days of work in the Committee on Armed Services.

I mean this is a joke. If the Cheney budget passes tonight, there is no need to have all these amendments tomorrow because you are playing with smoke and mirrors.

If we are talking about acquisition reform, let me remind my colleagues acquisition reform did not begin with Mr. Cheney or for that matter with Mr. Reagan. Acquisition reform began with this committee and we are able to get a program through. That is the reason I rose to speak.

Mr. MONTGOMERY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. DOWNEY).

PARLIAMENTARY INQUIRY

Mr. MONTGOMERY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore [Mr. DURBIN]. The gentleman will state it.

Mr. MONTGOMERY. Mr. Chairman, who has the right to close debate?

The CHAIRMAN pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] has the right to close the debate.

Mr. MONTGOMERY. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Mr. Chairman, I rise in opposition to the Cheney budget because it denies, it savages, and starves our National Guard and Reserves at a critical time in our Nation's changing defense posture.

Our Guard and Reserves are modern forces with missions critical to our total force structure. Let us give them the tools they need with which to do the job.

The Air National Guard bears a staggering 86 percent of the continental air defense of our country. As a matter of fact, from Syracuse, NY, we have three old Air Force F-14's stationed down there at Charleston. They pick up the Bear bombers and monitor them as they go on down the coast. But in comparison to the operation and maintenance authorization for the Air Force in fiscal year 1990 in the Cheney budget, it only gets 8.9 percent of the financial resources.

With the committee-passed package $163 million will go to address the O&M shortfalls as well as for recruitment modernization.

Old friends, this is not Federal pork for a bunch of so-called weekend warriors; this is requisite funding for well-trained, highly capable forces which share a tremendous portion of the defense burden of our Nation but do not get a fair shake from that crowd over at DOD.

The $49 million of the Montgomery package goes to improve F-15 and F-16's already in use by the Guard and Reserves.

While these planes are presently operational, they will not be able to shoulder the responsibilities of the Air National Guard unless they are modernized. The Air Guard and the Reserves have 33 percent of the combat missions of the total Air Force, and DOD does not want to modernize the few modern aircraft that the Guard and the Reserve possess? It just does not make any sense.

For these reasons and others I do not have the time to go into, I feel compelled to vote against the Cheney budget.

Mr. MONTGOMERY. Mr. Chairman, I yield 2 minutes to the gentleman from the State of Virginia [Mr. SISISKY].

Mr. SISISKY. I thank the gentleman from Mississippi.

To my colleagues I played a fairly active part in the committee on this issue. The first thing that got my attention was national interest versus local interest. I confess that I had a local interest. The local interest was very simple; I have a Guard and a Reserve unit there and I knew they needed more equipment.

Guilty. But it is also a national interest.

I do not make a bolt or a screw or anything for the V-22 or the F-14. Why did I get involved? National interest.

Nothing against Secretary Cheney, whom I admire greatly. The issue is not what Secretary Cheney and the Department of Defense put into the bill. It is what my colleagues said on the number of committee meetings they had, on what we, we as Members of this Congress and as members of the Committee on Armed Services could put into the bill.

The Department of Defense got 98 percent of what they wanted. We got 2 percent.

But you must understand something, and I think it has to be made clear: The amount of money that we put into this budget for the three items did not raise the deficit 1 cent.

□ 1840

We got the money from somewhere else, and I can tell Members, just looking at the budget, how did it come to be involved with the F-14? I knew we had a shortfall of F-14a, and I knew that it would be a problem. I would hope that the Members and my colleagues would vote against this amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Mississippi [Mr. MONTGOMERY] has 8½ minutes remaining and the gentleman from Alabama [Mr. DICKINSON] has 5 minutes remaining.

Mr. MONTGOMERY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. MARTIN].

Mr. MARTIN of New York. Mr. Chairman, I yield to the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Chairman, I am opposed to the amendment.

I rise in opposition to the amendment offered by the gentleman from Alabama [Mr. DICKINSON] which would cut funding for the F-14D jet fighter, or well as the vital programs for defense.

As we consider this amendment on the F-14, Mr. Chairman I hope we will look beyond whose budget proposal it is. The question of whether or nor F-14 funding is in the committee bill or the Cheney proposal should be immaterial to our considerations. Instead, we should examine the F-14 on the merits, on whether or not it can do the mission for which it was designed, and whether or not the Navy has a sufficient number of F-14's to defend American interests around the world. Those are the key questions before us today.

First of all, it's important to note that even the opponents of the F-14 concede that it is an excellent airplane with a proven record in combat. From the *Mayaguez* incident and *Achilles Leuro* hijacking to action over Libya and Grenada, the F-14 has been and remains the mainstay of Naval aviation. Former Navy Secretary John Lehman has testified that the F-14 is the only fully tested, reliable combat aircraft the Navy has and I believe that if the Navy brass were free to speak their mind today they would agree and formally request more from the Congress. Two months ago I visited the aircraft carrier *Coral Sea* on duty in the Caribbean and was told repeatedly by Navy pilots that the F-14 enjoys a clear advantage in sustained combat because of its long-range capacity. A capacity not shared by the Navy's other jet fighter, the F-18 which burns gas at a tremendous rate and must be constantly refueled.

Even Dick Cheney will tell you it's a good plane, and the Pentagon bureaucracy admits as much by virtue of the fact that it wants Grumman to remanufacture old F-14's, updating them to the new "D" version. The question is, and this brings me to my second point, will that remanufacture program be cost-effective and will it keep the Navy adequately supplied with F-14's?

On the issue of cost effectiveness the remanufacture is justified by the Pentagon on the basis of a grossly inflated figure for the per unit cost of a new F-14D. The Pentagon first used figures indicating that a new F-14 would cost $75 million a copy, later revised to $70 million. But to achieve this figure the Pentagon employed a strange computation method which when used to compute the cost of a remanufactured F-14—as opposed to a new one—comes out to $129 million a copy. In any event the actual flyaway unit cost of the F-14D—and the number on which the Armed Services Committee bases their calculations—is $50 million per copy. And for that you get a new airplane, not a revamped old one that has undergone years of wear and tear.

But whether the plane is old or new, there is the paramount consideration of whether we will have enough F-14's to do the job the situation demands. The Navy needs 458 fighter aircraft in inventory for its carrier task forces around the world. The Pentagon has said that it has a surplus in fighter aircraft that will endure for several years, at least until the Navy advanced tactical fighter [NATF] is brought on line in the year 2002.

That is partially true, but the surplus turns to deficit in fiscal year 1995 even if the NATF is on schedule. If NATF delivery slips by just 3 years—not an unreasonable assumption given the recent history of DOD programs—we see a devastating shortfall of 53 percent in the Navy's fighter inventory in the year 2007. This is an important point because it takes into consideration something the Pentagon has conveniently chose to ignore—the normal attrition rate for any jet fighter—occasional accidents, retirement of old aircraft, and so on.

Finally, Mr. Chairman, there is the important point of our defense industrial base and the presence of more than one aircraft manufacturer in competition for contracts. If new production of the F-14 is shut down, Grumman will go out of business of making aircraft for the Armed Forces. The F-14 remanufacture program proposed by the Pentagon is simply not enough to keep the production lines going and Grumman in a position to bid on new contracts for aircraft.

In the wake of the Pentagon procurement scandal—one of the biggest scandals in our history that filled the newspapers for weeks and prompted calls for reform and more competition, not less—we face a Pentagon proposal to put a major manufacturer out of business and leave only one company—McDonnell Douglas—making planes for the Navy. We all suffer from selective amnesia from time to time but this is ridiculous. Mr. Chairman, we need and will continue to need new F-14's in the Navy inventory until we have concrete assurance that the NATF—now just a paper airplane on the drawing board—will come on line as scheduled. We also need to ensure that we have adequate competition in the procurement process. The gentleman's amendment strikes at the heart of both these essential elements of sound defense policy. I urge my colleagues to defeat the amendment.

Mr. MARTIN of New York. Mr. Chairman, I rise in support of the committee bill and in opposition to the Dickinson amendment, as I opposed it in committee. The committee reported this bill to the floor by a vote of 45 to 4. In the committee there were not many amendments to the procurement section, but those which were offered and were passed, passed by a substantial margin.

The gentleman from Mississippi's [Mr. MONTGOMERY] National Guard/Reserve amendment passed by a vote of 34 to 19. In the naval aviation package, the V-22 and the F-14D passed by a larger margin. As a matter of fact, it passed on a division, 28 to 15. There was not even a need for a recorded vote.

What kind of way is this to do business? I have no objection to the Committee of the Whole working their will on the bill as they did here today. Just to accept the budget as it was sent down here from the Pentagon to me is the equivalent of a "no brainer" in a gin rummy game; a person's dealt a hand and that is what the player does with it, without thought.

This is not a question of Dick Cheney. We gave Dick Cheney 98 percent of what he came with. The first day I went to him and said one of the big problems we have is the naval aviation package. What is he going to put on the carrier decks in the mid-1990's? The advanced tactical fighter? I want to give Members a bulletin, folks. Yesterday, the Appropriations Subcommittee cut out all the R&D money for the advanced tactical fighter. No member of the Department of Defense staff, and no member here is willing to say that the advanced tactical fighter is going to be here in time.

Do the right thing for defense, for those Marines, and those naval aviators, and vote down the Dickinson amendment.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I rise in support of the amendment of the gentleman from Alabama to restore procurement funding levels to those in the Cheney package.

Mr. Chairman, I've been in Congress for 7 years, and for 10 years prior to that I was associated with the other body. During those 17 years, I have seen Congress ask again and again for

the Pentagon to send over a budget which was realistic—that attempted to accurately forecast defense spending levels and reconcile these with our Nation's defense mission.

For the first time, we have received a budget from the Pentagon that gave us a legitimate blueprint to work from. Our committee has also recognized that defense spending will not continue to grow over the next 5 years and we can't afford to continue all the programs we now have in the pipeline.

So, Secretary Cheney bit the bullet and made the tough choice and it's time the Congress made them too. He chose to terminate programs, not just stretch them out. And even with these cuts, we still face a shortfall of more than $100 billion during the next 5 years.

Mr. Chairman, I may not agree completely with every choice Secretary Cheney made, but I continue to support him because the alternative we are considering here today does not make the tough choices—it continues funding on all programs, many in inefficient and expensive ways.

It is time this Congress faced up to the fact that if we are going to continue to reduce defense spending, some programs have to die. The fallacy of the defense bill before Congress today is it pretends we can still afford everything—and we can't. If we are going to restore programs, we need to do it by terminating others—and not put off the tough choices another year.

We are entering a new era—an era where the decision to fund defense programs must be based on a combination of mission requirements, affordability, and priority. The Cheney budget attempts to do this and for that reason, I will support it today.

The CHAIRMAN pro tempore. The gentleman from Mississippi has 6½ minutes remaining.

Mr. MONTGOMERY. Mr. Chairman, it is my pleasure to yield 2 minutes to the majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, I rise not to criticize Secretary Cheney or to criticize Mr. DICKINSON, who is involved in this amendment. It is a very important amendment, and I think it really will define what this bill is ultimately about.

Secretary Cheney came to the Department and he made some choices, and he thinks they are the right choices. I do not agree with those choices. I think we can do better than that. I think in the main, the committee did that. The choice the committee made was not to fund the strategic defense initiative or the B-2 bomber to the extent that the Secretary wanted, but instead to add some dollars for interdicting drugs, to add some dollars for cleaning up nuclear waste, and to add some dollars to conventional forces. I think these are things that most Members agree need to be done.

The charge is that by not passing the Cheney budget, we will be adding pork. I resent that charge. If it is made, I do not think it is true. The V-22 is a good system that enhances our conventional capability. The F-14 is needed for our nuclear aircraft carriers, and I think they are good and strong arguments that can be made for both.

John Kennedy once said that to govern is to make choices. We are making a very important choice in the passage of this bill. I simply rise to respectfully suggest that the choices Secretary Cheney makes should not be our choices, but that we have an opportunity in essentially supporting the committee's decision to make better choices. That is what I hope the Members will do.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I rise in support of the Dickinson amendment and in support of the Cheney budget.

Our colleague, the gentleman from Mississippi [Mr. MONTGOMERY] has suggested that there is only a difference of three items between the Cheney budget and what the committee did. That is true in a general sense, but those three changes represent $1.58 billion totals. The result of that is to throw, way out of whack, the very carefully constructed budget that Secretary Cheney presented to Members. This $1.587 billion was achieved by cutting some very important programs, and has been pointed out by colleagues. For example, by cutting out spare parts, by single-year procurement instead of multiple year procurement, which costs more in the long run, and by reducing host nation support.

On the subject of spare parts, on the order of $524 million in spare parts were removed. This added to 1989 which was one of the worst spare parts funding years in recent history, meaning that any leveling of the 1990 budget would impact every aircraft in our inventory and add to a negative trend already seen in 1989 readiness, and accelerate the current erosion in sustainability.

This is what we criticized the Carter budgets for, back in that Presidency, for providing Members with ships that did not sail and airplanes that did not fly. We are about to do that again as a result of the choices that are being made here.

My courageous colleague, the gentleman from Oklahoma [Mr. MCCURDY] was correct when he said that Secretary Cheney did what we asked him to do, what we told him to do, make those tough choices. It is not a partisan issue. The American people want Members to prioritize. We cannot afford everything, and that is what the Cheney budget does.

In conclusion, Mr. Chairman, my esteemed colleague from Massachusetts [Mr. MAVROULES] said that the Cheney budget meant that the next 2 days are irrelevant. They are not.

□ 1850

Mr. Chairman, my colleagues can support the Cheney budget and still vote against one item or two items, if they choose to do so in the next 2 days, but they have the opportunity to vote aye on the Cheney budget, aye on the Dickinson amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND of Georgia. Mr. Chairman, I rise in opposition to the Dickinson amendment.

Mr. Chairman, I rise in opposition to the Dickinson amendment reinstating the defense budget as requested by the Bush administration.

I appreciate the tough budgetary decisions the administration's request represents. However, I disagree strongly with one aspect of this proposal: the elimination of the Grumman F-14D Tomcat.

I do not think that it makes good military or economic sense to eliminate an excellent producer of military aircraft—and that is exactly what this amendment does. It puts Grumman out of the military aircraft business. This does not bode well in terms of our national security. Our capability to produce naval fighter aircraft would be severely reduced due to the reduction this amendment creates in our industrial base.

The F-14D is a tried-and-true component of our defense arsenal and future production of this aircraft should not be terminated in this hasty manner.

I urge my colleagues to oppose the Dickinson amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Alabama [Mr. DICKINSON].

Regardless of the arguments that might be made in support of big-ticket items—notably the B-2 bomber—in the so-called Cheney budget. I think the committee has already considered well the greater priorities in this tight budgetary climate—especially as it affects the National Guard and Reserves and the V-22 Osprey.

After much consideration of our budgetary constraints and the tough decisions faced by Secretary Cheney, I think his decision to cut the V-22 was shortsighted. This helicopter/airplane hybrid will vastly increase the capabilities of our fighting forces—getting troops where they are needed faster with a better

chance of survival. Moreover, a close look at costs suggest that with this increased capability, we are getting quite a bargain; this new tiltrotor aircraft is certainly competitive if not less expensive than existing alternatives.

As if these points were not enough, this aircraft will provide special operations options simply not available with existing helicopters or aircraft. In short, Mr. Chairman, we have here a defense system that will be a significant improvement in our defense capabilities. Moreover, the V-22 has exciting implications for our country's commercial aviation industry. At a time when America's preeminence in aviation is being challenged by our allies as much as by our foes, potential commercial application of an aircraft like the Osprey cannot be ignored. I, therefore, urge my colleagues to defeat the Dickinson amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Chairman, I certainly appreciate the gentleman from Mississippi [Mr. MONTGOMERY] for yielding me this time, and I want to take a moment to commend him for his leadership on the Committee on Armed Services to strike a proper balance in the total force for the National Guard and Reserve and their important component to go along with the professional military forces.

Mr. Chairman, I would like to say to my colleagues that, "If you vote for this amendment, as a Member of Congress you ought to send Secretary Cheney a check for your salary for the entire year because you've done nothing. You've done nothing except say, 'Go ahead, Mr. Cheney. It's all yours. You don't need a Congress. You don't need an Armed Services Committee. You don't need an Appropriations Committee. Just go ahead, give us your orders, and we'll accept them.' "

Mr. Chairman, I happen to think that my 434 other colleagues, perhaps me excluded, understand and appreciate the defense of this country and the need that we have to look after all of our priorities here, and, Mr. Chairman, it appears to me that while I support Mr. Cheney, and he certainly is a bright man; he has done a good job for President Bush in the short time that he has been over there, I think there is some talent here in the House of Representatives and in the Senate that, in essence, there are things to be learned from the advice that can come from here.

So, Mr. Chairman, if my colleagues as Members of Congress think that they ought to give Secretary Cheney a blank check, then that is their business, but I would say this in conclusion, Mr. Chairman, that we have a responsibility, and it is an absolute dereliction of our duty to vote for the amendment of the gentleman from Alabama [Mr. DICKINSON] and give away all of our congressional prerogatives just for the purpose of making something fit.

In conclusion, Mr. Chairman, this Dickinson amendment ought to be voted down overwhelmingly, and I urge its rejection.

Mr. MONTGOMERY. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. BORSKI].

Mr. BORSKI. Mr. Chairman, I rise in opposition to the Dickinson amendment.

Mr. Chairman, I rise today in support of the V-22 Osprey Program and in opposition to the Dickinson amendment.

Mr. Chairman, the Armed Services Committee did a good job in restoring funding for the V-22 Osprey. But opponents of the V-22 say that its mission is too narrow and its cost is prohibitive.

I say the V-22 is the most cost-effective means for its prime mission: to carry more Marines into combat, farther, faster, and safer than the helicopters currently used.

And, the V-22 can go beyond that. Its unique ability to take off vertically, like a helicopter, and fly at high speeds like a conventional airplane, make the V-22 capable of a wide variety of military missions.

The Osprey could be utilized by the Navy for antisubmarine warfare, by the Air Force to rescue downed pilots and by the Army to evacuate wounded soldiers. The V-22 could also quickly deploy to hot spots around the world or be used to fight terrorism, perhaps the greatest threat to our national security in the years to come. That does not sound like a narrow mission to me.

The V-22's revolutionary tilt-rotor technology also makes it one of the most important recent advances in aviation. Development of this technology could be a big boost to the U.S. commercial aviation industry. Tilt-rotor aircraft could be used to relieve congestion at airports around the country as commuters and short-distance travelers would be diverted to heliports.

The V-22 is not cheap. However, canceling the V-22 Program will not save money.

CH-53 and CH-60 helicopters, the alternatives to the V-22, are old and will cost more than the V-22. Some reports indicate that with maintenance, operation, and support costs, the helicopters could cost from $1 to $10 billion more than the V-22.

In addition, the V-22 is safer than the alternative choppers. These aircraft were not designed to carry out the primary mission of the V-22. The Osprey has them beat in speed and survivability. In terms of lives saved, the cost of the V-22 is not prohibitive.

The committee bill provides a total of $508 million for the V-22, $351 million for research and development and $157 million for procurement of 12 Ospreys. These are adequate funds for continuing the V-22 Program.

The Dickinson amendment would eliminate the procurement funds for the V-22. I urge my colleagues to oppose the Dickinson amendment and support a cost-effective, versatile aircraft that will enhance our national security: the V-22 Osprey.

Mr. MONTGOMERY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I rise in opposition to the Dickinson amendment to restore the Cheney procurement title.

When the Cheney budget came before the armed services committee, only 1.7 percent was devoted to the Guard and Reserve Forces.

Yet, the Guard and Reserve is responsible for 50 percent of the combat missions in the Army, 33 percent of the combat missions in the Air Force, 15 percent of the combat missions in the Navy, and 25 percent of the combat missions in the Marine Corps.

With these numbers in mind the committee voted to increase the percentage of the defense budget devoted to the Guard and the Reserve to 3.3 percent.

This is a small investment to make given the size of the investment the Guard and Reserve makes in defending our country.

The Dickinson amendment would eliminate this badly needed funding.

By passing this amendment we would do the Guard and Reserve Forces of this country a great disservice.

Mr. MONTGOMERY. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Mr. Chairman, I rise in opposition to this amendment because of my strong support of the V-22. At a time when the prospects of the horror of the nuclear holocaust seem to be diminishing, our national security continues to be threatened by limited regional conflicts and terrorist activities. Few military programs are as well suited for supporting these low intensity conflict operations as the V-22.

Within the Department of Defense, we have two organizations to counter the threats involved in low intensity conflict—the Marine Corps and the Special Operations Forces. I remind my colleagues that it was Congress, not the Department of Defense, that saw to it that a unified command was established to deal with special operations and low intensity conflict. Both the Marine Corps and the Special Operations Command have declared the V-22 to be their top priority. Again, it falls upon Congress to support this essential military mission.

The assault helicopter the Marines now use is some 30 years old. It must be replaced to do the job against the

emerging threat. Budget realities dictate that any replacement aircraft will also have to last about 30 years. We must provide our forces with new state-of-the-art aircraft that will give them a survivable combat advantage up to the year 2020. The replacement aircraft proposed in the Cheney budget were developed in the late 1960's and early 1970's, and in my view this is dangerous.

During the Faulklands conflict the British learned, at the expense of a great loss of life, that an amphibious landing task force near a beach is vulnerable to air attack. Our Marine Corps has been developing the capability to attack from over the horizon where a large zone can exist for adequate air defense. Essential to the mission of doing over the horizon assaults is the ability to get marines ashore quickly, and this cannot be done without the V-22. After the battle is over there is an equally important need to be able to extract our forces quickly and safely. For the conflicts we are most likely to be involved with in the future, and for the kinds of missions these conflicts will dictate, the V-22 will be essential for increasing the likelihood of success and reducing the loss of lives of our fighting forces.

We cannot allow the Department of Defense to cancel the V-22 and substitute helicopters from the past that will cost more in long term dollars, cost lives, and be less survivable. I urge my colleagues to support H.R. 2461 and defeat this amendment.

Mr. DICKINSON. Mr. Chairman, I yield the remaining 1½ minutes to the very distinguished gentleman from Connecticut [Mr. ROWLAND].

Mr. ROWLAND of Connecticut. Mr. Chairman, I am confused. I have sat through dozens of committee hearings in the Committee on Armed Services where we have talked with former Secretaries of Defense, administration officials, military experts, demanding that these individuals set priorities, demanding that they come up with cancellations and proposals to cut back on the various budgets.

What happened this year was quite simple. We came up with the budget summit and an economic number that was $10 billion less than the Reagan budget. We threw the ball to Mr. Cheney. We demanded that he come up with a proposal to cut some $10 billion from the Reagan budget.

Much to our surprise, Mr. Chairman, and perhaps to the dismay of some, he did just that. We were startled. Members quickly looked around, and, rather than coming up with other plans, rather than offering other proposals to reduce $10 billion, within days of the Cheney budget we came up with over $7 billion in add-ons.

Yes, no one agrees with all of the positions that the Cheney budget took. We do not agree with all the cancellations, but I can assure my colleagues, and I think most Members agree, the decisions that were made will save money. If we delay cancellations, if we delay terminations, we merely push the tougher choices into the future.

The gentleman from Alabama [Mr. DICKINSON] later on in the week will also offer an amendment which will add back dollars to the National Guard and Reserve in his motion to recommit. For those of us that are concerned about those positions, as I am, and of course the chairman of the Committee on Veterans' Affairs, we can protect that position later.

Mr. Chairman, I would encourage everyone on both sides of the aisle to support the amendment of the gentleman from Alabama [Mr. DICKINSON].

Mr. MONTGOMERY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. HOCHBRUECKNER].

Mr. HOCHBRUECKNER. Mr. Chairman, I rise in opposition to the Dickinson amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Chairman, let me just say that there is no one I have a higher regard for than the gentleman from Alabama [Mr. DICKINSON], nobody I take more advice from and pay more attention to on defense issues. He is a great defender of this Nation, and he always has been, but I disagree with him on this particular case.

Mr. Chairman, I think Dick Cheney, after he has been over there a while, he is going to turn out to be a great Secretary of Defense, and I have great admiration for him.

However let me tell my colleagues about these programs that I think are so important. The V-22 is absolutely essential to the Marine Corps. The Marine Corps put a lot of money into this thing down the road. They put other programs on the shelf in order to fund the offspring, and they needed to get the troops into the field. This is a troop-funding program. The F-14 in my estimation is a mature program. We are 56 airplanes short, no matter how we look at it, and we ought to buy that program out as we go to the follow-on fighter, and there is no question about the National Guard and the shortages.

Mr. Chairman, all of us, I think, agree, and it is absolutely essential that we defeat the amendment of the gentleman from Alabama [Mr. DICKINSON] and go forward with this bill.

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Mr. MONTGOMERY. Mr. Chairman, in closing the debate, I want to point out to my colleagues that we do have a new Secretary of Defense and a wonderful person, but Mr. Cheney is not running this House and is not running this committee.

We only added three amendments to the Cheney budget. I think that in fairness we are entitled to that, and I hope that this committee will stay with the Armed Services Committee and vote down the Cheney-Dickinson amendment.

Mr. Chairman, I ask for a no vote.

Mr. DICKINSON. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore (Mr. DURBIN). Is there objection to the request of the gentleman from Alabama?

Mr. MONTGOMERY. Mr. Chairman, reserving the right to object, I will not object, but I do not know what the gentleman is driving at. Would the gentleman explain his request?

Mr. DICKINSON. I think I have the right to strike the last word.

The CHAIRMAN pro tempore. Not under the rule, if there is objection heard. There is a rule limiting debate. All the time under that rule has expired. If the gentleman is asking unanimous consent to have additional time to argue, then the Chair will ask the committee to consider that request, and if there is objection, it will not be granted. If there is no objection, it will be granted.

Mr. DICKINSON. Mr. Chairman, this gentleman did not ask for unanimous consent. It was my understanding that under the rule the chairman or the ranking member has the right to strike the requisite number of words.

The CHAIRMAN pro tempore. That is not the wording of the rule this year. The gentleman will have to ask unanimous consent.

The question is on the amendment offered by the gentleman from Alabama [Mr. DICKINSON].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 143, noes 278, answered "present" 1, not voting 9, as follows:

[Roll No. 164]

AYES—143

Archer	Clinger	Duncan
Aspin	Coble	Edwards (OK)
Baker	Coleman (MO)	Emerson
Ballenger	Combest	English
Bateman	Cooper	Fawell
Bereuter	Coughlin	Fish
Bilirakis	Cox	Frenzel
Bliley	Craig	Gallegly
Broomfield	Crane	Gallo
Brown (CO)	Dannemeyer	Gekas
Bunning	Davis	Gillmor
Burton	DeLay	Gingrich
Callahan	DeWine	Goss
Campbell (CA)	Dickinson	Gradison
Cardin	Douglas	Grandy
Chandler	Dreier	Grant

Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Herger
Hiler
Hoagland
Holloway
Hopkins
Houghton
Huckaby
Hunter
Inhofe
Ireland
Johnson (CT)
Kasich
Kastenmeier
Kolbe
Kyl
Lagomarsino
Leach (IA)
Lewis (CA)
Lowery (CA)
Lukens, Donald
Machtley
Madigan
Marlenee
Martin (IL)
McCandless
McCollum
McCrery
McCurdy
McEwen
McMillan (NC)
Meyers
Michel
Moorhead
Morrison (CT)
Morrison (WA)
Myers
Nagle
Nielson
Oxley
Packard
Parris
Pashayan
Paxon
Petri
Porter
Quillen
Ray
Regula
Rinaldo
Robinson
Rohrabacher
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schiff
Schuette
Shaw
Shays
Shumway
Shuster
Skeen
Skelton
Slaughter (VA)
Smith (IA)
Smith (TX)
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Thomas (CA)
Thomas (WY)
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Wolf
Wylie
Young (AK)

NOES—278

Ackerman
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Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Armey
Atkins
AuCoin
Barnard
Bartlett
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Hall (TX)
Hamilton
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Hayes (IL)
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Jones (GA)
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Levine (CA)
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Lightfoot
Livingston
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Luken, Thomas
Manton
Markey
Martin (NY)
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Rostenkowski
Rowland (GA)
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Sangmeister
Sarpalius
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Whittaker
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Williams
Wilson
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Wolpe
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Yates
Yatron
Young (FL)

ANSWERED "PRESENT"—1

Olin

NOT VOTING—9

Brooks
Chapman
Collins
Courter
Florio
Hawkins
Hyde
Lipinski
Murphy

□ 1919

Mr. RITTER and Mr. ROHRABACHER changed their vote from "no" to "aye."

Mrs. ROUKEMA changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1920

Mr. ASPIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. LEHMAN of California] having assumed the chair, Mr. DURBIN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 2461) to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes, had come to no resolution thereon.

CORDELL BANK NATIONAL MARINE SANCTUARY

Mr. BOSCO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 281) to approve the designation of the Cordell Bank National Marine Sanctuary, to disapprove a term of that designation, to prohibit the exploration for, or the development or production of, oil, gas, or minerals in any area of that sanctuary, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 2, strike out all after line 17, over to and including line 2, on page 4.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. DAVIS. Mr. Speaker, reserving the right to object, I will not object, but I yield to the gentleman from California [Mr. Bosco] for an explanation of the joint resolution.

Mr. BOSCO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, earlier this year the Bush administration set aside a 400-square-mile area off the coast of northern California as a marine sanctuary known as the Cordell Bank Marine Sanctuary.

This resolution makes it clear that there will be no oil or mineral development within the confines of that sanctuary.

Mr. DAVIS. Mr. Speaker, I am aware of no minority objection at this time to this joint resolution.

The administration is not opposed to House Joint Resolution 281, and it was reported favorably from the Committee on Merchant Marine and Fisheries on June 21, and passed by the House by voice vote 6 days later.

Therefore, we have no objection to the measure.

Mr. JONES of North Carolina. Mr. Speaker, I rise in support of this motion to pass House Joint Resolution 281 as amended by the Senate.

Mr. Speaker, on Monday, July 24, the Senate passed this resolution after removing my amendment that would have required the Department of the Interior to prepare an environmental impact statement prior to approving an oil and gas exploration plan on certain tracts offshore North Carolina.

I am pleased to announce that the State of North Carolina, the Department of the Interior, and the Mobil Oil Corp. reached an agreement on July 14, 1989, that eliminates the need for my amendment.

Specifically, Mr. Speaker, the agreement establishes a timetable within which the Department of the Interior will complete an "environmental report" tailor made for North Carolina on the exploration plan submitted by Mobil Oil.

I am pleased with the agreement and believe, as does North Carolina Governor Martin, that it responds to the many questions and concerns raised about the Mobil drilling proposal.

For several months I have been trying to get the parties involved to reach just such a voluntary agreement. When there seemed to be little interest in doing so, I took steps to re-

quire, through the amendment to House Joint Resolution 218, an environmental impact statement before Mobil's exploration plan could be approved.

Mr. Speaker, I have consistently said that I would not object to the removal of my E.I.S. requirement on the Cordell Bank Marine Sanctuary bill if the parties reached an agreement.

In a letter dated July 13, 1989, Governor Martin graciously acknowledged the influence that the amendment had in bringing the parties together and went on to relieve the North Carolina congressional delegation of any further action on the proposal.

Having taken care of the concerns expressed by the residents of the State of North Carolina, it is time to turn our attention to successfully enacting the Cordell Bank Marine Sanctuary bill. I would like to acknowledge the tireless work of our colleague, DOUG BOSCO, in securing passage of this bill and the other body for its cooperation and prompt action on this matter.

Mr. DAVIS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOSCO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution and Senate amendment thereto just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT OF THE DEATH OF THE HONORABLE JAMES N. COLLINS

(Mr. BARTLETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT. Mr. Speaker, I rise to announce the death last Friday of a retired Member of this House, Congressman James N. Collins, who passed away last Friday afternoon in Dallas, TX. His funeral was held yesterday afternoon in Dallas at 4 p.m.

He served in this House after a special election was held in 1968 through 1982. He served as a member of the Energy and Commerce Committee. He was a well-respected Member in this body.

Mr. Speaker, I want my colleagues to know that we will be taking a special order on Congressman Collins next week, either Monday or Tuesday, as a way of paying tribute to his service in this body.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT OPERATIONS AND COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Operations and the Committee on Public Works and Transportation:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 20, 1989.

Hon. THOMAS FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I am writing to inform you that due to my appointment to the Committee on Rules, I must resign my position as a member of the Committee on Government Operations and the Committee on Public Works and Transportation.

Please feel free to contact me if I can be of any further assistance.

Sincerely,

LOUISE M. SLAUGHTER,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There is no objection.

INTRODUCTION OF HEALTH BILL

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. McDERMOTT. Mr. Speaker, Americans deserve a health care system that works like a system, not like a lottery. In my State of Washington, we have a system. It is called the Washington Basic Health Plan, and it is the first State program in the country to provide low-cost health insurance to the working poor.

I know other States have good ideas on how to bring affordable care to their citizens. That is why today I am introducing legislation to provide planning grants for States to develop their own programs for their uninsured families.

Robert LaFollette called State legislatures "the laboratories of democracy" and I believe the States can help us—by showing what works and what doesn't. That is how Canada's health care system developed—through the provinces.

We need a national system of health insurance in this country. We will develop one, based on our circumstances and experience, but we may develop it the same way as Canada—through our States. The most effective programs, and the most humane and caring programs, are developed at the local level. I believe that given the opportunity, one of our 50 States will find a way to cover the uninsured at an affordable cost that will work for the rest of the country. I ask my colleagues to join me in supporting this effort.

Today I want to join many of my colleagues and millions of Americans across the country in the struggle to bring affordable health care to all of our citizens. Our current health care system is the world's most expensive—but it still leaves 1 in 6 Americans without coverage. It is a national scandal that continues to defy effective Federal response.

We spend over 11 percent of our gross national product on health care—more than twice what we spend on national defense and more than any other nation in the world. Every other industrial democracy spends far less on health care and covers its entire population. Yet we still have more than 30 million people who are uninsured. If America spent the same percentage of GNP on health care as Canada does, we could free up something like $200 billion in our economy—enough to balance the Federal budget, reduce taxes, or dramatically increase Federal spending for other purposes.

Everyone knows something is drastically wrong. A recent poll found that 89 percent of Americans agreed that our health care system needs "fundamental change." Americans want a health care system that works like a system, not like a lottery. Proposals for change have come from national commissions, Members of Congress, academic experts, health care organizations, and many others. Most of them would be improvements over our current fragmented non-system. Most of them have elements that should be part of any reform. And most of them are nationwide in scope, requiring extensive Federal legislation and involving major uncertainties about cost, quality, and other issues.

As a physician, I am especially aware of the tragic gaps in our health care system, and I have seen the consequences first-hand. I am a strong supporter of national health insurance and a cosponsor of the Basic Health Benefits for All Americans Act (H.R. 1845), authored by Senator KENNEDY and Congressman WAXMAN. I am also a cosponsor of Congressman SABO'S Comprehensive Health Care Improvement Act (H.R. 872), and the Universal Health Insurance Act by Congressman PEASE (H.R. 2218). I continue to hope this Congress will enact comprehensive national legislation, but I think we must also explore other approaches to the problem of access to health care.

The Federal Government is not the only source of innovation, creativity, or courage in dealing with public policy issues. The most effective programs, and the most humane and caring programs, are often developed at the State and local level. We all know examples where individual States have shown the way—have served, in Robert LaFollette's words, as "the laboratories of democracy." Many of our social institutions—worker's compensation, unemployment compensation, universal education, public health, and others—began in individual States, spread to other States, evolved through trial and error, and finally became part of our national fabric.

Sometimes States need encouragement to develop innovative programs, and sometimes they need flexibility under Federal laws.

Sometimes they make mistakes, and sometimes they come up with approaches that become national models. I believe that, with the right encouragement and with the necessary flexibility, some of our 50 laboratories of democracy will find the way to make affordable health care the basic right it should be in any democracy.

In my State of Washington, we have begun our own experiment in bringing health care to the uninsured. It's called the Washington Basic Health Plan, and it is America's only State-sponsored system of managed health coverage for the unemployed and the working poor. This experiment was developed over several years from legislation I first introduced in the state legislature in 1985, and this past January it began operation as a series of pilot projects.

Right now, the Washington Basic Health Plan offers basic benefits to 5,300 residents of the State's three largest counties. Their average household income is $8,700, and they include children, families, and young and middle aged adults. Many have jobs that do not provide health insurance and many are unemployed. The average premium they pay, based on income, is $34 per month per person. The State legislature has provided $39 million to expand the program to 25,000 people in the next 2 years.

We are excited about bringing affordable health care to our citizens in Washington, and I am sure other States want to do the same thing. I am pleased today to introduce the Managed Health Care Access and Cost Containment Act of 1989—an effort to encourage other States to develop their own basic health plans.

The bill authorizes a one-time appropriation of $25 million, an average of $500,000 per State, in planning grants to help States that want to design their own basic health plans for the uninsured. These funds are to be provided to States that apply for them, as a population-based entitlement, for demographic study, benefit design, resource assessment, financial planning, and development of legislation. Planning can be done by a State health department, a State university, a legislative committee, a specially created commission, or any other public body the State chooses. Either the executive or the legislative branch of a State government can do this work, or they can work together. A State like Washington, which has already developed a basic health plan, can use its grant to develop improvements, study long-term financing options, or for similar purposes.

One problem, I want to encourage States to address is the issue of cost containment. Real reform of our health care system will not succeed unless we address this issue. The history of health care reform in this country has been a series of swings between expanding access and containing costs. Our failure to address these issues together is one reason we spend so much money for so little coverage of our population.

Trying to control medical costs has been compared to punching a balloon—whenever you make a dent, you make a bulge somewhere else. There are a lot of reasons why this is true, but among the most important are fee-for-service pricing and a fragmented delivery system.

Fee-for-service pricing compensates providers for each test or procedure they perform, so controlling fees can result in the multiplication of fee-generating services. The proliferation of health care delivery mechanisms—hospitals, clinics, outpatient surgi-centers, office practices, and so on, usually under different ownerships—means controls over costs in one setting, such as the hospital, can result in shifting patients and services to other settings, such as the surgi-center or even the doctor's office.

I think part of the answer is the concept of managed health care—the concept on which health maintenance organizations are based. Managed health care systems do not charge fees to patients or to their public or private third-party insurers. Instead, they act as both insurers and providers of care, receiving premiums and using them to provide services as needed. Managed care means everyone has an incentive to avoid unnecessary hospitalizations, tests, and procedures. It means the payment system rewards preventive care instead of penalizing it. And it places the responsibility to control costs on the provider, who knows best how to maintain health and the quality of care while doing so.

In my State of Washington, managed care is a well-accepted concept. We have been using it, along with fee-for-service systems, for more than 40 years. Studies have shown that a well-run managed care system can provide better quality care than a fee-for-service system at 25 percent less cost. Managed care systems can be mismanaged, as they have been in California, Florida, and some other places when quality took a back seat to cost-cutting. But I think managed care offers real hope for a way to break the cycle of expanding access and controlling costs.

That is why I insisted on a managed care delivery system for the Washington Basic Health Plan. The basic health plan emphasizes prenatal and pediatric care, checkups and prevention, immunizations, and family medicine. It provides hospitalization, surgery, and similar coverage, but it aims to keep people from getting sick whenever possible. That's a natural effect of a managed care system, and a critical part of any cost-control strategy.

It's too early to tell how successful Washington State will be in combining expanded access with cost containment—a problem that has eluded Washington, DC, for the quarter century the Federal Government has been trying to pursue both goals. And my State's approach is surely not the only one demonstrating promise. Other States are also trying to innovate in different ways.

I believe one of these States, or more likely a combination, will find a way to cover the uninsured at an affordable cost before we in the Federal Government can get the votes and the Presidential commitment to do it here. And I think those State efforts will help us develop the national system we need—by showing what works and what doesn't. That is how Canada's health care system, which is looking better and better as our looks worse, developed. In this country we will develop our own system, based on our circumstances and experience, but we may develop it the same way—through the States.

The Managed Health Care Access and Cost Containment Act is meant to offer another opening for innovation and creativity in getting us to the national health care system Americans need and deserve. It is meant to complement proposals to require employer-sponsored coverage, to expand Medicaid, to create insurance pools, and to innovate in other ways at the Federal level. It is meant to support efforts already underway in many States. I hope it will meet with a favorable reception in this Congress. I want to thank especially Congressman WAXMAN and Congressman STARK for their cosponsorship of this bill, and I ask my colleagues for their support as well. The need for affordable health care for all Americans is too urgent for us to ignore any strategy.

H.R. —

A bill to provide Federal assistance to States in planning and developing means of providing access to affordable health care for the uninsured

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Managed Health Care Access and Cost Containment Act of 1989".

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) The term "Secretary" means the Secretary of Health and Human Services.

(2) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

(3) The terms "State basic health plan" and "State plan" mean a system of enrollment and payment for basic health care services to enrollees, administered by a State agency through participating managed health care systems and, at the State's option, other health care facilities and providers.

(4) The term "managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the State basic health plan and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the State plan and in the managed health care system.

(5) The term "enrollee" means, with respect to a State plan, an individual (or an individual and the individual's spouse and dependent children), each of whom is under the age of 65 and not otherwise eligible for benefits under title XVIII of the Social Security Act, who resides in the State, whose gross family income does not exceed limits set by the State plan, who chooses to obtain basic health care coverage in return for periodic payments to the State plan, and who does not have access to employer-sponsored health coverage as defined by the State plan.

(6) The term "designated State planning body" means, any governmental organization designated by the chief executive officer or the legislature of a State as eligible to receive planning grants from the Secretary under this Act. A designated State planning

body may be an existing State agency (including a college, university, board, or commission, or legislative committee) or a State agency (including a board, commission, or special legislative committee) created by legislative or executive action for the purpose of receiving grants and conducting studies under this Act.

SEC. 3. GRANTS.

(a) IN GENERAL.—From funds appropriated as authorized by this Act, the Secretary shall make grants to designated State planning bodies applying for such grants to enable them to study, plan, and develop State basic health plans to meet the needs of their uninsured residents for access to affordable basic health care.

(b) USE OF FUNDS.—Designated State planning bodies may use grant funds under this Act for any or all of the following purposes:

(1) To develop demographic information about the numbers and characteristics of individuals residing in the State who lack access to affordable basic health coverage and might become enrollees in a State basic health plan.

(2) To define one or more schedules of health care benefits that could be provided to enrollees as part of a State basic health plan.

(3) To study and determine the availability of health care resources in the State, including existing managed health care systems and other health care providers and facilities, to provide defined benefits to enrollees in a State basic health plan.

(4) To design financing mechanisms for the State (A) to purchase defined benefits from managed health care systems, and, at the State's option, from health care facilities and providers other than managed health care systems, and (B) to collect from enrollees premiums varying with enrollee family incomes. Such financing mechanisms shall not rely on Federal funds to pay for health care services to any individual who is not otherwise eligible for federally funded health care.

(5) To identify changes in State law necessary to create a State basic health plan and prepare any legislation for that purpose.

(c) ALLOTMENT OF FUNDS.—Every designated State planning body submitting an application to the Secretary for a grant under this Act, for any of the purposes specified in subsection (b), shall be entitled to receive a grant in an amount which bears the same ratio to the total amount appropriated as authorized by this Act as the State's population bears to the total population of the United States.

(d) STATE PLANNING BODIES.—(1) Designated State planning bodies may enter into contracts for any part of the study and planning activities funded from grants under this Act.

(2) Every designated State planning body receiving a grant under this Act shall hold at least one public hearing as part of the development of the State basic health plan.

(3) Every designated State planning body receiving a grant under this Act shall prepare a written report summarizing its findings, conclusions, and any recommendations for a State basic health plan. Copies of the report shall be furnished to the Secretary, to every Member of Congress from the State, and to the public.

SEC. 4. RULES.

The Secretary may promulgate and adopt rules and regulations to administer the grant program authorized by this Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $25,000,000 for fiscal year 1990.

FLORIDA A&M UNIVERSITY BAND HONORED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. NELSON] is recognized for 5 minutes.

Mr. NELSON of Florida. Mr. Speaker, I am pleased today to call attention to the outstanding performance of the Florida A&M University Marching Band in Paris on the 20th anniversary of Bastille Day, July 14.

The excellent musicians of the Rattler Band, with their high-stepping style, honored our Nation as the only band representing the United States. Dr. William P. Foster, whose inspired choreography has brought distinction to the band and Florida A&M, has reason to be proud of his achievements and those of his musicians.

As one of only 16 bands worldwide invited by the Government of France to join in the celebration, the band has achieved the international recognition it deserves.

All Floridians can be proud that the Rattler Band was selected to represent the Sunshine State and the United States during the celebration of 200 years of freedom in France.

My hat is off to you, Rattlers.

VOLUNTARY RESTRAINT AGREEMENTS ON STEEL IMPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, I had requested time this evening to ask some of our colleagues to join with me in urging the President to extend the voluntary restraint agreements on steel imports for an additional 5 years. Since I asked for this time—the White House came to its decision—which was announced early this afternoon. And I must say I am disappointed in the provisions of the new so-called extension.

Rather than the 5 years of an orderly market guaranteed to give our domestic industries time to recover some of the heavy losses of the early 1980's—$12 billion—and gain profits to pay back the investments in modernization—the President's proposed extension of restraints begins to unravel almost immediately as it is put into place.

Quotas will rise after the first year at 1 percent per year through the end of the second year—at which time the restraints are out at the end of 6 more months. Granted that the President's statement qualifies that: "this increase will be allocated to countries that undertake and abide by disciplines to address trade-distorting practices."

However, in steel markets, 2 years of rising quotas is nothing—the new VRA's can be waited out. And if that is not the attitude of our trading partners, why then the story in the Journal of Commerce this very day reporting that non-Communist steel output was up in June:

NON-COMMUNIST STEEL OUTPUT UP IN JUNE

BRUSSELS, BELGIUM.—Crude steel production in the non-communist world rose by 2.8% to 40.1 million tons in June from the corresponding year-earlier month, according to the International Iron and Steel Institute.

In the first six months of 1989, output rose by 3.7% to 245.35 million tons from the year-earlier period.

The June rise was led by Japan, where steel companies increased output by 5% to 8.96 million tons from June 1988. Production in the United States edged up by 1.6% to 7.4 million tons.

Our steel industry was clipped, pruned, and sheared over this decade because we were told that there was overproduction of steel in the world. And that our industry was fat, lazy, and obsolete—that with untrammelled free trade, it would be forced to compete—no holds barred—with steel being dumped in here from all over the world. And, dumped it was.

The only reason that we got voluntary restraints in the first place was to forestall case after case being brought before the ITC, and before the Commerce, charging illegal trading practices against foreign steel producers.

With this article today in the Journal of Commerce, it looks like our trading partners are positioning themselves to take advantage of this same free trade atmosphere in steel returning to the United States.

As a matter of fact, some other reports—this year—suggest that not only the Japanese, but the French and the Italians—the Spanish, the Brits and the Germans were anticipating the decision of the White House.

Note this:

In June, the French granted a $225.5 million subsidy to its steel company, Ulsinor-sacilor.

In April, West Germany forgave a steel company, Arbed Saarstahl, from paying $374 million owed to the Government.

Early in the year, Spain provided its steel companies with a package of subsidies and cut-rate loans totaling more than $600 million.

And in December 1988, British steel was privatized for $4 billion. And in Italy, $3.8 billion was granted to the state-owned Finsider steel company. Currently, an additional subsidy for $2 billion is being considered.

That is the "Free Trade" atmosphere of the European Community which our steel companies face. Is that a level playing field from which they are all talking of? I think not. All the subsidies are being loaded in ahead of time. And to add to that, every European nation rebates an average of 19-20 percent—a return of the value added tax to the steel compa-

nies—on the value of every steel shipment which goes into the export markets.

In like manner, when a ton of United States steel reaches Europe, 19-20 percent is added on for the VAT—even though the value has been added in the United States and United States' State and income taxes have not been rebated to the United States' producers.

The President is promising that in the Uruguay round of multilateral trade negotiations, efforts will be made to reach an international consensus to provide effective disciplines over government aid and intervention in the steel sector—and to lower barriers to global trade in steel.

I am also directing Ambassador Hills to seek to negotiate, through the Uruguay Round of Multilateral Trade Negotiations and complementary bilateral agreements, an international consensus to provide effective disciplines over government aid and intervention in the steel sector and to lower barriers to global trade in steel. The international consensus will contain three elements:

Strong disciplines over trade-distorting government subsidies;

Lowering of trade barriers so as to ensure market access; and

Enforcement measures to deal with violations of consensus obligations.

However, no efforts have ever been made to compensate our exporters for the addition of the value added tax, nor to rebate U.S. taxes to our companies on export shipments.

It is a major barrier.

I also hope steel capacity is also going to be addressed. If there is overcapacity in the world, take it out of someone else's hide. We have given and lost enough to bring steel production in the world into balance.

Look at our Rust Belt; look at the capacity which we have been able to maintain. Right now—in an all-out crunch—we could not produce enough steel domestically for our own needs. And I believe that we are the only industrialized nation in the world left in this condition.

To request that the United States continue on with voluntary restraints against foreign steel—considering what other nations do for their steel companies—is little enough and certainly, in comparison, not one of those nations could criticize or complain.

Level playing field—let's level some of the field abroad.

The importance of having integrated steel capacity seems not to be recognized in all of this. We are told of the successes of the mini-mills processing scrap steel. And I think it's great. It is wise to have a market for scrap—and to use it—where appropriate. But surely, no American could believe that the United States will continue as a major nation in the global economy without an integrated steel industry.

We have spent the day on the Defense budget—imagine, just imagine, if the tremendous demand which exists inside Defense for steel had to be supplied mainly offshore. How strong would we be then? And what would be the size of our trade deficit?

And it could happen.

If we return to the U.S. steel market of the early eighties—between 1982 and 1986—4 short years—of no-holds-barred steel shipments, then, we will see another shakeout of our steel producers, another series of lost jobs and layoffs. The U.S. market was destroyed in that period of time. It can happen again.

Looking at billions being spent on all manners of things, the steel industry is not asking for any money—it is only asking for a fair chance. And for that reason, when the steel caucus meets in the morning, I am sure that the issue of legislation will be discussed as a remedy for this disappointing proposal from the administration.

Many of our colleagues are very concerned and desire to continue the old VRA Program.

Under the expiring VRA agreements, the steel industry has been able to:

Reduce import's share of U.S. consumption from a high of 30 percent in the third quarter of 1984 to under 21 percent today.

Stop the hemorrhaging of an industry vital to America's national security, industrial base, and infrastructure, by producing additional cash-flow that has prevented further equity losses and bankruptcies—to this day, 15 percent of the industry remains in Chapter 11 bankruptcy.

A major factor in fostering the industry's continuing recovery, enabling U.S. producers to ship at least 8 million additional tons of steel.

Benefit steel consumers by allowing U.S. producers to begin taking major steps toward their goal of becoming fully competitive by international standards.

Not cause harm to consumers, because they have not caused any significant price increase or shortages. In fact, prices actually dropped in the program's first 2 years and, since substantial amounts of steel from VRA countries went unshipped in 1987 and 1988, VRA's could not possibly be the cause of any recent price increases or alleged shortages.

And there is an old adage which I think fits wonderfully in closing—if it's not broke—if it's working, don't fix it.

□ 1940

Mr. Speaker, I yield to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Speaker, I would like to congratulate the gentlewoman for her tenacity for fighting on behalf of the domestic steel industy and her vigorous and strong participation in the Caucus, and for having the foresight for having time set aside tonight on an important issue. That is the President's proposal of the renewal of the VRA. If the gentlewoman would indulge me for a moment or two.

Today, President Bush announced his plan for extending the VRA's. He calls for a 2½-year extension of the program with some modifications.

The President's proposal sets the import limit at 18.4 percent—the current target is 20.2 percent—and gives the U.S. Trade Representative the option to increase that limit if she finds that participating countries are trading in good faith.

The President is essentially breaking his campaign pledge to the U.S. steel industry. His proposal does not ensure that the industry can continue its recovery and modernization efforts because the VRA's will be extended for only 2½ years instead of the full, 5-year extension that I had hoped for and which 247 of my colleagues prefer as cosponsors of H.R. 904.

Furthermore, I am concerned because the President's long-term goal of rendering VRA's obsolete through the elimination of unfair trade practices is based upon obtaining an elusive international consensus.

I am dubious of the proposal's ambitious objective of reaching an international consensus because it relies too heavily upon the success of the Uruguay Round negotiations of the General Agreement on Tariffs and Trade [GATT]. Ninety-six countries are members of the GATT. In theory, a multilateral solution to steel subsidization is sound, but in reality such a solution will be difficult to achieve.

At its mid-point in December, 1988, there was general disappointment with the fact that the Uruguay Round was moving extremely slowly and that it had not made headway on the plethoria of contentious issues that it had hoped to solve. Agricultural subsidization is one of those issues, and there is a long way to go before that problem will be resolved.

In fact, if we look at the marginal progress that the GATT has made to date regarding agricultural subsidies, I am wary of placing too much hope in using the GATT to eliminate the widespread subsidies that many foreign governments give to their domestic steel producers.

The President's proposal mentions an enforcement mechanism, but precisely how an international consensus on eliminating unfair trading practices would be enforced is not yet clear. There is no enforcement mechanism contained in the GATT—one of its fundamental weaknesses.

In sum, a multilateral solution is appealing, but will it really materialize?

Can we gamble the revitalization of the U.S. steel industry on an international consensus that has to be accomplished in a relatively short amount of time? The Uruguay round is scheduled to end in December 1990.

According to industry sources, the industry has only halfway completed its modernization process. Two and one-half years will not be enough time for the industry to complete its efforts because it will not only have the burden of completing modernization, but the industry will most surely be required to meet new clean air standards.

On a more positive note, I am encouraged to see that provisions to improve the VRA program's short-supply process are included in the administration's proposal. These recommendations are in part due to a General Accounting Office investigation that I requested.

The damage caused by the President's procrastination is already an accomplished fact. The current program is due to expire on September 30, just 67 days from today. I think it will be difficult for the United States to effectively implement these proposals between now and September 30.

Overall, the President's proposal is too little, too late.

Mrs. BENTLEY. Mr. Speaker, I commend the gentleman from Indiana for his request of the GAO study on all of this, and also to point out the importance of time and the fact that the industry has only halfway recovered in these 5 years of VRA's. They just need that much more time. Again, I thank the gentleman from Indiana for joining here today.

Mr. Speaker, I yield to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, I come before you tonight to enlist your support for an extension of the steel voluntary restraint agreements. As you know, the President announced today his proposal for an extension of the steel VRA Program. While I regret that he is only recommending a 2½-year extension, I am pleased that he recognizes that unfair, illegal subsidies and trade barriers continue to exist, and that he is pledging a more aggressive approach in the GATT negotiations and enforcement of U.S. trade laws. Congress provided the tools in last year's trade bill, especially the super 301 provision, to eliminate unfair trade practices and punish those nations which refuse to compete on a level playing field.

American steel producers are forced to compete in a world market dominated by foreign government intervention. In most steel producing countries, decisions about investment, disinvestment, production and pricing are influenced by the government. This level of government intervention inevitably places American producers at a disadvantage. In addition, many foreign producers remain heavily protected from foreign competition by high tariffs, quotas, restrictive import licensing and other non-tariff barriers. These restrictive measures, coupled with heavy government subsidization, severely restrict U.S. producers' ability to compete in global and domestic markets.

Under the steel VRA Program, the U.S. steel industry has made excellent progress toward its goal of regaining its competitiveness. Costs have been lowered sharply, labor productivity has been increased dramatically, and production quality has been improved greatly. However, much remains to be done. Substantial new investment and modernization, on a sustained basis, is needed if the steel industry is to match the competitiveness of its leading foreign competitors.

We must provide an atmosphere in which our basic industries, such as the steel industry, are able to compete in global and domestic markets, in order to survive as an independent Nation. I am hopeful that the Congress and the President can now work together to extend the steel VRA Program in an expeditious manner. Again, this must be coupled with a clear message to the administration, particularly the Secretary of Commerce and the U.S. Trade Representative, that we in Congress will hold them to the promises made by the President today about rigorous enforcement of our trade laws. We must also send a clear message to our trade partners during these international trade negotiations that the eventual expiration of the steel VRA Program is not a green light to resume anticompetitive trade-distorting measures.

□ 1950

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman from Alabama [Mr. HARRIS], and I would ask him to engage in a colloquy with me for a moment or two.

Mr. Speaker, I want to commend the gentleman from Alabama [Mr. HARRIS] for pointing out the fact that we did pass the Trade Act last year, and perhaps at this time, now that we know what the VRA Program is, it would behoove us to take the contents of the Trade Act of 1987, and balance it out against what is being provided for us under this 2½-year extension, and then see in which direction we will have to move to help the industry, to continue to help the industry.

Mr. HARRIS. Mr. Speaker, I look forward to working with the gentlewoman from Maryland [Mrs. BENTLEY] in that regard because we have seen progress, but we are not there yet. We have got to keep this program in place so that we can keep a very important industry, not only to our part of the country, certainly to the part of the country of the gentlewoman from Maryland [Mrs. BENTLEY], but to the whole Nation.

Mr. Speaker, it is so important for our defensive posture that we keep certain basic industries in place.

Mrs. BENTLEY. Mr. Speaker, I do not think we can emphasize too much its importance to the defense base of this country, and again I want to thank the gentleman from Alabama [Mr. HARRIS] for joining us tonight.

Mr. DINGELL. Mr. Speaker, today I rise in support of H.R. 904, a bill introduced by the Honorable JOHN MURTHA, of Pennsylvania, proposing a 5-year extension of the President's authority to negotiate steel VRA's. The recovery of our Nation's steel industry is still incomplete and the threat posed by foreign subsidies and unfair trade practices is still present.

When the legislation providing this authority to the President was first enacted in October of 1984 the American steel industry was confronted with its gravest crisis since the Great Depression. Massive foreign steel subsidies, totaling $40 billion in the European Community over the past 10 years, lead to a chronic oversupply of steel. Rather than subject themselves to the discipline of the marketplace and make the necessary cutbacks in production, some Nations chose to simply dump their artificially maintained excess on the American market. Imports market share approached one-third of the market in the third quarter of 1984.

The result was disaster for the American steel industry. The industry was caught in a vicious circle where modernization was desperately needed to remain competitive, yet even with the efforts of our domestic industry to modernize plants, unfair trade practices including subsidization and dumping undercut the positive impact that modernization could produce. From 1983 to 1986, industry losses exceeded $12 billion and 20 percent of the productive capacity was in chapter 11 of the Bankruptcy Code. Layoffs were immense and permanent. The steel mills which once forged the foundation of our national defense were closing down, some never to reopen. In my home district, McLouth Steel was on the verge of bankruptcy and Rouge Steel was considering a shut down. The term rust belt came into being, a sad but true testament to the frightful loss out Nation experienced in those dark days.

In October 1984 both Congress and the Reagan administration worked together in a bipartisan manner to stop this hemorrhaging of a vital American industry. Congress passed the Steel Import Stabilization Act which I strongly supported, giving the President the power to negotiate and enforce steel VRAs. The act limited foreign market share to 20 percent and required the domestic industry to reinvest all profits made off of their steel operations back into their steel operations.

The steel VRA Program made the difference. Over the past 5 years, the industry has spent $9 billion on modernization. In my own district, McLouth Steel Products Corp. can now compete. After uncertainty regarding its future, Rouge Steel is still open and produc-

ing, and Great Lakes Steel has made significant improvements to its facilities. Even though the United States does not have policy of directly subsidizing its steel industry like some other countries, in areas such as product yield, energy efficiency, and continuous casting rates, the performance of American industry in the face of such unfair practices is encouraging. Costs are down 35 percent, productivity is up 40 percent, and quality is tremendously improved. But there is still room for even more improvement.

The VRA's are due to expire in September. VRA's have made a difference. The market share of imports is back around 20 percent. Modernization is proceeding. The industry has finally become marginally profitable again. But the recovery is fragile. World oversupply of steel is still around 150 million tons due mainly to foreign subsidization. The steel industries balance of payments for the past decade, even with the recovery of the past several years, is a $6.4 billion dollar deficit. Now is the wrong time to subject our steel industry to a foreign competition artificially manipulated by subsidies and dumping when it is only beginning to recover. Until the larger international problems of oversupply and widespread foreign subsidization are addressed, American interests will be best served by refusing to sacrifice a vital American industry to those insist on sheltering themselves from the discipline of the marketplace. The VRA Program will allow our steel industry the opportunity to complete their modernization efforts free from the interference of dumping, subsidies, and other unfair trade practices.

I urge my colleagues to support H.R. 904.

Mr. NOWAK. Mr. Speaker, I would like to take this opportunity to express my strong support for the Steel Import Stabilization Extension Act, legislation currently pending in the House which would extend the current voluntary restraint agreement an additional 5 years.

Prior to the implementation of the VRA's, the domestic steel industry was at a severe disadvantage when competing with foreign producers in the international marketplace. Subsidization, import quotas, and restrictive import licenses all worked against the American producer trying to sell his product overseas. In addition, foreign producers were dumping excess steel at below cost prices on the American market. Foreign steel's share of the U.S. market went from 15 percent in 1979 to 30 percent in 1984. Between 1982 and 1986 the American Steel industry lost $12 billion.

Since the original agreement went into effect, the domestic steel industry has been afforded the time needed to begin rebuilding and modernizing. After reinvesting $9 billion from 1982 through 1987 the industry has cut production costs by 35 percent while improving productivity by 40 percent. Today, the American steel industry produces steel approximately $130 a ton cheaper than Japan.

While the domestic industry has become much more competitive, it still faces several challenges. First, it must continue to improve plant operations in such areas as energy efficiency and product yield through additional reinvestment of capital.

Importantly also, it must still compete against foreign companies which are heavily subsidized by their governments. For example, this past spring the Italian Government invested $3.8 billion into Finsider, its ailing steel enterprise, with an additional $2 billion investment expected next year. British steel was given an $8 billion government subsidy.

Against competition operating with such an unfair advantage, the VRA's must be extended for an additional 5 years. The VRA's have been instrumental in reviving a moribund industry. Their extension is essential if this industry, vital to America's economic health and a key component of our national defense, is to complete its metamorphosis.

Mr. WALSH. Mr. Speaker, as a steel caucus member, I am pleased to add my remarks today in a special order called by my esteemed colleague, HELEN BENTLEY, in support of voluntary restraint agreements.

Though we had asked for a 5-year extension, I am pleased President Bush extended the VRA program for another 2½ years, improving the availability of steel in the United States and promoting price competition. I hope that before this extension expires, the program will be reevaluated and extended once again if necessary.

A few years ago, we faced a crisis in the U.S. steel industry. Then, the Government did what it is supposed to do. We listened to our manufacturers and we acted. The crisis, and Government action, led to the VRA program, one of the most innovative programs in American economic history—a major factor in the slow but sure recovery of our ailing steel industry.

Steel is a basic commodity. It is traded worldwide. Each and every country, industrialized or developing, wants its own steel industry. No one wants to rely on another country for steel. It is part of America's growth, in every sense of the word.

Now, we need an extension of the VRA program. We must allow the recovery of one of our most important industries to continue—and allow the people who make up this vital industrial community to keep peace with their Japanese and European competition. Additionally, we must send a strong signal to foreign governments that the United States is serious about negotiating a global agreement that bans trade distorting practices in steel.

Today, VRA's are working well. They have effectively limited the harmful economic impact of unfairly traded steel imports. They spurred growth in the U.S. steel industry in 1984 by way of new plants, new equipment designs, and new continuous casting technology.

This was not the time to terminate voluntary restraint agreement programs. Our steel industry is now beginning to stand on its own. Had the President not extended this program, a major American industry would have received a blow from its own government, instead of a push.

On behalf of my district's interests and out of great concern for the betterment of our Nation, I urge my colleagues in the future to support the extension of voluntary restraint agreements whenever necessary.

GENERAL LEAVE

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. LEHMAN of California). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LIPINSKI (at the request of Mr. GEPHARDT), for today and the rest of the week, on account of family business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 60 minutes, July 21, Aug. 1, 2, and 3.

Mr. KYL, for 60 minutes, September 5, 6, 7, and 8.

Mr. BURTON of Indiana, for 60 minutes, on Aug. 1, 2, and 3.

Mr. BARTLETT, for 60 minutes, on July 31.

(The following Members (at the request of Mr. DE LUGO) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 60 minutes, today.

Mr. OWENS of New York, for 60 minutes, on July 31, Aug. 1, 2, 3, and 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DYMALLY and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $3,535.

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. PORTER.
Mr. RITTER.
Mr. CRAIG.
Mr. FIELD.
Mr. FRENZEL.
Mrs. MORELLA.
Mr. WALKER.
Mr. GILMAN.
Mr. DORNAN of California.
Mr. GINGRICH.
Mr. GUNDERSON.

(The following Members (at the request of Mr. DE LUGO) and to include extraneous matter:)

Mr. MCHUGH.
Mr. MARTINEZ.
Mr. TRAFICANT.
Mr. DYMALLY.
Mr. MONTGOMERY.
Mr. LAFALCE.
Mr. BRYANT.
Mr. GUARINI.
Mrs. LLOYD.
Mr. PALLONE.
Mr. DINGELL.
Mr. LELAND.
Mr. CARDIN.
Mr. FLORIO.
Mr. SKAGGS.
Ms. KAPTUR.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 83. An act to establish the United States Enrichment Corporation to operate the Federal uranium enrichment program on a profitable and efficient basis in order to maximize the long-term economic value to the United States, to provide assistance to the domestic uranium industry, and to provide a Federal contribution for the reclamation of mill tailings generated pursuant to Federal defense contracts at active uranium and thorium processing sites; to the Committees on Interior and Insular Affairs; Energy and Commerce; Science, Space, and Technology.

S. 358. An act to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes; to the Committee on the Judiciary.

ADJOURNMENT

Mr. HARRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 52 minutes p.m.), and under its previous order, the House adjourned until tomorrow, Wednesday, July 26, 1989, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1507. A communication from the President of the United States, transmitting amendments to the request for appropriations for fiscal year 1990 and an appropriations language amendment for fiscal year 1991, pursuant to 31 U.S.C. 1107 (H. Doc. No. 101-88); to the Committee on Appropriations and ordered to be printed.

1508. A communication from the President of the United States, transmitting a report on the analysis of alternative strategic nuclear force postures for the United States under a potential START treaty; to the Committee on Armed Services.

1509. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend section 5131 of title 31, United States Code, to eliminate the General Services Administration's statutory responsibilities concerning the repair and improvement of the U.S. Mint at Philadelphia, PA; to the Committee on Banking, Finance and Urban Affairs.

1510. A letter from the Director, National Vaccine Program, transmitting the first report on the implementation of the National Vaccine Program and activities planned for fiscal year 1989 that are related to the long-term goals of the National Vaccine Plan, pursuant to 42 U.S.C. 300aa-4; to the Committee on Energy and Commerce.

1511. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of the intent to continue assistance for El Salvador under the Anti-Terrorism Assistance Program, pursuant to 22 U.S.C. 2349aa-3(a)(1); to the Committee on Foreign Affairs.

1512. A letter from the Chairman, the Board of Foreign Scholarships, transmitting the 25th annual report on the Fulbright Program, pursuant to 22 U.S.C. 2457; to the Committee on Foreign Affairs.

1513. A letter from the Acting Administrator, General Services Administration, transmitting notice of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(r); to the Committee on Government Operations.

1514. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS area, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1515. A letter from the Secretary of Commerce, transmitting a report on the effects of plastic materials on the marine environment, pusuant to Public Law 100-220, section 2203 (101 Stat. 1466); to the Committee on Merchant Marine and Fisheries.

1516. A letter from the Administrator, Federal Aviation Administration, transmitting a report on the $100,000 Maximum Civil Penalty and the Civil Penalty Assessment Demonstration Program, pursuant to 49 U.S.C. app. 1475 nt. to the Committee on Public Work and Transportation.

1517. A letter from the Acting Administrator, Agency for International Development, transmitting the Agency's report on metric usage, pursuant to Public Law 100-418, section 5164(b); to the Committee on Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROYBAL: Committee on Appropriations. H.R. 2989. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1990, and for other purposes. (Rep. 101-170). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1755. A bill to transfer administration of bridges and causeways over navigable waters from the Secretary of Transportation to the Secretary of the Army, and for other purposes; with an amendment (Rep. 101-171, Pt. 1). Ordered to be printed.

Mr. NATCHER: Committee on Appropriations. H.R. 2990. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1990, and for other purposes (Rep. 101-172). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Iowa: Committee on Appropriations. H.R. 2991. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary and related agencies, for the fiscal year ending September 30, 1990, and for other purposes (Rep. 101-173. Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROYBAL:

H.R. 2989. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1990, and for other purposes.

By Mr. NATCHER:

H.R. 2990. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1990, and for other purposes.

By Mr. SMITH of Iowa:

H.R. 2991. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

By Mr. ANDREWS:

H.R. 2992. A bill to amend the Internal Revenue Code of 1986 to provide special rules for certain gratuitous transfers of employer securities for the benefit of employees; to the Committee on Ways and Means.

By Mr. BEREUTER:

H.R. 2993. A bill to extend, under certain circumstances, nondiscriminatory treatment to the products of nonmarket economy countries that are currently ineligible for such treatment; to the Committee on Ways and Means.

By Mr. BROWN of Colorado:

H.R. 2994. A bill to amend the Clean Air Act to provide for the testing of motor vehicles at high altitudes; to the Committee on Energy and Commerce.

By Mr. GEJDENSON (for himself, Mr. BATES, Mrs. BOXER, Mr. LIPINSKI, Mr. ACKERMAN, Mr. FAUNTROY, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. WISE, Mr. OWENS of New York, Mr. MILLER of California, Mrs. COLLINS, Mr. FROST, Mr. DE LUGO, Mr. RICHARDSON, Mr. EVANS, and Mr. VENTO):

H.R. 2995. A bill to amend title 18, United States Code, to provide penalties for retaliation against congressional witnesses, and for other purposes; to the Committee on the Judiciary.

By Mr. McDERMOTT (for himself, Mr. WAXMAN, Mr. STARK, Mr. BONIOR, Mrs. BOXER, Mr. DEFAZIO, Mr. DICKS, Mr. DONNELLY, Mr. FAZIO, Mr. FRANK, Mr. GRAY, Mr. HOAGLAND, Ms. KAPTUR, Mr. McCLOSKEY, Mr. MILLER of California, Mr. MILLER of Washington, Mr. OBERSTAR, Mr. PEASE, Mr. SABO, Mr. SWIFT, Mr. SIKORSKI, Mrs. UNSOELD, Mr. WILLIAMS, Mr. SANGMEISTER, Mr. GEJDENSON, and Mr. WYDEN):

H.R. 2996. A bill to provide Federal assistance to States in planning and developing means of providing access to affordable health care for the uninsured; to the Committee on Energy and Commerce.

By Mr. MACHTLEY:

H.R. 2997. A bill to establish an interagency task force to carry out a program to provide surplus property to States for very low and lower income housing developments; jointly, to the Committees on Banking, Finance and Urban Affairs and Government Operations.

By Mr. MONTGOMERY (for himself and Mr. STUMP) (both by request):

H.R. 2998. A bill to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs; jointly, to the Committees on Veterans' Affairs and Rules.

By Mr. BROWN of California (for himself, Mr. MATSUI, Mr. ANDERSON, and Mr. LEWIS of California):

H.R. 2999. A bill to amend part A of title IV of the Social Security Act to require compensation paid for damages suffered by victims of major disasters to be disregarded in determining their eligibility for aid to families with dependent children; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. ROE, Mr. LENT, Mr. WALKER, Mr. FLORIO, Mr. WALGREN, Mr. RITTER, Mr. BOEHLERT, Mr. AKAKA, Mr. ALEXANDER, Mr. ANDREWS, Mr. ARCHER, Mr. ASPIN, Mr. ATKINS, Mr. AUCOIN, Mr. BARNARD, Mr. BATEMAN, Mr. BATES, Mr. BENNETT, Mrs. BENTLEY, Mr. BLAZ, Mr. BLILEY, Mr. BORSKI, Mr. BOUCHER, Mrs. BOXER, Mr. BROOMFIELD, Mr. BROWN of California, Mr. BRUCE, Mr. BRYANT, Mr. BUECHNER, Mr. BURTON of Indiana, Mr. BUSTAMANTE, Mr. CHANDLER, Mr. CLAY, Mr. COLEMAN of Missouri, Mrs. COLLINS, Mr. COOPER, Mr. CONTE, Mr. COSTELLO, Mr. COUGHLIN, Mr. DE LUGO, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. ECKART, Mr. ENGLISH, Mr. ERDREICH, Mr. EVANS, Mr. FAUNTROY, Mr. FAWELL, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. FRANK, Mr. GARCIA, Mr. GEJDENSON, Mr. GEPHARDT, Mr. HALL of Texas, Mr. HAMILTON, Mr. HAYES of Louisiana, Mr. HENRY, Mr. HERTEL, Mr. HOCHBRUECKNER, Mr. HOUGHTON, Mr. JENKINS, Mr. JOHNSTON of Florida, Mr. JONES of Georgia, Ms. KAPTUR, Mr. KLECZKA, Mr. KOSTMAYER, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of Florida, Mr. LIPINSKI, Mrs. LLOYD, Mrs. LOWEY of New York, Mr. THOMAS A. LUKEN, Mr. MACHTLEY, Mr. MADIGAN, Mr. MANTON, Mr. MARKEY, Mrs. MARTIN of Illinois, Mr. MARTIN of New York, Mr. MARTINEZ, Mr. MAVROULES, Mr. McCURDY, Mr. McDADE, Mr. McMILLEN of Maryland, Mr. MINETA, Mr. MOODY, Mrs. MORELLA, Mr. MORRISON of Washington, Mr. MURTHA, Mr. NAGLE, Mr. NEAL of Massachusetts, Mr. NELSON of Florida, Mr. NIELSON of Utah, Mr. NOWAK, Ms. OAKAR, Mr. OBERSTAR, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. OXLEY, Mr. PACKARD, Mr. PALLONE, Mr. PARRIS, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. PERKINS, Mr. PETRI, Mr. PURSELL, Mr. RANGEL, Mr. RICHARDSON, Mr. RINALDO, Mr. ROBINSON, Mr. ROHRABACHER, Mr. ROWLAND of Georgia, Mr. SCHEUER, Mr. SCHIFF, Ms. SCHNEIDER, Mr. SCHUETTE, Mr. SENSENBRENNER, Mr. SHARP, Mr. SIKORSKI, Mr. SKAGGS, Mr. SLATTERY, Mr. SMITH of Florida, Mr. SMITH of Texas, Mr. STALLINGS, Mr. STANGELAND, Mr. SWIFT, Mr. SYNAR, Mr. TANNER, Mr. TAUZIN, Mr. TORRICELLI, Mr. TRAFICANT, Mr. TRAXLER, Mr. VALENTINE, Mr. VANDER JAGT, Mr. VOLKMER, Mr. WALSH, Mr. WAXMAN, Mr. WELDON, Mr. WHITTAKER, Mr. WOLPE, and Mr. WYDEN):

H.R. 3000. A bill to require that certain fasteners sold in commerce conform to the specifications to which they are represented to be manufactured, to provide for accreditation of laboratories engaged in fasterner testing, to require inspection, testing, and certification, in accordance with standardized methods, of fasteners used in critical applications to increase fastener quality and reduce the danger of fastener failure, and for other purposes; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

By Mr. CHAPMAN:

H.R. 3001. A bill to condition payment to Iran of any compensation for the downing of Iran Air Flight 655 by the U.S.S. *Vincennes* on July 3, 1988, on the release of the United States citizens being held hostage in the Middle East; jointly, to the Committees on Foreign Affairs and the Judiciary.

By Mr. DAVIS (for himself, Mr. OBEY, Mr. JONES of North Carolina, Mr. HERTEL, Mr. LIPINSKI, Mr. SABO, Mr. ROSTENKOWSKI, Mr. VANDER JAGT, Mr. PEASE, Mr. DINGELL, Mr. KLECZKA, Mr. HENRY, Mrs. MARTIN of Illinois, Mr. OBERSTAR, Mrs. COLLINS, Mr. PETRI, Mr. SAVAGE, Mr. WOLPE, Mr. FEIGHAN, Ms. OAKAR, Mr. PURSELL, Mr. ROTH, Mr. RUSSO, Ms. KAPTUR, Mr. KASTENMEIER, Mr. GUNDERSON, Mr. TRAXLER, Mr. HORTON, Mr. DORGAN of North Dakota, Mr. KILDEE, Mr. SENSENBRENNER, and Mr. PENNY):

H.R. 3002. A bill to amend the Merchant Marine Act, 1936, to preserve the percentage of certain agricultural commodities exported from Great Lake ports; to the Committee on Merchant Marine and Fisheries.

By Mr. DAVIS (for himself and Mr. HERTEL):

H.R. 3003. A bill to provide for the response to oil spills and manning and safe navigation of tank vessels, on the Great Lakes; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. EVANS (for himself, Mr. LANCASTER, Mr. BONIOR, Mr. FLORIO, Mr. JOHNSON of South Dakota, Mr. JONTZ, Ms. LONG, Mr. MORRISON of Connecticut, Mr. STAGGERS, Mr. PALLONE, Mr. PANETTA, Mr. AUCOIN, Mr. BEREUTER, Mr. DEFAZIO, Mr. HOAGLAND, Mr. LAUGHLIN, Mr. LIPINSKI, Mr. MRAZEK, Mr. POSHARD, Mr. SKAGGS, Mrs. UNSOELD, Mr. WEISS, Mr. ACKERMAN, Mr. BEVILL, Mrs. BOXER, Mr. DE LUGO, Mr. DYMALLY, Mr. FAUNTROY, Mr. FRANK, Mr. HAWKINS, Mr. HAYES of Illinois, Mr. HOCHBRUECKNER, Ms. KAPTUR, Mrs. LOWEY of New York, Mr. MARTINEZ, Mr. PAYNE of New Jersey, Mr. RANGEL, Mr. ROSE, Mr. STARK, Mr. TRAFICANT, Mr. WISE, Mr. DOWNEY, Mr. BROWN of California, Mr. BRYANT, Mr. SLAUGHTER of New York, Mr. HUGHES, Ms. PELOSI, Mr. ATKINS, Mr. KOSTMAYER, Mr. BORSKI, Mr. BATES, Mr. SHARP, Mr. OWENS of New York, Mr. BRUCE, Mr. NAGLE, Mr. GLICKMAN, Mr. BUSTAMANTE, Mr. TORRES, Mr. ORTIZ, Mr. MARKEY, Mr. WOLPE, Mr. HERTEL, Mr. RUSSO, Mr. KOLTER, Mr. WHEAT, Mr. SYNAR, Mr. LEVIN of Michigan, Mr. RICHARDSON, Mr. VISCLOSKY, Mr. BOUCHER, Mr. DELLUMS, Mr. LELAND, Mr. BERMAN, Mr. FEIGHAN, Mr. SCHUMER, Mr. TOWNS, Mr. STOKES, Mr. JACOBS, Mr. LEWIS of Georgia, and Mr. MOODY):

H.R. 3004. A bill to amend title 38, United States Code, to provide a presumption of service connection between certain diseases experienced by veterans of active service in Vietnam during the Vietnam era and exposure to certain toxic herbicide agents used in Vietnam; to provide for permanent benefits for veterans of such service who have certain diseases; to improve the reporting requirements relating to the "Ranch Hand Study," and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FEIGHAN (for himself, Mr. SMITH of New Jersey, and Mr. LEVINE of California):

H.R. 3005. A bill to prohibit negotiations with any representative of the Palestine Liberation Organization who has directly participated in an act of terrorism against a United States citizen; to the Committee on Foreign Affairs.

By Mr. FLORIO (for himself and Mr. PALLONE):

H.R. 3006. A bill to amend the National Housing Act to expand the demonstration program of insurance of home equity conversion mortgages for elderly homeowners; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HUGHES:

H.R. 3007. A bill to amend the Contract Services for Drug Dependent Federal Offenders Act of 1978 to provide additional authorization for appropriations; to the Committee on the Judiciary.

H.R. 3008. A bill to require the Commandant of the Coast Guard to submit to the Congress a report regarding the appropriateness of using the Coast Guard Training Center at Cape May, NJ, as an official site for recognizing the bicentenary of the U.S. Coast Guard; to the Committee on Merchant Marine and Fisheries.

By Mr. PEASE:

H.R. 3009. A bill to strengthen the Steel Import Stabilization Act; to the Committee on Ways and Means.

By Mr. WHEAT (for himself and Mr. COLEMAN of Missouri):

H.R. 3010. A bill to temporarily suspend the duty on 0,0-Dimethyl-S-[(4-0x0-1,2,3-benzotriaz in-3(4H)-yl)methyl]phosphorodithioate; to the Committee on Ways and Means.

H.R. 3011. A bill to suspend temporarily the duty on 4-Fluoro-3-phenoxy benzalde-

hyde; to the Committee on Ways and Means.

By Mr. FOGLIETTA (for himself, Mr. VENTO, Ms. PELOSI, Mrs. MORELLA, Mr. FASCELL, Mr. CONTE, Mr. GONZALEZ, Mr. RUSSO, Mr. GARCIA, Mr. LAFALCE, Mr. FUSTER, Mrs. COLLINS, Ms. KAPTUR, Mr. RANGEL, Mr. EMERSON, Mr. BATES, Mr. HENRY, Mr. FROST, Mr. DYMALLY, Mr. ENGEL, Mr. WELDON, Mr. PALLONE, Mr. FAZIO, Mr. BORSKI, and Mr. KANJORSKI):

H.J. Res. 374. Joint resolution proclaiming Christopher Columbus to be an honorary citizen of the United States; to the Committee on the Judiciary.

By Mr. FOGLIETTA (for himself, Mr. KOSTMAYER, Mr. WOLF, Mr. HANCOCK, Mr. TOWNS, Ms. KAPTUR, Mr. SMITH of Florida, Mr. ALEXANDER, Mr. HUGHES, and Mr. DYSON):

H.J. Res. 375. Joint resolution to designate September 17, 1989, as "Constitution Day"; to the Committee on Post Office and Civil Service.

By Ms. OAKAR (for herself and Mr. ROBERTS):

H. Res. 212. Resolution providing for upgrading of one position and establishment of six additional positions on the Capitol Police for duty with respect to the House of Representatives; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

210. By the SPEAKER: A memorial of the Legislature of the State of Maine, relative to Chinese students; to the Committee on Foreign Affairs.

211. Also, memorial of the General Assembly of the State of Illinois, relative to Chanute Air Base and Fort Sheridan; to the Committee on Armed Services.

212. Also, memorial of the House of Representatives of the State of Illinois, relative to Joseph Patrick Thomas Doherty; to the Committee on the Judiciary.

213. Also, memorial of the House of Representatives of the State of Illinois, relative to the Federal budget deficit; to the Committee on Ways and Means.

214. Also, memorial of the General Assembly of the State of Illinois, relative to the steel voluntary restraint arrangements and the Steel Import Stabilization Extension Act; to the Committee on Ways and Means.

215. Also, memorial of the Legislature of the State of California, relative to the home mortgage interest deduction; to the Committee on Ways and Means.

216. Also, memorial of the Legislature of the State of California, relative to United States and Mexico relations; jointly, to the Committees on Foreign Affairs and the Judiciary.

217. Also, memorial of the General Assembly of the State of Illinois, relative to the people in rural Illinois; jointly, to the Committees on Ways and Means and Energy and Commerce.

218. Also, memorial of the General Assembly of the State of Illinois, relative to the Joliet Army Ammunition Plant; jointly, to the Committees on Energy and Commerce; Armed Services; and Science, Space, and Technology.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. SIKORSKI.

H.R. 12: Mr. SIKORSKI.

H.R. 24: Mr. CARR and Mr. NEAL of North Carolina.

H.R. 45: Mr. ACKERMAN and Mr. DE LUGO.

H.R. 82: Mr. LANTOS, Mr. COYNE, Mr. ECKART, Mr. WATKINS, Mr. FEIGHAN, Mr. OBEY, Mr. MOLLOHAN, Mr. RUSSO, Mr. MCNULTY, and Mr. KOLBE.

H.R. 145: Mr. BRUCE and Mr. CLARKE.

H.R. 522: Mr. BILIRAKIS.

H.R. 638: Mr. BORSKI and Mr. RUSSO.

H.R. 780: Mr. BOEHLERT.

H.R. 1028: Mr. MAZZOLI, Mr. FLORIO, Mr. LAUGHLIN, Mr. CARPER, Mr. ROSE, Mr. THOMAS of Georgia, Mr. SARPALIUS, Mr. ASPIN, Mr. MCMILLEN of Maryland, Mr. LEVINE of California, Mr. TANNER, Mr. ENGEL, Ms. SLAUGHTER of New York, Mr. RUSSO, Mr. DARDEN, Mr. ROWLAND of Georgia, Mr. CROCKETT, Mr. HOAGLAND, Mrs. SCHROEDER, Mr. STAGGERS, Mr. SWIFT, Mr. OWENS of New York, Mr. CARR, Mr. MOLLOHAN, Mr. BROWN of California, Mr. HALL of Ohio, Mr. MINETA, Mr. MORRISON of Connecticut, and Mr. HAYES of Illinois.

H.R. 1087: Mr. AKAKA.

H.R. 1175: Mr. JONTZ.

H.R. 1188: Mr. KENNEDY.

H.R. 1200: Mr. LENT and Mr. HOLLOWAY.

H.R. 1276: Mr. PEASE.

H.R. 1333: Mr. PEASE.

H.R. 1406: Mr. BRENNAN.

H.R. 1525: Mr. KENNEDY.

H.R. 1593: Mr. ENGEL, Mr. JONTZ, Mrs. MEYERS of Kansas, Mr. CLINGER, Mr. MRAZEK, Mr. EVANS, Mr. BURTON of Indiana, Mr. HUBBARD, Mr. EMERSON, Mr. ROWLAND of Connecticut, Mr. BALLENGER, Mr. CALLAHAN, Mr. WATKINS, Mr. SAXTON, Mr. WHITTAKER, Mr. BUNNING, Mr. RAHALL, Mr. ROGERS, Mr. STANGELAND, and Mr. MOLLOHAN.

H.R. 1730: Mr. BUECHNER and Mr. COSTELLO.

H.R. 1863: Mr. MARTIN of New York and Mr. BOEHLERT.

H.R. 2021: Mr. HOLLOWAY and Mr. HERGER.

H.R. 2051: Mr. MARTINEZ.

H.R. 2116: Mr. LIGHTFOOT.

H.R. 2144: Mr. HUBBARD.

H.R. 2223: Mr. FUSTER and Mr. EVANS.

H.R. 2228: Mr. TRAXLER.

H.R. 2269: Mr. BROWN of Colorado.

H.R. 2288: Mr. HAWKINS, Mr. WEISS, Mr. BORSKI, and Mr. ACKERMAN.

H.R. 2331: Mr. VISCLOSKY.

H.R. 2395: Mr. ACKERMAN.

H.R. 2403: Ms. LONG.

H.R. 2418: Mr. ATKINS, Mr. BOEHLERT, Mr. CHANDLER, Mr. JONTZ, Mr. HERGER, and Mr. JAMES.

H.R. 2436: Mr. GRADISON, Mr. DEWINE, Mr. SOLOMON, Mr. OXLEY, Mr. WYLIE, and Mr. PEASE.

H.R. 2529: Mr. CAMPBELL of California, Mr. KOLBE, Mr. FROST, Mr. RANGEL, Mr. TOWNS, and Mr. SIKORSKI.

H.R. 2580: Mr. DYMALLY, Mrs. COLLINS, Mr. MCNULTY, Mr. HAWKINS, Mr. ACKERMAN, Mr. FRANK, Mr. MATSUI, Mr. DE LUGO, Ms. PELOSI, Mr. RANGEL, Mrs. KENNELLY, Mrs. SAIKI, Mrs. BENTLEY, Mr. FROST, Ms. KAPTUR, and Mr. ATKINS.

H.R. 2584: Mr. TALLON, Mr. PALLONE, Mr. BRENNAN, Mr. WOLPE, and Mr. TOWNS.

H.R. 2604: Mr. SKAGGS.

H.R. 2606: Mr. ECKART and Mr. MACHTLEY.

H.R. 2620: Mr. FORD of Michigan, Mr. DELLUMS, Mr. THOMAS of Georgia, Mr. HOLLOWAY, and Mr. ORTIZ.

H.R. 2642: Mr. SLAUGHTER of Virginia and Mr. GINGRICH.

H.R. 2648: Mrs. LOWEY of New York, and Mr. HAMILTON.

H.R. 2712: Mr. COX, Mr. NAGLE, Mr. HUTTO, Mr. PEASE, Mr. SOLOMON, Mr. GONZALEZ, Mr. JACOBS, Mr. CALLAHAN, Mr. HUCKABY, Mr. STANGELAND, Mr. CLEMENT, and Mr. BARTLETT.

H.R. 2737: Mr. DANNEMEYER, Mr. RANGEL, and Mr. NIELSON of Utah.

H.R. 2738: Mr. DANNEMEYER, Mr. RANGEL, and Mr. NIELSON of Utah.

H.R. 2760: Mr. DYMALLY, Mr. RANGEL, Mr. BERMAN, Mr. AKAKA, Mr. PAYNE of New Jersey, Mr. FAUNTROY, and Mr. FROST.

H.R. 2853: Mr. TOWNS, Mr. WOLPE, and Mr. BATES.

H.R. 2869: Mr. SHAYS, Mr. GRANDY, Mr. HARRIS, Mr. SARPALIUS, and Ms. LONG.

H.R. 2926: Mr. FAUNTROY, Mr. TOWNS, Mr. ROSE, Mr. RANGEL, Mr. PEASE, Mr. KENNEDY, Mr. MCCLOSKEY, Mr. EVANS, Mr. DWYER of New Jersey, Mr. HOYER, Mr. SMITH of Florida, Mr. LELAND, Mr. WISE, Mr. ENGEL, Mr. WILLIAMS, Mr. TORRES, Mr. STUDDS, Mr. HAWKINS, Mr. WOLPE, Mrs. MEYERS of Kansas, Mr. MARTINEZ, and Mr. SIKORSKI.

H.R. 2941: Mr. DYMALLY and Mr. GALLO.

H.J. Res. 81: Mr. HANCOCK and Mr. STUMP.

H.J. Res. 115: Mr. SPENCE, Mr. PARKER, Mr. EVANS, and Mrs. BENTLEY.

H.J. Res. 164: Mr. CROCKETT, Mr. JONES of Georgia, and Mr. SUNDQUIST.

H.J. Res. 204: Mr. SCHUETTE, Mr. PURSELL, Mr. UPTON, Mr. PACKARD, Mr. AKAKA, Mr. ROHRABACHER, Mr. FORD of Michigan, Mr. DAVIS, and Mr. ATKINS.

H.J. Res. 209: Mr. ROWLAND of Georgia, Mr. JONES of Georgia, Mr. GINGRICH, Mr. HALL OF TEXAS, Mr. BROOMFIELD, Mr. FLORIO, and Mr. RITTER.

H.J. Res. 256: Mr. FROST and Mr. FISH.

H.J. Res. 257: Mr. SHUMWAY, Mr. FASCELL, Mr. MCHUGH, Mr. HAWKINS, Mr. PANETTA, Mr. RUSSO, Mr. BURTON of Indiana, Ms. SLAUGHTER of New York, Mr. PARRIS, Mr. FOGLIETTA, Mr. NIELSON of Utah, Mr. HALL of Ohio, Mr. SUNDQUIST, Mr. HASTERT, Mr. OLIN, Mr. HILER, Mr. DE LUGO, Mr. PAYNE of New Jersey, Mr. KASICH, Mr. DARDEN and Mr. MAVROULES,

H.J. Res. 278: Mr. MOLINARI, Mr. FROST, Mr. STENHOLM, Mr. POSHARD, Mr. ASPIN, Mr. LEACH of Iowa, Mr. DANNEMEYER, Mr. RUSSO, Mr. SMITH of Mississippi, Mr. WEBER, Mr. JOHNSON of South Dakota, and Mr. VANDER JAGT.

H.J. Res. 372: Mr. FUSTER.

H. Con. Res. 13: Mr. WALGREN, Mr. PASHAYAN, Mr. HERTEL, and Mr. LEATH of Texas.

H. Con. Res. 37: Mr. MARKEY, Mr. ALEXANDER, and Mr. NEAL of North Carolina.

H. Con. Res. 156: Mrs. PATTERSON, Mr. DYMALLY, Mr. BRENNAN, Mr. GILLMOR, Mr. JONES of North Carolina, Mr. MILLER of Ohio, Mr. FROST, Mr. ALEXANDER, and Mr. CRAIG.

H. Con. Res. 161: Mr. DYMALLY and Mr. WEBER.

H. Con. Res. 171: Mr. BILIRAKIS.

H. Res. 41: Mr. FLORIO and Mr. PAYNE of New Jersey.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

70. By the SPEAKER: A petition of county of Clinton, Plattsburgh, NY, relative to placing a waste site within 60 miles of a State or international border; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

71. Also, petition of city of Hyattsville, MD, relative to the Medicare Catastrophic Coverage Act of 1988; jointly, to the Committees on Ways and Means and Energy and Commerce.