HOUSE OF REPRESENTATIVES—*Wednesday, June 19, 1985*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. GEPHARDT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 18, 1985.

I hereby designate the Honorable Richard A. Gephardt to act as Speaker pro tempore on Wednesday, June 19, 1985.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Out of the depth of our hearts, O God, we pray for the people of our land and throughout Your created kingdom. Encourage those who seek to work for understanding and support those who labor for peace. May Your word of justice give perspective to our dealings with each other and color our actions with grace. Bless us this day and every day. Amen.

THE JOURNAL

The SPEAKER pro tempore. 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 14. An act to designate the Federal Building and U.S. Courthouse in Ashland, KY, as the "Carl D. Perkins Federal Building and U.S. Courthouse".

NEXRAD WARNING SYSTEM FOR TORNADOES

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

Mr. KOLTER. Mr. Speaker, on May 31, my district was hit by a tornado, which caused a great deal of destruction and loss of life. Ever since I surveyed the damage, I have been struck by the fact, that, we do not have a better warning system for such storms.

I have learned now that the Department of Commerce is working with the Federal Aviation Administration, and the Defense Department, to develop just such a system, known as Nexrad. If all goes according to schedule, procurement of this system, will begin, next year. Nexrad would enable us to predict the location and occurrence of tornadoes, very accurately, and 20 minutes beforehand. Quite simply, this system, will save lives.

Unfortunately, scheduled development of Nexrad, is now being delayed, by the Office of Management and Budget. I wish to draw attention to this fact, and to ask the administration not to risk the future loss of life that would result from not producing Nexrad as planned.

Nexrad should be a top priority.

To delay the system even 1 day would be a serious disservice to those we serve.

OUTRAGE, ANGER, AND FRUSTRATION OVER AMERICAN HOSTAGES

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

Mr. RUDD. Mr. Speaker, all Americans, and particularly President Reagan and his advisers, are outraged, angry, and frustrated over the taking of American hostages in that hijacked TWA airplane.

The President tells reporters we are doing everything we can do to secure the release of the hostages.

We say we will not make any deals because this would mean a victory for the terrorists.

The Israelis, who are are holding some 700 Shiite Muslims prisoner, say it is not their problem and the situation is a stalemate.

Lax security or carelessness at the Athens airport allowed the hijackers to get on board the airplane. According to press reports, the Athens police identified and apprehended a companion of the hijackers who somehow missed the airplane. The Greek Government promptly sent this young man to Beirut in return for the release of eight Greeks held with the Americans.

We cannot deal directly with the Government of Lebanon because there is no single government, but the Shiites who control the airport are obviously cooperating with and supporting the hijackers.

The Israelis will release their prisoners "if we ask them to." Obviously they are willing to exploit the situation for their own benefit. And, despite all of the aid we have given Israel, they still say that we should make a formal request which could be construed as putting us under some obligation to Israel.

The problem confronting all of the participants is how to end the situation without anymore killing and, at the same time, save face.

It seems to me the Israelis, who have said they were going to release the Shiites eventually anyway, could act now, with the understanding that before their prisoners are released all of the hostages in Beirut and elsewhere will be returned to a neutral country or to American soil.

Under this scenario, bloodshed would be averted, the hostages would be returned, and the Shiites would achieve the release of those 700 prisoners who were captured by Israel under questionable circumstances.

Our first effort should be to bring the hostages home. When that is done, it would be time to consider other action. We could stop all air traffic in and out of Beirut by destroying the airport. We could ban all traffic in and out of Athens until the Greeks beef up their security.

When the Barbary pirates were the scourge of the Mediterranean, an American was kidnaped. Our President then said, "Our man alive or your man dead," and it worked. Perhaps we should say to the Shiite terrorists, "If you or any of you ever kidnap another American again, we will destroy the Ayatollah Khomeini and we will bomb the palace of any ruler who gives any hijacker aid and comfort."

LAX SECURITY AT ATHENS AIRPORT

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

Mr. LEVINE of California. Mr. Speaker, in the midst of the extremely difficult and agonizing hostage situation, I do not think it is useful to be second-guessing the decisions of our administration, which is obviously doing all it can to insure the safety of the hostages and act properly and wisely.

There is one party, however, that does bear a very serious responsibility in this matter and to whom I hope we

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will address some serious concern, and that is the Government of Greece.

Mr. Speaker, I was recently in the Middle East. When I was in the Arab world in the Middle East, I was urged not to fly through Athens because it is common knowledge in the Middle East that the government of Mr. Papandreou has been extremely lax in dealing with security. Several leaders in the Arab world concluded that he has been lax to curry favor with Mr. Qadhafi and with other terrorists in the region.

Mr. Speaker, whatever happens in this difficult situation, the Greek Government has a very heavy burden and a very serious responsibility. I think it is important that we do what we can to keep our carriers out of Athens until security becomes adequate. The inadequate security in Athens has clearly contributed to tragedy which has jeopardized over 90 American lives.

The world must recognize Mr. Papandreou's responsibility in contributing to this crisis and must join us in not only boycotting the Athens airport but in taking every other appropriate action to force Mr. Papandreou to fulfill an international responsibility.

ENDURE TERRORISM OR COMBAT IT?

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

Mr. COURTER. Mr. Speaker, relative to the recent hostage situation, most Americans are united now. Moral indignation can be a cohesive force no doubt, but we must look ahead.

What if the present situation is unresolvable and the hostages already dispersed from Beirut cannot be recaptured? Will we be as united then as we are now? Will we support a bombing of known Shiite strongholds in Lebanon, Syria, or Iran, or will we, by then, be complacent, complacent and resettled into that vague and senseless opinion that counterterrorism is itself the moral equivalent of terrorism?

The present crisis may prove less a test of the administration than a test of the American people. If the choice is to use force, and if Americans refuse to accept the use of force, then this country will be required to continue enduring terrorism rather than combatting it.

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FOREIGN AIR TRAVEL SECURITY ACT OF 1985

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the bill (H.R. 2796) to improve security standards for international air transportation, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, I do not plan to object, but I yield to our distinguished chairman of the Committee on Public Works and Transportation to explain the bill.

Mr. HOWARD. Mr. Speaker, I thank the gentleman for yielding.

GENERAL LEAVE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOWARD. Mr. Speaker, the need for this legislation is long standing, but the events of the past week involving the hijacked TWA 847 truly bring to the forefront why this legislation should be enacted. Because of the freedom to travel that U.S. citizens enjoy, our Government's responsibilities for their protection do not stop at our borders.

We need to ensure that the security at foreign airports is adequate and up to international standards. The responsibility for adequate standards falls to individual governments, but if they fail to carry out their responsibilities, our Government needs to have the authority to ensure that the U.S. traveling public is aware of which airports place them at risk.

The bill provides that the Department of Transportation shall make an assessment of foreign airports' security, and make public a list of which airports refuse to correct deficiencies. If the airport does not correct the problems, the Secretary of Transportation, with concurrence of the Secretary of State, can amend the operating certificates of the airlines serving the United States from that airport to halt that service until the airport's security is brought up to standards.

I urge my colleagues to join me in support of this measure.

Mr. Speaker, if the gentleman would yield further to the chief sponsor of the bill, the gentleman from California [Mr. MINETA], who is chairman of our Subcommittee on Aviation, he will be able to explain further the details of this legislation.

Mr. HAMMERSCHMIDT. Mr. Speaker, further reserving the right to object, I yield to the chairman of the Subcommittee on Aviation, the chief sponsor of this legislation. And I might say that I was glad to join him in that cosponsorship, along with the gentleman from New Jersey [Mr. HOWARD] and our distinguished ranking member of the full committee, the gentleman from Kentucky [Mr. SNYDER]. I now yield to the gentleman from California.

Mr. MINETA. Mr. Speaker, I thank the very distinguished gentleman from Arkansas, who has been very, very helpful as the ranking Republican member of the Subcommittee on Aviation on this issue.

Mr. Speaker, yesterday we submitted this legislation, H.R. 2796, cosponsored by the gentleman from New Jersey [Mr. HOWARD] and the gentleman from Kentucky [Mr. SNYDER], the ranking Republican on the Public Works and Transportation Committee, as well as the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the gentleman from Minnesota [Mr. OBERSTAR], and the gentleman from Georgia [Mr. GINGRICH], who is the ranking Republican on the Subcommittee on Investigations and Oversight of the Committee on Public Works and Transportation.

What this legislation will do is to essentially do what the President talked about last night at his press conference, and I think, given his statement, he would probably be very much in favor of speedy passage of this bill into law.

The Secretary of Transportation is required to make an assessment of all foreign airports which have service to U.S. airports. The Secretary of Transportation will measure those airports by the standards that are incorporated in the ICAO standards, as well as Annex 17 to the Convention on International Civil Aviation. Once the Secretary of Transportation has made this survey of all of these foreign airports, the Secretary of Transportation will then notify those foreign authorities of the deficiencies at those airports and make recommendations on what has to be done to correct those deficiencies. If those governments do not bring those airports up to those standards in 120 days, then the Secretary of Transportation is required to publish in the Federal Register and post notices at all airports in this country of these airports that do not meet the minimum standards under ICAO. If they still do not comply, the Secretary of Transportation can go further and either suspend, revoke or impose conditions on any of the international route certificates of domestic and foreign airlines.

This latter action can only be taken upon consultation with the foreign government as well as with the approval of the Secretary of State.

Mr. Speaker, that is the sum and substance of the legislation. I thank the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the gentleman from Kentucky [Mr. SNYDER], and the gen-

tleman from Georgia [Mr. GINGRICH] for their help, as well as the gentleman from New Jersey [Mr. HOWARD] and the gentleman from Minnesota [Mr. OBERSTAR], in getting this legislation put together.

Mr. HAMMERSCHMIDT. Mr. Speaker, I thank the gentleman from California for his explanation.

Further reserving the right to object, Mr. Speaker, I yield to our very able ranking member of the full committee, the gentleman from Kentucky [Mr. SNYDER].

Mr. SNYDER. Mr. Speaker, I rise in support of H.R. 2796, the Foreign Air Travel Security Act of 1985, and urge my colleagues to do the same.

All law-abiding citizens everywhere condemn the actions of the terrorist hijackers of TWA 847 and hope that the President is successful in his efforts to free the hostages as soon as possible. Although there is little we in the Congress can do to hasten their return, we must do everything in our power to minimize the likelihood that an incident of this kind will happen again. Therefore, the leadership of the Public Works Committee introduced legislation earlier this week to address the problems associated with inadequate security procedures at certain foreign airports.

This legislation would broaden the Federal Government's power to deter future hijackings by requiring the Secretary of Transportation to conduct a security assessment at foreign air carrier airports. The purpose of this assessment would be to determine whether security measures at these airports were adequate to meet internationally approved standards. If the Secretary determined that security was deficient, the foreign government would be so advised and provided with an opportunity to remedy the problem. If the deficiencies were not corrected within 120 days, the Secretary would be required to publish in the Federal Register and post at all U.S. air carrier airports notice to the public indicating the name of the airport involved in addition, the Secretary could, with the approval of the Secretary of State, revoke or otherwise impose conditions on the operating rights of any U.S. airline or foreign airline to provide service between those points and U.S. cities. In addition, U.S. operating rights of an air carrier from the offending nation could also be curtailed, thereby precluding it from serving the United States as well.

Although the President and the Secretary of Transportation do have some authority to revoke operating rights of carriers under certain circumstances, H.R. 2796 will expand this power. In addition, the bill makes sure that the general public is made aware of the airports at which security problems exist—something which I hope would pressure these foreign governments into taking corrective action. At the very least, it will make sure that the American people are aware of the problem and can act accordingly.

The newspapers and television have been filled with reports of the lax security procedures at the Athens Airport, notwithstanding the fact that TWA did its own screening in addition to that provided by airport personnel. Although I do not know exactly how the weapons got by security personnel, I do think that we should put these foreign governments on notice that their failure to adhere to approved security procedures could have an adverse effect on tourism and international travel to their country

For the foregoing reasons, I urge my colleague to support H.R. 2796.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 2796, the Foreign Air Travel Security Act of 1985.

We were all shocked and angered by the recent hijacking of TWA flight 847. Perhaps there is little this body can do now to end this particular tragedy. But there are certainly actions we can take to help prevent these sorts of terrorist acts from happening again in the future.

The primary problem, and the reason that the hijackers were able to seize TWA 847 in the first place, is the lax security in Athens where the flight originated. It appears that many foreign governments do not take the terrorist threat at their airports as seriously as they should. This seems to be particularly true of the Greek Government. H.R. 2796 will attack that problem. It will require the Secretary of the Department of Transportation [DOT] to assess the security arrangements at foreign airports to ensure they meet internationally approved standards. If the Department finds those arrangements to be lacking, the foreign airport will have 120 days to correct the problem. At the end of that period, if the problem is not corrected, the Secretary will have the authority, with the approval of the Secretary of State, to ban flights of airlines to or from that airport and to ban the airline of the foreign government involved from flying to the United States.

This bill will have several benefits. It will put pressure on foreign governments to improve security at their airports. If security is not improved, it can be used to ensure that U.S. carriers are not serving airports where there is a good chance that American lives will be placed in danger.

H.R. 2796 has a further beneficial feature. For the first time it will require that passengers be informed, when they buy their ticket, of security problems at airports that they plan to use. In addition, the bill would require the Secretary to publish a list of those airports with documented deficiencies in the Federal Register and to prominently post this information at U.S. air carrier airports. This will give passengers an opportunity to change their itinerary if they wish to use a safer airport, thereby putting further pressure on foreign governments to improve their airport security. One of the tragedies of the recent hijacking is that the lax security at the Athens Airport was known in the aviation community but not among most of the flying public. This bill will solve that problem. I urge my colleagues to support it.

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2796

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

SECTION 1. This Act may be cited as the "Foreign Air Travel Security Act of 1985."

SEC. 2. (a)(1) Section 1115 of the Federal Aviation Act of 1958 (49 U.S.C. 1515) is amended to read as follows:

"SECURITY STANDARDS IN FOREIGN AIR TRANSPORTATION

"ASSESSMENT OF SECURITY MEASURES

"SEC. 1115. (a) The Secretary of Transportation shall conduct at such intervals as the Secretary shall deem necessary an assessment of the effectiveness of the security measures maintained at those foreign airports being served by air carriers, those foreign airports from which foreign air carriers serve the United States, and at such other foreign airports as the Secretary may deem appropriate. Each such assessment shall be made by the Secretary in consultation with the appropriate aeronautic authorities of the concerned foreign government and each air carrier serving the foreign airport at which the Secretary is conducting such assessment. The assessment shall determine the extent to which an airport effectively maintains and administers security measures. In making an assessment of any airport under this subsection, the Secretary shall use a standard which will result in an analysis of the security measures at such airport based upon, at a minimum, the standards and recommendations contained in Annex 17 to the Convention on International Civil Aviation, as such standards and recommendations are the effect on the date of such assessment.

"REPORT OF SUCH ASSESSMENTS

"(b) Each report to the Congress required by section 315 of this Act shall contain:

"(1) A summary of those assessments conducted pursuant to subsection (a) of this section.

"(2) A description of the extent to which identified security deficiencies have been eliminated.

"NOTIFICATION OF FINDINGS

"(c) Whenever, after an assessment in accordance with subsection (a) of this section, the Secretary of Transportation finds that an airport does not maintain and administer

effective security measures, the Secretary shall notify the appropriate authorities of such foreign government of such finding, and recommend the steps necessary to bring the security measures in use at that airport up to the standard used by the Secretary in making such assessment.

"IDENTIFICATION OF AIRPORTS

"(d)(1) Not later than one hundred and twenty days after the notification required in subsection (c) of this section and upon a determination by the Secretary of Transportation that the foreign government has failed to bring the security measures at the identified airport up to the standard used by the Secretary in making an assessment of such airport under subsection (a) of this section, the Secretary—

"(A) shall publish in the Federal Register and cause to be posted and prominently displayed at all United States airports regularly being served by scheduled air carrier operations the identification of such airport; and

"(B) after consultation with the appropriate aeronautical authorities of such government and each air carrier serving such airport, and, notwithstanding section 1102 of this Act, may, with the approval of the Secretary of State, withhold, revoke, or impose conditions on the operating authority of any carrier or foreign air carrier to engage in foreign air transportation utilizing that identified airport.

"(2) The Secretary of Transportation shall promptly report to the Congress any action taken under this subsection setting forth information concerning the attempts he has made to secure the cooperation of the foreign government in meeting the standard used by the Secretary in making the assessment of such airport under subsection (a) of this section.".

"NOTICE TO AIRLINE PASSENGERS

"(e) In any case in which the Secretary of Transportation has determined, pursuant to subsection (d) of this section, that a foreign government has failed to bring security measures at an identified airport up to the specified standard, each air carrier and foreign air carrier providing service between the United States and such identified airport shall provide notice of such determination by the Secretary to any passenger purchasing a ticket for transportation between the United States and such identified airport. Such notice shall be by written material included on or with such ticket."

(2) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading

"TITLE XI—MISCELLANEOUS"

is amended by striking out

"SEC. 1115. Security standards in foreign air transportation."

and inserting in lieu thereof

"SEC. 1115. Security standards in foreign air transportation.

"(a) Assessment of security measures.

"(b) Report on assessment.

"(c) Notification of findings.

"(d) Identification of airports.

"(e) Notice to airline passengers.".

(b) Section 315(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1356(a)) is amended by adding at the end thereof the following new sentence: "Each semiannual report submitted by the Administrator pursuant to the preceding sentence shall include the information described in section 1115(b) of this Act.".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF A STANDING COMMITTEE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Operations:

WASHINGTON, DC,
June 18, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I hereby resign my seat on the Government Operations Committee effective this date.

Thank you for your consideration in this matter.

Most sincerely,

DAVID S. MONSON,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO A STANDING COMMITTEE

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 205) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 205

Resolved, That Representative David S. Monson of Utah be and is hereby elected to the Committee on Pubilc Works and Transportation.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT OF COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. GONZALEZ. I ask unanimous consent that the Subcommittee on Housing and Community Development of the Committee on Banking, Finance and Urban Affairs have permission to sit during the 5-minute rule today, so that the subcommittee may continue its markup.

This request has been cleared with the ranking minority member of the full and subcommittee.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1986

The SPEAKER pro tempore. Pursuant to House Resolution 169 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. 1872.

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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. 1872) to authorize appropriations for fiscal year 1986 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, June 18, 1985, all amendments made in order pursuant to House Resolution 200 had been considered.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Defense Authorization Act, 1986".

The CHAIRMAN. Are there any amendments to section 1?

If there are no amendments to section 1, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—PROCUREMENT

SEC. 101. ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 1986 for procurement for the Army as follows:

(1) For aircraft, $3,676,100,000.

(2) For missiles, $3,368,700,000.

(3) For weapons and tracked combat vehicles, $5,369,900,000.

(4) For ammunition, $2,357,600,000.

(5) For other procurement, $5,573,500,000, of which—

(A) $939,500,000 is for tactical and support vehicles;

(B) $3,087,500,000 is for communications and electronics equipment;

(C) $1,377,200,000 is for other support equipment; and

(D) $169,300,000 is for non-centrally managed items.

(b) AUTHORIZATION OF TRANSFERS OF PRIOR-YEAR FUNDS.—There are hereby authorized to be transferred to, and merged with, amounts appropriated for procurement for the Army for fiscal year 1986 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts, the following amounts:

(1) $101,800,000 for procurement of aircraft, to be derived from amounts appropriated for fiscal year 1985 for procurement of aircraft for the Army remaining available for obligation.

(2) $146,000,000 for procurement of weapons and tracked combat vehicles, of which—

(A) $52,600,000 shall be derived from amounts appropriated for fiscal year 1984 for procurement of weapons and tracked

combat vehicles for the Army remaining available for obligation;

(B) $40,000,000 shall be derived from amounts appropriated for fiscal year 1985 for procurement of weapons and tracked combat vehicles for the Army remaining available for obligation;

(C) $25,300,000 shall be derived from amounts available for fiscal year 1984 for procurement of weapons and tracked combat vehicles for the Army remaining available for obligation resulting from the sale of M48A5 tanks under a letter of offer issued pursuant to section 21(a)(1) of the Arms Export Control Act that would otherwise be deposited in the Special Defense Acquisition Fund; and

(D) $28,100,000 shall be derived from amounts appropriated for fiscal year 1985 for procurement of ammunition for the Army remaining available for obligation.

(3) $12,400,000 for other procurement, to be derived from amounts appropriated for fiscal year 1985 for other procurement for the Army remaining available for obligation.

(c) AUTHORIZED MULTIYEAR CONTRACTS.—(1) Subject to paragraph (2), the Secretary of the Army may enter into multiyear contracts in accordance with section 2306(h) of title 10, United States Code, for procurement of the following:

T-700 series engines.

Chassis for the M1A1 tank.

AGT 1500 turbine engine for the M1 tank.

Laser range finder and thermal integrated sight fire control components for the M1 tank.

Electronic unit and control panel components for the ballistic computer for the M1 tank.

Transmission system for the Bradley Fighting Vehicle.

(2) A multiyear contract authorized by paragraph (1) may not be entered into unless the anticipated cost over the period of the contract is no more than 90 percent of the anticipated cost of carrying out the same program through annual contracts.

(d) REMOVAL OF LIMITATION ON CONTRACTORS FOR 120-MILLIMETER MORTAR.—The Secretary of the Army may select a contractor for the supply of 120-millimeter mortars for the Army as if section 101(e) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2499), had not been enacted.

(e) MULTIYEAR CONTRACT FOR 1985 MLRS PROGRAM PROCUREMENT.—Notwithstanding section 1502(a) of title 31, United States Code, or any other Act, funds appropriated for the multiple-launch rocket system (MLRS) program of the Army for fiscal year 1985 may be used to enter into contracts for purchases in economic-order quantities of materials and components for use with end items under the program proposed for procurement during fiscal year 1989.

(f) COPPERHEAD PROJECTILE PROGRAM.—Of the amount authorized in subsection (a) for procurement of ammunition, $235,000,000 is authorized for the Copperhead projectile. Not more than $200,000,000 may be obligated or expended for that projectile from funds appropriated or otherwise made available for the Army, after the date of the enactment of this Act, for fiscal year 1986 until the Secretary of Defense submits to Congress a written plan to establish a second production source for the Copperhead projectile.

SEC. 102. NAVY AND MARINE CORPS.

(a) AIRCRAFT.—(1) Funds are hereby authorized to be appropriated for fiscal year 1986 for procurement of aircraft for the Navy in the amount of $10,774,300,000.

(2) There is hereby authorized to be transferred to, and merged with, amounts appropriated for procurement of aircraft for the Navy pursuant to the authorization of appropriations in paragraph (1), to the extent provided in appropriation Acts, $26,900,000. Such amount shall be derived from amounts appropriated for fiscal year 1985 for procurement of aircraft for the Navy remaining available for obligation.

(b) WEAPONS.—Funds are hereby authorized to be appropriated for fiscal year 1986 in the total amount of $5,577,400,000 for procurement of weapons (including missiles and torpedoes) for the Navy as follows:

(1) For missile programs, $4,365,300,000.

(2) For torpedo programs:

For the MK-48 torpedo program, $417,400,000.

For the MK-46 torpedo program, $129,100,000.

For the MK-30 mobile target program, $20,600,000.

For the MK-38 minimobile target program, $3,500,000.

For the antisubmarine rocket (ASROC) program, $15,600,000.

For the modification of torpedoes and related equipment, $141,200,000.

For the torpedo support equipment program, $47,400,000.

For the antisubmarine warfare range support program, $23,200,000.

(3) For other weapons:

For the MK-15 close-in weapon system program, $150,100,000.

For the MK-75 76-millimeter gun mount program, $20,000,000.

For other weapons programs, $77,300,000.

(4) For spares and repair parts, $166,600,000.

(c) SHIPBUILDING AND CONVERSION.—(1)(A) Funds are hereby authorized to be appropriated for fiscal year 1986 for shipbuilding and conversion for the Navy in the total amount of $10,739,200,000.

(B) Funds appropriated for fiscal years before fiscal year 1986 and remaining available for obligation are hereby authorized to be transferred to, and merged with, amounts appropriated pursuant to the authorization of appropriations in subparagraph (A), to the extent provided in appropriation Acts, in the total amount of $437,600,000. Such amount shall be derived in accordance with paragraph (3).

(2) Funds appropriated or otherwise made available for shipbuilding and conversion for fiscal year 1986 pursuant to the authorizations in paragraph (1) are available as follows:

For the Trident submarine program, $1,531,800,000.

For the SSN-688 nuclear attack submarine program, $2,708,400,000.

For the aircraft carrier service life extension program (SLEP), $133,400,000.

For the CG-47 Aegis cruiser program, $2,766,200,000.

For the DDG-51 guided missile destroyer program, $164,300,000.

For the LSD-41 landing ship dock program, $414,400,000.

For the LHD-1 amphibious assault ship program, $1,314,200,000.

For the MCM-1 mine countermeasures ship program, $334,100,000.

For the MSH-1 coastal mine hunter ship program, $184,500,000.

For the TAO-187 fleet oiler program, $328,500,000.

For the TAGOS ocean surveillance ship program, $115,100,000.

For the acoustic research vessel program, $68,900,000.

For the strategic sealift ready reserve program, $203,400,000.

For the TACS auxiliary crane ship program, $82,500,000.

For the TAVB aviation logistics support ship program, $26,900,000.

For the LCAC landing craft air cushion program, $307,000,000.

For the battleship reactivation program, $53,500,000.

For service craft and landing craft, $72,100,000.

For the moored training ship program, $26,500,000.

For outfitting and post delivery, $341,100,000.

(3) Amounts transferred pursuant to paragraph (1)(B) to amounts appropriated for shipbuilding and conversion pursuant to the authorization of appropriations in paragraph (1)(A) shall be derived from amounts appropriated for shipbuilding and conversion for the Navy for fiscal years before fiscal year 1986 as follows:

(A) $357,500,000 shall be derived from amounts appropriated for fiscal years before fiscal year 1983.

(B) $24,000,000 shall be derived from amounts appropriated for fiscal year 1983.

(C) $56,100,000 shall be derived from amounts appropriated for fiscal year 1984.

(4)(A) The Secretary of the Navy is hereby authorized, subject to provisions of appropriation Acts, to transfer to and merge with amounts appropriated pursuant to the authorizations of appropriations in paragraph (1) amounts described in subparagraph (B).

(B) Amounts that may be transferred under subparagraph (A) are amounts appropriated for fiscal year 1985 for shipbuilding and conversion for the Navy and remaining available for obligation as a result of cost savings in carrying out the fiscal year 1985 shipbuilding program. Any such transfer is in addition to the transfers described in paragraph (3).

(5)(A) The Secretary of the Navy may transfer to amounts available for the battleship reactivation program for fiscal year 1986 such amounts as may be available as a result of cost savings in carrying out the fiscal year 1985 and fiscal year 1986 shipbuilding programs. Any such transfer is in addition to the transfers described in paragraphs (3) and (4).

(B) Any transfer under this paragraph of fiscal year 1985 funds may be made only to the extent provided in appropriation Acts.

(C) Any transfer under this paragraph of fiscal year 1986 funds is not subject to section 1001 of this Act.

(d) OTHER PROCUREMENT, NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1986 for other procurement for the Navy in the amount of $6,591,800,000, of which—

(1) $893,000,000 is available only for the ship support equipment program;

(2) $2,085,800,000 is available only for the communications and electronics equipment program;

(3) $1,139,700,000, is available only for aviation support equipment;

(4) $1,326,500,000 is available only for the ordnance support equipment program;

(5) a total of $660,700,000, is available only for programs for civil engineering support equipment, supply support equipment, and personnel/command support equipment;

(6) $269,800,000 is available only for spares and repair parts; and

(7) $216,300,000 is available only for noncentrally managed items.

(e) PROCUREMENT, MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1986 for procurement for the Marine Corps (including missiles, tracked combat vehicles, and other weapons) in the amount of $1,742,300,000.

(f) LIMITATIONS ON NAVY AIRCRAFT PROCUREMENT.—Funds appropriated for fiscal year 1986 for aircraft for the Navy—

(1) may not be obligated for procurement of A6E aircraft until the Secretary of the Navy certifies to the Committees on Armed Services of the Senate and House of Representatives that the wing for the A6E aircraft to be procured is warranted for at least a 4,000-hour test-equivalent fatigue life; and

(2) may be obligated for procurement of F14 aircraft only for aircraft that are configured so as to incorporate the F110 engine.

(g) AUTHORIZED MULTIYEAR CONTRACTS.—The Secretary of the Navy may enter into multiyear contracts in accordance with section 2306(h) of title 10, United States Code, for procurement of the following:

LHD-1 class amphibious assault ships.

MK-46 torpedoes and modification kits.

SEC. 103. AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 1986 for procurement for the Air Force as follows:

(1) For aircraft, $24,043,700,000.

(2) For missiles, $9,039,500,000.

(3) For other procurement, $9,043,900,000, of which—

(A) $1,389,200,000 is for munitions and associated support equipment;

(B) $328,400,000 is for vehicular equipment;

(C) $2,587,700,000 is for electronics and telecommunications equipment;

(D) $4,650,700,000 is for other base maintenance and support equipment; and

(E) $87,900,000 is available only for noncentrally managed items.

(b) AUTHORIZATION OF TRANSFERS OF PRIOR-YEAR FUNDS FOR MISSILE PROCUREMENT.—(1) There is hereby authorized to be transferred to, and merged with, amounts appropriated for procurement of missiles for the Air Force pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts, $11,800,000.

(2) Amounts for the transfer authorized by paragraph (1) shall be derived from amounts appropriated for fiscal years before fiscal year 1986 for procurement of missiles for the Air Force and remaining available for obligation as follows:

(A) $4,000,000 shall be derived from amounts appropriated for fiscal year 1985.

(B) $7,800,000 shall be derived from amounts appropriated for fiscal years before fiscal year 1985.

(c) COMPETITION FOR FIGHTER AIRCRAFT PROCUREMENT.—(1) In the procurement of tactical fighter aircraft for fiscal year 1986, the Secretary of the Air Force shall establish an ongoing, annual competition for procurement of aircraft to meet the requirements of the Air Force above the minimum number of F16 and F20 aircraft that the Secretary determines necessary to procure for meeting the requirements of the active and reserve components. Such competition shall be among all suitable aircraft, including the F16 and F20 aircraft.

(2) Procurement of tactical fighter aircraft for the Air Force for fiscal year 1986 shall be carried out in accordance with all applicable provisions of law, including section 136a (relating to the Director of Operational Test and Evaluation), section 139c (relating to independent cost estimates), and chapter 137 (relating to competition in contracting), of title 10, United States Code.

SEC. 104. DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal year 1986 for the Defense Agencies in the amount of $1,366,000,000.

SEC. 105. NATO COOPERATIVE PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR COOPERATIVE DEFENSE PROGRAMS.—There is hereby authorized to be appropriated to the Secretary of Defense for fiscal year 1986 the amount of $125,000,000 for North Atlantic Treaty Organization cooperative defense programs as follows:

For acquisition of point air defense of United States airbases in the Federal Republic of Germany, $50,000,000.

For acquisition of point air defense of United States airbases and other critical United States military facilities in Italy, $25,000,000.

For acquisition of point air defense and port defense for facilities in Belgium, $25,000,000.

For acquisition of point air defense of United States airbases in Turkey, $25,000,000.

(2) None of the amounts appropriated pursuant to the authorizations in paragraph (1) may be obligated—

(A) for implementation of a cooperative program until the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives a copy of each government-to-government agreement relating to that program; or

(B) for acquisitions in connection with a NATO cooperative defense program in which the financial obligations of the United States exceed the collective financial obligations of European countries in connection with such program.

(b) EXTENSION OF AUTHORITY PROVIDED SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AWACS PROGRAM.—Effective on October 1, 1985, section 103(a) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1100), is amended by striking out "fiscal year 1985" both places it appears and inserting in lieu thereof "fiscal year 1986".

SEC. 106. LIMITATION ON PROCUREMENT OF SERGEANT YORK AIR DEFENSE GUN.

(a) LIMITATION ON FURTHER PROCUREMENT.—The Secretary of the Army may not obligate funds to enter into a new contract for production and assembly of the Sergeant York Air Defense Gun system until—

(1) the initial production testing and the follow-on evaluation I are completed and the results of the testing and evaluation demonstrate that the Sergeant York System meets or exceeds the pass/fail criteria of the tests established jointly by the Secretary of the Army and the Secretary of Defense;

(2) the Director of Operational Test and Evaluation of the Department of Defense submits to the Secretary of Defense and the Committees on Armed Services of the Senate and House of Representatives a report giving the Director's evaluation of the results of such testing and evaluation;

(3) the Secretary of Defense reports to those committees on the results of such testing and evaluation and certifies that such testing reliably demonstrates that the operational capabilities of the Sergeant York system fulfill the performance specifications of the contract;

(4) the Secretary of the Army submits to those committees a report describing a contractor guarantee of the performance of the system described in subsection (b)(1); and

(5) 30 days have elapsed after the report under paragraph (4) is received by those committees.

(b) PERFORMANCE GUARANTEE.—(1) The guarantee of the contractor under subsection (a)(4) shall provide that each fire unit of the system shall operate in accordance with the performance specifications of the contract for the system for the maximum feasible duration and in any event for not less than one year.

(2) The terms of a guarantee under this subsection shall be in addition to terms of any previous guarantee or warranty of the system by the contractor required under section 2403 of title 10, United States Code, or any predecessor provision.

(3) A guarantee under this subsection shall apply to contracts for fiscal years after fiscal year 1985.

SEC. 107. RESTRICTIONS ON PURCHASE BY THE ARMY OF 5-TON TRUCKS.

(a) TESTING OF COMPETING ENGINES BEFORE CONTRACT AWARD.—(1) Except as provided in subsection (b), the Secretary of the Army may not enter into a new contract for the procurement of 5-ton trucks for the Army until the Secretary certifies to the Committees on Armed Services of the Senate and House of Representatives that each truck engine described in paragraph (2) has been tested as provided in paragraph (3).

(2) The truck engines referred to in paragraph (1) are engines that—

(A) meet the specifications of the Army for engines for 5-ton trucks; and

(B) are commercially available from sources competing for the award of a contract for the supply of engines to the Army for the 5-ton trucks that are to be procured under a multiyear contract that is to succeed the multiyear contract referred to in subsection (b).

(3) The testing referred to in paragraph (1) shall be carried out in 5-ton trucks configured in the M939A2 technical data package of the Army and shall include tests to determine—

(A) whether the engine is durable after testing in a mission profile for at least 20,000 miles; and

(B) whether the performance reliability of the engine for high ambient temperature cooling, cold starting, deep water fording, grade climbing, and noise is acceptable.

(b) AUTHORITY FOR EXTENSION OF EXISTING MULTIYEAR CONTRACT.—(1) The Secretary of the Army may extend for a period not to exceed 18 months the multiyear contract for the procurement of 5-ton trucks that is in effect on the date of the enactment of this Act.

(2) Funds available to the Army for the procurement of 5-ton trucks during fiscal year 1985 and funds appropriated for the procurement of 5-ton trucks for the Army for fiscal year 1986 may be used for the procurement of 5-ton trucks under an extension of the contract referred to in paragraph (1).

(c) NEW MULTIYEAR CONTRACT.—(1) Subject to paragraph (2), the Secretary of the Army shall take such action as is appropriate, consistent with the limitation set out in subsection (a), to award a multiyear contract for the procurement of 5-ton trucks not later than May 1, 1986. Such a contract shall be for a period of five fiscal years.

(2) A contract under paragraph (1) may not be entered into unless the anticipated cost over the period of the contract is no more than 90 percent of the anticipated cost of carrying out the same program through annual contracts.

(3) Not later than February 1, 1986, the Secretary shall determine whether it is impracticable to award a contract under paragraph (1) on or before May 1, 1986. If the Secretary determines that such action is impracticable, he shall notify the Committees on Armed Services of the Senate and the House of Representatives of the determination on or before February 1, 1986.

SEC. 108. SALE OF L119 HOWITZERS OVERSEAS.

Howitzers designated as L119 howitzers that are produced by a United States arsenal may be sold to a friendly foreign government without regard to any law, regulation, or international agreement specifying a minimum percentage of the content of such howitzers that must be of foreign origin.

SEC. 109. WAIVER OF LIMITATION ON FOREIGN MILITARY SALES PROGRAM.

The Arms Export Control Act shall be administered as if section 8036 of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of Public Law 98-473; 98 Stat. 1930), had not been enacted into law.

SEC. 110. ENCOURAGEMENT OF CONSTRUCTION IN UNITED STATES SHIPYARDS OF DIESEL SUBMARINES FOR UNITED STATES ALLIES.

(a) IN GENERAL.—The Secretary of the Navy shall take such steps as necessary—

(1) to ensure that no effort is made by any element of the Department of the Navy to inhibit, delay, or halt the provision by United States shipyards of approved diesel submarine combat systems to nations allied with the United States; and

(2) to encourage United States shipyards that are not engaged in construction of nuclear submarines to construct diesel-electric submarines for nations allied with the United States.

(b) LIMITATIONS ON FUNDING.—(1) None of the funds appropriated pursuant to authorizations of appropriations in this title for submarine programs may be obligated or expended until the Secretary of the Navy reports to Congress that no element of the Department of the Navy is taking any action to inhibit, delay, or halt the provision of approved combat systems for, or the construction of, diesel submarines in the United States for nations allied with the United States, particularly for the Republic of South Korea and Israel (the two nations that have previously requested approval to build submarines in the United States).

(2) None of the funds appropriated pursuant to authorizations of appropriations in this title may be used to upgrade or modernize a foreign shipyard in order to provide such shipyard a capability to construct diesel submarines until the Secretary of the Navy reports to Congress that such construction could not be done in the United States without causing a negative impact on United States nuclear submarine programs.

AMENDMENT OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Chairman, I offer an amendment to title I. The amendment is on conventional warfare, and it is the one that was printed on page H 3613 of the RECORD of May 22, 1985.

The Clerk read as follows:

Amendment offered by Mr. BENNETT: At the end of title I, add the following new section:

SEC. III. AUTHORIZATION FOR TRANSFER OF FUNDS FOR CONVENTIONAL FORCES.

From funds appropriated in years prior to 1986 for defense purposes but not now required for the specific purposes originally designated, there is hereby authorized to be transferred to and merged with funds appropriated for fiscal year 1986 $4,000,000,000 to be used for the acquisition of defense articles for the conventional forces of the Army, Navy, and Air Force. The funds transferred shall be equally divided between the Army, Navy, and Air Force. Funds transferred pursuant to this provision may be used for the acquisition of conventional weapons, including but not limited to the following items: ammunition, ships, tanks, vehicles, and planes.

□ 1020

Mr. BENNETT. Mr. Chairman, we have been repeatedly advised by Gen. Bernard Rogers, who is the Supreme Allied Commander of NATO, not only this year but in previous years, that we cannot prevent the Soviets from overrunning Western Europe in a conventional attack.

In his own words, it would only be a matter of days, not weeks, before we would be forced to use nuclear weapons to stop such a Soviet attack. We must assume that the Soviets would respond to our first use of their devastating nuclear arsenal with the use of nuclear weapons themselves. Such a nuclear exchange poses an ominous threat to all mankind. A policy of defending Europe by quickly escalating to nuclear war is insane. The NATO countries are in no way inferior to the Warsaw Pact countries and we in NATO should be able to defend against a conventional attack by conventional weapons, not just nuclear weapons.

No one can win a nuclear war. The fact that everyone knows that fact limits the credibility of our threat of the use of nuclear war.

General Rogers addressed this part of the question this year in speaking before the Senate Armed Services Committee, when he said, and I am quoting now what General Rogers said about the question of credibility:

The continually widening gap between NATO and Warsaw Pact conventional capabilities impacts the credibility of NATO's deterrence because it compels the Alliance to rely excessively on the early first-use of nuclear weapons.

. . . Such heavy reliance on early nuclear first-use does not provide a credible basis for deterring what I believe to be the most likely threat the Alliance faces: Soviet intimidation and coercion of West European nations resulting from the threat of massive conventional military superiority.

It is imperative that we increase our ability to fight a conventional war in Europe. A recent study showed that the NATO Defense Ministers are clearly in accord on this. There are critical deficiencies in ammunition, stockpiles of equipment and availability of forces that can be mobilized for combat, according to that study.

Today the Warsaw Pact outnumbers NATO forces in almost all major weapons. They have more than three times the number of tanks, more than twice the number of armored personnel carriers, the same with regard to artillery and I might go on, substantial deficiencies in fighters, bombers, and antiaircraft missiles.

The West is also at a disadvantage in bringing in reinforcements and keeping them supplied. Our air and sealift capabilities are inadequate to our needs and we have not allocated enough resources for the prepositioning of supplies in Europe.

In the first 10 days of war, according to General Rogers, we need to have 10 divisions ready to go into Europe, but if a war started now we probably would have less than 5 divisions ready at this time.

We must put ourselves in a position to win a conventional war in Europe or at least be able to greatly extend the time before we are confronted with the deadly decision to go to nuclear weapons. Our own security and the security of the West depends on meeting this challenge. We must get on with it.

Now, Mr. Chairman, when it was announced by Secretary Weinberger that we have $4 billion which had been arrived at mostly by overestimation of inflation and underruns in the purchasing—not overruns, but underruns—thus saving of money, I immediately introduced this amendment. Nobody else had any attack upon that particular use of the money; but that is what I did. I was the first to do it. I think the most appropriate place to put this money is to put ourselves in a position where we do not have to have a nuclear war in Europe; or at least put ourselves in a position where we would be able to deter or delay the decision to go to a nuclear war.

We have to keep our deterrence up with nuclear weapons, but we must see to it that we are able to win a conventional war. Otherwise, we will be bringing on the world unnecessarily, and inconsistent with what our real responsibilities are, nuclear war; because we should be able to win a conventional war. That is something we must be able to do.

Mr. Chairman, this amendment will do it. I would appreciate it very much if the Congress would vote for it.

I want to add as I conclude that even though there was a general balancing of mirrors and the blowing of puff smoke and so forth about funding in the early part of this bill, this amendment does not affect that. This money will only be made available if the money is actually there. If it is not there, it will not be used this does not undo what the gentleman from Wisconsin [Mr. ASPIN] did, although I would have appreciated it if he had not done it as far as the $4 billion are concerned, but he did do it. this is not affected by this amendment, because the way this amendment is drafted it would just pick up any such money

that happens to be there. Maybe no money will be there, but it will not hurt the overall amendment of the gentleman from Wisconsin [Mr. ASPIN], as I understand it, and as counsel has advised me.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the Bennett amendment.

Mr. Chairman, I rise in strong opposition to the amendment offered by the distinguished gentleman from Florida just a moment ago that would authorize the transfer of $4 billion in prior year funds for conventional weapons.

There is no question that this amendment is rather appealing and attractive. Many of us have discussed the need to upgrade our conventional capabilities, but unfortunately this amendment comes at the wrong time and is headed in the wrong direction.

Why do I say this? Well, first, the $4 billion that the gentleman wants to use should be coupled with the cuts that the committee is already recommending in order to further reduce the cost of the defense bill and to conform more closely with the defense level set in the House-passed budget resolution. The $4 billion contained in this amendment is the result of some last-minute savings that the Department of Defense suddenly discovered were available.

As a matter of fact, the gentleman from Wisconsin, the distinguished chairman of our committee, has already utilized those funds to bring the bill into conformity with the House budget resolution. If these are indeed savings that happened to materialize through some magical stroke of fiscal acuity, let us apply them then to cost reductions. Otherwise, this really represents a grab bag for the Department of Defense. If they have $4 billion of extra money of the gentleman from Florida [Mr. BENNETT] to play around with, who is going to restrain them? What are the rules going to be? What are going to be the arrangements? What role will the House have?

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. No, I cannot yield. I have only 5 minutes.

It is going to be somewhat difficult to persuade the Pentagon that they should not dip into this grab bag. We are going to be encouraging the Department of Defense to wait until the last minute and then throw some money on the table and hope that we will avoid making pragmatic and programmatic reductions.

If we accept the Bennett approach, the Congress is obviously abdicating its defense responsibilities in the policy process.

Are we going to allow the Secretary of Defense to decide how much of this $4 billion will be utilized for this, that, or the other system?

The normal process, I would think the gentleman from Florida would recognize, is for this kind of thing to be handled through the House Committee on Armed Services. That is exactly the way it should be.

We are presented with a request from the Department of Defense. We hold hearings and we either approve it or we disapprove it or enhance it; but this is certainly not the way to go. In fact, if the gentleman's amendment is actually enacted, which I certainly hope it will not be—or otherwise we have lost our senses in this body—we will eliminate the whole process of reprogramming, because there will be no money in the defense budget for any kind of reprogramming.

There is no congressional involvement in the gentleman's amendment. There is no setting of priorities. The services could simply start on commitments that the Congress may not want to support, and if we are going to put in additional funds in the conventional programs, let us specify the programs involved so that we know precisely what we are doing.

In the name of orderly procedure in the House of Representatives, I urge an overwhelming vote against the gentleman's amendment.

Mr. DICKINSON. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

Mr. Chairman, I think that the intent behind this amendment is good. I think it is well intended.

□ 1030

But I think it works a great deal of mischief if it should be passed. Everybody agrees that our probable potential, largest potential threat is in the conventional field. There is no doubt about that, but it is for that reason that we approach this in an orderly manner.

The Department of Defense submits this list of requirements, they prioritize them as best they can in conjunction with the Office of Management and Budget, and then we have a series of hearings. And we do this every year and we try, through hours and hours of hearings, to come up with what we think is a prioritized list of what is affordable, what is needed. We have witnesses and they come over to testify on the requirements of the Army, Navy, Air Force, and Marines.

So what we have is a reasoned approach toward procurement.

I assume that the $4 billion figure comes out of what was taken out of the bill yesterday when Mr. Weinberger said that there were $4.4 billion of unobligated funds in last year's bill that he just happened to find after we had marked up.

But the point is that money is no longer there. We took it out yesterday.

This amendment would require us to dump other unobligated funds conventional weapons, and Congress has no say so, the committee has no say so, as to whether it is apportioned to buy tanks, planes, and so forth. That is not the way to conduct the affairs of this country and to provide for the best security.

In addition, as the gentleman from New York [Mr. STRATTON], has said, we have a reprogramming action. That means that as we get into a new budget cycle, when programs do not work out, when they miss their production dates, and so forth, then there are funds available. The service then comes back in and asks us if they can take that money that has been approved and reprogram it for something else that is feasible. So the Congress has the approval authority there, and we will approve it or not.

Now, what this amendment would do is if there are any funds that are not used for the purpose for which they are authorized and appropriated, this amendment would soak up these funds and would prevent any other reprogrammings. I think it is ill advised and ill conceived, even though well intended, and I would certainly hope that we would reject this just out of hand.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I will be very pleased to yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I would like to commend the gentleman from Alabama [Mr. DICKINSON] and the gentleman from New York [Mr. STRATTON]. I think the arguments that they have made against this amendment are very cogent and I, too, would urge a no vote on this amendment.

Mr. DICKINSON. I thank the gentleman and I yield back the balance of my time.

Mr. WEISS. Mr. Chairman, I move to strike the requisite number of words.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. WEISS. I am pleased to yield to the distinguished gentleman from Florida.

Mr. BENNETT. I thank the gentleman very much. I had to get this time because of misstatements that have been made, I am sure innocently. But it is not true this takes this out of the hands of Congress. This is just an authorization, and they would still have to come before Congress and get a line-by-line, item-by-item, truck-by-truck approval or whatever it is they would do, so it is not true that the Congress loses control of this at all. This is a very carefully worded amendment and it would come before Congress again.

Now, this money really was not all that "discovered." This money was mostly saved out of my own committee, the Seapower Subcommittee. It

was mostly saved by underruns in the building of ships. So it is money which came to my attention very promptly, 2 or 3 years ago, not recently. In fact, we used some of this money last year in the budget process, as we have used some of this money this year in the budget process. This is no great surprise to me. It is just that Mr. Weinberger announced it, and I realized that if I did not capture it for something that was needed very much in the national defense that it probably would not occur.

The thing that is most greatly needed in the national defense of our country today is to be able to win a conventional war. It is as simple as that.

Now, there are many, many items which have already been submitted, much more than this $4 billion, which will be approved by the Department of Defense and are before Congress now. But we will get them, and get to them, but it will come again on a line item basis before the Appropriations Committee to get that kind of action on it.

So, Mr. Chairman, in concluding my remarks I certainly hope that Congress will pass this amendment. It does not interfere with the previous amendment offered by the gentleman from Wisconsin [Mr. ASPIN]. He captured a lot of the funds that I would like to have captured, but he himself says that there is somewhere between $18 and $50 billion floating around there. So he captured some of that $18 to $50 billion which he refers to. It does not necessarily have to come out of the $4 billion he has referred to specifically.

So, Mr. Chairman, I would appreciate very much if we could get an affirmative vote on this issue.

The CHAIRMAN pro tempore. [Mr. RUSSO]. 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.

Mr. BENNETT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 169]

ANSWERED "PRESENT"—411

Ackerman
Addabbo
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Armey
Aspin
Atkins
AuCoin
Barnard
Barnes
Bartlett
Barton
Bateman
Bates
Bedell
Beilenson
Bennett
Bentley
Bereuter
Bevill
Biaggi
Biliraki
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Breaux
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bruce
Bryant
Burton (CA)
Burton (IN)
Bustamante
Byron
Callahan
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clay
Coats
Cobey
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Eckert (NY)
Edgar
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fawell
Fazio
Feighan
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Gregg
Grotberg
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hansen
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Hendon
Henry
Hertel
Hiler
Hillis
Holt
Hopkins
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kolbe
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McEwen
McGrath
McHugh
McKernan
McKinney
McMillan
Meyers
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Monson
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NH)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traficant
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

□ 1050

The CHAIRMAN pro tempore. Four hundred eleven Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from Florida [Mr. BENNETT] for a recorded vote.

The Chair announces that 5 minutes will be allowed for this vote.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. STRATTON. Mr. Chairman, is the next vote the one that would occur on the amendment that would give the Pentagon $4 billion without any guidelines?

The CHAIRMAN pro tempore. The Chair advises the gentleman from New York that that is not a proper parliamentary inquiry.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 36, noes 376, answered "present" 1, not voting 20, as follows:

[Roll No. 170]

AYES—36

Ackerman
Addabbo
Bates
Bennett
Brown (CA)
Daschle
de la Garza
Dorgan (ND)
Dymally
Early
Fascell
Foglietta

Garcia
Gibbons
Hertel
Hughes
Jones (NC)
Kastenmeier
Leach (IA)
Lehman (FL)
Lundine
MacKay
Neal
Oberstar
Obey
Penny
Rahall
Roybal
Schroeder
Smith (IA)
Staggers
Swift
Walgren
Weiss
Wise
Wolpe

NOES—376

Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Barnard
Barnes
Bartlett
Barton
Bateman
Bedell
Bellenson
Bentley
Bereuter
Bevill
Biaggi
Biliraki
Bliley
Boehlert
Boggs
Boland
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Breaux
Brooks
Broomfield
Brown (CO)
Broyhill
Bruce
Bryant
Burton (CA)
Burton (IN)
Bustamante
Byron
Callahan
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clay
Coats
Cobey
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Daniel
Dannemeyer
Darden
Daub
Davis
DeLay
Dellums
DeWine
Dickinson
Dicks
DioGuardi
Dixon
Donnelly
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dyson
Eckart (OH)
Eckert (NY)
Edgar
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fawell
Fazio
Feighan
Fiedler
Fields
Fish
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Gregg
Grotberg
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hansen
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Hendon
Henry
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Hyde
Ireland
Jacobs
Jenkins
Johnson
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kolbe
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Leath (TX)
Lehman (CA)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lungren
Mack
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McEwen
McGrath
McHugh
McKernan
McKinney
McMillan
Meyers
Mica
Michel
Mikulski
Miller (OH)
Miller (WA)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Monson
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Nelson
Nichols
Nielson
Nowak
Oakar
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Rudd
Russo
Sabo
Savage
Saxton
Schaefer
Scheuer
Schneider
Schuette
Schulze
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (NE)
Smith (NH)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traficant
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Watkins
Waxman
Weaver
Weber
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams
Wirth
Wolf
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

ANSWERED "PRESENT"—1

Boner (TN)

NOT VOTING—20

Badham
Berman
Clinger
Derrick
Dingell
Heftel
Jeffords
Latta
Loeffler
Marlenee
McDade
Miller (CA)
O'Brien
Pepper
Schumer
Strang
Towns
Traxler
Udall
Wilson

□ 1100

The Clerk announced the following pair:

On this vote

Mr. Jeffords for, with Mr. Badham against.

Mr. WISE and Mr. STUDDS changed their votes from "aye" to "no."

Messrs. WISE, KASTENMEIER and DASCHLE changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DICKINSON

Mr. DICKINSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKINSON: Page 6, after line 9, insert the following new subsection:

(g) SAFETY MODIFICATIONS FOR PERSHING II MISSILE PROGRAM.—(1) In carrying out the Pershing II missile program for fiscal year 1986, the Secretary of the Army may purchase safety modifications (including 36 inert missile motors for the Pershing II missile) using funds made available for such program for such fiscal year.

(2) The Secretary may not obligate any funds for the safety modifications authorized by paragraph (1) until the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report providing a detailed plan for the purchase of such safety modifications.

Mr. DICKINSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. DICKINSON. Mr. Chairman, recently, in the past year, there was a vehicular accident in Germany involving the Pershing missile. The Army has determined there are certain safety precautions that need to be affixed and modifications made to the vehicle and its missile. They have asked us to approve the money, which is just a transfer within the money already appropriated for the Pershing missile. There is no increase in money. We are acceding to safety precautions recommended by the Army. I know of no objection to it, and I would hope that the Committee would accept it.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Alabama.

Mr. NICHOLS. Mr. Chairman, I rise in support of the amendment offered by Mr. DICKINSON.

Over the last 2 years my Subcommittee on Investigations of the Armed Services Committee has held several hearings to examine the safety and security of our nuclear weapons. During this time we have seen many positive improvements in both areas. As you are aware, in January this year an accident involving the rocket motor of one of our Pershing II missiles in Germany took the lives of three U.S. servicemen and injured nine others. After an extensive investigation the Army has determined that a static electricity discharge caused the accidental burning of the rocket motor. Earlier this month I had the opportunity to visit this Pershing site to examine first hand, safety and security arrangements, and to talk with some of the people who were directly involved in the fatal accident.

The Army has moved quickly and while modifications are being introduced into the Pershing II production line to prevent a recurrence of future accidents, our troops are unable to train because of safety measures imposed after the accident. The soldiers that I talked with stressed the need to train with the missile to keep their performance at a high state of readiness.

Mr. Chairman, this amendment addresses both safety and training concerns. It provides funding for inert rocket motors which will allow our troops to train in a realistic environ-

ment while alleviating the concern for an accident similar to the one which occurred in January. It also provides some limited security protection for the missiles. This amendment also does not add money to our defense budget; it requires the Army to take the funding out of the existing Pershing II procurement line.

I believe, Mr. Chairman, it is vitally important that our troops be allowed to train with the Pershing II in a completely safe and secure environment. This amendment will assist in accomplishment of that objective. For these reasons, I commend this amendment to my fellow colleagues and urge your support.

Mr. STRATTON. Mr. Chairman, I want to join with the gentleman from Alabama [Mr. DICKINSON] and the gentleman from Alabama [Mr. NICHOLS] in support of the amendment offered by Mr. DICKINSON. The amendment enables the Army to purchase the needed safety modifications for the Pershing II missile within the authorization amounts provided for the program in H.R. 1872 and does not require any additional funds.

In view of the urgency of the matter, I urge my colleagues to support the amendment.

Mr. ASPIN. Mr. Chairman, I move to strike the requisite number of words, and I would like to report, on behalf of the committee, the committee members and staff have looked over the amendment, and we would accept the amendment offered by the gentleman from Alabama.

The CHAIRMAN pro tempore (Mr. RUSSO). The question is on the amendment offered by the gentleman from Alabama [Mr. DICKINSON].

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer 3 amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. STRATTON: Page 6, after line 9, insert the following new subsection:

(g) AH-64 APACHE HELICOPTERS.—The Secretary of the Army may not obligate funds appropriated or otherwise made available for a fiscal year after fiscal year 1985 for procurement of AH-64 Apache attack helicopters until the Director of the Defense Contract Audit Agency reports to the Secretary that the contractor for such helicopters has demonstrated to the satisfaction of the Director—

(1) that the contractor has implemented an effective and reliable system of internal accounting controls; and

(2) that the contractor has accumulated documentation (including journals, vouchers, invoices, and expense data) to support the contractor's final submission for settlement of indirect expenses for calendar years 1979 through 1983 and that such documentation is available to the Director.

Page 15, line 14, strike out "$1,366,000,000" and insert in lieu thereof "$1,382,000,000".

At the end of title I (page 22, after line 23) insert the following new section:

SEC. 111. A6 AIRCRAFT REWING PROGRAM.

(a) AUTHORIZED PROGRAM.—The Secretary of the Navy is authorized to carry out a program to replace the wings of the A6 aircraft. The amount obligated to carry out such program during fiscal year 1985 may not exceed $240,000,000.

(b) REQUIRED WARRANTY.—Funds may be obligated for the program authorized by subsection (a) only under a firm fixed-price contract which includes a warranty guaranteeing a wing fatigue life of at least 8,800 hours.

(c) AUTHORIZATION FOR TRANSFER OF FUNDS.—There are hereby authorized to be transferred to, and merged with, amounts appropriated for procurement for aircraft for the Navy for fiscal year 1985, to the extent provided in appropriation Acts, $240,000,000 for the program authorized by subsection (a). Such amount shall be derived from amounts appropriated for procurement of aircraft for the Navy for fiscal years before fiscal year 1986 as follows:

(1) $103,000,000 shall be derived from amounts appropriated for fiscal years before fiscal year 1985 remaining available for obligation.

(2) $137,000,000 shall be derived from amounts appropriated for fiscal year 1985 remaining available for obligation.

Mr. DICKINSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

□ 1110

Mr. STRATTON. Thank you, Mr. Chairman.

These are three technical amendments which have been considered carefully by the committee, not only in the Armed Services Committee, but also in the Defense Appropriations Subcommittee. One of them deals with the specific problem that the A-6 aircraft is currently facing with the failure of the wing. This amendment will authorize funds for a program that will be carried out to rewing these aircraft. Funds appropriated from other accounts have been approved by the Defense Appropriations Subcommittee, and this amendment will authorize these funds and, will provide safe usage for the heart of the Navy's first-line attack carrier aircraft.

The second amendment of a technical nature has to do with the AH-64 Apache helicopter, which would prevent the Secretary of the Army from obligating funds appropriated or otherwise available for the AH-64 Apache helicopter until such time as the Hughes Helicopter Co., which has been taken over by McDonnell-Douglas gets the accounting system under which Hughes Helicopter has been operating into proper conformity with accounting rules.

The committee staff discovered that the Hughes accounting system of internal controls is plagued with missing and incomplete journal vouchers and ledgers. Clearly we ought not pay money to that company until they get an adequate accounting system.

The third amendment would correct a typographical error in the bill as originally approved for funds authorized for the defense agencies by striking out $1,366 million and inserting in place thereof $1,382 million.

Mr. Chairman, I ask that the amendments be approved en bloc.

Mr. DICKINSON. Mr. Chairman, we have examined the amendments and have had a discussion within the committee with many Members, and speaking for this side of the aisle, we are very pleased to accept the amendments and we think they are necessary.

Mr. ASPIN. Mr. Chairman, I move to strike the requisite number of words. We have looked over the amendments and believe that they are very good amendments and we support them on our side.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. STRATTON].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. HILLIS

Mr. HILLIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HILLIS: Page 2, line 16, strike out "$5,573,500,000" and insert in lieu thereof "$5,623,500,000".

Page 2, line 18, strike out "$939,500,000" and insert in lieu thereof "$989,500,000".

Mr. HILLIS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

(Mr. HILLIS asked and was given permission to revise and extend his remarks.)

Mr. HILLIS. Mr. Chairman, I rise to offer an amendment restoring $50 million to a program that comprises the backbone of our tactical wheeled vehicle fleet. I am referring to the production of the M-939 5-ton truck—that unobtrusive but reliable workhorse of the U.S. Army.

This vehicle, which is also utilized by the Marine Corps and Air Force, is vital to our combat and combat support roles. In addition to hauling general cargo, ammunition, supplies, tactical bridging, and communications

equipment, the 5-ton truck supports new weapons systems such as the Patriot, Pershing II, Sergeant York gun, Tacfire, and Firefinder.

The $50 million reduction in this program which my amendment would restore represents a 22-percent cut from the original $225 million request for fiscal year 1986.

It is, in my opinion, a shortsighted savings because it means approximately 500 trucks would not be built at the very time there is a 13,000-vehicle shortfall in the field.

In addition, the average age of our 5-ton fleet is 12 years meaning new vehicles are needed now as replacements for the large number of aging trucks.

At a time when we are becoming more aware of the importance of our conventional deterrent, it makes no sense to drop the 5-ton truck lower on the defense priority list.

When Brig. Gen. John Greenway testified before our committee's readiness panel, he emphasized the tremendous impact the 5-ton truck has on troop readiness.

Without an adequate fleet of these essential vehicles, our ability to respond to a military threat would be severely hampered by a lack of mobility.

Even if this amendment is adopted and the 5-ton program is restored to full funding, we would have, at the end of the fiscal year 1986 funded delivery period, only 77 percent of the number of trucks necessary to meet the Army's current total requirement of 63,896 vehicles.

My second concern is the impact a cutback would have on competition. We all are striving to secure more defense for the dollar but I fear that a cut of this magnitude in this first year of the multiyear rebuy would send a signal of unreliability to potential bidders, making the contract much less attractive.

Mr. Chairman, the 5-ton truck program is absolutely essential to the upgrading of our conventional forces particularly in Europe.

In trimming the fat from the Defense budget, let us not let our men and women in uniform down by failing to provide them with the equipment they need to do their jobs.

Mr. STRATTON. Mr. Chairman, let me say that the subcommittee has had an opportunity to examine the gentleman's amendment, and we accept the amendment.

Mr. HILLIS. I appreciate the statement of the gentleman from New York.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. HILLIS. I yield to the gentleman.

Mr. DICKINSON. Mr. Chairman, it was my understanding that while it makes sense, and we recognize that there is a problem, I was hopeful that the gentleman would allow the committee to deal with this in a way other than the amendment, and that perhaps we could work it out between now and conference in some other way, rather than by accepting the gentleman's amendment. As I said, I have no doubt it has merit, but we think it is a better way to work.

Mr. HILLIS. I certainly appreciate the gentleman's statement. It is my understanding that the other body, in their version of the bill, have provided full funding for the measure so that this matter can come up when the bill goes to conference.

Mr. DICKINSON. If the gentleman would yield further, if the gentleman would not insist upon his amendment, I think we could probably work out a solution that would be satisfactory to the gentleman, and would probably be best all around, if the gentleman could see fit to do that.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. HILLIS. I yield to the gentleman.

(Mr. STRATTON asked and was given permission to revise and extend his remarks.)

Mr. STRATTON. I thank the gentleman for yielding.

Mr. Chairman, I want to apologize to the gentleman. I was reading the wrong paper. Actually, the committee is constrained to rise in opposition to the gentleman's amendment. The opposition is based solely on meeting the budgetary objectives established by the committee when we marked up H.R. 1872.

The committee fully recognizes the critical importance of a 5-ton truck program to the Army, and has been a strong supporter, but the committee had to make, as the gentleman well knows, many reductions in the Army's procurement accounts, and the 5-ton truck was among the items that was reduced.

□ 1120

As has already been mentioned in the colloquy, the Senate defense authorization bill does provide authorization for the full amount requested for the 5-ton trucks, and I respectfully request that the gentleman from Indiana withdraw his amendment in the hope that we can resolve this issue in the conference.

Mr. HILLIS. I appreciate the gentleman's statement, and with his assurance, both in his statement and in that of the ranking minority member that this matter will be seriously and carefully considered in the conference, I would be willing to accept his suggestion and would ask that the amendment be withdrawn at this time.

Mr. Chairman, I ask unanimous consent that I be permitted to withdraw my amendment at this time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AMENDMENT OFFERED BY MR. HILLIS

Mr. HILLIS. Mr. Chairman, I offer an amendment, which is in the nature of a technical amendment.

The Clerk read as follows:

Amendment offered by Mr. HILLIS: Page 19, line 17, strike out "M939A2 technical data package" and insert in lieu thereof "M939 validated technical data package".

Page 20, at the end of line 17, add the following new sentence:

A contract under this paragraph may only be entered into in accordance with section 2306(h) of title 10, United States Code.

Mr. HILLIS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HILLIS. I will be very brief, Mr. Chairman.

I have an amendment at the desk that would make technical adjustments to section 107 of H.R. 1872, regarding 5-ton trucks.

This technical amendment proposes two changes. First, it amends section 107 in order to conform with existing statutes in title X, United States Code regarding multiyear authority.

This provison is essential because H.R. 1872, as it is drafted presently, is in violation of section 401(a) of the Budget Act. Indeed, the committee received a waiver from the Rules Committee on the condition that this amendment be offered.

Second, it amends section 107 in order to conform H.R. 1872 to the current technical data package owned and validated by the U.S. Government. Without this change, the provision in this bill will force the Government to initiate a competition based on a technical data package that is owned by a contractor—not the Government.

Thus, this provision is also essential because the intent of the committee was to support a competition based on a technical data package currently owned and validated by the Government.

Mr. Chairman, I urge the support of my colleagues in adopting this technical amendment.

Mr. ASPIN. Mr. Chairman, if the gentleman will yield, the committee has examined the amendment and we wish to accept the amendment.

● Mr. HILER. Mr. Chairman, I support the efforts of my colleague from Indiana, Mr. HILLIS, to restore $50 million in funding for the M939 5-ton truck, a vehicle that does a yeoman's job for our Armed Forces.

My colleague has spoken very well to the impact this kind of cut will have on the readiness of our troops in the field. The 5-ton truck is not sleek, it is not exotic. It is an olive behemoth

that moves troops, gear, weapons, and maybe Heaven and Earth if necessary, to support the conventional capabilities of our Armed Forces. And we need 13,000 of these unpretentious, reliable vehicles right now.

Is it prudent then to slash 22 percent—500 trucks—from the requested funding for fiscal year 1986? I don't think so. There is no question the American people want us to trim the fat from the defense budget, but Mr. Speaker, we're picking at the bone on this one.

This is especially so when you consider that the administration's total request of $225 million for 1986 already represents a program pared to bare minimum. Funding for this program in 1985 is $347 million, and the request for 1987 is $436 million, so the 1986 request already represents a dip in funding.

It also concerns me that this $50 million cut for the first year of a multiyear contract sends the same kind of capricious signals to potential competitors that our Federal Reserve often sends to the marketplace. It we are truly concerned about containing costs, and I think we are, then we must take care to invite competition, not discourage it. Forcing production levels below economic quantities is not the way to even keep current competitors, much less lure new ones.

In addition to troop readiness and cost containment, Mr. Speaker, I have a third worry and that is American jobs.

This $50 million cut from this truck program represents a potential job loss ranging in the hundreds for major unemployment areas in the United States, especially the Midwest. The job loss at South Bend, IN, where the truck is manufactured would be 100—50 direct hourly employees and 50 salaried support employees—due to this reduction. Applying the common 5-to-1 multiplier effect to determine "ripple" impact on suppliers, we are talking about 500 jobs which would be affected in many States including Ohio, Indiana, Michigan, Pennsylvania, Illinois, Iowa, and Wisconsin.

Mr. Chairman, if we need a reminder of what an unsure world this is the tragic hostage situation still unfolding in Beirut will serve that purpose. We would all hope never to find it necessary to do combat. But if it should happen, we must not find ourselves with an aging, undersupplied truck fleet—incapable even of delivering our conventional forces to the battlefield.

The cut of $50 million from the 5-ton program is unwise and I urge its restoration.●

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana [Mr. HILLIS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LEVINE OF CALIFORNIA

Mr. LEVINE of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEVINE of California: Insert the following new section at the end of title I (page 22, after line 23):

SEC. 111. REQUIREMENTS WITH RESPECT TO THE BRADLEY FIGHTING VEHICLE.

(a) IN GENERAL.—(1) The Secretary of Defense shall submit a report to the Armed Services Committees of the House of Representatives and the Senate, in both a classified and an unclassified version, with respect to the Bradley Fighting Vehicle. Such report shall describe the results of the two phase live fire survivability testing program being carried out with respect to such vehicle.

(2) In Phase 1 of the testing program referred to in paragraph (1), at least 10 live fire tests using anti-armor weapons of the Soviet Union shall be conducted against such vehicle in its present configuration. In Phase 2 of such program, similar tests shall be conducted against such vehicle with enhanced survivability features.

(b) CONTENT OF REPORT.—The report required by this section shall contain the following:

(1) A complete analysis of the results of the testing program referred to in subsection (a), including an accounting of all of the test shots which were fired at such vehicle, the distances from which they were fired, and the effect of such shots.

(2) A description and justification for the measures of merit and the pass/fail criterion used in the testing program.

(3) A justification for exempting from the testing program any overmatch or undermatch weapon which would likely be encountered in combat conditions.

(4) Potential problems that were revealed by the tests and a proposed design modification for remedying such problems.

(5) The estimated unit cost of each proposed survivability modification and the overall program cost for the modifications.

(6) A comparison of the estimated unit cost of the Bradley Fighting Vehicle in both the baseline configuration and the modified configurations.

(c) DATE OF SUBMISSION FOR THE REPORT.—The reports required by this section shall be transmitted as follows:

(1) The report regarding the results of Phase 1 shall be transmitted no later than December 1, 1985.

(2) The report regarding the results of Phase 2 shall be transmitted no later than June 1, 1986.

Mr. LEVINE of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment 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.

Mr. LEVINE of California. Mr. Chairman, I rise on behalf of myself and the gentleman from Oregon, Mr. DENNY SMITH. The two of us are offering the amendment, which I will explain in one moment.

Before I explain the amendment, first I would like to thank both the leadership and the staff of the House Committee on Armed Services for their invaluable assistance in the preparation of this amendment. I greatly appreciate the time which the committee staff has spent with my staff, and their extremely helpful advice in drafting and revising the language of this amendment.

Mr. Chairman, this amendment is both simple and straightforward. The Army is currently conducting much needed and long-delayed tests of Soviet weapons against unmodified M-2 and M-3 Bradley fighting vehicles.

As some of my colleagues will remember, I came before this body 2 years ago and offered an amendment which would have fenced funds for the Bradley until these tests were completed. Although that amendment failed on the House floor at that time, I received a promise from the Army at that time that tests similar to those that I advocated on the House floor would be conducted later that year, in 1983.

Although tests were conducted, they were flawed and the results were inconclusive. However, thanks in large measure to the dedicated efforts of Col. Jim Burton, the Army is now conducting the kind of realistic tests many of us sought and that I asked for 2 years ago. These tests consists of firing Soviet RPG-7 antitank rounds against a fully combat-loaded Bradley infantry fighting vehicle. In other tests, the Army will fire American TOW missiles and other Soviet weapons at Bradley vehicles.

Our amendment requires that the results of phase 1 of these tests be provided to Congress by December 1, 1985. My staff has contacted Colonel Burton, who is supervising these tests, and has been advised that he expects no difficulty complying with this December 1 deadline.

Phase 2 of these tests would be similar to phase 1, but would be conducted against a Bradley which has been equipped with survivability enhancements. The results of these tests must be sent to Congress by June 1, 1986.

Our amendment does not make further funding of the Bradley contingent on the outcome of these tests, although it is our expectation that the committee will see that the integrity of these tests is preserved. The kind of testing which the Army is now conducting on the Bradley, while long overdue, Mr. Chairman, does deserve high praise.

Our amendment would simply ensure that the results of these tests are provided to Congress in a timely and in an expeditious manner.

I urge my colleagues to support this amendment.

Mr. DENNY SMITH. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from California [Mr. LEVINE].

Mr. Chairman, I want to congratulate the gentleman from California for the long hours and fine work he has put in to bring this subject to the attention of the House.

A reading of the amendment by my colleagues will reveal that the purpose of the amendment Mr. LEVINE is offering is simple: The amendment requires that the Army complete the joint live-fire tests currently being conducted on the Bradley fighting vehicle by certain specified dates and that reports on the results of those tests be forwarded to Congress.

I know of no single conceivable objection that any of my colleagues on either side of the aisle could have to such an amendment. In fact, I think it is important to point out that Mr. LEVINE and I have kept our offices in constant touch with the Procurement Subcommittee staff on the nature of this amendment and it is my understanding that the leadership of that committee has no objections to the amendment. In fact, at this point, I would like to extend my many thanks to my colleagues Mr. STRATTON, Mrs. HOLT, their fellow members on the Procurement Subcommittee, and to the subcommittee staff for their time and effort in assisting in the drafting of this very important amendment.

Mr. Chairman, I believe this amendment is important for a number of reasons. As a long-time proponent of rigorous, realistic developmental and operational testing, I have always felt that the Bradley fighting vehicle (M-2) was a real problem child.

We are now 5 years into production of the Army M-2 vehicle and we are just now beginning to perform essential survivability tests on the vehicle, That's correct. After contracting for almost 3,000 of these vehicles for more than $1 million per copy, the Army is just now getting around to performing realistic tests of Soviet style weapons against a combat configured M-2—including fuel, ammunition, hydraulics, et cetera—to determine its survivability on the battle field.

The Army, no doubt, will insist that they have done the computer modeling and preliminary testing to indicate that there was no initial need to perform the joint live-fire test program now underway with haste.

I think Mr. LEVINE will agree with me that simulations and models be damned—there are no tests like real tests, especially when the lives of 70,000 of our young soldiers are at stake. It is my very strong belief, in fact, that when the joint live-fire tests [JLFT] are completed, we will find that the Army's own survivability modeling for the Bradley fighting vehicle [BFV] is significantly flawed.

At this point, I think we should state some facts for the record. This amendment does not call for new tests to be conducted. It simply statutorily requires that the Army conduct phase I and phase II of the JLFT as are now planned and have been promised by Secretary Will Taft in correspondence to Mr. LEVINE and myself.

Why the statutory requirement as opposed to counting on the Army to conduct these tests on its word and at its leisure? I would like to include in the RECORD at this point an internal memorandum from the Department of Defense on the subject of how the JLFT program came to being. Even a cursory reading of these memorandum will explain in full just how difficult the OSD official, Col. Jim Burton, found it to bring the JLFT program on the Bradley to fruition.

OFFICE OF THE UNDER SECRETARY OF DEFENSE,
Washington, DC, September 19, 1984.

MEMORANDUM FOR RECORD

On September 10, I was informed by my superior, Brig Gen Hall, that my position on the OSD staff had been eliminated as part of the current OSD 5 percent reduction in force exercise. Gen Hall indicated that the decision had nothing to do with me personally or my performance over the past two years. He also informed me that he and Mr. Charles Watt, Acting Director Defense Test and Evaluation, had approached Lt Gen Leaf, Air Force Assistant Vice Chief of Staff and requested that I be allowed to remain on the job until next spring when the normal Air Force reassignment cycle begins. Gen Leaf agreed and asked that I meet with him, which I did on 11 Sep 84.

Gen Leaf was very cordial and went out of his way to assure me that the decision to eliminate my position had nothing to do with me personally; it was merely the "luck of the draw" in a 5 percent cut exercise. However, during the conversation he did indicate that my presence on the OSD staff was a "controversy that sometimes causes some problems." He would not elaborate on that point. In early August I had been informed by the Air Staff that Gen Leaf had instructed my Air Staff sponsors to pay closer attention to me and my actions and to pull in my reins because I was "running too freely." Gen Leaf confirmed that I would be allowed to remain until spring and that he had instructed the Colonel's Assignment Group to give me an assignment at that time out of the Washington area. He explained to me several times that I would then have the option of moving away from Washington or retiring from the Air Force, or as he put it, "I could move out or punch out."

During this same time I had two meetings with Dr. Wade, Sep 10 and 12, to discuss a proposed letter to the Army directing them to conduct rigorous live fire vulnerability tests on M2 Bradley vehicles realistically loaded with fuel, ammunition and hydraulic fluid. The tests were to be completed within the next year. The Army had been vigorously and successfully resisting this direction for the past six months, despite several meetings with and correspondence between senior OSD and Army leadership. I informed Dr. Wade that my position on his staff had been eliminated and as a result I would not be able to see the Bradley tests through to the end. I expressed concern that the Army would be able to successfully delay the tests until after I was gone, and then manage to have them cancelled altogether. He appeared surprised at the RIF action and we discussed the possibility that my persistence on the Bradley issue was related. Over the past several months, I had been informed of several statements made by Army personnel that I would not be around much longer, even though I had two years remaining on this assignment. As recently as Sep 6, while visiting Wright Patterson AFB, I was informed by Air Force personnel of telephone conversations that day with Mr. John Bloomquist of Aberdeen in which he openly made those statements.

On Sep 12, I informed Dr. Wade of the substance of my meeting with Gen Leaf. Dr. Wade made no promises, but indicated that we had plenty of time to work the problem of restoring my position so that I could finish the remaining two years on this assignment and see the Bradley issue through. In the meantime he had decided not to sign the letter directing the Army to test the Bradley, but had discussed it with Dr. Sculley by telephone. Dr. Wade instructed me to deliver a copy of the unsigned letter, and backup materials, to Dr. Sculley and schedule yet another meeting with Dr. Sculley et al on the same subject.

In 1983, the Senate passed by a vote of 91-5, and the House by unanimous voice vote, legislation which established the Office of the Director of Operational Test and Evaluation as an independent testing office reporting directly to Secretary Weinberger. The legislation was vigorously opposed by the Department of Defense in general and Dr. DeLauer in particular. Congress mandated that a Director be appointed and the office established by 1 Nov 83. By the spring of 1984, no candidate Director had been nominated to the Senate for confirmation. The Department of Defense, reacting to pressures from Congress to get on with the nomination process, claimed that they were having trouble finding a suitable candidate who was willing to take the job. Secretary Weinberger asked the sponsors of the legislation to nominate their own candidate. In response to this request, Senator Kassebaum, Chairman of the Reform Caucus, whom I had never met before, nominated me to Secretary Weinberger. I had agreed to allow my name to be submitted on the condition that there would be no retribution against me personally if I were not selected, and that I would be allowed to complete the remaining two years on my current assignment. Senator Kassebaum discussed that precondition with Secretary Weinberger by telephone in late April. As a result, I interviewed with Dr. DeLauer on May 2, and Secretary Weinberger and Mr. Taft on May 4. Secretary Weinberger subsequently selected another individual and submitted his name to the White House, where I understand a problem developed and the selection and nomination process has now started all over again.

In an attempt to determine who made the decision to eliminate my position, and on what basis that decision was made, I met with Mr. Charles Watt on 17 Sep 84. In response to direct questions, he stated that the decision had been his and that there was no outside pressure from the Air Force or the Army. He had been working the problem of a 5 percent cut since July and Dr. DeLauer would give him no relief. After consultation with Dr. DeLauer, he decided to eliminate my position, ask the Air Force to permit me to remain for awhile with no slot and then he would attempt to reinstate the slot next fiscal year. Meanwhile I would probably be reassigned.

At the time the cut list was made up by Mr. Watt, there were two other slots in my division available; a Navy slot which had remained vacant over the summer and was not filled until last August and a vacant secretary position—either of which would have sufficed.

I reminded Mr. Watt that his decision left the tactical testing office of Dr. DeLauer with three Army representatives, one Navy, one Marine, no Air Force, one secretary and one vacant secretary position—an imbalance which is difficult to understand. Mr. Watt could offer no compelling reason for his decision.

JAMES G. BURTON,
Colonel, USAF, Military Staff Assistant for Tactical Air and Land Warfare Systems.

OFFICE OF THE UNDER SECRETARY OF DEFENSE,
Washington, DC, August 24, 1984.

MEMORANDUM FOR JOINT LOGISTICS COMMANDERS—SUBJECT: JOINT LIVE FIRE TEST PROGRAM

Last fall OSD proposed, and the Services unanimously agreed to the Joint Live Fire Test Program. The stated purpose of the program was to test the lethality of U.S. weapons against combat configured Soviet vehicles and to determine (and correct where possible) the vulnerabilities of combat configured U.S. vehicles to Soviet weapons. The program was concerned with two areas, aircraft and armor systems. The need for this program was recognized by all, since no current front line U.S. system (armor or aircraft except A-10) has ever been tested (through a formal test program) in a combat configuration for vulnerabilities to live Soviet weapons. For the past twenty years, lethality/vulnerability assessments have been almost entirely based upon computer analysis with little or no full scale combat configured vehicle test results to support the assessments.

Rather than form a Joint Test Force, OSD agreed, at the request of the Services, to work with the Joint Technical Coordinating Group (JTCG), an existing element of the Joint Logistics Commanders, for the planning and execution of this program. In November 1983, the JTCG was asked to prepare program plans for the aircraft and armor phases. The aircraft plan was submitted in March 1984, approved and funded. It was responsive to the objectives of the program.

The aircraft plan calls for extensive initial testing of replicas and major components (i.e., wings, fuselages, etc.), building up to full scale article tests. The replicas and major components always contain the essential ingredients found in combat configured vehicles; fuel, ammunition and hydraulic fluids—the primary contributors to fire and explosion. Sufficient full scale article tests are planned to validate component and replica results. This approach will generate a large data base with regards to the most prominent, but least understood effects, fire and explosion. The vast majority of the data will be gathered on front line U.S. aircraft.

The armor community of the JTCG, on the other hand, has been unwilling to prepare a plan consistent with the objectives of the Joint Live Fire Test Program. They have recently submitted a proposal which calls for spending $16.7M conducting literally thousands of preliminary tests on inert, (no fuel, no ammo, no hydraulic fluid) targets to "characterize" warheads, armors, collect behind armor debris, etc., for fielded weapons and vehicles in order to perform final vulnerability assessments by computer modeling. Relatively few full-up combat configured tests are planned, and none on U.S. equipment until the end of 1986. This approach is not consistent with the purpose of the JLF, which is to determine the lethalities/vulnerabilities of combat configured equipment by actual test, not by modeling.

The cost of the armor program as proposed appears to be greatly underestimated. This, coupled with unnecessary preliminary inert tests, some questionable weapon/target matchups (e.g., Maverick and Skipper missiles against lightly armored personnel carriers) which generate more unnecessary tests, results in a program that may not be affordable.

For inventory vehicles such as the M-2/3 Bradley, M1, M-60, M-113 and soon the M1E1, sufficient preliminary testing has already been accomplished (see for example attached Bradley list). While it is always possible to construct additional interesting and useful preliminary tests, we believe that the unambiguous vulnerability and lethality assessments that will result from full-up testing is urgently needed. We further believe that priority should be placed on the testing of combat configured U.S. vehicles in order that worthwhile vulnerability improvements tht may be identified during those tests can be accommodated efficiently and expeditiously. Sufficient FY 84/85 funds are available to support such a course of action.

JAMES P. WADE, Jr.,
Principal Deputy Under Secretary of Defense for Research and Engineering.

Attachment.

OFFICE OF THE UNDER SECRETARY OF DEFENSE,
Washington, DC, June 14, 1984.

MEMORANDUM FOR DR. WADE—SUBJECT: JOINT LIVE FIRE TEST PROGRAM

Over the past year we have sponsored a test program managed by Ballistic Research Laboratory (BRL) to determine whether or not there are any significant differences in the behind armor effects between aluminum and steel armors, differences which might result in more casualties to U.S. infantrymen when their aluminum armored vehicle were attacked by shaped charge weapons. An article published in California Magazine and repeated in the Reader's Digest during 1983 quoted British tests that aluminum armors (as used in the Army's M-2/3 Bradley and M-113 APC) react more violently than comparable steel when hit by shaped charges and thereby wound or kill more of the soldiers riding in the vehicle.

To determine the validity of those claims, a three phase test program was reviewed, amended and approved by DDT&E. Phase I involved testing various sized shaped charges against a large enclosed box which represented the crew compartment of a personnel carrier. The sides of the box were constructed so that M-2 aluminum armor, M-113 aluminum armor and their two steel equivalents was set up inside the box to measure peak overpressure, luminosity, air temperature, heat flux, toxic gasses (NO_x) and high speed photography. Additionally, the difference in behind armor spall patterns was to be measured separately under BRL direction at Soccorro, NM.

Phase II involved testing an actual Bradley vehicle with the same shaped charge warheads and the same instrumentation, plus the addition of animals in some of the crew positions and dummies in the other positions. The vehicle was to be configured as in combat in terms of stowage. Phase III involved a similar test of the M-113 vehicle. Phase I began in December 1983 and ended in April 1984. Phase II ran from May thru June and Phase III will be from June thru July 1984.

Over the course of the past 6-8 months, BRL has made decisions and taken actions in the conduct of this program which, when viewed as a whole, have resulted in less realism than we requested as a condition of funding the test, less realism than was easily achievable under the circumstance, and less realism than is needed if any meaningful conclusions are to be drawn with respect to aluminum vaporifics, infantry casualties, and the overall combat vulnerabilities of the M-2/3 and M-113 vehicles. In many cases BRL's decisions and actions selectively reduced the severity of the behind armor effects noticed. As a result, BRL analyses and inferences on the meaning of the test results (meaning in terms of combat vulnerabilities) will necessarily be suspect because of the actions taken and inconclusive since the final "proof of the pudding" tests—that is, tests of fully combat configured vehicles—were deliberately avoided. This is truly unfortuante for at stake are the lives of some 50-70,000 U.S. infantrymen who may have to ride into combat in M-2/3 vehicles and two to three times as many in M-113's. Without completing the tests for the real vunerability of combat loaded vehicles, insights on how to improve the survivability of these vehicles will be denied.

All of this brings me to the primary subject at hand, the Joint Live Fire Test Program that DDT&E initiated. The issue is whether or not the Department of Defense and the Services (in particular the Army) *are serious about realistic lethality/vulnerability testing of first line ground combat equipment.* I raise this question because the management team selected by the Joint Logistics Commanders to test first line ground equipment, and approved by the Services in lieu of a formal Joint Test Force, is the same BRL management team that has conducted the aluminum vaporifics tests described above. I am concerned about BRL's (and the rest of the armor vulnerability community) willingness to seriously test first line U.S. ground systems under the Joint Live Fire Test. I believe we should make the M-2/3 a test case for seriousness since more lives are at stake in APCs than any other piece of ground equipment. If we are serious, we need to move directly into that test this summer (not mid-1986 as BRL proposes). Further, the test needs to include survivability enhancements for the M-2. I have enough funds available in FY84 ($250K) and FY 85 ($500K) to do this as well as begin some lethality tests against T-72 surrogates. If you feel the issues are important enough, I request your support in the form of:

a. directing that M-2 tests be done this summer

b. freeing up the M-2 vehicle now at BRL and the Ballistic Hull and Turret vehicle currently at the contractor's plant

c. supporting my effort to install a new management team, one that will conduct tests to save infantrymen's lives, not tests that defend the current configuration of front line equipment.

If we are not serious about testing our current major ground systems (as well as testing feasible survivability enhancements), then we should so inform Israel and

go look for other things to do. I am prepared to discuss this with you at your convenience

JAMES G. BURTON,
Colonel, USAF, Military Staff Assistant for Tactical Air and Land Warfare Systems.

Mr. Chairman, at this point, I also include for the RECORD, a list of the preliminary tests already performed to date on components of the BFV since 1982. I include this list to point out that we have been tinkering around for far too long with developmental component testing on the system, while all the while the actual production model was being sent to the field for our soldiers to rely on.

M-2 PRELIMINARY TESTS ALREADY COMPLETED

1. Vehicle ballistically tested to spec requirements (empty vehicle, water filled fuel tanks).

Small arms: 14.5mm, 50 cal., 7.62mm.

Land mines: 155 air burst artillary frags (simulating Soviet 152)

Test report No. APG-MT-5636, March 1982

2. BRL spent—$1M over last 6-8 months characterizing the 2 aluminum armors (solid and with steel laminate) used on the Bradley.

In terms of: spall patterns (mass & velocity of fragments) pressure, temp, light, toxic gases.

Tested with: 3.2" dia lab shaped charge, RPG-7M (73 mm dia), RPG-7G (85mm), SAGGAR (4.5 inch dia), TOW (5 inch dia), 105mm 456 HEAT round. Over 100 shots at aluminum armor (inert M-2, M113 vehicles, and Box with armor plate).

3. Aberdeen Proving Ground Tests of 14.5mm and 3.2" shaped charge fired through M-2 laminated armor panels into 25mm HEI ammo containers loaded with ammo. Forty-two tests conducted.

Test report No. APG-MT-5665, April 1982

4. 3.2" shaped charge fired into M-2 fuel tank with fuel present—fire extinguisher worked (actual vehicle).

Test Report No. APG-MT-5636, March 1982

5. 14.5mm fired into M-2 TOW missile launcher loaded with a TOW.

Test report No. APG-MT-5636, March 1982

6. 3.2" dia and 5" dia shaped charges against M-113's with and without spall suppression liners—M-113 armor same alloy as portions of M-2. Test conducted from April 78 to May of 81.

Test Report dated 14 March 1984.

Mr. Chairman, last summer, the Army drew up a test plan implying that they would finally be conducting realistic live-fire tests against combat configured Bradleys. Yet when the tests were stopped, it was discovered that not only did the Army not perform the realistic tests expected, but those in charge of the testing at the time took direct actions to skew the results of the tests so as to lessen the reported impact of Soviet style weapons employed against M-2 replicas far from configured as they would be in combat.

APPENDIX A

Actions	More after armor effect	Less after armor effect
1. Original test plan called for only 2 size shaped charges (81 and 125mm, one of which was a laboratory device, not a real warhead), statically detonated. The evidence is quite clear that dynamic impacts of real weapons produce significantly more destructive results		X
2. RPG-7M vs RPG-7G. The Soviet RPG-7 has an 85mm warhead and is used all around the world. We insisted BRL use RPG-7's vice their own 3.2" laboratory device. After this they substituted a Rumanian PG-7M which has a 73mm warhead instead of the regular RPG-7. The decision to use the small warhead in lieu of the regular warhead was never shared with us beforehand. When we discovered the use of the -7M warheads, we stopped the tests and obtained RPG-7G's for BRL from the Grenada cache. Unfortunately this was not until after Phase I was complete. In the meantime, static RPG-7G data was collected because the -7G's available at Aberdeen were too old to function dynamically	X	
3. Original test plan called for examination of behind armor effects on fuel fire initiation—never tested. We can only speculate that the higher pressures and temperatures and fire ball associated with aluminum armor will or will not initiate fuel fires more readily than steel armor		X
4. Spall pattern tests at Soccorro, NM. RPG-7G's, TOW's and M456 tank fired HEAT round all attempted dynamically (4 of 7 TOW shots missed, hence 4 more TOW warheads were statically detonated—these provided further evidence of significant differences between static and dynamic tests)		X
5. Written test plan for Phase II (Bradley tests), which was approved by DDT&E, called for RPG-7G's, TOW's and M456 HEAT rounds fired at 0° and 45° obliquity with 2 repetitions each. RPG-7's and 456's were definitely to be dynamic and verbal promises of dynamic TOW shots were given. BRL, in consultation with Surgeon General staff, changed shot plan such that no obliquity shots would occur, only 3 TOW shots (vice 4 planned) and only 1 tank fired HEAT round (vice 4) would occur. TOW shots would be static. This decreased the data gathered for the larger warheads and eliminated the 45° obliquity shots. Both of these actions reduced the severity of the damage. We objected and insisted on at least one obliquity shot		X
6. Shot line for Bradley tests. The written test plan which we approved called for 6 shots at 0° obliquity and 6 shots at 45° obliquity, all entering left side of vehicle and passing through the stowed TOW missile cannisters. BRL changed entry point, without consultation, to the only possible entry point where the shaped charge would not penetrate stowed ammunition containers. (There is one small square area between TOW missile cannisters and boxes of 25mm HEI where a 0° obliquity shot could pass through without hitting ammo.) We insisted upon at least one obliquity shot, which BRL obliged. A 25° shot occurred and the results were devastating. Pressures and temperatures were double whad had been seen at 0°. All hatches blew off including the rear ramp		X
7. Uniform Fires. When the first RPG-7 shot against the Bradley caused a uniform fire on one of the dummies, the uniform was removed from that dummy and another which would be close to the jet shot line. All dummies had their uniforms removed for the 25° obliquity TOW shot. Reason given: to prevent fires inside		X
8. Watered down uniforms. Prior to the first TOW shot at the Bradley, all dummies which still had uniforms, and all sleeping bags were watered down with a hose to prevent any fires		X
9. No dynamic TOW shots. All Phase I box TOW data was from static detonation and all Bradley TOW shots were also static. In early April, BRL representatives visited Israel where they were shown a simple compressed air launcher for dynamically testing TOW warheads. We asked that this be incorporated in the Bradley tests. No attempts have been made to incorporate a device like this, even though we have constantly requested it and even though BRL has learned that Eglin also uses such a device		X
10. Toxic gas measurements. During the RPG-7 tests against Bradley, lethal doses of NO_2 were measured. After we commented on the high concentration, BRL and MTD stopped measuring NO_2, claiming that previous readings were in error and that the equipment was malfunctioning. No significant amounts of NO_2 have been reported, contradicting the British results in similar tests		X

APPENDIX A—Continued

Actions	More after armor effect	Less after armor effect
11. Down Loaded 105mm M456 Round. Propellant was removed from the 456 tank fired HEAT round to reduce the impact velocity on the Bradley from 1100 m/s to 800 m/s. This was done to simulate the impact velocity at 1700 meters range (a questionable range for combat with the M456 round). The effect was to reduce the kinetic energy of the impact by one half, significantly reducing the effects		X
12. Steel Armor Mask for Bradley. A steel armor protective shield was constructed in front of the Bradley vehicle for the M456 HEAT round test. A small hole in the steel armor would allow the 456 round to pass through and impact only the desired point where it would penetrate the Bradley and not pass through any of the ammunition cannisters inside the vehicle. All external blast and fragment damage was shielded from the vehicle		X
13. Full up Bradley test with fuel and ammo present. In our approval of the test plan for the Bradley phase, we insisted that the last 2 holes be RPG-7G's against the Bradley loaded with fuel and ammo as it would be in combat. TOW's, DRAGON's, LAW's, Claymore mines, AP mines, anti-tank mines, smoke and incendary grenades, 25mm HEI, 7.62 and 5.56mm are called for in the official stowage manuals. It is important to determine whether or not the behind armor effects would light off any or all of the above. BRL has resisted and refused to commit to such a test. On 16 May 84, the day of the first inert Bradley test, Mr. Vitali, Chief of the Vulnerability/Lethality Division, BRL and Dr. Schmidt, instrumentation engineer for the Bradley test series visited the Pentagon and briefed Mr. Walt Hollis, Army Deputy Under Secretary, on the status and plans of the program. Mr. Hollis claims (tele con with Chuck Bernard 22 May) he directed BRL to shoot the last two shots of this series full up as we had requested. In 25 May tele con with Vitali, he denied such direction, however, pledged verbally to test the fully loaded Bradley for vulnerabilities as we had requested. On 1 Jun BRL gave us a proposed plan for the Joint Live Fire program which called for first testing the Bradley in the spring of 1986, 2 years after the completion of the current vaporifics tests		X
14. Refused to mount pressure gages where the people in an APC are		X
15. Animals were not checked for flash blindness nor were they kept alive long enough to allow typical "blast lung" edema to develop. This minimized apparent damage to overpressure. No observers were allowed at any of the animal autopsy work		X
16. Did not line entire target box with aluminum—just back. Thus, many fragments hit the steel roof, floor, and sides		X
17. RPG-7 fired at 60° which gave an impact velocity of less than 1/4th of the maximum velocity of RPG-7		X
18. No Claymores, no LAW's, no Bouncing Betties		X

Mr. Chairman, after reading just how preposterous these actions taken by the Army testers were, and after viewing the sheer misery an honest officer like Colonel Burton has had to go through just to get these needed tests underway, is it no wonder that we feel the time has come for the Congress to step in for our young fighting men and make sure the needed testing is done right and without further delay? I think not.

The tests called for in this amendment are long overdue. The reports called for in this amendment are long overdue. Common sense, realistic testing on Army combat vehicles like the Bradley are long overdue. And it's my belief, Mr. Chairman, that we ought to get on with the job by passing this amendment.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the committee and the staff of the Committee on Armed Services has examined this amendment, and we think it is a very worth-

while amendment. We urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. LEVINE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DENNY SMITH

Mr. DENNY SMITH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DENNY SMITH: Insert the following at the end of title I (page 22, after line 23):

SEC. 111. CONDITION ON PROCUREMENT OF CERTAIN COMBAT VEHICLES.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding the following new section at the end thereof:

"§ 2406. Condition on procurement of certain wheeled or tracked armored vehicles

"(a) The Secretary of Defense shall provide that no contract is entered into by the Department of Defense for the procurement of—

"(1) any newly developed combat wheeled or tracked armored vehicle; or

"(2) any combat wheeled or tracked armored vehicle with significant newly developed survivability modifications,

unless the testing carried out in the development of such vehicles meets the requirements of subsection (b).

"(b)(1) The testing of any combat wheeled or tracked armored vehicle referred to in subsection (a) shall include a series of test shots to be made by each type of weapon (or appropriate substitute, if required) that is likely to be a combat threat to the vehicle. Such tests shall be carried out in a manner modeled after the Bradley Fighting Vehicle Joint Live-Fire Test Program and shall at least include test shots fired under the same conditions at both the test vehicle and the vehicle it is to replace, if any, with each vehicle being equipped with all of the elements that the vehicle would be equipped with in combat.

"(2) In making a determination under paragraph (1) concerning the weapons that are likely to be a combat threat to the vehicle, the Secretary may exclude such weapons that are obviously overmatched or undermatched threats to the vehicle.

"(c) The Secretary of Defense shall make a classified report and an unclassified report to the Committees on Appropriations and the Committees on Armed Services of the Senate and House of Representatives with respect to the testing of each vehicle for which testing is required under this section. The reports shall be transmitted along with the first request for authorizations for procurement of the vehicle or for modifications to an existing vehicle and shall include at least—

"(1) a complete description of the firing parameters used and an analysis of the effect on the vehicle of each test shot made;

"(2) a description and justification of the merit and pass/fail criterion used in carrying out the test;

"(3) the criterion used for excluding certain weapons as obvious overmatch or undermatch weapons under subsection (b)(2);

"(4) potential shortcomings of the vehicle that were revealed by the testing and the proposed plan incorporating changes considered cost effective that are necessary to overcome such shortcomings;

"(5) a comparison of the estimated unit cost of each newly developed vehicle or of the unit cost of the newly developed survivability modifications being made and the unit cost of the vehicle that is to be replaced, if any, by the test vehicle.

"(d) The Secretary of Defense shall include in the Test and Evaluation Master Plan established for any combat wheeled or tracked armored vehicle to which this section applies an estimated cost and schedule of the testing to be carried out with respect to such vehicle."

(b) Technical Amendment.—The table of sections at the beginning of such chapter is amended by adding the following at the end thereof:

"2406. Condition on procurement of certain wheeled or tracked armored vehicles.".

Mr. DENNY SMITH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

□ 1130

Mr. DENNY SMITH. Mr. Chairman, I offer this amendment today in the hope that its passage will do much in the future toward saving the lives of our combat soldiers and saving the American taxpayers a tremendous amount of money. This amendment, though simple in nature, could bring about very positive, revolutionary change in the manner in which we procure some of our most important Army weapons and I am honored to have worked with the Armed Services Committee in helping to bring it about.

In particular, I would like to thank Mr. LEVINE of California for his work in this area. Without the groundwork he has laid in the area of testing the Army's Bradley fighting vehicle, I'm certain this amendment would have never come to the floor today. I would also like to express my many thanks to my colleagues, Mr. STRATTON and Mrs. HOLT, the ranking members on the Procurement Subcommittee, their colleagues, and the committee staff for their assistance and constructive work in bringing this amendment to life.

Mr. Chairman, the language of this amendment is simple, but the far-reaching beneficial effects its passage could have on the Army procurement process is enormous. The amendment would simply require that in the future there could be no procurement of any new or significantly modified armored combat vehicles prior to the conducting and completion of combat relevant testing to determine the survivability of such vehicles.

The low-cost, combat-relevant testing called for in this amendment would be conducted in the same manner as the current Joint Live-Fire Testing Program now underway on the Bradley fighting vehicle (M-2) in which Soviet style antiarmor weapons are fired against the Bradley as configured as they will be in combat with fuel, ammunition, hydraulics, and so forth.

In order to point our the necessity for such a mandate, let me briefly explain the present methodology by which we evaluate the adequacy of our combat vehicles.

All present armored vehicles are based on a computer analysis. This requres an extremely complex input of weapons characteristics as to size, type, impact velocities, obliquity angles, warhead charge, pyrophorics, and so forth. The second relevant input affecting the model characterizes the armor of the vehicle as to thickness, layers, angles, hardness, structural members, placement of personnel, fuel, engine and drive components, ammunition, missiles, etc.

Based on the above, a shot line anaylsis which characterizes the warhead effects down a predicted path to include the spray pattern of fragments and armored spall is then made. This results in a detailed prediction of the exact damage inflicted on the personnel and vehicle.

The final step in the present process is to verify the accuracy of the predictions produced by the model by conducting full-up testing using real weapons against a combat-configured vehicle. The computer is then reprogrammed as necessary to achieve accuracy in its projections.

Past performance: The computer analysis relys on data input from a huge battery of specialized segmented tests where each damage phenomenon is isolated. These inputs take years or decades to accomplish.

So far as can be determined, there has never been a full-up firing against a combat-configured vehicle to verify the computer accuracy.

For example, over 30 years ago, the Army chose aluminum armor for many of its vehicles. To date the characterization of aluminum spall has not been finished. Yet this is one of the first and most basic inputs required in the computer analysis.

The present computer analysis for the large number of weapons and vehicles has only been checked vicariously by a few post combat analyses and by some independent partial tests conducted for other reasons. These cross checks have shown that the computer projections for armored vehicle survivability have no predictive value and should not be used.

To summarize, the present method is enormously costly and time consuming. It is not accurate, but most telling, this system for vulnerability determination is totally useless because it is never timely. It is often not completed until long after the production of all the armored vehicles is finished.

Case in point: We have produced over 80,000 M-113 vehicles and 3,000

Bradley fighting vehicles (M-2) and to this date there has never been a single realistic test firing of a Soviet style antiarmor weapon against a combat-loaded vehicle.

The test process required by this amendment: All new armored wheeled and tracked vehicles will undergo survivability testing modeled after the present Bradley fighting vehicle joint live-fire tests.

Operational enemy weapons that are most likely to be encountered on a battlefield will be fired under normal combat conditions of range, velocity, obliquity angle, and so forth at the new or modified armored vehicle configured as in combat with fuel, ammunity, and so forth.

Simultaneously, and under identical test conditions, the same weapons will be fired at the present armored vehicle that is to be replaced, to provide baseline data for a comparision.

Present experience indicates that a test-vehicle can be used 10 to 15 times by installing a massive fire extinguishing system that is manually activated after the shot, if necessary. This can prevent the vehicle from going into a self-destruct meltdown. Often it is not necessary to construct a complete vehicle. A rather inexpensive ballistic hull with the installation of salvaged components of a similar size and type can be used. Accurate placement of fuel, munitions, and dummies representative of personnel is easy to accomplish.

Under this straightforward test method, the combat projections are not dependent on a large series of judgmental assumptions. The vehicle merely assesses itself, and passes on the information in a clear and direct manner.

A primary requirement of this amendment is that the testing must be completed prior to or simultaneously with the first request for production funds.

Expected payoff of realistic, combat relevant testing: The process required by this amendment will result in the early generation of reliable data that can accurately determine survivability of the proposed new or modified vehicle.

It will eliminate or reduce the technical surprise factor that is now present regarding armored survivability. It is an accurate method to uncover weak areas and to provide a mapping of the armored vehicle's strengths.

The process will provide the much needed basic information so that modifications can be incorporated to correct survivability weaknesses.

This process will also uncover armored vehicles that are based on a fatally flawed concept that can be corrected prior to large procurements. These large expenditures often develop a constituency of their own, with overwhelming inertia.

Our fighting men will receive a much higher quality of protection in its armored vehicles, on a timely basis. The taxpayer will receive a good return on his test dollars and a great reduction in costly modifications. Fatally flawed concepts will be fixed or will not be funded.

This amendment merely takes the present required combat relevant testing used for verification of the computer and puts it first instead of last, where it ought to be. I ask my colleagues for their support of this amendment.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. DENNY SMITH. I am happy to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I would like to commend the gentleman from Oregon [Mr. DENNY SMITH] for his interest, which is very substantial, in the defense of this country and in the bill before us today. He spent a lot of time on this and did a lot of study. He has talked to me and other members of the committee on a number of occasions on matters that are of interest to him.

As a matter of fact, the gentleman has submitted a series of questions to the Department of Defense which, I think, are fair, reasonable questions, asking for answers to some pretty tough problems. I understand the Department of Defense, even though they have had the request for almost a month, has failed to answer the questions as of yet, which is inexplicable as far as this Member is concerned. I am sure that the gentleman who is the author of the questions is performing a valuable service here.

Mr. Chairman, I support the amendment. Certainly there can be nothing wrong in requiring an actual, realistic testing of these vehicles, which make up a billion-dollar program, before we get into full-scale production. I would certainly support the gentleman's amendment.

Mr. DENNY SMITH. Mr. Chairman, I thank the gentleman from Alabama.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

Mr. LEVINE of California. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from California.

Mr. LEVINE of California. Mr. Chairman, I thank the gentleman for yielding.

I am pleased to join with my colleague, the gentleman from Oregon [Mr. DENNY SMITH] in sponsoring this amendment. Frankly, Mr. Chairman, I was quite surprised when I learned that not only was this type of testing not already standard practice but that no Army vehicle had yet undergone this type of testing.

When tens of thousands of men's lives are on the line and when billions of dollars of defense funds are spent on extremely complex weapons, it is vital that we do as the gentleman from Oregon has suggested and conduct realistic tests so that we know how these weapons will perform in combat, so that we can determine weaknesses in our new weapons so they can be fixed, and so that we can make more informed decisions about whether or not to fund procurement of the weapon.

Mr. Chairman, I commend the gentleman from Oregon for offering this important amendment. I am pleased to join with him in offering it, and I urge its adoption.

Mr. ASPIN. Mr. Chairman, I wish to associate myself with the remarks of all three gentleman who have spoken in support of this amendment, and on behalf of the Committee on Armed Services, we urge an aye vote on this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oregon (Mr. DENNY SMITH).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DENNY SMITH

Mr. DENNY SMITH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DENNY SMITH: Page 6, after line 13, insert the following:

(2) Of the amount appropriated pursuant to the authorization of appropriations in paragraph (1), $11,000,000 is available only for the procurement of gun pods for Marine Corps Reserve aircraft with a demonstrated anti-armor lethality equivalent to the GAU-8 30 millimeter gun pods.

(3) The Secretary of the Navy shall, within 120 days after the date of enactment of this Act, transmit to the Armed Services Committees of the Senate and House of Representatives the final plan for carrying out the procurement required by paragraph (2).

Page 6, line 14, strike out "(2)" and insert in lieu thereof "(4)".

Mr. DENNY SMITH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DENNY SMITH. Mr. Chairman, the purpose of this amendment is to provide the Marine Corps Air Reserves an effective close air support weapon with a proven kill potential against heavy armor. This capability will utilize the huge 30 mm ammunition air reserve that is in place, and, as such, can be implemented in the very near term.

BACKGROUND

Our Marine infantry is lightly equipped both as to armor and firepower. It traditionally depends on its

air arm to provide heavy firepower under close air support conditions.

Present Marine Air Reserve units depend almost solely on MK-82 free fall bombs and rockeye cluster munitions for their antiarmor weapons.

Both these weapons are large and have a minuscule probability of kill against armor. As a result, their tactics are ones of dropping these weapons in clusters of six, which is a full A-4 aircraft load. The resulting probability of kill for the cluster of MK-82 bombs is still very small, and with the rockeyes, only incrementally better. However, using these munitions, the precious and expensive fighter aircraft sortie has at most the potential for a single kill against heavy or light armor.

Our marines, after making a forceable entry over the beach, will usually prepare a rudimentary landing strip. This is often supplied by heavy-lift helicopters from supply vessels offshore. Each helicopter supply sortie can only manage about three passes worth of munitions per trip with either the MK-82 or rockeye. Under combat surge conditions, useful sorties and resupply capability at the airstrips will often be totally saturated.

Both the MK-82 and rockeye weapons have large miss distances which preclude their use under conditions where the Marine infantry are in close contact with the enemy. The possibility of hitting our own fighting men is so high that these weapons are prohibited from use right when they are needed the most.

Also of great concern with these weapons is the collateral damage that will occur to the civilian infrastructure and the civilian population. Neither weapon has a pinpoint aim capability and both essentially need an extremely unlikely direct hit to achieve a kill against armor.

Both weapons are employed by dive attacks. For this reason, they can only be employed under moderate to high weather ceilings with moderate to excellent visibility.

A visual search from moderate altitude is not very rewarding when looking for even poorly camouflaged armor. A visual search from low altitude with the idea of a pop-up to achieve a dive attack will essentially require a low altitude dry pass by the pilot which unfortunately provides gentlemanly warning to the enemy followed by a dive attack one or more minutes later.

Last, the marine pilot may do his search safely at low altitude which generally eliminates the enemies ground-to-air missile capability. However, he must climb right into the center of the ground-to-air missiles' effectiveness envelope and then fly a very long straight predictable dive path for weapons release. As a former fighter/bomber pilot, I would find it difficult to imagine that the enemy could devise a more vulnerable tactic for us to use than that.

To summarize, the marine infantry is utterly dependent on its air arm for its close air support heavy fire power and its ability to effectively carry out this mission is near nonexistent.

This glaring combat shortcoming was recognized at least 7 years ago. The 30-mm pod was considered at that time to be by far the best short term solution for the Marine Corps. However, the 25 mm was also considered. We in Congress directed a comparative shoot off of these pods 5 years ago. The results clearly showed that the 25 mm had essentially no potential against heavy armor. It did not kill a single tank in 20 passes. On the other hand, the 30 mm killed 67 percent of the tanks it fired upon.

The data supporting a decision to move forward with procurement of the 30-mm gun pod was clear. Yet no procurement has occurred during these past 5-years. In fact, further tests have only reconfirmed the dominance of the 30 mm over the 25 mm alternative.

It seems particulary cavalier to me that considerations independent of combat logic should delay our decisions when the very lives and success of our fighting men are dependent on these decisions.

The amendment does not require procurement of a particular gun or gun pod. Presently, there are four guns which fire the proven 30-mm armored piercing round, which is available in huge quantities within our war reserves. Two pods exist for two of the guns. Gun pods could be easily made for the others.

The main thrust of this amendment is to use the proven 30-mm round which has a huge inventory in place.

EXPECTED PAYOFFS

Procurement of the gun pods for the Marine Air Reserves will quickly achieve a viable and effective close air support weapon against heavy armor. The cost for this program is minor compared to any alternative including the current use of MK-82 free fall bombs or rockeyes. The expendables for each pass is one-tenth to one-twentieth on a comparative basis between the two. In fact, the $11 million called for in this amendment is already budgeted for in this bill. This program will still require about $24 million more in the outyears to provide a full complement of pods for the reserves.

The gun pod approach provides a weapon with surgical percision specifically designed to kill heavy armor. In the Grenada action, the two air commanders continuously applauded the capability of their 20-mm cannons. The ability to use the weapons in close proximity to their own infantry was essential. They totally relied upon the gun as the only weapon that could be employed under these conditions.

We were amazingly lucky that no armor existed in this scenario, as the 20 mm would have been useless. Mr. Speaker, at this point, I would like to insert sections of the after action report on the Grenada action for the RECORD:

U.S. ATLANTIC FLEET,
NAVAL AIR FORCE,
November 17, 1983.

From: Commanding Officer, Attack Squadron Eighty Seven, Commanding Officer, Attack Squadron Fifteen.

To: Commander, Light Attack Wing ONE, NAS Cecil Field, FL 32215.

Subject: Lessons Learned: Urgent Fury.

1. Light Attack participation in Operation Urgent Fury provided a shot in the arm for the entire community. While there did occur limited A-6 ordnance delivery and important daily F-14 coverage, it was primarily an A-7 show from the Naval aviation side. The ability to react quickly and precisely in support of the ground forces ashore appeared to be greatly appreciated by those in combat on the ground. As one can imagine, the quick reaction scenario combined with a joint operation involving all of the services produced some rough spots. The enclosed "Lessons Learned" are provided in the hopes that what we learned from this operation can be included in the Light Attack corporate memory for future use. If one needs convincing that the platitudes normally heard at change of command ceremonies concerning combat readiness should be taken seriously, Urgent Fury should provide it. Six days after leaving for the Mediterranean, we found ourselves in combat over an island in the Caribbean. We are proud to share this information with our sister squadron at Cecil, realizing that anyone of them would have carried the Light Attack banner as well.

B. L. DUFF.
M. F. O'BRIEN.

3. The first and foremost lesson learned is that the A-7E is, by far, the superior aircraft to support ground assault forces in this scenario. Where the FERA is well defined and there is sizable opposition, the A-6E would be a necessary asset. In this case the A-7E with its M-61 gun was the primary weapon. Both airborne and ground FACs commented that "When the A-7s were in, their (enemy) heads went down."

The biggest factor in deterring enemy forces was the M-21 gun. Its unsurpassed accuracy allowed all pilots to thread the needle without threatening our own troops.

The pinpoint accuracy of a gun also was of substantial merit to minimize or eliminate collateral damage to the civilian population and to our own infantry.

The gun mission is almost always flown at low altitude which denies the effectiveness of enemy ground-to-air missiles. It is complementary to the low altitude visual search requirement for such a mission. A gun can usually be employed on the first pass with no need for a pop up into a missile effective envelope. These attributes allow operation under a very low ceiling with low to moderate visibility conditions. This will greatly expand gun pod employment opportunities in many scenarios compared to weapons dependent on dive deliveries.

A precious fighter sortie utilizing a gun pod will have 10 potential tank kills per sortie versus one as now configured. The probability of kill for each individual pass as determined over hundreds of test passes under simulated combat conditions is several times higher than present weapons. A heavy lift helicopter sortie could carry 130 passes per resupply mission versus three as presently envisioned with weapons currently employed. Consider the following comparison:

COMPARISON CAS SORTIE GUN POD VERSUS MK 82 OR ROCKEYE

	30 mm	MK 82 or Rockeye
Number A-4 aircraft	20	20
Sorties/day/aircraft	4	4
Combat surge days	5	5
Total sorties available	400	400
Cost of expendables/pass	$800	$2,000/$24,000
Logistic helicopter resupply sorties	28	135
Combat payoff		
Potential vehicle kills of all types assumes MK 100 percent	4000	400

The point to be gathered from the previous comparison is that 4,000 potential kills exist compared to only 400 using the same sorties over a 5-day period. The cost per sortie for the 30 mm is significantly smaller. The cost per pass is dramatically less.

However, if heavy-lift helicopters were used for resupply, the A-4 could not even perform the 400 passes. There just wouldn't be 130 heavy lift helicopter sorties available for each squadron. There might be 28 sorties for the 30-mm resupply.

Mr. Chairman, in conclusion, our Marine Corps Reserves are in dire need of a heavy fire power weapon for close air support. The 30-mm gun pod, with its excellent logistics train and huge war reserve stock, is the ideal weapon. I ask for my colleagues, support for this amendment.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

Mr. LEVINE of California. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from California.

Mr. LEVINE of California. Mr. Chairman, I thank the gentleman for yielding.

Again on this amendment, Mr. Chairman, I am also pleased to join with my colleague, the gentleman from Oregon [Mr. DENNY SMITH], in offering this amendment.

This is an important amendment. Its adoption would simply help ensure that the Marine Reserves have effective antitank weapons, something which they do not now have. It would not require any additional funds but would earmark already authorized funds for this purpose.

Again, Mr. Chairman, I would like to commend my colleague, the gentleman from Oregon, for his leadership on this issue, and I urge the adoption of this amendment.

Mr. ASPIN. Mr. Chairman, on behalf of the committee on Armed Services, let me say that we have examined this amendment. We believe it is a very good amendment, and we urge its adoption.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oregon [Mr. DENNY SMITH].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WEISS

Mr. WEISS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEISS: Page 6, line 25, strike out "$4,365,300,000" and insert in lieu thereof "$3,783,300,000".

Page 13, after line 9, insert the following:

(h) PROHIBITION ON EXPENDITURES FOR THE TRIDENT II MISSILE.—None of the funds appropriated pursuant to the authorizations of appropriations in this section may be obligated or expended for the Trident II missile program.

Mr. WEISS. Mr. Chairman, my amendment would delete all funds for procurement of the D-5 or Trident II missile. Let me underscore that it is the missile that the amendment seeks to strike authorization for, not the submarine. The submarine is the Trident submarine. We do not in any way in this amendment affect the submarine.

The $582 million contained in this year's defense authorization bill is merely the downpayment on a fabulously expensive system that we do need, should not want, and cannot afford. We do not need the D-5 because it will do nothing to enhance our nuclear deterrence. We should not want the D-5 because it will undermine stability and increase the likelihood of accidental nuclear war, and we cannot afford the D-5 because this unnecessary and destabilizing weapons system carries a price tag of $40 billion.

Mr. Chairman, I understand that there is a tendency in this body to feel that if we have voted to curtail or limit one awful destablizing weapons system, as we did yesterday with the MX, that is our contribution to arms control for this year, and that we should take no further steps even if the missile that we are considering now is worse by far, if one can imagine that, than the MX.

There is a fear that our constituents may think that we are soft on defense. We should have more confidence in their understanding, intelligence and commonsense.

□ 1140

Sometimes in the course of debate on this floor or indeed in the course of discussing the nuclear arms race generally we tend to forget that what we are talking about is the future of humanity itself. Our discussions and debates ought to be focused on whether a particular weapon or weapons system helps to prevent that ultimate day of destruction for humanity or whether it brings us closer to that day of destruction.

Now, let me talk to you about the missiles that are at issue in this debate. Right now the Trident submarine carries a very powerful missile. It is the Trident I, otherwise known as the C-4. Each of the Trident submarines carries 24 of these C-4 missiles. Each of those missiles is armed with eight warheads, so that each of our Trident submarines can now attack 192 separate targets; one submarine.

Each C-4 warhead has an explosive force twice as great as that of the Pershing missile. In the terms of art that is used, each warhead has an explosive power of 100 kilotons.

Do you know what that means? Each warhead has the equivalent power to 100,000 tons of dynamite. And there are 192 such warheads on each submarine. That is more explosive power on one single submarine than has been expended in the entire history of humanity. The current missile and its warhead can destroy airfields, submarine ports, industrial facilities, governmental centers and cities. If what we want from our sea-based missile is a secure retaliatory deterrent, the C-4, the present missile, does the job.

Now, let me tell you about the D-5, the one we are seeking to strike authorization for. The D-5 missile, which is not even ready, it is still undergoing engineering research, will take another $6 billion worth of research before it is ready for actual utilization. What we are talking about is advance procurement.

The D-5 missile would have an explosive power of 475 kilotons; that is, each warhead has the equivalent of 475,000 tons of dynamite for each of these 192 warheads on each submarine. That is almost five times the explosive power of the current C-4 missile. The explosive power of the D-5, the missile that we are seeking to eliminate, has roughly the explosive power of the MX.

What do we need D-5 missile for? There is only one thing that the D-5 missile can do that the C-4 missile cannot do. It can dig Russian missiles out of silos.

The CHAIRMAN pro tempore. (Mr. RUSSO). The time of the gentleman from New York [Mr. WEISS] has expired.

(By unanimous consent, Mr. WEISS was allowed to proceed for 3 additional minutes.)

Mr. WEISS. The only thing that the D-5 missile can do that the C-4, the current missile, cannot do, I repeat, Mr. Chairman, is to dig out of their silos the Russian land-based missiles.

It is truly a first-strike weapon and the Russians will see it as a first-strike weapon. If they get a sense that a launch is about to be undertaken by our D-5 missiles, they will conclude that they have little choice except to launch on warning.

Now, that is a very serious problem under any circumstances, but it is an especially serious problem when you recognize that because we are talking about submarines and not land-based missiles which are based in the United States, the arrival time of missiles launched from those submarines can be cut from the half hour which it takes to get a land-based missile from the United States to the Soviet Union, to 15 minutes. Think of that, 15 minutes for the most awesome, the most powerful nuclear missiles and warheads ever created to reach its target.

That means that if there is a glitch, if there is a speck of dust, if there is a mistake of some kind on the computers which gauge for the Russians whether in fact there is a missile launch on the way or not, there is practically no time at all for a human correction to take place.

We ought to shrink back from the utilization of this kind of missile and this kind of warhead, especially when there is no purpose for it, when our current missiles do everything by way of deterrence and destruction that we want them to do, except to bring us even closer to the razor edge of confrontation, conflict, and the destruction of humanity.

I know that it takes some thinking about this issue, because the D-5 has not received the kind of publicity that the MX has; but if anything, this is a much more dangerous weapons system that we are talking about than the MX.

I urge my colleagues, especially since it will not be until something like 1989 at the earliest before these missiles will be deployed, that now is the time to think about it, to take the money out for procurement purposes to rethink this situation, to stick with the C-4, which is awesome enough as it is and will give us all the destructive power that we could possibly want.

Mr. GEJDENSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as we look at the defense budget in this Chamber, there are a number of considerations that we have to make. One is clearly what role and mission we seek to accomplish. Does this expenditure of defense dollars actually enhance the defense of this Nation, or do we by the choices that we make here in some way endanger the citizens of this country and actually weaken our defense?

I submit to my colleagues that a decision to go forward with the D-5 is a decision that undermines the defense of this Nation, and additionally, depletes our resources to the tune of $30 billion.

I think if you examine the decisions made by the Reagan administration in presenting their defense budget of this year, it understood the need to scale back an incredibly aggressive attempt to speed up the arms buildup of this country.

The difference between the existing missile system, the C-4 missile, and the D-5, will mean that the American taxpayers will have to dig into their pockets for an additional $30 billion. There are a number of things that can mean. It might mean that the deficit is simply another $30 billion larger. At times it seems that this Chamber does not pay attention to that issue; but it also may mean that we will have to make some hard choices on defense. Will we end up building fewer Trident submarines because we have wasted our money on the D-5 missile? Will we not have the conventional weaponry available that is necessary for the defense of this Nation because we have wasted our dollars on the D-5 missile?

The chart here says it very clearly. The difference in cost for a yet untested and yet unknown missile system will be an additional $30 billion, by conservative estimates. It may mean as much as $40 billion more than going forward with the present C-4 missile.

What we gain by spending an additional $30 billion is not a safer or stronger America. It is a less stable world.

We often get caught in the terminology, the terminology gets tossed around the floor, we talk about destabilizing weapons systems and the time it takes for a system to reach the other country.

□ 1150

Let us understand what we are doing here. If we switch from the present missile system there is one signal that we send; not that we will rain more destructive power down on the Soviet Union if a war begins, not that we will obliterate more of their cities or industries but that we may have the capability to launch a preemptive strike, to catch the Soviets while they are asleep and not just destroy their cities but destroy their missile systems as well.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I will be happy to yield to my friend from New York.

Mr. STRATTON. Mr. Chairman, the gentleman is a very eloquent and enthusiastic Member of this body. I have enjoyed my friendship with the gentleman. But I think as he carries on his argument I cannot help recognizing that the gentleman comes from the State of Connecticut and in fact represents the area where the Electric Boat Co. is located, which is the builder of the Trident submarine. And in fact the gentleman, I am sure, knows that after the eighth Trident submarine the follow-on Trident submarines will not be capable of using the C-4 missile. Therefore the gentleman is arguing that the people in Connecticut who live on——

Mr. GEJDENSON. To the contrary. If I can reclaim my time——

Mr. STRATTON. The people that work in Electric Boat in building these submarines are going to be put out of business, and I cannot understand why the gentleman would take that position.

Mr. GEJDENSON. Let me say to my colleague, that I understand what he is trying to do. He is trying to strike fear into the hearts of the working people of eastern Connecticut, which I think is a somewhat frightening engagement for Members of this body to get into. To the contrary. The ships can be adapted to continue to keep the C-4 missile for far less money than it will take to put the D-5 missile on those ships. And if anything will endanger the necessary defense buildup, the necessary defense systems that we are engaged in now, it is the kind of extravagance that this new missile system entails.

The CHAIRMAN pro tempore. (Mr. TRAXLER). The time of the gentleman from Connecticut [Mr. GEJDENSON] has expired.

(On request of Mr. SEIBERLING and by unanimous consent Mr. GEJDENSON was allowed to proceed for 5 additional minutes.)

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield to me?

Mr. GEJDENSON. I will be happy to yield to my friend from Ohio.

Mr. SEIBERLING. Mr. Chairman, I have consistently supported the concept of making the submarine leg of our triad the keystone of our deterrence policy. And I agree completely with what the gentleman has said about the D-5 missile, and I am supporting his amendment.

I would call attention of my colleagues to an article that appeared in the Washington Post on last Sunday by Dusko Doder, their correspondent in Moscow, explaining why the Soviets reacted so negatively against President Reagan's decision to observe the SALT II limits. The Soviets look at SDI and the D-5 missile and MX and the antisatellite weapon, and they see that we are building a first strike capability. From that they infer that we are going to adopt a first strike policy.

There is a very important signal that Congress can send to try to get back into an atmosphere where negotiations can be conducted without the fear and suspicions that are prevalent on both sides. I think this is a very constructive amendment that would contribute to that goal, in addition to the other strong arguments for supporting it.

In case Members are interested, yesterday in the RECORD at page H4382, I inserted the full text of the Dusko Doder article. I think those who have not read it would find it very illuminating.

I commend the gentleman in the well and the gentleman from New York, Mr. WEISS, for their initiative on this amendment.

Mr. GEJDENSON. Before I yield to my colleague from New York I would like to say that I think that it is clear, and everybody understands it, that there would be no difficulty in seeing that the follow-on Trident submarines would be capable of receiving the C-4 missile and not forced to take the D-5 missile. The $30 billion we would spend on the D-5 will leave us in an incredibly difficult position with a destabilizing weapon.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I am happy to yield to my friend from New York City.

Mr. WEISS. I thank my colleague for yielding and I again want to underscore the point that he made, that this amendment in no way affects the submarines or the construction of additional or new submarines. And it is really unlike my distinguished colleague and dean from New York to use an argument which he has to be aware really does not square with the reality of the situation. Indeed, if the C-4 is maintained, that is the current missile, fewer submarines will have to be refitted. If the D-5 deployment were to proceed as scheduled, the eight completed Trident submarines that now carry C-4's will have to be retrofitted so that they can carry the D-5's.

If the C-4's, the current missiles, continue to be deployed, only the three submarines now under construction will have to be modified, so there is in fact a savings of money, a significant amount, by continuing with the C-4. And it in no way at all impacts on the continued production of the Trident submarine.

Mr. GEJDENSON. Lastly, in closing, I would say that anybody examining the strategies of the two superpowers know that it is clear that both the Soviet Union and the United States, would first use their land based systems. You would not hold in reserve your land based systems. You would fire them initially and then use your air launched or sea launched systems as followups.

To spend $30 billion additional on a system that is designed to take out empty silos is foolishness, and jeopardizes the defense of this Nation.

I yield back the balance of my time.

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words and I rise to speak in opposition to the amendment.

Mr. Chairman, I am sure no one doubts the sincerity with which the amendments have been offered by the proponents, but I think it would be beneficial at this time to review very briefly where we stand insofar as our Trident submarine fleet is concerned.

As everyone knows, this is one of the three legs of our triad, and it is presumed to be the safest. Several years ago we made the decision in this Chamber to go forward with a new type of submarine. That was the Trident submarine. We are going to build 13, 13 have been approved, and the 13 are all in some stage of development at the present time. We have just recently launched the *Alaska*, which is No. 7 of the 13.

The first seven can only fire and are only equipped to fire the C-4 missile. Those subsequent to that, 8 through 13, will fire the D-5 missile.

We have closed the line on the C-4 missile. We cannot go back. We are already in the process of building the last 5 of the 13. They were only built to accommodate the D-5 missile. We would waste billions of dollars and build in an inhibition or lack of capacity that is unthinkable, in my opinion. We have already made the decision, and appropriated the money, authorized it, and we are building all 13, the last 5 of which will not be able to fire the C-4. We could not build more C-4 missiles even if they wanted to because we have disassembled the line.

So it would be certainly counterproductive and wasteful in the extreme. I think while this might be a well intentioned amendment, it does more mischief than we could ever undo, and I would certainly hope we would reject it out of hand.

Mr. WEISS. Mr. Chairman, will my distinguished colleague yield to me?

Mr. DICKINSON. I yield to the gentleman from New York.

Mr. WEISS. Mr. Chairman, I thank my friend for yielding. Let me just see if we can get some factual agreement as to what the situation currently is. It is my understanding that on five Trident submarines the C-4 is the missile that has been installed and would be utilized; is that not correct?

Mr. DICKINSON. It will be on the first seven.

Mr. WEISS. The first seven, right.

Mr. DICKINSON. I beg your pardon, the first eight. The last five will be for the D-5 missile only.

Mr. WEISS. So that if in fact we were to go ahead with the production of the D-5's, you would have to take those Trident submarines which are now fitted for the C-4 and retrofit them to make them qualify?

Mr. DICKINSON. There is no plan to retrofit at all. They will go forward with the missiles that they presently have, which is the C-4. There is no retrofit anticipated. Only the last five Tridents will use the D-5 missile.

□ 1200

So there is no retrofit. Those already built will go into the line. The line has been discontinued. We cannot go back and reopen, without a great deal of expense. What the gentleman is asking to do is not to build a new series so the new submarines can use them, but we cannot go back and get the old missiles because they do not make them anymore; so really while his amendment might be very well intentioned it just does not work. It is more expensive. It is counterproductive.

Mr. WEISS. Mr. Chairman, will the gentleman yield further?

Mr. DICKINSON. Yes, I yield to the gentleman from New York.

Mr. WEISS. I thank the gentleman for yielding.

Mr. Chairman, is it not also a fact that the D-5 is not operationally ready, that it still requires something like $6 billion in engineering research before it is ready for deployment; is that correct?

Mr. DICKINSON. Well, I will answer the gentleman this way: The first one will be operational in 1989.

Mr. WEISS. Right, but it still requires $6 billion worth of research to make it operational.

Mr. DICKINSON. I do not know what the dollar figure is between here and there. We are in the process of building them. They will not be operational until 1989. There is still a great deal of production to be done and engineering, too.

Mr. WEISS. And engineering.

Mr. DICKINSON. But what the gentleman is trying to say is to take a missile that we do not make and mandate that all the rest of the subs have to use the ones we are not even making. It just makes no sense at all.

Mr. WEISS. Well, there is no problem with restarting that assembly line, is there? But you are going to start a new assembly line.

Mr. DICKINSON. Well, what would the gentleman accomplish by going back to the older generation of missiles? You advocate spending more money to do it when we have an ongoing missile line that is more capable. It would cost more to go back to the old one that we are not making than to continue with the one we are making!

Mr. WEISS. One final question.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama [Mr. DICKINSON] has expired.

(By unanimous consent Mr. DICKINSON was allowed to proceed for 2 additional minutes.)

Mr. WEISS. Mr. Chairman, will the gentleman yield to me?

Mr. DICKINSON. I yield to the gentleman from New York.

Mr. WEISS. I thank the gentleman for yielding.

Mr. Chairman, would the gentleman, Mr. DICKINSON, tell us in his words as to what the D-5 will do that the C-4 cannot do?

Mr. DICKINSON. The main advantage of building the new generation D-5 is twofold. One, it carries the payload a greater distance which means that as the antisubmarine warfare capability of the Soviets expands we can get further from the land mass, stay further away from our potential enemy, have more ocean for cover, and become more secure. The further you can stay from your target and have greater accuracy, the more secure our submarines are. It was for this reason that we built in the additional range. It gives us hundreds of square miles more of ocean in which to hide than we presently have with the C-4. That is first.

Second, the accuracy, the improved accuracy of the D-5 is greatly enhanced over the C-4. So we have greater range and payload capability plus greater accuracy. That gives the Trident submarine much more capability. This submarine is the most secure leg of the triad, we hope. We do not know what the Walkers have done to us with the recent spy ring, but we believe that this is so.

So by going to the D-5 we improve the security of the submarines by giving them greater range, greater accuracy, more lethality. This equates to more deterrence. I think it makes sense to do this. We cannot go back the way the gentleman has proposed. It would be wasteful in the extreme.

Mrs. BYRON. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I will be glad to yield to the gentlewoman from Maryland.

Mrs. BYRON. I thank the gentleman.

Mr. Chairman, let me ask a couple of questions of the gentleman. The Trident II Program really is not a new program, is it?

Mr. DICKINSON. No, it has been going on quite some time. I think we approved it some 4 years ago.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama [Mr. DICKINSON] has again expired.

Mrs. BYRON. Mr. Chairman, I move to strike the requisite number of words.

Let me pursue that a bit and then I would be glad to yield to my colleague from North Dakota [Mr. DORGAN].

President Carter and, I think, Paul Warnke reported to this Congress on March 13, 1978, that all Trident submarines after Trident VIII would be armed with the new missile. I think the general plan has not changed, at all since 1978 except that the timetable originally conceived has been stretched out. The submarines have not been built according to the 1978 schedule.

I think the purpose of the Trident II missile is the same, however, as it was in 1978, to provide a more secure deterrent force, to partially match the Soviet hard target capabilities and I think the overall assessment of President Carter and Mr. Warnke in 1978 was that the Trident II would have a positive effect on arms control and I think that assessment on arms control, which is of vital interest right now, has not changed at all at this current time.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentlewoman yield?

Mrs. BYRON. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. I thank the gentlewoman for yielding.

Mr. Chairman, I do not know how I am going to vote on this amendment at this point but I am interested in a couple of things. The gentleman on the other side, Mr. DICKINSON, talked about the increased component of accuracy. My question is: Is the increased component of accuracy a type of accuracy that moves you from being able to inflict substantial damage in an area where you want to inflict substantial damage with the C-4 to a position where you actually hold at risk specific Soviet sites including silos with the D-5? If that is the case, that gives the missile a different kind of dimension.

But, you know, we are not going to prevent increased accuracy and should not perhaps prevent increased accuracy in American missiles. The only question is are we developing a strategy that worries about components of accuracy that actually target silos? Because if that is the case, that does change the nature of this weapon.

Mrs. BYRON. Let me say that the fact that we have the distance factor, which in my estimation is the safety factor for our individuals who have chosen to go into the submarine service, a protective factor for their lives; I think that is a very important issue. I think any time we can stand off and have a greater distance, we have better protection for those individuals.

At the same time, with that distance standoff, we have increased the accuracy which gives us the availability to stand off from a distance.

Mr. DORGAN of North Dakota. If I may ask one more question, if the gentlewoman will continue to yield.

Mrs. BYRON. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. If you discard the notion of a first strike to knock out someone else's missile silos and then analyze what you might want to do to a potential adversary with a missile, can the C-4 do what the D-5 is contemplated doing?

Mrs. BYRON. No.

Mr. DORGAN of North Dakota. That is the question that I think is relevant.

Mrs. BYRON. No.

Mr. AUCOIN. Mr. Chairman, will the gentlewoman yield to me on the point she just raised?

Mrs. BYRON. Yes, I yield to the gentleman from Oregon.

Mr. AUCOIN. I thank the gentlewoman for yielding.

Mr. Chairman, I understood the gentlewoman to say or to suggest to the gentleman in the well, Mr. DORGAN of North Dakota, that the range of the D-5 missile is greater than the range of the C-4 missile.

Mrs. BYRON. That is true.

Mr. AUCOIN. I would have to ask a question of the gentlewoman: Is it not true, and I want the gentlewoman to listen carefully, is it not true that the full-payload range, the full-payload range of the D-5 missile and C-4 missile are not exactly the same—the range, the full payload range?

Mrs. BYRON. No.

Mr. AUCOIN. The gentlewoman is wrong on that.

Mrs. BYRON. With the same payload.

Mr. AUCOIN. They are exactly the same range at full payload.

Mrs. BYRON. With the same payload and weight they are not the same.

Mr. AUCOIN. Well, the full-payload range is exactly the same on the C-4 missile and D-5 missile, the gentlewoman should know that.

Mrs. BYRON. That is wrong.

Mr. AUCOIN. Well, I will have to beg to differ with the gentlewoman and advise my colleagues that the gentlewoman is absolutely wrong in what she just said.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mrs. BYRON. Mr. Chairman, has my time expired?

□ 1210

The CHAIRMAN pro tempore. The gentlewoman has 30 seconds remaining.

(On request of Mr. WALKER and by unanimous consent, Mrs. BYRON was allowed to proceed for 1 additional minute.)

Mrs. BYRON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentlewoman for yielding to me.

Mr. Chairman, the problem is I think that what you are dealing with here are two different terms.

As I understood the argument here, there is no real argument. The gentleman from Oregon is simply saying that with a full payload, that the range is different, but the point is that the new missile is able to carry a much greater payload, and so therefore it

has the same range with a much greater payload.

The gentlewoman from Maryland is saying that if you give them both the same payload weight, that the range of the new missile is much greater. So in both cases, the capability is greater; the capability to carry more of a payload is greater; the capability for range with the same payload as the present missile is greater.

So that you are buying more missile is the whole point here; I think that that is the reason why we ought to proceed.

Mrs. BYRON. The D-5 can throw the same C-4 full payload 50 percent further.

(On request of Mr. LAGOMARSINO and by unanimous consent, Mrs. BYRON was allowed to proceed for 1 additional minute.)

Mr. LAGOMARSINO. Will the gentlewoman yield?

Mrs. BYRON. I yield to the gentleman.

Mr. LAGOMARSINO. The gentlewoman makes a good point; not only does D-5 have additional range, but in getting that additional range, you do have to have more accuracy if you are going to get anywhere near the targets you would have had with the first missile.

Mr. Chairman, I think something that needs to be pointed out here is that the range is very important not only because that gives more capability, obviously, but because it does provide an additional hedge against the kind of thing that we are reading about all the time, the Walker case for example, where the Soviets are doing everything they can, naturally enough, to come up with a better ASW capability.

We cannot assume that because we have greater ASW capability than they have at this point, apparently, that it will always be so. So we do have to continue to improve these systems. I think also, that the gentlewoman makes a very good point, that having that additional range does provide greater safety to the crews of those submarines.

Mrs. BYRON. Mr. Chairman, we talk a great deal on this floor about accuracy and about weapons systems, but we also have to remember the personnel involved.

Mrs. BOXER. Mr. Chairman, I rise in support of the amendment.

I rise today to speak on behalf of the amendment offered by Mr. WEISS to cut all procurement funding for the D-5, or Trident II missile. This missile is a dangerous, costly, and an unnecessary addition to our nuclear arsenal. Any slim hope for controlling the arms race raised by the President's recent decision to honor the SALT II treaty are seriously dampened by the prospect of this destabilizing weapon.

It is another tragic example, in my opinion, of a mistake which moves us ever closer to the nuclear abyss. My colleague, the gentleman from New York [Mr. WEISS] fought long and hard last year to kill funding for this weapons program. I applaud his courage, his conviction in continuing this important fight.

The rationale proposed by the Administration for the Trident II is a sham. Once again, as with the MX missile, we are to believe the submarine-launched missile is to deter Soviet attack. The President maintains that he believes that the United States should not develop a first strike capability, but the Trident II has far more explosive power than the Trident I it is supposed to replace. It is more accurate, and it takes 15 instead of 30 minutes to reach its destination.

Fifteen minutes, my friends, to reach its destination. Think about the position in which that places our adversary.

I know, Mr. Chairman, that some of our colleagues do not like to hear these arguments, because we really cut through to the heart of what we are doing to the stability of the world in this nuclear arms race, but I think it is important that we pay attention to this important issue, just the same bit of attention that we gave the MX missile, and we finally capped the MX missile, because we understood that we were wrong.

I think we are wrong in moving forward with the D-5. Think about the position in which it places our adversary. In time of crisis or accidental miscommunication, it will force the Soviets to contemplate placing their ICBM's in a high state of readiness for use in a "launch-on-warning" or "use-it-or-lose-it" mode. Rather than making the nuclear balance more secure, Mr. Chairman, the Trident II will be highly destabilizing.

If that were not enough, the price tag for putting another nuclear gun to our heads is a whopping $30 billion. This is unconscionable at a time when we are wrestling with the staggering deficit when we are being asked by some to cut the Social Security cost of living adjustment, to degrade the quality of our children's education, and accept a growing number of those children living in poverty, and Mr. Chairman, one in four children in the United States of America today is living in poverty, and here we are talking about a $30 billion destabilizing first strike weapon.

There is a sane solution to this madness. We can continue to produce the Trident I, which is an excellent deterrent. It packs formidable destructive power but cannot be perceived as a first strike weapon. It will also save billions and billions of dollars.

The Trident I, at $15 million each, is less than half the cost of Trident II. About half the number of Trident is as Trident II's would have to be procured to meet the Navy's quota for its 17 submarines. We would also save billions by not having to retrofit the submarines that carry and launch these weapons.

So in conclusion, Mr. Chairman, I plead for wisdom and common sense in this body. The Trident II is another budget buster. The Trident II pushes us closer, not farther, from the risk of nuclear annihilation. The Trident II only intensifies the fear and paranoia each side feels for the other. We need a sound and basic defense for this country—that is what I support—not a destabilizing offense.

So please vote for the Weiss amendment. It is a wise and a good amendment.

I yield to my friend from Oregon.

(On request of Mr. AUCOIN and by unanimous consent, Mrs. BOXER was allowed to proceed for 1½ minutes.)

Mr. AUCOIN. Will the gentlewoman now yield to me?

Mrs. BOXER. Yes; I yield to the gentleman.

Mr. AUCOIN. I appreciate the statement of the gentlewoman, and I appreciate her yielding to me.

Mr. Chairman, in her remarks she stated one of the most lethal truths about the D-5 missile, and that is that it does have the potential capability of arriving at its target within 15-minutes.

Now, I hope the Members of the House will be able to analyze this, for the dangers that represents to us, not to the Soviet, but to us.

I think the point the gentlewoman is making is that 15 minutes does not allow our would-be adversary time to launch under attack. In other words, the attack cannot take place and allow them to respond while that attack is being carried out.

If, then, the Soviets understand this—which they surely will—what then will be their response? I think the gentlewoman knows full well, and that is the point she is trying to make to her colleagues.

It is: If you think you are going to be jumped, jump first, instead, then, of deterrence, what we have is provocation. Instead of deterring attack, we incite attack by being so provocative by aiming these missiles in this way at the Soviet Union, that their only defense is to jump us before they think—not before they know, but before they think we are going to jump them.

That is not security. That is not security for the United States; it is not soft on the Russians to abandon this kind of weapons technology. It is smart for the United States and for the security interests of the United States. That is the point the gentlewoman is making; she has made it extremely well, and I hope the Members

of the House will pay attention to the remarks the gentlewoman has made, and disregard some of the mistaken comments we have had about range differences, which are points I intend to speak about in my remarks.

Mr. HILLIS. Mr. Chairman, I rise to speak against the amendment.

Mr. Chairman, I would like to begin my remarks by discussing the myth of reduced warning time, which we have been discussing here on the floor.

Now, the opponents of the Trident II and the proponents of the amendment claim that this D-5 will simply have a greatly reduced warning time for the Soviet Union. That is simply not true, and ignores the basic law of physics as they apply to ballistic missiles.

If you look back at the beginning of the program of using submarine missiles, the Polaris A-1 and A-2 and A-3, which were deployed over 20 years ago. In fact, 1960, 1962, and 1964, respectively; they were all ballistic missiles.

The Polaris A-1 had a range of 1,200 miles and it required 10 minutes to arrive at its target.

□ 1220

The Polaris A-3 had a range of 2,500 nautical miles and it took just a little longer to get to its target.

Because they were ballistic missiles and they followed ballistic trajectories, the Poseidon, the Trident I and the Trident II require about the same time, 15½ to 16 minutes to reach their targets.

So the warning time is going up, not down. If anything, there is more stability because of that factor, not less.

The Trident II has a greatly increased range over Trident I. I am talking about D-5 versus C-4. The warning time is up because of that range. Also, that range gives protection to American service personnel who are called upon to get out and protect his country from our seas. We do not know, as has previously been mentioned on the floor here, the exact damage of the so-called Walker spy case in this area, and we ought to be doing everything that we can to increase survivability and protection of our people, not staying with a system such as the C-4 that we do not even build anymore, that will cost probably more than $30 billion to get back into production, the savings are not there, the survivability is not there, and the safety is not there.

For that reason, the amendment should not be there either.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this has been an interesting debate. It seems to me a little surprising that we should be critical of this system. We have just succeeded on yesterday in eliminating the MX missile which is supposed to provide some kind of deterrent to our major adversary, and we have, as has been mentioned previously in the debate, just suffered the most extreme and serious espionage crisis in the U.S. Navy's history, still without any clear recognition, at least at the present time, as to just how far our submarine operations have been compromised in the Atlantic, in the Pacific, and wherever else they operate.

Yet here we are, trashing a submarine system that is designed to provide the greatest deterrent of all from the submarine-launched missiles, which those who have earlier faulted the MX, have said is the best way to go. Yet when now we come up with the ultimate in that particular submarine technology, we are told that this is a terrible weapon that we ought not even to countenance. Yet once again this kind of argument is presented in the House of Representatives at the very time when some 30 or 40 of our American citizens are being held hostage by terrorists in indescribable circumstances in the Middle East.

It looks as though some people are interested in eliminating any kind of military capability on the part of the United States, regardless of what the circumstances are.

The idea that the Trident D-5 is a radically new destabilizing first-strike weapon is simply not the case. The D-5 is not radically new. It is an SLBM that we have had for 25 years. The only difference is that it is harder for the Soviets to destroy it because the submarine has more ocean in which to hide. It is not a destabilizing first-strike weapon; it is a launched missile. The United States has no means and seeks no means to launch all of these missiles as a bolt out of the blue.

There are 24 missiles on a Trident submarine, and some minutes are required between the launching of each of those missiles; so the idea of a first-strike would take the better part of an hour to execute.

The D-5 poses no more of a threat to the Soviet ICBM force than does the SS-17, the SS-19, the SS-24, the SS-25, the SSN-20, and the SSN-23 pose to our ICBM's. But, somehow, we do not seem to consider that. We are making these assertions in a vacuum. I think it is unworthy of this body to try to suggest that we are building these weapons with nothing to concern us on the other side.

In fact, the D-5 does not threaten any new Soviet targets. Before the Soviets undertook their massive program to shelter and disperse their national military leadership, which we have refused to do here in the United States, largely by those who are opposing this weapon, as well as the MX, we were able to keep these targets at risk with the Polaris system and the Poseidon system. But the Soviets moved out from under the Polaris and the Poseidon, and it was their refusal to put at rest that made it necessary for us to go to the D-5.

I urge the defeat of this amendment.

The CHAIRMAN pro tempore. The time of the gentleman from New York [Mr. STRATTON] has expired.

(On request of Mr. HUNTER and by unanimous consent, Mr. STRATTON was allowed to proceed for 30 additional seconds.)

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to my distinguished friend, the gentleman from California, who is very knowledgable on this subject.

Mr. HUNTER. I thank the gentleman for yielding.

I think the real irony in this debate is that we heard the argument against the MX missiles to the effect that it was too ineffective, and now the argument against the D-5 is that it is too effective.

Mr. STRATTON. Absolutely.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I think there was one point that the gentleman made that I just want to clarify. Do I understand the gentleman correctly that the one way we have of assuring the espionage case with which we are all familiar and about which the American people are very worried at the present time, the only way we have to make certain that there is no irreparable harm to our overall submarine program is to go with this particular missile system? Is that what the gentleman indicated?

The CHAIRMAN pro tempore. The time of the gentleman from New York [Mr. STRATTON] has again expired.

(On request of Mr. WALKER and by unanimous consent, Mr. STRATTON was allowed to proceed for 1 additional minute.)

Mr. STRATTON. The point of the Trident submarine, which is the one we are now building, is that it would cover much more of the ocean and therefore it will make it more difficult for the Soviets to determine exactly where our submarines are. But the D-5 missile is not involved, so far as I know, in the espionage crisis.

Certainly the D-5 missile is the one that will place the Soviet major targets at risk. When we wiped out the 50 missiles that the gentleman from Alabama [Mr. DICKINSON] fought for yesterday, we eliminated the capability to target every single one of the key targets in the Soviet Union. A 40 number MX arrangement will not cover every single target. And this D-5 is going to have to replace those targets that the House indicated to the Soviet Union that they would not have to worry about.

Mr. AuCOIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Weiss amendment because I think it is a rational step that seeks to prevent both sides from racing toward a first-strike posture. The worst of all possible worlds is for both the United States and the Soviet Union to develop a complete first-strike posture, because that is the equivalent of having the gentleman from Pennsylvania, my dear friend, Mr. WALKER, and me standing here on the floor of the House of Representatives aiming a revolver at each other, hammers cocked, weapons loaded, pointblank range, unable to miss if we should fire, neither knowing what the other's intentions are, and in such a situation, there is only one defense and that defense is to shoot before you think you are going to be shot.

□ 1230

That is what a first-strike posture on the part of both superpowers really involves: the only defense is to shoot before you are shot.

That, I would tell the gentleman from Pennsylvania, and the gentleman from New York, and to all others who support first-strike, counterforce capability, is a very, very dangerous thing. Because it spells the defeat, the demise, the death of deterrence. That does not deter; it invites one side or the other to go first out of a mistaken fear of being struck.

I would wish that the gentleman would understand that. Now, I did mention the gentleman's name and I will be happy to yield to him.

Mr. WALKER. I thank the gentleman for yielding. When the police forces around the country are faced with that same sort of situation, a number of them have found that putting on a bullet-proof vest helps. Is the gentleman then making the argument for the SDI?

Mr. AuCOIN. No. Because I understand, and I am amazed that the gentleman from Pennsylvania does not understand, that what is being proposed in star wars is infinitely more difficult than a policeman's flak jacket. I understand that the gentleman has a tendency to see things in very clear and simple terms, and that is probably why he supports star wars. He sees this as a policeman's vest in the sky. Unfortunately, that is not the way the real world works in strategic nuclear warfare.

Mr. WALKER. If the gentleman would yield, I realize that the gentleman likes to paint things that way. The gentleman fully recognizes the complicated nature of star wars, but the gentleman, I do not think, can have it all ways. The gentleman continuously talks about the fact that the Trident submarine program is our invulnerable system, so therefore, we do not need land-based programs. Now, he turns around and says that we should not upgrade the Trident program, and then says that the problem, though, when we upgrade the Trident program is that it has increased accuracy and so it is like a pointblank gun range.

The gentleman made the simple analogy here, and then turns around and says, well, you ought not have a protective cover from that kind of a condition as well. The gentleman is the one that has reduced all of this to very simple terms, and all of those simple terms come down to the fact that he wants no defense at all.

Mr. AuCOIN. That is wrong. I say to the gentleman that it is possible to argue against the glassjaw MX missile because it is based on land in vulnerable silos, and also make the argument against the D-5 missile on submarines, though the submarine is infinitely more survivable as a basing mode, but make the argument there that the 15 minutes you allow as a reaction time on the part of the Soviet Union invites the Soviet Union to launch against us when they think, not when they know, but when they think that we may be preparing to strike against them.

Now, I am amazed that the gentleman from Pennsylvania does not seem to be alarmed at that kind of an equation. I think every Member of this body ought to be alarmed because if we allow the arms race to escalate to the point where first-strike weaponry gives both sides the theoretical capability to go first, one side or the other is going to launch and try to jump the other before that side thinks he himself is going to be jumped by his adversary.

The CHAIRMAN pro tempore. The time of the gentleman from Oregon [Mr. AuCOIN] has expired.

(On request of Mr. WEISS and by unanimous consent, Mr. AuCOIN was allowed to proceed for 3 additional minutes.)

Mr. AuCOIN. Mr. Chairman, I sit here and listen to these debates on defense strategy questions with some degree of amazement when I hear some of the statements that have been made. One of the arguments made today in behalf of the D-5 missile is that its increased range is going to spell more safety for the U.S. crews on the submarines that contain those missiles. The gentlewoman from Maryland made that argument.

Unfortunately, the gentlewoman and her supporters ignore the fact that the full payload range of the D-5 missile, which is a first-strike missile, is the same as the full payload range of the C-4 missile—same range as the full payload range of the C-4 missile.

So the question of range and standoff capability and, therefore, safety of U.S. crews in the submarines is a moot point, a red herring, and something to divert attention from the real issue here. The real issue is whether or not we want to move to a first-strike kill capability on the part of our submarine warfighting weapons systems which gives only a 15-minute response time, which I have already indicated is destabilizing and threatening not so much to the Soviet Union as it is to the security interests of the United States.

Why certain Members of Congress fail to comprehend this is absolutely beyond me. I would say to the gentlewoman from Maryland who made that argument, and then later said that the range of the D-5 missile with a C-4 payload is greater than the C-4, that if she believes that, and what she said there is true. If she believes that, and is willing to restrict the payload of the D-5 missile to the payload of the C-4, if she wants to write that into law, then you are going to move away from hard-target kill capability to what the Trident II, D-5 missile was originally designed to be: Namely, an ultra long-range, medium payload, medium-accuracy, retaliatory weapon. But that is not what the gentlewoman wants. She knows that; she wants that hard-target kill capability. It is not enough for the gentlewoman and for her allies on the floor to launch enough warheads to blow the Soviet industrial base to smithereens. She appears to want additional hard-target capability.

The CHAIRMAN pro tempore. The time of the gentleman from Oregon [Mr. AuCOIN] has expired.

(On request of Mr. COATS and by unanimous consent, Mr. AuCOIN was allowed to proceed for 2 additional minutes.)

Mr. AuCOIN. She wants additional hard-target kill capability, so on top of all the rubble that is created by the damage that will be inflicted by our current C-4 missiles, that the Navy says are absolutely adequate for destruction of the industrial base of the Soviet Union, she wants a hard-target kill capability, so that in the words of one military planner in the United States, we can launch additional weapons and warheads and shake the rubble over on the other side and hit silos on the other side.

Mrs. BYRON. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I promised that I would yield here, and I did mention the gentlewoman's name.

Mrs. BYRON. I think my name has been mentioned more than just once.

Mr. AuCOIN. I will yield to my colleague, Mr. COATS, and then I will yield to the gentlewoman.

Mr. COATS. I thank the gentleman for yielding.

Mr. Chairman, I am a little confused as to what kind of strategic defense the gentleman thinks that this coun-

try ought to employ. He appears to be against all three legs of the Triad. The gentleman is against the sea-based leg, the MX, and you are against the B-1. What kind of strategic defense does he think we ought to have?

Mr. AuCOIN. Trident I, Trident ship, ALCM, ACM, possibly S16 BM, and ATB. I am not going to let you make a statement like that; I am just not going to let you make a statement like that.

I support, as do my allies on this side of the aisle who are large in number, we support a survivable retaliatory capability that aims at the only target that means anything in the Soviet Union, and what is that target? That target is the mind of the Soviet leader. If we can reach the mind of the Soviet leader with a message that is unmistakable, will the gentleman listen to me?

Mr. COATS. I am listening to every word; I am hanging on every word and I am still trying to get the answer to the question.

Mr. AuCOIN. If we could reach that mind with a message that is unmistakable, and that is that we have survivable retaliatory capability, so that if he should ever dare strike the United States of America we have survivable weapons and retaliatory weapons that will come back at him and destroy his country as he knows it and then we have succeeded in deterring him from launching that first strike.

The CHAIRMAN pro tempore. The time of the gentleman from Oregon [Mr. AuCoin] has again expired.

(On request of Mr. Coats and by unanimous consent, Mr. AuCoin was allowed to proceed for 2 additional minutes.)

Mr. AuCOIN. I continue to yield to the gentleman.

Mr. COATS. My question is: What are those strategic elements that the gentleman considers survivable?

□ 1240

Mr. AuCOIN. Let us take sea-based first, the Trident I submarine and the C-4 missile. If you listen to the Navy, and I trust the gentleman has, they have testified that for countervalue purposes, which means the ability to counter all that the Soviets hold of value in terms of their industrial base, their economic base, everything that makes it a civilization, that the C-4 missile, which we already have on our Trident submarines, is fully capable of reducing that to rubble.

I support that as the sea base of our triad. Our land-based leg of our triad is in trouble. The MX does not help it. I do not know why the gentleman wants to throw money at the MX, because it is based in vulnerable silos. His own President complained about those vulnerable silos when he ran for President in 1980. They had Minuteman III missiles in them and they were vulnerable. Why we should put 10-warhead, accurate MX missiles in those vulnerable holes is beyond me.

What I want instead on land is a mobile, single-warhead missile that is mobile and survivable, and I support that concept, and it is going to be difficult.

But I would say to the gentleman that it is not necessary for me to stand here and to try to state for you that I have as much patriotism as you in terms of defending the security interests of this country.

Mr. COATS. The gentleman never questioned your patriotism; never raised the question. I simply asked you what was your proposal to provide for a strategic defense.

Mr. AuCOIN. And I have just given it to you.

Mr. COATS. Well, do not, then, bring in the question of patriotism.

Mr. AuCOIN. I would say to the gentleman what we do not need, what we do not need in our security interests, is the move forward first-strike, counterforce weapons.

What would you do if you were a Soviet planner, a military planner? You are watching the United States of America run up $200 billion deficits, virtually going bankrupt, now becoming a debtor nation, and here we see the investment on top of the ability to annihilate the industrial base of the Soviet Union and the complete economic structure of the Soviet Union, and their civilization as they might know it, hundreds of billions of dollars in new missiles that have only one purpose, and that is to bounce the rubble on the other side after the other weapons land, and to be able to hit silos on top of factories and plants and everything else that sustains its civilization.

What would you think? If you were a Soviet planner, what you would think is that the United States is planning a first strike.

The CHAIRMAN pro tempore. The time of the gentleman from Oregon [Mr. AuCoin] has expired.

(On request of Mrs. Byron and by unanimous consent, Mr. AuCoin was allowed to proceed for 1 additional minute.)

Mrs. BYRON. I heard my name mentioned. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. Mr. Chairman, before yielding to the gentlewoman, I would say if you have the conclusion in the Soviet Union that the United States is about to launch a first strike, it is like two gunmen in the alley with pistols aimed at each other at pointblank range, hammers cocked, fully loaded, both distrustful of each other, and knowing full well that the only way you defend yourself is to shoot before you are shot. That is not deterrence. You can call it deterrence, but that is not deterrence. It is an invitation, the very thing that you say you want to avoid.

Mrs. BYRON. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. Now I yield to the gentlewoman from Maryland.

Mrs. BYRON. I believe the gentleman quoted a few statements in regard to the gentlewoman from Maryland, and I assume, since I am the only gentlewoman from Maryland on the floor at the moment, he must have been referring to me.

Mr. AuCOIN. The gentlewoman is right. I was referring to the gentlewoman.

Mrs. BYRON. I believe, if I am not mistaken, you said that I did not know what I wanted. I think I know very well what I want.

Mr. AuCOIN. I said I know what you want. You want counterforce capability.

Mrs. BYRON. I want to be very sure that those individuals that we have in our service are protected to the best of our ability.

The CHAIRMAN pro tempore. The time of the gentleman from Oregon [Mr. AuCoin] has again expired.

(On request of Mr. Coats and by unanimous consent, Mr. AuCoin was allowed to proceed for 1 additional minute.)

Mrs. BYRON. I think this Nation's first concern——

Mr. AuCOIN. I have not yielded yet.

Mrs. BYRON. Would the gentleman yield?

Mr. AuCOIN. I would say to the gentlewoman that I certainly want our crews to be safe. I would just simply make the point to her that the argument about range on D-5 missiles versus our current C-4 missiles, which lack hard-target kill capability, is a spurious argument.

I now yield to the gentlewoman.

Mrs. BYRON. I think there is no question that the long range of the D-5 is formidable when compared to the C-4. When I talked about range, I do not think I was talking about the warheads. I think if we had wanted a short range, we would have stayed with the Poseidon submarine fleet, and I can quote, which I really do not like to do, but the Navy fact file states that the Trident II fully loaded range will be comparable to or much greater than the Trident I, with the options to configure for greater range with fewer reentry vehicles.

The CHAIRMAN pro tempore. The time of the gentleman from Oregon [Mr. AuCoin] has again expired.

Mr. WEISS. Mr. Chairman, I ask unanimous consent that the gentleman have 2 additional minutes.

Mr. DICKINSON. Mr. Chairman, reserving the right to object, I was wondering if we could get some sort of agreement here. I do not want to limit anyone's time, but it seems we have

gotten into a harangue and are just baiting each other.

Could we get some agreement on how much longer we need to discuss the gentleman's amendment? Are there some other speakers here?

Mr. WEISS. Mr. Chairman, reserving the right to object——

Mr. DICKINSON. I am reserving the right to object. I am willing to yield if the gentleman asks me to.

Mr. WEISS. Will the gentleman yield?

Mr. DICKINSON. I will be glad to yield to the gentleman under my reservation.

Mr. WEISS. I thank the gentleman for yielding to me.

What we are engaged in, I think, as the Chair had indicated, is an extremely serious debate and discussion, and I would hope that, given the fact that there are people on both sides of the aisle who apparently want to participate in this debate, that we would not, after roughly an hour of discussion, seek to terminate the debate. I hope the gentleman would not ask that at this stage.

Mr. DICKINSON. I am certainly not seeking to terminate debate. I am trying to channel it in profitable or productive channels, rather than just reiterating the same thing. I was hoping that we could come to some conclusion here. I am not trying to cut off the gentleman's debate, but as we go on, people wander in who have not even been on the floor and decide they want to ask a question, so they jump in, too. Those who have been here all the time have heard most of what is to be covered and I would hope we could curtail and try to restrain ourselves from interminably asking for extension of time.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York [Mr. WEISS]?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Oregon [Mr. AUCOIN] is recognized for 2 additional minutes.

Mr. AUCOIN. I appreciate the gentleman getting me this additional time.

The gentleman has performed a real service in insisting that a block of time be set aside in this debate on this bill to discuss the important consequences between moving toward a first-strike counterforce capability and a survivable retaliatory capability. It is a survivable retaliatory capability which is deterrence, which gives us anything remotely close to deterrence.

The point I am trying to make, and I think it is the point behind the gentleman's amendment: If we move to hard-target, silo-busting missiles on our submarines, they can be located so close to the Soviet shore as to allow only 15 minutes or so in terms of their delivery, we do not allow the Soviets to launch under attack, and because of that, they would then have to make a series of hunches in a crisis situation and they might arrive at a hunch that we are attacking when we are not, and that means that we will be jumped when they think we are attacking them. It spells provocation. It does not spell deterrence by any stretch of the imagination.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. AUCOIN. I yield to the gentleman from New York.

Mr. WEISS. I thank the gentleman for yielding.

Mr. Chairman, I want to thank the gentleman for his very eloquent and precise argument, and I just want to take note—I do not know where the gentlewoman from Maryland is at the moment—but I am going to speak about a statement that she just read which supposedly refuted the argument of the gentleman from Oregon as to the range of the D-5 vis-a-vis the C-4.

I think that if people will read the excerpt that she quoted, they will note that, in fact, it is exactly what the gentleman from Oregon said. It says that the range is "comparable or greater" if you reduce the number of reentry vehicles. Well, of course. If you reduce the number of warheads, the missile will travel further; but that applies to both the C-4 and the D-5.

Mr. AUCOIN. I state again to all of my colleagues: The range is the same, at full payload.

□ 1250

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I could not let the last speaker, my good friend, the gentleman from Oregon [Mr. AUCOIN], go by without commenting on what I perceive to be some of his mistaken conclusions used to back up his argument in favor of the gentleman from New York.

Let me start with this: We are talking about deterrence. The gentleman from Oregon said we have got to have deterrence and we have got to be able to tell the Soviet Union that we will retaliate. But the question he did not answer was: Retaliate to what? Not necessarily with what, but to what?

There has not been, to my knowledge, a single Secretary of Defense for the last decade and a half who has not advocated having a hard-target-kill-capability missile. I do not think the gentleman can point one out. I do not think there has been a single arms negotiator for the United States of America who has advocated not having a hard-target-kill-capability missile. The reason for that is simply this: It is not so that we can shoot at empty silos, as I think the gentleman from California asserted, it is because another one of those hard targets we are talking about is, in fact, Soviet leadership.

What the gentleman from Oregon was really saying is that our response would really be to Soviet cities and to Soviet civilians, and that is the capability our submarines have right now—basically, to destroy people, to destroy women, children, old men, and cities.

The requirement that we have is to put the Soviet leadership at risk, not the people. I think if you look at the Soviet leadership's concern for their population, especially through the Stalin era—and including today, since the Politburo today is still made up mostly of old Stalin-era types—we do not see a great concern for the civilian population.

So I would assert that the gentleman's proposition is extremely inhumane, and that he is basically a lone ranger with regard to his position. American negotiators and American Secretaries of Defense do not agree with him. Very few arms negotiators—in fact, no arms negotiators that I have talked to or heard of—agree that we should not have hard-target-kill-capability weapons.

Mr. STRATTON. Mr. Chairman, will the gentleman yield to me?

Mr. HUNTER. I am happy to yield to my friend, the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I think that the argument that the gentleman from Oregon was carrying on would be adequately answered if he would take a look at page 13 in the committee report. The language there is as follows:

> By hardening and dispersing, the Soviets have effectively moved some targets out from under our existing strategic forces. Minuteman, Poseidon and the bombers are technically incapable of putting at risk the hardened time-sensitive targets needed to enforce deterrence. We therefore need to provide some new capability to threaten this class of targets. At the same time, we need to avoid moving too far. If the Soviets thought we had enough capability to launch a disarming first strike, they might be inclined to launch a first strike; this instability must be avoided. In addition, we need to deploy forces that can survive Soviet attacks, which will act to discourage preemptive strikes.

Mr. Chairman, that is on page 13 of the report, near the bottom of the page.

Mr. HUNTER. Mr. Chairman, I thank the gentleman from New York.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to my friend, the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding.

I have listened to this debate with a great deal of interest and particularly

wanted to congratulate the gentleman from Oregon on his eloquence. He certainly made a very eloquent argument, but he very slyly managed to depict two conflicting perceptions of this weapon at one time. And he is absolutely right. If deterrence is going to work, it is going to depend on the perception of they systems by the opponents.

The gentleman has characterized this system as having a killing, first-strike capability that will do nothing but shake the rubble. We cannot have it both ways. The fact of the matter is that since it is submarine-based, the Russians will perceive it as a retaliatory weapon that has a killing capacity, but it will not be perceived by the Russians as a first-strike weapon because of the manner in which it is based.

I think that should be made very clear, and I think it was rather sly the way the gentleman from Oregon managed to have the Russians perceiving it both ways. I am sure their planners would not plan on its being both things at one time.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for his very perceptive statement.

Mr. Chairman, let me just lay out for the gentleman from Oregon and my colleagues the arms race as it stands since 1972. The Soviet Union since 1972 has constructed over 800 SS-17, SS-18, and SS-19 missiles; we have constructed nothing in the way of a counterpart.

The have constructed over 200 strategic-capable Backfire bombers; we have constructed and rolled out only a couple of B-1's.

They have constructed and launched over 38 ballistic missile submarines; we have now a total of 6 Tridents. They have, I believe, 31 submarines under construction.

To move now to constrain our only really effective system at this point, in light of the problems we have had with our ICBM's and our bomber forces, would not be a very prudent measure.

Mr. DOWNEY of New York. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

First of all, I want to congratulate my colleague, the gentleman from New York [Mr. WEISS], for offering this amendment and carrying on the task I undertook several years ago. He has very ably carried forward the argument.

I frankly do not know what deters the Soviets. Fortunately for us, over the years we seem to have done a pretty good job of deterring them. During the "decade of neglect," which we always hear mentioned, during the period of the seventies, while allegedly we idly twiddled our thumbs and the Soviets went pell-mell into building weapons, we managed to treble the number of warheads in our own arsenal. That is hardly what I would call a period of neglect.

I think that this debate underlines a very fundamental difference between some of my friends in the Republican Party and the authors of the amendment, myself in particular, and that is: What type of force do we want to have? What we want is a nonaggressive retaliatory force.

Let me state the reason we want it to be nonaggressive. I know it is very difficult for some of my colleagues to accept this, because, after all, is it not very good to threaten the evil, sinister Russians? Is it not best for us to hold a heavy club over their heads and say, "We don't like what you do, and let me tell you, any moment we could end life in your country if we so choose"?

Unfortunately, both sides are capable of ending life in both countries. So this whole question of whether we threaten them or they threaten us is immaterial for the question of our mutual survivability.

One of the things that we need to understand is what sort of arsenal is best for U.S. security, regardless of what the Soviets do, because it is conceivable at some point that we may not have an arms control agreement, and we may not be able to determine through arms control what the Soviet force structure will look like. And given that reality—and let us assume for a moment, given this administration's track record, that we do not have arms control—we will have to proceed with building the very best and most secure arsenal for our country that we can have.

Now, what I propose and what I believe is, in fact, a secure deterrent is a system of land-based missiles, possibly the Midgetman and the Minuteman that we currently have, and a bomber force that will be comprised of B-1's and, hopefully, next-generation bombers. Also the sea-based leg of our triad, which is its most survivable leg. And what is best about the sea leg of the triad is that it is not perceived by the Soviets or by anybody else at this point as a first-strike system. It is a survivable second-strike system.

Now, this is the point that is made: Why should we not have a lot of hard-target weapons in our arsenal? After all, does the Soviet Union not consider its own survivability above all things?

Now, it is possible, and as evil and as sinister as I believe the Soviet Union to be from time to time, that they cherish their CBM survival, but at the same time that they cherish their own individual survival, I suspect as well, that they value the survivial of their people and believe that they would like to see the Communist system continue not only in the Soviet Union, but also for the rest of the world. And they cannot have that if world war III breaks out.

What the gentleman from New York [Mr. WEISS] has suggested to us today is a way of saving money by not building the Trident II missile, by keeping our retaliatory non-first-strike, nonaggressive system in place, and we can do whatever we want with this additional money. We could, if we so choose, build more Trident submarines faster with C-4 missiles. I would be happy to support such an effort. That would further enhance our retaliatory capacity.

This is the sort of effort that I believe makes eminent sense. It would put us in a position of strength. It would put us in a position before the whole world community of suggesting that the United States is serious when it suggests that it is interested in peace and the United States is serious in the interest of pursuing its own security.

□ 1330

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I would be happy to yield to the gentleman.

Mr. AUCOIN. Mr. Chairman, I appreciate the gentleman yielding. I think he is making an exceptionally good point on this amendment.

I would ask the gentleman if he in his understanding or belief thinks that fast, hard-target-kill weapons are needed for a retaliatory response?

The CHAIRMAN pro tempore (Mr. TRAXLER). The time of the gentleman from New York [Mr. DOWNEY] has expired.

(At the request of Mr. AUCOIN, and by unanimous consent, Mr. DOWNEY of New York was allowed to proceed for 2 additional minutes.)

Mr. DOWNEY of New York. I take the view that it is important to have some hard-target capability. We have that capability on our Minuteman III's. We certainly have it on the cruise missiles that we have, so we can go after Soviet command posts that are underground or hardened, with the existing capabilities we have.

I might add, the gentleman raises another point. It is not simply just a question of indiscriminate slaughter of Soviet citizens, versus hard targets that we can kill. You can destroy remotely situated industrial targets, their oil capacities, their rail-switching stations, their hydroelectric capacity. There are a whole variety of limited response options that you can have with the existing C-4 missile that does not indiscriminately kill Soviet citizens.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield further?

Mr. DOWNEY of New York. I would be happy to yield to the gentleman.

Mr. AUCOIN. Mr. Chairman, I appreciate the gentleman yielding again.

The point I am getting at, is it not true, in the gentleman's judgment, that counterforce, first strike, hard target, kill capability weapons, play to the advantage of the aggressor, not the victim who would want to invest in retaliatory weapons, not to the country which has forsaken on moral grounds the doctrine of first strike? Is that not true?

Mr. DOWNEY of New York. That is exactly true. If we are to be believed, and it is clear, a number of my Republican colleagues make the valid point that the Soviets really are not credible if they claim their force is a retaliatory one, because it is not structured as a retaliatory force. They put all their nuclear eggs in the land-based basket. Therefore, we can correctly assume that their arsenal is a first-strike arsenal.

How do you respond to the fact that they have decided to have a first-strike arsenal? By mindlessly aping them and having your own first-strike arsenal that is nonsurvivable? That would be silly.

What you do is say to them, "Fine. You go first. We go second and we can guarantee that your going first will cost you more than you will gain."

Mr. DORNAN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are two really weird lines on the House floor today. One we have just heard from the preceding Member, words I will never forget. "What America needs is a nonthreatening defense."

Is that not the most peculiar thing you have heard in your life?

But the thing that really brings me to the well this morning is the remarks of the gentlewoman from the bay area of San Francisco.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. I am glad to yeld to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I have been thinking about a nonthreatening defense to the Soviet Union and it occurred to me, just a suggestion——

Mr. DORNAN of California. Give me an example, I would like a suggestion.

Mr. HYDE. A huge boxcar of resolutions and a giant fan and at the moment of truth, we throw the switch and we cover the Soviet Union, we blanket the Soviet Union with resolutions from this body. How is that for a nonthreatening response?

Mr. DORNAN of California. It is not only imaginative and along the lines of the disarmament lobby in this House, whose numbers temporarily grow until 1986, but if I may have an adaptation on that, why do we not send a ship with a carton on top, with a load of resolutions and a fan that blows it over Beirut tomorrow and tells them to stop being mean and beating and torturing to death a young American petty officer?

Now, here is the worst statement on the floor today, the absolute worst, from the gentlewoman from the bay area, Babylon by the Bay in California.

The gentlewoman says, and I am going to check the RECORD tomorrow in fairness to make sure I get the words correct, the gentlewoman from California [Mrs. BOXER] said that the missile, the Trident II D-5 missile, is—and here are the verbatim words: "An example of what we are doing wrong to the world."

Oh, my God, what we, the United States of America, the leader of the free world, the major supplier of NATO arms, what we, the white hats, the good guys, are doing to the world.

Come on, Dick. Come on, gentleman from Oregon. Come on, gentleman from Massachusetts.

I want us on this side to counter every idiotic statement that comes out of the other side. There are 400,000 people, 100,000 go up on the cable system across the country that watches this House when we debate defense.

Let the Democratic Party and the Republican Party in the other body stay in a darkened chamber where they do not blow out the gallery walls so that all of America can watch this debate.

Let this country learn, starting today, that there is a group of disarmament people in the majority party, pacifistically minded, that have never voted for any defense system, including the gentleman from Oregon—nothing.

You can sit up here with unnecessary sarcasm, personally insulting the gentleman from Pennsylvania [Mr. WALKER]. It does no good. You are disarmament people. You are for absolutely nothing.

We are going to turn out in about 2 weeks at fault somehow in Beirut. Those are the arguments you are going to come up with. Those of you who have no military record are the most offensive ones of all.

Mr. AUCOIN. Mr. Chairman, I demand the gentleman's words be taken down.

Mr. DORNAN of California. Let us get some time here. I want to know what words the gentleman wants taken down.

The gentleman voted for nothing in his life in defense.

The CHAIRMAN pro tempore. Which words does the gentleman want taken down?

Mr. DORNAN of California. The only thing the gentleman voted for from Massachusetts is the A-10 nonsupersonic aircraft.

The CHAIRMAN pro tempore. The gentleman will suspend until the point of order is resolved.

Mr. DORNAN of California. Yes, Mr. Chairman, I will suspend.

The CHAIRMAN pro tempore. Will the gentleman from Oregon [Mr. AUCOIN] advise the Chair as to which words he is objecting to?

Mr. AUCOIN. Mr. Chairman, the gentleman characterized my debate and used adjectives that I think were personally insulting, wrong, inaccurate, and unbecoming a Member of the House of Representatives.

The CHAIRMAN pro tempore. The Clerk will attempt to report the words that the gentleman is complaining about.

Mr. DORNAN of California. I want them repeated on television.

□ 1310

Mr. WEISS. Mr. Chairman?

The CHAIRMAN pro tempore. The Chair would advise the gentleman that the committee is proceeding in regular order and the Chair is awaiting the Clerk's reporting of the words. There is a technical problem in transcribing. They will be available in a moment. We are proceeding under regular order.

The Chair would counsel all Members to remain calm.

Mr. AUCOIN. Mr. Chairman, would the Chair counsel all Members to watch their ties at the current moment?

The CHAIRMAN pro tempore. The Chair would note that during these proceedings there is no business or debate before the committee other than the reading of the words.

Mr. DORNAN of California. Mr. Chairman?

The CHAIRMAN pro tempore. For what purpose does the gentleman from California [Mr. DORNAN] seek recognition?

Mr. DORNAN of California. Mr. Chairman, I would like to ask unanimous consent to withdraw the words "dripping bile and venom from his lips," and replace it with "unnecessary sarcasm," if I could have unanimous consent for that?

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California? The Chair hears no objections, and blessed are the peacemakers.

The gentleman from California [Mr. DORNAN] has 1 minute remaining.

The Chair would ask the distinguished gentleman from Oregon [Mr. AUCOIN] if he withdraws his request that the words be taken down?

Mr. AUCOIN. Mr. Chairman, if the gentleman will apologize for the words that he actually did use I will be happy to withdraw my request.

The CHAIRMAN pro tempore. The gentleman from California [Mr. DORNAN] has modified the words by unanimous consent.

Mr. DORNAN of California. Mr. Chairman, if the gentleman will accept the characterization of "unnecessarily or unduly sarcastic" then I am willing to withdraw the overly harsh remarks of "bile and spleen dripping from his lips" as I did not physically see that.

Mr. AuCOIN. Mr. Chairman, my words were not overly sarcastic, so I will not accept that. But if the gentleman will apologize for the words he actually did use then I will withdraw my point of order.

Mr. DORNAN of California. Mr. Chairman, I will be glad to apologize for the words.

Mr. AuCOIN. Mr. Chairman, then I withdraw my point of order.

The CHAIRMAN pro tempore. Then the gentleman from California [Mr. DORNAN] has 1 minute remaining, and the gentleman will proceed in order.

Mr. DORNAN of California. Now, picking up on the wise counsel of the Chair, blessed are the peacemakers, let me suggest that in all debates, particularly defense debates, we should refrain from using unnecessary sarcasm or suggesting that Members who believe in a strategic defense are somehow or other simpleminded because they draw an analogy between a policeman's vest, bulletproof vest, and the shield of NATO, or a shield to stop the further militarization of space, which took place the day the first ICBM went on station at Vandenberg since it has to transit through space.

Our submarine deterrent we thought was powerful in this country until a young lady called the Christian Broadcasting Network and said that they had lost her small son to, and this is alleged, to her husband because he threatened to turn in her father, her uncle, and her brother as spies, betraying some of the most delicate secrets of the U.S. Navy and submarine deterrent.

We are living, and obviously both sides of the aisle agree with this, in the most dangerous period in the history of this fragile Republic, the oldest in the world, but still young in historical terms at just over 208 years, almost 209 years. I would suggest that when people on either side of the aisle, I have not heard it ever happen over here, suggest that we, the United States of America, are what is wrong with the world, that they document their case a little more thoroughly.

I have just returned from Ethiopia, and this Nation leads the world there, as it does with an earthquake in Yugoslavia, or China, or a famine anywhere in the world, in giving of our treasure and the blood of our young men like PO2c. Robert Stethem.

I yield back the balance of my time.

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the Weiss amendment.

We do not need the Trident II D-5 missile.

The D-5 is a first-strike weapon.

And we should not be in the business of building first strike weapons.

The D-5 is designed to destroy Soviet missile silos.

And since there is no point in destroying empty Soviet silos, this capability is useful only to strike first, in a surprise attack.

And it is against U.S. policy to strike first.

While the Trident I C-4 missile is said to have an accuracy of 1,500 feet, the New D-5 reportedly will be able to come within 400 feet of its intended targets.

This high degree of accuracy, combined with the yield of the W88 warhead now being developed for the D-5 will make the D-5 a silobuster.

Administration spokesmen are quick to point out that the United States has never had any intention of launching a first strike.

I suggest that the Soviets look at U.S. capabilities, not U.S. declarations.

They know what the D-5 can do.

But they can never know what U.S. leaders might do—that is the nature of deterrence.

Now I ask you. Just what do you think the Russians are going to do when we deploy a high yield, highly accurate D-5 missile?

When we have submarine launched ballistic missile that could take out their land-based missiles within 10 minutes of launch?

Are they going to sit there and do nothing?

Of course not.

They're going to respond.

It seems to me that there are two likely Soviet responses to deployment of this missile.

First, the Soviets can adopt a launch-on-warning policy, where they fire their ICBM's as soon as they detect an attack.

Second, they can develop first-strike SLBM's of their own.

Neither is good for America.

Encouraging the Soviets to put their strategic forces on a hair-trigger will increase the risk of nuclear war.

When both sides fear a sudden, disarming attack, they have incentives to launch their own forces in a crisis.

In such a world, a mistake or miscalculation could spark a thermonuclear war.

And encouraging the Soviets to develop powerful, highly accurate SLBM's makes U.S. strategic forces more vulnerable.

Right now, Soviet SLBM's are far less accurate than ours. They have very long ranges, and are usually kept in Arctic waters—away from our sophisticated antisubmarine warfare forces.

Should we encourage them to develop powerful highly accurate SLBM's, that could be deployed closer to the United States?

Missiles that could knock out our land-based missiles with virtually no warning?

I say no.

We would be far better off if we did not start a new round in the arms race by deploying a first-strike D-5 missile.

We would be far better off if we did not put both sides forces on a nuclear hair trigger.

We would be far better off if we adopted the Weiss amendment, and halted production of the D-5.

The choice today is between the C-4, which you use to deter a first-strike, and the D-5, which you use to launch a first strike.

Between a war stopper and a war starter.

Between deterrence and war fighting.

We've got a missile that can strike back. We don't need a missile that can strike first.

We've got a deterrent. We don't need a silobuster.

□ 1320

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I will be glad to.

Mr. HYDE. On this matter of first strike, I understand the point the gentleman is making, the more accurate our missiles become, the more dangerous they are, because their purpose as he says is only to hit a silo and we would only want to do that before they launched, hence it would be a first-strike weapon.

But I see another dimension to this problem.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(On the request of Mr. HYDE and by unanimous consent, Mr. MARKEY was allowed to proceed for 2 additional minutes.)

Mr. HYDE. Will the gentleman continue to yield?

Mr. MARKEY. I yield to the gentleman.

Mr. HYDE. It seems to me in the counterforce-countervalue argument that the more accurate our missiles can be as a second-strike weapon the more human life can be saved. We have been taught recently, I do not know how successfully, that targeting populations is immoral and we may not do it. But if we have highly accurate weapons to hit their military installations, not a silo, to hit command and control, that very fact might be very humanitarian if anything can be humanitarian in terms of a nuclear exchange. But the more accurate the weapon, the less collateral damage, the less loss of innocent life, and it seems to me we could look at this type of weapon with that perspective as

well as the other perspective which says it is only a first-strike weapon.

Mr. MARKEY. The gentleman has been successful over the past couple of years in having this House appropriate the money for 40 MX missiles with 400 warheads on them, with that first-strike capacity if you would so choose to use it. The Minuteman missile also has that kind of capacity to be able to provide that weaponry to our country if we should ever decide to use it in a retaliatory capacity. But with regard to the decision to build a massive fleet which would in fact give us the capacity of knocking out that 75 percent of the Soviet missile force which is on hand and putting this world closer to a hair trigger because they would not be fearful of the fact they would have a retaliatory capacity after the United States launches a first strike, in fact makes us much more dependent upon computers than human beings. That is the problem here, once you cross the threshold into a massive development of D-5 you have gone beyond the point we are using this nuclear bullet to provide that counterforce ability and go into the area where you can totally wipe out not selectively but massively their entire capacity to retaliate.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I would be glad to yield.

Mr. WEISS. I thank the gentleman for yielding. I want to commend him on his statement.

Mr. Chairman, I think we are just about ready to conclude the debate on this issue and I want to make one or two brief points.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(On request of Mr. WEISS, and by unanimous consent, Mr. MARKEY was allowed to proceed for 2 additional minutes.)

Mr. WEISS. Will the gentleman continue to yield?

Mr. MARKEY. I yield.

Mr. WEISS. In addition to all the arguments that have been made, I think quite validly, that you do not need a missile with warheads that have the explosive power of 475,000 tons of dynamite, nor do you need anything that comes within 400 feet rather than 1,500 feet of targets when the 100 kiloton of a C-4 will do as much damage as anybody would possibly want to industrial capacity, command capacity, you name it, it seems to me that we ought to also focus now, again, on great budgetary concerns that this Nation faces.

By going forward with the D-5, this House is going to be asking the American taxpayer to pay 30 additional billion dollars for no good and valid purpose. The Navy has said that it will have to retrofit its eight Trident subs, which are currently designed for the C-4 in order to be able to use the new D-5 missile. So both for the sake of humanity as well as for the sake of our budgetary situation it seems to me that the better part of wisdom is to adopt this amendment and stick with the very effective and explosive C-4 missile that is currently in use.

Mr. WEAVER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise simply to ask a question of the ranking minority member if he would be willing to answer.

Mr. DICKINSON. I will be glad to try if the gentleman will yield.

Mr. WEAVER. Why should we vote $30 billion for a weapon that gives us simply more accuracy when we can already obliterate with the C-4 about anything we want to obliterate? What is the value—why $30 billion for more accuracy?

Mr. DICKINSON. I am not sure that the gentleman was on the floor earlier when I covered this point. So I will be glad to try to state it again. I am sure if debate goes on long enough some more will wander in.

The advantage of increased accuracy and increased range is to first improve the security, safety of our men at sea, to give more ability to hide, so that they do not have to come as close to the mainland or their targets. Second——

Mr. WEAVER. Excuse me.

Mr. DICKINSON. You asked and I was trying to answer.

Mr. WEAVER. Go ahead.

Mr. DICKINSON. Two advantages that are gained by the D-5 missile are greater range, greater accuracy.

Mr. WEAVER. My question is on the accuracy. What value is the accuracy? Why should we pay $30 billion for this accuracy? What value is the accuracy?

Mr. COURTER. Would the gentleman yield to me?

Mr. WEAVER. I would appreciate very much the gentleman from Alabama.

Mr. DICKINSON. I will be glad to respond and then if you would.

Mr. COURTER. Would the gentleman yield to me to answer that question?

Mr. DICKINSON. My answer to the gentleman is that what we are really doing is recapturing the ground that we have lost by the Soviets hardening of their silos. They have entered a hardening program which really degrades our capabilities of taking out the silos as they exist.

Mr. WEAVER. Excuse me. What you are saying is we are going for the accuracy so we can hit their silos; is that it?

Mr. DICKINSON. That is part of it.

Mr. WEAVER. Is that not a first-strike weapon then?

□ 1330

Mr. DICKINSON. I understood the arguments, I think, that have been put forth by the people in the well that have preceded you, many of whom really would like to see us denuded; to have no military capability.

Mr. WEAVER. No, excuse me, if the gentleman would answer my question, is it a first-strike weapon?

Mr. DICKINSON. I am trying to say to the gentleman that the purpose—and you ask why we do not want to spend this money——

Mr. WEAVER. On the accuracy. I am asking about the accuracy.

Mr. DICKINSON. I think I have answered that. The Soviets have hardened their silos. They have made it necessary for us to increase our accuracy.

Mr. WEAVER. How is it a deterrent, I ask my friend from Alabama, to destroy their silos?

That is a first-strike weapon, is it not?

Mr. DICKINSON. Not necessarily, not necessarily.

Mr. WEAVER. The gentleman did say it had a first-strike potential.

Mr. DICKINSON. No; I did not say that. You characterized that and said is this not so. I said it could be perceived so, as I understood the arguments in the well.

Do not put words in my mouth; I did not say that. I will be glad to discuss it with you, but do not convolute or twist——

Mr. WEAVER. All right, I am asking you, what is the accuracy, additional accuracy for?

I would like to ask the gentleman from Alabama, what is the additional——

Mr. DICKINSON. Will the gentleman yield?

Mr. WEAVER. I will be glad to yield to the gentleman from Alabama to answer the question, what are we getting for $30 billion in the additional accuracy? What is the purpose and value of the additional accuracy?

The gentleman has said it could hit the Russian silos.

Mr. DICKINSON. I said that the principal reason was for the security and for the increased accuracy. You say, why should we need the increased accuracy?

Mr. WEAVER. Right.

Mr. DICKINSON. I say to overcome the hardening the Soviets have put on their silos. Also, to——

Mr. WEAVER. So it is for hitting these silos?

Mr. DICKINSON. Also to be able to pick other targets with some degree of selection, whether it be command and control bunkers and other targets that we might choose to pick, whether it be communications, transportation, or whatever, and not necessarily just the silos.

But as you increase your range, you must necessarily increase your accuracy, else the value of the weapon depreciates.

Mr. WEAVER. But the gentleman has said that it is because the Russians have hardened their silos that this additional accuracy could aid us in hitting the silos. That, to my mind, is a first-strike weapon, and the gentleman——

Mr. DICKINSON. Would the gentleman—well, I cannot help what is in the gentleman's mind.

The CHAIRMAN pro tempore. The gentleman's time has expired.

Mr. COURTER. Mr. Chairman, I rise to strike the requisite number of words.

I thank the gentleman. The gentleman in the well asked a question, and I was trying to have the gentleman yield to me so I could answer. I would like to do that, and I would be very happy to yield back time to the gentleman to respond.

First of all, the gentleman made the statement that the D-5 warhead is a first-strike weapon. The answer to the question is that it is a counterforce weapon but not a first-strike weapon.

In order to have a first-strike weapon by the United States, you would have to have sufficient hard target kill weapons in order to destroy all or most Soviet military targets; you are dealing with probably 10,000 targets.

So, indeed, it does have hard target kill capability, but is not and cannot be perceived by the Soviet Union as a type of weapon that can denude the Soviet Union of retaliatory capability. That is No. 1.

No. 2, it is important to have a hard target kill weapon in our submarines, or an MX, in order to give credibility to the deterrent that we have today. The problem has been growing during the past 10 years.

I think it can be conceded by this body that our retaliatory capabilities, our air leg of our triad, our land-based leg, and possibly, particularly with the Walker case and Soviet advancement in antisubmarine capabilities, our sea leg deterrent is vulnerable to a Soviet first strike.

At the present time, we cannot render unto them that which they can do to us. Our retaliatory force is not credible. If they did attack us, our only response would be a response against soft targets in the Soviet Union, killing tens of millions of Soviet citizens and would be responded by Soviets attacking our cities, which would guarantee the sure annihilation of America as a civilization.

Thus, our military response to a potential first strike by the Soviet Union would be incredible, because it would result in the annihilation of the American experiment.

Because of that lack of credibility, we have to deploy weapons that have hard target kill capability.

Also, and finally, your position needless to say is that it is OK for the Soviet Union to have weapons that put our retaliatory forces in jeopardy, but it is somehow not OK for the United States to have equal capabilities; I think that is wrong; there should be parity.

Mr. WEAVER. Would the gentleman yield?

I have only asked a question, and I continue to ask the question: How on earth is a first-strike weapon or a weapon that can hit their silos in any way a deterrence? They have shot their missiles up and I can assure you, if they do the first strike and have shot their missiles up, what is the sense of our hitting empty silos?

Mr. COURTER. Reclaiming my time, that is not the way the Soviet Union would react. What they would do, if a war planner was asked in the Soviet Union whether they could be successful in a first strike against the United States, is use just part of their arsenal for that first strike; maintaining a large reserve that would be secure for further retaliation.

We then would not be able to eliminate the balance of their forces with the weapons we have now. If we did build weapons that have counterforce capability, the Soviet Union would be deterred from a launch in the first place, because they know our responsive strike would jeopardize their further retaliatory capabilities and their leadership, command and control, radars, and other military soft target.

Deterrence, credible deterrence, is what we are talking about in this debate. In order to have parity, in order to have credible deterrence, we have to go forward with this weapon.

Mr. WEAVER. Would the gentleman yield?

Mr. COURTER. At this time, I would like to yield to the gentleman from Washington, if he is seeking time.

Is the gentleman seeking time?

Mr. DICKS. I want to seek my own time.

Mr. COURTER. I yield to the gentleman in the well.

Mr. WEAVER. I thank my friend from New Jersey.

My dear friend, if the Russians were mad enough to do a first strike on us and leave some of their weapons in their silos and we shot the D-5 to hit those silos—the Russians have already shot their weapons up, the first round, certainly then they would shoot the second round up on warning, and we would never hit them.

So what kind of——

Mr. COURTER. Reclaiming my time, the scenario is not the one that would be played out.

The importance here is what the Soviets perceive to be a logical reaction by the President of the United States. If the only reaction by the President of the United States is an attack against Soviet soft targets, that is, civilians, they know that the President of the United States is going to be counseled not to do it.

(By unanimous consent, Mr. COURTER was allowed to proceed for 1 additional minute.)

Mr. COURTER. The President of the United States would be counseled by all his advisors if the Soviet Union initiated a surgical first strike against our retaliatory system, and the only response that the President had would be against Soviet civilian population centers, the President of the United States would be counseled to do nothing but to surrender.

That would be your counsel and that would be my counsel. The counsel would not be that way if he had weapons that could respond in kind. Therefore, the President's threat would be credible and deterrence would prevail.

Mr. CARNEY. Mr. Chairman, I rise to strike the requisite number of words.

I think it is important that we all recognize that the D-5 gives us additional range, and when we talk about accuracies and we talk about first-strike capabilities because of the increased accuracies, we must recognize one thing: Accuracy is a function of range; the closer you are, indeed the more accurate the weapon can be, but as you increase range, you diminish your accuracy.

What we are attempting to do with the D-5 is to increase the range of the missile. That capability, if you can increase it 50 percent, will increase the amount of ocean you can hide a submarine in much, more more than 50 percent.

In fact, the 50-percent increase in range can yield perhaps five times as much ocean to hide in. So when you are moving back from your targets, you are losing the type of accuracy we are speaking about. The accuracy necessary for prompt hard-target kill capability.

If we use that extra ocean, then the D-5 missile will have the limited accuracy of today's C-4 missile.

□ 1340

So you begin to diminish that hard-target capability.

What we are, in essence, trying to accomplish is to get more ocean for the submarine, the launch vehicle, to hide in, and thus make it more difficult for an aggressor to track that launch platform, adding to that launch platform's survivability. That is the deterrence we are trying to accomplish. I would hope my colleagues would vote against the amendment.

Mr. WEISS. Mr. Chairman, will the gentleman yield on that point?

Mr. CARNEY. I yield to my colleague, the gentleman from New York.

Mr. WEISS. Just so that we have some equivalent base for understanding this increase of range issue, the gentleman agrees, does he not, that if the D-5 and the C-4 each have their full payloads, the range of those missiles is, roughly, the same, roughly, 4,000 miles? Does the gentleman agree with that?

Mr. CARNEY. I agree with the gentleman from New York.

Mr. WEISS. OK.

Mr. CARNEY. But if I may take back my time, I will say to the gentleman from New York that we are talking about a fully loaded missile, with the full load of warheads.

Mr. WEISS. OK.

Mr. CARNEY. Our planners do not necessarily load a missile with its entire capacity of warheads. You would be tipping your hand by doing that. We mix them. Some have few, some have full loads. We do that so we can gain more ocean.

Mr. WEISS. Right.

Mr. CARNEY. There is no doubt that if you have a fully loaded missile, you would have the same range. We are not going to fully load each missile. We are trying to find more survivability, more ocean. So we down-load the number of reentry vehicles.

Mr. WEISS. Will the gentleman yield for another question?

Mr. CARNEY. I yield to the gentleman from New York.

Mr. WEISS. Would the gentleman agree that if we down-load the C-4 that we also get the equivalent increase in range and we have more——

Mr. CARNEY. No.

Mr. WEISS. Well, of course it is true.

Mr. CARNEY. I would disagree with the gentleman.

Mr. WEISS. It is absolutely true.

Mr. CARNEY. We do not get the same range.

Mr. WEISS. Absolutely true.

Mr. CARNEY. That is not the case.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to my colleague, the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I was hoping that perhaps we could conclude the debate on this. I do not know how many other Members wish to speak. I see the gentleman from Washington standing. The gentleman from California has been recognized. Would the gentleman from New York think we could probably conclude the debate on this amendment and all amendments thereto in 20 minutes?

Mr. DELLUMS. I yield to the gentleman from New York [Mr. WEISS] for a response.

Mr. WEISS. I would agree with the gentleman from Alabama. Twenty minutes, I think, would suffice.

Mr. DICKINSON. Mr. Chairman, that being the case, I ask unanimous consent that debate on this amendment and all amendments thereto be concluded in 20 minutes.

Mr. WEISS. Mr. Chairman, would the gentleman agree that the time be divided between the two sides?

Mr. DICKINSON. The gentleman can have it all.

Mr. WEISS. I thank the gentleman. I appreciate that.

The CHAIRMAN pro tempore. The Chair will state the request.

The request is that all debate on this amendment and amendments thereto end in 20 minutes.

Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from California [Mr. DELLUMS] is recognized for 5 minutes.

Mr. DELLUMS. Mr. Chairman and members of the committee, we are now in the waning moments of this very important and significant debate, and I choose not to repeat the numerous arguments in support of the amendment offered by my distinguished colleague, the gentleman from New York [Mr. WEISS]. But I would simply like to go back to just a few moments ago when we were discussing nuclear war scenarios.

Mr. Chairman and members of the committee, there is something frightening and dangerous and surreal about my colleagues debating on the floor of the Congress about nuclear missile exchanges.

We are in Geneva at this very moment, Mr. Chairman and members of the committee, ostensibly about the business of backing away from the brink of nuclear disaster. Yet on the floor of Congress we are discussing scenarios of nuclear exchanges. And some of my colleagues, in great humility, even possess the enormous capacity to understand how this insane scenario would go forward. It will not happen quite like this or quite like that. How does any Member of this body know that, Mr. Chairman?

It only points up the insanity and the absurdity of attempting to pursue world peace through the development of thermonuclear technology, Mr. Chairman.

If we are going to preserve the integrity of life on this planet, I will argue passionately with my colleagues that we desperately need to internalize the notion that war is not an option. I repeat, for the purpose of emphasis, Mr. Chairman, that war is not an option in a nuclear age. Peace is not the alternative; it is the imperative.

If my colleagues could ever internalize the notion that in the nuclear age we render the whole notion of war obsolete and insane, we would back away from these absurd, almost surreal debates. We would back away from arms escalation that will only challenge our economy and challenge the future for our children and their children's children. We would then begin to embrace other forms of democratic and human institutional processes to allow us to handle the differences that exist between and among us as people and as nations.

I was thinking, as I listened to some of this debate, how would I look at this body if I were sitting in the gallery looking down. Mr. Chairman, I would be frightened. Mr. Chairman, what we are trying to say here is that pursuing this kind of technology is to pursue insanity. And I would like to hope that many of my colleagues can rise above political considerations and understand that we are doing nothing for ourselves and for generations into the future voting for this kind of an alternative.

We are indeed moving beyond deterrence to the development of a war-fighting capability, and we all know that. Why develop nuclear weapons with greater range, greater accuracy, and greater capacity to destroy unless we are contemplating fighting nuclear war?

As I have said on a number of occasions, I am a trained psychiatric social worker. And I would invoke that training at this moment, because I believe that anyone who thinks we can fight and survive and win a nuclear war is certifiably mentally disturbed. And for us to pursue a debate on the floor of this Congress based upon the assumption that we can intelligently and rationally pursue a strategy of nuclear war is a mind set that I cannot comprehend.

So we stand here talking about C-4's and D-3's and D-5's. These are all heinous weapons. Why do we need weapons to strike a silo if we have decided that our strategy is to strike second, never to strike first?

Why do we need weapons with greater range if our strategy is to strike second, not strike first?

These are indeed war-fighting strategies that we are pursuing. I repeat: War is not an option in a nuclear age. I would be willing to challenge any Member on this floor to an open debate, any Member who believes——

The CHAIRMAN pro tempore. The time of the gentleman from California [DELLUMS] has expired.

Mr. DELLUMS. Mr. Chairman, I ask if the gentleman from New York [Mr. WEISS] will provide me 2 additional minutes.

Mr. WEISS. Yes.

The CHAIRMAN pro tempore. The Chair is allocating time among the Members. Four Members were standing at the time the unanimous-consent

request was agreed to, the gentleman from California, the gentleman from Washington, the gentleman from New York, and the gentleman from Alabama.

Does the gentleman from New York [Mr. WEISS] yield 2 minutes of his time?

Mr. DICKS. Mr. Chairman, the gentleman from Alabama said he did not request any time.

The CHAIRMAN pro tempore. Under the unanimous-consent request for 20 minutes, the Chair counted who was standing.

Mr. DICKS. I understand that, Mr. Chairman, but the gentleman from Alabama said he did not want any time.

The CHAIRMAN pro tempore. If the gentleman from Alabama [Mr. DICKINSON] wants to yield his time, he can yield to the gentleman from New York [Mr. WEISS]. But the gentleman was standing at the time the request was made.

Mr. DICKS. Mr. Chairman, I yield 1 minute of my time of the gentleman from California [Mr. DELLUMS].

Mr. WEISS. Mr. Chairman, I yield 1 minute of my time to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. I thank both of my colleagues for yielding.

Mr. Chairman, I would be willing to debate any Member on this floor who could, with a straight face, assert that war is really an option, once we have developed this heinous capacity to destroy life. I would challenge any Member to articulately and eloquently stand here and assert that war is really an option once we develop this capacity to annihilate and level this planet beyond our comprehension.

And if no Member is willing to rise and debate on that question, then why are we pursuing this strategy of greater accuracy, greater range, greater capacity to destroy? Why are we spending $30 billion while we are threatening our senior citizens, threatening our children, creating greater unemployment, greater poverty, and increasing the index of human misery in this country to an astronomical level, threatening farmers in rural America, cutting back on programs that we desperately need while we develop a $30 billion program whose only objective is to threaten life on this planet?

If we are indeed in Geneva seriously, why then are we standing on this floor talking about war-fighting scenarios and greater capacity to destroy? We cannot have it both ways.

□ 1350

One day we argue we need this or that missile to go to Geneva; we are now at Geneva, what is the argument about pursuing this greater level of technology? We have to move beyond an arms escalation strategy. If we are at the negotiating table, let us develop a negotiating strategy. But it is not spending $30 billion pursuing the technology of annihilation. That is all this gentleman wanted to say.

I am just saying this debate becomes very surreal when we begin to talk about thermonuclear exchanges and war strategies.

Mr. CARNEY. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman.

Mr. CARNEY. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman might misunderstand my emphasis. My emphasis is the prevention of war.

The CHAIRMAN pro tempore. The Chair now recognizes the gentleman from Washington [Mr. DICKS].

Mr. CARNEY. Mr. Chairman, will the gentleman yield for 10 seconds so that I could finish my remarks?

Mr. DICKS. Yes; I yield to the gentleman from New York for 10 seconds.

Mr. CARNEY. I thank the gentleman.

As I was saying, the best way that we can prevent war is to be prepared and to ensure the survivability of our submarine leg of the triad.

Mr. DICKS. Mr. Chairman, I take the floor at this point to comment on the fact that in March of 1983, President Reagan wrote a letter to several Members of Congress in which he pledged not to develop a first-strike capability on the part of the United States, and reiterated that our policy is a policy of only responding to a Soviet first strike.

Now, I hope and pray that that is our strategy and believe that it should be. I also want to point out that last year on the defense authorization bill there was a requirement for the administration to come up with a report by April 15 that would explain how they would avoid developing a first-strike capability when you looked at the MX Program, you looked at the D-5 Program and you looked at the Midgetman Program. All three systems which have hard target capability. The report has not been submitted and it should be.

Now, as it focuses down on this amendment, yesterday we limited the MX Program to 40 MX's or 400 warheads. That will give us 400 weapons with prompt, hard target capability. I would point out to my colleagues that there is a distinction, a very important distinction, between the promptness of a submarine. It certainly does not have the same kind of prompt quality that a land-based missile does because of the difference in communication with the submarine. So it is not as prompt, and in my own view, should be viewed as a second strike, or as a retaliatory weapon.

I believe that the real debate will come later on the D-5. I think we need to look at a sub-ceiling in terms of the number of Trident submarines D-5 missiles that we have, and how many of those submarines we should equip with the D-5, and how many we should equip with the existing technology.

My own view is just as Congress has limited the MX at 40 or 50, which will be resolved by the conference, I think we also should consider sub-ceilings on D-5 for the Trident Program. But I would resist this amendment at this point because I do believe we need to have some improvement in the capability of our submarine-based missiles.

I would hope, particularly in light of what was done yesterday, that the House, and this committee, would reject the Weiss amendment but continue to study just how much of the D-5 program we actually want. I can see a situation down the road when we may want to have a limit on the number of D-5's, just as we have a limit on the number of MX's.

The CHAIRMAN pro tempore (Mr. DURBIN). The Chair recognizes the gentleman from New York [Mr. WEISS].

Mr. WEISS. I thank the Chair.

Mr. Chairman, following up on the statement of the gentleman from California [Mr. DELLUMS] it is my belief that no Member of this body, indeed, no American, no human being on this planet except those who are truly out of their minds want a nuclear war or think that a nuclear war can be fought and won or survived.

I think that the people in this body, on all sides, genuinely want to do those things which in their judgment would help to slow down the march toward the annihilation of humanity. The question really is of examining the various weapons systems and proposals that come before us and to judge with clear-eyed objectivity as to whether in fact the specific weapons proposal, weapons system, helps to slow down the march to extinction or whether in fact it accelerates it.

The D-5 in fact is a destabilizing weapons system which will take us much more quickly to a nuclear confrontation and the extinction of humanity. What we are talking about are 20 Trident submarines, which will be built in any event by the late 1990's. They will be equipped, each of them, with 24 D-5 missiles, each of which will have 8 warheads; 192 warheads on each of those submarines. A total of 3,840 warheads, each of which has the explosive power of 475,000 tons of dynamite. It is awesome power and it does not make any sense.

If my amendment is adopted there will be the same number of submarine missiles and warheads. The only difference will be that the missile will be the C-4 instead of the D-5. The C-4 does everything that the D-5 can do

except to bust the silos. That capacity makes the D-5 a first-strike weapon. It invites the Soviet Union, even if it has a mistaken impression, that we are about to launch an attack, to launch its weapons first so that they are not destroyed in their silos and we, meaning humanity, are off to destruction and annihilation.

We have a chance at this point to draw back from that fateful march off the cliff. Let us do it now while we have the time. We in no way endanger the defensive capacity or the offensive capacity of the United States of America. The C-4 is a fantastically powerful explosive weapon. It gives you all the range that the D-5 does; it still allows the Trident submarine, which is the newest submarine we have got, to range the seas. What it does is to take us away from the explosive power of this sea-launched ballistic missile whose only purpose can be to start a nuclear war.

Let us look at it objectively; let us say that because we voted to limit the MX's yesterday does not mean that we have done all that needs to be done for arms control and limitation. Indeed, if we do not adopt this amendment we may have undone whatever good we achieved by the limitation we put on the MX yesterday.

I urge my colleagues to vote "yes" on this amendment.

Mrs. HOLT. Mr. Chairman, I ask unanimous consent to be granted the 5 minutes previously granted to the gentleman from Alabama [Mr. DICKINSON].

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

The CHAIRMAN pro tempore. The gentlewoman from Maryland [Mrs. HOLT] is recognized for 5 minutes.

Mrs. HOLT. Mr. Chairman, certainly we have debated this issue long and gone into it in great detail. I do not think there is anybody in this House that feels that anybody can win a nuclear war. There is nobody in this House that even wants to think about beginning that kind of thing.

I also feel very strongly that there is nobody here that does not recognize that that nuclear umbrella, the deterrent that we have had, has kept the peace over the last 30 years. I think that this is important; we are trying today to modernize our weapons systems so that we do protect our young people who are willing to stand up for this country to protect us.

I think that it is absolutely essential that we continue this kind of development to make certain that we do have that nuclear technology that has provided the deterrent that has kept the peace. I urge defeat of this amendment.

The CHAIRMAN pro tempore. 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 vote was taken by electronic device, and there were—ayes 79, noes 342, not voting 12, as follows:

[Roll No. 171]

AYES—79

Ackerman
Atkins
AuCoin
Bates
Bedell
Beilenson
Berman
Bonior (MI)
Boxer
Bruce
Burton (CA)
Clay
Collins
Coyne
Crockett
Dellums
Dixon
Dorgan (ND)
Downey
Dymally
Early
Edgar
Edwards (CA)
Evans (IL)
Frank
Garcia
Gejdenson
Gray (PA)
Hawkins
Hayes
Kastenmeier
Kennelly
Kildee
Kostmayer
LaFalce
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lowry (WA)
Markey
Matsui
Mavroules
McHugh
Miller (CA)
Mitchell
Moakley
Morrison (CT)
Mrazek
Oberstar
Obey
Owens
Panetta
Penny
Rangel
Rodino
Roybal
Russo
Sabo
Savage
Scheuer
Schumer
Seiberling
Solarz
St Germain
Stark
Stokes
Studds
Towns
Traficant
Traxler
Walgren
Waxman
Weaver
Weiss
Wheat
Williams
Wolpe
Yates

NOES—342

Addabbo
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Barnard
Barnes
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonker
Borski
Bosco
Boucher
Boulter
Breaux
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (IN)
Bustamante
Byron
Callahan
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clinger
Coats
Cobey
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Cooper
Coughlin
Courter
Craig
Crane
Daniel
Darden
Daschle
Daub
Davis
de la Garza
DeLay
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Donnelly
Dowdy
Dreier
Duncan
Durbin
Dwyer
Dyson
Eckart (OH)
Eckert (NY)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Fascell
Fawell
Fazio
Feighan
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Franklin
Frenzel
Frost
Fuqua
Gallo
Gaydos
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Gray (IL)
Green
Gregg
Grotberg
Guarini
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Hansen
Hartnett
Hatcher
Hefner
Heftel
Hendon
Henry
Hertel
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kemp
Kindness
Kleczka
Kolbe
Kolter
Kramer
Lagomarsino
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Loeffler
Long
Lott
Lowery (CA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Martinez
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McKernan
McKinney
McMillan
Meyers
Mica
Michel
Mikulski
Miller (OH)
Miller (WA)
Mineta
Molinari
Mollohan
Monson
Montgomery
Moody
Moore
Moorhead
Morrison (WA)
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Olin
Ortiz
Oxley
Packard
Parris
Pashayan
Pease
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Rudd
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NH)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Watkins
Weber
Whitehurst
Whitley
Whittaker
Whitten
Wirth
Wise
Wolf
Wortley
Wright
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NOT VOTING—12

Badham
Conyers
Dannemeyer
Dornan (CA)
Hall, Ralph
Jeffords
Myers
O'Brien
Pepper
Strang
Udall
Wilson

□ 1410

The Clerk announced the following pairs:

On this vote:

Mr. Conyers for, with Mr. Strang against.

Messrs. BOLAND, FOGLIETTA, and CONTE changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SYNAR

Mr. SYNAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SYNAR: At the end of title I (page 22, after line 23) insert the following new section:

SEC. 111. ADVANCED TECHNOLOGY BOMBER.

(a) REPORT ON TOTAL PROGRAM COST.—Not later than February 1, 1986, the Secretary of Defense shall transmit to Congress a report setting forth the total program cost for the advanced technology bomber program. The Secretary shall include in the report the Secretary's evaluation of the reliability of the cost estimates for the program.

(b) LIMITATION ON EXPENDITURE OF PROCUREMENT FUNDS.—No funds appropriated pursuant to the authorizations of appropriations in this title may be obligated or expended for the advanced technology bomber program until the report required by subsection (a) is transmited to Congress.

□ 1420

Mr. SYNAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. SYNAR. Mr. Chairman, the amendment I am offering is very simple. It says that the Defense Department must report to Congress on how much it plans to spend on the Stealth bomber program, and it says that no funds can be spent on procurement until the report is submitted to Congress.

Aviation Week, the authoritative aerospace journal, recently reported that the Pentagon may be funding production start-up money for the Northrop advanced technology bomber—Stealth.

Covert full-scale production of Stealth could be a disaster, both from the standpoint of the precedent such a step would represent and because it would be a needless risk that could boomerang and damage our national security. Deep secrecy surrounding the cost of Stealth obviously deprives the Soviets of some technical details. But the secrecy of the program cost also prevents Congress from exercising its oversight responsibility.

For us to commit to buying Stealth without first flying it could only be justified on three grounds: one, minimal technical risk; two, a significant weakness in American capabilities; or three, an equally significant increase in the threat to American security. None of these conditions exists. There is no reason for us to buy an airplane which hasn't flown and whose cost and performance are unknown.

We have seen rampant cost overruns even when Pentagon programs are subject to full price disclosure. One can easily imagine what might happen to a program that is insulated from congressional oversight.

Indeed, we may already be paying the price for the secrecy of Stealth costs. The Washington Post recently reported that "the Stealth is running far above cost estimates, according to Air Force sources, making it a candidate for stretchout."

Stealth represents only a small portion of the growth in DOD "black" programs. Defense Week reported last year that the amount of money spent each year on the Pentagon's highly classified and restricted "black" projects has soared by at least 777 percent over the past 5 years, according to estimates derived from public Pentagon documents. These are programs that are shielded from public scrutiny and congressional oversight and insulated from any incentive to keep costs within schedule.

Less than 4 years ago, a parade of expert witnesses before congressional committees described the uncertainties surrounding Stealth. The Air Force chief of staff cautioned against acceleration of Stealth because of the "quantum leap in technologies and consequent uncertainties involved."

Richard DeLauer, then Undersecretary of Defense, warned Congress to "stop betting on advanced technology before you prove it. Do some testing and some configuration development before you enter production. Once you enter production, for goodness sakes, have some competition throughout the program so no one gets in a sole source position." His words have been lost in the rush to get Stealth underway before Congress can examine its true worth.

Congress is in the process of an unprecedented abdication of its oversight responsibilities. The result could be a serious threat to our national security and the possibility of billions in squandered defense dollars. At the very least, Congress should be told what the ATB will cost and make a decision from that information about whether to begin procuring the ATB.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the committee has had an opportunity to examine the gentleman's amendment. It is a good amendment which the gentleman proposes. With the understanding that the report that the Secretary is required to submit under the gentleman's amendment would be either classified or unclassified, as the Secretary himself determines, we would accept the amendment.

Mr. SYNAR. Mr. Chairman, if the gentleman would yield, I thank the gentleman from New York.

I might point out that would be the Secretary's discretion.

Mr. HOPKINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to enter into a brief colloquy with the gentleman from Oklahoma, if he would.

Does the gentleman's amendment in any way endanger the high technology of Stealth as it relates to classified information?

Mr. SYNAR. In no way does it do that, because the Secretary of Defense could classify all the information that is provided for Congress, not only the cost. All we are asking for in this report is the cost and it in no way affects the technology.

Mr. HOPKINS. Does the gentleman's amendment in any way put at risk any of the programs that come under the black box technology?

Mr. SYNAR. No, it does not. In fact, it probably protects them more by not in the amendment designating this as classified, therefore raising the spectrum about the other reports under the black box.

Mr. HOPKINS. So as I understand the amendment, all the gentleman is really asking for basically is what we in the Congress have a right to know before we enter into a procurement mode; that is, how much does it cost.

Mr. SYNAR. The gentleman is absolutely correct. I think at a minimum we in the Congress ought to have that number before we make the decision that could cost billions of dollars.

Mr. HOPKINS. I thank the gentleman from Oklahoma.

Mr. Chairman, I think this is a reasonable amendment and certainly one that I support.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am going to support the Synar amendment, but I just want to make a few comments.

First of all, I have had a chance to visit and to be briefed extensively on the Advanced Technology Bomber Program as a member of the Defense Appropriations Subcommittee. I happen to believe this is a very good program and that it is in excellent shape.

As most Members know, the existing Bomber Program is to build 100 B-1 bombers and then transition to the advanced technology bomber. I think the B-1 is an excellent program, I think the contractor and the Air Force have done an outstanding job, not only of holding down the cost, but keeping the $20.5 billion commitment.

As one of those who fought for multiyear procurement of the B-1, I think we proved two things; one, that multiyear procurement does lead to cost stability, and second, that it produces substantial savings. We are going to come in below $20.5 billion on the B-1 Program.

Now, having said that, I believe that making the transition from the B-1 Program to the advanced technology bomber is vital to the national security of this country.

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I think the new technology offers us a great deal that we are going to need to meet the Soviets air defense threat in the 1990's and beyond.

So I hope that this amendment is one that will provide necessary information, but I just want to caution my colleagues that I believe that the program that we are on should be strongly supported.

The Air Force has made it very clear that is supports 100 B-1's, but then it wants to make the transition to ATB, and based on my own assessment I see nothing that should change the scenario.

So let us support the Synar amendment, but let us also remember that the Air Force and the Defense Department, and this Congress will continue to support strongly the Bomber Program as currently structured.

□ 1430

Mr. McCURDY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to rise in support of the Synar amendment and commend my colleague from Oklahoma for a very thoughtful amendment.

I, like the gentleman from Washington, am very concerned about the development of the ATB, and believe there are some very vital technologies involved. However, the gentleman from Oklahoma has raised a very important point and that is the number of programs that have become classified to the extent that their cost is continually hidden and buried and they are mounting. I think it is important that we in the Congress look at the costs and that this is not going to threaten the technologies, nor the security of the program itself by examining the research and development costs and procurement costs.

Again I appreciate the chairman of the Procurement Subcommittee and the chairman of the full committee for accepting this amendment and the gentleman from Oklahoma for offering the amendment.

I yield back the balance of my time.

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in regard to the Synar amendment, we have looked at it and discussed it. Let me say for the benefit of the Membership it was the intent and purpose of the Department of Defense, the Air Force and this body that we were going to buy 100 B-1 bombers. At that time the line would be phased out and we would produce the advanced technology bomber. We are reaching the point where such a decision must be made.

In order to reach that decision we have to have certain technical information or even cost information as to where we stand as to the ATB or advanced technology bomber. I think the information requested in this amendment certainly would be necessary for us to make an informed decision, so I would certainly accept it.

But while I still have the time I wonder if I might have the attention of the chairman in order to have a small colloquy as to where we go from here. If the chairman would respond, a number of the Members are interested in what time would be allotted on the floor today, also tomorrow and the rest of the week. Will we be working late tonight or tomorrow or Friday?

In a private conversation with the chairman I was given to understand that perhaps a decision had been made with the leadership. I think it would be helpful if you could inform us as to what we might reasonably expect in terms of working today, tomorrow, and Friday.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I am happy to yield to the gentleman from Wisconsin.

Mr. ASPIN. I thank the gentleman for yielding. Let me say at this point that the next thing we are going to get into is the binary issue which is a very contentious issue and one which a lot of people feel very strongly about. There are two or three amendments.

We would like to finish by a reasonable hour today. By reasonable hour I would say 6:30 or 7 o'clock. So I would hope we would be able to do the binary this afternoon.

That would complete title I. That would leave us to start title II tomorrow.

It is the intention of the chairman of the committee to run tomorrow again to a rather reasonable hour tomorrow night. The leadership was consulted, the leadership on the Democratic side and they thought that going beyond about 6 or 7 again tomorrow night would not be a good idea since we will start at 10 a.m.

It is, however, our intention to have a session on Friday to start at 10 o'clock and to finish by 3 on Friday.

I would have to tell the members of the committee here that it is not very likely that we are going to be able to finish the bill on Friday. But we are up against some constraints about how much time we are going to have available next week, to do the DOD bill. We are going to have a supplemental coming back from conference and other things that have to be done before the Fourth of July recess and it is just imperative that we get that 5 hours in on Friday. It is not a pleasant situation, but it is better than running on Friday, a week from the day after tomorrow, which would be bumping up against the Fourth of July recess.

So to answer the gentleman's question, it is the intention of the committee here to go until a reasonable hour tonight, start at 10 o'clock, go to a reasonable hour tomorrow night, and start at 10 o'clock on Friday and go until 3 p.m.

Let me just finish up by saying that there is no way that we will have a session on Monday. So if it goes over, it goes over until noon on Tuesday.

Mr. DICKINSON. That was the question that I wanted to clarify. We would not have a session on Monday so far as this bill is concerned, and it is the gentleman's understanding that we really would just have a pro forma session?

Mr. ASPIN. The leadership should really address that issue. But in talking to them they said there were other conflicts and they could not schedule a session on Monday and we would be back in session at noon on Tuesday. And if we had not finished the DOD bill we would be back on the DOD bill at noon on Tuesday.

Mr. DICKINSON. And it is your intention, at least, that the next item of business would be the chemical warfare amendment by the gentleman from Florida [Mr. FASCELL] and the gentleman from Illinois [Mr. PORTER]? That would be the next order of business?

Mr. ASPIN. The gentleman is correct. We have a couple of amendments to that and it is going to be a hot issue and I hope we can settle that this afternoon.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I will be very pleased to yield.

Mr. FASCELL. I just wanted to ask the chairman, since he seems to have gotten some information from the leadership with regard to the schedule, he says the supplemental is coming back next week.

Mr. ASPIN. It may. It may.

Mr. FASCELL. I am just curious, in your discussions with the leadership did they happen to mention what has happened to the foreign aid bill that is supposed to be on the schedule for next week?

Mr. ASPIN. I will report to the gentleman that I forgot to ask, and I am sorry. The next time I see one of the leadership I will ask them, if I remember.

Mr. FASCELL. I just thank the gentleman. He is very kind and I hope he will find out something before I do.

Mr. DICKINSON. I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oklahoma [Mr. SYNAR].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PORTER

Mr. PORTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PORTER: Page 2, line 15, strike out "$2,357,600,000" and insert in lieu thereof "$2,276,700,000."

Page 11, line 17, strike out "$6,591,800,000" and insert in lieu thereof "$6,570,300,000."

Page 11, line 23, strike out "$1,139,700,000" and insert in lieu thereof "$1,118,200,000."

Page 13, line 16, strike out "$9,043,900,000" and insert in lieu thereof "$9,021,800,000."

Page 13, line 18, strike out "$1,389,200,000" and insert in lieu thereof "$1,367,100,000."

Page 22, after line 23, insert the following new section:

PROHIBITION OF SPENDING FUNDS FOR BINARY CHEMICAL MUNITIONS

SEC. 111. None of the funds appropriated pursuant to authorizations of appropriations in this title may be used for procurement of binary chemical munitions, including advanced procurement of long-lead components or for the establishment of a production base for such munitions.

Mr. PORTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

(By unanimous consent, Mr. PORTER was allowed to proceed for 10 additional minutes.)

The CHAIRMAN pro tempore. The gentleman from Illinois [Mr. PORTER] is recognized for 15 minutes.

Mr. PORTER. Mr. Chairman, what this amendment does is to delete from the Defense authorization $124.5 million for chemical weapons production; $21.7 million of that is in 155 millimeter projectiles, $59.2 million of that is in Bigeye facilities, and $43.6 million of it is in Bigeye production.

It also does not allow reprogramming of funds from other sources for chemical weapons production.

What the amendment does not do is affect R&D which remains at $33 million and which I favor. It does not affect chemical defensive measures which total $936 million and which I also favor, and very strongly favor. Nor does it affect the account for demilitarization of $132 million.

Mr. Chairman, Congress has rejected chemical weapons funding for 3 straight years and nothing in my opinion has changed regarding chemical weapons. We still have an adequate chemical deterrent. NATO still will not take any new binary chemical weapons even if we produce them, and the Bigeye bomb is still not ready for production.

Mr. Chairman, one thing has changed over the last 3 years and that is that our deficits are larger than ever, our national debt now approaches $2 trillion, and it seems to me under those circumstances that the burden is upon those who ask the Congress for any new spending programs, particularly one that is going to cost $2.6 billion over the next 5 years, to show what compelling evidence they might have that we must spend this money and we must go further into debt.

□ 1440

In my judgment, there is no such evidence. We should not undertake such a new spending program, and the case certainly has not been made for it.

Mr. Chairman, I have been a strong supporter of this Nation's defense ever since I was elected to Congress 5 years ago. I have supported the MX missile. I have supported the President's policy in Central America and, from my perspective, this is not a question of hawks versus doves, this is a question of whether we should waste America's resources in the face of a huge deficit by buying what we do not need.

In my judgment, we do not need it, we cannot afford it, we cannot deploy it, and even if we could do all those things, it is not ready to be done.

Last year I undertook a number of trips and briefings to learn more about chemical defense and chemical weapons production. I went out to the China Lake Weapons Center, where the Bigeye bomb was developed and tested.

I visited the Marquardt Corp. in Van Nuys, CA, where the Bigeye would be built.

I inspected a large portion of our nerve gas supplies, our artillery shells, which are kept at our base at Tooele Army Depot in Utah.

I might say I was the first Congressman ever to stay overnight at the Dougway Proving Ground, a remote area in Utah where chemical defensive equipment is tested, and I have a plaque on my office wall to prove it.

I have had a number of briefings by the Department of Defense, by industry officials, by the CIA. I invited Members to come recently to a briefing by the CIA on this issue, and European government officials, all on the subject of whether, after 16 years from the moratorium declared by President Nixon in 1969, this country should resume chemical weapons production.

Mr. Chairman, my conclusions are, after extensive study, that our country in fact does need a chemical deterrent, and I stress that, does need a chemical deterrent, but in fact we have a sufficient chemical deterrent, not perfect to be sure, but adequate to meet our defensive needs; that we cannot afford a new spending program of $2.6 billion; that NATO will not take any new chemical weapons that we produce; and that the Bigeye bomb after 20 years is not, still not ready for production.

I would like to discuss each of those conclusions in some detail, if I may.

Mr. Chairman, Secretary Weinberger says we have a sufficient stockpile of artillery shells, and I would like to quote from his testimony before a congressional committee.

Mr. WEINBERGER. The United States possesses a stockpile of chemical nerve agent artillery shells similar to the proposed M-687 binary rounds that are compatible with modern 155 millimeter and 8-inch artillery pieces. The quantity is in the range of sufficiency, at least for United States forces and actually is higher than the planned acquisition quantity for the binary projectile.

The significant questions regarding chemical artillery shells are how long will existing shells remain usable and are they now and will they remain safe to fire?

His conclusions were that they are.

Second, and I would like to ask unanimous consent, if I may, Mr. Chairman, to exhibit to the House an estimate of the size of our stockpile prepared by a British scientist, Julian Percy Robinson.

The CHAIRMAN pro tempore. The gentleman requests permission to display extraneous matter in the debate.

The gentleman will have to receive permission for extraneous matter to be inserted in the RECORD in the House, not in the Committee of the Whole. But the gentleman may use the display during debate at the sufferance of the Committee of the Whole.

The gentleman may proceed.

Mr. PORTER. Mr. Chairman, the chart will indicate that we have a stockpile that exceeds, according to Mr. Robinson's estimates, 2 million projectiles, which is a quantity that is, I might say, far in excess of what we may need.

The United States has one chemical weapons depot in West Germany, with 4,000 tons of ordnance. And to give you an idea of what that means, it means that with our stockpile alone, that amount would be able to cover 9,000 square miles with chemical nerve agent; which is sufficient to kill every human being on this planet 5,000 times over, and if we were to fire one chemical round for every 20 artillery rounds from that stockpile, we would be able to fire continuously for 8 months.

Mr. STRATTON. Would the gentleman yield to me on that one factual point?

Mr. PORTER. I will be happy to yield to the gentleman at the end of my remarks.

Mr. STRATTON. I just wanted to find out exactly when Mr. Weinberger made the statement which the gentleman attributes to him? Was that this year before the Armed Services Committee?

Mr. PORTER. That was testimony in 1983.

Mr. STRATTON. 1983? That is the same old stuff that we have heard year after year.

Mr. PORTER. If I may reclaim my time, if we were to fire one chemical round for every five stockpiled in Europe alone, it would still last over 2 months. Tom Welch, Assistant to the Secretary of Defense in charge of chemical weapons for the Pentagon, said we can fire every one of these shells, we have the existing pieces to do so. And I might say also to the Members that often it is judged somehow that the size of the Soviet chemical stockpile is relative; it is not. I do not know of any responsible military planner who ever considers the Soviet buildup is relevant to what we need. You do not fire chemical shells at one another. The purpose is first to deter chemical first use, and that is the first question you should ask about a stockpile; is it sufficient to deter chemical first use? And the second question is, will it cause the enemy to put on protective gear, and meet these strategic and planning needs of our own military objectives? The answer to those questions is yes, and they are "yes" even by Mr. Weinberger.

Some people have raised questions of safety. There is no question of safety regarding the stockpile. Parts of it at least have been in existence for 40 years. All of it has been there at least since 1969. During that time, there has been no incident involving any injury as a result of the existence of the stockpile.

Senator GARN has been quoted before in this Chamber about his opinion on that subject. It is very clear that nerve gas, although it has been stored in the United States for many, many years, is not a safety problem. So the whole issue of binaries to solve a safety problem really does not exist.

Two years ago there was a blue ribbon panel appointed by the Department of Defense to look into this question of leakers. Among other conclusions, they said the fraction of leakers is small, less than 6 per 10,000 artillery projectiles. That is way, way, way under 1 percent. They said also in general the components of the emissions appeared to be in good shape except for rare instances of imperfections in the brazed joints mentioned earlier. These appear to be related to manufacture rather than to aging.

They also said, and I confirmed this myself by being there and seeing it onsite, the surveillance procedures currently in use for developing leakers in storage are well instrumental and well monitored. We have an extremely capable, conscientious program of maintaining the safety of these shells in storage.

□ 1450

I might also say that the commission that was appointed earlier this year looked into this entire question and recently—and that is just within the last week or so; I think the report is dated June 7—have said:

The commission has found that:

> Rumors of the stored munitions being dangerous or leaking appeared to be exaggerated or inaccurate. The number of artillery rounds in which leakage has been found is infinitesimal; amounting to 6 per 10,000 artillery rounds.

Panels of scientists from the National Research Council that conducted tests in 1983, concluded that:

> Metal parts of most kinds of artillery rounds and bombs were sound. All the weapons in Europe are serviceable. Only two types of munitions: the obsolete M-55 battlefield rocket and some bombs filled with a non-lethal incapacitant present any immediate safety problems.

And those, of course, are being taken care of.

They also said the 1983 tests, however, found only a "small diminution in potency, some of which may reflect original manufacturing impurities." So what they said is, the unitary projectiles that we have on hand, which are huge in number, are in good shape; there is no safety problem; they are suitable for firing; they are available for firing, and they provide an adequate deterrence.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Florida.

Mr. FASCELL. I thank the gentleman for yielding. I simply want to say that I strongly support the gentleman's amendment for policy reasons, for security reasons, for technical reasons, for economic reasons, and just because it is good common sense. I do not think we ought to be stockpiling the money for something we do not need and cannot use.

For the fourth straight year, we are facing this DOD request for binary nerve gas weapons. Members must ask themselves whether they would want to fund binary nerve gas weapons that:

Add hundreds of millions and eventually billions of dollars to our $200 billion deficit;

Have never been field tested and continually fail laboratory tests;

Have been rejected by our closest NATO allies;

Kill civilians in droves while leaving protected enemy soldiers unharmed; and

Make chemical weapons proliferation and terrorist use more likely while making arms control less likely.

We do not need a new chemical weapons capability now. Our national security does not need it, and our national defense and foreign policy would suffer as a result of approving such a program. That's why a bipartisan majority in the House has decisively rejected the DOD request for new nerve gas weapons for the past 3 years. This is a cut in defense spending on which many Democrats and Republicans have agreed and should agree on again.

The arguments for these new nerve gas weapons are dubious and weak.

We are told that the weapons, the Bigeye bomb and the 155mm artillery shell are modern, safe, and, this year, a "success story." In fact, the Bigeye bomb is an old bomb, 20 years in research and development, and still plagued with operational problems and test failures.

The binary artillery shells are called safe and harmless. Yet they contain the chemical DF which is as toxic (maybe not letal) as the chemical which leaked at Bhopal, killing 2,000 people.

The past history of the Bigeye bomb is full of claims about its readiness. But in 1982, the Bigeye prematurely exploded and spewed deadly gas at an Army facility. New flaws and failures keep happening. The fact is that the Bigeye bomb is just not ready for production this year. Again, this year, we have uncovered, with the expert assistance of the General Accounting Office continued failures of the Bigeye bomb involving pressure, heat, purity, moisture, structural, and fusing problems. Just last week, the GAO reported that in even the most recent tests, the Bigeye bomb has yet to meet chemical purity and biotoxicity standards set by the Department of Defense. The differences that exist don't offer much support for DOD's claim that success has been achieved. It appears as if someone in DOD has simply decided to declare success-victory this year and make an all-out fight for support of the program regardless.

We are told that our current stockpile is old, inadequate, and needs to be replaced by these new binary nerve gas weapons in order to present a more credible deterrent to the growing Soviet chemical threat. The bottom line, however, on that replacement would mean that the stockpile would be significantly smaller and it would be based here in the United States and not in Europe where it is needed as a deterrent to the Soviet threat.

So, again, let's get to the facts. Our current stockpile is adequate and it does present a credible deterrent to the Soviets because it is based on Europe. We have over 1 million unitary nerve agent artillery shells in our current stockpile and thousands of 500- and 750-pound. nerve agent bombs. The DOD itself states that the unitary munitions we currently have and deploy in Europe are good in quantity and quality into the 1990's. The American Chemical Association estimates that we have enough chemical weapons to kill everyone in the world 5,000 times over.

A decision to produce binary nerve gas weapons would actually reduce our

stockpile, eliminate deployment in Europe, and create a logistical nightmare in time of war or any military crisis in Europe. Just consider how those factors would undermine the credibility of the deterrent value of our current stockpile.

It makes no sense to produce new weapons that cannot be based where they are needed. NATO governments have not agreed to accept these new nerve gas weapons to be pre-positioned on their soil. NATO Defense Ministers, at a meeting last month in Brussels, were so opposed to these weapons that the United States was forced to withdraw a proposal to have our allies formally endorse modernization of our chemical deterrent in Europe with these new binary nerve gas weapons. And we all know, if those weapons can't be based in Europe, not only is their deterrent value close to zero but then our troops in Europe have no real chemical retaliatory capability in Europe.

We are also told that our best deterrent is new chemical weapons. Congress has taken a position for the last several years that the most important first step in assuring a credible deterrent is to protect our troops. U.S. troops need to be protected against chemical attack and Congress has provided adequate funds for several years to improve our defensive Chemical Warfare Program. Unfortunately, a recent GAO report has uncovered continuing deficiencies in this program. Production of new nerve gas weapons will not improve our deterrent in the face of these serious deficiencies in chemical defense. Masks that leak, protective suits that leak when wet, gloves and boots that are flammable do not protect our troops. An improved defensive chemical capability, along with our current retaliatory arsenals, is ultimately the best deterrent against chemical use.

The bitter irony of the administration's prochemical weapons production policy is that it gives the Soviets another propaganda advantage in the world community.

Our refusal to embark on a binary chemical weapons production program distinguishes the United States from reprehensible Soviet chemical warfare activities. Let us preserve, not blur, that distinction.

In a comprehensive study on the proliferation impact of the U.S. binary production program, a CRS report for my subcommittee demonstrates that binary production makes the proliferation of chemical weapons more, not less, likely.

The report points out that binary components are technically easier to produce than unitaries and that the raw materials needed for production are readily available in commercial markets worldwide.

That same report also concludes that the potential use of chemical weapons by terrorists would be encouraged by a U.S. decision to produce binary chemical weapons. The report succinctly concludes: "From the terrorist prospective, there are technical advantages to binary chemical weapons."

Another one of our concerns should be arms control. The multilateral negotiations on chemical weapons in Geneva are working to resolve over 100 differences which exist between the United States and Soviet initiatives presented there. That is good. But there are no bilateral negotiations with the Soviet Union on chemical weapons. It is doubtful that without bilateral negotiations we will be able to reach an agreement with the Soviets. Bilateral negotiations—not binary production—must be resumed if we are serious about reaching a ban on chemical weapons.

International pressure is definitely on the Soviet Union. Producing new chemical weapons will take that pressure off the Soviet, cause NATO alliance problems, undermine U.S. credibility, and increase the danger of chemical weapons proliferation.

Binary nerve gas weapons are costly and technically and operationally unproven. They cannot be based in Europe and they pose severe proliferation risks. Stopping this DOD request will save $124.5 million now and billions of dollars in the future, while maintaining a strong defense and an enlightened foreign policy.

Mr. PORTER. I appreciate the gentleman's statement.

Mr. Chairman, let me say that we are talking about a great deal of money when we are talking about binary weapons. We are talking not just about the $124.5 million in this year's authorization; we are talking about an authorization of $2.6 billion for these weapons, and even the Commission that the President appointed said that this was not a realistic estimate.

Let me read from page 35 of their report:

The Commission found the figures on what quantities the military requires to be soft and uncertain. The further analysis which is necessary would not change initial production amounts, but could affect procurement figures for the later years.

Other have said that these weapons would cost between $6 and $15 billion, and I might say that is only the cost, Mr. Chairman, of buying new binary weapons. Destroying the old stockpile has been estimated to cost at least $2 billion, but again the Commission said this figure was unrealistic; and let me read from page 60 of the report. They say:

The cost to destroy the entire stockpile is estimated at $1.9 billion in addition to the $624 million already spent. The Commission expects that the actual cost of destruction would far exceed that estimate.

And I might say when we went out to Dugway Proving Grounds to discuss this subject with the people there, they said that the cost they thought would be between $15 and $20 billion, and it would take us 20 years to destroy the stockpile.

Beyond that, the costs would continue, because for every pound of nerve gas that was destroyed, you would create pounds of toxic waste—about 2½ pounds—where would we put that and who would pay for that?

So, Mr. Chairman, I might say that beyond the fact that we have an adequate stockpile in existence, we are going to have to pay a great deal of money, probably a sum approaching $20 billion for the entire program, and I do not think it is justified.

Third, even if we were to build these weapons, no one really knows what we can do with binary chemical weapons. I have letters from European governments stating they do not want to have anything to do with a new deployment of chemical weapons in Europe.

Last month, at the NATO ministers' meeting, they rejected any discussion of chemical weapons and Lord Carrington stated at that time that new weapons "do not fit into the conventional force framework at the alliance."

I had West German officials in my office not too long ago, and when I raised the question of a new deployment of chemical weapons on their soil, they said, "We really don't want to discuss that; that is not possible."

The CHAIRMAN pro tempore. The time of the gentleman has expired.

Mr. PORTER. Mr. Chairman, I ask unanimous consent I may have 5 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. HUNTER. Reserving the right to object, Mr. Chairman, I will not object if he would consent to engage this gentleman after he is finished with his statement.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PORTER. The people in Western Europe, our allies in NATO, just went through, as you know, a great crisis in the deployment of cruise and Pershing II missiles on their soil; and it seems to them that if the United States were to insist upon a new deployment of binary chemical weapons, the alliance would surely be split and many of those governments might in fact be in great trouble.

Five of our Western allies, part of the NATO alliance, have rejected chemical weapons' uses entirely for their forces. Those include Denmark, West Germany, the Netherlands, Belgium, and Greece.

Walter Stoessel, the chairman of the President's commission, himself said that the subject of new nerve gas weapons evoked great sensitivities in the European political leaders.

The central political reality is in fact that our NATO allies will not take these weapons, and that if we insist upon it, we will have great trouble.

General Kroesen, one who is very much in favor of them, himself says that binaries will not do us any good if they are not stored in Europe; and many people have said:

"Well, all right, we don't need to store them in Europe; we'll simply build them and stockpile them in the United States, and if there is a Soviet attack, we will rush these weapons to Western Europe by a massive airlift, and this will provide a deterrent that we don't have today.

Let me tell you that if I were the Soviets looking at a massive airlift of American chemical weapons to Europe, I would have to assume that the United States intended to make use of those weapons, and I would probably make use of my own chemical weapons first, and so the very idea of deterrence it seems to me would be turned on its head and we would lose that deterrence by having them there.

One other thing that ought to be considered. Binaries take up four times as much space, aircraft space or space on ships, as unitary weapons, and they weigh more.

So if we were going to massively airlift any chemical weapons to Europe, it should not be binary weapons. It is estimated that if we needed to airlift binaries to Europe we would need our entire C-141 airlift capacity for from 4 to 6 weeks. Can you imagine, in an attack on Europe, when we need medical supplies; we may need food; we may need certainly conventional armaments that we are going to use a very, a relatively ineffectual weapon like a chemical weapon, and bring it forward in massive supplies, taking all our airlift capacity?

I cannot buy that; I do not think that will work, and I do not think that to be part of our military planning.

Others have said, well, we will deploy these things on our Navy ships. Well, I have not seen the Navy rushing to say that they will take these on our ships; in fact, it seems to me that if you put binaries on our ships you are going to create a real serious problem; because part of the GB nerve gas agent is called DF, and DF happens to be as toxic as methyl isocyanate—that is the chemical that killed over 2,000 people at Bhopal; the DF, itself, alone, is just as toxic as that chemical, and I can tell you right now that there are many ports in the world that will not allow Navy ships into them carrying that kind of nerve gas component.

I might say also that General Rogers, our Supreme Allied Commander in Europe, stated recently:

The chemical weapons issue has become too tough to handle; I find it is in the "too-sensitive" or "too-tough-to-handle" box, and it just reposes there.

He cannot make any progress in Western Europe on this subject, either.

Finally, let me turn my attention—almost finally, to the Bigeye bomb. This is a bomb that was designed in the 1950's and it has undergone development for the last 20 years. Mr. Chairman, it is a "bomb." It has been under development for 20 years. It still has technical problems. Ed Bethune was very, very concerned about it when he went out to California to look at it; it had blown up prematurely in 1982. He brought those issues before the House very forcefully, and I might say that when I went out to California, we were led to believe that all those technical problems were solved; and in fact I probably can be found to be on the public record somewhere saying that I thought that they were solved.

Mr. Chairman, let me say that I have received a report of the General Accounting Office just recently——

The CHAIRMAN pro tempore. The time of the gentleman has expired.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that I may proceed for 10 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. SKELTON. Reserving the right to object, Mr. Chairman, as I count correctly, we have already listened for 20 minutes, and there is at least one additional amendment to this.

Mr. PORTER. Let me take just 5 additional minutes.

Mr. SKELTON. I will not object to 5 minutes.

(By unanimous consent, Mr. PORTER was allowed to proceed for 5 additional minutes.)

□ 1620

Mr. PORTER. You have to realize that Members who are not on the committee sometimes build up all this time that they need.

Mr. HUNTER. Mr. Chairman, will the gentleman yield so that I might ask one question?

Mr. PORTER. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, the gentleman mentioned that our European allies have a problem with chemical weapons and that they have stated that in conversations with him. I do not know if the gentleman is aware, but the Department of the Army has done something this year that we have been working with them to do for the last several years, and they have finally come forth and said they can do it, and that is store these binary systems, these binary chemicals, which separately do not comprise nerve gas but, when put together, like epoxy glue, then become very effective and comprise nerve gas. The Department of the Army has said they can in fact store them in separate states, which would mean that the gentleman who represents a town in Arkansas would not have nerve gas in his district any longer, but he would have in fact common sulfur, and a gentleman who represents a town in Utah would no longer have nerve gas but he would have in fact a species of pesticide which is no more toxic than the pesticide that thousands of farmers use every day.

So my question is: If this new method of basing that the Department of the Army has come out with, which has the support of those who are interested in safety, if our German friends knew that they could replace deadly lethal nerve gas that is stationed in certain places in Germany, let us say, hypothetically, that you have nerve gas stationed in Remagen, Germany, and they are told that they can replace that nerve gas, destroy it, and instead replace it with common sulfur, and at another site put the other binary component, does not the gentleman agree that they might be much more amenable to then accepting these two relatively harmless elements, which much of German industry already manufactures and produces? In fact, anybody who has common matches in his pocket has sulfur in his pocket. They might be much more amenable, then, to accepting those elements on their land.

Mr. PORTER. Well, all I can tell the gentleman is that I raised the question. The Germans are well aware of what binary chemical weapons are as opposed to unitary chemical weapons, and their reaction was: We don't even want to talk about it.

Mr. HUNTER. But are they aware of the separate basing possibility that now exists?

Mr. PORTER. It will create a political problem that may well split the alliance, "Don't even raise the question with us," and that was their response, and it was a very, very forceful one.

Let me finish my statement, if I may, and I will yield at the end to any Member who would like to engage in a colloquy.

Let me say that on the Bigeye bomb, as I was saying, we were led to believe that all the technical problems were solved, that the Bigeye bomb was ready for production, and just on June 7, last week, we received this report from the General Accounting Office.

It is a secret report, and I, of course, will not quote it here on the floor, but there was also with it a letter accompanying it, and it indicated that many of the problems that we thought were solved have not been solved, that in fact the Bigeye bomb, when it is carried at low altitudes, as it must be carried under an aircraft, will heat up, will burst prematurely, will cause danger to the pilot and to the aircraft that is carrying it, and that that problem that Ed Bethune found 2 years ago and found again last year has not at all been solved, that the tests have not been properly made, and that the problem very much continues.

I want to quote from the letter accompanying the report. It says:

On October 7, 1982, at test resulted in a bomb blowout, the forcible ejection of the internal bomb components. Another test in 1982 also resulted in a blowout because of pressure buildup. Since October 7, 1982, all lab tests have been performed with a pressure relief valve to permit venting of the bomb if the pressure exceeds a specified level. In almost all the tests, it has exceeded that specified level. Pressure buildup after release of the Bigeye bomb could cause a blowout and render the bomb ineffectual. This problem has not been solved. The purity of the component has not been tested or solved. It still remains a problem.

So it seems to me that the Bigeye bomb, even if you can justify chemical weapons, even if you can say we need these weapons, this is certainly one weapon that is not ready to be produced. In addition, it has not undergone its operational tests, it has never been tested with a live agent. It seems to me that we are way, way premature in even talking about building a Bigeye bomb.

Finally, let me address for just a moment, if I may, the commission that the President appointed. I think many Members had great hopes that the commission might be a balanced commission that would have a chance to look in a fair way at the needs of this country in this area. The commission was appointed on March 11. It gave a preliminary report just 45 days later and a final report on June 11, from which I have quoted.

The CHAIRMAN pro tempore. The time of the gentleman from Illinois [Mr. PORTER] has expired.

AMENDMENT OFFERED BY MR. SKELTON TO THE AMENDMENT OFFERED BY MR. PORTER

Mr. SKELTON. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. SKELTON to the amendment offered by Mr. PORTER: In lieu of the amount proposed to be inserted by the amendment to page 2, line 15, insert "$2,348,600,000".

Strike out the amendments proposed to be made to page 11, line 17; page 11, line 23; page 13, line 16; and page 13, line 18.

Strike out the section proposed to be added by the amendment and insert in lieu thereof the following:

SEC. 111. CONDITION ON SPENDING FUNDS FOR BINARY CHEMICAL MUNITIONS.

(a) IN GENERAL.—Except in accordance with subsection (b), none of the funds appropriated pursuant to authorizations of appropriations in this title may be used—

(1) for procurement or assembly of binary chemical munitions (or subcomponents of such munitions); or

(2) for establishment of production facilities necessary for procurement or assembly of binary chemical munitions (or subcomponents of such munitions).

(b) CONDITIONS.—The funds referred to in subsection (a) may be used for the procurement or assembly of complete binary chemical munitions after September 30, 1987, if—

(1) a mutually verifiable international agreement concerning binary and other similar chemical munitions has not been entered into by the United States by such date;

(2) the President transmits, after such date, a certification to the Congress that—

(A) the procurement and assembly of such complete weapons is necessitated by national security interests, including the interests of the members of North Atlantic Treaty Organization;

(B) performance specifications established by the Department of Defense and in effect on the date of enactment of this Act with respect to such munitions will be met or exceeded in the handling, storage, and other use of such munitions;

(C) applicable Federal safety requirement will be met or exceeded in the handling, storage, and other use of such munitions;

(D) the Secretary of Defense's plan (which shall accompany such certification) for destruction of existing chemical stocks is ready to be implemented; and

(E) the North Atlantic Council of the North Atlantic Treaty Organization (NATO) has formally agreed—

(i) that chemical munitions currently stored and deployed in NATO countries need to be modernized in order to serve as an adequate deterrent;

(ii) that such modernization should be effected by replacement of current chemical munitions with binary chemical munitions; and

(iii) that the European member nations of NATO where such chemical munitions are to be stored or deployed are willing to accept storage and deployment of binary chemical munitions within their territories;

(3) such procurement and assembly is carried out only after the end of the 60-day period beginning on the date such certification is received by the Congress;

(4) the Secretary of Defense's basing mode for such munitions in the United States is to be carried out in a manner which provides that the two components that constitute a binary munition are based in separate States; and

(5) the Secretary of Defense's plan for the transportation of such munitions in the United States is to be carried out in a manner which provides that the two components that constitute a binary munition are transported separately and by different means.

Mr. SKELTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

(By unanimous consent, Mr. SKELTON was allowed to proceed for 10 additional minutes.)

The CHAIRMAN pro tempore. The gentleman from Missouri [Mr. SKELTON] is recognized for 15 minutes.

Mr. SKELTON. Mr. Chairman, this amendment that has just been offered, that has just been read, is an amendment or a perfecting amendment to the Porter amendment. It is one that is bipartisan in nature, one that is cosponsored by the gentleman from California, Mr. DUNCAN HUNTER, and also is cosponsored by the gentleman from South Carolina, Mr. JOHN SPRATT. I thank them immensely for the work and the interest and the leadership which they have shown. Also I would be remiss if I did not also commend the gentleman who has been very active in putting this work together, the gentleman from Arkansas, Mr. TOMMY ROBINSON.

I would like to discuss this for a moment, but I first should say that I agree with the gentleman from Illinois that we do need a chemical deterrent. The issue is whether the chemical deterrent that is there is adequate. The answer is obviously no.

This amendment before us, the Skelton-Hunter-Spratt substitute, creates safeguards and conditions under which a strong deterrent can be and will be established. In doing this, Mr. Chairman, we remember the advice of Gen. George Washington, who once said that in order to have peace you must have an army that is ready to fight. At the present time, we find our Army is at a distinct disadvantage regarding chemical weaponry.

This amendment is a responsible and a reasonable one, one that corrects the imbalance that presently exists.

First, let us look at a bit of history regarding this issue. Chemical warfare was used extensively by both sides during World War I. In World War II, because of the capability of the United States, neither Imperial Japan nor Nazi Germany used chemical weaponry. To do so they knew that they would have swift retaliation of chemical warfare from this country, which they wished to avoid. However, Mr. Chairman, recent history has not been good regarding the use of chemicals in wartime. The frequency appears to be increasing, and during the past 5 years the world has seen the first instance of lethal chemical use in war by a major power, the Soviet Union, and that of course is one thing that can be documented.

Chemical weapons have been used in recent years as follows: By the Egyptians in Yemen in 1963 through 1967; by the Vietnamese in Laos and Cambodia in the late 1970's, including biological toxins, perhaps supplied by the Soviet Union; by the Soviet Union in

Afghanistan beginning in the early 1980's. Intelligence information supports the conclusion that not only well known lethal chemical agents but also new experimental agents and also biological toxins have been used by the Soviets in Afghanistan repeatedly and systematically. In the Iran-Iraq war, by Iraq, continuing to the present date.

The U.N. investigating panel of scientists from neutral countries reported that mustard agent clearly has been used. Recent reports are that, in addition, Iraq now is using nerve gas and perhaps also new lethal substances.

□ 1510

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman.

Mr. STRATTON. I thank the gentleman for yielding.

The gentleman from Illinois [Mr. PORTER] said that Mr. Weinberger, back in 1983, said that our stockpiles were adequate. I have in my hand a letter addressed to the chairman of the committee, Mr. ASPIN, dated on the 19th of June 1985, saying:

I am writing to request your assistance in setting the record straight with respect to the adequacy of our chemical retaliatory stockpile. The current stockpile does not represent a credible retaliatory capability. There are serious qualitative and quantitative deficiencies. We have absolutely no effective capability to place targets at risk beyond artillery range, and we have an insufficient number of old, untested, and decomposing artillery shells.

We have been misquoted and quoted out of context with respect to the adequacy of our artillery stockpile. While it is true that we plan on having a smaller, safer, and effective binary stockpile, we do not mean to imply that the old munitions are adequate. Just the opposite is the case. In fact, we have less than one-third of the nonpersistent nerve agent artillery munitions required for deterrence, and even that inadequate quantity is seriously flawed in safety, logistical, and employment characteristics.

The production of binary chemical munitions is essential to the national interest. I ask your full assistance in ensuring that the facts involved are not distorted. As demonstrated by the independent, bipartisan Chemical Warfare Review Commission, reasonable and open-minded individuals, who have access to the facts and options available, support the necessity of modernizing our chemical retaliatory capability.

I think Mr. PORTER ought to recognize the facts as Secretary Weinberger has so eloquently laid them out. I appreciate the gentleman giving me the time to read that letter.

Mr. SKELTON. It is very good of the gentleman from New York to bring this out because we want a decision today based upon the facts. We would like to have a decision based upon what is true and correct. The gentleman quoting from the Secretary of Defense's letter sets forth the issue correctly and succinctly, and I do appreciate his doing that.

Mr. Chairman, Congress further requested in the 1985 DOD authorization bill that a commission be established to examine the U.S. policies and actions to prevent chemical warfare. The Commission has produced an excellent report. It is a thorough, balanced, and dispassionate one and it stripped away the emotion and looked at the facts.

Congress listed four questions in that authorization bill for the Commission to consider, and the members of the Commission came to the following conclusions:

One, efforts to negotiate a verifiable, multilateral treaty barring chemical weapons would be enhanced rather than impeded by modernization with binary munitions.

Second, though the present stockpile does provide a deterrent, the stockpile's utility and reliability are declining. Existing munitions are flawed and incomplete in their ability to deter. Short-range artillery munitions are filled with a persistent agent, which is a long-lasting agent, when current military doctrine calls for use of nonpersistent, that is, non-long-lasting agent, in the front-line areas.

Even more importantly, there is no usable munition on hand for use against rear-area military targets that contain persistent-type agents that is necessary for the missions described.

Three, the proposed binary chemical modernization program does provide a credible deterrent.

Last, defensive measures alone are simply not an effective response to the Soviet chemical threat. Protective clothing at best is a temporary defense. I refer, Mr. Chairman, to the chart that is here. Very simply, if the Soviet Union or the Warsaw Pact has the chemical ability which we do not have, they have the choice to use it in any one sector of any part of the front. This would require all of the NATO Alliance to be prepared and in the very cumbersome chemical defensive gear, and consequently cause the NATO forces to have much less ability to defend itself.

This chart is self-explanatory. Before us is the Skelton-Hunter-Spratt amendment. It is one that helps prevent the early use of nuclear weapons, thus, it does not lower the nuclear threshold. It also gives a true safety set of measures and in regard to this, it establishes the storing of the binary materials and the transporting of binary materials in a very safe manner.

The Chemical Warfare Review Commission that we have talked about, recommended an accelerated program to destroy in an environmentally safe way the existing stockpile of obsolete chemical weapons, especially those few that are prone to leak. The gentlemen from California and South Carolina and I believe that the amendment that we offer is an amendment that will provide Congress the opportunity to provide these safeguards.

Our amendment worked out with the administration officials would authorize funds for the procurement or assembly of complete binary chemical munitions to begin after September 30, 1987. That is, of course, more than a year from now. Our effort here is to give international negotiations a chance by calling for a mutually verifiable agreement with the Soviet Union and other such nations.

Should an agreement not be in hand by September 30, 1987, the President could seek release of the funds that would be authorized by this bill. Such funds could not be spent unless a certain number of conditions are met.

One, performance specifications with respect to such munitions be met.

Two, the Secretary of Defense's plan for the destruction of existing chemical stockpiles is ready to be implemented.

Three, the basing mode of new binary munitions is to be carried out in such a way which provides that the two components, the alcohol-base component and the sulfur-based component that constitute these binary munitions be based in separate States.

Fourth, any plan for transporting such munitions would be carried out in such a way so that the two components that constitute this binary munition are transported separately.

Fifth, and a very important one that is offered by the gentleman from South Carolina, that this money should be fenced so that NATO would have the opportunity to make formal agreements and requests therefore.

Mr. Chairman, our primary concern in this effort is safety. While the arguments, pro and con, concerning the chemical weapon modernization are many, the great majority of those on both sides want to see the current stockpile destroyed. Our amendment would build the base for this to be done.

Any new weapons that would be procured would be done so in a safe manner. Not only would the two components be stored separately, but in any separate situation where they would be transported, they would be transported separately also.

Storage and transportation would be done in a safe manner. We have worked with the administration; we have worked with other Members of Congress. This is a workable and reasonable manner in which to approach this issue.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I think this is a very, very critical point for the Members of this House to examine. The point that the gentleman just raised. Binary chemical weapons means that you have two components and separately those components do not form nerve gas. It is like epoxy glue; if you put the two elements together, then they are effective.

What the gentleman from Missouri has just stated is that under this bill, under his amendment, the Skelton-Hunter-Spratt amendment, those two separate elements will be stored in separate States. Now, I would ask the gentleman if this is not an accurate description of what our amendment says. That means that the mayor of Pine Bluff, AK, under this amendment, would no longer have nerve gas, deadly nerve gas in his district. It means that he would now have sulfur in his district. The mayor of a town in Utah would no longer have nerve gas in his district. He would have a pesticide species which has no more toxicity than a number of pesticides that thousands of farmers across America use every day.

Is this what the gentleman is saying about safety?

Mr. SKELTON. That is what we are saying about it, and furthermore, that is what the amendment says. I might point out that this amendment creates a situation that is far better than what we have today where we have the possibility of some of the munitions leaking, a dangerous situation which no one wishes to continue. We wish to have a safe environment and yet a deterrent.

□ 1520

As you know, the Soviet Union and the Warsaw Pact has the ability to have warfare. We need one that is a deterrent. That is how we were able to keep it from occurring in World War II, because we had the deterrent capability. But in the process, we wish to have a safety measure, and the measure that you have suggested and that is part of this that places this in two separate States could be none better.

Mrs. HOLT. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I would be pleased to yield to the gentlewoman from Maryland.

Mrs. HOLT. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman for offering this amendment. I think it is a good compromise, but I, too, want to set the record straight.

We heard a quote from Ambassador Stoessel indicating that we were in pretty good condition.

Mr. SKELTON. Just to reclaim my time, the gentlewoman might tell the folks who Ambassador Stoessel was.

Mrs. HOLT. Ambassador Stoessel was the chairman of the Chemical Warfare Review Commission, and his report was dated June 1985, and I quote from that report:

> In brief, we found that modernization of U.S. chemical weapons stockpiled would not impede and would more likely encourage negotiations for a multilateral, verifiable ban on chemical weapons; that only a small fraction of the current stockpile has deterrent value, while the bulk of it is militarily useless and should be destroyed; that the proposed binary program will provide an adequate capability to meet our present needs and is necessary, and that any expectation that protective measures alone can offset the advantages to the Soviets from a chemical attack is not realistic.

I would like to add that Ambassador Stoessel is in the building now and is willing to meet with anyone who would like to have further confirmation of his views on this issue.

The CHAIRMAN pro tempore. The time of the gentleman from Missouri [Mr. SKELTON] has expired.

(By unanimous consent, Mr. SKELTON was allowed to proceed for 5 additional minutes.)

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Utah.

Mr. HANSEN. I appreciate the gentleman yielding.

Mr. Chairman, I happen to be the Congressman who represents the area of Tooele that detoxifies this.

Mr. SKELTON. In the State of Utah; is that correct?

Mr. HANSEN. That is in the State of Utah in the First District. I also happen to be the Congressman who represents the one referred to by the gentleman from Illinois called Dugway, where most of these things are tested constantly.

Let me just say, coming from that district, and as we compare unitary to binary, I cannot really say that this safety angle can be played down. I commend the gentleman for coming up with this area. I have to say, as I have heard earlier, and I say this very respectfully, that no problems could occur from this. You find yourself lobbing a shell into one of those bunkers at one time, and all of that stuff would make India look like nothing. Salt Lake City is only a few miles from that. I am in that area about once a month. I have been to Dugway many times and I can tell you that I honestly feel that people in this House who truly understand the difference between binary and unitary could see we have a real problem.

Let us say we have a ship, and into the magazine goes a shell. You have the modern-day version of the Flying Dutchman right there. Let us say you have a bunker in Tooele or those areas. I think when we get on this floor and we talk about drunk driving, we talk about safety and we talk about all these other angles, never in my mind have I seen a thing of safety that has been brought up like this one.

As you look at our troops in Germany and other places who will eventually handle these weapons and work with these weapons. I cannot see, when we have this old, dilapidated unitary system, why this body can in any way, shape or form think that they would want to continue using the unitary system.

If I may say one other thing, I cannot see that we are not going to have to have this chemical warfare around for a long time. None of us in this body like to talk about nuclear war. It is a thing we do not like, but it is real. None of us like to talk about chemicals. It is a thing we do not like, but it is real. Now we have a real situation, and here is an excellent chance to change it. I commend the gentleman for his excellent amendment.

Mr. SKELTON. I thank the gentleman very much.

Mr. HILLIS. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Indiana.

Mr. HILLIS. I thank the gentleman for yielding.

Mr. Chairman, I would like to talk about a little different feature that is very, very important.

A year ago in April I was in Germany with Operation Quick Look and had an opportunity to visit the training area known as Grafenwohr where the light tank firing is done. On that particular occasion, the crew that I was observing was not doing very well at all on hitting the target downrange at 1,000 or 1,500 meters. When I inquired, I found out they were in protective gear and I was told it takes away 50 percent of the offensive capacity to the personnel while they utilize this equipment—gas masks, hoods, special gear, suits, boots, and what have you.

So it takes away about half your troop strength. Just a short time ago I was in Turkey and we were talking there about this same thing when we were going through an artillery unit. They pulled out their gear and were showing it to us there, and during the hot climate you will not believe how quickly human beings will dehydrate wearing chemical protective equipment. So you are not very effective while you wear it, and if the climate is hot, you do not last very long in the field while you are wearing it, either.

So without this deterrent capacity, the fact that saved us in World War II, without knowing that it is there, if we have to force our people to go into protective gear, we put them at a severe disadvantage physically and we limit the time that they can serve in any capacity whatsoever.

Mr. SKELTON. I might mention also that in discussing this situation with one of the American military leaders in Germany, he was very insistent that this capability be given to the Americans, and to the NATO Alliance, because to do so puts us at such a distinct disadvantage, as the gentleman has so aptly mentioned. He said it is criminal negligence for the NATO Alliance not to have this deterrent capability that would be given by the binary munitions that we wish to authorize here.

Mr. HILLIS. If the gentleman will yield further, I just encourage every Member of this House to talk to somebody in the military who has experienced this thing and find out first hand how great a disadvantage they were put to.

The CHAIRMAN pro tempore. The time of the gentleman from Missouri [Mr. SKELTON] has again expired.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri be allowed to proceed for 5 additional minutes.

Mrs. ROUKEMA. Mr. Chairman, reserving the right to object, I will not object but I would ask that under this unanimous-consent request if we could have agreement from the gentleman in the well that there might be a colloquy at some point, or at least a point of discussion. As things have been going on right now, the members of the committee have totally co-opted the discussion and no time is being given for questioning.

So I would hope that as we progress that there will be the courtesy of yielding.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Missouri [Mr. SKELTON] is recognized for 5 additional minutes.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Arkansas.

Mr. ANTHONY. I thank the gentleman for yielding, and I thank the gentleman from New Jersey for not objecting. Mr. PORTER is not on the committee. We let him have not as much time as he wanted or needed, but more time than most people get. I am also not on the committee, but I happen to represent Pine Bluff, AR.

The gentleman from California [Mr. HUNTER] mentioned Pine Bluff, AR. He mentioned the mayor, and the fact that the area there would be much safer with binary than it would be with the unitary, both persistent, and nonpersistent. I would just like to say that he is 100 percent correct about that.

I invited Mr. PORTER to come to Pine Bluff so that he could see where a part of the production would take place, should the House see fit to go into production. Whether or not the Members know it, we do have a facility that has already been authorized, appropriated, contracted out, and has been built. The facility is in place. The facility is in place to build only one of the components that would be safe, but at the same time we are asking for destruction of something that we think is not safe.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, I rise in support of the Skelton amendment.

Mr. Chairman, the sponsor of this amendment, the gentleman from Missouri [Mr. SKELTON], has revised his original draft which he had proposed to this bill and has incorporated two additions to it which I proposed and which I regard as highly significant. Without these additions, I would have to oppose the amendment offered by the gentleman from Missouri [Mr. SKELTON]. With them, I support it.

First, as the amendment was originally drafted, this amendment would have prohibited final assembly only of binary munitions for 2 years, but it would have authorized in fiscal year 1986 some $115 million and in the years thereafter for purchasing subassemblies and chemical components.

The gentleman from Missouri has accepted an amendment which I proposed which is now incorporated into his amendment. Because of these changes, the Skelton amendment as now drafted fully fences all funds authorized for 2 years. At that time, these funds are released only if five basic conditions are met, and one of these conditions is subsection (E) in the proposed amendment, and with your indulgence I would like to read it because I regard it as critically important.

□ 1530

It reads that these funds shall not be released for procurement of chemical binary munitions until:

(E) the North Atlantic Council of the North Atlantic Treaty Organization (NATO) has formally agreed—

(i) that chemical munitions currently stored and deployed in NATO countries need to be modernized in order to serve as an adequate deterrent;

(ii) that such modernization should be effected by replacement of current chemical munitions with binary chemical munitions; and

(iii) that the European member nations of NATO where such chemical munitions are to be stored or deployed are willing to accept storage and deployment of binary chemical munitions within their territories;

Now, this particular amendment says simply this in practical, prudent language: Before we spend millions of dollars on new chemical munitions in NATO primarily, let us make sure, indeed, let us require, that NATO or the North Atlantic Council concurs in our decision.

Second, if these new munitions are intended to replace degraded stocks, as claimed, then let us make sure we can swap our new munitions, our binary chemical weapons, for the unitary weapons now stored in Europe. And if these munitions are primarily for deterrence, as is claimed, before we buy them, let us make sure they can be deployed in the European theater where they can serve this deterrent role.

Without these conditions, as I said, I could not support the Skelton amendment. With them, I think the amendment is a major improvement to the defense authorization bill and ought to be adopted. If the Skelton amendment is adopted, no funds can be spent on procurement of binary weapons for 2 years, which allows further time and some incentive for entry into a treaty with the Soviet Union, and, second, at the end of that period, still no funds can be spent unless NATO concurs and agrees to accept these weapons for storage and deployment on their soil.

Mr. Chairman, I commend the gentleman for his amendment.

Mr. NICHOLS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Porter amendment and in support of the Skelton amendment.

First, let me say the Armed Services Committee has been following the status of the Army's efforts to demilitarize the chemical weapons stockpile for some time. My Subcommittee on Investigations held a hearing in March of this year and plans future hearings on this subject.

We found that in 1969 the United States decided to unilaterally deemphasize chemical warfare. As a consequence, our stockpile consists of a mixture of old chemical weapons, manufactured some 20 to 40 years ago. Some of them still offer a deterrent value, but much of the stockpile is either obsolete or in bulk containers. As a matter of fact, testimony before my subcommittee revealed 61 percent of the current stockpile is not in usable form and 11 percent is of no use at all. Thus, 72 percent of the entire stockpile presents no retaliatory capability. In addition, even considering the 10 percent which is categorized as useful, we still have no deep-strike capability and the utility of these weapons because of their age is questionable.

Further, my subcommittee discovered that the experts do not know how stable the stockpile is at present. The Army currently is studying the effects of age on the stockpile so we won't know for a while yet the answer to this most important question. We do

know, however, that over 900 M-55 rockets have been found within the last couple of years to be leading chemical agent. It is costly and may be potentially dangerous to continue to store these rockets which number in excess of 470,000. "The Chemical Warfare Review Commission," which was established by Congress, concluded this month "That only a small fraction of the current stockpile has deterrent value, while the bulk of it is militarily useless and should be destroyed."

I don't want to be an alarmist. The point I wish to make is that we have a very old chemical stockpile, much of which may not be safe, and which presents a questionable retaliatory capability at best. For these reasons I urge your support in defeating the Porter amendment and support for production of binary chemical weapons.

The CHAIRMAN pro tempore. For what purpose does the gentleman from Wisconsin [Mr. ASPIN] rise?

Mr. ASPIN. Mr. Chairman, I would like to try to see if we can get an agreement about a time limit, if I may have the attention of the authors of this amendment.

I would propose that we limit time on these two amendments until 5:30, with the time to be divided equally between the gentleman from Illinois [Mr. PORTER] and the gentleman from Florida [Mr. FASCELL], who would have half of the time, and the gentleman from Missouri [Mr. SKELTON] and the gentlewoman from Maryland [Mrs. BYRON], who would have half of the time, and that if additional amendments are offered after that, we have an equal division of time after the amendments are offered, and that there be 10 minutes on that side for the amendment and 10 minutes in opposition to the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. PORTER. Mr. Chairman, reserving the right to object, I might suggest to the chairman of the committee that we simply make it an hour on each side rather than try to divide it up in any other way.

Mr. ASPIN. In other words, an hour on each side.

The CHAIRMAN pro tempore. The unanimous-consent request, then, is that there be 1 hour of debate on each side of the two pending amendments, followed by 20 minutes, equally divided, on any other amendment offered to the Porter amendment or to a substitute therefor.

Mr. ASPIN. On the pending amendments, Mr. Chairman, with the gentleman from Illinois [Mr. PORTER] and the gentleman from Florida [Mr. FASCELL] controlling 1 hour and the gentleman from Missouri [Mr. SKELTON] and the gentlewoman from Maryland [Mrs. BYRON] controlling 1 hour. At that point we will proceed to vote on those amendments. If at that point other amendments are offered, Members will have 10 minutes on that side to debate those amendments at the time.

The CHAIRMAN pro tempore. Is the gentleman proposing that there be 10 minutes allowed for each side for each other amendment to the Porter amendment or to a substitute amendment therefor?

Mr. ASPIN. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Hearing none, it is so ordered.

Mr. HARTNETT. Reserving the right to object, Mr. Chairman——

The CHAIRMAN pro tempore. The gentleman was not on his feet seeking recognition when the Chair asked for any objection to the request.

Mr. HARTNETT. There are only two microphones, Mr. Chariman, and we cannot have them all. I was on my feet——

The CHAIRMAN pro tempore. Even if the gentleman was not at the microphone, if he had been standing on his feet at that time, the Chair would have recognized him, the Chair will say to the gentleman from South Carolina. The Chair was looking in his direction and saw the gentleman sitting in his chair.

Mr. HARTNETT. You saw me objecting. I was getting to my feet.

PARLIAMENTARY INQUIRY

Mr. HARTNETT. Mr. Chairman, if I might make a parliamentary inquiry——

Mr. PEASE. Regular order, Mr. Chairman.

Mr. HARTNETT. I thought the rules of the House were, Mr. Chairman, if I may make my parliamentary inquiry——

The CHAIRMAN pro tempore. The gentleman may make his parliamentary inquiry. The gentleman will continue with his parliamentary inquiry.

Mr. HARTNETT. Mr. Chairman, it is my understanding that when a gentleman or gentlewoman wishes to be recognized, they must rise from their seat. I was in my seat, and I was rising to be heard. I do not think you have to be standing at all times in order to be recognized. I was in my seat, I asked to be recognized, and I rose to a point of recognition.

The Chair can rule however it wants to, I am sure, and there will be no appeal of the Chair's ruling.

Mr. ASPIN. Mr. Chairman, could I ask the Chair to ask the gentleman from South Carolina if he would tell us what his concern is with the unanimous-consent request?

Mr. HARTNETT. I did not understand it, Mr. Chairman. That is what I wanted to ask.

Mr. ASPIN. Mr. Chairman, if I could, I would like to try to answer the gentleman's question.

The CHAIRMAN pro tempore. For the purpose of clarification of what the unanimous-consent agreement was, the Chair will then ask the gentleman from Wisconsin to restate what his request was.

Mr. ASPIN. Mr. Chairman, the request is that we have two amendments pending before the committee having to do with binary weapons; one is the one offered by the gentleman from Illinois [Mr. PORTER] and the gentleman from Florida [Mr. FASCELL] and the other is an amendment thereto offered by the gentleman from Missouri [Mr. SKELTON]. What I was proposing is that on these two amendments we have an hour of debate for each side, that the gentleman from Illinois [Mr. PORTER] and the gentleman from Florida [Mr. FASCELL] control an hour of time, that the gentleman from Missouri [Mr. SKELTON] and the gentlewoman from Maryland [Mrs. BYRON] control an hour of time, at which point we would start to vote on these amendments, and that if at that point, or during the voting on those amendments, if other amendments are offered—they may be wanting to offer the same amendments in a slightly different form—there would be 10 minutes on a side to debate those amendments, to explain the amendment at that point in the proceedings.

Mr. HARTNETT. Mr. Chairman, I would apologize to the Chair. The only thing this Member heard was the 10-minute part, and that had caused me some concern, although I was confident that Mr. PORTER and Mr. FASCELL would do better than that.

The CHAIRMAN pro tempore. The Chair in his discretion has given the gentleman the opportunity to hear the explanation.

Mr. HARTNETT. I appreciate the Chair's indulgence.

□ 1540

Mr. PORTER. Mr. Chairman, reserving the right to object, after the votes are taken on Skelton and Fascell-Porter, there would then be the 10-minute period?

Mr. ASPIN. No, no. If there are other amendments offered at any point during that process, other amendments offered, let us say there is a vote on Skelton. It passes or it does not pass, and other people want to offer an amendment, the gentlewoman from New Jersey [Mrs. ROUKEMA] may want to offer an amendment at that point, under this unanimous consent she would be allowed to offer her amendment and would be allowed 10 minutes to explain her amendment and then 10 minutes on this side for people who want to oppose the amendment.

The CHAIRMAN pro tempore. Just for the clarification of the members of the Committee, the unanimous-consent request was already agreed to. The gentleman from Wisconsin was clarifying the unanimous-consent request for the benefit of the gentleman from South Carolina.

PARLIAMENTARY INQUIRY

Mr. FASCELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman from Florida will state his parliamentary inquiry.

Mr. FASCELL. Mr. Chairman, I heard the Chair say that the unanimous-consent request has been agreed to.

The CHAIRMAN pro tempore. That is correct.

Mr. FASCELL. Now what I am asking is, what is it that we agreed to, Mr. Chairman, with respect to the time permitted for the debate of the amendments after 5:30?

The CHAIRMAN pro tempore. The Chair will state that the unanimous-consent request that has been agreed to is as follows: that there would be 1 hour allocated to the gentleman from Illinois [Mr. PORTER] or to the gentleman from Florida [Mr. FASCELL], to debate the amendment offered by the gentleman from Illinois.

There would be 1 hour allocated to the gentleman from Missouri [Mr. SKELTON] or to the gentlewoman from Maryland [Mrs. BYRON], to debate the amendment to the Porter amendment offered by the gentleman from Missouri.

Should there be other amendments that are offered to the Porter amendment, or to substitutes therefor, before or after the vote on the Skelton amendment, those amendments would receive a 20-minute time limitation each, to be equally divided between proponents and opponents.

Mr. FASCELL. Mr. Chairman, if I may have a further parliamentary inquiry, that is not the question I asked about the unanimous-consent request. I am not asking about the time within the time limit.

I just want to be certain that the Chair states the proposition that if an amendment is offered after 5:30, that there would be 10 minutes per side to debate the amendment.

Mr. ASPIN. Mr. Chairman, if the gentleman will yield, that is exactly what the request said.

The CHAIRMAN pro tempore. The Chair is going to clarify something for the gentleman from Florida.

There is no time certain set by the unanimous-consent request; 5:30 was not a part of the request.

The Chair has already stated the request and thought fairly clearly, so if the gentleman needs any more inquiry or clarification, I suggest that he discuss it with the gentleman from Wisconsin.

The Chair recognizes the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I think we understand now that after the 2 hours run out, if there is an amendment to be offered after the vote, each amendment would have 10 minutes on each side.

Mr. ASPIN. Mr. Chairman, just to clarify the situation, the 10 minutes on a side comes after the 2 hours.

Mr. PORTER. Right.

Mr. ASPIN. The 2 hours are just for the two amendments that are before us now.

Mr. FASCELL. That is all I was trying to find out.

I thank the Chair.

The CHAIRMAN pro tempore. Under the unanimous-consent request, the gentleman from Illinois [Mr. PORTER] is recognized for 1 hour.

Mr. PORTER. Mr. Chairman, I yield 7 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Chairman, I want to thank my colleague, the gentleman from Illinois [Mr. PORTER], for his exposition of this problem. It was a most excellent and erudite one.

Mr. Chairman, the issues we are debating today are precisely the same ones we debated last year and the year before that and the year before that. For 3 consecutive years, Congress and the administration have gone head-to-head and toe-to-toe on this question: Should we abandon the moratorium initiated by President Nixon in 1969 and produce new, lethal chemical weapons? For 3 consecutive years, the debate has been joined and for 3 years, Congress has voted down money to produce senseless weapons.

Yet the debate has not changed at all. In fact, I would invite my colleagues to read the debates of previous years. They are like reruns of old TV series in which you can anticipate the dialog. Today's debate will be little different. This is the point, the facts have not changed, and still the Defense Department persists. Each year, we hear the same claims about the need for new chemical weapons. In each debate, we have been presented with a list of conflicting facts and figures from experts within the scientific and military communities which have done little to help us reach a consensus. Consequently, last year Congress mandated the creation of a Presidential Chemical Warfare Review Commission to study the issues surrounding the production of binary chemical weapons and to produce an authoritative examination of the technical and political issues in question; a report which, at a minimum, would provide the basis for more informed debate in Congress. Unfortunately, the Commission report is not helpful. Issued only last Friday, the report does not clarify nor does it justify the need for new chemical weapons.

Everyone agrees that deterrence is necessary, and indeed, the Commission report agrees with our assertion that our current chemical stockpile provides a deterrent (p. xv), albeit an imperfect one by their standards. Nevertheless, in its chapter concerning the condition of the current U.S. stockpile, the Commission wrote (p. 19) in response to claims by the Defense Department that our current stockpile is seriously deteriorating, the Commission "believes that they (the claims) are unduly pessimistic." "At the same time, the Commission has found that rumors of the stored munitions being dangerous or leaking appear to be exaggerated and inaccurate. The number of artillery rounds in which leakage has been found is infinitesimal, amounting to 6 per 10,000 artillery rounds." In addition, "the Commission was unable to discover empirical data that show significant loss of potency of the existing nerve agent, either bulk or in munitions." So you see, the Review Commission now agrees with similar assertions made by:

First, Dr. Thomas J. Welch, Deputy Assistant to the Secretary of Defense for Atomic Energy and Chemical Matters, in a February 28, 1985, Senate Armed Services Committee hearing; second, the Secretary of Defense, Caspar Weinberger, in a February 1983 letter to the Senate Armed Services Committee, and third, the 1983 "blue ribbon" chemical weapons panel established by the Pentagon.

Without a doubt, the Commission report has reiterated the deterrent conundrum—they have not added to our understanding of the conflicting data.

Mr. Chairman, I've said the arguments on deterrence of our stockpiles remain unchanged. But there is one basic distinction to be drawn between past debates and this debate today. And that is that this year, we have a mandate to reduce the budget deficit.

Oh, we've talked about the budget constraints in past year, but this year both the House and the other body have agreed that we need to reduce the budget deficit by $56 billion this year and by approximately $259 billion over the next 3 years. Central to achieving that goal on which both Houses and the administration agree, has been an agreement that Defense spending must be curtailed.

Does it make sense under these circumstances to approve yet another costly weapons system? A weapons system that by reliable estimates will cost anywhere from $3 billion to $6 billion or more. Remember, my friends, today we are not talking $124.5 million for chemical weapons production in 1986. We're talking about the creation of a new entitlement weapons system.

Now, I would certainly be the first to agree that if the national security needs were clearly defined, the cost of this system would be no object. But where is the clear national security problem here? We have heard from the report of the Chemical Warfare Review Commission and from numerous other references that our existing stockpile has deterrent capability.

Let us look at the damage this program would do to American credibility in the world community. We cannot ignore the fact that the United States has signed two treaties concerning chemical and biological weapons: The Geneva Protocol of 1925, which bans first use of chemical weapons, and the Biological Weapons Convention of 1972, which calls for a complete ban of the development, production, stockpiling, or use of biological weapons. The United States has produced no biological or lethal weapons since the moratorium that President Nixon proclaimed in 1969.

We've heard already in this debate about the serious foreign policy problems that renewed production would provoke with our NATO allies. Our allies in Western Europe have expressed their categorical opposition to the deployment of new chemical weapons on their soil. The NATO alliance has already been strained by the deployment of Pershing II and ground-launched cruise missiles. Any attempt to deploy these chemical weapons would be a political and diplomatic disaster. The administration does not deny this fact. What is their answer? "There are no plans for peacetime deployment."

But to be of any value as a deterrent, the proposed binary stockpile must be deployed where it is to be used, that is, in Europe. To transport these weapons to the European Theater during a crisis would put a substantial burden on our air and sealift capabilities, a burden that would force delays and competition with the delivery of other, more crucial materials. And we cannot ignore the fact the chemical weapons are much less efficient to use than conventional weapons. They are of dubious military value—primarily offensive weapons which would kill more innocent civilians than Soviet soldiers. Again I ask, where is the clear national security purpose served?

Another factor that must be taken into consideration in this debate is the U.S. commitment to a multilateral verifiable ban in the production and stockpiling of chemical weapons. Through the Geneva Convention on Disarmament, the United States has undertaken a major initiative to stop the spread of chemical weapons to nations around the world. Production of new chemical weapons on our part would undercut these efforts and weaken our condemnation of chemical weapons and their use around the world. The Congressional Research Service [CRS] last year found that binary production makes the proliferation of chemical weapons more, not less, likely. There is, the study says, "A growing perception that changes in (chemical and biological warfare) technology have increased the military utility of such weapons for certain defense needs of the Third World nations." Against that background, U.S. production of new binary chemical weapons "could well promote proliferation" of such munitions. Unfriendly nations and terrorists groups who do not have access to nuclear weapons could easily turn to lethal chemical weapons which are relatively easy to manufacture—and require little technological capability.

The Congressional Research Study goes on to illustrate that there are many misperceptions regarding binary weapons. Opponents of this amendment argue that binaries are safer than unitaries. But this has not proven to be so. First, it is not accurate to assume that components of binaries are harmless. The study points out the fact that the binary component "DF" has a chemical structure similar to that of many phosphorus-based insecticides and is as toxic as the gas that killed thousands in Bhopal. Second, the argument that binaries are just as efficient as the unitary weapons, if not more so, is not accurate. Their reaction conditions and length of time that a binary munitions or bomb is in flight can effect its overall military efficiency. In addition, a binary system has to carry a higher volume of chemicals than its unitary components to delivery the same amount of nerve gas. This needs to be taken into consideration in light of the plans to transport the binaries to the European Theater only in times of crisis. Four unitary bombs could be transported for every one Bigeye bomb.

Furthermore, it must be taken into account that the Bigeye bomb that has been repeatedly requested by the administration still has some serious technical problems today, more than 20 years after its inception, and has not been successfully tested. Just this past year, eight out of nine chamber tests have clearly failed. Is it really logical to propose that we destroy perfectly good unitary weapons in order to replace them with unneeded and unproven binary weapons? Besides the Bigeye, the administration has also once again requested production of 155-millimeter binary artillery shells. How can this request be justified when our stockpile already contains 200,000 155-millimeter and 8-inch artillery shells loaded with the nerve agent GB; 300,000 155-millimeter, and 8-inch artillery shells loaded with the nerve agent VX and 250,000 155-millimeter and 8-inch shells loaded with mustard gas?

Even DOD concedes that our Defense capacity needs more resources in the conventional weapons, spare parts, and manpower that an effective military power needs. These necessities are in short supply and instead of addressing these needs, we're going to expand resources on this wasteful new entitlement program.

The production of new chemical weapons is a perfect example of the procurement explosion, which, if left unchecked, could hurt our defense readiness. I have time and again tried to press this point on my colleagues. If the Pentagon must spend billions of dollars to secure our national safety, it would be wiser to focus more sharply on the real heart of our military deterrence—conventional operations and their support systems, and importantly, protective equipment to defend against chemical attack. Defensive measures are funded at $936 million in this bill.

Mr. Chairman, we must defend this Nation, but we simply cannot afford the bills for every new weapon requested by the Pentagon, particularly a weapon that is technically, politically, and morally flawed. It is a weapon the use of which we have absolutely renounced for 16 years. On our scale of defense priorities, production of new binary nerve gas should be at the bottom. We cannot afford it; we cannot use it; we cannot justify it; and there are far better places in the Defense budget where the money could be put to use.

My colleagues, no compelling case has been made for the production of these weapons. I urge my colleagues to again be firm and wisely reject this ill-conceived, unjustified Penatgon request—support the Porter-Fascell amendment.

□ 1550

Mrs. BYRON. Mr. Chairman, I yield 7 minutes to the gentleman from California [Mr. HUNTER].

Mr. RUDD. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Arizona.

Mr. RUDD. Mr. Chairman, I urge the defeat of the Porter amendment to cut funding for the necessary modernization of our Nation's chemical warfare deterrent.

In 1984, the Reagan administration proposed a treaty for a worldwide ban on chemical weapons. If adopted, the treaty would prove to be one of the most comprehensive and verifiable arms control agreements to date.

But until such a ban can be put in force, our responsibility must be to ensure an effective and credible deterrent to the use of chemical weapons against our people and our allies. We

cannot rely on any good faith efforts from the Soviets.

From 1977 to 1980, the United States engaged in at least 12 rounds of intensive bilateral negotiations with the Soviet Union to eliminate these weapons, but each time our efforts were stymied by Soviet intransigence on the critical issues of verification and compliance. The Soviets have only shown any real interest in progress when it appeared that Congress might approve chemical weapons funding. It's obvious that the Soviets will not negotiate seriously if we continue to demonstrate unilateral restraint, nor would they have any reason to do so.

The average age of our existing chemical munitions stockpile is now about 26 years, and none of the munitions has been test fired since 1969. The stockpile is obsolete for use on the battlefield. We have no effective capability to hit any targets beyond artillery range.

By contrast, in the 16 years since we began observing a unilateral moratorium on the production of chemical weapons, the Soviets have carried on a massive and advanced chemical weapons program. We have estimates that as many as 16 nations throughout the world now have chemical warfare capability. In the last 3 years alone, we have received frequent reports of chemical weapons use in Southeast Asia, Afghanistan, and the Middle East.

The legislation reported by the Armed Services Committee calls for funding of binary munitions, the safest and most expedient way to address the imbalance in chemical warfare capabilities and prod the Soviets into meaningful negotiations. They are safer to produce, transport, and store, since the binary chemical components will never come into contact with each other until the munition is in flight. The 155mm delivery projectile has a greater range, can disseminate the agent better, and can put more agent on the target.

A modern chemical munitions deterrent is necessary for progress in negotiations with the Soviets as well as for deterring the use of chemical weapons by the Soviets and others. I urge the defeat of the amendment.

Mr. HUNTER. Mr. Chairman, there is something very, very new in the debate this year. It is new and the gentlewoman who just spoke was wrong when she said same issue, same old debate.

What is new this year is that the Department of Defense has consented to do something they have never consented to before, which makes a very compelling argument for voting for the safety amendment, that is the Skelton-Hunter-Spratt safety amendment. It is the environmental vote this year, and I want to explain to you why. I think some of the gentlemen who represent districts where nerve gas is presently located have already attested to that point. But let me explain to you why.

These are nerve gas locations in the United States on this chart. Some of the gentlemen, like the gentleman from Utah [Mr. HANSEN], have already spoken about the fact that yes, they have nerve agents, deadly nerve agents in their congressional districts.

Now, the point is this is a binary system in which you have two elements, and those two elements separately do not comprise nerve gas. One of the elements, in fact, is regular old alcohol. In fact, I have some right here. Some of the people from Pine Bluff are already acquainted with this. Some of the people from Utah, very few from Utah, are acquainted with this.

The other element is a species pesticide. It is a species of pesticide no different from that pesticide that thousands of farmers in America handle every day. It is not great to drink but it sure is not nerve gas.

Let us speak just for a second about nerve gas. A pinhead sized drop of nerve gas will kill a human being. That is pretty dramatic and that is the type of solution and agent that these people who are speaking to you on the House floor today have in their congressional districts.

Let me say to my friends who are the proponents of keeping the existing deadly nerve agent in these congressional districts, because that is what they say to do. The Skelton safety amendment says no, let us replace it with binary, and it is there that the dramatic change was offered by the Department of Defense which was that they have agreed that they will base the two separate elements that make up nerve gas in separate States.

Now, what does that mean to BERYL ANTHONY, and I would ask the gentleman from Arkansas [Mr. ANTHONY] to come down and maybe give us an idea. He is a gentleman who has nerve gas in his district and he can tell us whether or not he would rather have, for example, rubbing alcohol or the equivalent thereto in his district in those munition bunkers instead of nerve gas.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Arkansas.

Mr. ANTHONY. I thank my colleague for yielding, and the obvious answer to the question is yes. I have been in the bunkers, I have had to go through the tests, I have had to put on the gas masks. I have, like Mr. PORTER, studied this issue, and I have gone in there.

There is no question in my mind that anybody who has sat down and thoughtfully thought through it will say this is many times more safe and would rather have this and destroy the old obsolete stockpile.

Mr. HUNTER. I thank the gentleman and I ask the gentleman from Kentucky [Mr. HOPKINS], who also has nerve gas in his district.

Mr. HOPKINS. Will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentleman from Kentucky.

Mr. HOPKINS. I appreciate the gentleman yielding. I expect to expand on this in just a few minutes. But they talk as though accidents do not happen. They do happen.

Two weeks ago we had an igloo explode in my district. We have 900 igloos. Less than 50 of them have chemical weapons, and this particular igloo did not have chemical weapons, thank the Lord.

But what if it did? Accidents do happen.

We have an opportunity to rid ourselves of something that another generation created for us. I think we ought to take the opportunity here today to rid ourselves of those old unitary weapons.

I would like to expand on that a little bit later, and I appreciate my colleague yielding.

Mr. MONSON. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I thank the gentleman for his comments and I yield to my friend from Utah. Could he tell us about his State and whether or not he wanted, rather have one harmless binary element in his State or nerve gas?

Mr. MONSON. I thank the gentleman for yielding.

As the gentleman pointed out, located just a few miles from my district are these unitary agents.

It was not too many years ago that we had an accident in Utah, and fortunately the wind was blowing the right way. Unfortunately for a few sheep, 6,400 sheep died as a result of that accident. But if it had been blowing the other way, east, as it usually does, toward Salt Lake City, we would have had a problem.

I just want to point out that it could have been 6,400 people or 64,000 people or more if the wind had been blowing the other way.

We need to correct that. We need to do what we can to ensure the safety of these people, and this amendment does that, and I commend the gentleman for his work on this amendment.

Mr. HUNTER. I thank the gentleman.

Let me simply say this is an environmental safety substitute, and I want you to remember that. If you hate nerve gas you should vote for this amendment, for the Skelton-Hunter-Spratt amendment. If you hate nerve gas you should vote for it because it

calls for the elimination of nerve agents from the United States.

I yield back the balance of my time.

Mr. PORTER. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Chairman, I rise in opposition to the amendment to the amendment known as the Skelton amendment to the Porter-Fascell amendment. I rise in opposition for a variety of reasons.

But let us take the last argument. I would rather not have any nerve gas at all, but you cannot have it both ways. So if we are going to be in the chemical offensive business, you are not voting for security because the amendment that is pending now, the Skelton amendment, says we are not going to do anything until 1987, but put the money in the bill.

The Skelton amendment admits that something is wrong with the Bigeye bomb; otherwise you would not make a fight now to get that nerve gas out of your States and put something else in there, whether it is alcohol or soap.

Mr. SKELTON. Mr. Chairman, will the gentleman yield at that point?

Mr. FASCELL. Not right now. I will not yield now. The gentleman can correct me.

Mr. SKELTON. Give me an opportunity to correct that.

Mr. FASCELL. Not right now.

Certain conditions he lays down in his amendment we have to consider, which is that the President has to certify that NATO will take it, that it is safe, and a whole host of other things. But the gut of the Skelton amendment is that it puts the money in and fence it around certain conditions until 1987.

The Porter amendment says look, it is not ready yet for production; why put the money in there now at all. Why do what Skelton wants to do—which is put the money in the bill and then fence it under certain conditions?

Why not admit that there is a major dispute going on with respect to whether or not this Bigeye bug is ready yet and wait until it is ready. Then start the production line and the money that is necessary.

The research is going on. Nobody is stopping that.

Now, the only other argument I have heard is that we need this binary program to force the Soviets to come to the table. I do not really believe that and you do not either.

□ 1600

If the bomb is not ready to be produced and cannot be deployed where it is needed it cannot be a credible deterrent. Our people have got the best that we have got right now. I happen to think we need to have an international agreement and a bilateral agreement with respect to the use of chemical weapons. I do not think we ought to even be thinking about producing something that is unrelated and unproven. But to think that as a matter of policy we are going to frighten the Soviets into the bargaining table because we are building a new chemical bomb, the purpose of which is to destroy humanity, when we have already got the capability already, imperfect as it may be according to some people, to destroy everybody in the world 5,000 times over, and it is good until at least 1990, why do you want to put the money in the bill? The answer is that somebody has finally declared that the time has come to declare victory with respect to the development of a bomb which is not ready to be produced and to get the money and go ahead anyway. That is what has happened. So you have the money in the bill, you have a determined effort on the part of the administration to do it and then you have an amendment that comes back, recognizes the vulnerability of the dispute both in terms of policy, technical requirements and says "OK, we admit there is a problem but leave the money in the bill and fence it until a later time."

The Porter amendment says, "Let's not fool around with that." We have already voted three times against binary production in the past. Let us leave the money out until such time as the research clearly and positively demonstrates that the bomb works and is ready for production. As of today, it is clearly not.

In the meantime we still have a major policy argument going on in this country with respect to chemical warfare and we are not going to solve it simply by putting money in a bill today and fencing it around certain conditions that do not come into effect until sometime in the future.

Let us be honest about it. Just adopt the Porter amendment which says let us take the money out until such time as we are ready to consider a weapon that has been fully and satisfactorily tested and that enhances our country's national security interests. Until then we should say no to binary chemical weapons production.

Mrs. BYRON. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. ROBINSON].

Mr. ROBINSON. Mr. Chairman, I rise in opposition to the Porter amendment and in support of the Skelton amendment.

I wish I could come to the floor today and change the name of this today to something like Tylenol Three or something like it that might be more acceptable. But the truth of the matter is that it is nerve gas.

My predecessor, Mr. Ed Bethune, who strongly opposed binary munitions, Mr. Bethune was a member of the Banking Committee, Mr. PORTER is a member of the Foreign Affairs Committee and so are some of the other opponents to this. I bring that up because I would like to make a point today. I am a member of the Committee on Armed Services. In my opinion today it is one of the better committees in the House of Representatives. It is our responsibility to develop a rationale for or against binary munitions.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON. I will yield at the end of my time.

Mr. PORTER. I am not a member of the Foreign Affairs Committee. I am a member of the Appropriations Committee.

Mr. ROBINSON. I am sorry about that.

Mr. PORTER. We have the responsibility of passing on whether it is a worthy item to spend on.

Mr. ROBINSON. I am sorry. I was told you were a member of the Foreign Affairs Committee. You sounded a little bit like you were. So I apologize.

It is the responsibility of our committee to develop a rational policy for this. We took into consideration several critical issues or factors including safety considerations, current U.S. capabilities and arms control and budgetary factors.

First to address the safety issue: The current unitary system is aging and unsafe. It poses significant logistic problems and environmental risks. In contrast, the binary system allows for nonlethal components, essentially industrial type chemicals to be produced, stored, handled, transported, and employed without safety risk.

Let me share with you for a few moments our current inventory and our capability. Current U.S. stockpile averages 26 years in age, only 10 percent militarily useful. Another 18 percent is of limited military value. The United States has not produced chemical munitions since 1969. We have no current capability to hit deep targets with persistent chemical agents.

I would like to move quickly on because I know my time is limited, to what our real purpose is, as far as our responsibility as members of the Armed Services Committee.

We have two responsibilities. No. 1, we must provide to our troops the weapons they need to do their jobs, including deterrent weapons. If we do not do that we are not doing our jobs. But most importantly we have a responsibility and a big responsibility to do all we can as far as arms control in this country. Our ultimate goal in our committee, under the able leadership of our chairman, Mr. ASPIN, is abandon all chemical weapons. We have tried before when the United States unilaterally halted production of

chemical munitions. What did the Soviets do? They have continued to modernize their capability. They have 14 production facilities today. Also we are seeing Third World countries producing chemical weapons. I do not necessarily like chemical weapons but I think they are a necessary part of our munitions variable in this House of Representatives, especially in the Armed Services Committee.

I would like to close by saying that I know that you were influenced in the House of Representatives by my predecessor, Ed Bethune, who is a very fine man. I like Mr. Bethune. But in my opinion he was wrong in his opposition to the production of binary nerve production.

I want to close by saying that: I wish you would look at the facts and not get involved in all the emotional arguments because we need binary nerve gas.

Mr. PORTER. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH of Iowa. Mr. Chairman, I rise in support of the amendment precluding development of a new generation of chemical weapons and would stress above all the proliferation issue.

First, however, it must be acknowledged that the case for binaries is not inconsequential. In theory they provide somewhat safer handling and thus broader possibilities for storage on ships and in air. In this regard, though, it must be stressed that the "bugs" so to speak, haven't been worked out of the Bigeye bomb and that theory and reality have yet to meet. Safety problems, on the other hand, of current chemical weapons have not been overly problematic.

From a storage and handling point of view, the status quo does not represent either a position of weakness or one in which we can be said to lack a credible chemical weapon deterrent. In fact, in terms of volume we have enough agents stockpiled in Western Europe to kill the majority of the population of Eastern Europe, although admittedly we lack the capacity to distribute these agents with discriminating scope and accuracy.

In terms of this debate the issue of discrimination cannot be overlooked. In an era of increasingly precise weapons, chemical weapons represent the reverse trend. Rather than maximizing damage to opposing armies, chemical weapons threaten unprotected civilian populations more than military forces. I stress this fact because in a European context we are asked to develop a greater capacity to kill the very population base most likely to be most sympathetic to U.S. national interests—the peoples of Berlin and Warsaw as contrasted with their governments and Soviet occupying troops.

As the other body's resident theologian, Mr. DANFORTH, has noted, theories of just war extending back to Thomas Aquinas have emphasized the principle of noncombatant immunity. This does not mean that noncombatants are going to be totally immune from the effects of war. But it does mean that the main rationale of a just war is to target force in such a way that its primary thrust is against combatants rather than civilians.

But because East bloc armies are equipped with masks and other gear and populations are not, the vagaries of wind and weather ensure disproportionate civilian as opposed to combatant casualties with the outbreak of a war employing chemical weapons. In an ethical sense, the Bigeye is a misnomer. Chemical weapons have no eyes. When unleashed, they can't distinguish between civilians and combatants, between men and women, children and adults. They are instruments not of war, but of mass destruction.

Second, it must be acknowledged that lacking a chemical weapons deterrent capacity, the threshold of reliance on nuclear weapons could be lowered. Here, whatever position one holds on binaries, participants in this debate must admit that the quantity of our pre-positioned stockpiles is impressive. We are not talking unilateral disarmament. We are talking about responsible restraint. More problemsome than the tie between chemical and nuclear weapons decisionmaking is the tie between chemical and biological agents. While binaries provide somewhat greater storage and potential delivery flexibility, they also increase the likelihood of usage of their first cousin—biological weapons, living organisms like plagues for which there may be no known antidote. This danger is far more germane than the nuclear threshold dilemma.

But the main argument against a new generation of chemical weapons has more to do with North-South conflicts than East-West. The number of nuclear powers has now reached seven, but, as consequentially, the number of countries actively using biochemical weapons of war, as contrasted with simply stockpiling, has now reached three—the Soviet Union, Vietnam, and Iraq.

Proliferation, not subtle improvements in our weapons capacity, is the real issue. Embarking upon a new program of chemical weapons production raises the possibility that another enormously expensive and awesomely dangerous arms race may be in the making, this time in a field where the superpowers may have even less control over proliferation than they have with regard to nuclear weapons.

If legitimatized through new production and stockpiling, chemical weapons could all too easily become the poor man's weapon of mass destruction. Nuclear arms are beyond the financial and technical capabilities of most nations. However, countries which are unable or unwilling to produce nuclear weapons can easily produce some types of deadly chemical weapons. Let's not head in the direction of legitimatizing these weapons for countries like Cuba, Syria, and Libya.

Here, perspective must be applied. We are not talking about modestly different weapons systems. To study the effects of chemical warfare is to shudder at what science has wrought. Last year, for instance, a U.N. experts panel submitted a report relating to Iraqi use of chemical weapons. A reading of the medical reports of Iranian victims is enough to awaken anxiety in anyone. Below is capsule of victims' symptoms:

The skin of the entire back separated; exhibits respiratory distress, intense tracheal irritation and congestion; coal-black necrosis of the skin of the scrotum and penis; facial sphacelus; genitals are black; diarrhea with rectal bleeding; crusted lesions on the nose; separation and detachment of parts of the skin surface over a very wide area; severe conjunctivitis; intense melanodermic lesions on the scrotum and penis; wine-coloured erythema on the face, armpits, chest, and abdomen; extensive purple erythema on the trunk, armpits, and face; ulcers on the eyelids; wine coloured erythema on the interior surface of the thighs, scrotum, and penis; great pain if touched or moved; multiple blisters and cutaneous detachment over the entire surface of the skin; skin completely removed from the testicles; bloodly expectoration with pieces of mucosa; nausea, vomiting, colic pains, sweating, miosis; tremor in the lips and extremities; vomiting, intestinal colic pains.

Public officials have a profound responsibility to do everything in their power to prevent the day that when faced with what they perceive to be a compelling interest, governments can freely deploy and use weapons of mass destruction. While it is clear that the Pandora's box containing these weapons has been opened once again, the United States has an obligation to take the lead in putting the lid back on the box. What then can we do?

First, we can take the lead in restraining rather than advancing the deployment of new chemical weapons.

Second, the administration should insist a conference of parties to the Geneva Protocol be convened to assess the implications of renewed chemical and toxic weapons usage in the world, with the aim of establishing more stringent safeguards against the further proliferation and use of such weapons.

Third, we must work to see that access to the components of these

weapons is adequately controlled, even if it means tightening up our own controls and embarrassing some of our allies, and calling to task again the Soviet Union.

Fourth, we must condemn with the most insistent voice every use of chemical weapons, as humankind cannot allow such travesties to gain increased legitimacy.

Fifth, we must recommit ourselves to the obligation we undertook in the 1972 Biological and Toxic Weapons Convention to seek early agreement on an international treaty which would complement the Geneva Protocol's ban of the use of chemical and related weapons by prohibiting their development, production and stockpiling.

What we need most of all is an understanding of the big picture, not a commitment to build the Bigeye. Arms control is the issue of our age. We do not need more chemical weapons. We do need more effective arms control.

□ 1610

Mr. Chairman, I yield to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. In response to your conclusions drawn on the proliferation issue, is the gentleman aware that the Soviets now have at least 80,000 people working day and night in at least 10 locations producing chemical warfare weapons?

Mr. LEACH of Iowa. There is no doubt that the Soviets have a substantial chemical weapons capacity and that they have experimented with those weapons in Afghanistan as well as through their surrogates in Laos.

Mr. BURTON of Indiana. A follow-up question is then, why should we remain impotent with the weapons systems that we have that are 40 years old while they continue to build new and more sophisticated ones?

Mr. LEACH of Iowa. I think very interestingly your question implies a difference of judgment. We do not remain impotent. We have the capacity in the CW area that is very profound, and not inconceivably we have more weapons stockpiled than does the Soviet Union?

Mr. BURTON of Indiana. Well, the Department of Defense does not concur with that conclusion.

Mrs. BYRON. Mr. Chairman, I yield 2½ minutes to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, about 10 years ago I was appointed to attend a conference on disarmament of chemical-biological weapons in Geneva. I learned a great deal about this issue at that time.

I learned, as it has been stated today, that the Soviets were increasing their supplies of chemical-biological weapons while we in the United States by Executive order had been decreasing our supply. We simply were not producing sufficient biological weapons to maintain parity with the Soviets.

It was coincidental that on the same trip I visited one of my friends who was then the commanding general, U.S. Air Force, at the Ramschstein Air Base, one of our forward bases. I saw all of our tactical weapons systems there; our sophisticated fighters, our headquarters command post, all of which cost billions of dollars to put in place, but every one of which was vulnerable to surprise attack by chemical-biological warfare.

We were simply not prepared to defend our own military personnel in the event of chemical-biological warfare. I was convinced at that time as I am today that the only way to deter the Soviet threat from chemical-biological weapons is to be prepared to use them ourselves.

Now we in Arkansas support the idea of storing these weapons at Pine Bluff, and our people there are patriotic, and support this arsenal for that purpose. However, we in Congress have an obligation to them of providing weapons which are safe.

It is therefore essential to construct a binary nerve gas system to provide for the Soviet threat, to defend against that threat and at the same time provide safety for the people around who live where those weapons are deployed.

I urge my colleagues to support the Skelton amendment and I rise in support thereof myself.

Mr. PORTER. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. STARK].

Mr. STARK. Mr. Chairman, ostensibly, the question before us is whether we should start doing something that we have not done for the last 16 years: Start building chemical weapons again. If for no other reason, we should demand there be a very good reason for doing so because it will cost over 2-billion-tax dollars.

I don't think there is a good reason to start churning out new nerve gas weapons. And there is a very good reason not to do so today.

The real question we face is how to deter the use of chemical weapons against the Armed Forces of the United States and our allies.

Building new chemical weapons will do little to deter Soviet or Third World use of chemicals against us if we continue to lag dangerously behind in giving our troops the means to protect themselves against gas warfare.

Stop and think about it. The Soviets have the best chemical warfare capability in the world. Why? Their capability is derived from the combination of their offensive chemical arsenal and their defensive equipment and training. Deterrence of chemical warfare is based on both an offensive and a defensive capability.

We have an offensive arsenal that is large and operational. The Chemical Warfare Review Commission admitted as much when it reported:

> In terms of quantity required, it has not been demonstrated to the commission that the number of artillery shells on hand is inadequate.

Yes, our offensive arsenal will eventually need modernization. But all honest assessments say our arsenal will be effective into the 1990's.

Meanwhile, our chemical defensive capability is criminally ineffective now.

The President's Commission seems to think it will stay that way no matter what Congress intends or does:

> The commission has concluded, however, that in spite of the approximately $4 billion that Congress has appropriated since 1978 for defense against chemical warfare, that defense, measured either for purposes of deterrence or for war-fighting utility, is not adequate today and is not likely to become so.

My question is, Why not?

Just what do we have to do to get the uniformed services serious about providing our men with adequate chemical protective gear and training? We've tried giving them lots of money, and obviously that hasn't worked.

Four billion dollars later the Navy has protective suits that don't work when they get wet, and the Army has protective overboots that take 15 minutes to put on, and can't be laced up at night.

Virtually every Soviet armored vehicle has equipment to protect the crew and passengers from chemical weapons. Neither our M-1 tank nor our Bradley fighting vehicle have such protective equipment.

Does it make sense to leave such relatively inexpensive equipment off vehicles that cost up to $2 million a piece? Why would new binary weapons deter the Soviets from using gas against American forces who have to wear cumbersome protective clothing inside their tanks, while Soviet tank gunners aim and fire in their shirt sleeves? How serious is the Army about conducting chemical warfare?

Virtually every modern Soviet Navy surface vessel has equipment which allows naval operations in a chemical environment. Our ships have no such equipment.

What are the U.S Navy's plans for such operations? I'll quote from the Commission report again:

> In the event of a chemical attack, U.S. naval units would plan to leave the area * * *

Leave out gobbledygook—turn tail and run.

Does that make sense in the context of our Navy's mission to maintain control over the seas? How would buying the questionable Bigeye bomb for the Navy deter Soviet use of gas at sea if we plan to leave the area, while they

stay put in control of the sea lanes? How serious is the Navy about chemical warfare?

The reason for voting against building new chemical weapons today is to force the services to get serious about defenses.

Does anyone in this Chamber think the Pentagon will redress our deficient defensive posture if we give them the shiny new bombs and shells they want? Chemical weapons protective gear, warning devices, and collective protection equipment is pretty dull stuff compared to covering 600 square miles of someone else's country with lethal concentrations of nerve gas.

Sending our men into combat in deficient chemical protective gear will not deter either Soviet or Third World use of chemicals, regardless of the nature of our offensive arsenal.

In the case of the Soviets, they now know they can fight better in a chemical environment than we can. In the case of Third World states, if using gas against otherwise overwhelming American conventional forces either kills us or makes us go away, you can bet they will do it.

Please don't vote for new offensive chemical weapons until the Pentagon addresses the pitiful state of our defensive posture.

□ 1620

My staff suggested that I ask you to hold up the binaries for the sake of our servicemen. I am going to suggest to you, ladies and gentlemen, that when you have got them by the binaries, don't let go to get a better grip because there is not one.

So I urge you, vote for the Porter amendment and vote down the Skelton amendment.

Mr. BATEMAN. Mr. Chairman, will the gentleman yield?

Mr. STARK. I yield to my distinguished friend, the gentleman from Virginia.

Mr. BATEMAN. I thank the gentleman for yielding.

Is the gentleman in the well aware that the Department of Defense requested and the bill that is on the floor from the House Armed Services Committee includes $900 million-plus in chemical defensive measures?

Mr. STARK. I am aware of that. I am aware that they have had $4 billion to spend since 1978, and it still takes 15 minutes to lace up protective combat boots for infantry and they cannot do it at night.

Mrs. BYRON. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. ANTHONY].

(Mr. ANTHONY asked and was given permission to revise and extend his remarks.)

Mr. CHAPPELL. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Florida.

Mr. CHAPPELL. Mr. Chairman, there has been a unilateral U.S. moratorium on chemical weapons production since 1969. One of the paradoxes of a decision to forego a weapons program, even when the Soviet Union has not such intention, is that our interest in what the Soviets are doing in the field seems to drop. With the U.S. moratorium on production, intelligence priorities and interest in what the other side is doing were also reduced. But even with a lower intelligence priority, we cannot help but notice the Soviets' growing capabilities and their willingness to use chemical weapons as they have, for example, in Afghanistan. We know that, in opposition to our obsolete, deteriorating and potentially dangerous stocks, the Soviet Armed Forces possess a versatile array of agents and delivery means for attacking our soldiers and civilian's nervous systems, blood and respiratory systems.

We know that the threat is serious, that the potential for use is likely and that its use will be "militarily significant" in the most disturbing sense of that dry, analytical term.

A number of our military commanders have concluded that there is no question that the use of chemicals would be devastating, that a target would be rendered ineffective almost instantaneously. An attacking enemy would encounter little organized resistance. Even if our troops were fully prepared for such use, their capabilities would be severely degraded. An offensive force using chemical weapons can create a battlefield asymmetry that almost guarantees success. And chemical weapons [CW] will accelerate the offensive to a degree that forecloses effective countermeasures.

The threat of retaliation, which subjects the offensive force to the same degradations as that inflicted on the defensive force, is the only realistic threat that can lessen the military attractiveness of CW to a nation that has already demonstrated its will to use such means. NATO's limited amounts of obsolescent munitions are no real deterrent to CW use by the Warsaw Pact. And a gas mask is no deterrent either.

In the event of a Warsaw Pact chemical attack, the NATO alliance would be faced with a decision: To surrender or to retaliate with nuclear weapons. The latter choice means a drastic lowering of the nuclear threshold on a chemical battlefield. But the use of battlefield nuclear weapons may be precluded by the rapid advance under a chemical offensive. This means that the decision to go nuclear would have to be contemplated sooner and the danger of escalation to strategic systems would quickly have to be taken into account.

Are we prepared to consider such a scenario a credible defense? Our purpose should be to lessen the threat of nuclear war, not to increase that threat. The primary tool needed to avoid such an apocalyptic choice is a simple, useful, credible chemical retaliatory capability. Our interest is not in using CW, but in making the option of offensive use by the Soviet Union less attractive than it undeniably is now.

Mr. Chairman, I urge the adoption of the Skelton amendment.

Mr. ANTHONY. Mr. Chairman, I rise in opposition to the Porter amendment and in support of the Skelton amendment, and I would like to thank my colleague, the gentleman from California [Mr. STARK], for basically making the real argument for why we need a chemical deterrent. He has just taken this floor and has admitted that no matter how much money you pump into a defensive mode for equipment, our people are still nailed down. We can spend as much money as we want to, modernize all across the country, our enemy can come in and dirty our field and our men are tied down.

The gentleman from Illinois [Mr. PORTER] has quoted from the report. I challenge the Members to read the report, and I would like to quote some pages to call to your attention.

On the Bigeye bomb, Mr. FASCELL says:

> All Mr. SKELTON is asking you to do is to ask for the money and then fence it in because there are problems with the Bigeye bomb.

Let us look first to who served on this commission. Barber B. Conable, one of the most respected former Members of the House of Representatives who served on this side of the aisle; John N. Erlenborn, a former Member of the House of Representatives, served on this commission. If that is not good enough for you, Alexander M. Haig, former Secretary of State, from this side of the aisle. Take a look at what he put his name on, what they collectively put their names on. Look on page 17, where they said the problems with the Bigeye bomb have been solved.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Illinois.

Mr. PORTER. I wonder if the gentleman can name the members of the commission who opposed chemical weapons who were appointed by the President to that commission. None.

Mr. ANTHONY. I cannot answer that question. I have got the report. The report is here for you to read, for America to read and to make up their own minds.

Look on page 17: The problem has been corrected, production has been requested.

Look on page 33, ladies and gentlemen: It tells you exactly why the money could not be spent until 1987.

It is because we do not have a production facility in place to build the Bigeye bomb. It will take the contractors a small amount of time to build this facility if we give them the money to build it.

That is not building a fence around the Bigeye bomb. That is building a fence around the contractors who will have to build the facility to deliver the Bigeye bomb, to deliver it to our troops in the field.

Do not deny the troops in the field the safety factor for the Bigeye bomb. If you say that the Bigeye bomb has problems, you are attacking the credibility of all the members of this commission who have studied the witnesses on both sides and have come forward with their study.

Now, then, let us take a look at the studies over on the left about the munitions. And I must tell you that I told the Pentagon from the very beginning that I thought that this was one of the serious problems that we had to overcome. I ask the Members to look on pages 19, 20, 21, 22, 23, and 46 of this report. I want to tell you what it tells you. It is something very interesting. You can put the numbers of how many weapons we have, but it does not tell you whether those weapons are filled with persistent on nonpersistent agents. We need the persistent agent in order to tie down our enemy, not the nonpersistent agent. The nonpersistent agent disappears. The persistent agent is not contained in a majority of these weapons systems; so, therefore, you can take off the ones that only are filled with the nonpersistent because they are not an effective deterrent.

Now, there is something else that is very interesting when you read this report, and there is no one who can refute this as being correct. We do not have the military artillery capability to utilize the majority of these weapons. Look at the report. Look at what is in our arsenal.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. I yield to my friend, the gentleman from Indiana.

Mr. BURTON of Indiana. I would just like to follow up on that point by saying that the weapons that we currently have stockpiled are outdated. For us to use those in combat, our troops would have to get 40 percent closer than they had to 20 years ago, and because of that you would have to either add 40 percent more fire power to those weapons, which would endanger the security of our men because it might cause an explosion right at the line of defense and kill a lot of our troops, or else you would have to move the front line 40 percent closer, thus endangering our troops.

So I think the gentleman makes a very valid argument. We have to do something to upgrade these weapons, and the best way to do that is to come up with a new binary chemical system.

Mr. ANTHONY. I could not agree more with the gentleman's analysis.

Mr. PORTER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. MRAZEK].

Mr. MRAZEK. Mr. Chairman, in this debate we have had a chance to hear about exploding igloos—and I am not about to yield any time to hear more about them at this point—we have heard that just about any enterprising kid can go down to the hardware store and mix up a little rubbing alcohol and DDT and kill just about everybody in his community with nerve gas. We have heard about the agonizing death of 6,400 sheep, whether intentionally or not, by the Army. And we have heard that we need chemical weapons because the Soviets might use them to kill American soldiers.

Well, I would like to remind my colleagues about the last country to use chemical agents to kill thousands of American soldiers in wartime. It was the U.S. Government in South Vietnam.

I remember a young man named Paul Reuterschan, who had the misfortune to have fought with an engineer battalion which helped to defoliate the jungles around the perimeters of wherever his unit chose to bivouac in Vietnam.

Paul Reuterschan returned from Vietnam under the assumption that he was one of the lucky ones to survive. But when he was dying at the age of 28 from cancer and he was fighting each day to survive for one more day, he said, "I was killed in Vietnam, but I never knew it."

Well, Paul Reuterschan and thousands of other American soldiers, as well as millions of Vietnamese, were exposed in Vietnam to a chemical agent called agent orange. No one told the American soldiers, much less the Vietnamese, that this chemical contained dioxin, one of the most toxic agents known to us today.

We literally sowed that country with agent orange. God only knows how many South Vietnamese are carrying that poison today as a result of that tragic mistake.

And now we are talking about stockpiling a whole new generation of chemical weapons in Western Europe. Except for one thing: Our allies in Western Europe do not want them. They have rejected the deployment of binary nerve gas shells in their countries, and very rightly so; just as every town, every community in the United States of America would fight against having binary nerve gas shells deployed with military units in their community.

In fact, the overwhelming majority of Americans find the whole concept of nerve gas weapons repugnant, and the American people are right. We know that if the Soviets were ever to use chemical weapons against our soldiers, then that would be it. That would be the demarcation point of no return. As far as I am concerned, we ought to declare to the Soviet Union that we are going to treat nerve gas weapons just as we would treat their utilizing tactical nuclear weapons.

I think it is important to remember that not even Adolf Hitler used chemical weapons, even in the declining days of Nazi Germany.

The bottom line is that we should declare to the Soviet Union that if they were to use chemical weapons in Western Europe against our soldiers, then we will respond as if they were to utilize tactical nuclear weapons against our soldiers.

And, in fact, we should do away with all nerve gas weapons in this country because we have a host of other remedial techniques that we can use to respond to the Soviet Union if they were ever to do something as heinous as use those weapons against American soldiers.

□ 1630

Mrs. BYRON. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia [Mr. DANIEL].

Mr. DANIEL. Mr. Chairman, I ask unanimous consent that the remarks that I made about Mr. BETHUNE be stricken from the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DANIEL. Mr. Chairman, I rise in support of the Skelton amendment. What is needed—and needed desperately—at this time is a long-range capability.

Today, we are providing our Armed Forces with a very short-range capability, insufficient to attack such vital targets as depots and airfields.

Our target area is restricted to the reach of short-range 155 artillery rounds.

Safe from threat are the enemy's airfields, logistics concentrations, and command centers—the very areas we must reach, if chemical warfare weapons are to pose any deterrence whatsoever to a potential enemy.

Currently, we have only one effective weapons system with chemical warfare capability, and half are ineffectively equipped.

The agent mix now available is persistent—it will linger in the area beyond a useful period, whereas a more effective agent would disperse rapidly.

General Rogers has testified before our committee that his present resources are inadequate to the job, and I am told that half the assets available

to him are equipped with the wrong agent mix.

General Rogers has stated that his single greatest concern is his inability to place an enemy at the same risk he must accept.

Unless we acquire an adequate long-range binary capability, the nuclear threshold will be considerably lowered.

Our lack of a deep strike chemical retaliatory capability allows an enemy to pick and choose the time and place, the nature of the agent, and the extent of employment without having to place his own personnel into protective gear and equipment.

No matter how good our protective posture becomes, any enemy will have a significant advantage.

Even a selective or very limited chemical attack will have a debilitating effect on forces far removed from the area of actual contamination.

Higher states of protective posture and increased physical and psychological burdens would be forced on personnel.

These are burdens that any potential enemy force would be, for the most part, free from today.

An effective defensive posture alone is therefore not sufficient to ensure our ability to operate at maximum efficiency in a chemical environment.

The chemical weapons stockpile is designed to discourage an aggressor's first use of such weapons.

The objective of the U.S. chemical warfare posture is, has been, and will remain deterrence.

I believe that binary munitions are the most sensible way to establish a realistic deterrent because of their obvious advantages over the current unitary weapons.

Procurement of Bigeye for the Navy and the Air Force will partially redress our lack of retaliatory chemcial weapons.

Bigeye is the only chemical warfare bomb being developed for either Air Force or Navy use.

It will fill the existing void and will do so with vastly improved safety in deployment and employment.

With Bigeye, chemical weapons can be safely carried and employed by sea-based units for the first time.

Modernization of the national chemical warfare stockpile with binary weapons would provide the sorely needed deterrence by providing a flexibility and speed of response never available, should any enemy initiate chemical warfare.

Additionally, any stockpile of binary weapons that must be destroyed due to arms control agreements or aging, will never pose the storage and disposable problems we face with our current obsolete unitary weapons.

Bigeye is a success story.

It is a working and workable weapons system that will be ready to go into production in fiscal year 1986.

Bigeye just completed an extensive series of research and development tests as part of its overall technical evaluation.

These tests were extensive and conducted under as realistic conditions as such a weapon will allow.

Bigeye has been tested in the air for aerodynamics, dissemination, function and safety.

On the ground, it has been tested for function, safety, logistic and operational suitability.

In an environmentally controlled toxic chamber Bigeye bombs have performed successfully.

Extensive testing has been successfully conducted by the Air Force and the Navy.

These tests convince me that all Bigeye problems are in hand and that Bigeye works.

In summary, we now have only a limited capability to deter an enemy's use of chemical weapons.

Our chemical defensive capability is improving but alone it will never deter the use of chemical weapons against us.

We lack the safe, modern munitions such as Bigeye to present a credible retaliatory capability necessary to deter enemy first use of chemical weapons.

I urge you to join me in supporting the chemical warfare modernization program and its goals of providing both the defensive and offensive capability needed to deter hostile first use of chemical weapons.

The production of the Bigeye weapon is a necessary step toward this goal.

Mr. Chairman, I yield to the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. I thank the gentleman for yielding to me.

Mr. Chairman, there are three reasons why we need to support the Skelton amendment. The first reason is that without a credible retaliatory chemical warfare capability, we are putting our sailors, our soldiers, our marines, our troops in the field in danger. It does not do very much good to give them protective covering as we have already heard. That protective covering reduces their capability to move in the field by some 50 percent.

The second reason is that unless we have a credible deterrent capability, the only way that we can react against a gas attack is nuclear weapons, and that means that we reduce the nuclear threshold which we do not, certainly do not want to do.

Third, this House has spoken out very eloquently and very frequently in times past about how much we support arms control. But the only way to get a chemical warfare treaty with the Soviet Union is for us to have a chemical capability once again, an effective retaliatory capability. It takes two to tango in negotiations, and unless we provide that capability, we will never get an arms control agreement on chemical weapons in the City of Geneva.

So the Skelton amendment is the right way to go.

Mr. PORTER. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise to oppose the Skelton amendment and to support the Porter amendment. I would like to begin by talking about the basing mode for these binary chemical weapons.

The gentleman from California has told us that the Army has said that it will now start storing the two separate ingredients of binary weapons in different States to allay the fears of the people in those States about the toxicity of those binary weapons. As a matter of fact, the Skelton amendment formalizes that by requiring that the components would be stored in separate States.

Mr. HUNTER, earlier in the debate, suggested that we might employ the same policy to allay the concerns of our European allies. As I read that, it means that we might store one active agent in Germany, another active agent in France or Belgium or the Netherlands, then I suppose when the need arises, when the Russian armies come streaming across the German border and it looks like we really need it, we could send the Germans over to France or the French over to Germany to get the components and put them together to support our armed forces.

Mr. HUNTER. Will the gentleman yield so I can assure him that is not what I meant? I said at different locations in Germany or different bunkers in Germany.

Mr. PEASE. I will be happy to yield at a later time.

Mr. Chairman, this sounds to me, whether we are storing it in different States in the United States or different countries in Europe, like the sort of "Alice in Wonderland" basing scheme which the Pentagon came up with several years ago for the MX missile. You recall the MX missile basing mode changed from year to year and the Pentagon came up with one improbable basing mode after another, until finally, even the proponents of the MX missile realize that we have no suitable basing mode, and we just yesterday capped the MX at 40 missiles.

Let us not go to our allies in Europe with a basing mode which simply does not pass the test of common sense. I would like to mention one other thing about the Skelton amendment. It provides that no money can be spent before 1987 under any circumstances. I ask you the question, then, if that is

the case. Why vote now? Why not wait until 1986 to make that decision?

The Skelton amendment also says that no money can be spent even in 1987 unless NATO formally agrees that binary weapons are needed, formally agrees that these weapons will be placed on the soil of our European allies. If that is the case, if it cannot be done before a formal vote of NATO, why vote now? Why not wait until NATO actually votes its approval? Why stir up our European allies who are already very sensitive politically on this issue. Why stir them up needlessly? If they come to that conclusion on their own, certainly proponents in Congress will have no difficulty coming up with a majority of votes to proceed with binary weapons.

It seems to me that the bottom line is that a vote today to authorize funds, even if they could not be spent before 1987, takes the U.S. Congress across the Rubicon. We are taking a fateful step going back to chemical weapons production for the first time in 16 years. That has enormous symbolic implications for us, for our allies, and for the rest of the world. I think it is a mistake.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I yield to the gentleman.

Mr. SKELTON. I thank the gentleman for yielding.

Mr. Chairman, it might be interesting to point out that for a period of years we have not produced chemical weaponry, but all during that time the Soviet Union has to a great extent. It puts our boys, our dependents in Europe at a great disadvantage.

Mr. PEASE. Well, it does not put our soldiers in Europe at a disadvantage, and I would hope that we do not take the position we have to do everything the Soviet Union does. We in the United States try to uphold a different and a higher and a better standard than the Soviet Union.

Mr. Chairman, let me add a few additional thoughts.

The Defense Department has asked us to end a 16-year moratorium on production of chemical weapons in the United States. The binary weapons proposal they are offering us is a misguided and inherently flawed program.

Binary weapons have been touted as the safer alternative to our current stockpile of unitary weapons. They may offer the illusion of greater safety, but in truth they are dangerously unreliable and inefficient. The binary bomb—Bigeye—has failed its tests at least 8 out of 10 times. The logistics of binary chemical mixing complicate usage. Because of their unreliability, use of binaries in wartime might seriously threaten civilian lives in ways unitary weapons do not. Merely on the basis of its technical failings, the binary weapons proposal is utterly unacceptable.

Production of binary weapons would be even more disastrous politically. The Defense Department argues that binary chemical weapons will provide crucial forward defense. If these weapons remain in the continental United States, they add little to our defense at all. Yet our closest European allies are adamantly opposed to this binary weapons proposal and refuse to allow the deployment of such weaponry on their soil. At the NATO defense minister meeting on May 22, NATO Secretary Peter Carrington insisted that chemical weapons do not fit into the NATO conventional defense framework.

He proposed that the West should push for a total ban on chemical weaponry. Our present European stockpile of unitary chemical weapons already suffers from a precarious legal status in certain countries; pressuring our allies to accept new weapons might jeopardize the status of existing weapons. In the tense climate of countries already deeply divided over ongoing deployment of Pershing II and cruise missiles, pressure from the United States to store new chemical weapons in the allied nations would be politically foolish.

The supreme allied commander in Europe, Gen. Bernard Rogers, admits that the binary chemical weapons issue is too tough to handle. Yet the Defense Department is asking us to support this chemical program, a program which threatens relations with our NATO allies and undermines our more important foreign policy objectives.

The Binary Weapons Program would add billions of dollars to the Federal deficit and provoke an international political confrontation without making America any safer or more secure in defensive capability.

I strongly support the Porter-Fascell amendment to withhold funding for this dubious and costly program.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I yield to the gentleman.

Mr. HUNTER. I appreciate my friend yielding, and I would simply ask the gentleman if he is telling Mr. HANSEN in Utah that he has to keep nerve gas in his district; that he cannot take a harmless element, because splitting up the two binaries would not be acceptable to the gentleman who is speaking.

Mr. PEASE. I would be happy to tell him, but my time has expired.

□ 1640

Mrs. BYRON. Mr. Chairman, I yield 4 minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. NIELSON of Utah. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I am glad to yield to the gentleman from Utah.

Mr. NIELSON of Utah. I thank the gentleman for yielding.

Mr. Chairman, I would like to offer my support for authorization of funds in the Defense Department authorization bill to modernize our stockpile of chemical weapons. I am very aware of the problems associated with storing unitary chemcial weapons. In fact I worked at Dugway Proving Grounds in Utah as a statistician for C-E-I-R, Inc. During that time I studied the leakage problems with our current stockpile of weapons and the mysterious death of 6,400 sheep that died in the Dugway region. That study gave me an opportunity to examine first hand some of the serious problems that are associated with our current chemical stockpiles.

I am convinced that we have a great need to modernize our chemical weapons program and that we should move with a strong resolve toward replacing our aging stockpiles with binary weapons. Binary chemical weapons would be easier to store, easier to transport, and would be much safer overall. This is true because the chemical agents are not lethal until after the weapon is fired. The chemical components could be stored or transported separately. The chemical weapons could be stockpiled in the United States until deployment was necessary, thus alleviating the concerns of our European allies. They are much less expensive to maintain throughout their life cycle and they are much easier to dispose of than unitary chemical weapons.

We need to modernize our chemical weapons stockpile because we have an aging stockpile that is unable to meet the demands of the modern battlefield and one that poses a serious potential environmental hazard. The average age of our current U.S. stockpile is 26 years. A strong defense and an effective retaliatory capability are the most effective means of ensuring that the Soviet Union will never be tempted to unleash their advantageous offensive and defensive chemical weapon capability which they have unilaterally achieved over the past 15 years.

Mr. MONTGOMERY. I thank the gentlewoman for yielding this time to me.

Mr. Chairman, I rise in opposition to the Fascell-Porter amendment and in support of the Skelton-Hunter-Pratt amendment.

In the President's letter to Members of Congress on June 13, he points out that in Geneva we have put forward a draft treaty that will ban chemical weapons, and that the Soviets have not responded constructively. If I were in their position, I would not want a treaty either.

Mr. Chairman, the Soviets have us where they want us on chemical weap-

ons. They are in a position of strength, and we in the United States are dealing from a position of weakness, and they are not going to negotiate with us as long as we in the United States deal from a position of weakness.

In the 30-odd years I have been connected with the military, I have seen less improvement in chemical warfare than any other arm of our defense. In the last several weeks, I have tried further to check on our chemical weapons and equipment. I believe our old chemical weapons should be destroyed and that we should replace them with binary weapons.

The present protective gear for our troops and personnel on ships and aircraft just do not do the job. The heat build-up in this protective clothing is unbearable. It leads to impaired vision for those flying aircraft and driving tanks. They have to take off the mask to see where they are going and what they are doing, and it interferes with their breathing. In short, one just cannot perform normal functions while wearing the protective gear.

I am afraid the Soviet weapons advantage and the ineffectiveness of that protective gear might move our commanders in the field closer to the use of nuclear forces. A weakness in chemical warfare pushes us closer to the use of nuclear weapons on the battlefield.

Mr. Chairman, this vote on chemical weapons is the most important vote you will make on this bill, in my opinion. Yes, we have done a good job in building up our tanks, guns and planes, but we have done virtually nothing in the area of chemical weapons.

Certainly, I agree that chemical warfare is horrible, but all war is horrible, and if we are going to provide the proper deterrent to avert the use of chemical weapons, I believe we must now move to strengthen our chemical weapons systems, so I ask my colleagues to vote against the Porter amendment and for the Skelton-Hunter-Spratt amendment.

Mr. PORTER. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. EDGAR].

Mr. EDGAR. I thank the gentleman for yielding this time to me.

Mr. Chairman, I deliberately asked to speak late in this debate because I wanted to listen to the arguments on both sides.

I think that my colleagues supporting nerve gas production have worked very hard to try to make their case, but I have to say that some of their arguments are very weak. Therefore, I rise in opposition to the Skelton amendment and in very strong support of the Porter amendment to delete the $124.5 million for nerve gas. I would like to state why I oppose the resumption of chemical weapons production.

First of all, I think if you look carefully at the facts, the United States has effective offensive chemical warfare capability at the present time.

Second, if you look at the cost of production, startup costs to produce additional, new chemical weapons for the first time in 16 years, at a time of fiscal restraint and tight budgets, you realize that we may be making a $6-billion to $15 billion commitment in 1982 dollars. Instead, we ought to put those precious defense dollars into other, more appropriate, perhaps conventional items, but also direct it to protective gear for our soldiers who may, in fact, be in a field of conflict where chemical weapons might be used.

Third, there is a problem of just simply the technical question of whether the weapons work at all. A recent General Accounting Office report on the Bigeye chemical bomb indicates that the Bigeye has failed to meet standards in at least 8 of 10 tests over the last year. There is the problem of these weapons creating a foreign policy dilemma for us because our European allies simply do not want them. There is the problem of chemical weapons proliferation and the likelihood that these weapons would undermine our chemical arms control negotiations at Geneva.

But if you put all of these arguments on the table, pro and con, I think there is one overriding argument that has not been discussed very much today that I would like to focus on. Let me take the opportunity to make an additional point on the effectiveness of nerve gas.

Chemical weapons are more likely to kill civilians than soldiers. While conventional high explosives of some nuclear weapons can be directed at military targets, chemical weapons are indiscriminate. While our troops and those of the Warsaw Pact would have access to protective clothing and antidotes to toxic agents, civilians will have no such insurance.

In the commonly described scenario of chemical war in Europe, densely populated civilian areas downwind from the chemical attack would be devastated by airborne chemical agents. As Dr. Matthew Meselson made clear in remarks quoted in the New York Times in 1982, "With chemicals, you might end up killing 20 civilians for every soldier."

I recently received horrifying update of these comments. A member of my staff reported that during a briefing he attended at the Philadelphia Navy Yard this spring, Navy officials admitted that studies show that up to 12 million civilians would be killed in only 24 hours of a chemical war. Military casualties would be negligible in comparison.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I will not yield at this time. I am limited in my time and I would like to yield if I could, but with the limitations, I am not able to.

I think that this is a terrifying yet insightful comment on the reality of chemical war. Chemical weapons are inherently anticivilian weapons. Military personnel can be and are protected against a chemical weapons attack. The United States and the Soviet Union have spent large sums to provide that protection, though I know some of my colleagues have also reviewed today the need for our Armed Forces to make greater efforts to improve chemical weapons protective gear before requesting chemical weapons production funding. I fully support our expenditures for clothing and equipment to protect against a chemical weapons attack. Well-equipped troops—which we hopefully will have—are virtually invulnerable to chemical warfare. Civilians will not be protected.

Supporters of chemical weapons production have admitted their dubious battlefield utility in saying that we need chemical weapons as a deterrent. They know that chemical warfare against a well-equipped adversary is primarily useful as a means of slowing the enemy down, not of eliminating the enemy. The irony is that we already have a credible chemical weapons deterrent in our stockpile, including 155-millimeter artillery shells, 8-inch artillery shells, bombs, spray tanks, land mines, M-55 rockets, 4.2-inch mortar shells, and 105-millimeter artillery shells. This is enough for at least 30 days of war in Europe.

Furthermore, our allies in Europe are not particularly enthralled by the prospect of accepting the new binary nerve gas on their soil. In fact, on May 22, 1985, the NATO defense ministers met and agreed to improve their nonnuclear defenses but specifically refused to consider an American proposal for the production of chemical weapons. Britain's Lord Carrington, the Secretary-General of NATO, was described in news reports as believing that chemical weapons do not fit into the conventional defense framework and that the West should press for a total ban on chemical arms.

One of my colleagues stood in this well and said, "Do not get emotional about this issue." Well, I think we can get emotional about issues relating to our national security and national defense. Both sides do. I fall on the side of those who get emotional about this Nation and its interest in providing world leadership toward an international treaty to stop the production and use of chemical weapons all over the planet. I do not think we set a good example by moving, for the first time in 16 years, to the production of chemical weapons.

I get emotional when I think about my children, three sons, and their children, living in a world that is stockpiling nuclear weapons to the point that our arsenal alone can destroy this planet and its civilians many times over.

I get emotional when I think of the possible use of these chemical weapons, which lead to warfare that will end up more tragic than anyone can imagine. And as I have pointed out, that emotional reaction is backed up by the facts.

Mr. Chairman, I urge my colleagues to support the Porter amendment and to reject the Skelton amendment and not to resume production of chemical weapons.

□ 1650

Mrs. BYRON. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, given the time and concern that I have put into this issue, I would like very much to have more time than can reasonably be allotted to me. I hope, for the good and the security of our country, that I can use that limited time effectively. Let me try to address some of the misconceptions and some of the facts not dealt with in proper context or soundly interpreted that seem to have permeated so much of the discussion today in defense of the Porter amendment and in opposition to the Skelton amendment.

We are told that the Navy would not like to have these binary weapons deployed on their ships. That is poppycock. Otherwise the Chief of Naval Operations and our Supreme Allied Commander, Atlantic, who command our naval forces would not have been urging this Congress to rectify its errors of the past 3 years and to this year at last authorize production of binary weapons.

We are told on the one hand that the real issue here is whether or not we have an adequate chemical deterrence, and my friend and colleague, the gentleman from Illinois, for whom I have the greatest respect, says—and I know he means it sincerely—that we do have such an adequate chemical deterrence.

On the other hand, some of his supporters tell us that we must not do this because we lower the threshold of production and use of bacteriological weapons. We are even told that we have an adequate deterrence if we would just declare a policy that says, "If you use gas against us, we will immediately proceed to the use of nuclear weapons."

That, I say to the Members of the House, is not an adequate and proper deterrence for the United States of America and for its forces in the field.

If the Members would but read this report, the Stossil commission report it is readly apparent from the appendix that the official doctrine of the French is that from chemical weapons we go to tactical nuclear immediately. That is the doctrine of NATO because it is the only thing they have now. That is what is pointed out in the Commission report as our only meaningful deterrent. And they called that deterrent into question for the very logical reason that if chemical weapons are used at various points on the battlefield and there are breakthroughs and there is intermingling of our troops and their troops and civilians, how are you going to contain the threat by the use of a nuclear weapon?

The way to contain the threat and to prevent our forces being at risk—and they will be at risk if we do not have a chemical deterrent—is to authorize the production after 16 years of America's first modern, usable chemical response.

These supplies of ancient stocks averaging 26 years of age and by the 1990's becoming increasingly useless. While the stocks are vast, they represent virtually a nuisance value of constant and expensive inspection and decontamination. They are not the type of gas needed, and we do not have the type of projectiles to deliver them where a war we must fight, if it comes to a war and the use of chemical would be required, would take place.

Let us leave it to General Rogers. Leave it to the Joint Chiefs of Staff. Leave it even to the commander of that tank that I visited in West Germany as to whether or not our present chemical stocks are what we need to have an adequate and meaningful chemical deterrence. If we do not say that, then we are saying we are willing to rely on a nuclear deterrence, and that we would reduce the nuclear threshold. That certainly is not responsible national security policy for this Nation. That is not responsible to the troops that we put into the field.

Mr. Chairman, I urge my colleagues to support the Skelton amendment and to oppose the Porter amendment.

Mrs. BYRON. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I rise in support of modernizing our chemical warfare deterrent capability. In support of the Skelton-Hunter-Spratt amendment.

Let me make several points:

By signing the Geneva Protocol of 1925, the United States agreed not to use chemical weapons except in retaliation to their prior use. We have lived up to this agreement and will continue to do so.

In recent years, we have observed that when some countries are at war, many do not consider the morality, or the principles of the Geneva Convention. Iraq is the most recent example, and, as we all know, there is proof that the Soviets have used chemical weapons in Afghanistan.

This country has not manufactured chemical weapons since 1969, and the present stocks could not be used to our advantage in modern warfare. In fact, these stocks must be destroyed because they are largely out of date and deteriorating.

I appreciate the provision of the DOD bill that has $936 million to purchase protection clothing and equipment, but there is no textile company located in the United States that has the ability to manufacture such clothing. It must be purchased from foreign sources, which affects the balance of trade. So, we indeed do have a serious total deficiency in our ability to protect ourselves.

We are all afraid that during a military conflict, in NATO, for instance, that if chemical weapons should be used, creating a situation where loss of life would be substantial and defeat imminent, that the only deterrent would be a nuclear response.

Mr. Chairman, our military forces should not be kept in this deplorable posture by the Congress of the United States.

Our military forces should not be intimidated by the Soviet Union because we are refusing to give them a deterrent, which could probably prevent the Soviets or any other country from using chemical weapons against our armed services.

Therefore, this body, in my judgment, would be acting in a responsible manner to give the defenders of America, our military people, the weapons necessary to defend and protect us all.

Ladies and gentleman, I urge our careful review and your support of this amendment.

Mr. PORTER. Mr. Chairman, may I make an inquiry of the Chair as to how much time is remaining on each side?

The CHAIRMAN pro tempore [Mr. PANETTA]. The gentleman from Illinois [Mr. PORTER] has 25 minutes remaining, and the gentlewoman from Maryland [Mrs. BYRON] has 26½ minutes remaining.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have listened to the debate with great patience, I think, although maybe some Members may think I have been impatient. But I would like to address myself to a number of issues that have been raised, and I want to start out by saying once again that I favor a chemical deterrent for our country. I think we need it. There is not any doubt of it in my mind.

I have heard that we have to be concerned about what the Soviets are doing. And of course we do, but we do not need to match the Soviets weapon for weapon. We do not exchange

chemical weapons. Chemical weapons are used for particular purposes in battle, and what we need for our purposes is, first, a sufficient amount to deter Soviet first use, and, second, to carry out our own battle plan in case there is an outbreak of hostilities between our countries.

I think we have a sufficient chemical deterrent to meet either of those criterion. The mix may not be perfect, but let me remind the Members that this is not a perfect world. We cannot have everything we want all the time. It seems to me that I have never seen a general who did not want a new weapons system, the very latest one, but it is up to the Congress to make some judgments and not to give them necessarily anything they may want.

We have to decide priorities for America. We have to realize that this is a country that has limited resources, that we have huge deficits, and that this is a new weapons system that is going to cost billions and billions of dollars once the foot is in the door, as this amendment offered by the gentleman from Missouri attempts to put it in the door.

□ 1700

Are we ready to make that commitment this year?

Mr. Chairman, this country has $2 trillion worth of debt. We have run up $1 trillion in the last 5 years. When are we going to call a halt to spending on new programs and say no? We cannot do it this year.

Let us send a message back to the Department of Defense and say yes, this is an important thing to be done sometime, but not this year. We are burdening our children in America with a debt that is going to destroy their economic future. There is not going to be anything left to defend in America.

It seems to me it is time to say no, we cannot do it this year.

Yes, of course, we would love for things to be perfect, but this is not possible right now.

It seems to me that if we look at what we have as far as the deterrent is concerned, we have millions and millions of shells available. We can blanket the front for months.

It is interesting to me that the gentleman proposes funds to build a replacement stockpile that is one-fifth the size of our present stockpile and that is going to be an adequate deterrent, we are told.

The fact is that we have one that is safe. It is effective. The shells are in perfect condition. There has been no problem. The GAO, the Department of Defense itself with its blue ribbon committee said so. The Secretary of Defense said so.

Now, the issue is raised of safety. Let me tell you, that is a phony issue. The sheep that were killed were killed 20 years ago and that were not killed as a result of an accident. They were killed as a result of a test of live agents that drifted away from the point where it was going to land. We do not test live agents anymore.

There has never been one incident in 40 years that has killed or hurt anyone. It is safe.

The leakers are six-thousands of 1 percent, according to the Department of Defense itself.

They say, well, who would want it in their district? Well, it is easy to say, I would not want anything in my district. I would not want high explosives in my district at Great Lakes, but I have to have them and certainly to defend this country we are willing to do so.

Binaries have never been tested, I repeat never, ever tested. It seems to me that when you say binaries to be put on our ships, let me tell you, in time of peace those ships are not going to be allowed in the ports around this world, because DF is just as toxic as methyl iso-cyinate that killed the people at Bhopal, 2,000 of them. Do you think those are going to be allowed into the ports of our allies? I do not think it is going to happen.

Then again we are told, well, the problem will be solved, we will only keep these weapons at home because we know darn well that our NATO allies will not take them. Well, they will not take them. They will not even talk about taking them and the reason is very clear. What you create when you ask them to take them is a huge political problem in each of the countries. It will not happen. We will build them and have to put them away.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield on that point?

Mr. PORTER. Yes; I will yield to the gentlewoman.

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman.

This subject of deploying the binaries on European soil and the problem in NATO has come up several times in this debate. This is the first opportunity I have had to bring us back to that subject.

The suggestion was made that if somehow we took these so-called safe binaries and separated them in some kind of a logical nightmare in Europe, that would make it all right with NATO.

I think the point that the gentleman from Illinois has just made has to be stressed. That is not the problem of the NATO allies. The problem of the NATO allies is that the binary weapons, nerve gas weapons, are a civilian weapon. They know that once deployed, Europe is going to be the battleground and that millions of civilians are going to die. There is no way that you can sanitize chemical warfare in Europe.

Mr. PORTER. I thank the gentlewoman.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman.

Mr. BURTON of Indiana. Mr. Chairman, I have two quick questions and I appreciate the gentleman yielding.

First of all, the gentleman indicated that he would not support it this year because of the deficit and the financial problems facing America. Next year would the gentleman, or the following year, or at what point would the gentleman support a new system?

The second question is, and I will let the gentleman answer both of them, the gentleman said that it is six one-thousandths of 1 percent that they found leaking that endangered the population or whoever is around them. What is the percentage of the new binary chemicals that would leak and cause a danger?

Mr. PORTER. Let me say again to the gentleman, in a perfect world certainly we might want to have binaries. This is not a perfect world. We cannot have everything we want. we cannot have it now.

When would I support this? When our deterrence is no longer sufficient and we have the funds to build a new one. We simply do not have the money. Let us face it. We cannot have it. We cannot have it this year because we cannot afford it.

Mr. BURTON of Indiana. Then the argument is not the funding; it is the system itself?

Mr. PORTER. The argument I am making is that we have a sufficient chemical deterrent. Even if we build new weapons, NATO will not take them and we do not have the funds to build them.

Mr. BURTON of Indiana. What about the second question? The gentleman said there is a 6000th of 1 percent of danger right now. With the binary chemicals, what would that percentage be?

Mr. PORTER. I answered the gentleman on that. I started out my answer by saying that in a perfect world one would like to have binaries because they might be slightly safer; but remember, it is a phony issue. They are safe.

Mr. BURTON of Indiana. They are safe?

Mr. PORTER. Yes. Unitaries are safe.

I might say in one respect the Bigeye has been raised and ventilated quite thoroughly; but let me say one thing. The commission report has been quoted extensively as saying the binary is ready to go. The Bigeye is ready to go. The Bigeye is not ready to go.

The GAO report shows, and it is brand new, it has been out just about

a week, the GAO report, and this is an independent agency, not a commission all of whose members were appointed by the President who favors it and most of whose members, the majority of whom were publicly on record in favor of binaries before we even began; but the GAO, an independent body, their report just issued says that the Bigeye bomb failed almost all the crucial tests that are important. It is simply not ready to be built.

Now, let me say in respect to the Skelton amendment: It is smoke. The Skelton amendment itself is smoke. What it does is authorize a $2.6 bilion expenditure for new chemical weapons.

In addition, it is going to cost about $15 billion before we would be all through to terminate our unitary program. We are talking about an expenditure that approaches $20 billion and you have to be ready if you are going to vote for Skelton to be committed to $20 billion of new spending in the face of $200 billion deficits out as far as the eye can see.

All the conditions that are stated in the Skelton amendment have been met or simply will be changed or put in the hands of our conferees and be lost.

I think the NATO part that has been added is simply something that we see added as a bit more smoke and when we sit down and go to conference; it will simply not be in the conference report when it comes back; but the spending will be in the conference report, and that will be a problem for the taxpayers.

Mr. STRATTON. Mr. Chairman, I demand that the gentleman's words be taken down. He said the gentleman's amendment was smoke. I think that is an insulting term to use to another Member of the body.

The CHAIRMAN pro tempore. (Mr. PANETTA). The Clerk will report the words.

□ 1710

Mr. PORTER. Would the gentleman from New York accept smoke and mirrors?

The CHAIRMAN pro tempore. The gentleman may not proceed until the Clerk has reported the words.

Mr. STRATTON. Mr. Chairman, I will accept the gentleman's revision.

The CHAIRMAN pro tempore. Does the gentleman from New York [Mr. STRATTON] withdraw his request?

Mr. STRATTON. Mr. Chairman, in view of what the gentleman from Illinois [Mr. PORTER] has said, I will withdraw the request.

The CHAIRMAN pro tempore. The request is withdrawn.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. PORTER I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, I would like to congratulate the gentleman in the well for his leadership on this particular amendment. The gentleman was speaking of a number of critical points which help everyone to focus in on just the arguments and how weak those arguments are, and I appreciate the gentleman's emphasis with the word that he used.

I think the gentleman would agree that one of the documents that has been used on this floor—namely, the blue ribbon commission report—has been used to defend why these weapons in fact should be put back into production.

I would just like to point out to the gentleman that on October 1, 1984, in the magazine Defense Week it was stated clearly, and I quote:

> Pentagon officials expect a panel to be convened—

The so-called blue ribbon panel—

> Sometime in the coming months to achieve for this controversial program—

Namely the chemical weapons—

> What the Scowcroft Commission of Strategic Forces did in the realm of nuclear arms: a national bipartisan consensus on the direction of chemical weapons.

Then it goes on to say that—

> Such a study would seek to defuse the persistent congressional opposition to any funds for the production of chemical weapons which has repeatedly derailed the binary weapons programs, setting most of them back by at least a few years.

What that says to me, and I think the gentleman would agree, was that before this commission was ever set up, with nine members, all of whom supported the issue of chemical weapons, it was put together quickly, started on March 11, finished on May 1, with their executive summary to mandate the Pentagon position and not necessarily to weigh the arguments and the merits of the provision.

So I commend the gentleman in the well for his leadership in articulating those arguments so that we in the House can mak[illegible] based on [illegible] a consented [illegible]ote argumen[illegible] the merits of the gentleman's

Mr. PC[illegible]ts.

man for t[illegible]RTER. I thank the gentle-

Mr. BUR[illegible]hat statement.

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Mr. POR[illegible]he gentleman yield?

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Mr. BURT[illegible]ndiana briefly.

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Mr. PORTER. [illegible]r.

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production. They chose as the executive director the man in the Pentagon in charge of selling the Congress on chemical weapons, and they hired as their staff people from the Pentagon who were in the Chemical Weapons Procurement Division. So it seems to me that it lacks a great deal of credibility.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Chairman, I want to commend the gentleman for his amendment and also the discussion that he has made with respect to the pending amendment to the amendment.

I simply wanted to emphasize a point which the gentleman referred to:

> The funds referred to in subsection (a) may be used for the procurement or assembly of complete binary chemical munitions after September 29, 1987, if—

And then it has a whole group of conditions, like a mutual verifiable treaty and a declaration by the President, and one of them says:

> Performance specifications established by the Department of Defense and in effect on the date of enactment of this Act with respect to such munitions will be met or exceeded in the handling, storage, and other use of such munitions.

I am reading now from the Skelton amendment to the Porter amendment.

The question is, if this Bigeye bug is ready to go, why are we putting the money in the bill and then saying that you cannot use it until after Septe[illegible]mber 29, 1987? It makes a lot m[illegible]ore sense to do what the gentleman [illegible] here is talking about in his a[illegible]mendment. He is saying look, let [illegible] us admit we are not ready yet a[illegible]nd cut the money out of the b[illegible]ill.

Mr. CONY[illegible]RS. Mr. Chairman, will the gentleman yi[illegible]ld?

Mr. PORTER. I yi[illegible]ld to the gentleman from Michigan.

Mr. CONYERS. I want to comme[illegible] the gentleman in the well. I have [illegible] heard him as articulate as this on [illegible] other subject, and I am very de[illegible] to join with him in the accol[illegible] are going around the floor. [illegible] takes this as a sincere comp[illegible]

Mr. Chairman, I rise i[illegible] the Fascell-Porter ame[illegible] will delete the $124[illegible] binary chemical wea[illegible] the Department of [illegible] tion for fiscal yea[illegible]

National defe[illegible] of concern to [illegible] also confron[illegible] pose of na[illegible] vide a ch[illegible] who se[illegible] to go [illegible]

T[illegible]

While the Pentagon claims that its latest binary chemical weapons are safer, and are needed in order to replace obsolete nerve gas stockpiles. The facts, including the Pentagon's own studies, are contrary to these claims.

I also find it incredible that while there have been tremendous technical problems regarding the safety of these weapons to those using them, the administration nonetheless wants to produce them. Despite years of extensive testing by the Pentagon, a recent GAO report has indicated that the chemical bombs are still technically flawed.

This program has failed 80 percent of its laboratory tests and our friends in NATO have rejected it because they are concerned that large numbers of civilians would be killed if chemical weapons were to be used in Europe.

Their concerns are real. I need not remind my colleagues of the long termed impact that the chemical, agent orange, had on civilians in South Vietnam, and on our own troops. We left South Vietnam a decade ago, and our veterans are still dealing the nightmares of agent orange.

It would seem to me that we ought to be developing methods to protect our own troops from chemical weapons, including those which we use.

Despite its past defeats on this issue, the administration formed a commission stacked with proponents of chemical weapons who quickly produced a report within 5 weeks endorsing the Pentagon's request for funds to produce binary nerve gas weapons.

I should also note that the $124.5 million being requested in the fiscal year 1986 authorization is only the first part of a program which will cost some $3 billion.

To provide funding to produce nerve gas weapons would be to break the moratorium this country has observed since 1969 on production of these weapons.

I urge my colleagues to defeat this ridiculous request again by voting for the Fascell-Jones amendment. Maybe [illegible] time, while supporting reasonable [illegible]osals to strengthen our Nation's [illegible]e, it will not support the produc- [illegible] expensive, unnecessary, unpro- [illegible] dangerous toys such as [illegible]e gas weapons.

[illegible] ask him about this Com- [illegible] appropriate to describe [illegible] that the administra- [illegible]e stacked with propo- [illegible] weapons who quick- [illegible]t within 5 weeks [illegible]on's request to [illegible] weapons?

[illegible] And I might [illegible] the chair- [illegible]ommittee [illegible] urging [illegible]gress-

man Ed Bethune, and that was rejected. And I think very strong, frankly, comments here made on the floor were very, very much out of order.

Mr. CONYERS. I thank the gentleman.

Now could I just further determine is it true that this is a $3 billion program in addition or including the $124.5 million that is in this request?

Mr. PORTER. This would be a commitment of $2.6 billion for production, and ultimately up to $15 billion for demilitarizing unitaries.

Mr. CONYERS. I thank the gentleman very much.

Mr. PORTER. I want to take my remaining time, if I may, to discuss one other thing that I discovered in the course of our discussions about an investigation into this issue.

We were reading some GAO reports not long ago, and it may be of interest to the House, if not directly relevant to this, but an indication of what our money is going for, we discovered in the course of looking at the GAO reports that we had just ordered, the Department of the Army had just ordered a new gas mask for helicopter pilots to replace the existing masks built here in the United States by a domestic supplier at a cost of $258 per mask. The cost of the new mask is $6,500 each for a gas mask for helicopter pilots. Now that is quite a gas mask. And, by the way, I might say that it is a British firm and not an American producer.

So it seems to me if you look into what our money is being spent for and you hear over and over again about the $400 hammers and the $7,000 coffee pots, and now the $6,500 gas mask, and I cannot imagine in any way how a gas mask could cost $6,500. That is not the Cadillac of gas masks; that is the Rolls Royce of gas masks.

Mrs. BYRON. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I will yield if I have time left at the end.

It seems to me that we have to start being very, very careful about how the funds of our country are spent and we have to look very, very hard at binaries.

The burden is not upon us, it seems to me, to say why they should be built. The burden is very heavily upon the proponents to say why they should be. With huge deficits that are going to burden our children down for generations to come, and deny them the economic opportunities that we have had, our own parents and our grandparents have had, it seems to me it is time to say no to the Pentagon.

So all I can say, in conclusion, is that while we need a chemical deterrent, we have one. If we build binary weapons, nobody is going to take them. NATO will not have anything to do with them.

The Bigeye is not ready for production and we simply cannot afford a new program that begins at $2.6 billion and goes up. We cannot waste the taxpayers' money on a weapons system that we do not need.

It is insane to build weapons systems that we cannot deploy, and it is foolish to build them when they are not ready to be built.

Mr. HOPKINS. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Kentucky.

Mr. HOPKINS. I thank my colleagues for yielding, and I must take a second and comment on his comment about them being safe, and I would say to my friend from Indiana that nothing could be further from the truth. If they are so safe, why do we monitor the air every day that the people who live around there must breathe? Why do we guard them every day? And if they are safe, how safe would they be when they are 25 years old during the time of mobilization when we start having to move these weapons around?

The are not safe, I would say to my colleague from Indiana, and I must take exception to that statement.

Mr. PORTER. The gentleman will take exception to the GAO and the Department of Defense.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. I thank the gentleman for yielding.

I would like to commend him also for the fine work that he has done. I have heard him as eloquent before, and I am glad to hear him as eloquent again.

I think during this long discussion, your recent statement has brought us back to some rather fundamental things. And maybe we could sum it up in this way: Literally we cannot use these weapons that we are talking about. Where are we going to use them and how? That is point one.

We cannot afford them and the gentleman has made an excellent point that it is not only the $2 billion, $4 billion, $6 billion, or $12 billion that it is going to cost for binaries, but it is going to be extra and cost extra billions to neutralize the existing stockpiles. So it is billions that we are talking about here, not $124 million.

We cannot use them. NATO refuses them, and for good reason. And there is no point to giving that approval now in the hope that 2 years from now NATO is going to discuss them. It may actually shoot our negotiations with NATO in the foot in the eventuality that we ever do want to have an agreement with NATO.

Then I guess finally we have to say that the gentleman has made the ex-

cellent case that we really cannot justify them. They are technically flawed. They are politically flawed. They are morally flawed. And they surely undermine the credibility of the United States throughout the world.

I thank the gentleman for his contribution here and for his leadership on this amendment.

Mr. PORTER. I thank the gentlewoman for her leadership and her very fine statement, an eloquent statement.

Mr. BATEMAN. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Virginia.

Mr. BATEMAN. I thank the gentleman for yielding. You have made reference on several occasions to a GAO report and the forwarding of it with a letter of June 7, 1985.

Would it not be well for the Members of the House to know that the letter by which this report, if it be that, because the letter describes it as a briefing paper, would it not be well for the Members of the House to know that the letter of transmittal says "they," meaning my staff, have not met with the Bigeye program manager or laboratory and testing personnel?

□ 1720

And that it goes on to say that there necessarily are limited and a great number of technical and operational issues remaining to be addressed. Should the House not know that this relates to a time that is old as the original GAO report talked about in the last session of Congress?

Mr. PORTER. I think the gentleman made the point very well. The GAO has not been given the information that it needs to make a judgment, and therefore they obviously have to say they are reserving judgment on things that ought to be resolved if we are going to build that weapons system.

Mr. BATEMAN. The gentleman characterized it as they have not been given access to it. They say they have not met with the program managers to test.

Mr. PORTER. They have been in touch with the program managers for 3 or 4 years on an almost continuous basis.

I might say to the gentleman that when we were out in California we were not given all the information that we needed to make a judgment on this. We only finally got the information when the GAO got it and provided it to us. They were not candid with us.

Mr. BATEMAN. I certainly have not found that to be my experience.

Mr. PORTER. I found it to be mine.

Mr. BATEMAN. May I also ask the gentleman if it would not be well to point out to the House that among those iniquitous people who served on this commission and issued this report there were people, certainly not Republicans, certainly people whose position if known to you seemed to be unknown to anyone else at the time that they were appointed and that in fact this report was written not by the staff director, not by anyone with the Department of Defense, but by a lawyer who is a Democrat and a member of this commission.

Mr. PORTER. Let me say to the gentleman, and I will say this in conclusion, that five of the nine people were on public record as already being in favor of chemical weapons; that is the majority, and it seems to me that the commission had no balance, no real opportunity for really investigating and making an independent judgment, and I think that is wrong.

Mr. BATEMAN. I would say to the gentleman that the five must have been very convincing, and the facts along with it, for all nine to have concurred in this report.

Mr. PORTER. Well, it must have been in order to get out a report in 45 days. We call that the "45-day wonder." I think it lacks credibility in the extreme.

Mr. EDGAR. Mr. Chairman, will the gentleman yield for 30 seconds?

Mr. PORTER. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Chairman, I might point out in further comment on the issue that was raised about the commission that our colleague from the other body, SAM NUNN, who has not been known as being a peacenik on these issues, looked in fact at the commission and made this statement on the first of May 1985: "It is a mistake not to have put some responsible opponents on the commission," he goes on to say, "since I believe they would have been converted and it would have strengthened this report."

I think it would have strengthened the report if our colleague from the other body's point of view would have been followed by the President in appointing a blue ribbon commission that represented both sides on this important issue.

Mr. PORTER. I certainly agree with the gentleman. The point is well taken, I think.

In conclusion let me say simply it is a waste of the taxpayers' money; we cannot afford it; it is a weapons system we do not need now, and I urge the Members to defeat the Skelton amendment and to support the Fascell-Porter amendment.

Mrs. BYRON. Mr. Chairman, may I get an estimate of how much time remains on both sides?

The CHAIRMAN. The gentlewoman from Maryland [Mrs. BYRON] has 26½ minutes remaining, the gentleman from Illinois [Mr. PORTER] has no time remaining.

Mrs. BYRON. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. RAY.]

Mr. RAY. Mr. Chairman, I rise in support of the Skelton-Hunter-Spratt amendment.

Mr. Chairman, I strongly support modernization of our chemical warfare deterrent capability.

Failure to modernize our offensive chemical warfare capability amounts to unilateral disarmement. The U.S. 16-year moratorium on the production of chemical weapons has not lead to a negotiated ban on these weapons. Nor has the moratorium kept the Soviets from forging ahead with efforts to improve and expand their chemical warfare capability. Since our aging inventory of unitary chemical munitions are rapidly losing their usefulness, continuation of the moratorium can only lead to and even greater advantage for the Soviet Union.

We must not be naive about the Soviet intentions. Our military leaders have strong evidence that the Soviets not only have extensive chemical warfare capability but also follow military doctrine which calls for the use of these weapons.

I applaud efforts to substantially improve defenses against chemical weapons; but defensive measures alone, will not deter chemical warfare. The only historically proven deterrent has been the ability to retaliate. Since World War I, when warring nations have each possessed chemical weapons—World War II, Korea, Vietnam—they have not used them. However, in cases where only the Soviets or their allies possessed chemical weapons—Afghanistan, Southeast Asia—there is strong evidence that they have been used.

The absence of an effective chemical warfare deterrent also significantly lowers the nuclear threshold. Military experts say quick success is a key aspect of Soviet planning for a convential war in Europe. If chemical weapons are not used at the outset of a Soviet attack, they will surely be used if the Soviet attack bogs down.

The use, or serious threat of use, of chemical weapons will cause U.S. and allied forces to resort to chemical defenses. However, use of cumbersome chemical protective suits and other defensive actions are estimated to degrade military performance by 30 to 60 percent. This could tip the balance in favor of the Soviets. Therefore, in order to save Western Europe the United States might be forced into an early use of nuclear weapons.

As terrible as chemical warfare is, nuclear war is far worse. It would be truly unfortunate if the United States allowed an insufficient chemical retaliatory capability to become the trigger for nuclear war.

Therefore, I encourage you to support production of binary chemical munitions as an effective means of strengthening deterrence of chemical warfare and raising the nuclear threshold.

Mrs. BYRON. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. FIEDLER].

Ms. FIEDLER. Mr. Chairman, I wish I were as sure as those people who have been speaking today about the fact that we would not need these weapons, as they are about the fact that we do not need them. I hope that we do not find ourselves in a situation where we faced an extremely dangerous scenario and do not have the ability to respond.

But I think the reality of the situation is such that with an increasing supply of chemical weapons being used throughout the world in half a dozen different theaters within modern times that it is incumbent upon us to make certain that we have the necessary resources to deter their use against our own country.

Now, it is very easy to say that we do not need them. But you have to ask yourselves the question: Why would the Military Establishment of this country be recommending these weapons be built when there are so many other critical resources that are needed?

That is because it is essential that we have these resources today to be able to deter any kind of an attack on the part of the Soviet Union. They are committing vast resources to not only the development of chemical weapons, but also the training of many tens of thousands of troops compared to a very tiny effort on our side.

I would urge my colleagues to support the Skelton amendment.

Mrs. BYRON. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman from Louisiana yield to me?

Mr. LIVINGSTON. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of the Skelton-Hunter amendment.

Mr. Chairman, I agree with the comments of previous speakers regarding the ugly nature of chemical weapons. Their would be horrible and undoubtedly create havoc and cause substantial loss of life. Were the Soviets to initiate chemical warfare against NATO or in Asia, or in fact anywhere, we would be hard-pressed to counter it effectively. I think we can all agree that the prime focus of our policy vis-a-vis chemical weapons is how best we can deter their use, and, not incidentally raise the nuclear weapon use threshold.

Let me comment on just a few of the issues being raised by opponents of modernizing our chemical deterrent. First, the issue is not whether the U.S. should possess these immoral weapons. We already possess them as do the Soviets. It is unfortunate but a fact nonetheless that we will be required to maintain a credible chemical capability until the Soviets' agree with us to ban them from existence. As we know, the President—through Vice President Bush—recently tabled a draft treaty on banning these heinous weapons. I cannot agree with those who effectively advocate unilaterally disarming the United States in this area, and at the same time claim that the United States will be more likely to elicit from the Soviets an agreement for a complete and verifiable ban on these weapons. Such arguments, Mr. Chairman, defy logic. As the Soviets have told me "we don't believe in unilateral disarmament."

Next, let us look at what we are really talking about. We are not discussing the creation of a vastly more potent and dangerous new chemical weapon, or stockpile. We are advocating modernizing the unreliable and indeed dangerous chemical arsenal we now possess. Instead of relying on an aging and only 10 percent effective force, I believe it would serve U.S. interests to develop a binary system, where the toxic elements are stored separately and are safe until combined, as Senators GLENN, GOLDWATER, NUNN, and WARNER recently commented: "The issue * * * is whether to keep our chemical deterrent in the old and increasingly dangerous unitary canisters or whether to put it in the new safer binary shells."

But does this changeover denote an actual increase in our chemical stockpile? Absolutely not. In fact, the proposal the Senate recently passed—by a substantial majority I might add—says that for every binary weapon added to our inventory, the equivalent of four unitary weapons will be destroyed. What is at stake here is not only getting a safer chemical deterrent, but also a lessened stockpile.

Mr. Chairman, the House faces a serious decision today. We have an opportunity to send a strong signal to our allies and to the Soviets that we are willing to bite the bullet and take steps which will help to deter a Soviet chemical attack on Western Europe. The Senate has taken the first step. The House has got to muster the political will to approve this measure, to provide a safer deterrent and a reduced number of chemical weapons.

Mr. Chairman, the President sent Vice President Bush to Geneva recently to table a draft treaty to ban chemical weapons, completely and verifiably, once and for all. I think all Americans can and should support that draft treaty. The Soviets, however, must be convinced that the U.S. is willing and able to provide for a modernized chemical deterrent if they are to decide it is in their interest to negotiate with us in good faith for a ban on these weapons.

Let's give the President's treaty proposal a chance. Let's make our chemical arsenal smaller and more safe. Let's not force our servicemen and women to handle the aging and dangerous unitary shells. Mr. Chairman, my colleagues, let's join the Senate in their responsible action and give diplomacy a chance.

Mr. LIVINGSTON. Mr. Chairman, I rise against the amendment of Mr. PORTER to delete funds for production of chemical weapons, but in support of the Hunter/Skelton amendment to divide the sites for production of elements of the binary weapons.

Mr. Chairman, it's vital that we show more resolve to convince the Soviets to sit down and negotiate in Geneva on this issue, one that they have ignored for years.

The only way we're going to do that is to modernize and revitalize our woefully inadequate deterrent chemical weapon capability.

There can be no doubt that this is a morally repugnant issue, but it is one which, without adequate deterrence, poses a very real and awful threat to the security of our Armed Forces.

Mr. Chairman, the parts are there:

The Soviets have continued their buildup of chemical weapons since our unilateral abandonment of production in 1969.

They train in both offensive and defensive uses of chemical weapons, and have up to 90,000 ground troops prepared for chemical missions.

Since 1976, the Soviet doctrine on employment of chemical weapons has expanded beyond the immediate battlefield to an intermediate and deep strike capability on our key rear airfields and our critical command and logistic centers located far from the front.

And, we in Congress actually believe the Soviets will use their chemical weapons, because we have spent over $4 billion since 1978 just for defensive measures—like providing for protective clothing for our troops.

It's cruel reality that the only time chemical weapons have ever been used in the history of mankind is when one side has them and the other doesn't.

The gentleman from New York said Hitler did not use them. That was because we had a deterrent.

So, they have them; they can use them both at short and long range; evidence indicates they have already used them in Afghanistan; and we have every reason to believe that they will use them again in the future.

Yet other than spending money for defensive measures, we have done nothing to deter the Soviets from using the weapons at their disposal

since 1969, and we have no effective deterrent.

Common sense tells us that our troops, even if they are all protected, cannot effectively wage combat, or service our airfields, covered from head to toe in several layers of protective clothing, even under the best of circumstances.

Common sense tells us that unless our boys are fighting in freezing weather all the time, they cannot last under normal attrition rates longer than 6 to 8 hours clothed in layers of protective garb, without ultimate collapse from exhaustion.

So common sense should also tell us we should have a safe, effective deterrent, which would tell the Soviets unambiguously, clearly, without equivocation, that if you use yours on us, we'll use ours on you; so don't use them.

But, we cannot depend on a present chemical stockpile that averages 26 years in age; we cannot sit back for another 16 years, as we have since 1969, and not produce new, safer chemical weapons.

We cannot continue to spend over $60 million annually just to store and maintain a stockpile, of which only 27 percent is considered usable, and the rest of which is unstable, even in its current place of rest.

And we certainly should not continue to expose citizens in Utah, Arkansas, Kentucky, Maryland, Colorado, Oregon, Alabama, and Indiana to the threat of a chemical spill from weapons that are lethal in their present form.

So common sense should tell us that we should replace our existing lethal, but limited, stockpile with a much safer binary alternative in which toxic elements are kept separate until the projectile is actually fired or dropped.

Our present stockpiles—which in a national emergency, we would be forced to quickly transport through every State in the Union—consist of weapons already mixed and lethal and so dangerous that our own Navy ships, our Air Force, and our Army won't even transport them in peacetime, thus rendering those stockpiles useless at best, and potentially disasterous at worst.

In effect, we have no deterrent at present. Our current stockpiles are virtually of no benefit to us.

So, doesn't common sense dictate that we go to much safer, transportable, and effective binary weapons now? That we address this serious problem realistically and take some action now, before we are forced to the realization that we have been woefully deficient for not storing a safe, effective deterrent?

Mr. Chairman, we can act today. We can finally approve production of new and safer chemical weapons, and then we can support an amendment to destroy four existing chemical weapons for every new one that is produced.

This is a tough political decision for every Member here, but it is the right position for our soldiers in the field.

It is the right decision for the safety of our citizens who live around current stockpiles.

And, it is the right decision for the defense of freedom worldwide, for it will be the best move we can make to be absolutely sure that chemical weapons are not used against our forces in the future.

I hope the House will defeat the Porter amendment and support the Hunter-Skelton safety amendment.

□ 1730

Mrs. BYRON. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, listening to the debate of so many experts is a disconcerting experience. Especially when they reach different conclusions about the binary weapons.

Earlier today SAM STRATTON read a letter from the Secretary of Defense asking us to modernize our chemical capability. Jack Marsh, our former colleague and now Secretary of the Army also asked our support.

Jack is closer to the men and women in the field than any of us. He knows what they need.

A bipartisan commission with our good friends and former colleagues Barber Conable and John Erlenborn says we need binary.

Equally important, colleagues in whose districts these weapons will be stockpiled are in favor of binary because their constituents feel safer.

I support the binary program because I want to see chemical warfare someday eradicated from the face of this Earth. Only if we have a credible deterrent can that wonderful day come.

That is our goal—modernization leading to negotiation leading to elimination of chemical weapons. Binary can get us there.

For the information of my colleagues, I include Secretary Shultz's letter:

THE SECRETARY OF STATE,
Washington, June 18, 1985.

Hon. ROBERT H. MICHEL,
House of Representatives.

DEAR ROBERT: You have the opportunity to promote progress toward the long-standing U.S. goal of concluding a comprehensive, effective and verifiable global ban on chemical weapons. The House vote to authorize funds for modernization of the U.S. chemical retaliatory stockpile is very important for achieving both our foreign policy and defense objectives.

As you know, this Administration and previous ones have long sought the complete and verified elimination of CW from the arsenals of all nations. When the U.S. tabled its draft CW treaty last year, at the Conference on Disarmament in Geneva, it was our hope that it would stimulate real progress and expedite agreement on a ban. Agreement has not been reached, however, because the Soviets and their client states refuse to engage in constructive discussions on ways to verify compliance with a ban.

I strongly believe House approval of the Administration's CW program can change this and stimulate the Soviets to move forward toward agreement. We need to make clear to the Soviets that they cannot use the fact of a long on-going negotiating process to prevent the U.S. from maintaining an effective CW deterrent capability against attack and as a counter to the massive Soviet threat in this area. We also need to make clear that the U.S.S.R. cannot achieve the benefits of a ban, without accepting reciprocal obligations.

With your help, and a positive vote on the Administration's CW modernization program, I am convinced that we will be able to increase significantly the prospects of achieving this critically important security objective.

Sincerely yours,

GEORGE P. SHULTZ.

Mrs. BYRON. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. WHITEHURST].

Mr. WHITEHURST. Mr. Chairman, on a November day in 1918, a German Army chaplain trudged into a military hospital at Pasewalk. He walked into a ward and he told the soldiers who were lying on the cots there that the fatherland had lost the war.

Among those wounded was a soldier from a Bavarian regiment. His eyes were bandaged; he was in the hospital temporarily blinded as the result of a gas attack. His name was Adolf Hitler.

I suppose of the millions of casualties that occurred in that war, the one that was lament that was not fatal was in his case. What would the world have been like had Adolf Hitler passed away from his wounds?

If there is a lesson to be learned, however, from this it is the one that Hitler himself learned, and that was in the great war that occurred a generation later for which he was responsible. Never once did the German Army use chemical weapons.

I think that not only because of the balance that existed, the fact that the Allies had great chemical stocks of their own, it was the very painful personal experience that Adolf Hitler himself had had in the 1918 war that obliged him to stay his hand.

There is no question about the fact that Soviet chemcial weapons today are the major nonnuclear threat in Western Europe. Ask any field commander, or those of us who have been there. Ask any air base commander; ask the Supreme Allied Commander, Europe, and he will tell you "My No. 1 fear is a Soviet chemical attack in a first strike."

Only a retaliatory capability will stay the hand of our adversaries from resorting to this terrible weapon that is in their arsenal. No one can say that a military challenge is imminent, but should that dreadful day come, those

who have killed the American Binary Program will hold their breath in fear that our enemy will employ his ample stocks of nerve gas.

Be assured at this moment that he will, and when he does, our soldiers and our airmen will curse those with their dying breath who left them naked in the face of this peril.

Mrs. BYRON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON. Mr. Chairman, I rise as a Member who has opposed chemical weapons in the past to express my strong support for the Skelton/Hunter amendment which places conditions on the proposed chemical modernization program to make us to develop a safer, much smaller deterrent, and possibly a catalyst for a treaty banning all production.

We all abhor the thought of chemical weapons ever being used, and I have supported continuing our unilateral moratorium on production with the hope that we could achieve a total ban in Geneva.

Agreement continues to allude us and while perhaps the Vice President's proposal was too inflexible on verification inspections, it was a good initial negotiating position, and we have yet to receive a Soviet counterproposal.

It is a tough decision to break out of our self-imposed moratorium of more than a decade in hopes of encouraging Soviet seriousness at the bargaining table.

Combined perhaps with the resumption of bilateral talks and more flexibility in our position on challenge inspections, however, modernization may provide the best chance to accomplish our goals.

But what really led me to reevaluate this issue was the realization that modernization means a safer deterrent and a smaller quantity of deterrent to achieve current capability.

Our current chemical deterrent of unitary munitions stored in eight sites in the United States contains extremely lethal active agents that are as much as 400 times more toxic than the methyl iso cyanate which killed over 2,000 people in Bhopal, India, last year in the Union Carbide plant accident.

The prospect of binary munitions means having two far less toxic components which are stored separately and only become deadly when they are mixed on the way to their target.

Binary weapons are safer to store and handle, improving safety for our communities and for our soldiers.

But not only will modernization enhance the safety of our deterrent, it will also reduce the number of weapons in our stockpile by as much as 80 percent. That is a 5 to 1 build-down in chemical weapons, which, remember, will be safer to maintain.

I ask my colleagues who have opposed chemical weapons, as I have, to take a look at the Skelton language which imposes conditions on a modernization program.

The Skelton substitute ensures a full 2 more years for efforts to ban all chemical weapons before we finally produce binaries.

It requires that binary modernization be necessary for NATO security, that the binary weapons fully meet both performance and safety specifications, and that a plan for total destruction of our current stockpile is ready to be implemented.

Under Skelton, procurement can only occur after 60 days following certification that these conditions are met, giving Congress time to act should it disagree.

Finally, the Skelton substitute requires that the two binary components must be stored in separate States, and that they must be transported separately and by different means to ensure maximum safety.

I am solidly against chemical warfare and opposed as well to the threats that chemical weapons currently pose to the civilian population. That's why I believe support for the Skelton substitute is the responsible vote for maintaining a safer deterrent, reducing our stockpiles, and providing the catalyst for successful arms control.

Mrs. BYRON. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. HARTNETT].

Mr. HARTNETT. Mr. Chairman, I thank the gentlewoman from Maryland for yielding.

We have spoken in this debate today as if our only potential adversary in a binary conflict might be the Soviet Union. Today, 15 other nations in this world possess chemical capability, and who is to say where our next potential adversary may be? It may be a Libya, it may be a Lebanon, it may be a Nicaragua.

We must be able to provide that deterrent. If not, one of those other 15 nations may very well—I hate to use the phrase—hold hostage our troops who may be trying to protect our vital interests in and around that region.

If any of you have ever worn or seen the protective gear that our soldiers and airmen must wear in the event of a chemical attack, or even the threat of a chemical attack, you know that their productivity is cut dramatically.

Speaking of dramatically, I think one of the most dramatic things said here on the floor this afternoon was when my colleague from Alabama [Mr. NICHOLS] spoke of his young soldier in World War II wearing a gas mask hanging from his neck around his side, the fact that they never had to use that gas mask in my opinion was because we did possess at that time a very creditable deterrent which prevented it from being used.

It was also mentioned here this afternoon that a $6,000 gas mask is a Rolls-Royce of gas masks. That is exactly what I want the U.S. fighting forces to have to wear, the Rolls-Royce of protection in the event some potential adversary were to unleash that lethal weapon called chemical warfare against our young troops.

My friends, we have also heard from the author of one of these amendments this afternoon that there will be nothing in America worth defending if we keep spending all of our money.

Let me tell you this: America as a bankrupt Nation, in debt up to her eyeballs, to my way of thinking would still be worth defending and would still be, in my opinion, the finest Nation in the world, and if it takes a few bucks to keep us that way, and if it takes a few dollars invested in binary weapons to see that we can keep that deterrent, then I say, let us spend it.

Mrs. BYRON. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, we, as Americans, have always had a difficult time coming to grips with the horrors of chemical warfare, and this is quite understandable. We do not want to use these weapons, just as we do not want to use nuclear weapons.

However, we, in this Chamber, have a very difficult task in front of us, because it is time for us to come to grips with the issue once and for all.

Without question, the Soviet Union is the best equipped and trained force in the world for conducting substantial chemical warfare. It is quite clear from their published doctrine that the Soviets consider chemical weapons to be a powerful means of influencing the outcome of battle.

The plan to employ chemicals throughout the battle area against maneuvering forces, nuclear delivery systems, sea and aerial ports, and major logistical storage sites is very evident by their plans.

Our intelligence shows that this view of chemical warfare is backed up by the superior Soviet chemical arsenal, with weapons systems that can be delivered, chemical warheads throughout the battlefield, both close up and deep—rockets, missiles, mortar shells, and aerial bombs.

□ 1740

The current Soviet stockpile is known to be extensive and deployed in forward regions in Europe and Asia, thereby making chemical weapons immediately available to their commanders at all levels. As new delivery systems are brought into the inventory and old delivery systems are retired, the Soviets have continued to update their chemical arsenals. They have used it in Asia and in Afghanistan. They have a potential for a 2 to 1 or greater advantage in wartime.

The Soviet delivery system allows them to hit targets throughout the depth and breadth of the theater, while currently, we, on the other hand, can only effectively engage their front-line troops out to about 17 kilometers. Even that capability is limited. Against such odds, it is nonsense to believe that we can prevent or deter the Soviets from using chemicals unless we develop a capability that could eliminate the significant advantages they would gain from using them. Did we learn nothing from the use of mustard gas in World War I, or have we forgotten?

After years of setting aside the difficult issue—stockpile modernization—it is past the time that we come to grips with this production decision. We can no longer stand by and watch while we continue to unilaterally disarm. We have to act now to restore our capability to enhance national policy of deterrence and reduce the potential of a chemical war. The consequences of not doing so would be the period of rapidly rising risk, diminished flexibility of response, and lowering the threshold for first use of nuclear weapons. We have acted in good faith for 16 years. How much good faith should we have?

I am reminded of General Pershing's words in 1919:

> Whether or not gas will be employed in future years is a matter of conjecture, but the effect is so deadly to the unprepared that we can never afford to neglect the question.

Unfortunately, we have neglected his advice while the Soviets have continued to develop a variety of modern agents, delivery systems, and tactical doctrine necessary for large-scale use of chemicals.

There should be no doubt that the Soviets have the munitions and the delivery means on hand, the necessary systems to protect their troops, the force structure, the training, the doctrine and, needless to say, the intent to use chemical weapons, as they have shown in Afghanistan and Asia.

In my view, we have a clear picture of a Soviet capability which aims directly at a corresponding U.S. vulnerability. I believe, therefore, that our obligations are clear.

Mr. SKELTON. Mr. Chairman, I yield one minute to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, I have not voted for chemical weapons before, but I think the Skelton amendment is a fair compromise. It allows us to fence the dollars on chemical weapons, to preserve the deterrent, to try to obtain a chemical weapons control agreement with the Soviets, and I worry that without this we are lowering the nuclear threshold in Western Europe, which may cause us a greater likelihood of proclivity to use nuclear weapons in the event of a confrontation, which I do not want to see, and, for that reason, not terribly aggressively but somewhat reluctantly, but still I think because the authors of the amendment have done a good job, I intend to support the Skelton amendment.

Mrs. BYRON. Mr. Chairman, I yield 4½ minutes to the gentleman from Kentucky [Mr. HOPKINS].

Mr. HOPKINS. Mr. Chairman, I have never voted for binary chemical weapons. I am, however, going to vote for binaries today, and I would like to share my views with you on this issue.

I look at chemical weapons from a very unique perspective, transparent to some degree, but one shared by only seven other Members of this House. We are the eight Members who have chemical munitions stored in our districts. For me, this issue is not just some philosophical war game to be waged on foreign soil, but rather a reality that we live with every day in central Kentucky.

Mr. Chairman, my objection to binary munitions has always been that we should not embark on production of a new generation of chemical weapons—until we make the commitment to clean up the old generation of chemical weapons. Accordingly, my colleague from Arkansas [Mr. ANTHONY], and I intend to offer an amendment in title X of this bill requiring the destruction of the unitary chemical stockpile. In title X, I will discuss this issue in more depth.

First, let's understand exactly the decision that is before us. We are not trying to decide whether the United States should have chemical weapons, we already have them. No matter what we do today, the United States is going to have a sizable chemical stockpile.

The issue we have to decide today is whether that stockpile is going to be safe, efficient, easy to transport, easy to store as binary munitions are—or will we continue to have the aging, decaying 90 percent totally useless unitary munitions that threaten our environment, our communities and our own soldiers.

This leads to my second point, which is safety. We have not produced chemical weapons since 1969. Our newest stocks are therefore 16 years old, and the oldest are 40 years old and the majority date to the 1950's and the 1960's.

Let me outline our unitary chemical stockpile in another way: 61 percent is stored in bulk form, for which there is no means of delivery; 11 percent is unrepairable and/or obsolete; 25 percent is serviceable, but of limited military value; and only 3 percent is currently militarily useful.

In short, our current stockpile of chemical weapons is an accident waiting to happen. It poses more of a threat to our own troops and civilian population among whom it is stored than to our potential adversaries.

Binary munitions dramatically reduce the threat to public safety and environment presented by our current unitary weapons.

If you have any doubt as to the elaborate steps that are taken to protect and secure unitary chemical munitions, I invite you to come to central Kentucky or any of the other storage sites. You just don't walk into a chemical storage compound; you just don't open an ammunition igloo and find chemical weapons inside. You can't go into the chemical compound without having your blood tested; we have 24 hour-a-day monitoring of the atmosphere surrounding the chemical area; special security precautions are taken. We work hard to assure the safety of our chemical munitions, but accidents can happen.

I want to tell my colleagues that last week, June 13, an ammunition igloo exploded at the Army depot in my district where we store these chemical weapons. Fortunately, the storage igloo that blew up was not one of the chemical storage igloos and no one was hurt. My point is simple. It does not take much imagination to figure out what would happen if that explosion had occurred in a chemical storage igloo. I'm asking you to help me prevent that horrible possibility from ever becoming a reality. Let's vote in title I for a retaliatory weapon that is virtually harmless until its substances are mixed during the flight of an artillery shell. And let us complete our obligation by voting in title X to destroy the entire unitary chemical stockpile.

My third point centers around cost. We spend $63 million annually just to maintain and secure our unitary chemical stockpile. Chemical munitions are not just another type of ammunition we have to store. We have to take a lot of special precautions—for example I just mentioned we have to monitor the atmosphere for signs of nerve agent escaping around the chemical storage areas. Since binary weapons do not pose that threat, a substantial savings should be possible.

My fourth point focuses on the concept of deterrence. Our senior military commanders and civilian policymakers are emphatic that our current chemical stockpile, both in the kinds of weapons we have and in their age, is no longer a credible deterrent.

This means if we are unable to contain a chemical attack on our forces, the only viable option our commanders have is to ask the President to release tactical nuclear weapons. That is, in my opinion, no choice at all.

Today we can raise the nuclear threshold; we can give our commanders something besides nuclear weapons with which to answer a chemical attack. We can do both by voting for binary munitions.

Like many of you, I have come to this decision reluctantly.

I have explored other options.

I have given our adversaries an opportuntiy to move toward demilitarization.

I have conditioned support for binary production on a specific commitment to get rid of our dangerous stockpile of old chemical weapons.

Now the time and conditions are right.

With the demilitarization amendment that will be addressed in title X, we have a sound, thoughtful, comprehensive proposal before us.

We have an historic opportunity today to achieve several goals:

First, we can replace America's dangerous and obsolete chemical stockpile with the safest, most effective munitions modern technology has yet devised.

Second, we can reduce by 80 percent the size of our chemical arsenal by switching from unitary to binary systems.

Third, we can reduce the temptation for potential adversaries to launch a chemical attack.

Fourth, we can step back from the nuclear brink to which such an attack would push us.

Consider these four points and support the passage of title I.

Mrs. BYRON. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. LEATH].

Mr. LEATH of Texas. Mr. Chairman, for 3 years now, I have been deeply involved in this issue—and it gets more perplexing every year—more difficult to understand where the opposition is coming from. The reasons get more and more remote from the real issue every year.

In spite of the overwhelming evidence, from every authoritative source as to the sound logic of what we are attempting to do, the critics still come forth expanding the abhorence of chemical warfare, forcing the issue to be decided on emotion alone rather than sound, sensible, defense doctrine. Surely, we all agree that chemical weapons are terrible. But that is not the issue.

Lord knows, I don't question anyone's motives, but I sincerely must question their logic and their wisdom. Their failure to even consider the facts.

Isn't it passing strange that hardly anyone ever questions the need for chemical weapons in the modern force structure? After all, when every source of any knowledge at all affirms this fact you surely can't base an argument against such overwhelming evidence, so the debate then begins to center on the equally flimsy argument that, "Oh, we have enough already." We don't need any more! And now, we can't afford it.

Well, again, that is gross error. What we have, we would indeed be better off without, because it is a danger only to us, only to those people who live close to it or to the troops that would have to handle it. It should be destroyed and as quickly as possible.

If for no other reason, the development of bianary weapons is essential from the standpoint of safety alone.

I remember in 1982-83, the entire thrust of the argument from the opponents was—"Let's not give up the moral high ground. We're about to reach an agreement with the Soviets." Well, here we are, 3 years later we've tabled a treaty, we've met at least six more times, and the results were predictable—continued, categorical rejection from the Sovets. Just as they have done for 16 years now.

If that surprises you, then you are indeed naive. So long as they have incredible superiority and we have acquiesced to unilateral disarmament—the Soviets will never sign a treaty. Why should they? If they ever go to war, they intend to win, and believe me, if those who have chosen this road of fantasy have their way, they will indeed win.

If you don't believe me, or the committee, or the President, or the Joint Chiefs, or General Rogers, or any other authority on the subject, why don't you go ask the troops? If you refuse all logic from the top of the chain, why don't you ask the soldiers and sailors and airmen who will be the victims of a chemical attack, as I have done all over the world?

Do you know what they all say, to the man, when you ask them their greatest fear?

A chemical attack, is the answer.

When is Congress going to give us a chance, they will ask you.

Well, my colleagues, I pose their question to you today. When are you going to stop this damaging effort? When will you ever realize or admit that every possible logical argument is against what you are doing—that we have no viable conventional forces void of a modern chemical weapons arsenal. If your logic were valid, we would possess nothing that kills.

I realize that many of you, for whatever the motivation, feel as strongly against this issue as I do for it—there is no way anyone can sway you otherwise, that is obvious.

But to those who have been using this issue as your throw away on defense, to prove that you don't do everything the Pentagon wants—to those who really know, deep down, that this is more vital than the MX or B-1 or F-16 or F-20's, yet you have taken the easy way out; let me appeal to you, and to your logic, and your common sense.

This is a good amendment. It gives us the ability to proceed, with every hope to effect a treaty if at all possible. By passing this amendment, we can begin to correct our greatest military vulnerability, a lack of chemical deterrence.

We can proceed to destroy these terrible unitary toxins.

We can challenge the Soviets to join us in a true bilateral ban.

And we can lower the nuclear threshold while giving our own conventional forces a chance. I urge your help.

● Mr. FRENZEL. Mr. Chairman, as often as I can recall that the question of poison gas has come up, I have voted against production of new weapons.

But, the problems of maintaining current stockpiles have become worse. It is time to try for a better solution than inaction.

The newest of our existing weapons are 16 years old. Some of them are obsolete. On a regular basis, leaky weapons must be removed, resealed, stored in other areas, and the mess cleaned up. I am told that the bombs must be placed in separate containers, which process simply creates a new environment for continued deterioration. In addition, the maintenance and cleanup are expensive and unsafe.

The old weapons need to be replaced and disposed of. Disposal requires a separate incinerator at each storage location. The incinerators must be built to EPA specifications. They are expensive.

The sooner we begin destroying the old weapons, the cheaper the task will be. More elapsed time can only cause higher costs.

The Skelton amendment provides the best vehicle on which to proceed. It gives the environmental assurances that have been lacking in the past. No weapon will be armed until it reaches a forward area. Separated, the ingredients cannot form a poison gas.

In addition, the amendment provides that ingredients will be transported separately. Other conditions, safety approvals, NATO approval and so forth, are also helpful.

Nobody likes weapons as nasty as poison gas. The good news is, however, that poison gas has not been used since World War I, except perhaps in isolated areas where the users were sure the victims had no similar weapons to use in retaliation. A modest stockpile of modern, separated weapons should be adequate to ensure that such weapons won't be used against us.

A final observation on the old, deteriorating weapons: The unknown and unknowable liability which could be assigned to the U.S. Government in case of accident, serious deterioration, or acts of terrorism is enormous. That potential liability dwarfs the costs of destruction by incineration.

My conclusion is that the House has one splendid opportunity to begin a safe, environmentally sound process to

destroy its old, unsafe, expensive-to-maintain stocks of chemical weapons, and to replace them with safer, modern, cheaper-to-maintain weapons.

My judgment is that the Skelton amendment is good for the taxpayers, the men and women who defend our country and, the environment.

For all these reasons, I shall abandon my traditional stance in opposition to production of chemical weapons, and instead vote for a safer, sounder, cheaper system.●

● Mr. KASTENMEIER. Mr. Chairman, I strongly support the Porter-Fascell amendment to delete $124.5 million from the Department of Defense authorization bill for the production of lethal binary chemical weapons.

Approval of funding for this deadly nerve gas would be a very dangerous move on the part of the United States. At a time when we should be devoting our energies to making progress in negotiations on chemical arms control, we have this proposal from the Department of Defense to begin what will certainly and ultimately be a massive reconstruction of our chemical weapons stockpile. The $163 million which the Pentagon seeks is but a downpayment for a multibillion dollar binary chemical weapons program. The Congress, for the past 3 years, has had the good sense to turn down administration requests for funding to produce binary chemical weapons, and this year should be no exception.

We, again, should question if the risks which accompany the binary chemical weapons program, in terms of a dangerous escalation of a chemical weapons race, have been fully evaluated by the Department of Defense. There is good evidence to suggest that the production of nerve gases, after a 16-year halt, will unleash a chemical weapons proliferation by encouraging other nations to pursue new chemical weapons technology. The last thing we need is to get into a chemical weapons race. Our efforts should be directed against initiating any new program that will certainly prevent the possibility of stopping the proliferation of nerve gases.

We have been told by the Department of Defense that the United States must improve its retaliatory capabilities in order to deter chemical warfare. But, our current stockpile of chemical weapons is sufficient many times over. The current stockpile provides a credible retaliatory deterrent into the 1990's. Two years ago, Secretary Weinberger stated that:

> The United States possesses a stockpile of chemical nerve agent artillery shells, similar to the proposed M-687 binary round, that are compatible with modern 155mm and 8-inch artillery pieces. The quantity is in the range of sufficiency—at least for U.S. forces—and is higher than the planned acquisition quantity for the binary projectile.

The Department of Defense, however, continues to choose to ignore the status of our stockpile and, instead, keeps telling us that we must produce the binary weapons in order to guard against deterioration of the current stockpile. The Blue Ribbon Panel on Chemical Stockpile Status in 1983, on the other hand, concluded that "in general, the components of the munitions appear to be in good shape." The "leakers" in the existing stockpile are "isolated" and "the fraction of 'leakers' is small—less than 6 per 10,000 artillery projectiles." The blue ribbon panel determined, "In general the components of the munitions appear to be in good shape, except for rare instances of imperfections in the brazed joints * * * these appear to be related to manufacture, rather than to aging."

The Department of Defense, while persistent in its gloomy reporting on the status of our stockpile, keeps touting the development of the Bigeye bomb which will be used to deliver the binary chemicals in warfare. What the Pentagon fails to tell us, however, is that despite almost 20 years of research and development, the Bigeye binary nerve gas bomb doesn't work. We now find out that after 7 years of testing, the Bigeye has failed in eight of its last nine tests by the Army.

The Pentagon also overlooks the position of our NATO allies on our deploying chemical weapons in Western Europe. Every major ally in the NATO alliance has made it perfectly clear that it will not store or deploy our chemical weapons. At the recent May meeting of NATO defense ministers, a U.S. effort to have our NATO allies formally recognize the need for a modern chemical deterrent was dropped before the sessions began. NATO Secretary General Peter Carrington said it was felt chemical weapons did not fit into the conventional defense framework and that the western nations should press for a total ban on such arms.

Mr. Chairman, we are not now producing chemical weapons. We have not done so since 1969 when President Nixon unilaterally decided to place a moratorium on chemical weapons production. To resume the production of poison gases would be a serious mistake. Chemical weaponry is a dirty business and there is absolutely no military justification for new binary chemical weapons and the breaking of the 1969 moratorium.

Chemical weapons are one of mankind's most repulsive inventions. They are horror weapons. Lethal nerve gases kill in a particularly ghastly way and civilians are not spared when they are released. World outrage has been expressed against Iraq for using chemical weapons in the war with Iran.

To begin production of nerve gases is unworthy of our Nation. The Binary Chemical Weapons Program should be brought to a complete halt, and, as we have done for the past 3 years, we should soundly reject the Penagon's request for funding binary chemical weapons.●

● Mr. GEJDENSON. Mr. Chairman, in order for binary chemical weapons to have any military utility whatsoever, stocks must be forward deployed in the European theater.

Our European allies have, however, expressed grave reservations about accepting new stocks of nerve gas on their soil—seven of the NATO governments, Denmark, Great Britain, the Netherlands, Belgium, Greece, Italy, and West Germany, have, in fact, rejected new nerve gas stockpiling, citing the 1925 Geneva protocol which bars the use of chemical weapons in wartime.

I fear that a U.S. decision to resume production of binary chemical weapons would provoke a severely negative reaction in Europe that would seriously jeopardize U.S. interests in Europe with respect to both the conventional and the nuclear defense of the continent.

Without assurances from our NATO allies that we would be allowed to preposition these new chemical weapons, renewed production would be a futile effort. We would do better to concentrate our resources and energies on what is feasible.

To spend American taxpayers dollars on a militarily useless weapon that will only serve to anger and alienate important allies in Europe seems to me to be a foolish exercise that we should be willing to forgo.

I urge my colleagues to support the Porter-Fascell amendment to delete $125 million in procurement funds for binary chemical weapons.●

● Mr. LOWERY of California. Mr. Chairman, today I rise in opposition to the amendment offered by my colleagues, Mr. PORTER and Mr. FASCELL, which would delete the funding for binary chemical weapons included in the Department of Defense authorization bill for fiscal year 1986, H.R. 1872.

The distinguished members of the Armed Services Committee deserve commendation for their efforts in promptly reporting H.R. 1872. In preparing H.R. 1872, my colleagues on the committee recognized the urgent need to modernize our chemical warfare deterrent capability. In response to this need, the bill includes $124.5 million for procurement of binary chemical weapons in 1986, in addition to $936 million authorized for protective measures and $132 million for demilitarization of the stockpile of unitary chemical weapons. I would like to make three distinct points in defense of the committee's position.

First, Mr. Chairman, our current stockpile of chemical munitions is so

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outmoded if fails to serve as an adequate deterrent. These so-called unitary chemical munitions are outdated and are costing the Federal Government $50 million annually to safeguard and maintain. The U.S. store of chemical munitions is an accumulation mainly of artillery shells and relatively few bombs, many dating back to the 1940's.

In addition, most of the nonpersistent chemical agents in the current arsenal are not suitable for modern military use. For example, the United States has no chemical ordance that could effectively lay a persistent nerve agent on an enemy airbase launching sorties against Western Europe. The Defense Department reports that only 28 percent of the total tonnage of chemical agent on hand could be put to any military use at all. And only 7 percent of the agent that has already been manufactured into munitions meets current Department of Defense requirements. In fact, today, we have no air-deliverable chemical weapons that constitute a credible threat.

Second, the current U.S. stockpile poses considerable environmental risks to those who must handle them. The present chemical munitions—unitary weapons which contain toxic agents in lethal amounts from the inside of artillery shells or bombs—are inherently dangerous, and difficult and costly to store, particularly in confined areas that might come under enemy fire, such as the magazine of a ship.

Whether the United States acquires chemical weapons in delivery systems that are easily and safely transportable and that could retaliate effectively on the battlefield is the central question. Clearly, our current stockpile not only doesn't qualify as a deterrent to our aggressors, but the potential for a disaster is very grave.

What binaries offer is an advance in safety of production, storage, and handling, as well as in ease of future disposal when required. The binary is composed of two separate chemicals which are basically harmless apart from each other. They only become lethal when they are combined on their way to a target. The technology of the binary munitions, therefore, removes the problem of the possibility of accident that is involved in the transport and storage of today's unitary munitions.

Third, the Soviets have achieved a dramatic superiority in this area—a superiority so great as to allow them to threaten us with a chemical attack without any fear of retaliation from us. The Soviets have also rejected our every attempt to negotiate this matter for the 16 years since President Nixon initiated a unilateral moratorium on the production of chemical weapons. But while we wait and debate, the Soviets continue to increase their superiority. Right now 14 separate facilities in the Soviet Union are producing chemical weapons.

Mr. Chairman, I am gravely concerned that the current U.S. inability to deter Soviet use of chemical weaponry will require us to respond with nuclear weapons. A 1983 white paper prepared by the West German Ministry of Defense reports that the "Soviet Union has consistently been improving both the chemical agents and means of warfare" and that "the Soviet Union has consistently been improving both the chemical defensive capability and offensive capability of her forces." The white paper concludes: "To deter the Warsaw Pact from using chemical weapons, NATO relies mainly upon its conventional and nuclear forces." I doubt that I need remind my colleagues of the grave escalation possibilities which this requires.

President Reagan has reaffirmed the NATO policy of no-first-use of chemical weapons. I cannot emphasize enough that we need these binary munitions as a deterrent, not because we are implementing some kind of warfighting strategy involving the use of chemical weapons. But my hope is that we can place ourselves in a strong enough position to deter the Soviets from using these horrible weapons and that we will be able to negotiate ultimately ridding the threat of chemical warfare from the world as a whole.

In conclusion, Mr. Chairman, I would urge my colleagues to reject the amendment offered by our distinguished colleagues Messrs. FASCELL and PORTER. Binaries are simply a desirable move toward safety, transportability, and lessened environmental danger. Procurement at this time will modernize our deterrent, lessening the possibility that the Soviets will utilize their current overwhelming superiority in this area.●

● Mr. McGRATH. Mr. Chairman, I approach today's votes on chemical weapons with a great deal of frustration.

For 4 years, I have supported various amendments to ban the production of nerve gas and related substances. Over that same period and for over a decade before, we have produced no additional chemical weapons. Our negotiators have sought a chemical weapons agreement with the Soviets with full vigor and good faith. Vice President BUSH personally attended sessions in Geneva to spur the talks forward and indicate the gravity of our Nation's concern over the proliferation of chemical weapons.

In spite of these efforts, we do not even have a draft agreement, and the Soviet negotiators continue to stonewall. Again and again we as a nation have stood back with a feeling of indignation and helplessness when we have tried to pursue a morally correct high road approach to foreign and military policy. At this very moment, we are experiencing precisely that feeling over the hostage situation in Beirut.

Today we are on the high road alone, and at a time of crisis, it could suddenly be washed out beneath us. Our 300,000 plus troops in Europe, could easily be the first victims of the modern chemical weapons stockpiled by the Soviets and prepared for deployment by specialized military units.

Our military forces have faced a similar threat in this century during World War I. Veterans hospitals in our lifetime were filled with soldiers who would never again take an effortless breath because of mustard gas and similar weapons. I will not subject our men and women in uniform or our civilian population to that risk without taking an additional step to minimize it. Nor will I do anything to force our Nation's leaders to resort to nuclear weapons because they face defeat stemming from a large-scale chemical attack.

I believe we can stay on the high road by demonstrating that we are capable of preparing the weapons necessary to retaliate without actually going forward with production. The amendment put forward by my colleagues from Missouri and California strikes just such a balance, and I support their responsible attempt to deal with the dilemma in which we find ourselves. I sincerely hope that the 2-year period included in the amendment to provide time for a negotiated ban on all chemical weapons will be sufficient to move the ongoing talks forward to successful completion.

It is with great disappointment that I feel compelled to support this course of action. I will not view passage of the Skelton/Hunter substitute as a victory for conservatives over liberals or in other similar terms. I see it as our only remaining practical means of achieving what we all desire—an unqualified agreement banning chemical weapons production and use.●

□ 1750

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Missouri [Mr. SKELTON] to the amendment offered by the gentleman from Illinois [Mr. PORTER].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mrs. BYRON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 229, noes 196, not voting 8, as follows:

[Roll No. 172]

AYES—229

Akaka	Anderson	Anthony
Alexander	Andrews	Archer

Aspin
Badham
Barnard
Bartlett
Barton
Bateman
Bates
Bennett
Bentley
Bereuter
Bevill
Biaggi
Biliraki
Bliley
Boehlert
Boner (TN)
Bosco
Boucher
Boulter
Breaux
Brooks
Broomfield
Broyhill
Bryant
Burton (IN)
Bustamante
Byron
Callahan
Campbell
Carney
Chandler
Chappell
Chappie
Cheney
Cobey
Coble
Coleman (MO)
Coleman (TX)
Combest
Courter
Craig
Crane
Daniel
Dannemeyer
Darden
Daub
Davis
de la Garza
DeLay
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dornan (CA)
Dowdy
Dreier
Duncan
Dyson
Eckert (NY)
Edwards (OK)
English
Evans (IA)
Fawell
Fazio
Fiedler
Fields
Flippo
Frenzel
Frost
Fuqua
Gallo
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gray (IL)
Grotberg
Hall, Ralph
Hamilton
Hammerschmidt
Hansen
Hartnett
Hatcher
Hefner
Heftel
Hendon
Hiler
Hillis
Holt
Hopkins
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Ireland
Jenkins
Johnson
Jones (OK)
Jones (TN)
Kasich
Kemp
Kindness
Kolbe
Kramer
Lagomarsino
Latta
Leath (TX)
Lent
Lewis (CA)
Lightfoot
Lipinski
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Martin (NY)
McCain
McCandless
McCollum
McCurdy
McDade
McEwen
McGrath
McMillan
Meyers
Mica
Michel
Miller (OH)
Miller (WA)
Mollohan
Monson
Montgomery
Moore
Moorhead
Morrison (WA)
Murphy
Murtha
Myers
Neal
Nelson
Nichols
Nielson
Ortiz
Oxley
Packard
Parris
Pashayan
Petri
Price
Pursell
Quillen
Ray
Ridge
Ritter
Roberts
Robinson
Roemer
Rogers
Rose
Rowland (CT)
Rowland (GA)
Rudd
Saxton
Schuette
Schulze
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (NE)
Smith (NH)
Smith, Denny
Snyder
Solomon
Spence
Spratt
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Valentine
Vander Jagt
Volkmer
Vucanovich
Walgren
Whitehurst
Whitley
Whittaker
Williams
Wilson
Wolf
Wright
Wylie
Young (AK)
Young (FL)
Young (MO)
Zschau

NOES—196

Ackerman
Addabbo
Annunzio
Applegate
Armey
Atkins
AuCoin
Barnes
Bedell
Beilenson
Berman
Boggs
Boland
Bonior (MI)
Bonker
Borski
Boxer
Brown (CA)
Brown (CO)
Bruce
Burton (CA)
Carper
Carr
Clay
Clinger
Coats
Coelho
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
Daschle
Dellums
Derrick
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart (OH)
Edgar
Edwards (CA)
Erdreich
Evans (IL)
Fascell
Feighan
Fish
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Garcia
Gaydos
Gejdenson
Gonzalez
Gordon
Gradison
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hawkins
Hayes
Henry
Hertel
Horton
Howard
Huckaby
Jacobs
Jones (NC)
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (FL)
Long
Lowry (WA)
Luken
Lundine
MacKay
Manton
Markey
Martin (IL)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McHugh
McKernan
McKinney
Mikulski
Miller (CA)
Mineta
Mitchell
Moakley
Molinari
Moody
Morrison (CT)
Mrazek
Natcher
Nowak
Oakar
Oberstar
Obey
Olin
Owens
Panetta
Pease
Penny
Perkins
Pickle
Porter
Rahall
Rangel
Regula
Reid
Richardson
Rinaldo
Rodino
Roe
Rostenkowski
Roth
Roukema
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Sensenbrenner
Sharp
Sikorski
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Robert
Snowe
Solarz
St Germain
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tauke
Torres
Torricelli
Towns
Traficant
Traxler
Vento
Visclosky
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitten
Wirth
Wise
Wolpe
Wortley
Wyden
Yates
Yatron

NOT VOTING—8

Dixon
Emerson
Jeffords
O'Brien
Pepper
Schaefer
Strang
Udall

□ 1810

The Clerk announced the following pair:

On this vote:

Mr. Pepper of Florida for, with Mr. Dixon of California against.

Messrs. GRAY of Pennsylvania, MARTINEZ, and ST GERMAIN changed their votes from "aye" to "no."

Messrs. DAVIS, GRAY of Illinois, and HUGHES changed their votes from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FASCELL AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. PORTER, AS AMENDED

Mr. FASCELL. Mr. Chairman, I offer an amendment as a substitute for the amendment, as amended.

The Clerk read as follows:

Amendment offered by Mr. FASCELL as a substitute for the amendment offered by Mr. PORTER, as amended: Page 2, line 15, strike out "$2,357,600,000" and insert in lieu thereof "$2,276,700,000."

Page 11, line 17, strike out "$6,591,800,000." and insert in lieu thereof "$6,570,300,000."

Page 11, line 23, strike out "$1,139,700,000." and insert in lieu thereof "$1,118,200,000."

Page 13, line 16, strike out "$9,043,900,000." and insert in lieu thereof "$9,021,800,000."

Page 13, line 18, strike out "$1,389,200,000." and insert in lieu thereof "$1,367,100,000."

Page 22, after line 23, insert the following new section:

SEC. 111. CONDITION ON SPENDING FUNDS FOR BINARY CHEMICAL MUNITIONS.

(a) IN GENERAL.—Except in accordance with subsection (b), none of the funds appropriated pursuant to authorizations of appropriations in this title may be used—

(1) for procurement or assembly of binary chemical munitions (or subcomponents of such munitions); or

(2) for establishment of production facilities necessary for procurement or assembly of binary chemical munitions (or subcomponents of such munitions).

(b) CONDITIONS.—The funds referred to in subsection (a) may be used for the procurement or assembly of complete binary chemical munitions after September 30, 1987, if—

(1) a mutually verifiable international agreement concerning binary and other similar chemical munitions has not been entered into by the United States by such date;

(2) the President transmits, after such date, a certification to the Congress that—

(A) the procurement and assembly of such complete weapons is necessitated by national security interests, including the interests of the members of North Atlantic Treaty Organization;

(B) performance specifications established by the Department of Defense and in effect on the date of enactment of this Act with respect to such munitions will be met or exceeded in the handling, storage, and other use of such munitions;

(C) applicable Federal safety requirements will be met or exceeded in the handling, storage, and other use of such munitions;

(D) the Secretary of Defense's plan (which shall accompany such certification) for destruction of existing chemical stocks is ready to be implemented; and

(E) the North Atlantic Council of the North Atlantic Treaty Organization (NATO) has formally agreed—

(i) that chemical munitions currently stored and deployed in NATO countries need to be modernized in order to serve as an adequate deterrent;

(ii) that such modernization should be effected by replacement of current chemical munitions with binary chemical munitions; and

(iii) that the European member nations of NATO where such chemical munitions are to be stored or deployed are willing to accept storage and deployment of binary chemical munitions within their territories;

(3) such procurement and assembly is carried out only after the end of the 60-day period beginning on the date such certification is received by the Congress;

(4) the Secretary of Defense's basing mode for such munitions in the United States is to be carried out in a manner which provides that the two components that constitute a binary munition are based in separate States; and

(5) the Secretary of Defense's plan for the transportation of such munitions in the United States is to be carried out in a

manner which provides that the two components that constitute a binary munition are transported separately and by different means.

Mr. FASCELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. RUSSO). Is there objection to the request of the gentleman from Florida?

Mr. DICKINSON. Mr. Chairman, reserving the right to object, under my reservation I would like to inquire of the offeror of the amendment if there are written copies that are available. The reason I ask is that yesterday in the heat of battle, so to speak, an amendment was offered and we were told it was one thing, and inadvertently it was misrepresented, but it was not as represented and we had no printed copies.

Is there a written copy of what the gentleman proposes to offer?

Mr. FASCELL. Mr. Chairman, if the gentleman will yield, there is. I will say to the gentleman from Alabama there are written copies. But also he can get one off the machine here.

Mr. DICKINSON. I do not have time to go to the machine. I just wondered if the gentleman had one here.

Mr. Chairman, I have this copy. Does the gentleman need this?

Mr. FASCELL. No, I am sure I can certainly explain it.

Mr. DICKINSON. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1820

Mr. SKELTON. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN pro tempore. The gentleman from Missouri [Mr. SKELTON] reserves a point of order.

The gentleman from Florida [Mr. FASCELL] is recognized for 10 minutes.

Mr. FASCELL. Mr. Chairman, under the unanimous-consent request, as you know, we have 10 minutes to a side, but I can explain this amendment very quickly.

This amendment is on behalf of the gentlewoman from New Jersey and myself. It is a very simple amendment.

The House has just adopted the Skelton amendment, which in effect puts all the money back into the binary, but it has certain conditions in it. It says that the money cannot be used until September 30, 1987, until certain conditions are met. The President must certify, NATO must agree, and standards of testing must be met as laid down by DOD and some other things.

We think those are very important conditions and we agree that what is inherent in this amendment that has just been adopted, that we are really not ready to produce the bomb.

What our amendment does, therefore, is very simple. It preserves all of the conditions that were laid out by the Skelton amendment, but it says that it just takes the money out. It says that you cannot spend the money anyway until September 30, 1987. So why stockpile the money?

Research is unimpeded. The conditions have to be met. We all agree on that. The House has decided on that.

So why stockpile $124½ million for no good reason?

You are going to take 1986 money and not spend it until after 1987. It does not make sense to me.

So I would ask now that it is totally consistent, support this amendment, strike out the money, retain the conditions and everybody is happy.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to my coauthor, the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Chairman, I thank the distinguished chairman of the Foreign Affairs Committee.

I think this is an extremely intelligent approach to our problem here. We have now adopted the Skelton amendment. It requires certain things to be done in 1987. The House has concurred with that, but it is 1987 in which this money is needed. It is not now.

You do not before the fact write out the check.

It makes all kinds of good sense. It is completely consistent with the intention as well as the spirit of the Skelton amendment and I just commend the gentleman for his leadership.

Mr. FASCELL. Mr. Chairman, I thank the gentlewoman very much for that observation.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Louisiana.

Mr. ROEMER. Mr. Chairman, would I misstate the case if I would compare the two amendments, in comparing the gentleman's substitute for the Skelton amendment already adopted by the House, the difference as I understand is as follows: Under Skelton, if the conditions are met, the money is spent at a date certain.

Under the gentleman's substitute, if the conditions are met, Congress would have to vote again before the money could be spent. Is that the only difference?

Mr. FASCELL. No. The Congress would have to act on the normal appropriation bill.

Mr. ROEMER. Which means another vote?

Mr. FASCELL. Oh, yes, in that sense the gentleman is correct, absolutely. It just means you do not take 1986 money and make it available and hold it until 1987 or whenever the conditions are met. You wait until the proper appropriation bill comes forward, that is all.

Mr. ROEMER. Mr. Chairman, if the gentleman will yield further, I am not prepared to support the gentleman. I would like to understand exactly where the gentleman is. As I understand it, the only difference between the gentleman's amendment and that of the gentleman from Missouri (Mr. SKELTON) is that the gentleman requires another vote on the part of Congress before money could be spent, regardless of the conditions in the amendment.

Mr. FASCELL. What the amendment does, despite the gentleman's best efforts to turn it around a little bit, is that it just says, "Don't stockpile 1986 money because you can't spend it."

Mr. ROEMER. Mr. Chairman, I thank the gentleman.

Mr. BONIOR of Michigan. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I would be glad to yield to the gentleman from Michigan.

Mr. BONIOR of Michigan. Mr. Chairman, I would like to commend my colleague, the gentleman from Florida.

Over the last 2 years we have given the Pentagon $51 billion, which they have not been able to spend, so if you are interested in piling on some more money onto that $51 billion, you should vote no. If you are interested in saving some, vote for the Fascell amendment.

Mr. Chairman, once again, the House finds itself addressing the issue of chemical warfare, in spite of the fact that we have voted repeatedly and by overwhelming margins to reject funding for the production of new generation of binary chemical weapons.

For over 16 years, through both Democratic and Republican administrations, the United States has upheld a moratorium on chemical weapons production. There continues to be a bipartisan consensus across the country and in Congress that opposes the production of new chemical weapons.

In spite of this, the administration has nearly doubled its request to $174 million for binary weapons and related construction for the coming fiscal year. And over the next 5 years, the administration wants to spend $2.3 billion with cost overruns, the total price tag could run as high as $12 billion.

Throughout this century, the world has recoiled in horror at the prospects of chemical warfare. The indiscriminate civilian deaths and lingering effects of the poisonous gases used in World War I led to the Geneva Protocol of 1925, and a commitment by war-ravaged nations to renounce the use of chemical weapons. So strong was that

commitment that neither side resorted to their use in World War II.

Today we face new challenges, and the need to control the use of chemical weapons is all the more imperative.

Chemical weapons have been called the poor man's nuclear bomb. Like nuclear weapons, their effects on the civilian population are unpredictable and devastating. But they are far easier to produce than nuclear weapons—their basic ingredients are similar to those found in fertilizers. In recent years, the Defense Department estimates that as many as 16 countries have acquired some form of chemical weapons.

At a time when the world is facing increasing dangers from the proliferation of chemical weapons, the United States must not abandon its clear claim to leadership in the effort to halt their spread. But if we vote today to resume chemical weapons production, we will be doing just that. We will remove the important moral leverage we have in persuading the Third World not to deploy chemical weapons. And we will undermine the prospects for a worldwide ban on their use.

There are no new arguments in favor of the production of binary chemical weapons. Indeed, the arguments that led us to vote against production in the past have been only strengthened today.

Our existing stockpile is adequate, even Secretary of Defense Weinberger has acknowledged as much.

Production of binary weapons will jeopardize our relationship with our NATO allies, who have rejected deployment of new chemical weapons.

Binary weapons are less reliable than existing weapons. They have not been adequately tested. Indeed, the GAO recently reported that the Bigeye bomb has failed to meet test standards in at least 8 out of 10 times in the past year.

There are no new arguments in favor of chemical weapons production. Yet, each year proponents come up with some new packaging scheme to sell a product that they know Congress will reject on the merits.

In years past, we were told that funds for Bigeye bomb bodies, Bigeye equipment and parts, and artillary components were not really production funds. But a majority of this House saw through that scheme, and voted to delete production funds.

This year, we are told that a hastily prepared report by Presidential Commission composed primarily of individuals already firmly committed to chemical weapons production, and staffed by Pentagon and Army Chemical Corps personnel who were equally committed, provides us with the justification for new chemical weapons.

I hope the House will see through this elaborate public relations scheme as well, and will support the efforts of Mr. FASCELL and Mr. PORTER to delete funds for the production of chemical weapons.

Mr. FASCELL. Mr. Chairman, I thank the gentleman for that observation.

We have so much unexpended appropriations now that we cannot keep track of them.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from Missouri [Mr. SKELTON] insist on his point of order?

Mr. SKELTON. No; I do not, Mr. Chairman, I withdraw my point of order.

AMENDMENT OFFERED BY MR. SKELTON TO THE AMENDMENT OFFERED BY MR. FASCELL AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. PORTER, AS AMENDED

Mr. SKELTON. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment, as amended.

The Clerk read as follows:

Amendment offered by Mr. SKELTON to the amendment offered by Mr. FASCELL as a substitute for the amendment offered by Mr. PORTER, as amended: In lieu of the amount proposed to be inserted by the amendment to page 2, line 15, insert "$2,348,600,000".

Strike out the amendments proposed to be made to page 11, line 17; page 11, line 23; page 13, line 16; and page 13, line 18.

Strike out the section proposed to be added by the amendment and insert in lieu thereof the following:

SEC. 111. CONDITION ON SPENDING FUNDS FOR BINARY CHEMICAL MUNITIONS.

(a) IN GENERAL.—Except in accordance with subsection (b), none of the funds appropriated pursuant to authorizations of appropriations in this title may be used—

(1) for procurement or assembly of binary chemical munitions (or subcomponents of such munitions); or

(2) for establishment of production facilities necessary for procurement or assembly of binary chemical munitions (or subcomponents of such munitions).

(b) CONDITIONS.—The funds referred to in subsection (a) may be used for the procurement or assembly of complete binary chemical munitions after September 30, 1987, if—

(1) a mutually verifiable international agreement concerning binary and other similar chemical munitions has not been entered into by the United States by such date;

(2) The President transmits, after such date, a certification to the Congress that—

(A) the procurement and assembly of such complete weapons is necessitated by national security interests, including the interests of the members of North Atlantic Treaty Organizations;

(B) performance specifications established by the Department of Defense and in effect on the date of enactment of this Act with respect to such munitions will be met or exceeded in the handling, storage, and other use of such munitions;

(C) applicable Federal safety requirements will be met or exceeded in the handling, storage, and other use of such munitions;

(D) the Secretary of Defense's plan (which shall accompany such certification) for destruction of existing chemical stocks is ready to be implemented; and

(E) the North Atlantic Council of the North Atlantic Treaty Organization (NATO) has formally agreed—

(i) that chemical munitions currently stored and deployed in NATO countries need to be modernized in order to serve as an adequate deterrent;

(ii) that such modernization should be effected by replacement of current chemical munitions with binary chemical munitions; and

(iii) that the European member nations of NATO where such chemical munitions are to be stored or deployed are willing to accept storage and deployment of binary chemical munitions within their territories;

(3) such procurement and assembly is carried out only after the end of the 60-day period beginning on the date such certification is received by the Congress;

(4) the Secretary of Defense's basing mode for such munitions in the United States is to be carried out in a manner which provides that the two components that constitute a binary munition are based in separate States; and

(5) the Secretary of Defense's plan for the transportation of such munitions in the United States is to be carried out in a manner which provides that the two components that constitute a binary munition are transported separately and by different means.

Mr. SKELTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Missouri [Mr. SKELTON] is recognized for 10 minutes.

Mr. SKELTON. Mr. Chairman, very plainly, this amendment of mine to the gentleman's substitute puts us exactly back where we were in the last vote. If you voted for it before, I would think you would want to vote for my amendment to the gentleman's substitute again.

What the gentleman does is take out the money, the authorization, and leaves the conditional language, which in essence means nothing whatsoever. You have to have the authorization.

This is not an appropriation bill. I do not want to be misleading on that. It is an authorization bill. That is all that this means. We are authorizing this amount of money. We are authorizing $124 million for the binary weaponry.

Mr. Chairman, there has been an awful lot of emotion on this floor today. There has been more emotion than reason at times. We have heard matters discussed that are really not at issue here. We have heard the cost of gas masks, agent orange, incorrect figures, $17 million stated as being the wrong amount.

The CHAIRMAN pro tempore. The gentleman from Missouri will suspend.

The Chair would like to state the parliamentary situation. There is 10 minutes of debate for the Skelton amendment. There also may be 10 minutes to oppose the Skelton amendment and there is also 10 minutes to oppose the Fascell substitute.

The Chair recognizes the gentleman from Missouri [Mr. SKELETON].

Mr. SKELTON. Mr. Chairman, I would hope we could do this much more quickly than that, but let me point out just a point or two.

You know, an octopus is a rather interesting animal. When it is in trouble, it emits an inky fluid to confuse its enemy and get away in the confusion.

I think the amendment offered earlier to which I have offered my amendment is one to confuse the issue.

Very plainly stated, a vote on my amendment to the Fascell amendment is exactly what we had before. The issue is not what the gentleman is talking about. The issue is deterrence, time for arms control and safety, particularly having the binary parts in two different States.

We are talking about everything that is not before us today. I hope that we can vote for the issue that we have already decided.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to my friend, the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

I would make the point to my colleagues that there is a little carrot here for the Soviet Union to come to the bargaining table and if the Congress has already made it a fait accompli, that we will move ahead as we did under ABM when we said we will appropriate for ABM unless there is a treaty, if we have made it a fait accompli there is going to be much greater incentive for the Soviet Union to enter into real negotiations.

I commend my friend and I urge a yes vote on the Skelton amendment.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I want to rise in support of the gentleman's amendment and simply point out that what the Fascell amendment would do is say, well, here is the package, but you open it up and there is nothing in it. What we are doing is we are keeping the money in, but there is an appropriation process that will have to appropriate the money even after this.

□ 1830

So you have another opportunity to vote if you want to withhold the money or not. So let us go on and reaffirm the vote that was just taken and let us get this behind us so that we can go on with it.

I would ask an affirmative vote on the Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina [Mr. SPRATT.]

Mr. SPRATT. Mr. Chairman, I simply reiterate what the gentleman from Alabama just said. This is the way to have our cake and eat it, too. We have an amendment, the Skelton amendment, which is in good form now. We can leave it with the money authorized so that we give the administration what they say they need to negotiate; namely, some leverage with the Soviets, but at the appropriations stage we can defend whether we will fund it now and we can then make that decision. We do not have to make a decision right now on this Fascell amendment. That is the proper stage to address the funding of the bill, the current funding of the bill.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

Mr. PORTER. Mr. Chairman, I rise in opposition to the Skelton amendment.

The CHAIRMAN pro tempore. The gentleman from Illinois [Mr. PORTER] is recognized for 10 minutes.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it seems to me that what we are looking at here is a very clear distinction between whether we are going to go ahead with the new Binary Nerve Gas Program or whether we are not. But the issue is joined very perfectly.

What it will mean is if you are voting for Skelton that will make a commitment to spend $2.6 billion to build new nerve gas weapons and in addition you want to spend whatever it takes to take care of our unitary stockpile. The cost will be, for dismantling the unitary weapons, something in the neighborhood of $50 million. So what you are voting for is about $17 billion of new spending in the face of a $200 billion deficit as far out as the eye can see.

I think you will find that, when this comes back, there will not be any provision about whether NATO will take them or not. Those will be stripped away in conference. All that will be left is the naked commitment to building these weapons systems.

As I have said many times, I favor this country having a viable deterrent. I believe we have one. I believe that this is the time to say "no" to new spending in any program, not only the Department of Defense programs but all new spending programs. We should not be voting for one of them. It seems to me at this time the responsible thing is to vote "no."

It seems to me, Mr. Chairman, we are really at a point of making a decision whether it is more important to build these weapons in this year than it is to address the problem of our Nation's deficit. Nothing has changed since the last vote, nothing has changed. Our chemical stockpile is equally sufficient to deter a Soviet first use as it was a year ago.

The NATO nations, our allies, will not take these weapons. They will not have anything to do with them. They will not even discuss them. That is the same as it was.

The Bigeye bomb that would be authorized by this amendment is not ready to be produced. It will not be ready to be produced. It has not been ready for 2 years to be produced. None of those things have changed.

The question is simply: Do you want to spend about $17 billion on new nerve gas weapons in the face of our deficits?

Yes, when we have Beirut looking us in the face it is a feeling that all of us have that we want to stand up for our country, but I ask you, I beg you to give a great deal of thought to committing this kind of money to this weapons system that really is not needed and will not be needed for some time when our children face the kinds of burdens that we are laying upon them by huge deficits.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding. I think the issue is really very simple. There are those in this House who support the production of binary nerve gas and they will vote for the Skelton amendment. There are those who oppose the production of binary nerve gas and they will support the Fascell amendment.

I think the gentleman from Illinois would like to address his comments, as would the gentleman from Pennsylvania, to those of our colleagues on both sides of the aisle who changed their vote from their position of the last 3 years to their position today in support of the original Skelton amendment. What the Fascell amendment does is provide all of the conditions that you wanted in presenting yourselves a way to shift and put pressure on the Soviets. But the Fascell amendment takes out the dollar amounts. We will have to come back both in appropriations and in authorizations in the future anyway.

I would urge my colleagues who were those votes that shifted from opposition to support to look carefully at the Fascell amendment and to reconsider their support by voting for the Fascell amendment, which simply provides you with the conditions you wanted, but eliminates the funds that are not going to be necessary until October 1 of next year. It gives us that opportunity to meet your changing needs.

Those of us who voted against chemical weapons will do so again. Those who voted for chemical weapons will do so again. It is that group of you who shifted your votes that the Fascell amendment is addressed to.

I urge my colleagues to reject the second Skelton amendment, to support the Fascell amendment, and give us an opportunity over the next year to really look very carefully at this issue.

I thank the gentleman for yielding.

Mr. PORTER. I might say that I thank the gentleman for his statement and the point that the distinguished chairman of the House Foreign Affairs Committee makes is the point. Let us not stockpile the money. There is no point to doing it. And let us leave the decisions in the hands of the Congress as to whether the spending should take place.

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DICKINSON. Mr. Chairman, would it be appropriate at this point to rise in opposition to the Fascell substitute?

The CHAIRMAN pro tempore. It would be appropriate, as soon as the gentleman from Illinois [Mr. PORTER] has finished his remarks.

Mr. PORTER. Mr. Chairman, I reserve the balance of my time.

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the Fascell substitute.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] is recognized for 10 minutes.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

As has been said, we have a simple question here, a simple point, a simple decision to be made. Do we want to undo exactly what we have done by saying well, we did it, but we do not really mean it, we are going to take out the money?

If it is to have any credibility, if we are to get the Soviets to the bargaining table, we must have the money in there, even though it is not spent, and it is subject to appropriation.

I reserve the balance of my time.

Mr. FASCELL. Mr. Chairman, I still have some time, which I yield myself, just to say if you vote for this amendment it is a vote for binary. If you vote against it you are going to save $124.5 million in authorization temporarily. The conditions are still preserved, so I would ask you to vote "no" on this amendment, vote "yes" on the one after that, and then you have it.

I yield back the balance of my time.

Mr. PORTER. Mr. Chairman, I yield back the balance of my time.

Mr. DICKINSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Missouri [Mr. SKELTON] to the amendment offered by the gentleman from Florida [Mr. FASCELL] as a substitute for the amendment offered by the gentleman from Illinois [Mr. PORTER] as amended.

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PORTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 223, noes 196, not voting 14, as follows:

[Roll No. 173]

AYES—223

Akaka
Alexander
Andrews
Anthony
Archer
Armey
Aspin
Badham
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Biaggi
Biliraki
Bliley
Boehlert
Boner (TN)
Bosco
Boucher
Boulter
Breaux
Brooks
Broomfield
Broyhill
Bryant
Burton (IN)
Bustamante
Byron
Callahan
Campbell
Carney
Chandler
Chappell
Chappie
Cheney
Cobey
Coleman (MO)
Coleman (TX)
Combest
Courter
Craig
Crane
Daniel
Dannemeyer
Darden
Daub
Davis
de la Garza
DeLay
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dowdy
Dreier
Duncan
Dyson
Eckert (NY)
Edwards (OK)
English
Evans (IA)
Fawell
Fazio
Fiedler
Fields
Flippo
Franklin
Frenzel
Frost
Fuqua
Gallo
Gekas
Gephardt
Gilman
Gingrich
Glickman
Goodling
Grotberg
Guarini
Hall, Ralph
Hamilton
Hammerschmidt
Hansen
Hartnett
Hatcher
Hefner
Heftel
Hendon
Hiler
Hillis
Holt
Hopkins
Hoyer
Hubbard
Hunter
Hutto
Hyde
Ireland
Jenkins
Johnson
Jones (OK)
Jones (TN)
Kasich
Kemp
Kindness
Kolbe
Kramer
Lagomarsino
Latta
Leath (TX)
Lent
Lewis (CA)
Lightfoot
Lipinski
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Martin (NY)
McCain
McCandless
McCollum
McCurdy
McEwen
McGrath
McMillan
Meyers
Mica
Michel
Miller (OH)
Miller (WA)
Mollohan
Monson
Montgomery
Moore
Moorhead
Morrison (WA)
Murphy
Murtha
Myers
Neal
Nelson
Nichols
Nielson
O'Brien
Ortiz
Oxley
Packard
Parris
Pashayan
Petri
Price
Pursell
Quillen
Ray
Ridge
Ritter
Roberts
Robinson
Roemer
Rogers
Rose
Rowland (CT)
Rowland (GA)
Rudd
Saxton
Schuette
Schulze
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (NE)
Smith (NH)
Smith, Denny
Snyder
Solomon
Spence
Spratt
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Valentine
Vander Jagt
Volkmer
Vucanovich
Whitehurst
Whitley
Whittaker
Wilson
Wolf
Wright
Wylie
Young (AK)
Young (FL)
Young (MO)
Zschau

NOES—196

Ackerman
Addabbo
Anderson
Annunzio
Applegate
Atkins
AuCoin
Barnes
Bates
Bedell
Beilenson
Berman
Boggs
Boland
Bonior (MI)
Bonker
Borski
Boxer
Brown (CA)
Brown (CO)
Bruce
Carper
Carr
Clay
Clinger
Coats
Coble
Coelho
Collins
Cooper
Coughlin
Coyne
Crockett
Daschle
Dellums
Derrick
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart (OH)
Edgar
Edwards (CA)
Erdreich
Evans (IL)
Fascell
Feighan
Fish
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Garcia
Gaydos
Gejdenson
Gibbons
Gonzalez
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Gregg
Gunderson
Hall (OH)
Hawkins
Hayes
Henry
Hertel
Horton
Howard
Huckaby
Hughes
Jacobs
Jones (NC)
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (FL)
Long
Lowry (WA)
Luken
Lundine
MacKay
Manton
Markey
Martin (IL)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McHugh
McKernan
McKinney
Mikulski
Miller (CA)
Mineta
Mitchell
Moakley
Molinari
Moody
Morrison (CT)
Mrazek
Natcher
Nowak
Oakar
Oberstar
Obey
Olin
Owens
Panetta
Pease
Penny
Perkins
Pickle
Porter
Rahall
Rangel
Regula
Reid
Richardson
Rinaldo
Rodino
Roe
Rostenkowski
Roth
Roukema
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Seiberling
Sensenbrenner
Sharp
Sikorski
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Robert
Snowe
Solarz
St Germain
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tauke
Torres
Torricelli
Towns
Traficant
Traxler
Vento
Visclosky
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitten
Wirth
Wise
Wolpe
Wortley
Wyden
Yates
Yatron

NOT VOTING—14

Burton (CA)
Conte
Conyers
Dixon
Dornan (CA)
Emerson
Jeffords
McDade
Pepper
Schaefer
Schumer
Strang
Udall
Williams

□ 1850

The Clerk announced the following pairs:

On this vote:

Mr. Pepper for, with Mr. Dixon against.

Mr. Emerson for, with Mr. Conte against.

Mr. DELLUMS changed his vote from "aye" to "no."

So the amendment to the amendment offered as a substitute for the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida [Mr. FASCELL], as amended, as a substitute for the amendment offered by the gentleman from Illinois [Mr. PORTER], as amended.

The amendment, as amended, offered as a substitute for the amendment, as amended, was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois [Mr. PORTER], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN pro tempore. Are there other amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201 AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 1986 for the use of the Armed Forces for research, development, test, and evaluation in amounts as follows:

(1) For the the Army, $4,882,675,000.

(2) For the Navy (including the Marine Corps), $9,833,206,000.

(3) For the Air Force, $13,151,210,000

(4) For the Defense Agencies, $6,305,732,000 of which $93,500,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

(b) GENERAL AUTHORIZATION FOR CIVILIAN PAY CONTINGENCIES.—There are authorized to be appropriated for fiscal year 1986, in addition to the amounts authorized to be appropriated in subsection (a), such sums as may be necessary for unbudgeted amounts for salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a).

SEC. 202. LIMITATION ON FUNDS FOR THE ARMY.

Of the amount authorized in section 201 for the Army—

(1) $52,836,000 is available only for the Missile/Rocket Components program, of which $10,000,000 is available only for the development of the Fiber Optics Guided Missile and $10,000,000 is available only for development of the Hypervelocity Missile;

(2) $23,583,000 is available only for the Stinger missile program.

(3) $18,898,000 is available for the M1 E1 Development program, of which $15,000,000 is available only for a fuel efficient modification for the AGT-1500 tank Engine;

(4) $20,000,000 is available only for the development, test integration, and evaluation of the Hellfire Missile for the Blackhawk helicopter; and

(5) $40,000,000 is available only for the Remotely Piloted Vehicle programs, of which $20,000,000 is available only for the Pave Tiger system and $20,000,000 is available only for a classified system.

SEC. 203. LIMITATION ON FUNDS FOR THE NAVY (INCLUDING THE MARINE CORPS).

Of the amount authorized in section 201 for the Navy (including the Marine Corps)—

(1) $25,000,000 is available only for the Low-Cost Anti-Radiation Seeker program;

(2) $6,964,000 is available for the Advanced Mine Development program;

(3) $60,000,000 is available only for Standard Missile Improvements, of which $12,815,000 is available only for the development of Standard Missile III for the Navy's outer air battle mission;

(4) $190,000,000 is available only for the SSN-21 Combat System Advanced and Engineering programs;

(5) $12,000,000 is available only for Battlegroup Quick Reaction Surveillance System program;

(6) $10,000,000 is available only for unique Wallops Island Test Range activity;

(7) $10,000,000 is available only for Skipper/Practice Bomb program;

(8) $1,500,000 is available only for classified sensor development program; and

(9) $2,500,000 is available only to establish a second source for the competitive procurement of the Navy Five-Inch and Army 155-Millimeter Guided Projectile systems.

SEC. 204. LIMITATION ON FUNDS FOR THE AIR FORCE.

Of the amount authorized in section 201 for the Air Force—

(1) $60,000,000 is available only for research, development, test, and evaluation for the Integrated Electronic Warfare/Communications (INEWS) and Navigation Identifications Avionics (ICNIA) systems;

(2) $30,000,000 is available only for the research, development, test, and evaluation to modify the F-4 aircraft to satisfy the Air Force defense mission;

(3) $19,570,000 is available only for a classified reconnaissance system; and

(4) $223,776,000 is available only for the Very High Speed Integrated Circuits (VHSIC) program.

SEC. 205. LIMITATION ON FUNDS FOR THE DEFENSE AGENCIES.

Of the amount authorized in section 201 for the Defense Agencies—

(1) $2,472,962,000 is available for the Strategic Defense Initiatives, of which $12,500,000 is available only for the medical application of Free-Electron Lasers and associated material and physical science research;

(2) $150,000,000 is available only for the Common Joint Tactical Information Distribution System program;

(3) $200,000,000 is available only for the Joint Advanced Systems program; and

(4) $181,250,000 is available only for the University Research Initiative program.

SEC. 206. HARM MISSILE PROGRAM.

(a) LIMITATION ON NAVY FUNDING.—Of the amount appropriated pursuant to the authorization in section 201 for the Navy (including the Marine Corps), $300,000,000 may not be obligated or expended until the Secretary of the Navy submits to Congress a certification described in subsection (c) or a report described in subsection (d).

(b) LIMITATION ON AIR FORCE FUNDING.—Of the amount appropriated pursuant to the authorization in section 201 for the Air Force, $150,000,000 may not be obligated or expended until the Secretary of the Air Force submits to Congress a certification described in subsection (c) or a report described in subsection (d).

(c) CERTIFICATION.—A certification under subsection (a) or (b) shall be in writing and shall include the Secretary concerned's certification of the following:

(1) That the test and evaluation of the High-Speed Anti-Radiation Missile (HARM) shows conclusively that the missile system meets all performance specifications and objectives delineated in the HARM weapon system specification—AS 3400 Revision A, dated August 6, 1982.

(2) That a current production missile has been disassembled and that there is complete correlation with such missile and the current technical-data package (including the engineering drawings are being constructed to these drawings.

(3) That the HARM missile system is capable of engaging the intended threat as approved by the Director of Central Intelligence.

(4) That the program to develop the HARM low-cost seeker is structured to meet an intended Initial Operational Capability (IOC) date of December 31, 1989.

(d) REPORT ON DEFICIENCIES.—(1) If the Secretary of the Navy cannot make a certification under subsection (c) because of deficiencies in the HARM system, then the Secretary may obligate and expend funds without regard to the limitation in subsection (a) after submitting to Congress a written report described in paragraph (3).

(2) If the Secretary of the Air Force cannot make a certification under subsection (c) because of deficiencies in the HARM system, then the Secretary may obligate and expend funds without regard to the limitation in subsection (b) after submitting to Congress a written report described in paragraph (3).

(3) A report under paragraph (1) or (2) shall provide—

(A) a detailed list of the deficiencies in the HARM system; and

(B) a plan to correct such deficiences, including milestones and required levels of funding and a request to Congress to reprogram funds for this purpose.

(e) PROHIBITION ON EXPENDITURES TO CORRECT SPECIFIED DEFICIENCIES.—The Secretary of the Navy and the Secretary of the Air Force may not obligate or expend any funds to correct deficiencies in the HARM system in order to meet the weapons system performance specifications described in subsection (c)(1).

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. ALEXANDER] having assumed the Chair, Mr. RUSSO, 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. 1872) to authorize appropriations for fiscal year 1986 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

(Mr. TORRES asked and was given permission to address the House for 1 minute.)

Mr. TORRES. Mr. Speaker, I was not present for recorded votes on Tuesday, June 18 due to official business. Had I been present on the House floor, I would have cast my votes in the following manner:

Roll No. 162, passage of H.R. 2369, Family Planning Programs extension; "yea."

Roll No. 163, passage of H.R. 2417, Health Maintenance Organization Amendments; "yea."

Roll No. 164, passage of H.R. 2290, Orphan Drug Amendments; "yea."

Roll No. 165, Aspin amendment to DOD bill reducing fiscal year 1986 defense spending by $10 billion; "aye."

Roll No. 166, Bennett amendment to DOD bill to eliminate fiscal year 1986 MX missile procurement funding and all unobligated prior-year MX appropriations; "aye."

Roll No. 167, McCurdy amendment to DOD bill expressing the sense of Congress that deployment of MX missiles should be limited to not more than 40; "aye."

Roll No. 168, Courter amendment to DOD bill to limit deployment to 50 MX missiles in existing silos; "no."

Mr. Speaker, I ask unanimous consent that these votes be recorded in the permanent RECORD and appear according to each vote taken.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 14. An act to designate the Federal Building and U.S. Courthouse in Ashland, KY, as the "Carl D. Perkins Federal Building and United States Courthouse".

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1699. An act to extend title I and part B of title II of the Energy Policy and Conservation Act, and for other purposes.

The message also announced that the Senate had passed a bill and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 1103. An act to authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration, and for other purposes;

S.J. Res. 24. Joint resolution to designate the month of October 1985 as "National Make-A-Wish Month"; and

S.J. Res. 136. Joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning with Sunday, April 13, 1986, as "National Garden Week".

□ 1900

NATIONAL VETERANS' HEALTH CARE AWARENESS WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 216) authorizing the President to designate the third week of June 1985 as "National Veterans' Health Care Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. BRUCE). Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object but simply would like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 216

Whereas veterans have played a vital role in the history of the United States;

Whereas the number of veterans over the age of 65 will double and reach 9 million by the year 2000;

Whereas by such year, over one-third of the veteran population in the United States will be over the age of 65 and approximately two out of every three elderly males in the United States will be eligible for Veterans' Administration medical care;

Whereas one hundred and seventy-two Veterans' Administration hospitals in the United States provide essential health care services to those who served in our Nation's armed forces;

Whereas the health care needs of our Nation's veterans will increase dramatically by the year 2000 and existing veterans' hospitals and nursing homes will be inadequate to meet those needs; and

Whereas given the dramatic increase in the number of persons who will be eligible for Veterans' Administration health care by the year 2000, the increased health care needs of such persons, and the inability of existing veterans' health care facilities to meet those needs, the Nation should begin to focus on ways to meet such needs: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the third week of June 1985 as "National Veterans' Health Care Awareness Week" and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GARCIA: Page 2, line 4, strike out "the third week of June 1985" and insert "the fourth week of June 1985".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. GARCIA].

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. GARCIA: Amend title so as to read "Joint Resolution Authorizing the President To Designate the Fourth Week of June 1985 as 'National Veterans' Health Care Awareness Week'."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

HELEN KELLER DEAF-BLIND AWARENESS WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 125) designating the week of June 23, 1985, through June 29, 1985, as "Helen Keller Deaf-Blind Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, except I would like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation of objection, I yield to the gentleman from Michigan [Mr. BONIOR], who is the chief sponsor of House Joint Resolution 227.

Mr. BONIOR of Michigan. I thank the gentleman for yielding, and I commend him and my distinguished colleague, the gentleman from New York [Mr. GARCIA] for their leadership in this matter.

Mr. Speaker, today, with passage of House Joint Resolution 227, designating the last week of June as "Helen Keller Deaf-Blind Awareness Week," we are reaffirming our commitment to the American ideal that "all men are created equal" and that every man, woman, and child should have the right to contribute to this society. The blind and deaf cannot and should not be excepted, in spite of the many obstacles they face.

Many of the obstacles confronting blind and deaf Americans go unnoticed

by most Americans. It is, therefore, imperative that action be taken to increase public awareness. Congressional support of "Helen Keller Deaf-Blind Awareness Week" is certainly a first step toward heightening public awareness, and thus eliminating many of the obstacles facing deaf and blind Americans.

Helen Keller is but one example of what one can do, given the opportunity. This great lady has inspired us all. Her accomplishments stand as a beacon of courage for people the world over. By proclaiming the last week of June as "Helen Keller Deaf-Blind Awareness Week," we not only honor this remarkable lady on the 105th anniversary of her birth, we also pay tribute to all those valiant men, women, and children, who carry on her legacy of hope and achievement.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. HANSEN. Mr. Speaker, under my reservation of objection, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of Senate Joint Resolution 125, legislation which focuses our attention upon the courage and accomplishments of deaf-blind people by proclaiming the last week of June as "Helen Keller Deaf-Blind Awareness Week." I would also like to thank the gentleman from Michigan [Mr. BONIOR] for introducing the House companion measure to this bill, House Joint Resolution 227.

I was honored last year, along with my colleague, the gentleman from New York [Mr. MRAZEK] to introduce legislation which established the first "Helen Keller Deaf-Blind Awareness Week." This year, I became an original cosponsor of House Joint Resolution 227 in order to build upon the momentum created by the activities and worthy programs inspired by the first awareness week for deaf-blind individuals.

Ever since Helen Keller defied her doctors' predictions and indeed even her own parents' expectations that she would never be able to communicate, her story of achievement has become a hallmark of encouragement for other deaf-blind persons and their families. Helen Keller not only learned to communicate, but she also demonstrated that her blindness and deafness did not limit her in any way. Through her courage and determination in a time when her disabilities were even less understood than they are now, she brought to the world an inspiration and a new perspective.

Although Helen Keller's personal story will always be remembered through her writing, the everyday struggles and accomplishments of other deaf-blind individuals are often overlooked by many of us who can see and hear. As a result, deaf-blind persons' potential contributions to our society are also often overlooked. Unfortunately, this situation causes a loss to society in valuable human resources and also serves to further the gap between the deaf-blind individual and the society he has fought so hard to learn to function in.

Senate Joint Resolution 125 attempts to resolve this unfortunate situation by reemphasizing not only the accomplishments of Helen Keller, but also by paying tribute to the many other individuals who have carried on in her fine tradition, refusing to handicap themselves by their disabilities.

I have come to know about the obstacles that deaf-blind persons frequently confront through Martin Adler, a resident of my congressional district and director of the Helen Keller National Center for Deaf-Blind Youth and Adults in Sands Point, NY. Congress established this center in 1969 in order to prepare deaf-blind people to realize their place in society. Martin Adler has shared with me the many triumphs experienced by students at the center, as well as the disappointments the students often face when society is afraid to acknowledge and let them demonstrate the worthy contribution they can make.

This is why a "Helen Keller Deaf-Blind Awareness Week" is so important. These special people are doing their part toward assuming their rightful place in society. Let us do ours by recognizing their potential and promoting it to others who do not yet understand their special abilities. The increased awareness which will result from passage of this bill will go far in expanding educational and employment opportunities to deaf-blind individuals.

Accordingly, I urge my colleagues to join me in support of this measure to honor Helen Keller on the 105th anniversary of her birth and the many men, women, and children who have demonstrated her same courage, in order to ensure that their struggles have not been in vain.

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 125

Whereas Helen Keller is the most accomplished, respected, and renowned deaf-blind American in history;

Whereas the anniversary of the birth of Helen Keller occurs on June 27;

Whereas deaf-blindness is a severe disability that results in the loss of two primary senses;

Whereas forty thousand Americans, including approximately six thousand children, suffer from deaf-blindness as the result of the rubella epidemic of the late 1960's and other causes;

Whereas the nature of deaf-blindness causes the cost of education, training, and rehabilitation for deaf-blind individuals to be higher than the cost of such aid to individuals with other disabilities;

Whereas the high level of such costs cause many service agencies to be reluctant to serve deaf-blind individuals, further preventing such individuals from becoming independent and frequently resulting in their placement in custodial institutions;

Whereas national and regional deaf-blind centers serve only a portion of the deaf-blind population, leaving the remainder to receive inadequate education, training, and rehabilitation services, an inadequacy which leads to a terrible waste of human lives and resources and imposes high costs on our Nation;

Whereas it is in the national interest to prevent this waste of human resources by fostering the independence of, creating employment opportunities for, and maximizing the opportunities for achievement among, deaf-blind individuals;

Whereas these objectives can be accomplished only through increased public awareness of, and attention to, the needs, abilities, and potential contributions to society of deaf-blind individuals; and

Whereas it is highly appropriate to publicize the needs, abilities, and potential of deaf-blind individuals, and to recognize Helen Keller not only as a guiding example of courage and hope for our Nation, but also as an illustration of what deaf-blind individuals can achieve when given a chance: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of June 23, 1985, through June 29, 1985, is designated as "Helen Keller Deaf-Blind Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL P.O.W./M.I.A. RECOGNITION DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 87) to provide for the designation of July 19, 1985, as "National P.O.W./M.I.A. Recognition Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but I would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation, I yield to the gentleman from New York [Mr. SOLARZ], who is the chief sponsor of the House resolution, House Joint Resolution 205.

Mr. SOLARZ. I thank the gentleman for yielding.

Mr. Speaker, I just came in from a rather heated discussion in the cloakroom. Let me just tell you what it was all about, because I have been the victim of the most monstrous misrepresentation in the press. We have all been victimized in the press from time to time, but let me tell you that this one takes the cake.

I was on the "Nightwatch" program on CBS two nights ago, with a very good friend, Congressman ROBINSON from Arkansas, talking about the hostage crisis. Congressman ROBINSON said that we ought to bomb the airport in Beirut in retaliation for what the hijackers had done in taking the plane to the airport there. I responded by saying that I thought this was a ridiculous suggestion, that the very same logic that would lead us to bomb the airport in Beirut would also lead us to bomb the airport in Athens, where the hijacking originated, and then the airport in Tripoli, in Libya, where other hijackers have gone, and then Aden in South Yemen, where other hijackers have gone, and then Algiers in Algeria, where still other hijackers have gone, and so on and so forth. I ended up by saying if we did this we would be involved in wars with half the countries of the region.

I find out today that there are articles in the Greek press claiming that I have advocated the bombing of the airport in Athens, and I have been trying to correct this unfortunate impression.

I want to make it clear if anybody is listening—I do not see anybody up there—that I consider Greece a friend and ally of the United States, part of NATO. I think anybody, let alone a Member of the Congress of the United States, who would suggest that we bomb the airport in Athens, is acting in an unthinkable and unconscionable fashion. I never suggested it. I am unequivocally opposed to it. I said just the opposite.

My reference to Athens was designed not to call for American bombing there, but rather to ridicule the suggestion that we bomb the airport in Beirut or anywhere else.

I gather that we are here today not to exculpate the gentleman from New York but rather to call up this resolution establishing National P.O.W./M.I.A. Recognition Day. And I want to pay tribute to both gentlemen from New York [Mr. SOLOMON], now the chairman of the Task Force on P.O.W./M.I.A.'s and Mr. GILMAN, his very distinguished predecessor in that position, and also the gentleman from California [Mr. LAGOMARSINO], who has been providing real leadership on this question.

The point that I want to make is that so long as the almost 2,500 American servicemen whose fate is still unaccounted and remain missing in Vietnam, the final chapter in our tragic involvement in Indo-China cannot be written. I think this resolution will serve notice on the American people and on the leadership in Hanoi and Vientiane that this remains a high priority for the United States. It has been and remains a high priority for the Reagan administration. I pay tribute to the President and his people for the efforts they have made to determine the fate of those brave Americans who risked their lives and gave their lives on behalf of our country in Vietnam.

The resolution of the P.O.W./M.I.A. issue has also been a very high priority of the Congress. At a time when a number of people, acting, in my view, with utter irresponsibility, are suggesting that there is some kind of coverup or at worst, indifference, at best, on the part of the Congress, this resolution will make it unmistakably clear that we remain concerned with this issue, and that we will continue to be concerned about this issue, we will leave no stone unturned in our effort to determine what has happened to our men.

I say that if there is anybody here or abroad who has information that could help in the search for these men and they bring it to us, we will do everything we can to follow up on it. But it is not very helpful when people, who claim that they have information refuse to disclose it, refuse to cooperate with our committees, refuse to come before us, refuse to go before the Defense Intelligence Agency, which has the primary responsibility here, refuse to take polygraph tests so that we can get some indication of their integrity and their veracity; those things are not helpful at all to resolving the fate of these brave Americans.

□ 1910

But I urge strong support of this resolution and I commend my friends on the other side of the aisle for their leadership role on behalf of it.

I also thank my dear friend from New York for his willingness to facilitate the consideration of this resolution today. He has been strongly supportive and sympathetic as well, and I am deeply grateful to him.

Mr. HANSEN. Mr. Speaker, I yield to the gentleman from New York [Mr. SOLOMON] one of the chief cosponsors.

Mr. SOLOMON. I thank the gentleman for yielding to me.

Mr. Speaker, more than 1 million Americans have laid down their lives in order to preserve the way of life we enjoy today as free men and women. Nearly 1½ million more Americans have been wounded in battle. Every year on Memorial Day and on Veterans Day, we unite as a Nation to remember the courage, devotion, and sacrifice of these brave Americans on whose shoulders we stand.

In recent years, our attention has been drawn to another group of brave Americans, a group that may be relatively small in number but whose sacrifice and suffering on our behalf is all out of proportion to their small numbers. I am speaking of those Americans who have served as prisoners of war and those who remain as yet unaccounted for—missing in action. This resolution would set aside July 19, 1985, as "National POW/MIA Recognition Day" in honor of these people. The resolution further calls upon the President to issue a public proclamation calling on the American people to observe July 19 with appropriate activities.

Mr. Speaker, this resolution is part of what has become an ongoing, bipartisan effort to honor American prisoners of war and to call public attention to those still missing. I am grateful for the cooperation of Chairman GARCIA in expediting this resolution to the floor. And I appreciate the interest and leadership demonstrated by my colleague from New York, Mr. SOLARZ. And, of course, I am very gratified by the tremendous number of cosponsors, Members from both sides of the aisle and from all points on the political spectrum.

Because, in the final analysis, this is not a political issue—this is an American issue. And I am hopeful that by passing this resolution today we will be paying tribute to those who have borne so much as well as declaring in a firm voice that we have not forgotten those who may still be held captive—Americans being held in defiance of all international law and canons of human decency.

I cannot escape the observation that we are considering this resolution at a time when public opinion in our country has been greatly aroused. The phenomenal box-office success of recent motion pictures dealing with the rescue of American MIA's in Southeast Asia is indicative of the intense feelings and interest that the American people have on this subject. President Reagan has declared the release of American MIA's to be a matter of "the highest national priority."

I believe this resolution today represents a step we can take, as the representatives of the American people, to keep the faith with them. And let us renew our commitment to seek a full accounting of those Americans who are still missing.

And so I urge an overwhelming vote in favor of this resolution, of which I was pleased to be the first cosponsor.

Mr. HANSEN. Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding to me.

Mr. Speaker, I rise in support of the legislation, House Joint Resolution 205, which has already been approved by the other body, and which will designate July 19, 1985, as "National POW/MIA Recognition Day."

As vice chairman of our House Task Force on Our Missing in Action, I especially would like to thank our colleague from New York, the chairman of the Asian and Pacific Affairs Subcommittee [Mr. SOLARZ], and our other colleague from New York, our distinguished task force chairman [Mr. SOLOMON], for their leadership in steering this legislation to the House floor. We also thank the junior Senator from Alaska [Mr. MURKOWSKI] for his sterling sponsorship of this legislation in that body.

For the past several years, I have been honored to introduce or to cosponsor legislation which designates National POW/MIA Recognition Day. It is imperative that our Nation never forget that 2,400 of our brave Americans have not returned from Southeast Asia and remain unaccounted for and that we rededicate ourselves to a full accounting.

In this year of 1985, it is even more important that National POW/MIA Recognition Day be observed. In previous years, our enemy was apathy—the apathy of Americans who have forgotten our missing. As each year passes by, there are new generations with no awareness of our MIA issue.

This year, we are faced with a new enemy—the enemy of oversimplification. Some Americans, who are undoubtedly well-meaning and patriotic, do not understand the complexity of the issue. Fanned by sensational creations of Hollywood, they are convinced that our missing Americans are still being held captive against their will, and all that is necessary to rescue them is one or two individuals with adequate firepower.

If it were just that simple, many of us in the Congress would take to this floor, urging that it be done immediately. Unfortunately, the reality of the situation is far removed from Hollywood fantasy.

In reality, while we have received many reports of sightings of Caucasian prisoners, we have never been afforded any conclusive, unrefutable evidence that there are indeed Americans still alive and being held as prisoners in Southeast Asia. I believe I speak for a majority of our colleagues when I state that we do not intend to give up the quest until we receive conclusive proof that there are not any Americans alive, but we obviously cannot condone mercenary or nonsanctioned paramilitary action as long as the evidence remains inconclusive.

We have made more significant strides in the past year toward a resolution of the POW/MIA issue. In February, for the first time, an American team was allowed to excavate a crash site in Laos. As a result of that excavation, 15 sets of remains of American MIA's were repatriated and identified. For the first time, the Government of Vietnam has agreed to meet with Americans to discuss the problem on a technical basis, and returned several remains at that time. For the first time, the Government of Kampuchea has agreed to cooperate with the United States on the issue of missing Americans.

Thus, again this year, we are calling upon Congress to declare a National POW/MIA Recognition Day. In conjunction with this celebration we are urging our veterans' organizations, our schools, our youth groups and service organizations, and our news media throughout the Nation to remind all Americans that we must not rest until all of our missing servicemen are accounted for and returned.

This year, however, we must also educate our citizens to realize that Hollywood fantasies are just that—nothing more than fantasies—that obtaining a full accounting is a complex and heartbreaking process which cannot be accomplished in the timeframe of a 2-hour motion picture, but it is one that we are seeking to be accomplished nonetheless.

Mr. Speaker, I urge our colleagues to support and approve this measure, to let the American people know that we remain wholly committed and fully united behind our President on this most vital issue.

Mr. HANSEN. Mr. Speaker, I yield to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. I thank the gentleman for yielding to me.

Mr. Speaker, I want to commend Chairman GARCIA, Chairman SOLARZ and member of the task force. The past chairman, Congressman GILMAN, and the present chairman of the task force, GERALD SOLOMON, and a member of the task force and someone who knows from firsthand experience what the issue really is here: JOHN MCCAIN of Arizona.

I really want to say how much I appreciate the comments of the chairman of the Asia and Pacific task force, Mr. SOLARZ, regarding the attention and devotion and singleminded effort, if you will, to bring this to a conclusion on the part of the President of the United States. I think this is one of the best examples of bipartisan cooperation on a committee where we do not have that many cases of bipartisan cooperation. Hopefully, this will be a pattern for reaching agreement in a bipartisan way on other matters of great importance as well.

Mr. SOLARZ. Mr. Speaker, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman.

Mr. SOLARZ. It seems as if we have been able to achieve bipartisan cooperation on MIA's and Micronesia. Now, if we can extend that to Moscow and Managua, we will have broadened the base of bipartisanship in the House and then we can move on to the other letters of the alphabet as well.

I agree with the gentleman and I want to thank him very much for his comments.

□ 1920

I think particularly on this issue, all of us who have been involved on both sides of the aisle have joined hands in putting the interest of those brave Americans who fought on behalf of our country in Vietnam ahead of everything else, and there has been no consideration from the beginning on either side of any notions of partisan advantage. The one thing that has motivated all of us is to do the best we possibly can to find out what happened to these men, and if any of them should be alive, to make it possible to bring them back to our country so they can continue to lead their lives in freedom rather than in slavery.

Mr. LAGOMARSINO. I want to thank the gentleman for the statement he just made, another eloquent expression of concern about this issue.

On perhaps tommorrow, or perhaps the next time we take up the defense bill, I will be offering an amendment to give a medal to prisoners of war. I think that is something else we can do to show our concern and devotion and interest in this subject.

I think it is very important that we keep attention on this issue, but in the right way, so that no longer will the governing authorities in Vietnam be able to say, as they told Congressman GILMAN and I several years ago, "We did not know you cared," when we brought this issue up. "We did not know you cared." Well, they know now we care and I think the American people know that we care, and we are going to keep working until absolutely there is no question as to what is the fate of those some 2,500 people who are still missing in action.

So I want to again thank the two chairmen for bringing this up and the members of the task force for their great devotion and interest in this issue.

Mr. McCAIN. Mr. Speaker, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Arizona.

Mr. McCAIN. I thank the gentleman for yielding.

Mr. Speaker, I would like to also express my deep appreciation to Chairman GARCIA, Chairman SOLARZ, Congressman GILMAN, Congressman SOLOMON, in particular for their dedication and hard work on this effort.

I would also like to associate my remarks with those of Chairman SOLARZ concerning the difficulty and the volatility of this issue because of a number of reasons, a reawakening of interest in the Vietnam veteran because of the 10-year anniversary of the Vietnam war, and movies that have recently been made, the latest being Rambo II, displaying the heroics of various movie actors as they rescue men who are still being kept captive. In fact, I think it would be safe to say that the visibility of this issue is higher than it has ever been probably since the end of the Vietnam war.

Unfortunately, there will always be individuals who will take advantage of this situation to prey on the emotions, sometimes for financial gain, sometimes for publicity reasons, on the families, and friends and concerned Americans who are deeply involved in this issue.

I share the frustration of Chairman SOLARZ and Chairman GILMAN, who recently was the subject of, I thought, an entirely unwarranted attack in what was an entirely good-faith effort on his part to help our task force get important information. There has been no one, and I think Chairman SOLARZ would agree with me, no one more dedicated to this effort than Congressman GILMAN, and yet he was subject to a couple of letters and attacks which were carried in the media which were totally unwarranted.

I also, Mr. Speaker, went back to Hanoi with Walter Cronkite in February, and the main reason I went back was to tell the Vietnamese Government officials that I met with that the American people will not let this issue rest until they fully cooperate with us in achieving a resolution. We need, of course, to account for those men who are missing, and in the belief of most of us, the Vietnamese Government has a long way to go before we feel that they are cooperating in this effort.

The question that recurs, however, in the mail and the television and the movies that we hear about from time to time is, "Is there anyone still left alive?" I think that is the major question, and one which our task force is doing everything within its power to address. I do not know, Mr. Speaker, if there is anyone left alive in Vietnam. I know there are statistics concerning those men who were shot down in Laos which indicate that there is a dramatic difference in the numbers who were captured versus planes shot down in Laos versus planes shot down and men captured flying over North Vietnam at that time.

I know there is reason to wonder about this, and I am convinced that if we can ever establish hard evidence that there are men alive and where they are, the members of this task force will be the first ones to go and lead the attempt, at risk of their own lives because of their deep involvement in this issue, in order to see that they are rescued.

So I think it is important that Chairman GARCIA has done. I think it is important that we keep this issue alive. What Chairman GARCIA has orchestrated here will be very important in letting the American people know that this Congress and this administration has not forgotten this issue. But in addition to this, we must do everything in our power to reassure the American people that if we can get hard evidence of someone alive, the administration and Congress and every man and woman in this country will make every effort to orchestrate their rescue, and since the words of retaliation continue to be sounded around this country over the hostage crisis. I think we would even retaliate against the Vietnamese for such barbarism of keeping men prisoner for all these years.

I would like to address one more issue, if I could, to my colleagues.

There has been a proposal of a Perot Commission by one of our colleagues, who has recommended a well known, I guess you would call him, entrepreneur. Ross Perot has been recommended by one of our colleagues to head a commission to ascertain again this issue of MIA-POW's. I think that before we take such a step that we would have to establish very strict guidelines. There would have to be a very clear charter. There would have to be agreement of many of us here, as well as the organizations who are involved in this effort before this is agreed upon.

I do, however, think that if there is a possibility that a so-called Perot Commission could do some good, something that we have not been able to accomplish, we ought to consider it, but at the same time I would remind my colleagues that we have had two previous commissions, and the findings of neither one have satisfied the concerns of many Americans.

Mr. SOLARZ. Mr. Speaker, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from New York.

Mr. SOLARZ. I thank the gentleman for yielding.

Mr. Speaker, I think we have an obligation to consider any suggestion and every proposal which is made in connection with this effort to determine the fate of our servicemen who are still missing in Indochina. I can only tell the gentleman that we are having another hearing next week which will be conducted under the auspices of the Subcommittee on Asian and Pacific Affairs on the issue of our POW's and MIA's. Former Gen. Eugene Tighe, who was the Director of the Defense Intelligence Agency, and who has recently had some very interesting and potentially important statements to make on national television concerning the possibility that American servicemen are still being held against their will in Indochina, will be testifying. We will have a full panoply of witnesses from the administration and we will, of course, ask them for their views on this recommendation.

But I would be remiss if I did not say at the present time that I am far from persuaded of the need for such a commission, let alone its desirability. As the gentleman pointed out, there have been a number of previous commissions.

In addition to that, I think the Subcommittee on Asian and Pacific Affairs and the task force on POW's and MIA's have been faithfully and fully carrying out their mandate in this regard. Over the last several years, we have had quite a few hearings, both in public session and in executive session. We have vigorously pursued in private any and all leads that have been presented to us. I must say that while there will always be people who claim that not enough is being done, that as someone who has looked very diligently into this over the last several years, my continuing impression is that the administration and the Congress are, in fact, doing everything that can reasonably be expected.

If somebody can come tomorrow and present persuasive evidence to us that not enough is being done, that there is some kind of a coverup, then of course I can only tell you that I would be in the forefront of those, as I think, everybody else on this floor would be, exposing the coverup and insisting that more be done, because that is the obligation we owe to our people.

□ 1930

But we also owe a responsibility to the truth. We have a responsibility to the families of the men involved, and simply because somebody comes in with wild accusations, as the gentleman says, perhaps for the purpose of profiteering from the misery of the families or perhaps because they like publicity, I think we have an obligation not to capitulate in these recommendation just so we can say to others that we are doing whatever we are asked to do.

We have to act responsibly, and I think that requires us to do everything we can to find out the truth, but to reject frivolous and counterproductive suggestions for dealing with the problem, which are not likely to advance the cause, but which are likely to set it back.

We now, for example, have the spectacle of someone who betrayed his nation, somebody who worked for the enemy, somebody who deserted the institution which he was pledged to support, coming before us and making all sorts of allegations which may be true, and because they may be true, we are in fact pursuing them. But here is this person who has been convicted of aiding the enemy, he refuses to take polygraph tests, he refuses to cooperate with the Defense Intelligence Agency, he only came forward with this alleged information years after he returned to the United States when, for all he knew, the men whom he now cliams he saw when he was over there had been tortured or executed or God knows what, and suddenly he surfaces with the information. Now, I have got to say that under such circumstances, this gentleman's credibility is not very high.

Nevertheless, by virtue of the fact that the allegations were made, we are going to pursue it because, I think, we owe that to the families, and if what he is saying is true, we certainly owe it to the men. But it does not obligate us to accept every suggestion that is made because, unfortunately, not every suggestion is productive; some are counterproductive.

I am proud of what we have done. I am proud of what the gentleman from New York [Mr. GILMAN] has done. I am proud of what the gentleman from New York [Mr. SOLOMON] is doing right now as chairman of the task force. They are devoting enormous amounts of effort and energy to run down every hint, suggestion, and every allegation which is made, even when they strongly suspect there is no merit to it, because they have an obligation to their consciences, they have an obligation to the families, and they have an obligation to the men involved to leave no stone unturned. And when that kind of faithful devotion, that kind of a sense of national responsibility, is treated with contempt and met with criticism because they did not agree with each and every suggestion that was made, I frankly think it is utterly unacceptable.

So, Mr. Speaker, I stand with those Members on both sides of the aisle who have been working on this issue and will continue to work on this issue because of their commitment to the cause, and I categorically reject these baseless and irresponsible accusations.

Insofar as this particular suggestion is concerned, I can assure the Members that we will give it thoughtful consideration. We will ask the views of those who are most intimately involved in the administration and in the League of Families, which represents, I believe, the best interests of those who are immediately involved, and then together we will reach a common judgment. And I suspect when that judgment is made, it will not be made on the basis of a divided vote; I am convinced it will be unanimous because if establishing such a commission is in the interest of our men and their memory and their families, then all of us will be for it. And if it is counterproductive, I do not think there is a single Member who would be willing to curry favor or gain publicity by advocating something which is not in the best interest of the cause which we are all here to serve.

Mr. McCAIN. Mr. Speaker, if the gentleman will yield further, I would like to express my support of the gentleman's remarks as strongly as possible. I would also like to add just a bit concerning the individual the gentleman described who came before our task force and, as the gentleman mentioned, refused to take a polygraph test. And the thing that exacerbates and exaggerates our problem is that he received almost a credible acceptance or was certainly given a great deal of credence in a story in the Wall Street Journal which, when read by very intelligent colleagues of ours, made people come up to us and say, "Hey, there must be something to this." It is very unfortunate, and it complicates our work.

Before relinquishing the floor, I would like to express my sincere appreciation to the subcommittee chairman, the gentleman from New York [Mr. GARCIA]. I believe by this observance we are not only reinforcing the commitment that we all have to those who are still missing in action, but we are also at the same time providing a useful opportunity to make the American people again aware that there are dedicated men and women in this Congress, such as the subcommittee chairman, the gentleman from New York [Mr. SOLARZ], and in this administration who have devoted untold hours in trying to get to the bottom of this issue. There is no coverup, and I would be more than happy to spend time with anyone who alleges that there is so that I can prove them wrong.

Mr. SOLARZ. Mr. Speaker, will the gentleman yield further?

Mr. HANSEN. I yield to the gentleman from New York.

Mr. SOLARZ. Mr. Speaker, I thank the gentleman for yielding.

I just want to state an important point for the purposes of the RECORD, because this now obviously will be read by a lot of people and I can see how some individuals might have some questions about this. With respect to the request we made of the individual who came to us with these allegations about the existence of American POW's that he claims are still being held captive in Vietnam, when we suggested a polygraph test, we also indicated that we were fully prepared to work with his attorneys in developing the questions in order to limit the questions purely to what he saw and to avoid questions which could conceivably create additional legal liabilities, or culpabilities, or responsibilities for the gentleman who would have been testifying. In other words, we were not trying to entrap the fellow into saying something that could get him involved with additional accusations by the Government. We were simply trying to determine the veracity of his allegations concerning these POW's, and I must say that under such circumstances, given our offer, his refusal to take the polygraph test does not enhance his credibility with the members of our committee.

Mr. McCAIN. And, Mr. Speaker, I would like to point out that following that meeting which I attended, one of the most decent Member of this body, the gentleman from New York [Mr. GILMAN], was attacked and accused of being involved in some way in obstructing this information from getting to the American people. So it was not only a case where we had great difficulty finding out any accurate information but, on top of that, we had an attack made on one of our dearest friends.

I am sorry and I want to apologize to the subcommittee chairman for taking so much time, and again I want to thank him. I want to say in closing that indeed the American people can know with surety and with confidence that every effort is being made by the Members of this body and the administration, and I appreciate what the subcommittee chairman, the gentleman from New York [Mr. GARCIA], is going to make sure the people know that.

Mr. GARCIA. Mr. Speaker, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from New York.

Mr. GARCIA. Mr. Speaker, we always at this time say that the hour is late and the House is going to finish its business, but in the 7 or 8 years that I have chaired this subcommittee I must say that I am extremely proud of the fact that this has probably been one of the healthiest discussions we have ever had on a commemorative resolution. I think that is a credit to all the participants.

But let me say to my colleague, the gentleman from Utah, that references were made to me, thanking me, and I just want to make it very clear that this subcommittee does not function unless both parts function together. My colleague, the gentleman from Utah [Mr. HANSEN], has always been very much a part of this subcommittee, and I just want to make it clear to everybody that whatever we have done we have done in a truly bipartisan nature. We have acted here as we have done in most resolutions.

So based on that, I just wanted to get that in the RECORD and get back to the gentleman so he can say that he no longer reserves his right to object. This is probably one of the longest reservations of objections I have ever had since I have been in Congress.

Mr. HANSEN. Mr. Speaker, I appreciate the kind remarks of the gentleman from New York [Mr. GARCIA].

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 87

Whereas the United States has fought in many wars;

Whereas thousands of American prisoners of war were subjected to brutal and inhuman treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war and many such prisoners of war died from such treatment;

Whereas many Americans missing in action remain unaccounted for and the uncertainty surrounding their fate has caused their families to suffer acute hardship; and

Whereas the sacrifices of American prisoners of war and Americans missing in action and their families are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the nineteenth day of July 1985 shall be designated as "National P.O.W./M.I.A. Recognition Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to commemorate such day with appropriate activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, in view of the fact that this has been such an important issue, I ask unanimous consent that on Senate Joint Resolution 87, as well as on the other joint resolutions passed today, all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

LEAVE UNFPA TO DO ITS JOB

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

Mr. SCHEUER. Mr. Speaker, as we approach the day when we will take up the foreign aid programs, with the highly important provisions for family planning aid to developing world nations, I think we ought to take note of the ongoing controversy in the Washington Post between our colleague, JACK KEMP, and the editorial board of the Post.

Our colleague advocates that we cut funding from UNFPA if they continue to assist the China Family Planning Program with its reported element of coercive abortion. Mr. Speaker, I suggest that we are straining at a gnat. We are going mouse hunting with an elephant rifle.

The UNFPA, in addition to giving a paltry $10 million a year to Communist China, less than 1 percent of China's $1 billion-plus Family Planning Program, aids 115 other nations around the world. The agency aids those countries in sub-Saharan Africa whose infants and children we have seen dying on the television screen because they have not yet achieved anything like equilibrium between people and food.

Would it not be better, Mr. Speaker, if we applied our ingenuity and our influence with the Chinese directly. Would it not be better if our President communicated with Deng Xiaoping, China's Chief of State. Wouldn't it be better if our State Department communicated with the Chinese Foreign Office to induce them to ameliorate the truly offensive practices, the brutality, and the undue coerciveness of their programs, which reportedly does result on occasion in forced sterilization and infanticide.

The United States-Sino scientific exchange is the largest scientific exchange program in the world, involving tens of millions of dollars. This is where we have leverage with the Chinese. We should leave UNFPA to do its job and the United States should deal directly with the Chinese.

I urge JACK KEMP, one of our most distinguished and honored Members, to use his prestige and influence with this administration in urging the President to communicate with the Chinese Government to discuss the reports of offensive activities by the Chinese in their family planning programs.

The U.S. contribution to UNFPA amounts to 30 percent of the agency's budget. The elimination of this crucial funding would jeopardize UNFPA family planning programs in countries across the globe where misery and suffering already are all too familiar.

U.S. funds for UNFPA are segregated from any of the agency's funding for Chinese family planning programs. In addition, a good part of UNFPA's minimal funding for China over the next 5 years is allocated to help the Chinese build a modern facility to manufacture quality contraceptives.

It is estimated that the UNFPA Family Planning Program will prevent some 100,000 abortions a year in China when the new contraceptives are available. Currently, 30 percent of the abortions in China take place after unwanted pregnancies result from contraceptive failures.

Mr. Speaker, neither I nor any other Member of this House advocate coerced abortion or infanticide. Indeed, we are horrified and appalled by the existence of these utterly unwanted byproducts of China's Family Planning Program. But the elimination of U.S. funding for UNFPA will sentence millions of people living in other developing countries to lives of poverty, starvation, and death.

□ 1940

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. PEASE] is recognized for 5 minutes.

[Mr. PEASE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. FOLEY] is recognized for 5 minutes.

[Mr. FOLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

1985 FARM ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DE LA GARZA] is recognized for 5 minutes.

● Mr. DE LA GARZA. Mr. Speaker, as all our colleagues know, the Committee on Agriculture is currently working on a new farm bill which we intend to bring to the House floor later this summer. The issues we are considering in committee, and which the House will have to deal with later on the floor, are difficult and complex. To put the situation briefly, we are faced with the need to deal with an agricultural industry which is in an economic crisis—and we must deal with this problem at a time when the budget deficit puts tight limits on the resources we can use to assist farmers.

In this situation, I think it would be valuable for Members of the House—especially those who do not represent agricultural areas—to review a background paper which was prepared by economists and other specialists at the University of Missouri in Columbia, MO. The material I am providing at this time is not a proposal for specific new farm programs. It is, instead, an attempt to describe the kinds of problems we face and the nature of the issues we must discuss.

The material which follows is taken from the publication titled "Policy Issues in Missouri Agriculture, 1985—Brief Statements Designed to Provide Background and Encourage Discus-

sion." It was prepared by the Department of Agricultural Economics and the Department of Rural Sociology of the University of Missouri-Columbia in May of this year.

I should emphasize that I do not personally agree with every part of the analysis of issues included in this document. For example, the document states that "voluntary acreage controls are not very effective and are very expensive" but does not tell us that it may be possible to improve the efficiency and reduce the cost of control programs. But as the title of the paper emphasizes, these materials are intended to provide the basis for discussion. It is on that basis that I offer the following excerpt for my colleagues' study.

1985 FARM ACT

SITUATION

1985 is the year for new farm legislation. The last major legislation was in 1981. The new legislation could be for something other than the common four years. Some people believe a three or five year term would be preferable because it would mean that the next round after 1985 would not take place in the first year of a presidential term. The argument is that a new administration needs more time and experience to prepare a legislative proposal.

The preparation for legislation has been unusual in that many groups once thought peripheral in their concern for agricultural price and income policy are now in the thick of debate and lobbying. Their interests have widened the issues about which farm policy is now concerned. Food policy, especially food stamps, and conservation policy have gained in importance vis-a-vis farm commodity price and farm income policy.

The debate takes place in a time of unprecedented federal budget deficits thus making the competition for any needed funds even more spirited.

The debate takes place for an agriculture no longer geared primarily for provision of domestic consumption. Agriculture has developed a productive capacity far beyond what can be accommodated by domestic use alone. That means that general economic conditions and institutional arrangements both here and abroad, items hardly at the center of traditional farm policy concerns, are of great importance to agriculture.

Not since the 1930s has farm legislation been developed for an agriculture so precariously structured financially. If nothing else this should remind us that any new legislation should be broad enough and flexible enough to allow it to be used in widely divergent agricultural situations. We cannot depend on the boom years of the mid and late 1970s being normal. Nor can we even depend on the future as a straight line projection of 1985.

ISSUES

Role of Government—What is the responsibility of government? This will be debated especially about how or whether to help in the present farm financial situation. The answer will be influenced by how we respond to this query: How much of our present crisis is due to governments' anti-inflation policies? Then in more general terms will be debated how government farm policies can best facilitate export of agricultural output. Considerable of this debate will center on how the price and income supports can best be integrated with efforts to expand exports.

Distribution of Benefits—Still unsettled is who should get the benefits and the extent to which some programs should be targeted on particular types of farmers. Should program benefits be targeted more to the small to modrate family farms? This question especially applies to direct payments made as supplements to income. To be effective, payments for production control must go to major producers and some of these may be very large.

Production Controls—Methods of reducing the size of our agricultural output will be debated. Voluntary controls are not very effective and are very expensive. Mandatory contols are not popular but they are less expensive to government. The issue of whether to go to sales quotas as opposed acreage allotments will be debated. Which should be the approach? How much should production be cut? How should we respond to the reality that production controls here help our competitors as much as they help us while we bear all the costs.

Conservation Cross Compliance—What should be the linkage between acreage control-price support programs and soil conservation? Proposals for cross compliance will be offered. Under such an approach program benefits would be withheld if some specified soil conservation standards were not upheld. One way this may emerge is in a "sod buster" provision by which some or all program benefits would be held hostage to not converting fragile lands from grass to grain. The issues will center on how tough to be.

Economic Setting—Perhaps the most important issues will not be in the 1985 bill. They relate to how agriculture is to facilitate its being able to operate in a setting in which it can sell its output under advantageous terms. How do we get at these issues when they center not in USDA, but Commerce, State and Defense and even beyond the power of our government? How does agriculture learn to operate in a world in which many of the important decisions are beyond our domestic, let alone USDA, control? We will be struggling for answers but we will discover them hard to find. Less than ever before agricultural issues will not be settled "in house" and no government policy can make this not so.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. BOLAND] is recognized for 5 minutes.

● Mr. BOLAND. Mr. Speaker, yesterday during the vote on rollcall No. 166 I was unavoidably detained in another part of the Capitol. Had I been present, I would have voted "yes."●

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

[Mr. ANNUNZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Mrs. KENNELLY] is recognized for 5 minutes.

[Mrs. KENNELLY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. RANGEL] is recognized for 5 minutes.

● Mr. RANGEL. Mr. Speaker, I was absent from House votes on June 18, 1985 due to minor surgery.

Had I been present, I would have voted "yea" on rollcall No. 165, to reduce Defense spending by $10 billion; "yea" on rollcall No. 166, to delete fiscal year 1986 funding for the MX; "yea" on rollcall No. 167, to limit MX deployment to a total of 40; and "nay" on rollcall No. 168, to permit 50 MX missiles.●

NATIONAL HOME CARE WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I am today introducing a resolution to designate the week beginning December 1, 1985, as National Home Care Week. I am pleased that Representatives CLAUDE PEPPER and MATTHEW RINALDO have joined me in sponsoring this resolution. Congress has approved similar resolutions in the past to recognize the services of home care programs and personnel, and I look forward to congressional passage once again.

As you all know, the operation and services provided by the thousands of home care agencies are an integral part of our Nation's health care delivery system. The concept of care made available through these operations recognize the individual needs of each patient and provides a valuable and respected alternative to institutionalization. For many patients in need of health care treatment, institutional care may be warranted. However, for that segment of the patient population which can be properly cared for outside the hospital or nursing home setting, effective alternatives must be offered. Home care agencies have proven very helpful and effective in responding to this need.

Mr. Speaker, one of the most critical issues which face our Nation today centers around our health care system. The growth in the size of the elderly population is placing greater demands on the current system and encourages the development of a long-term system to care for the elderly. In an effort to ensure adequate care for the elderly population, which is expected to total more than 30 million by the year 2000, home care agencies have helped many of the elderly to remain at home and in their communi-

ties. This offers a greater sense of independence for the patient and can be just as benefical as any medical treatment. For this, home care agencies and the persons employed in this industry are to be commended.

The resolution I am introducing today is a very appropriate way to recognize the benefits of home care and bring greater attention to the value of this type of care. I urge my colleagues to join with me in support of this resolution. Following is the text of this resolution and a copy of a letter I received from the National Association of Home Care endorsing this resolution:

H.J. RES. 320

Joint resolution to designate the week beginning on December 1, 1985, as "National Home Health Care Week"

Whereas organized home health care service to the elderly and disabled have existed in this country since the last quarter of the eighteenth century;

Whereas home health care is recognized as an effective and economical alternative to unnecessary institutionalization;

Whereas caring for the ill and disabled in their homes places emphasis on the dignity and independence of the individual receiving these services;

Whereas since the enactment of the medicare program including skilled nursing services, physical therapy, speech therapy, social services, occupational therapy, and home health aide services, the number of home health agencies providing these services has increased from less than five hundred to more than three thousand; and

Whereas many private and charitable organizations provide these and similar services to millions of patients each year preventing, postponing, and limiting the need for institutionalization: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning on December 1, 1985, hereby is designated as "national Home Health Care Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

JUNE 7, 1985.

Hon. LEON PANETTA,
Washington, DC.

DEAR CONGRESSMAN PANETTA: On behalf of the 3,000 members of the National Association for Home Care, I would like to express my sincere gratitude for your continued support for home health care. Once again you have demonstrated your interest in making home care a more viable health care option by introducing a resolution to designate the week after Thanksgiving as National Home Care Week.

Clearly the elderly of this nation prefer to remain in their own homes whenever possible. National Home Care Week has been extremely helpful in raising public awareness of the availability and appropriate use of home care services.

This will be the fifth year that a week has been devoted to home care and we warmly endorse this effort. Please know we stand ready to assist you in any way possible, and look forward to the passage of this resolution.

With warm personal regards, I remain
Sincerely,

VAL J. HALAMANDARIS,
President.●

AMERICA'S LIBRARIES IN CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. FORD] is recognized for 5 minutes.

● Mr. FORD of Michigan. Mr. Speaker, on April 18, 1985, I introduced legislation calling for a White House Conference on Library and Information Services (H.J. Res. 244). Because events of the last few months have demonstrated that the need for such a conference is urgent, I would like to take this opportunity to state the case for this legislation. In brief, library service, as we have come to know it in America, is gravely endangered. The ominous cloud above the library is not a spectacular one causing massive public outcry; instead, it is barely visible, gathering momentum almost undetected by the public at large. If not soon recognized, understood, and remedied, the problems besetting the Nation's libraries will cause irreparable harm before many people realize what has happened.

This administration's repeated efforts to eliminate Federal funding for library programs have been widely reported in the media and understood by the general public. We have all heard from our constituents that Federal support for library programs is in the public interest, and we have continued to authorize and appropriate funds for elementary and secondary school libraries, academic, and public libraries. (Although Federal funds for school libraries have been consolidated in a block grant, I, for one, intend to monitor the effects of the block grant approach on school library service.)

The threat of curtailed Federal funding for school, academic, and public library programs is not the only danger confronting libraries; indeed, if it were, a White House Conference would not be so urgent. The White House Conference is needed to enable the American public to examine the impact on libraries of many Government policies including some which are seemingly tangential to libraries but which in fact may jeopardize American libraries to the core.

For example, as chairman of the House Post Office and Civil Service Committee, I have had an opportunity to learn firsthand how postal policies can affect library service. The mailing of newspapers, magazines, books, and classroom publications has been subsidized for many years through the setting of postal rates. The primary purpose of the subsidy has been to promote the dissemination of information throughout the Nation by means of the postal system—a tradition that dates back to the 18th century. Since 1904, postal policy has allowed the mailing of library materials to the blind and physically handicapped at no cost, again using the postal system to promote the dissemination of information to those without access. Historically, the Federal Government, from general tax revenues, has helped certain people pay their postal bills, not as a special favor to them, but in futherance of the national good. Low rates for small newspapers facilitate the flow of necessary information to all parts of the country, especially rural areas. Subsidized rates for schools, libraries, and suppliers of classroom materials help advance the education of our young people. And low rates for mailings by charitable organizations may make some small contribution toward helping the truly needy.

This year, however, the President proposed that no money be appropriated to continue such traditionally preferred postal rates. While libraries are not the chief beneficiary of postal subsidies, library service to the public is severely impacted by the proposed termination, because library postage bills would increase dramatically. Neither the libraries themselves, usually on fixed annual or 2-year budgets, nor their users, especially the elderly, the handicapped, and those in rural or isolated locations who depend on library books-by-mail services, can absorb the massive postal increases. It is a truism that every extra dollar libraries must spend on postage is a dollar less for purchase of library resources and provision of services. Equally obvious is the fact that if libraries are forced to pass on increased costs to their users, libraries will begin to serve only those who can afford to pay for the service.

Thus the relationship between postal policy and library service is of crucial importance. In fact, the setting of postal policy can alter drastically the role of the library in our society. The library of today—a publicly supported institution providing a public service to all—could become an institution charging fees for its services, thus limiting its clientele to the affluent.

Another example of Federal policy promulgation with serious impact on libraries is embodied in the recent Office of Management and Budget draft circular purporting to provide a general policy framework for management of Federal information resources. (Management of Federal Information Resources, Draft OMB Circular, 50 FR 10734 (March 15, 1985).) The guidelines set forth in this circular, if implemented, would sharply reduce the Government's collection of information and its dissemination to the public, while escalating the so-called privatization of Government information. I have reviewed a statement on this subject by Francis J.

Buckley, Jr., of the Detroit Public Library, who cites several instances of the relationship between such privatization and curtailed public access to Government information.

For example, the Merit Systems Protection Board (MSPB) announced in the March 4, 1985, Federal Register that it will no longer publish the full text of its decisions in bound volumes, referring users to four private sector sources instead. The volumes in the past have been provided at no charge to 472 depository libraries across the country, including 37 Federal libraries. In addition, copies were available for purchase through the Government Printing Office at a cost of approximately $55 per year. The private publishers cited offer the decisions in various formats (bound volumes, loose-leaf services, and microfiche), not all of which include complete texts, at prices ranging from $250 to $498 per year. Few depository libraries or citizens will be able to subscribe to the MSPB decisions at these prices. Thus, discontinuation of Government publication removes the item from the Depository Library Program, the Government Printing Office sales program, and inhibits public access to the information involved.

The president of the American Library Association, E.J. Josey, of the New York State Library, has stated the issue succinctly:

> Nobody would deny the utility of many of these services provided by the private sector, but [they] are not available to all of the American people; their purpose is to yield a profit, and they are designed only for those who can pay for them. Nor do they have any obligation to provide access to all or any information; only that information which suppliers deem profitable or potentially so. Only the preservation of public services, publicly supported, can assure that each individual has equal and ready access to information, whether provision of that information to that individual is economic (i.e., profitable in private sector terms) or not.

The purpose of House Joint Resolution 244 calling for a White House Conference on Library and Information Services in 1989 is simple: To build public awareness of the precarious state of American library service today and to facilitate informed, grassroots, policymaking concerning the future of all types of libraries. Postal policies, Federal information guidelines, Federal funding for libraries, the future of the library as a publicly funded institution providing public service to all—these are vitally important issues affecting all Americans.

And there are other issues affecting libraries that I could mention—the contracting out of Federal libraries as commercial activities, and the increase in library telecommunications costs as a result of access and divestiture related tariffs, for instance. They are not isolated subjects but interrelated issues. Grassroots involvement of the American public, made possible through the White House Conference format, is urgently needed to examine, to protect, and to nurture the many types of libraries throughout the Nation, which together in all their diversity comprise the impressive collections and array of services that make American libraries a national treasure, a storehouse of information freely accessible to all, and the envy of freedom-loving peoples throughout the world.

For this reason, I have sponsored House Joint Resolution 244 calling for a White House Conference on Library and Information Services, and I invite my colleagues to join me in cosponsoring this legislation.●

STRATEGIC DEFENSE INITIATIVES—STAR WARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. COURTER] is recognized for 60 minutes.

Mr. COURTER. Mr. Speaker, I have asked for this special order because probably sometime tomorrow or the next day on Friday, but hopefully tomorrow, we will be getting into that section of the Department of Defense authorization bill that deals with the areas of research and development and there are going to be a number of amendments that will be offered and proffered on strategic defense initiatives; that is what is commonly known as either star shield or star wars, depending I suppose on your point of view. Knowing how those debates go, I will be given probably 5 mintues to articulate my amendment and perhaps additional time will be given to me by unanimous consent; but nevertheless, there will be a great deal of activity on the floor and I do not think that I will be given the opportunity to go through the logic and the reasons why I feel as a Member of Congress that moving toward defensive systems is so very important for this country; so therefore I have taken out this special order in order to have a period of time to go through the material in such a way that people will understand the whole complex issue.

First of all, I think it is important to remember and recognize that today in the United States and certainly during the past 30 years in the United States and in the Soviet Union, the two major powers that have offensive strategic arsenals, we have lived with an idea, a concept, a philosophy, a doctrine that is called mutually assured destruction and that has been the driving force behind modernization of the offensive weapons of the Soviet Union and the offensive weapons of the United States.

The doctrine of mutually assured destruction, I would say aptly named MAD by many people, is very simple to understand, but very complex in the way it is worked out. Basically what the doctrine of mutually assured destruction is, is that if both the Soviet Union and the United States civilian populations are vulnerable, unprotected, undefended by a strike by the other side, an offensive strike by the other side, and if the United States, for example, was thinking about sending offensive missiles toward the Soviet Union, we would be deterred from doing so, because the Soviet response would annihilate America and the Soviet Union would be deterred from starting world war III because they do not have defensive weapons that that would be greeted by a response by the United States against the Soviet Union which would end the Soviet Union's experiment as a civilization. Both sides would have strategic offensive weapons that were not vulnerable, that were secure and populations and cities and soft tragets, if you will, that were vulnerable. If both sides knew that an offensive attack by one side would be greeted by a retaliatory blow, that would be all out of proportion to the first attack, then both sides would be deterred from starting any type of a nuclear war. This basically is the doctrine of mutually assured destruction.

I find fault with the doctrine of mutually assured destruction for a number of reasons that I would like to spend just a couple minutes going over.

First of all, I frankly have moral problems with the threat of annihilating civilians as a way to keep the peace. The President of the United States indicated in fact about 2 years ago, he raised the question and the question was, "Wouldn't it be better if we could defend people, rather than threatening human life? Wouldn't it be better if we had a system that protected human life, rather than threatening human life?"

I know that the bishops in their pastoral letter, I believe it was, were trying to morally justify the doctrine of mutually assured destruction, a doctrine whereby we would threaten to annihilate and kill Soviet civilians if they attempted a war on us, and they somehow came out with a bare moral justification, but it has a very large caveat, and the caveat was, "It's OK to threaten it, but it should never be fulfilled."

Well, very frankly, the threat of mu-

tually assured destruction will only work if the threat is credible and believable and both countries actually intend to carry out that threat.

I have problems with the concept of mutually assured destruction. I think there is a better way.

Also, this doctrine of mutually assured destruction is based on a type of twisted logic, as far as I am concerned. Basically, boiled down to very simple terms, it says that there is safety in vulnerability and that it is dangerous to protect yourself. I do not think it is necessarily dangerous to protect yourself.

This doctrine is based on a number of assumptions that are critical assumptions. I say critical because they are assumptions that have to be fulfilled. They cannot fail.

The first assumption is the fact that nations under the doctrine of mutually assured destruction must act rationally.

□ 1950

A doctrine of mutually assured destruction is based on rational actions by nations. But I would suggest that a reading of history would reveal that not all nations act rationally under all circumstances. And if your deterrent, if your concept and thesis to keep war away is based on an assumption that now and forever all nations will act rationally, I challenge it. I challenge it as an assumption that may not be fulfilled because I look at history.

You can look at the Gulag, you can look at World War II, you can look at the Holocaust, you can look at the downing of the Korean Flight 007, you can look at the irrational acts of some states like Libya, some individuals like Muammar Qadhafi, some states like Syria, some events like the very recent hostage situation in Lebanon with the TWA airline.

What I am suggesting is the fact that sometimes nations, sometimes groups do not act rationally. And if they do not, under the doctrine of mutually assured destruction, they in fact will not be deterred.

Second, it assumes that from now into the next 1,000 years the only significant countries that will have massive amounts of nuclear weapons are the Soviet Union and the United States. Hopefully the Soviet Union will indeed act rationally, they will be deterred. They know that an offensive attack against the United States could be greeted by an attack on the Soviet homeland, and they would be deterred.

But will all nations be deterred in future years? If a terrorist organization took over a nation and they had the capability of launching one or two or three intercontinental ballistic missiles at the United States, and if they were not motivated by rational acts but irrational ones, might they not do so? Would they necessarily be deterred by the destruction of themselves?

I would suggest not because there are plenty of people in this world, regrettably, who will actually perform an act of terrorism knowing that in the process they will be destroyed.

It also assumes, the doctrine that we have today of mutually assured destruction, that there will be no mistakes, no mistakes will ever occur. There will never be a launching of an ICBM someplace deep in the Atlantic or the Pacific Ocean by mistake. There is never going to be a computer failure that would lead a leader to believe that he is under attack, no mistake would ever occur.

The doctrine of threatening to retaliate assumes that mistakes simply will not happen, assumes that a warhead cannot be detonated and an ICBM launched by technical or programmatic error or assumes computer programs will work perfectly from now for the next 1,000 years. I suggest that is a big leap of faith and I would suggest it probably is not going to happen.

Finally, the doctrine that we have embraced, which really has embraced the United States and the Soviet Union assumes that it will never fail because if it breaks down by irrational act, by miscalculation, misunderstanding, mistake, or the activity of an irrational group of people who cannot possibly be deterred by their destruction of themselves because they are willing to die for whatever cause they seek, then result is the destruction of much of the world. Therefore, the doctrine assumes that it is perfect.

The imperfectability or the imperfect man creating the perfect doctrine.

I would suggest that it may fail and the result obviously is too horrible even to suggest.

That leaves me not only to bring up the issue of the flaws in the nuclear doctrine today but to ask the question: Is there another way? I suggest that there is another way. At least we should do the research to determine whether there is another way.

Can we extract ourselves from the policy that we have adopted that assumes that no irrational acts will ever take place, no mistakes will ever occur, no terrorist activity will take place with intercontinental ballistic missiles, and that it will never fail?

Before I talk about the response, the alternative, a positive suggestion as to what we may do to extract ourselves from this situation, I would like to talk for a moment about the Antiballistic Missile Treaty commonly called the ABM Treaty. The idea, I know that the ABM Treaty, when passed in the Senate I believe in 1972, perhaps negotiated in 1972 and passed in 1973, I am not sure of the date, passed overwhelmingly. I think there was one dissenting vote in the U.S. Senate, perhaps two.

The ABM Treaty was logical. What it assumed was that with the technology of that day there was no way of intercepting an intercontinental ballistic missile because they came too fast. Both the Soviet Union and the United States perhaps could defend themselves against the air threat, against slow-moving bombers. They could have surface-to-air missiles, extensive radars, massive numbers of interceptor aircraft. But there was nothing you could do to defend yourself against an offensive attack by utilizing very fast-moving missiles.

So the negotiators in the Senate concluded that the best thing we can do is to make sure that the homelands of both countries remain vulnerable, because we really cannot do anything about it anyway, and if our homelands are vulnerable to an attack by the other side, both sides would recognize there is no point in building up any more offensive weapons, that fewer numbers and less destructive power of the offensive weapons held in the hands of the Soviet Union and the United States would certainly be adequate. There would be no defenses against them.

So therefore the ABM Treaty was negotiated and it was ratified. It was done so because at that particular time there was no realistic belief that we could defend ourselves from an ICBM threat, No. 1, and No. 2, that if we purposefully, if it was the policy of the United States and the Soviet Union to keep our homelands vulnerable to an attack by the other side, that would be a great incentive for both sides to reduce their offensive weapons.

As a matter of fact, what I would like to do is to read a statement by one of our negotiators, Ambassador Smith, concerning the ABM Treaty. He indicated on May 9, 1972, the following: "The United States delegation believes an objective of follow-on negotiations should be to constrain and reduce on a long-term basis threats to the survivability of our respective strategic retaliatory forces. The Soviet Union delegation has also indicated that the objectives of SALT, the Strategic Arms Limitation Treaty, would remain unfulfilled," that is the objectives of SALT would remain unfulfilled, "without the achievement of an agreement providing for more complete limitations on strategic offensive arms."

Both sides recognize, he went on to say, that "The initial agreements would be steps toward the achievement of more complete limitations in offensive strategic weapons. If an agreement providing for more complete strategic offensive arms limitations were not achieved within 5 years the U.S. supreme interests could be jeopardized. Should that occur it would constitute a basis for withdrawal from the ABM treaty."

So those words clearly underline the fact that the reason we ratified the ABM treaty was to purposefully not defend ourselves, was to purposefully make sure that the Soviet Union would not defend itself, thus creating a climate to negotiate further and seek reductions in offensive arms.

As Ambassador Smith said, if that did not occur, a further reduction in offensive arms did not result, then we would have to pause and look and reconsider the Antiballistic Missile Treaty of 1972.

What has happened since 1972 is the fact that unfortunately the Soviet Union has done two things. No. 1, massively, dramatically and frighteningly increased the yield and the number of offensive weapons. No. 2, and I will get into this in a few minutes, it moved toward doing massive research and development in defensive weapons themselves. In fact, according to the very best Government estimates, the Soviet Union is spending in defensive measures and have done so for the past 15 years, as much as they have spent in offensive weapons.

□ 2000

Let me move now to the concept, to the question: Is there an alternative to the predicament that we find ourselves in? Is there an alternative to the mad doctrine where both sides are vulnerable to revenge? I think there could be. I do not know for sure that there is, but we have an opportunity to find out in the next few years. I would suggest that there is.

There is an effort that this administration has requested, supported bipartisanly by people who are Republicans and Democrats, called the strategic defense initiative, star shield, some call it star wars.

Let us look about the reasons that it is logical to move toward deterrence by the threat of killing human life and deterrence by the threat of intercepting offensive missiles designed to kill human life. I would argue that it increases deterrence dramatically. The reason that it increases deterrence dramatically is the following: If you look at the position of an attacker, a potential attacker in a nuclear scenario, you look at the following: If the Soviet Union ever considered attacking the United States by surprise, using their nuclear weapons, they would want to make sure, they would want to have a high degree of certainty that they eliminated our retaliatory capability. It is becoming quite obvious, as a matter of fact this body concedes that a land-based leg of our triad is now vulnerable, our air-based leg of our triad is now vulnerable and with the unfortunate incidences called the Walker spy case and with increased and more improved Soviet antisubmarine capabilities, very possibly the sea-based leg of our triad is now vulnerable.

But looking at the situation from the eye of a Soviet war planner who is asked the question by their civilian leadership, "What are the chances of our being successful in attacking the United States in a first strike? What type of confidence can you give me that we will succeed, that we will have a surgical strike?" Surgical in one sense is not appropriate, because millions of Americans nevertheless would be killed. But a surgical strike at their offensive weapons only: "What type of degree of certainty, Mr. Military Leader, can you give me as to whether that military operation would be successful?" Well, unfortunately we are moving toward a period of time that that military planner and advisor in the Soviet Union would be able to report back and say, "I have a high degree of confidence, a 95- or 100-percent degree of confidence that we can obliterate the U.S. retaliatory forces in a first strike." Normally, when war planners ask that question, they look at the fact that it takes approximately two ICBM warheads to make sure that an offensive missile on the other side is eliminated, that there is no chance for it to be ever used.

The Soviet Union now can count up their intercontinental ballistic missile warheads, about 10,000, look at the number of strategic targets in the United States and draw the conclusion that possibly, quite possibly, they could do the job. But let us say we deployed defensive systems, a three-layered defensive system, each one of those defensive systems not being 100 percent effective but being 80 percent effective. If the Soviet Union launched 300, not 2, which they now have in their arsenal, 2 intercontinental ballistic missile warheads at 1 target, but 300 at 1 target, what type of confidence would they have that they would obliterate the target? If we had defensive systems and three of them in three tiers, and they started an attack against the United States, almost none of those missiles would get through. They would have no confidence that two warheads per target would possibly do the job. They would have to report back to their leaders that almost no warheads would get through. In order for them to have the same degree of confidence that they can obliterate the U.S. arsenals, they would have to launch not 2 but 300 independently targeted ballistic missile warheads at each U.S. target. And the reason, at 300, with 80 percent accuracy is the following: If the first level of an ABM system, the first layer was 80 percent effective it would have therefore, by mathematics, eliminate all but 60 of the first 300 independently targeted warheads.

At the second level he used the same 80 percent. That would reduce it to 12 missiles aimed at that particular target. The third layer being again about 80 percent protected would mean that about 2 to 2.5 missiles would come through of the 300.

Now, the Soviet Union cannot possibly build 300. That is about 150 times the number of offensive warheads than they have today. They can spend a lot of money on defense. They can spend more money on offensive and defensive weapons than we do, but they cannot nearly spend that sum of money.

Therefore, with many less than 300 independently targeted warheads going toward a particular military target in the United States, the Soviet Union military planner would report back and say, "I have no confidence that we would succeed. I would have no confidence that our attack would succeed." Not only that, not only so few of the 10,000 that they had would possibly get through, but he would not know which would get through. He would not know which targets were killed and which were not. He would report back that it is unsuccessful.

Therefore, the purpose, and my major point now, the purpose of nuclear first strike by the Soviet Union would be totally eliminated. The rationale for a first strike, if we defended ourselves having three layers, each being 80 percent effective, would deter the Soviet Union from trying, because the military result would be no result at all.

Also, and second, it is important to deploy defenses, because if you look at what Soviet doctrine is when it comes to the use of their nuclear weapons, it is simply to make sure that we cannot retaliate.

Now, their nuclear weapon use is to destroy the retaliatory capability of the United States so they can save their homeland. That is why in a particularly tense situation they would first strike. But if they knew they could achieve that military goal of the defense of the homeland by their deploying defensive systems, then they could be assured that they would not have to strike in the first instance.

Third, I would like to mention the following point: Nuclear weapons are becoming smaller. Intercontinental ballistic missiles are becoming more accurate. Some people say that is good, some people say that is bad. It depends on your point of view.

Few people recognize that because nuclear warheads are smaller, the reason they are smaller is because the intercontinental ballistic missile is more accurate, that the total amount of destructive force that we have in our arsenal is about one-quarter, one-fourth what it was in the 1950's and the early 1960's. Not many people recognize that fact that we have one-fourth the megatonnage or kill capability in our nuclear arsenals today than we did 25 years ago.

□ 2010

That was achieved not because of treaties or negotiation or even because the United States had good will. It was achieved because unclear weapons, like all weapons, are supposed to have military capabilities, and the military capability of a nuclear weapon is to destroy a nuclear weapon on the other side.

If that can be achieved by a low-yield nuclear weapon that is more accurate, then the same military objective can be achieved by reducing the package. That is basically what has happened during the past 25 years.

We recognized that, and therefore we did not need large, 1-megaton nuclear warheads, or even warheads that are larger than that, because they were not militarily useful. They were sloppy; they killed lots of civilians, the same military objective could be achieved by having small warheads and the small warhead would do because you could get it nearer the target.

We are moving inexorably toward smallness and toward greater accuracy. The accuracy leads and is driving the smallness.

Some people say that is good, because if you have small nuclear weapons, First, there is not as much devastation, not as much fallout; fewer civilian casualties; and second, if you have a small ICBM, you can make it more secure; it is less vulnerable.

Why is a small ICBM less vulnerable? It is simply because a small intercontinental ballistic missile can be placed—is much lighter, perhaps 10 times much lighter, and can be mobile. Therefore you can move it around; the Soviet Union does not know where it is, and therefore it is secure.

The argument in this Chamber, and we debated it today; we debated it yesterday; we have debated it many, many times; and there is some point to it: Why go ahead with the MX missile even if we need to modernize our land-based leg. Why go ahead with it because it is vulnerable to a first strike by the Soviet Union? It would encourage the Soviet Union to first strike against it because it too big to move around; we do not have active defenses; you cannot harden the missile silos sufficient to stop a nuclear blast at the level of the Soviet Union's ICBM, and therefore why build the missile?

But if we move toward smaller missiles; that is, something called Midgetman, it would make our land-based leg of the triad more secure, less vulnerable. When we have less vulnerable military targets, and the Soviet Union has less vulnerable military targets, the likelihood of a first strike, it becomes much more remote.

So some people say moving toward small weapons is good because it allows mobility which creates a situation where your deterrent is secure.

However, I would argue that just as likely if nuclear weapons can be very small, not only can they be mobile, but their military usefulness increases. One of the deterrent forces in ever using a nuclear weapon today, or 10 years ago, or 25 years ago, was the fact that it was not a good military weapon; it killed thousands, millions, perhaps tens of millions of civilians, and often not the military target.

So I would argue that if we move toward mobile systems that have very small nuclear yields, that they become more militarily useful. But what happens when they become more militarily useful? They become more attractive for military people to use them.

So I would argue that the move toward smallness, the move toward mobility, the move toward a small nuclear yield increases the possibility that the weapon will be used because it has more military usefulness.

Therefore, once again, if we move toward that situation, we will be moving toward a situation where nuclear war is more likely and not less likely, creating a problem.

In order to make nuclear war less likely, once again, you have to deploy defenses because no matter how light the missile, no matter how small the warhead, if it can be interrupted, the same dynamics occur; a power would be deterred because they know that they would not be able to achieve their military goals.

Also, I would argue, that we should do the necessary research and development to determine whether we can move toward a saner world of defensive weapons because of the moral argument. I think it is simply morally superior to have a defense that defends, not a defense that threatens to annihilate civilians on the other side.

I think there is a moral dimension to the debate, to the star wars debate, to the debate on MX, the debate of offensive weapons, and I would argue that if we can achieve, if scientists can achieve the ability to intercept an incoming warhead, if we can achieve the ability for a bullet to hit a bullet, nonnuclear, threatening nobody, that is obviously a more moral course to take.

Also, if you believe that if deterrence fails under the doctrine of mutually assured destruction, a global climactic change could occur, annihilating all life on the face of the Earth, certainly you want to prevent nuclear warheads from going off.

The only way to do it is to interrupt them in flight; the only way to do it is with defensive systems. So if you are one of a large number of people that say if there is a nuclear exchange, God forbid, between two major powers today, or 1,000 years from today, that could result in climactic changes; increase of temperature, clouds in the atmosphere, blotting out sunlight, reducing Earth temperatures, resulting in the destruction of all human life for—perhaps forever.

If you are concerned about that as I am, you would think again about the possibility of moving toward defensive systems because they would interrupt the ICBM; they would make sure that the nuclear weapon would not go off.

I would also argue that if you have deployed defensive systems, then and only then can you have deep reductions in offensive weapons. Right now, if both the Soviet Union and the United States somehow broke through in Geneva and we hope they do, if the ultimate goal is the elimination of offensive weapons or reducing them to a small amount, then marginal cheating by one side could massively alter the nuclear balance.

Right now, the Soviet Union has 10,000 ICBM warheads; we have 10,000, approximately, ICBM warheads; and there is marginal cheating on the other side because verification is difficult; we know that the Soviet Union has indeed violated negotiated arms control agreements; but if that means the Soviet Union will have an additional 1,000 ICBM' s, I suppose deterrence, mutually assured destruction deterrence, MAD deterrence, still prevails.

Because the marginal cheating is not that important, but if we can and hopefully we can reduce offensive nuclear weapons to just a dozen or a handful, or 100 of them on both sides, then if one side cheats; if the Soviet Union does what it is doing today, then marginal cheating by adding 500 warheads which we could not detect, or 1,000 that we could not detect, massively changes the balance of power between the two sides, which would lead to an unstable situation and the lack of deterrence.

I would suggest the only way you can negotiate for steep, real reductions in offensive weapons is to be able to deploy defensive weapons, because if you have defensive weapons, marginal cheating on the other side is not important because you can defend against that marginal cheating.

Finally, Mr. Speaker, I would like to go into, for a couple of moments, what the Soviet Union is doing with regard to defenses.

Some people think that this debate is a debate as to whether the United States should move toward the deployment of defensive systems; should we lead the way. Are we going to face a world one day in the future where the United States can defend itself and the Soviet Union cannot; an unstable and perhaps dangerous situation.

I would argue conversely, I would argue that the issue before the Congress is whether Americans want to live in a world where the Soviet Union has not only massive offensive nuclear weapons, but deployed defensive weapons, and we have no defensive weapons.

The issue is, do Americans want to live in a world with the Soviet Union having defenses while we have none.

Much of what the Soviet Union has been doing with regard to their research and development and deploying defensive systems is classified. A lot of it is not, however, and much of it is being declassified. There is no argument with the fact that the Soviet Union is at the present time, and has deployed massive air defenses. We know it; the whole world knows it.

□ 2020

We, the United States, a number of years ago had massive defensive weapons against the bomber threat. In fact, in the early 1960's, we had thousands of radar, thousands of air-interceptor planes, hundreds of surface-to-air missiles that could be utilized against the bomber threat. Logically, we decided to take them out of the arsenal. We decided not to spend billions of dollars on air defense, because why would you want to spend billions of dollars on air defenses when the Soviet Union could use intercontinental ballistic missiles to get through? If you cannot stop missiles, why bother stopping airplanes? It made a great deal of sense. And, therefore, our policy was to eliminate our air defenses; no sense in spending tens of millions of dollars, hundreds of millions of dollars on the infrastructure, the radars, the planes, the command and control centers, the sophisticated radars, the maintenance, the man-hours that is necessary to defend yourself against a bomber threat, when you cannot defend yourself against an ICBM threat. So we did the logical thing. We eliminated our air defenses—a handful of radars, no surface-to-air missiles, and 300 interceptor aircraft, whereas before we had 10,000. Basically, no air defense. Logical, absolutely the correct decision to make, if the Soviet Union did the same thing. If it is logical for the United States not to build air defenses, because why stop airplanes when you cannot stop the missile, that same logic must exist in the Soviet Union. They are not dumb. They are necessarily illogical. What would be the reason that they are spending billions of dollars in civil defense, billions of dollars in air defense, if they knew we could always fly our missiles over there? They do not know that because they do not accept it. They know that they want to go toward defending missiles, as well, because it makes no logic, on the face of the Earth, why they would spend billions of dollars on civil defense, billions of dollars on air defense, if they were not going to spend billions of dollars on strategic defense as well, so logic dictates that the Soviet Union must be doing it. And are they? What does the intelligence show as to what the Soviet effort is in this area?

The nonclassified statements that I can quote—it will take me just a few minutes to read them—are as follows:

Over the last 2 decades, the Soviet Union has spent roughly as much on defense as it has on its massive offensive forces.

What is that saying? The best intelligence that we have indicates that the Soviet Union, for the past 2 decades, for the past 20 years, is spending as much money, as many rubles, as many resources on defense as they are on offense.

The Soviet Union has the world's only operational ballistic missile defense system (at Moscow) . . .

We eliminated ours. Under the ABM Treaty, you are allowed to have one site for an active ground-based ABM system. They have theirs deployed.

. . . and it has had, for over a decade, an operational anti-satellite (ASAT) system . . . .

Further quoting:

Also, they are deploying a surface-to-air missile system, the SA-X-12, which has the potential to intercept some types of U.S. ballistic missiles.

Laser weapons. The Soviet laser weapons program began in the 1960's. Many Soviet organizations and personnel, both civilian and military, are involved. Key institutes and design bureaus are located in and around Moscow and Leningrad, and the Saryshagan proving ground—

That is their test area for these systems—

is the traditional site for most of the Soviet Union's ballistic missile defense testing since the 1950's.

The Soviet laser weapon effort is guided and supported by some of the best scientists and engineers in the Soviet Union. Yevgeniy Velikhov, the rising Vice President of the Soviet Academy of Sciences, made his early mark in direct-energy related research; Nobel Laureate Basov and Prokhorov are believed to be driving forces behind the Soviet effort for over 20 years.

Now, they do not sound like incompetent scientists to me. These are Nobel Laureates, who received their credentials in lasers, who are the ones who are doing the Soviet research and development in laser technology used for ABM, antiballistic missile capabilities.

Further quoting:

Some have estimated that the Soviet effort is some 3 to 5 times greater than that of the United States. We believe that it is not possible to make an estimate of this ratio but that it seems clear, based on the observed scale and scope of the Soviet effort, that the Soviet program is larger than that of the U.S.

I go on and I quote:

The Soviets have built over half a dozen major R&D facilities and test ranges.

The Soviets have an estimated 10,000 scientists and engineers associated with the development of lasers for weapons.

Ten thousand scientists are devoted to the research and development necessary to make lasers into antiballistic missile systems.

The Soviets are aware of the visible and very short-wave-length lasers and their potential for military applications. The Soviets are investigating the Excimer and free-electron lasers. For over a decade, researchers at Novosibirsk have been developing argon-ion lasers; the Soviets continue to dominate in literature published on metal-vapor lasers.

We believe the Soviets are generally capable of supplying the requisite prime power, energy storage, and auxiliary components for most laser (and other directed-energy) weapons.

The Soviet magneto-hydrodynamic (MHD) power source development is the largest in the world; they have developed a rocket-driven MHD generator which produces over 15 megawatts of electrical power. This device has no Western counterpart.

The Soviets may have the capability to develop the necessary optical systems for laser weapons.

They already have a ground-based laser that could be used to interfere with U.S. satellites.

They have a test antisatellite laser weapon land based in the Soviet Union today.

In the late 1980's, the Soviets could have prototypes of ground- and space-based laser weapons for use against satellites and ballistic missiles. They may deploy operational space-based laser systems for anti-satellite purposes in the 1990's if their technology development proves successful. And they can be expected to pursue development of space-based laser weapons for ballistic missile defense for possible deployment after the year 2000.

And I have almost concluded:

Soviet research and development of these technologies that could support a particle beam weapon have been impressive. Work on ion sources has been spectacular."

The Soviets are believed to have had research projects since the early 1970's to explore the feasibility of a space-based particle beam weapon.

I am talking now about microwave weapons:

We believe there are no technological obstacles to Soviet development of a radio frequency or microwave weapon for strategic applications. The Soviets have conducted research for decades on sources of high-power microwave (megnetrons, gyrocons, gyrotrons) and the antennas which would be required to direct and focus the beams on distant targets. Soviet capabilities to develop microwave weapons are on a par, if not superior, to those of the U.S.

I conclude with the following one-paragraph quotation.

Their statements on the SDI—

That is our proposed basic research program in defensive weapons—

must be tempered by the knowledge that well before the President's speech on March 23d, 1983, the Soviets were themselves pursuing most of the techologies that are to be investigated in the U.S. SDI and were heavily involved in applied research toward testing the feasibility of advanced weapons for ballistic missile defense.

Within a month of the President's announcement, a letter signed by a large group of senior Soviet scientists was published in the New York Times, denouncing the U.S. initiative. But it is significant to note that of the more than 200 signatories of the letter, a number of them have been instrumental in the development of both conventional and exotic ballistic missile defense systems: Gruskin, Semenikhin, Bunkin, Velikhov, Prokhorov, and Basov.

□ 2030

I think that amply points out the fact that the real issue is not only the inherent flaws in the doctrine that we have today based on the assumption that all countries from now into the future will behave rationally. Based on the assumption that mistakes will never occur. Based on the assumption that it will never fail. The debate that we have tomorrow will be concerned about moral grounds and I think the need toward moving defenses because it is morally superior. We will be talking about the fact that today political opinion polls show that 60 percent of the American people to 80 percent, 60 to 80 percent of the American people believe now that they are defended. They do not believe that it is the policy of this Government, of the Government of the United States to keep them vulnerable to a nuclear attack by the Soviet Union, by a Third World terrorist or anybody else.

Finally, and I suggest the following: The debate also should focus on Soviet activity in strategic defense. As I mentioned before, it makes no sense for the Soviets to spend millions of dollars on civil defense, hundreds of millions of dollars on air defense if they do not intend to stop the missiles. The reason that they are spending the money on civil and air defense is because a logical component thereof is defending against offensive nuclear strategic weapons.

So the issue facing the Congress tomorrow as well as all the others, the moral issues, the logic of where we are today is a very important one: Is the United States going to move into the late 1980's, move into the 1990's with U.S. citizens still unprotected, even when a majority of them think that they are, while the Soviet Union has offensive weapons and are defending themselves?

SOCIAL SECURITY WEEK AND SOCIAL SECURITY DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BUSTAMANTE], is recognized for 10 minutes.

Mr. BUSTAMANTE. Mr. Speaker, last week I introduced House Joint Resolution 300 which commemorates an important occasion in American history. On August 14, 1935, President Franklin D. Roosevelt signed into law legislation that changed the lives of all Americans—the Social Security Act. House Joint Resolution 300 recognizes the golden anniversary of Social Security by declaring the week of August 11 through 17 "Social Security Week" and by proclaiming August 14, 1985, "Social Security Day."

The New Deal of President Roosevelt changed the relationship between the National Government and its citizens. Who, in 1933, would have thought President Roosevelt could have undertaken anything bolder than closing our national banking system? Those who saw the events of his first 100 days unfold never foresaw the Social Security Act of 1935. The bank holiday was the first step in restoring the Nation's financial health. Social Security became the cornerstone in building individual economic protection.

Social Security is a product of the depression. It proves that Government can ease the burdens of life and time, accident and illness. These difficult life situations transcend any particular period or ERA. We are as much in need of Social Security now, in times of relative economic prosperity, as we were during the Depression. Today many are calling for less Government. But while we ask ourselves how large our Government should be, we must also ask how responsible our Government should be. Through Social Security, we can ensure universal income security for our citizens.

Social Security is so much a part of our lives that we do not remember when we were without it. Yet, the United States was slow in accepting the concept of public assistance. In fact, we were the last major industrialized country to adopt a national program for the aged and needy.

Prior to the 1930's, Americans thought public assistance rewarded the lazy and depressed individual initiative. It took the Great Depression to jolt America out of that attitude. The majority of the people realized for the first time that individual initiative alone cannot guarantee control over one's destiny. Soup kitchens, private charities, and public works projects gave help and hope, but they were only stop-gap measures. The problems created by the Depression needed a national, permanent response.

In 1934, the issues of unemployment insurance and aid to the aged dominated Congress. The Townsend movement gained momentum across the country, and Senator Huey Long campaigned on a platform to "share the wealth" and "make every man a king". That summer, President Roosevelt signed Executive Order No. 6757, creating the Committee on Economic Security. In only 14 months, the committee had completed its work and Congress had adopted the new Social Security law.

It was on August 14, 1935, that President Roosevelt affixed his signature to his most enduring, far-reaching legislative accomplishment, Social Security. The law established a State and Federal unemployment insurance system and a joint program for the aged, the blind and dependent children. But the most popular—and by far the most visible—feature under Social Security remains the Old Age Insurance Program.

Since its revolutionary beginning, Social Security has changed with the times. The law has expanded to broaden coverage. The revolutionary process continues today. There are over 400 measures pending in the House and Senate which would affect Social Security.

Human misfortune ignores neither the young nor the old. Social Security is the shield which gives our citizens a minimum of protection against what President Roosevelt called the hazards of life.

The golden anniversary of Social Security is an occasion worth celebrating. The Social Security Administration is planning a number of ceremonies and activities to honor Social Security for its vital contribution to our Nation. House Joint Resolution 300 recognizes that contribution. I urge my colleagues to join me in commemorating this historical event. I appreciate the bipartisan support that this resolution has already received.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

[Mr. GONZALEZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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 Mr. COBLE) to revise and extend their remarks and include extraneous material:)

Mr. COURTER, for 60 minutes, today.

Mr CONTE, for 60 minutes, June 27.

(The following Members (at the request of Mr. BUSTAMANTE) to revise

and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

Mrs. KENNELLY, for 5 minutes, today.

Mr. DE LA GARZA, for 5 minutes, today.

Mr. BOLAND, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. RANGEL, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. FORD of Michigan, for 5 minutes, today.

Mr. NATCHER, for 30 minutes, June 20.

Mr. PEPPER, for 60 minutes, June 25.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PANETTA, and to include extraneous matter notwithstanding the fact that it exceeds 2¼ pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $1,802.50.

(The following Members (at the request of Mr. COBLE) and to include extraneous matter:)

Mr. CONTE.

Mr. SWINDALL.

Mr. GEKAS in two instances.

Mr. SHAW.

Mr. PARRIS.

Mr. CHAPPIE.

Mr. BROYHILL.

Mr. FIELDS.

Mr. WHITEHURST.

Mr. KEMP.

Mr. DAUB in two instances.

Mr. LIVINGSTON.

Mrs. JOHNSON.

Mr. EVANS of Iowa.

Mr. SOLOMON.

Mr. MCGRATH.

(The following Members (at the request of Mr. BUSTAMANTE) and to include extraneous matter:)

Mr. MOAKLEY.

Mr. LANTOS.

Mr. ADDABBO.

Mr. BONIOR of Michigan.

Mr. EDGAR.

Mr. HAYES.

Mr. RAHALL.

Mr. ERDREICH.

Mr. HUBBARD.

Mr. MURTHA.

Mr. DYSON.

Mr. COELHO in two instances.

Mr. STARK.

Mr. ROSE in three instances.

Mr. SOLARZ.

Mr. MORRISON of Connecticut.

Mr. HAMILTON.

Mrs. BURTON of California.

Mr. HOWARD.

Mr. PEPPER.

Mr. TORRICELLI.

Mr. TRAFICANT.

Mr. ROE.

Mr. FRANK.

Mrs. COLLINS.

Mr. HAWKINS.

Mr. RANGEL in three instances.

Mr. MINETA.

Mr. JENKINS.

Mr. MILLER of California.

Mr. WILLIAMS in two instances.

Ms. OAKAR.

Mrs. BOGGS.

Mr. MATSUI.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 24. Joint resolution to designate the month of October 1985 as "National Make-A-Wish Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 136. Joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning with Sunday, April 13, 1986, as "National Garden Week"; to the Committee on Post Office and Civil Service.

JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 211. Joint resolution to recognize the pause for the Pledge of Allegiance as part of National Flag Day activities.

ADJOURNMENT

Mr. BUSTAMANTE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 39 minutes p.m.) the House adjourned until tomorrow, Thursday, June 20, 1985, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1541. A letter from the Acting Deputy Assistant Secretary of the Air Force for Logistics and Communication, transmitting notice of decision to convert to commercial contract from an in-house operating T-33 aircraft maintenance at Griffiss, Minot, and Langley Air Force bases, pursuant to 10 U.S.C. 2304 nt (Pub. L. 96-342, sec. 502(b) (96 Stat. 747)); to the Committee on Armed Services.

1542. A letter from the Acting Deputy Assistant Secretary of the Air Force for Logistics and Communication, transmitting notice of decision to convert to commercial contract from an in-house operation the T-33 aircraft maintenance function at Tyndall and McChord Air Force bases, pursuant to 10 U.S.C. 2304 nt (Pub. L. 96-342, Sec. 502(b) (96 Stat. 747)); to the Committee on Armed Services.

1543. A letter from the Director, Defense Security Assistance Agency, transmitting a report concerning the Department of the Navy's proposed Letter of Offer to the United Kingdom for defense articles and services estimated to cost $46 million, pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1544. A letter from the Director of Civilian Personnel, Uniformed Services University of the Health Sciences, transmitting the annual pension plan report, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1545. A letter from the Executive Director, Committee for Purchase From the Blind and Other Severely Handicapped, transmitting the 1984 annual report, pursuant to the Act of June 25, 1938, chapter 697, section 1(i) (85 Stat. 77); to the Committee on Government Operations.

1546. A letter from the Librarian of Congress, transmitting a report for the 1984 fiscal year as to the affairs of the Library including the copyright business and a detailed statement of all receipts and expenditures, pursuant to 2 U.S.C. 139; to the Committee on House Administration.

1547. A letter from the National Council on Radiation Protection and Measurements, transmitting the 1984 annual report, pursuant to Public Law 88-376, section 14(b); to the Committee on the Judiciary.

1548. A letter from the Administrator, Panama Canal Commission, transmitting a claim exceeding $120,000 for damages resulting from a vessel in the Canal, pursuant to Public Law 96-70, section 1415(b); to the Committee on Merchant Marine and Fisheries.

1549. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting a report on water resource projects recommended for deauthorization, pursuant to Public Law 93-251, section 12 (H. Doc. No. 99-79); to the Committee on Public Works and Transportation and ordered to be printed.

1550. A letter from the Secretary of Health and Human Services, transmitting the annual report on the administration of the functions of the Secretary under the Social Security Act, pursuant to SSA, section 704 (49 Stat. 636); to the Committee on Ways and Means.

1551. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend the Arms Export Control Act and title 10, United States Code, concerning agreements with other member nations of the North Atlantic Treaty Organization for certain cooperative projects; jointly, to the Committees on Armed Services and Foreign Affairs.

SUBSEQUENT ACTION ON A REPORTED BILL

Under clause 5 of rule X the following action was taken by the Speaker:

The Committee on Interior and Insular Affairs discharged from further consideration of H.R. 2776; H.R. 2776 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. CHANDLER (for himself, Mr. GOODLING, Mr. HENRY, Mr. JEFFORDS, and Mr. TAUKE):

H.R. 2805. A bill to amend the Higher Education Act of 1965 to create a program supporting midcareer teacher training programs for individuals with expertise in mathematics and science, and for other purposes; to the Committee on Education and Labor.

By Mr. DORNAN of California:

H.R. 2806. A bill to amend the Federal Aviation Act of 1958 to require security personnel to be aboard international flights of U.S. air carriers, unless the Secretary of Transportation determines for any particular flight or route that it is not necessary for the safety of passengers; to the Committee on Public Works and Transportation.

By Mrs. KENNELLY:

H.R. 2807. A bill to amend titles XVIII and XIX of the Social Security Act to require second opinions with respect to certain surgical procedures as a condition of payment under the Medicare and Medicaid programs; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mr. MONTGOMERY (by request):

H.R. 2808. A bill to amend title 38, United States Code, to extend protection to Veterans' Administration health care personnel from suits alleging the commission of certain torts during the furnishing of medical care or treatment; to the Committee on Veterans' Affairs.

By Mr. MURTHA (for himself, Mr. GAYDOS, Mr. SCHULZE, and Mr. SPRATT):

H.R. 2809. A bill to provide comprehensive reform of the trade laws, and for other purposes; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. FORD of Tennessee, Mr. MATSUI, and Mrs. KENNELLY):

H.R. 2810. A bill to amend part E of title IV of the Social Security Act to make necessary improvements in the foster care and adoption assistance program with the objective of assuring that such program will more realistically and more effectively meet the needs of the children involved, and for other purposes; to the Committee on Ways and Means.

By Mr. PANETTA (for himself, Mr. PEPPER, and Mr. RINALDO):

H.J. Res. 319. Joint resolution to designate the week beginning on December 1, 1985, as "National Home Care Week"; to the Committee on Post Office and Civil Service.

By Mr. SMITH of New Jersey (for himself, Mr. COATS, Mr. FISH, Mr. BURTON of Indiana, Mr. SMITH of New Hampshire, Mr. LEHMAN of Florida, Mrs. BOXER, Mr. ROWLAND of Georgia, Mr. HYDE, Mr. MOLLOHAN, Mr. WEBER, Mr. SILJANDER, Mr. DORNAN of California, Mr. TOWNS, and Mr. DIOGUARDI):

H.J. Res. 320. Joint resolution to designate the week beginning November 24, 1985, as "National Adoption Week"; to the Committee on Post Office and Civil Service.

By Mr. MICHEL:

H. Res. 205. Resolution electing Representative Monson of Utah to the Committee on Public Works and Transportation; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

180. By the SPEAKER: Memorial of the legislature of the State of Tennessee, relative to the Silvicultural Lab at Sewanee, TN; to the Committee on Agriculture.

181. Also, memorial of the state assembly of the Republic of Palau, relative to Compact of Free Association; to the Committee on Interior and Insular Affairs.

182. Also, memorial of the Congress of the Federated States of Micronesia, relative to self-determination; jointly, to the Committees on Foreign Affairs and Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. HUGHES, Mr. CHAPPELL, and Mr. HOYER.

H.R. 43: Mr. TORRICELLI.

H.R. 44: Mr. COURTER, Mr. SOLOMON, and Mr. MCKINNEY.

H.R. 73: Mr. BADHAM.

H.R. 83: Mr. GINGRICH and Mr. SHAW.

H.R. 156: Mr. BARNES, Mr. DYSON, Mr. BROWN of California, Mr. SOLARZ, and Mr. CARR.

H.R. 445: Mr. MARTINEZ.

H.R. 479: Mr. O'BRIEN and Mr. SOLOMON.

H.R. 511: Mr. HENRY.

H.R. 580: Mr, WISE and Mr. EMERSON.

H.R. 587: Mr. EVANS of Iowa, Mr. ENGLISH, Mr. GRADISON, Mr. LEVINE of California, Mr. LIGHTFOOT, Mr. MCCAIN, Mr. MINETA, Mr. MONSON, Mr. RAHALL, Mr. ROYBAL, Mr. SABO, Mr. SCHAEFER, Mr. SMITH of New Jersey, Mr. DENNY SMITH, and Mr. WISE.

H.R. 691: Mrs. SCHROEDER, Mr. LEHMAN of Florida, Mr. WISE, Mr. GARCIA, Mr. EVANS of Illinois, Mr. FAWELL, Mr. MCEWEN, and Mr. WILSON.

H.R. 753: Mr. TORRES.

H.R. 880: Mr. TRAFICANT.

H.R. 933: Mr. DAUB, Mr. SHAW, and Mr. TOWNS.

H.R. 1267: Mr. NELSON of Florida.

H.R. 1268: Mr. WEISS, and Mr. SCHUMER.

H.R. 1401: Mrs. BOXER, Mr. ACKERMAN, and Mr. MARTINEZ.

H.R. 1402: Mr. ACKERMAN.

H.R. 1403: Mr. ACKERMAN.

H.R. 1550: Ms. MIKULSKI.

H.R. 1553: Mr. WEAVER.

H.R. 1579: Mr. BARNES, Mr. MINETA, Ms. SNOWE, and Mr. MARTINEZ.

H.R. 1616: Mr. MRAZEK and Mr. SMITH of New Jersey.

H.R. 1652: Mr. THOMAS of Georgia, Mr. MORRISON of Washington, and Mr. DERRICK.

H.R. 1715: Mr. HUTTO.

H.R. 1719: Mr. COMBEST, Mr. EMERSON, Mr. EDWARDS of Oklahoma, Mr. SILJANDER, and Mr. STENHOLM.

H.R. 1802: Mr. CLAY, Mr. FISH, Mr. KANJORSKI, Mr. DENNY SMITH, Mr. JEFFORDS, and Mr. SIKORSKI.

H.R. 1824: Mr. FEIGHAN and Mr. DELAY.

H.R. 1825: Mr. BRYANT, Mr. GLICKMAN, Mr. CARPER, Mr. FEIGHAN, and Mr. DELAY.

H.R. 1826: Mr. FEIGHAN, Mr. DELAY, and Mr. CARPER.

H.R. 1827: Mr. FEIGHAN, Mr. DELAY, and Mr. CARPER.

H.R. 1828: Mr. FEIGHAN, Mr. DELAY, Mr. BRYANT, and Mr. CARPER.

H.R. 1973: Mr. ANTHONY and Mr. HAMMERSCHMIDT.

H.R. 1985: Mr. KOLTER and Mr. GEJDENSON.

H.R. 2032: Mr. TOWNS.

H.R. 2070: Mr. LUJAN, Mr. NEAL, and Mr. CONTE.

H.R. 2182: Mr. SENSENBRENNER.

H.R. 2211: Mr. MOODY.

H.R. 2254: Mr. APPLEGATE, Mr. ANDREWS, Mr. MITCHELL, Mr. DORNAN of California, and Mr. SENSENBRENNER.

H.R. 2255: Mrs. SCHNEIDER, Mr. VENTO, Mr. CONYERS, Mr. WOLPE, and Mr. LAFALCE.

H.R. 2280: Mr. DELLUMS, Mr. SKELTON, Mr. CLAY, Mr. REID, Mr. DIXON, Mr. LELAND, Mr. WYDEN, Mr. RANGEL, Mr. SYNAR, Mr. MARKEY, Mrs. BOXER, Mr. GEJDENSON, and Mr. MARTINEZ.

H.R. 2284: Mr. TRAFICANT, Mr. KOLTER, and Mr. MARTINEZ.

H.R. 2326: Mr. BUSTAMANTE.

H.R. 2383: Mr. CLAY and Mr. RANGEL.

H.R. 2401: Mr. GARCIA, Mr. DYMALLY, Mr. OBERSTAR, Mr. BUSTAMANTE, Mr. GEJDENSON, and Mr. EDWARDS of California.

H.R. 2422: Mr. RANGEL, Mrs. BOXER, Mr. HAYES, Mr. LEVINE of California, Mr. CROCKETT, Mr. MARTINEZ, Mr. ROYBAL, Mr. DICKS, Mr. KASTENMEIER, Mr. VENTO, Mr. DAVIS, Mr. FAZIO, and Mr. GEJDENSON.

H.R. 2443: Mr. CROCKETT, Mr. BRYANT, Mr. TORRES, Mr. COELHO, Mr. WALGREN, Mr. HEFTEL of Hawaii, Mr. MAZZOLI, Mr. DARDEN, Mr. FORD of Michigan, Mr. EDWARDS of California, Mr. YATES, Mr. BOLAND, Mr. SABO, Mr. HUGHES, Mr. BOSCO, Mr. WEAVER, Mr. WIRTH, Mr. STOKES, Mr. ADDABBO, Mr. ECKART of Ohio, Mr. DWYER of New Jersey, Mr. EVANS of Illinois, Mr. YOUNG of Alaska, Mr. BIAGGI, Mr. HAYES, Mr. GRAY of Illinois, Mr. NIELSON of Utah, Mr. SAVAGE, Mr. WHITEHURST, Mr. BERMAN, Mr. MRAZEK, Mr. CONYERS, Mr. BLAZ, Mr. SILJANDER, Mr. DELLUMS, Mr. BUSTAMANTE, Mr. MURPHY, and Mr. PANETTA.

H.R. 2525: Mr. BERMAN, Mr. STOKES, Mr. WEISS, Mr. GARCIA, Mr. GUNDERSON, Mr. SAVAGE, Mr. RANGEL, Mr. CROCKETT, Mr. MRAZEK, Mr. CONYERS, and Mr. DELLUMS.

H.R. 2567: Mr. LEVINE of California, Mr. TRAFICANT, Mr. MOODY, Mr. BATES, Mr. STARK, Mr. STOKES, Mrs. SCHROEDER, Ms. MIKULSKI, and Mr. LEVIN of Michigan.

H.R. 2588: Mr. MOODY, Mr. REID, Mr. KLECZKA, Mr. DIOGUARDI, Mr. PACKARD, Mr. PETRI, Mr. MANTON, Mr. WILSON, Mr. CHAPPIE, Mr. LEACH of Iowa, Mr. DYSON, Mr. PRICE, Mr. DONNELLY, Mr. MCKERNAN, Mr. LIGHTFOOT, Mr. EVANS of Illinois, and Mrs. SCHROEDER.

H.R. 2597: Mr. ADDABBO.

H.R. 2609: Mr. TAUKE and Mr. LIGHTFOOT.

H.R. 2781: Mr. ADDABBO, Mr. CARNEY, Mr. MADIGAN, and Mr. YOUNG of Missouri.

H.R. 2796: Mr. YOUNG of Missouri.

H. J. Res. 3: Mr. ROSE, Mr. JONES of Tennessee, and Mr. EARLY.

H.J. Res. 24: Mr. PETRI.

H.J. Res. 106: Mr. WILSON, Mr. HAMILTON, and Mr. CRANE.

H.J. Res. 135: Mr. BURTON of Indiana, Mr. CHANDLER, Mr. HENRY, Mr. COBLE, Mrs. HOLT, Mr. HORTON, Mr. LEHMAN of California, Mr. MARTIN of New York, Mr. MAZZOLI, Mr. PEPPER, Mr. TALLON, Mr. THOMAS of Georgia, Mr. TORRICELLI, Mr. LELAND, Mr. HAMILTON, Mr. BORSKI, Mr. CONTE, Mr. SLAUGHTER, Mr. VALENTINE, Mr. MATSUI, Mr. PERKINS, Mr. MCCLOSKEY, Mr. RAHALL, Ms. MOORE, Ms. SNOWE, and Mr. BOLAND.

H.J. Res. 164: Mr. BURTON of Indiana, Mr. CARNEY, Mr. CARR, Mr. CHANDLER, Mr. DICKS, Mr. DWYER of New Jersey, Mr. FOWLER, Mr. HOYER, Mr. LEHMAN of California, Mr. LELAND, Mr. LEWIS of Florida, Mr. LOWRY of Washington, Mr. MCCLOSKEY, Ms. OAKAR, Mr. PERKINS, Mr. PRICE, Mr. RUDD, Mr. SOLOMON, Mr. STRATTON, Mr. SYNAR, Mr. TRAFICANT, and Mr. YATES.

H.J. Res. 167: Mr. SPRATT, Mr. CHAPPELL, Mr. BADHAM, Mr. CAMPBELL, Mr. SKELTON, Ms. KAPTUR, Mr. LIGHTFOOT, Mr. DANIEL, Mr. DASCHLE, Mr. DOWDY of Mississippi, Mr. ANDERSON, and Mr. ADDABBO.

H.J. Res. 175: Mr. WOLF, Mr. BONIOR of Michigan, Mr. DINGELL, Mr. LEVIN of Michigan, Mr. LELAND, Mr. SMITH of Florida, Mr. TORRICELLI, Mr. TRAXLER, Mr. MILLER of Washington, Mr. CHAPPELL, Mr. BARNES, Mr. BEDELL, Mr. BURTON of Indiana, Mr. STRATTON, Mr. MILLER of Ohio, Mr. LAGOMARSINO, Mr. O'BRIEN, Mr. STOKES, Mr. WALKER, Mr. ROBERTS, Mr. DWYER of New Jersey, Mr. TAYLOR, and Mrs. BURTON of California.

H.J. Res. 227: Mr. ALEXANDER, Mr. ANDERSON, Mr. ANTHONY, Mr. APPLEGATE, Mr. BARTLETT, Mr. BATES, Mr. BLAZ, Mr. BOLAND, Mr. BOSCO, Mr. BOUCHER, Mr. CARR, Mr. CONYERS, Mr. DAVIS, Mr. DELAY, Mr. DELLUMS, Mr. DE LUGO, Mr. DICKS, Mr. DINGELL, Mr. ENGLISH, Mr. EVANS of Illinois, Mr. FOWLER, Mr. GUNDERSON, Mr. HALL of Ohio, Mr. HENDON, Mr. HOWARD, Mr. HUBBARD, Mr. HYDE, Mr. JONES of Tennessee, Mr. KRAMER, Mr. LEACH of Iowa, Mr. LENT, Mr. LEVINE of California, Mr. LIVINGSTON, Mr. LOWRY of Washington, Mr. MCEWEN, Mr. MCHUGH, Mr. MACKAY, Mr. MANTON, Mr. MARLENEE, Mr. MILLER of California, Mr. MINETA, Mr. MITCHELL, Mr. MOLLOHAN, Mr. MONSON, Mr. MORRISON of Connecticut, Mr. BRUCE, Mr. OBERSTAR, Mr. O'BRIEN, Mr. ORTIZ, Mr. PANETTA, Mr. PEPPER, Mr. PRICE, Mr. PURSELL, Mr. RAHALL, Mr. RICHARDSON, Mr. ROGERS, Mr. RUDD, Mr. SHELBY, Mr. SKELTON, Mr. SOLOMON, Mr. STAGGERS, Mr. STRATTON, Mr. STUMP, Mr. SYNAR, Mr. TALLON, Mr. TAUKE, Mr. TAUZIN, Mr. TRAFICANT, Mr. TRAXLER, Mrs. VUCANOVICH, Mr. WHEAT, Mr. WISE, Mr. WYDEN, Mr. WYLIE, and Mr. YOUNG of Missouri.

H.J. Res. 284: Mr. KINDNESS, Mr. LAGOMARSINO, Mr. BILIRAKIS, Mr. HYDE, Mr. MONSON, and Mr. KANJORSKI.

H. Con. Res. 69: Mr. LOTT.

H. Con. Res. 70: Mr. STOKES, Mrs. COLLINS, Mr. WORTLEY, Mr. SMITH of New Jersey, Mr. LIGHTFOOT, Mr. MONSON, Mr. MITCHELL, Mr. FEIGHAN, and Mr. SAXTON.

H. Con. Res. 129: Mr. BORSKI, Mr. TORRES, and Mr. ANDREWS.

H. Con. Res. 156: Mr. CONTE, Mr. BARTON of Texas, Mr. BARTLETT, Mrs. MARTIN of Illinois, Mr. FRENZEL, Mr. DYMALLY, Mr. DREIER of California, Mr. CHANDLER, Mr. GALLO, Mr. LIPINSKI, Mr. ACKERMAN, Mr. JEFFORDS, Ms. MIKULSKI, Mr. SAXTON, Mr. MILLER of Washington, Mr. LIGHTFOOT, Mr. PACKARD, Mrs. BENTLEY, Mr. BATEMAN, Mrs. HOLT, and Mr. VOLKMER.

H. Res. 74: Mr. LAGOMARSINO, Mr. BATEMAN, Mr. KRAMER, Mr. CARNEY, Mr. MANTON, Mr. BURTON of Indiana, Mr. MRAZEK, Mr. FAUNTROY, Mr. BOUCHER, Mr. FROST, and Mr. MATSUI.

H. Res. 167: Mr. DICKINSON, Mr. BARTON of Texas, Mr. YOUNG of Florida, Mr. WHITTAKER, Mr. BATEMAN, Mr. PACKARD, Mr. SILJANDER, Mr. LEWIS of Florida, Mr. LOTT, Mr. BILIRAKIS, and Mr. YOUNG of Alaska.

H. Res. 194: Mr. DORGAN of North Dakota, Mr. HALL of Ohio, Mr. EDWARDS of California, Mr. WIRTH, Mr. WHEAT, Mr. KOSTMAYER, Mr. GARCIA, Mr. MOLLOHAN, and Mr. YOUNG of Missouri.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

146. By the SPEAKER: Petition of the Shiawassee County Board of Supervisors, Corunna, MI, relative to increasing farming income; to the Committee on Agriculture.

147. Also, petition of the New Jersey State Federation of Women's Clubs, relative to Superfund expansion and renewal; to the Committee on Energy and Commerce.

148. Also, petition of the city of Bellflower, CA, relative to the establishment of crisis control centers in common with the Soviet Union; to the Committee on Foreign Affairs.

149. Also, petition of certain residents of the Commonwealth of Puerto Rico, relative to statehood; to the Committee on Interior and Insular Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1872

By Mr. ASPIN:

—At the end of title X (page 200, after line 4) insert the following new section:

SEC. 1050. CONFLICT-OF-INTEREST IN DEFENSE PROCUREMENT.

(a) LIMITATIONS ON ACCEPTANCE OF COMPENSATION.—(1) An individual who is a former officer or employee of the Department of Defense or a former or retired member of the Armed Forces who during the two-year period preceding the individual's separation from service in the Department of Defense had significant responsibilities for a procurement function with respect to a Government contractor while serving in a position identified by the Secretary of Defense under subsection (g)(1) may not accept compensation from that contractor for a period of two years following the individual's separation from service in the Department of Defense if that contractor is included in the notice provided that individual under subsection (d).

(2) Whoever knowingly violates paragraph (1) shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(3) An individual who knowingly offers or provides any compensation to an individual the acceptance of which is or would be in violation of paragraph (1) shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(b) LIMITATIONS ON CONTRACTORS.—(1) Each contract for procurement of goods or services entered into by the Department of Defense shall include a provision under which the contractor agrees not to provide compensation to an individual if the acceptance of such compensation by such individual would violate subsection (a)(1).

(2) Such a contract shall also provide that if the contractor knowingly violates a contract provision required by paragraph (1) the contractor shall pay to the United States, as liquidated damages under the contract, an amount equal to the greater of—

(A) $100,000; or

(B) three times the compensation paid by the contractor to the individual in violation of such contract provision.

(c) REPORTING OF EMPLOYMENT CONTACTS.—(1) If an officer or employee having responsibilities for a procurement function with respect to a Government contractor contacts, or is contacted by, the contractor regarding future compensation of the officer or employee by the contractor, the officer or employee shall—

(A) promptly report the contact to the officer or employee's supervisor and to the designated ethics official of the agency in which the officer or employee is serving;

(B) promptly report (as part of the report under subparagraph (A) or as a separate report) when contacts with the contractor concerning such compensation have been terminated without agreement or commitment to future compensation of the officer or employee by the contractor; and

(C) disqualify himself from all participation in the performance of procurement functions relating to contracts with that contractor until a report described in subparagraph (B) is made with respect to such contacts.

(2) If an officer or employee serving in a position with respect to which an exemption is in effect under subsection (g)(2) fails to disqualify himself as required by paragraph (1)(C) with respect to procurement functions relating to contracts of a contractor, subsections (a) and (b) apply to acceptance of compensation by that officer or employee from that contractor.

(d) NOTICE TO OFFICERS AND EMPLOYEES LEAVING DOD SERVICE.—(1) The Secretary of Defense shall give the notice described in paragraph (2) to each officer and employee of the Department of Defense and each member of the Armed Forces—

(A) who after the effective date of this section is separated from service in the Department of Defense; and

(B) who during the two-year period before that separation served in a position in the Department that included significant responsibility for a procurement function and that was identified by the Secretary of Defense under subsection (g)(1).

(2) A notice required by paragraph (1) shall provide the individual receiving the notice—

(A) a written explanation of the provisions of this section; and

(B) the name of each contractor from whom such individual is prohibited from accepting compensation under this section during the two-year period following such separation from service in the Department of Defense.

(e) CONTRACTOR REPORTS.—(1)(A) Each contractor subject to a contract term described in subsection (b) shall submit to the Secretary of Defense not later than April 1 of each year a report covering the previous calendar year. Each such report shall list the name of each individual (together with other information adequate for the Government to identify the individual) who is a former Department of Defense officer or employee, or a former or retired member of the Armed Forces, who—

(i) was provided compensation by that contractor during the preceding calendar year, if such compensation was provided within two years after such officer or employee left service in the Department of Defense; and

(ii) had significant responsibilities for a procurement function during the individual's last two years of service in the Department of Defense.

(B) Each such listing shall—

(i) show each agency in which the individual was employed or served on active duty during the last two years of such individual's service in the Government;

(ii) show the individual's job titles during the last two years of such individual's service in the Government;

(iii) contain a full and complete description of the duties of the individual during the last two years of such service; and

(iv) contain a description of the duties (if any) that the individual is performing on behalf of the contractor.

(C) The first such report shall be submitted not later than April 1, 1987.

(2) The Secretary of Defense shall review each report under paragraph (1) to assess the report for accuracy and completeness and for the purpose of identifying possible violations of subsection (a) or (b) or paragraph (1). The Secretary shall report any such possible violation to the Attorney General.

(3) Whoever fails to file a report required by paragraph (1) shall be fined not more than $10,000.

(f) REVIEW BY DIRECTOR OF OFFICE OF GOVERNMENT ETHICS.—The Director of the Office of Government Ethics shall have access to the reports submitted under subsection (e) (1) and shall conduct an annual random review of the reports for violations of subsections (a), (b), and (e)(1). The Director shall submit a report to Congress not later than October 1 of each year on the operation of this section, including the findings of the Director based on the examination of reports for the preceding calendar year.

(g) COVERED POSITIONS.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe and publish in the Federal Register regulations identifying those positions within the Department of Defense that have as their primary duty the management, direction, oversight, or justification, with respect to a particular product or service, of—

(A) development;

(B) production;

(C) funding;

(D) operational and developmental testing;

(E) auditing; or

(F) acquisition.

(2) Positions identified under paragraph (1) shall include as a minimum each position with respect to a contract or program—

(A) as the program manager or deputy program manager;

(B) as a program monitor;

(C) as a member of a source-selection evaluation board or of the technical and cost teams advising the board or as the official responsible for approval of a sole-source contract;

(D) as the head of the system's program office;

(E) as the source selection authority for the system; and

(F) in which an individual is assigned on a permanent basis in the government plant representative office.

(3) Regulations under paragraph (1) shall be revised not less often than once each year. Any revision of such regulations shall be published in the Federal Register.

(4)(A) When a vacancy occurs in a position identified under paragraph (1) and the Secretary of Defense determines that the duties inherent in that position involve significant responsibilities for procurement functions with so many contractors that implementation of subsections (a) and (b) with respect to individuals serving in that position would seriously hamper the ability of the Department of Defense to obtain the services of a highly qualified individual to fill that vacancy, the Secretary, with the concurrence of the Director of the Office of Government Ethics, may exempt the individual appointed to fill that vacancy from the provisions of such subsections by reason of service in such position.

(B) Whenever the Secretary grants an exemption under this paragraph, the Secretary shall promptly submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the exemption and setting forth the specific reasons for the exemption.

(h) EXCLUSION.—This section does not apply—

(1) to a contract for an amount less than $100,000; or

(2) to compensation of an individual by an entity that did not have a Department of Defense contract in excess of $100,000 at the time the individual had significant responsibilities for a procurement function with respect to a contract with that entity.

(i) ADVISORY OPINIONS FROM OFFICE OF GOVERNMENT ETHICS.—(1) An individual who is considering the propriety of accepting compensation that might place the individual in violation of subsection (a) may, before acceptance of such compensation, apply to the Director of the Office of Government Ethics for advice on the applicability of this section to the acceptance of such compensation.

(2) An application under paragraph (1) shall contain such information as the Director requires.

(j) WAIVER OF OTHERWISE APPLICABLE FINES UNDER TITLE 18.—The provisions of section 3623 of title 18, United States Code, shall not apply to maximum fines applicable under subsections (a)(2), (a)(3), and (e)(3).

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

(1) The term "compensation" includes any payment, gift, benefit, reward, favor, gratuity, or employment valued in excess of $100 at prevailing market price, provided directly, indirectly, or through a third party.

(2) The term "contractor" means any person, partnership, corporation, or agency (other than the Federal Government or the independent agencies thereof) that contracts to supply the Department of Defense with goods or services. Such term includes any parent, subsidiary, or affiliate thereof.

(3) The term "procurement function", with respect to a contract, means any acquisition action relating to the contract, including negotiating, awarding, administering, approving contract changes, costs analysis, quality assurance, operational and developmental testing, technical advice or recommendation, approval of payment, contractor selection, budgeting, auditing under the contract, or management of the procurement program.

(4) The term "Armed Forces" means the Army, Navy, Air Force, and Marine Corps and includes the Coast Guard when the Coast Guard is operating as a service in the Navy.

(l) SEPARATION OF MEMBERS OF ARMED FORCES.—For the purposes of this section, a member or former member of the Armed Forces shall be considered to have been separated from service in the Department of Defense upon such member's discharge or release from active duty.

(m) TRANSITION.—(1) This section—

(A) does not preclude the continuation of employment that began before the effective date of this section or the acceptance of compensation for such employment; and

(B) does not, except as provided in paragraph (2), apply to a individual whose service with the Department of Defense terminates before April 1, 1986.

(2) Paragraph (1)(B) does not preclude the application of this section to an individual with respect to service in the Department of Defense by such individual on or after April 1, 1986.

(n) EFFECTIVE DATE.—This section shall take effect on January 1, 1986.

—At the end of title VIII (page 143, after line 19) insert the following new section:

SEC. 802. CONFLICT-OF-INTEREST IN DEFENSE PROCUREMENT.

(a) LIMITATIONS ON ACCEPTANCE OF COMPENSATION.—(1) An individual who is a former officer or employee of the Department of Defense or a former or retired member of the Armed Forces who during the two-year period preceding the individual's separation from service in the Department of Defense had significant responsibilities for a procurement function with respect to a Government contractor while serving in a position identified by the Secretary of Defense under subsection (g)(1) may not accept compensation from that contractor for a period of two years following the individual's separation from service in the Department of Defense if that contractor is included in the notice provided that individual under subsection (d).

(2) Whoever knowingly violates paragraph (1) shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(3) An individual who knowingly offers or provides any compensation to an individual the acceptance of which is or would be in violation of paragraph (1) shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(b) LIMITATIONS ON CONTRACTORS.—(1) Each contract for procurement of goods or services entered into by the Department of Defense shall include a provision under which the contractor agrees not to provide compensation to an individual if the acceptance of such compensation by such individual would violate subsection (a)(1).

(2) Such a contract shall also provide that if the contractor knowingly violates a contract provision required by paragraph (1) the contractor shall pay to the United States, as liquidated damages under the contract, an amount equal to the greater of—

(A) $100,000; or

(B) three times the compensation paid by the contractor to the individual in violation of such contract provision.

(c) REPORTING OF EMPLOYMENT CONTACTS.—(1) If an officer or employee having responsibilities for a procurement function with respect to a Government contractor contacts, or is contacted by, the contractor regarding future compensation of the officer or employee by the contractor, the officer or employee shall—

(A) promptly report the contract to the officer or employee's supervisor and to the designated ethics official of the agency in which the officer or employee is serving;

(B) promptly report (as part of the report under subparagraph (A) or as a separate report) when contacts with the contractor concerning such compensation have been terminated without agreement or commitment to future compensation of the officer or employee by the contractor; and

(C) disqualify himself from all participation in the performance of procurement functions relating to contracts with that contractor until a report described in subparagraph (B) is made with respect to such contracts.

(2) If an officer or employee serving in a position with respect to which an exemption is in effect under subsection (g)(2) fails to disqualify himself as required by paragraph

(1)(C) with respect to procurement functions relating to contracts of a contractor, subsections (a) and (b) apply to acceptance of compensation by that officer or employee from that contractor.

(d) NOTICE TO OFFICERS AND EMPLOYEES LEAVING DOD SERVICE.—(1) The Secretary of Defense shall give the notice described in paragraph (2) to each officer and employee of the Department of Defense and each member of the Armed Forces—

(A) who after the effective date of this section is separated from service in the Department of Defense; and

(B) who during the two-year period before that separation served in a position in the Department that included significant responsibility for a procurement function and that was identified by the Secretary of Defense under subsection (g)(1).

(2) A notice required by paragraph (1) shall provide the individual receiving the notice—

(A) a written explanation of the provisions of this section; and

(B) the name of each contractor from whom such individual is prohibited from accepting compensation under this section during the two-year period following such separation from service in the Department of Defense.

(e) CONTRACTOR REPORTS.—(1)(A) Each contractor subject to a contract term described in subsection (b) shall submit to the Secretary of Defense not later than April 1 of each year a report covering the previous calendar year. Each such report shall list the name of each individual (together with other information adequate for the Government to identify the individual) who is a former Department of Defense officer or employee, or a former or retired member of the Armed Forces, who—

(i) was provided compensation by that contractor during the preceding calendar year, if such compensation was provided within two years after such officer or employee left service in the Department of Defense; and

(ii) had significant responsibilities for a procurement function during the individual's last two years of service in the Department of Defense.

(B) Each such listing shall—

(i) show each agency in which the individual was employed or served on active duty during the last two years of such individual's service in the Government;

(ii) show the individual's job titles during the last two years of such individual's service in the Government;

(iii) contain a full and complete description of the duties of the individual during the last two years of such service; and

(iv) contain a description of the duties (if any) that the individual is performing on behalf of the contractor.

(C) The first such report shall be submitted not later than April 1, 1987.

(2) The Secretary of Defense shall review each report under paragraph (1) to assess the report for accuracy and completeness and for the purpose of identifying possible violations of subsection (a) or (b) or paragraph (1). The Secretary shall report any such possible violation to the Attorney General.

(3) Whoever fails to file a report required by paragraph (1) shall be fined not more than $10,000.

(f) REVIEW BY DIRECTOR OF OFFICE OF GOVERNMENT ETHICS.—The Director of the Office of Government Ethics shall have access to the reports submitted under subsection (e)(1) and shall conduct an annual random review of the reports for violations of subsections (a), (b), and (e)(1). The Director shall submit a report to Congress not later than October 1 of each year on the operation of this section, including the findings of the Director based on the examination of reports for the preceding calendar year.

(g) COVERED POSITIONS.—(1) Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall prescribe and publish in the Federal Register regulations identifying those positions within the Department of Defense that have as their primary duty the management, direction, oversight, or justification, with respect to a particular product or service, of—

(A) development;

(B) production;

(C) funding;

(D) operational and developmental testing;

(E) auditing; or

(F) acquisition.

(2) Positions identified under paragraph (1) shall include as a minimum each position with respect to a contract or program—

(A) as the program manager or deputy program manager;

(B) as a program monitor;

(C) as a member of a source-selection evaluation board or of the technical and cost teams advising the board or as the official responsible for approval of a sole-source contract;

(D) as the head of the system's program office;

(E) as the source selection authority for the system; and

(F) in which an individual is assigned on a permanent basis in the government plant representative office.

(3) Regulations under paragraph (1) shall be revised not less often than once each year. Any revision of such regulations shall be published in the Federal Register.

(4)(A) When a vacancy occurs in a position identified under paragraph (1) and the Secretary of Defense determines that the duties inherent in that position involve significant responsibilities for procurement functions with so many contractors that implementation of subsections (a) and (b) with respect to individuals serving in that position would seriously hamper the ability of the Department of Defense to obtain the services of a highly qualified individual to fill that vacancy, the Secretary, with the concurrence of the Director of the Office of Government Ethics, may exempt the individual appointed to fill that vacancy from the provisions of such subsections by reason of service in such position.

(B) Whenever the Secretary grants an exemption under this paragraph, the Secretary shall promptly submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the exemption and setting forth the specific reasons for the exemption.

(h) EXCLUSION.—This section does not apply—

(1) to a contract for an amount less than $100,000; or

(2) to compensation of an individual by an entity that did not have a Department of Defense contract in excess of $100,000 at the time the individual had significant responsibilities for a procurement function with respect to a contract with that entity.

(i) ADVISORY OPINIONS FROM OFFICE OF GOVERNMENT ETHICS.—(1) An individual who is considering the propriety of accepting compensation that might place the individual in violation of subsection (a) may, before acceptance of such compensation, apply to the Director of the Office of Government Ethics for advice on the applicability of this section to the acceptance of such compensation.

(2) An application under paragraph (1) shall contain such information as the Director requires.

(j) WAIVER OF OTHERWISE APPLICABLE FINES UNDER TITLE 18.—The provisions of section 3623 of title 18, United States Code, shall not apply to maximum fines applicable under subsections (a)(2), (a)(3), and (e)(3).

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

(1) The term "compensation" includes any payment, gift, benefit, reward, favor, gratuity, or employment valued in excess of $100 at prevailing market price, provided directly, indirectly, or through a third party.

(2) The term "contractor" means any person, partnership, corporation, or agency (other than the Federal Government or the independent agencies thereof) that contracts to supply the Department of Defense with goods or services. Such term includes any parent, subsidiary, or affiliate thereof.

(3) The term "procurement function", with respect to a contract, means any acquisition action relating to the contract, including negotiating, awarding, administering, approving contract changes, costs analysis, quality assurance, operational and developmental testing, technical advice or recommendation, approval of payment, contractor selection, budgeting, auditing under the contract, or management of the procurement program.

(4) The term "Armed Forces" means the Army, Navy, Air Force, and Marine Corps and includes the Coast Guard when the Coast Guard is operating as a service in the Navy.

(l) SEPARATION OF MEMBERS OF ARMED FORCES.—For the purposes of this section, a member or former member of the Armed Forces shall be considered to have been separated from service in the Department of Defense upon such member's discharge or release from active duty.

(m) TRANSITION.—(1) This section—

(A) does not preclude the continuation of employment that began before the effective date of this section or the acceptance of compensation for such employment; and

(B) does not, except as provided in paragraph (2), apply to an individual whose service with the Department of Defense terminates before April 1, 1986.

(2) Paragraph (1)(B) does not preclude the application of this section to an individual with respect to service in the Department of Defense by such individual on or after April 1, 1986.

(n) EFFECTIVE DATE.—This section shall take effect on January 1, 1986.

By Mr. BARNES:

—Insert the following new section at the end of part C of title X (page 176, after line 8):

SEC. 1024. REPORT CONCERNING THE TESTING OF CHEMICAL WARFARE AGENTS.

The Secretary of Defense shall, within 90 days after the date of enactment of this Act, transmit a report to the Armed Services Committees of the Senate and House of Representatives describing the following matters concerning the testing of diluted or undiluted chemical warfare agents:

(1) the criteria and process used for selecting sites for such testing;

(2) the nature and extent of any consultation carried out with State and local officials before the site for such testing is selected;

(3) the consideration that is given to the proximity of residential dwelling units, schools, child care centers, nursing homes, hospitals, or other health care facilities to the testing site;

(4) whether an environmental impact statement should be required prior to the approval of a contract for such testing;

(5) any costs that may have to be incurred by the Federal Government to assist companies that carry out such testing to relocate to more isolated areas;

(6) the degree to which the Secretary estimates that such testing will increase or decrease;

(7) any recurring problems associated with such testing or the site selection process for such testing; and

(8) any changes in site selection process that are to be implemented by the Secretary or for which legislative action is necessary.

By Mr. BRYANT:

—Page 172, after line 20, add the following new section:

SEC. 1016. LIMITATIONS ON PAYMENTS.

(a) PROGRESS PAYMENTS.—The Secretary of Defense (hereinafter referred to in this section as the "Secretary") shall require that progress payments under a defense contract that provides for such payments be made only after the work for which payment is made is completed and in accordance with a schedule of payments commensurate with the initially estimated cost of completed work of acceptable quality.

(b) PROHIBITION.—No progress payments may be made on work for which the contractural terms, specifications, and price have not been made definite.

(c) REQUIREMENT OF AUDIT.—(1) The Secretary shall, in the case of any contract described in subsection (a), require that an audit of the work carried out in accordance with such contract be completed before the final payment is made with respect to such contract.

(2) The Secretary shall, within 180 days after the date of enactment of this Act, transmit a report to the Congress concerning the methods by which the requirement of paragraph (1) will be carried out.

(d) ACCESS TO CONTRACTOR RECORDS.—The Secretary shall require that each defense contract that provides for progress payments shall include a provision that the Secretary may suspend such payments upon any refusal of the contractor to provide to a defense auditor or any person designated by the Secretary of a military department any information required by the auditor.

(e) WAIVER OF SMALL PURCHASES.—This section does not apply to contracts for amounts less than the threshold for small purchases applicable under section 2304(g)(2) of title 10, United States Code.

(f) EFFECTIVE DATE.—This section shall apply only to contracts entered into, extended, or substantially altered after the end of the 180-day period beginning on the date of the enactment of this Act.

By Mr. COLEMAN of Texas:

—Page 147, insert the following after line 25:

Project 85-D-105, combined device assembly facility, Nevada Test Site, Nevada, $19,200,000, for a total project authorization of $26,800,000.

By Mr. ERDREICH:

—Page 176, after line 8, insert the following new section:

SEC. 1024. REPORT CONCERNING ABILITY OF UNITED STATES INDUSTRIES TO SERVE UNITED STATES DEFENSE NEEDS.

(a) IN GENERAL.—The Secretary of Defense shall submit to the Congress a report with respect to—

(1) the effect on industries of the United States—

(A) of the record trade deficits experienced by the United States in recent years, and the record trade deficit projected for the United States in 1985; and

(B) of the present status of the United States as a net debtor nation;

(2) the ability of such industries to meet the production needs of the Department of Defense; and

(3) the ability of the United States to provide for the defense of itself and its allies.

(b) SPECIFIC REQUIREMENT.—The report required by subsection (a) shall include recommendations for actions to ensure that the industries of the United States are capable of meeting the production needs of the Department of Defense in any time of national emergency.

(c) SUBMISSION OF REPORT.—The report required by subsection (a) shall be submitted on or before November 1, 1985.

By Mr. FOGLIETTA:

—Page 27, line 2, strike out "and".

Page 27, line 4, strike out the period and insert in lieu thereof "; and".

Page 27, after line 4, insert the following:

(5) $1,000,000 is available for use by the Defense Logistics Agency to conduct a demonstration of advance clothing manufacturing technology and to procure and field test military clothing produced using advanced manufacturing techniques.

By Ms. KAPTUR:

—Insert the following new section at the end of title V (page 68, after line 6):

SEC. 533. PROHIBITION ON CERTAIN RECRUITING PRACTICES.

The Secretary of Defense shall prohibit the use of any gift to induce any individual to become involved in communications with the Department of Defense or any military department concerning the recruitment of such individual for the armed forces.

By Mr. LAGOMARSINO:

—At the end of title V (page 68, after line 61) add the following new section:

SEC. 533. PRISONER OF WAR MEDAL.

(a) AUTHORITY TO AWARD PRISONER OF WAR MEDAL.—Chapter 57 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1128. Prisoner of war medal: award

"(a) The Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard when it is not operating as service in the Navy, may award, and present in the name of Congress, a service medal of appropriate design, with ribbons and appurtenances, to any person who, while serving in any capacity with the armed forces has been taken prisoner and held captive, on or after April 6, 1917—

"(1) while engaged in an action against an enemy of the United States;

"(2) while engaged in military operations involving conflict with an opposing foreign force; or

"(3) while serving with friendly forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

"(b) In prescribing regulations establishing the order of precedence of awards and decorations authorized to be displayed on the uniforms of members of the armed forces, the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall accord the prisoner of war medal authorized by subsection (a) a position of precedence, in relation to other awards and decorations authorized to be displayed, immediately following decorations awarded for individual heroism, meritorious achievement, or meritorious service, but before any other service medal, campaign medal, or service ribbon awarded the member.

"(c) Not more than one prisoner of war medal may be awarded to a person. However, for each succeeding service that would otherwise justify the award of such a medal, 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, may award a suitable device to be worn as the Secretary determines.

"(d) If a person dies before the award of a prisoner of war medal to which he is entitled, the award may be made and the medal presented to his representative, as designated by the Secretary of Defense or Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

"(e) For a person to be eligible for award of a prisoner of war medal, the person's conduct must have been honorable for the period of captivity which serves as the basis for the award.

"(f) Under regulations to be prescribed by the Secretary of Defense and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a prisoner of war medal that has been lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was awarded may be replaced upon application without charge.".

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

"1128. Prisoner of war medal: award.".

By Mr. LEVINE of California:

—At the end of title VIII (page 143, after line 19), add the following new section:

SEC. 802. MULTIPLE SOURCES FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) IN GENERAL.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2305 the following new section:

"§ 2305a. Major programs: development of multiple sources

"(a)(1) The Secretary of Defense may not begin fullscale engineering development under a major program until—

"(A) the Secretary prepares a plan for competition under the program; and

"(B) the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report describing that plan.

"(2) Each contract for the development and acquisition of the system under the program (and of each major subsystem under the program) shall be awarded in accordance with the plan prepared under paragraph (1).

"(3) The report required by paragraph (1)(B) shall be submitted not later than the submission of the budget materials the Secretary submits to Congress for the fiscal year for which the initial request is made

for appropriations for full-scale engineering development of the program.

"(4) If the Secretary proposes to revise a competition plan prepared under paragraph (1) after the report on the plan is submitted under that paragraph, the Secretary shall submit to the committees a report describing the proposed revision. Such a revision may not be implemented until 60 days after the report on the revision is received by those committees.

"(b)(1) The Secretary shall include in the competition plan for a major program an estimate of whether market conditions for such system (and each such subsystem) exist such that the Secretary has a reasonable expectation that there will be competitive alternative sources of supply for the system (and each such subsystem) throughout the period from the beginning of full-scale engineering development through the end of production under the program.

"(2) If the Secretary's estimate under paragraph (1) that competitive alternative sources of supply will exist later proves incorrect in that fewer than two responsive proposals are received in reply to a request for proposals, the Secretary shall revise the competition plan in accordance with subsection (c)(1).

"(3) Each contract (including a following-on contract) for full-scale engineering development or production under a major program shall be entered into using competitive procedures.

"(c)(1) In preparing the portions of a plan that are required by subsection (b)—

"(A) if the Secretary determines that competitive alternative sources of supply with respect to the system (or a major subsystem of the system) would not otherwise be available throughout the full-scale engineering development of the system (or major subsystem), the Secretary shall provide in the plan for the award of contracts under the program so as to provide and maintain at least two sources of supply for full-scale engineering development; and

"(B) if the Secretary determines that alternative sources of supply with respect to the system (or a major subsystem of the system) would not otherwise be available throughout the production of the system (or major subsystem), the Secretary shall provide in the plan for the award of contracts under the program so as to provide and maintain at least two sources of supply for production.

"(2) If a competition plan includes a provision required by paragraph (1)(B), the plan shall also provide that of the total dollar amount of contracts awarded for a fiscal year for production of the system (or major subsystem)—

"(A) the amount awarded to the contractor whose proposal was most advantageous to the United States shall be greater than the amount awarded any other contractor; and

"(B) the amount awarded any other contractor shall be sufficient to enable that contractor to compete effectively for the plurality of the next production contract for the system (or major subsystem).

"(3) The Secretary shall determine which proposal is most advantageous to the United States by considering price and other factors included in the solicitation for proposals for the contract.

"(4) The Secretary may waive provisions of a plan required by paragraph (1) if the Secretary determines that the proposal of the contractor submitting the proposal that is the second most advantageous to the United States is not within a comparative range (as determined by the Secretary) of the proposal that is the most advantageous to the United States.

"(5) In carrying out this subsection, the Secretary may provide that the requirements of a competition plan are satisfied even though the contractors do not develop or produce identical systems if the systems developed or produced serve similar functions and compete effectively with each other.

"(d)(1) In preparing a competition plan for a major program, the Secretary (subject to paragraph (4)) may waive the requirements of subsections (b) and (c) with respect to that program if the Secretary determines that the application of those subsections to that program—

"(A) would materially increase the total cost of the program; or

"(B) would unreasonably delay the completion of the total program.

"(2) If the Secretary grants a waiver under paragraph (1), the report submitted under subsection (a)(1) with respect to that program—

"(A) shall include notice that such waiver has been made; and

"(B) shall set forth the reasons for the waiver, together with supporting documentation of comparative cost and schedule estimates.

"(3) The exercise of the authority provided under paragraph (1) shall be made separately with respect to the application of subsections (b) and (c)—

"(A) to full-scale engineering development of the program; and

"(B) to production of the program.

"(4) The Secretary may not grant a waiver under paragraph (1) if the waiver would cause the total cost of either the major development programs or the major production programs for which all such waivers have been granted to exceed 50 percent of the total cost of all the major development programs or the major production programs, respectively, that enter full-scale engineering development after fiscal year 1986.

"(f) In this section:

"(1) 'Major program' means a major defense acquisition program, as such term is defined in section 139a(a) of this title.

"(2) 'Major subsystem', with respect to a major program, means a subsystem of the system developed under the program for which—

"(A) the amount for research, development, test, and evaluation is 10 percent or more of the amount specified in section 139a(a)(1)(B) of this title as the research, development, test, and evaluation funding criterion for identification of a major defense acquisition program; or

"(B) the amount for production is 10 percent or more of the amount specified in section 139a(a)(1)(B) of this title as the production funding criterion for identification of a major defense acquisition program.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2305 the following new item:

"2305a. Major programs: development of multiple sources.".

(b) EFFECTIVE DATE.—Section 2305a of title 10, United States Code, as added by subsection (a), shall apply with respect to major defense acquisition programs for which funds for full-scale engineering development are first provided for a fiscal year after fiscal year 1986.

By Ms. MIKULSKI:

—At the end of the bill add the following new section:

SEC. . No merchant vessel which is committed to the foreign trade of the United States and the plans and specifications of which have been approved by the Secretary of the Navy as suitable for economical and speedy conversion into a naval or military auxiliary, or otherwise suitable for use by the United States Government in time of war or national emergency, shall be released from any commitments entered into with the United States Government unless the Secretary of the Navy determines that such release shall not reduce the number of militarily useful liquid bulk carriers readily available to the United States in time of war or national emergency.

By Mr. MOAKLEY:

—Insert the following at the end of part D of title VI (page 118, after line 4):

SEC. 655. ADVISORY PANEL.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish and appoint, within 180 days after the date of enactment of this Act (but not before October 1, 1985), an Advisory Panel on Medical Aspects of Casualty Resolution (hereafter in this section referred to as the "advisory panel"). The advisory panel shall study the procedures used by the military departments for medical casualty investigations relating to members of an armed force who die or are seriously injured while on active duty.

(b) MEMBERS.—The advisory panel shall be composed of eight members, as follows:

(1) three practitioners of medicine who are recognized experts in the investigation of causes of deaths and are not otherwise employed by the Federal Government;

(2) the Director of the Armed Forces Institute of Pathology;

(3) two individuals, not otherwise employed by the Federal Government, qualified to represent the interests and concerns of families of members of the armed forces; and

(4) two individuals who are civilian or military employees of the Department of Defense, or of an armed force, whose principal duties as employees are related to the investigation of military casualties or liaison with families of such casualties.

(c) CHAIRMAN.—The Secretary shall designate one of the members of the advisory panel as Chairman.

(d) DUTIES.—The advisory panel shall study and investigate, and make recommendations to the Secretary of Defense with respect to, the following:

(1) The need, and appropriate standards, for uniform policies of the military departments with respect to autopsies of members of the armed forces who die while on active duty, taking into account religious sensibilities of members and their families.

(2) The need, and appropriate standards, for a policy of the Department of Defense with respect to independent review of autopsies, and other aspects of medical casualty investigations, conducted by the armed forces, including the appropriate role of the Armed Forces Institute of Pathology.

(3) Appropriate policies and procedures for retaining, in safekeeping, all medical investigative materials (including photographs, specimens, slide and other records of any autopsy), and, to the extent not inconsistent with national security, making such materials available to survivors of members of the armed forces who die while on active duty.

(4) The desirability of establishing an independent board of medical examination in the Department of Defense which consists of 5 or more practitioners of medicine who are recognized experts in the investigation of causes of death and the primary function of which would be to advise the Secretary of Defense on the operation of the Armed Forces Institute of Pathology and on the reliability and independence of the Institute's investigations of military casualties.

(e) EXPENSES.—Expenses incurred by the advisory panel may be paid out of funds appropriated to the Department of Defense for operation and maintenance for any fiscal year after fiscal year 1985, including per diem and reimbursement for travel expenses of members of the advisory panel who are not otherwise employed by the Federal government to attend meetings.

(f) REPORT.—(1) The advisory panel shall submit a report to the Secretary of Defense within one year after the appointment of its members.

(2) Within 180 days thereafter, the Secretary shall forward the report to the Congress accompanied by—

(A) the Secretary's evaluation of the advisory panel's report;

(B) an analysis and description of all actions taken by the Department of Defense and the military departments to implement any recommendation of such panel; and

(C) the Secretary's recommendations with respect to any legislation needed to implement any such recommendation.

By Mr. MONSON:

—At the end of title X (page 200, after line 4) add the following new section:

SEC. 1050. SALE OF CERTAIN RECORDINGS OF UNITED STATES AIR FORCE BAND.

(a) AUTHORIZED SALE.—Notwithstanding any other provision of law, the Secretary of the Air Force may produce recordings of the concert of the United States Air Force Band in Salt Lake City, Utah, on April 18 and 19, 1985, for commercial sale.

(b) AUTHORIZED CONTRACT.—The Secretary 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).

By Mr. RAY:

—At the end of title X (page 200, after line 4) insert the following new section:

SEC. 1050. DEFENSE INDUSTRIAL BASE FOR TEXTILE AND APPAREL PRODUCTS.

(a) CAPABILITY OF DOMESTIC TEXTILE AND APPAREL INDUSTRIAL BASE.—The Secretary of Defense shall monitor the capability of the domestic textile and apparel industrial base to support defense mobilization requirements.

(b) ANNUAL REPORT.—The Secretary shall submit to Congress not later than April 1 of each of the five years beginning with 1986 a report on the status of such industrial base. Each such report shall include—

(1) an identification of textile and apparel mobilization requirements of the Department of Defense that cannot be satisfied on a timely basis by the domestic industries;

(2) an assessment of the effect any inadequacy in the textile and apparel industrial base would have on a defense mobilization; and

(3) recommendations for ways to alleviate any inadequacy in such industrial base that the Secretary considers critical to defense mobilization requirements.

By Mrs. SCHROEDER:

—Strike out part F of title VI (page 122, line 13 through page 137, line 16) and insert in lieu thereof the following (and redesignate the sections of part G accordingly):

PART F—SURVIVOR BENEFIT PLAN IMPROVEMENTS

SEC. 670. SHORT TITLE.

This part may be cited as the "Survivor Benefit Plan Amendments of 1985".

Subpart 1—General Program Changes

SEC. 671. ESTABLISHMENT OF TWO-TIER BENEFIT SYSTEM AND ELIMINATION OF SOCIAL SECURITY OFFSET.

(a) REVISION IN SBP ANNUITY COMPUTATION.—Section 1451 of title 10, United States Code, is amended to read as follows:

"§ 1451. Amount of annuity

"(a)(1) In the case of a standard annuity provided to a beneficiary under section 1450(a) of this title (other than under section 1450(a)(4)), the monthly annuity payable to the beneficiary shall be determined as follows:

"(A) If the beneficiary is under 62 years of age when becoming entitled to the annuity, the monthly annuity shall be the amount equal to 55 percent of the base amount (as the base amount is adjusted from time to time under subsection 1401a of this title).

"(B) If the beneficiary is 62 years of age or older when becoming entitled to the annuity, the monthly annuity shall be the amount equal to 35 percent of the base amount (as the base amount is adjusted from time to time under section 1401a of this title). However, if the beneficiary is eligible to have the annuity computed under that subsection (e) and if an annuity computed under that subsection is more favorable to the beneficiary, the annuity shall be computed under that subsection.

"(2) In the case of a reserve-component annuity provided to a beneficiary under section 1450(a) of this title (other than under section 1450(a)(4)), the monthly annuity payable to the beneficiary shall be determined as follows:

"(A) If the beneficiary is under 62 years of age when becoming entitled to the annuity, the monthly annuity shall be the amount equal to a percentage of the base amount (as the base amount is adjusted from time to time under section 1401a of this title) that—

"(i) is less than 55 percent; and

"(ii) is determined under subsection (f).

"(B) If the beneficiary is 62 years of age or older when becoming entitled to the annuity, the monthly annuity shall be the amount equal to a percentage of the base amount (as the base amount is adjusted from time to time under section 1401a of this title) that—

"(i) is less than 35 percent; and

"(ii) is determined under subsection (f).

However, if the beneficiary is eligible to have the annuity computed under subsection (e) and if an annuity computed under that subsection would be more favorable to the beneficiary, the annuity shall be computed under that subsection.

"(b)(1) In the case of a standard annuity provided to a beneficiary under section 1450(a)(4) of this title, the monthly annuity payable to the beneficiary shall be the amount equal to 55 percent of the retired pay of the person who elected to provide the annuity after the reduction in that pay in accordance with section 1452(c) of this title.

"(2) In the case of a reserve-component annuity provided to a beneficiary under section 1450(a)(4) of this title, the monthly annuity payable to the beneficiary shall be the amount equal to a percentage of the retired pay of the person who elected to provide the annuity after the reduction in such pay in accordance with section 1452(c) of this title that—

"(A) is less than 55 percent; and

"(B) is determined under subsection (f).

"(3) For the purposes of paragraph (2), a person—

"(A) who provides an annuity that is determined in accordance with that paragraph;

"(B) who dies before becoming 60 years of age; and

"(C) who at the time of death is otherwise entitled to retired pay,

shall be considered to have been entitled to retired pay at the time of death. The retired pay of such person for the purposes of such paragraph shall be computed on the basis of the rates of basic pay in effect on the date on which the annuity provided by such person is to become effective in accordance with the designation of such person under section 1448(e) of this title.

"(c)(1) In the case of an annuity provided under section 1448(d) or 1448(f) of this title to the surviving spouse or child of a member or former member, the amount of the annuity shall be determined as follows:

"(A) If the person receiving the annuity is under 62 years of age when the member or former member dies, the monthly annuity shall be the amount equal to 55 percent of the retired pay to which the member or former member would have been entitled if the member or former member had been entitled to that pay based upon his years of active service when he died.

"(B) If the person receiving the annuity is 62 years of age or older when the member or former member dies, the monthly annuity shall be the amount equal to 35 percent of the retired pay to which the member or former member would have been entitled if the member or former member had been entitled to that pay based upon his years of active service when he died. However, if the beneficiary is eligible to have the annuity computed under subsection (e) and if an annuity computed under that subsection is more favorable to the beneficiary, the annuity shall be computed under that subsection.

"(2) In the case of an annuity provided under section 1448(d) or 1448(f) of this title to a former spouse of the person providing the annuity, the amount of the monthly annuity shall be the amount equal to 55 percent of the retired pay to which the member or former member would have been entitled if the member or former member had been entitled to that pay based upon the years of active service of the member when the member died.

"(3) An annuity computed under paragraph (1) that is paid to a surviving spouse shall be reduced by the amount of dependency and indemnity compensation to which the surviving spouse is entitled under section 411(a) of title 38. Any such reduction shall be effective on the date of the commencement of the period of payment of such compensation under title 38.

"(4) In the case of an annuity provided by a member described in section 1448(d)(1)(C) of this title, the retired pay to which the member would have been entitled when he died shall be determined based upon the rate of basic pay in effect at the time of death for the highest grade other than a commissioned officer grade in which the member served on active duty satisfactorily, as determined by the Secretary concerned.

"(5) In the case of an annuity paid under section 1448(f) of this title, the retired pay of the person providing the annuity shall for the purposes of paragraphs (1) and (2) be computed on the basis of the rates of basic pay in effect on the effective date of the annuity.

"(d) The annuity of a person whose annuity is computed under clause (A) of subsection (a)(1), (a)(2), or (c)(1) shall be reduced on the first day of the month after the month in which the person becomes 62 years of age. The revised amount of the annuity shall be the amount of the annuity that the person would be receiving on that date if the annuity of the person had initially been computed under clause (b) of that subsection.

"(e)(1) The following persons are eligible to have an annuity under the Plan computed under this subsection:

"(A) A beneficiary receiving an annuity under the Plan on October 1, 1985, as the widow or widower of the person providing the annuity.

"(B) A spouse beneficiary of a person who on October 1, 1985, is a participant in the Plan.

"(2) Subject to paragraph (3), an annuity computed under this subsection shall be determined as follows:

"(A) In the case of a beneficiary of a standard annuity under section 1450(a) of this title, the annuity shall be the amount equal to 55 percent of the base amount (as the base amount is adjusted from time to time under section 1401a of this title).

"(B) In the case of a beneficiary of a reserve-component annuity under section 1450(a) of this title, the annuity shall be the percentage of the base amount (as the base amount is adjusted from time to time under section 1401a of this title) that—

"(i) is less than 55 percent; and

"(ii) is determined under subsection (f).

"(C) In the case of a beneficiary of an annuity under section 1448(d) or 1448(f) of this title, the annuity shall be the amount equal to 55 percent of the retired pay of the person providing the annuity (as that pay is determined under subsection (c)).

"(3) An annuity computed under this subsection shall be reduced by the lesser of—

"(A) the amount of the survivor benefit, if any, to which the widow or widower would be entitled under title II of the Social Security Act (42 U.S.C. 401 et seq.) based solely upon service by the person concerned as described in section 210(1)(1) of such Act (42 U.S.C. 410(1)(1)) and calculated assuming that the person concerned lives to age 65; or

"(B) 40 percent of the amount of the monthly annuity as determined under paragraph (2).

"(4)(A) For the purpose of paragraph (3), a widow or widower shall not be considered as entitled to a benefit under title II of the Social Security Act (42 U.S.C. 401 et seq.) to the extent that such benefit has been offset by deductions under section 203 of such Act (42 U.S.C. 403) on account of work.

"(B) In the computation of any reduction made under paragraph (3), there shall be excluded any period of service described in section 210(1)(1) of the Social Security Act (42 U.S.C. 410(1)(1))—

"(i) which was performed after December 1, 1980; and

"(ii) which involved periods of service of less than 30 continuous days for which the person concerned is entitled to receive a refund under section 6413(c) of the Internal Revenue Code of 1954 of the social security tax which the person had paid.

"(f) The percentage to be applied in determining the amount of an annuity computed under subsection (a)(2), (b)(2), or (e)(2)(B) shall be determined under regulations prescribed by the Secretary of Defense. Such regulations shall be prescribed taking into consideration—

"(1) the age of the person electing to provide the annuity at the time of such election;

"(2) the difference in age between such person and the beneficiary of the annuity;

"(3) whether such person provided for the annuity to become effective (in the event he died before becoming 60 years of age) on the day after his death or on the 60th anniversary of his birth;

"(4) appropriate group annuity tables; and

"(5) such other factors as the Secretary considers relevant.

"(g)(1) Whenever retired pay is increased under section 1401a of this title (or any other provision of law), each annuity that is payable under the Plan shall be increased at the same time by the same total percent. The amount of the increase shall be based on the monthly annuity payable before any reduction under section 1450(c) of this title or under subsection (c)(2).

"(2) The monthly amount of an annuity payable under this subchapter, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(b) CONFORMING AMENDMENT.—Section 641 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2545), is repealed, effective as of September 1, 1985.

SEC. 672. SBP COVERAGE FOR MEMBERS WHO DIE AFTER 20 YEARS OF SERVICE.

(a) IN GENERAL.—Section 1448(d) of title 10, United States Code, is amended to read as follows:

"(d)(1) The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of a member who dies on active duty after—

"(A) becoming eligible to receive retired pay;

"(B) qualifying for retired pay except that he has not applied for or been granted that pay; or

"(C) completing 20 years of active service but before he is eligible to retire as a commissioned officer because he has not completed 10 years of active commissioned service.

"(2) The Secretary concerned shall pay an annuity under this subchapter to the dependent child of a member described in paragraph (1) if the member and the member's spouse die as a result of a common accident.

"(3) If a member described in paragraph (1) is required under a court order or spousal agreement to provide an annuity to a former spouse upon becoming eligible to be a participant in the Plan or has made an election under subsection (b) to provide an annuity to a former spouse, the Secretary—

"(A) may not pay an annuity under paragraph (1) or (2); but

"(B) shall pay an annuity to that former spouse as if the member had been a participant in the Plan and had made an election under subsection (b) to provide an annuity to the former spouse, or in accordance with that election, as the case may be, if the Secretary receives a written request from the former spouse concerned that the election be deemed to have been made in the same manner as provided in section 1450(f)(3) of this title.

"(4) An annuity that may be provided under this subsection shall be provided in preference to an annuity that may be provided under any other provision of this subchapter on account of service of the same member.

"(5) The amount of an annuity under this subsection is computed under section 1451(c) of this title.".

(b) PERSONS COVERED.—(1) Section 1448(d) of title 10, United States Code, as amended by subsection (a), applies to the surviving spouse and dependent children of a person who dies on active duty after September 20, 1972, and the former spouse of a person who dies after September 7, 1982.

(2) In the case of the surviving spouse and dependents of a person who dies during the period beginning on September 21, 1972, and ending on October 1, 1985, the Secretary concerned shall take appropriate steps to locate persons eligible for an annunity under section 1448(d) of title 10, United States Code, as amended by subsection (a). Any such person must submit an application to the Secretary for such an annuity before October 1, 1988, to be eligible to receive such annunity. Any such annuity shall be effective only for months after the month in which the Secretary receives such application.

SEC. 673. ANNUITY FOR SURVIVORS OF CERTAIN RETIREMENT ELIGIBLE RESERVISTS.

(a) ELIGIBILITY.—Section 1448 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(f)(1) The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of a person who is eligible to provide a reserve-component annuity and who dies—

"(A) before being notified under section 1331(d) of this title that he has completed the years of service required for eligibility for retired pay under chapter 67 of this title; or

"(B) during the 90-day period beginning on the date he receives notification under section 1331(d) of this title that he has completed the years of service required for eligibility for retired pay under chapter 67 of this title if he had not made an election under subsection (a)(2)(B) to participate in the Plan.

"(2) The Secretary concerned shall pay an annuity under this subchapter to the dependent child of a person described in paragraph (1) if the person and the person's spouse die as a result of a common accident.

"(3) If a person described in paragraph (1) is required under a court order or spousal agreement to provide an annuity to a former spouse upon becoming eligible to be a participant in the plan or has made an election under subsection (b) to provide an annuity to a former spouse, the Secretary—

"(A) may not pay an annuity under paragraph (1) or (2); but

"(B) shall pay an annuity to that former spouse as if the person had been a participant in the Plan and had made an election under subsection (b) to provide an annuity to the former spouse, or in accordance with that election, as the case may be, if the Secretary receives a written request from the former spouse concerned that the election be deemed to have been made in the same manner as provided in section 1450(f)(3) of this title.

"(4) The amount of an annuity under this subsection is computed under section 1451(c) of this title.".

(b) EFFECTIVE DATE OF ANNUITY.—Section 1450(j) of such title is amended by adding at

the end thereof the following new sentence: "An annuity payable under section 1448(f) of this title shall be effective on the day after the date of the death of the person upon whose service the right to the annuity is based.".

(c) PERSONS COVERED.—(1) Section 1448(f) of title 10, United States Code, as added by subsection (a), shall apply to the surviving spouse and dependent children of any person who dies after September 30, 1978, and the former spouse of a person who dies after September 7, 1982.

(2) In the case of the surviving spouse and dependents of a person who dies during the period beginning on September 30, 1978, and ending on October 1, 1985, the Secretary concerned shall take appropriate steps to locate persons eligible for an annuity under section 1448(f) of title 10, United States Code, as added by subsection (a). Any such person must submit an application to the Secretary for such an annuity before October 1, 1988, to be eligible to receive such annuity. Any such annuity shall be effective only for months after the month in which the Secretary receives such application.

SEC. 674. INDEXING OF THRESHOLD AMOUNT FOR CALCULATION OF REDUCTION OF RETIRED PAY.

Section 1452(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(a)";

(2) in the first sentence—

(A) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively;

(B) in clause (A) (as so redesignated)—

(i) by inserting "(as adjusted from time to time under paragraph (4))" after "$300"; and

(ii) by striking out "an annuity by virtue of eligibility under section 1448(a)(1)(A) of this title" and inserting in lieu thereof "a standard service annuity"; and

(C) in clause (B) (as so redesignated), by striking out "an annuity by virtue of eligibility under section 1448(a)(1)(A)" and inserting in lieu thereof "a reserve-component annuity";

(3) by designating the second sentence as paragraph (2) and striking out "As long as" and all that follows through "that amount" and inserting in lieu thereof "If there is a dependent child as well as a spouse, the amount prescribed under paragraph (1)";

(4) by designating the third sentence as paragraph (3) and in such sentence by striking out "the first sentence of this subsection" and inserting in lieu thereof "paragraph (1)"; and

(5) by adding at the end thereof the following new paragraph:

"(4) Whenever there is an increase in the rates of basic pay of members of the armed forces, the amount under paragraph (1)(A) with respect to which the percentage factor of 2½ is applied shall be increased by the overall percentage of such increase in rates of basic pay. Any such increase shall apply with respect to persons who initially become participants in the Plan on or after the effective date of such increase.".

SEC. 675. SBP COVERAGE UPON REMARRIAGE.

(a) OPTION NOT TO RESUME COVERAGE UPON REMARRIAGE.—Section 1448(a) of title 10, United States Code, is amended by adding at the end thereof the following new paragraph:

"(6)(A) A person—

"(i) who is a participant in the Plan and is providing coverage for a spouse or a spouse and child;

"(ii) who does not have an eligible spouse beneficiary under the Plan; and

"(iii) who remarries,

may elect, with the concurrence of the person's spouse, not to provide coverage under the Plan for the person's spouse.

"(B) If such an election is made, no reduction in the retired pay of such person under section 1452 of this title may be made. An election under this paragraph—

"(i) is irrevocable;

"(ii) shall be made within one year after the person's marriage; and

"(iii) shall be made in such form and manner as may be prescribed in regulations under section 1455 of this title.

"(C) This paragraph does not affect any right or obligation to elect to provide an annuity to a former spouse under subsection (b).".

(b) OPTION TO PROVIDE HIGHER COVERAGE UPON PAYMENT OF AMOUNTS NOT PREVIOUSLY WITHHELD.—Section 1448 of such title is amended by adding after subsection (f), as added by the amendment made by section 673(a), the following new subsection:

"(g)(1) A person—

"(A) who is a participant in the Plan and is providing coverage under subsection (a) for a spouse or a spouse and child, but at less than the maximum level; and

"(B) who remarries,

may elect, within one year of such remarriage, to increase the level of coverage provided under the Plan to a level not in excess of the current retired pay of that person.

"(2) Such an election shall be contingent on the person paying to the United States the amount determined under paragraph (3) plus interest on such amount at a rate determined under regulations prescribed by the Secretary of Defense.

"(3) The amount referred to in paragraph (2) is the amount equal to the difference between—

"(A) the amount that would have been withheld from such person's retired pay under section 1452 of this title if the higher level of coverage had been in effect from the time the person became a participant in the Plan; and

"(B) the amount of such person's retired pay actually withheld.

"(4) An election under paragraph (1) shall be made in such manner as the Secretary shall prescribe and shall become effective upon receipt of the payment required by paragraph (2).

"(5) Any payment received under this subsection by the Secretary of Defense shall be deposited into the Department of Defense Military Retirement Fund. Any other payment received under this subsection shall be deposited in the Treasury as miscellaneous receipts.".

SEC. 676. OPTION TO COVER BOTH A FORMER SPOUSE AND DEPENDENT CHILDREN OF A MEMBER.

(a) OPTION TO PROVIDE COVERAGE.—Section 1448(b) of title 10, United States Code, is amended—

(1) by inserting "(other than a child who is a beneficiary under an election under paragraph (4))" in the second sentence of paragraph (2) after "that spouse or child";

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) A person who elects to provide an annuity for a former spouse under paragraph (2) or (3) may, at the time of the election, elect to provide coverage under that annuity for both the former spouse and a dependent child, if the child resulted from the person's marriage to that former spouse.".

(b) REVISION FOR FORMER SPOUSE COVERAGE ALREADY IN EFFECT.—A person who before the date of the enactment of this Act made an election under section 1448(b) of title 10, United States Code, to provide an annuity for a former spouse may elect, within the one-year period beginning on that date of enactment, to change that election so as to provide an annuity for the former spouse and the dependent children of the person, as authorized by paragraph (4) of that section added by subsection (a). Such an election may be made even though the former spouse for who the annuity was provided has died.

SEC. 677. AUTHORITY TO REPAY REFUNDED SBP DEDUCTIONS IN INSTALLMENTS.

Section 1450(k) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(k)";

(2) by striking out "had never been made," and all that follows and inserting in lieu thereof "had never been made."; and

(3) by adding at the end thereof the following new paragraph:

"(2) A widow or widower whose annuity is readjusted under paragraph (1) shall repay any amount refunded under subsection (e) by reason of the adjustment under subsection (c). If the repayment is not made in a lump sum, the widow or widower shall pay interest on the amount to be repaid commencing on the date on which the first such payment is due and applied over the period during which any part of the repayment remains to be paid. The manner in which such repayment shall be made, and the rate of any such interest, shall be prescribed in regulations under section 1455 of this title. Any amount repaid under this paragraph (including any such interest) received by the Secretary of Defense shall be deposited into the Department of Defense Military Retirement Fund. Any other amount repaid under this paragraph shall be deposited into the Treasury as miscellaneous receipts.".

SEC. 678. EFFECTIVE DATE OF DIC OFFSET.

Section 1450(c) of title 10, United States Code, is amended by adding at the end thereof the following new sentence: "Any reduction in an annuity under this section required by the preceding sentence shall be effective on the date of the commencement of the period of payment of such compensation under title 38.".

SEC. 679. TECHNICAL AMENDMENTS TO SBP STATUTE.

Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(1) Section 1447 is amended by adding at the end thereof the following new paragraphs:

"(11) 'Retired pay' includes retainer pay.

"(12) 'Standard annuity' means an annuity provided by virtue of eligibility under section 1448(a)(1)(A) of this title.

"(13) 'Reserve-component annuity' means an annuity provided by virtue of eligibility under section 1448(a)(1)(B) of this title.".

(2) Section 1447(2)(C) is amended—

(A) by striking out "an annuity by virtue of eligibility under section 1448(a)(1)(A) of this title" in subclause (i) and inserting in lieu thereof "a standard annuity"; and

(B) by striking out "an annuity by virtue of eligibility under section 1448(a)(1)(B) of this title" in subclause (ii) and inserting in lieu thereof "a reserve-component annuity".

(3) Paragraphs (1) and (2) of section 1448(b) are each amended by striking out "an annuity under this paragraph by virtue of eligibility under subsection (a)(1)(B)" and

inserting in lieu thereof "a reserve-component annuity".

(4) Section 1450(b) is amended by striking out "under this section" and inserting in lieu thereof "under the Plan".

(5) Section 1450(j) is amended by striking out "any person providing an annuity by virtue of eligibility under section 1448(a)(1)(B) of this title" and inserting in lieu thereof "a person providing a reserve-component annuity".

(6) Section 1450(1) is amended—

(A) by striking out "the plan" both places it appears in the first sentence of paragraph (1) and inserting in lieu thereof "the Plan"; and

(B) by striking out "the provision of" in paragraph (2).

(7) Section 1452(c) is amended—

(A) by striking out "the annuity by virtue of eligibility under section 1448(a)(1)(A) of this title" and inserting in lieu thereof "a standard annuity"; and

(B) by striking out "the annuity by virtue of eligibility under section 1448(a)(1)(B) of this title" and inserting in lieu thereof "a reserve-component annuity";

(8)(A) The following sections are each amended by striking out "or retainer" each place it appears: 1448(a)(1)(A), 1448(a)(2)(A), 1448(b)(3)(B), 1450(d), 1450(e), 1450(l)(1), 1450(l)(3)(A)(i), 1452.

(B) The heading for section 1452, and the item relating to that section in the table of sections at the beginning of such subchapter, are each amended by striking out the penultimate and antepenultimate words.

Subpart 2—Provisions Relating to Rights for Spouses and Former Spouses

SEC. 681. SPOUSAL CONCURRENCE FOR ELECTIONS.

(a) CONCURRENCE FOR SBP COVERAGE.—Section 1448(a) of title 10, United States Code, is amended—

(1) by inserting "(with his spouse's concurrence, if required under paragraph (3))" in paragraph (2)(A) after "unless he elects"; and

(2) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3)(A) A married person who is eligible to provide a standard annuity may not without the concurrence of the person's spouse elect—

"(i) not to participate in the Plan;

"(ii) to provide an annuity for the person's spouse at less than the maximum level; or

"(iii) to provide an annuity for a dependent child but not for the person's spouse.

"(B) A married person who elects to provide a reserve-component annuity may not without the concurrence of the person's spouse elect—

"(i) to provide an annuity for the person's spouse at less than the maximum level; or

"(ii) to provide an annuity for a dependent child but not for the person's spouse.

"(C) A person may make an election described in subparagraph (A) or (B) without the concurrence of the person's spouse if the person establishes to the satisfaction of the Secretary concerned—

"(i) that the spouse's whereabouts cannot be determined; or

"(ii) that, due to exceptional circumstances, requiring the person to seek the spouse's consent would otherwise be inappropriate.

"(D) This paragraph does not affect any right or obligation to elect to provide an annuity for a former spouse (or for a former spouse and dependent child) under subsection (b)(2).

"(E) If a married person who is eligible to provide a standard annuity elects to provide an annuity for a former spouse (or for a former spouse and dependent child) under subsection (b)(2), that person's spouse shall be notified of that election.".

(b) CONCURRENCE FOR ELECTION OF COVERAGE AT LESS THAN MAXIMUM AMOUNT.—Section 1447(2)(C) of such title is amended by inserting "(with the concurrence of the person's spouse, if required under section 1448(a)(3) of this title)" after "designated by the person".

SEC. 682. CLARIFICATION OF STATUS OF SPOUSAL AGREEMENTS.

Section 1450(f)(3) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting "or has been filed with the court of appropriate jurisdiction in accordance with applicable State law" after "by a court order"; and

(B) by inserting "or receives a statement from the clerk of the court (or other appropriate official) that such agreement has been filed with the court in accordance with applicable State law" before the period; and

(2) in subparagraphs (B) and (C), by inserting "or filing" after "court order".

SEC. 683. NOTICE OF ELECTIONS AVAILABLE.

Section 1455 of title 10, United States Code, is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) provide that before the date the member becomes entitled to retired pay—

"(A) if the member is married, the member and the member's spouse shall be informed of the elections available under section 1448(a) of this title and the effects of such elections; and

"(B) if the notification referred to in section 1448(a)(3)(E) of this title is required, any former spouse of the member shall be informed of the elections available and the effects of such elections; and

"(2) establish procedures for depositing the amounts referred to in sections 1448(g), 1450(k)(2), and 1452(d) of this title.".

Subpart 3—Effective Date

SEC. 690. EFFECTIVE DATE.

(a) EFFECTIVE DATE.—Except as otherwise provided in this part, the amendments made by this part shall take effect on the later of—

(1) October 1, 1985; and

(2) the first day of the first month beginning more than 90 days after the date of the enactment of this Act.

(b) PROSPECTIVE BENEFITS ONLY.—No benefits shall accrue to any person by virtue of the enactment of this part for any period before the effective date under subsection (a).

—Page 166, after line 2, insert the following title (and redesignate the succeeding title and sections accordingly):

TITLE X—MILITARY FAMILY POLICY AND PROGRAMS

SEC. 1001. SHORT TITLE.

This title may be cited as the "Military Family Act".

SEC. 1002. OFFICE OF FAMILY POLICY.

(a) ESTABLISHMENT.—There is herey established in the Office of the Secretary of Defense and Office of Family Policy (hereinafter in this section referred to as the "Office"). The Office shall be under the Assistant Secretary of Defense designated on May 1, 1985, as the Assistance Secretary of Defense for Manpower, Installations, and Logistics.

(b) DUTIES.—The Office shall coordinate programs and activities of the military departments relating to military families and shall make recommendations to the Secretaries of the military departments with respect to programs, activities, and policies relating to military families.

(c) REPORT.—The Secretary of Defense shall report to Congress, no later than September 30, 1986. The report shall include—

(1) a description of the activities of the Office and the composition of its staff; and

(2) the recommendations of the Office for legislative and administrative action to enhance the well-being of military families.

SEC. 1003. TRANSFER OF MILITARY FAMILY RESOURCE CENTER.

The Military Family Resource Center of the Department of Defense is hereby transferred from the Office of the Assistant Secretary of Defense for Health Affairs to the Office of the Assistant Secretary of Defense designated on May 1, 1985, as the Assistant Secretary of Defense for Manpower, Installations, and Logistics.

SEC. 1004. SURVEYS OF MILITARY FAMILIES.

The Secretary of Defense may conduct surveys, without clearance from any other Federal agency, to determine the effectiveness of existing Federal programs relating to military families and the need for new programs.

SEC. 1005. FAMILY MEMBERS SERVING ON ADVISORY COMMITTEES.

A committee within the Department of Defense which advises or assists the Department in the performance of any function which affects members of military families and which includes members of military families in its membership shall not be considered an advisory committee under section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.) solely because of such membership.

SEC. 1006. EMPLOYMENT OPPORTUNITIES FOR MILITARY SPOUSES.

(a) AUTHORITY.—The President may, pursuant to the authority of section 3302 of title 5, United States Code, except from the competitive service positions in the Department of Defense located outside the United States to provide employment opportunities for qualified spouses of members of the Armed Forces stationed outside the United States.

(b) REGULATIONS.—The Secretary of Defense shall issue regulations to ensure that—

(1) notice of any vacant position in the Department of Defense is provided in a manner reasonably designed to reach spouses of members of the Armed Forces whose permanent duty stations are in the same geographic area as the area in which the position is located;

(2) the spouse of a member of the Armed Forces who applies for a vacant position in the Department of Defense shall, to the extent practicable, be considered for any such position located in the same geographic area as the permanent duty station of the member;

(3) the qualified spouse of a member of the Armed Forces stationed outside the United States may be appointed to a position excepted from the competitive service under subsection (a) in the Department of Defense in the same geographic area as the permanent duty station of the member; and

(4) all Department of Defense nonappropriated fund activities give preference in hiring to qualified dependents of members of the Armed Forces stationed in the same geographic area as the nonappropriated fund activity for positions in wage grade

UA-8 and below and equivalent positions, and positions paid at hourly rates.

SEC. 1007. YOUTH SPONSORSHIP PROGRAM.

The Secretary of Defense shall provide for the establishment at each military installation of a youth sponsorship program to facilitate the integration of dependent children of members of the Armed Forces into new surroundings when relocation to that military installation is a result of a permanent change of station. Such a program shall provide for involvement of dependent children of members stationed at the military installation.

SEC. 1008. STUDENT TRAVEL WITHIN THE UNITED STATES.

Funds available to the Department of Defense for the travel and transportation of dependent students of military personnel stationed overseas may be obligated for transportation allowances for travel within or between the contiguous United States.

SEC. 1009. RELOCATION AND HOUSING.

(a) RELOCATION ASSISTANCE.—The Secretary of Defense may, subject to available appropriations, enter into contracts with firms which provide assistance to individuals relocating from one geographic area to another to provide such assistance to members of the uniformed services and members of their families.

(b) AMORTIZATION PERIOD FOR PARKING FACILITIES FOR HOUSE TRAILERS AND MOBILE HOMES.—Subsection (k) of section 403 of title 37, United States Code, is amended by striking out "15-year period" and inserting in lieu thereof "25-year period".

(c) COST OF UNACCOMPANIED PERSONNEL HOUSING FOR MEMBERS OF UNIFORMED SERVICE.—Section 5911 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) A member of the uniformed service on a permanent change of duty station or temporary duty orders and occupying unaccompanied personnel housing—

"(1) is exempt from the requirement of subsection (c) to pay a rental rate or charge based on the reasonable value of the quarters and facilities provided; and

"(2) shall pay such lesser rate or charge as the Secretary of Defense establishes by regulation.".

SEC. 1010. FOOD PROGRAMS.

(a) FOOD COSTS FOR CERTAIN ENLISTED MEMBERS.—Section 1011 of title 37, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) Enlisted members in pay grades E-1, E-2, E-3, and E-4, and members of their immediate families, may not be charged for meals sold at messes in excess of a level sufficient to cover food costs.".

(b) REIMBURSEMENT FOR FOOD AT CHILD CARE FACILITIES OVERSEAS.—The Secretary of Defense shall provide payments, from appropriated funds, to military child care facilities overseas for reimbursement of the costs of food and food preparation. The amounts of such payments shall be determined in the same manner as payments provided by the Secretary of Agriculture for reimbursement to child care facilities in the United States under section 17 of the National School Lunch Act (42 U.S.C. 1766).

(c) REPORT ON ISSUING FOOD STAMPS COUPONS TO OVERSEAS HOUSEHOLDS OF MEMBERS STATIONED OUTSIDE THE UNITED STATES.—The Secretary of Defense shall submit a report to Congress not later than December 31, 1985, on the feasibility of having the Department issue food stamp coupons to overseas households of members stationed outside the United States. The report shall include—

(1) an estimate of the cost of providing the coupons; and

(2) legislative and administrative recommendations for providing for the issuance of the coupons.

SEC. 1011. REPORTING OF CHILD ABUSE.

(a) IN GENERAL.—The Secretary of Defense shall request each State to provide for the reporting to the Secretary of any report the State receives of known or suspected instances of child abuse and neglect in which the person having care of the child is a member of the Armed Forces (or the spouse of the member).

(b) DEFINITION.—For purposes of this section the term "child abuse and neglect" shall have the same meaning as provided in section 3(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102).

SEC. 1012. MISCELLANEOUS REPORTING REQUIREMENTS.

(a) HOUSING AVAILABILITY.—(1) Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the availability and affordability of off-base housing for members of the Armed Forces and their families.

(2) The report shall—

(A) examine the availability of affordable housing for each pay grade and for all geographic areas within the United States and for appropriate overseas locations; and

(B) examine the relocation assistance provided by the Department of Defense incident to a permanent change of station by a member of the Armed Froces in locating housing at the member's new duty station and in disposing of housing at the member's old duty station.

(b) NEED FOR ASSISTANCE TO DEPENDENTS ENTERING NEW SECONDARY SCHOOLS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report recommending administrative and legislative action to assist families of members of the Armed Forces making a permanent change of station so that a dependent child who transfers between secondary schools with different graduation requirements is not subjected to unnecessary disruptions in education or inequitable, unduly burdensome, or duplicative education requirements.

SEC. 1013. EFFECTIVE DATE.

This title shall take effect on October 1, 1985.

By Mr. SIKORSKI:

—Page 172, after line 20, add the following new section:

SEC. 1016. LIMITATIONS ON PAYMENTS.

(a) PROGRESS PAYMENTS.—The Secretary of Defense (hereinafter referred to in this section as the "Secretary" shall require that progress payments under a defense contract that provides for such payments be made only after the work for which payment is made is completed and in accordance with a schedule of payments commensurate with the initially estimated cost of completed work of acceptable quality.

(b) PROHIBITION.—No progress payments may be made on work for which the contractural terms, specifications, and price have not been made definite.

(c) REQUIREMENT OF AUDIT.—The Secretary shall, in the case of any contract described in subsection (a), require that an audit of the work carried out in accordance with such contract be completed before the final payment is made with respect to such contract.

(2) The Secretary shall, within 180 days after the date of enactment of this Act, transmit a report to the Congress concerning the methods by which the requirement of paragraph (1) will be carried out.

(d) ACCESS TO CONTRACTOR RECORDS.—The Secretary shall require that each defense contract that provides for progress payments shall include a provision that the Secretary may suspend such payments upon any refusal of the contractor to provide to a defense auditor or any person designated by the Secretary of a military department any information required by the auditor.

(e) WAIVER OF SMALL PURCHASES.—This section does not apply to contracts for amounts less than the threshold for small purchases applicable under section 2304(g)(2) of title 10, United States Code.

(f) EFFECTIVE DATE.—This section shall apply only to contracts entered into, extended, or substantially altered after the end of the 180-day period beginning on the date of the enactment of this Act.

By Mr. ROBERT F. SMITH:

—At the end of part C of title X (page 176, after line 8) add the following new section:

SEC. 1024. REPORT AND DEMONSTRATION PROJECT CONCERNING THE SALE OF CERTAIN UNITED STATES MEAT IN MILITARY COMMISSARIES OVERSEAS.

(a) FEASIBILITY STUDY AND DEMONSTRATION PROJECT.—The Secretary of Defense shall study the feasibility, in light of recent technological developments, of selling beef and pork and lamb that are produced in the United States in military commissaries overseas. Such study—

(1) shall be carried out in consultation with the Secretary of Agriculture; and

(2) shall include a demonstration project in which beef and pork and lamb that are produced in the United States shall be sold for a six-month period in three commissaries located on Air Force bases in Europe and in three commissaries located on Army bases in Europe.

(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 on the results of such study and the findings and conclusions of the Secretary under such study. Such report shall include any views provided by the Secretary of Agriculture.

By Mr. SPRATT:

—Page 167, after line 10, insert the following new section:

SEC. 1002. REVISIONS TO FIVE-YEAR DEFENSE PLAN.

(a) REVISED PLANS.—The Secretary of Defense shall submit to Congress a report containing—

(1) an adjusted five-year defense plan for fiscal year 1986 through fiscal year 1990 in which the total amount of new budget authority proposed for the Department of Defense for each fiscal year is not more than three percent over the amount of new budget authority proposed for that Department for the previous fiscal year, adjusted for the official inflation projection for that year; and

(2) a second five-year defense plan for those years in which the total amount of new budget authority proposed for the Department of Defense for each fiscal year is not more than the amount of new budget authority proposed for that Department for the previous fiscal year, adjusted for the official inflation projection for that year.

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

(1) A single amount for the amount of new budget authority proposed for each appropriation account of the Department of Defense, except that for the procurement appropriation accounts, the amount of such new budget authority shall be shown at the budget-activity level.

(2) The annual procurement plan for each of the five years for each major defense acquisition program, as defined in section 139a(a) of title 10, United States Code.

(c) DEADLINE FOR SUBMISSION.—The report required by subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act.

By Mr. STRATTON:

—Page 172, after line 20, add the following section:

SEC. 1016. REVISION AND EXTENSION OF PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM.

(a) IN GENERAL.—Chapter 142 of title 10, United States Code, is amended to read as follows:

"CHAPTER 142—PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM

"Sec.
"2411. Definitions.
"2412. Purposes.
"2413. Cooperative agreements.
"2414. Limitation.
"2415. Geographic distribution of assistance.
"2416. Amount of assistance.
"2417. Regulations.

"§ 2411. Definitions

"In this chapter:

"(1) 'Eligible entity' means—

"(A) a State (as defined in section 6302(5) of title 31);

"(B) a local government (as defined in section 6302(2) of title 31); and

"(C) a private, nonprofit organization.

"(2) 'Distressed entity' means an eligible entity (within the meaning of paragraph (1)(B)) that—

"(A) has a per capita income of 80 percent or less of the State average; or

"(B) has an unemployment rate one percent greater than the national average for the most recent 24-month period for which statistics are available.

"(3) 'Secretary' means the Secretary of Defense acting through the Director of the Defense Logistics Agency.

"§ 2412. Purposes

"The purposes of the program authorized by this chapter are—

"(1) to increase assistance by the Department of Defense to eligible entities furnishing procurement technical assistance to business entities; and

"(2) to assist eligible entities in the payment of the costs of establishing and carrying out new procurement technical assistance programs and maintaining existing procurement technical assistance programs.

"§ 2413. Cooperative agreements

"(a) The Secretary, in accordance with the provisions of this chapter, may enter into cooperative agreements with eligible entities to carry out the purposes of this chapter.

"(b) Under any such cooperative agreement, the eligible entity shall agree to furnish procurement technical assistance to business entities and the Secretary shall agree to defray not more than one-half of the eligible entity's cost of furnishing such assistance, except that in the case of an eligible entity that is a distressed entity, the Secretary may agree to furnish more than one-half, but not more than three-fourths, of such cost.

"(c) In entering into cooperative agreements under subsection (a), the Secretary shall assure that at least one procurement technical assistance program is carried out in each Department of Defense contract administration services region during each fiscal year.

"§ 2414. Limitation

"The value of the assistance furnished by the Secretary to any eligible entity to carry out a procurement technical assistance program under a cooperative agreement under this chapter during any fiscal year may not exceed $150,000.

"§ 2415. Geographic distribution of assistance

"During each fiscal year, the Secretary shall initially allocate funds available for assistance under this chapter equally to each defense contract administration services region. If in any fiscal year there is an insufficient number of satisfactory proposals in a region for cooperative agreements to allow effective use of the funds allocated to that region, the funds remaining with respect to that region shall be reallocated among the remaining regions.

"§ 2416. Amount of assistance

"During each of fiscal years 1986 and 1987, assistance under this chapter may not exceed $7,500,000.

"§ 2417. Regulations

"The Secretary of Defense shall prescribe regulations to carry out this chapter.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1985.

By Mr. WYDEN:

—Page 172, after line 20, add the following new section:

SEC. 1016. LIMITATIONS ON PAYMENTS.

(a) PROGRESS PAYMENTS.—The Secretary of Defense (hereinafter referred to in this section as the "Secretary") shall require that progress payments under a defense contract that provides for such payments be made only after the work for which payment is made is completed and in accordance with a schedule of payments commensurate with the initially estimated cost of completed work of acceptable quality.

(b) PROHIBITION.—No progress payments may be made on work for which the contractual terms, specifications, and price have not been made definite.

(c) REQUIREMENT OF AUDIT.—(1) The Secretary shall, in the case of any contract described in subsection (a), require that an audit of the work carried out in accordance with such contract be completed before the final payment is made with respect to such contract.

(2) The Secretary shall, within 180 days after the date of enactment of this Act, transmit a report to the Congress concerning the methods by which the requirement of paragraph (1) will be carried out.

(d) ACCESS TO CONTRACTOR RECORDS.—The Secretary shall require that each defense contract that provides for progress payments shall include a provision that the Secretary may suspend such payments upon any refusal of the contractor to provide to a defense auditor or any person designated by the Secretary of a military department any information required by the auditor.

(e) WAIVER OF SMALL PURCHASES.—This section does not apply to contracts for amounts less than the threshold for small purchases applicable under section 2304(g)(2) of title 10, United States Code.

(f) EFFECTIVE DATE.—This section shall apply only to contracts entered into, extended, or substantially altered after the end of the 180-day period beginning on the date of the enactment of this Act.