SENATE—*Friday, June 21, 1985*

(Legislative day of Monday, June 3, 1985)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable MARK ANDREWS, a Senator from the State of North Dakota.

Mr. ANDREWS. Our prayer this morning will be offered by the Reverend Richard Christian Halverson, Jr., pastor of the Chesterbrook Presbyterian Church in Falls Church, VA, and son of our Senate Chaplain.

PRAYER

The Reverend Richard Christian Halverson, Jr., pastor, Chesterbrook Presbyterian Church, Falls Church, VA, offered the following prayer:

Let us pray.

Father in Heaven, as those who work in the Senate arrive here this morning to serve in what some have called the most powerful legislative body in the world, we are mindful that they have left an even more influential component of society—the family.

We cannot know the private issues that each person here faces in the realm of their household. But we do know that the same blessings, problems, alliances, and divisions which exist in this public sphere are present also in our homes.

We petition You, Lord, that as each person here exercises their energy and skills to make our Government work, You will likewise grant commiserate wisdom and gifts in their higher calling as husbands and wives, parents and grandparents, sons and daughters and grandchildren.

Lord, we cannot pray for the families of the Senate and Senate staff without remembering those who grieve over the absence or loss of family members this morning. We ask for comfort and understanding, especially for the families of the marines lost in El Salvador and loved ones held hostage in Beirut.

We make this earnest request in the name of Christ, Who is both an exemplary Son to His Father and a perfect husband to His bride. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 21, 1985.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK ANDREWS, a Senator from the State of North Dakota, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each, then there is a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes.

Following that there will be a period for the transaction of routine morning business not to extend beyond the hour of 10 a.m. with statements therein limited to 5 minutes each.

Following routine morning business, we shall turn to the consideration of H.R. 47, the Statue of Liberty coin bill, and possibly lay down S. 49, the McClure-Volkmer gun bill. I doubt that we shall do that until Monday. There is a possibility of working out a time agreement—at least, it is my understanding that there is a good possibility.

If there are any other matters on the Executive Calendar or other matters we can take care of by unanimous consent, obviously, we would like to do those today.

I have indicated that there will be no rollcall votes today, so if somebody should demand a rollcall for some reason I cannot now anticipate, that vote will be put over until Tuesday.

We have also indicated that on Monday, we will probably be debating the McClure-Volkmer gun bill, imputed interest, small business authorization bill, maybe the postponement of the wheat referendum. So there are other matters we can bring up Monday that I think can be discussed. Again, if votes are necessary, they will occur on Tuesday.

There will also be, this morning, a colloquy by various Senators with the distinguished chairman of the Appropriations Committee with reference to water projects. In the colloquy Members indicate that if, in fact, there is no veto of the supplemental or, to put it in a positive way, if in fact the President and the administration are willing to go forward with certain water projects, then certain Members are willing to make reforms in water projects, including cost sharing, and a number of other items. That colloquy should take place, I assume, around 10 o'clock or after disposition of H.R. 47.

It is my hope that we may be able to complete our work early today.

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

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the Democratic leader is recognized.

Mr. BYRD. Mr. President, I thank the distinguished Presiding Officer.

Mr. President, I ask unanimous consent that I may reserve the remainder of my time.

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

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

Mr. PROXMIRE. I thank the Chair.

FOURTH MYTH OF THE DAY: A SERIES OF UNTRUTHS ABOUT NICARAGUA

Mr. PROXMIRE. Mr. President this is the fourth in my series of daily statements to point out myths—that is, false allegations pronounced by top Government officials and widely believed because they have never been adequately or loudly enough refuted. Today's myth is easy to believe. It is a series of false statements about a government most Americans, including this Senator, deplore. That makes it hard to disagree with the President when he makes these false statements.

It is like the old disagreement with my predecessor in this body, Senator Joe McCarthy, when he falsely charged that the State Department in the Truman administration was loaded with Communists. No question about it, Daniel Ortega is the head of Government in Nicaragua and Ortega is a Marxist—in my book a Communist. Ortega relies heavily on the Soviet

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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Union and Castro's Cuba. He is not for us; he is against us. It is enough that we tell the truth about Ortega. It is a myth that becomes a mistake that destroys this country's credibility if we assert lurid falsehoods about the Nicaraguan Government.

The President recently said in Birmingham, AL, that there is "incontroversible evidence of religious persecution of Catholics, Jews and Fundamentalists in Nicaragua." Is this true? No, it is not. Rabbi Marc Tannenbaum issued a report in 1983 saying that the 20 or so Jewish families in Nicaragua are not persecuted. How about the fundamentalists? The evidence is that, far from being persecuted most of them are sympathetic of the Sandinistas. The Sandinistas have, indeed, quarreled with the Catholic church hierarchy. The Sandinistas are wrong. The church is right. But to charge as the administration has that this is a concerted attempt to eradicate the religion of 95 percent of the Nicaraguan people is nonsense.

The President charged in Birmingham that "thanks to the Sandinistas, the PLO, Libya, and the followers of the Ayatollah Khomeini have now a foothold just 2 hours from our southern border." This is sheer, empty rhetoric. Where is the evidence of this? Certainly a charge this serious: international terrorists near our border should require specific detailed evidence. There is none.

Finally, the President has charged the Sandinistas are carrying on "a campaign of virtual genocide against the Miskito Indians." Mr. President, this is false. According to the human rights organization, Americas Watch, about 70 Miskitos—out of a total of about 70,000—lost their lives in skirmishes with Sandinista troops some 3 years ago. The killings were vicious and wrong. But is this genocide? Not even close. Genocide is the planned, premeditated attempt to exterminate an entire ethnic, racial or religious group. To bandy the term genocide about so cavalierly cheapens the devastating case that the free world has had against such as Hitler's Holocaust in Europe with the extermination of 6 million Jews and Pol Pot regime in Cambodia with the killing of 2 million Cambodians.

The sum total of these myths is so damaging that Abraham Brumberg, who formerly edited a journal entitled "The Problems of Communism," has vehemently protested them in an article that appeared in the New York Times on June 18, 1985. Brumberg has been carrying on a highly respected analysis of the failures as well as the successes of communism in a scholarly, thoughtful way—making the case on the basis of seeking out the truth in meticulous detail. His New York Times article constitutes a brilliant exposé of the damage done to the strong case against communism by the outright and frequently transparent distortions of the administration. I ask unanimous consent that the Brumberg article be printed at this point in the RECORD.

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

[From the New York Times, June 18, 1985]

REAGAN'S UNTRUTHS ABOUT MANAGUA

(By Abraham Brumberg)

MUNICH, WEST GERMANY.—President Reagan has won another round in the battle over United States policy in Central America: After yet another major debate about whether to fund the "contras," Congress changed its mind and voted last week to support aid to the anti-Sandinista guerrillas. How are we to account for this capitulation? History offers an unsettling clue.

Thirty-five years ago, an obscure politician from Wisconsin sprung into prominence by charging that the United States Government was infested by "Communist agents." Joseph R. McCarthy had little evidence except pernicious innuendoes and outright fabrications, but many Americans were either mesmerized by the sheer audacity of his onslaught or fearful that a refusal to take him seriously might expose them to the dread suspicion of being "soft on Communism." It took four years for Congress to curb his power, and by that time, the damage to our moral and political sanity—not to mention to the livelihoods and reputations of thousands of innocent men and women—had already been done.

Comparisons are proverbially odius, but it is hard not to detect similarities between Senator McCarthy's methods and those used today by President Reagan in his relentless crusade against "totalitarian" Nicaragua. Mr. Reagan has not called his domestic critics "dupes" or "Communist agents"—although he came close to it earlier this month when he claimed that those who oppose his Nicaraguan policy suffer from "illusions about Communist regimes." But what is strikingly reminiscent of Senator McCarthy's tactics is the flood of distortions, exaggerations and plain unvarnished lies about the Sandinistas that issues forth almost daily from the Administration.

Consider what the President said recently to a group in Birmingham, Alabama: There is "incontrovertible evidence," he asserted, of "religious persecution of Catholics, Jews and Fundamentalists in Nicaragua." The Sandinistas, he went on, are conducting "a campaign of virtual genocide against the Miskito Indians." Furthermore, "thanks to the Sandinista Communists, the P.L.O., Libya and the followers of the Ayatollah Khomeini have now a foothold in Central America, just two hours from our southern border."

If any of these charges were even partially true, we should indeed consider taking measures against the Sandinistas. But none is. There is no evidence of persecution of Fundamentalists, most of whom—rightly or wrongly—are in fact rather sympathetic to the Sandinistas. The claim that the Sandinistas are persecuting the 20 or so Jewish families in Nicaragua is pure humbug: that, anyway, was the conclusion of a special report issued in 1983 by Rabbi Marc H. Tanenbaum of the American Jewish Committee.

True, the Sandinistas are engaged in a struggle with a good part of the Roman Catholic hierarchy. But this is a political struggle, not a religious one, and both sides are seeking to resolve it. Several "oppositionist" priests have been shabbily treated. During his trip to Nicaragua in 1983, Pope John Paul II, who sided with the church hierarchy, was subjected to offensive jeering and hooting by Sandinista mobs. But to see this as a concerted attempt to "eradicate" the religion of 95 percent of the Nicaraguan people is to take leave of reality.

So is the claim that the Sandinistas have provided international terrorist organizations with a base from which to launch attacks against the United States. Certainly, if there is any evidence to support such a charge (let alone of an "incontrovertible" sort), the White House has yet to produce it.

But nothing is more shocking than the ease with which Mr. Reagan and his associates bandy about the term "genocide," mentioning the Miskito Indians in the same breath with the Holocaust. What in fact has happened to the Miskitos since the Nicaraguan revolution? According to the human rights organization Americas Watch, about 70 Miskitos (out of a total of about 70,000) lost their lives in skirmishes with Sandinista troops some three years ago. Managua has repeatedly come into conflict with the Indians over the question of who controls the Atlantic coast region of the country. (The Miskitos want "sovereignty" in what they see as their historical homeland.) The killings were odious and deserving of condemnation. So may be the Sandinistas' apparent inflexibility toward the Miskitos' demands. But how could anyone with any sense of history or moral distinctions compare this with the systematic slaughter of six million Jews and millions of others during the Second World War?

Whether the President knows it or not, his tactics are borrowed from the totalitarian arsenal: He is determined to portray those he wishes to destroy in the most lurid and reprehensible colors. Convinced, apparently, that the end justifies the means, he is prepared to use even the most unscrupulous tools—including untruths, quarter-truths and travesties of history—to topple the Sandinistas. And then, to top it off, he has the gall to claim that he "remains committed to a peaceful solution in Central America."

Joseph McCarthy fomented and thrived on a climate of hysteria in which dissent came perilously close to being identified with treason and rational discussion of Communism was virtually impossible. The net effect of Ronald Reagan's anti-Sandinista crusade is likely to be exactly the same. In an atmosphere of extravagant mendacity and pressure to "fall into line," it becomes increasingly difficult to arrive at an objective assessment of what is happening in Nicaragua or to discuss what the United States should do about it.

The blame for this baleful state of affairs lies not only with the President, but also with those—whether Republicans or Democrats, conservatives or liberals—who now so fear being branded "soft" or "naive" about Communism. It is they, after all, who permit his contempt for truth to go unchallenged, they who are allowing us to drift ever further from a realistic foreign policy. The four destructive and insane years of McCarthyism provide a lesson that no one truly interested in "a peaceful solution in Central America" can afford to ignore.

WHY STAR WARS IS HOIST ON ITS OWN PETARD

Mr. PROXMIRE. Mr. President, the June 18th New York Times carries an article by Philip Boffey headlined "Research Success Marks Recent Days for 'Star Wars'." The article reports an impressive series of research breakthroughs that seem to make promising advances in achieving President Reagan's goal of a defense against the Soviet Union's massive arsenal of intercontinental ballistic missiles with their nuclear warheads. The article overlooks a very rich irony. The fact is that these so-called breakthroughs for a star wars antimissile defense in case after case carry a far greater potential for adaptation to a nuclear missile offense that could overcome any star wars defense. These exciting advances have come at an astonishingly early stage of star wars research. The whole program is less than 1 year old. Funding for the program in the current year is some $1.4 billion. It would be more than doubled in 1986 in the authorization just passed by the Senate. And of course the House increases the amount also by a figure that is close to doubling. They increase it $2.5 billion, the Senate to about $3 billion.

By 1992 the Congress would have expended more than $25 billion on the program. The New York Times article reports that the star wars program already seems to be on a very fast track. George Keyworth, the White House science adviser, is quoted as saying: "We're about 5 years ahead of what we would have predicted" in developing a variety of laser weapons for antimissile defense. Dr. Keyworth goes on to say that he believes, "We now feel quite confident that within 3 to 5 years we can put doubts to rest on the feasibility of boost phase intercept."

The article lists a series of specific achievements—mostly within the past year. Here are some:

The University of Texas Center for Electromechanics has used an electromagnetic launcher to develop ray guns that would fire homing projectiles at high speed to intercept enemy missiles.

United Technologies Corp. has developed a material strong enough, light enough, and resistant enough to radiation, heat and laser attacks that it can be used for shielding material for star wars components in space.

The Los Alamos National Laboratory has devised a far more compact preaccelerator. It can accelerate a particle beam to 2 million volts. This is what is needed for star wars. This new device is the size of a desk. The old one is the size of a house.

Livermore Lab scientists have conducted a successful test focusing the x rays generated by a nuclear explosion. This helps clear the way for the development of the nuclear bomb-pumped x-ray laser, another star wars weapon.

Rocket-propelled projectiles have proved able to hit a target above the atmosphere and reach designated points within the atmosphere.

Now, Mr. President, what is the purpose of these fascinating scientific achievements on behalf of star wars? What is it? Is it to achieve a system of defense that will enable the United States to stop incoming intercontinental ballistic missiles from the Soviet Union? That is the expressed purpose. But what do every single one of these dazzling achievements do? The answer to that question, Mr. President, is a compelling refutation of the whole, immensely expensive, star wars adventure. Here is why.

Every one of these advances without exception is transparently adaptable to an offensive missile attack. The irony, Mr. President, is that this technology may indeed advance a distant potential capability to stop much, maybe even most, of the present 1985 Soviet land based nuclear missile arsenal. But in each case the scientific achievement creates the basis for a new offensive—I repeat offensive—weapon system that will give the offensive missile still greater capability.

Let's run through each of these star wars breakthroughs: Would the electromagnetic launcher to develop ray guns to fire homing projectiles at high speed to intercept enemy missiles permit ray guns to destroy a star wars deployed defense? Of course it would.

How about the material strong enough, light enough, and resistant enough to radiation, heat and laser attacks that it can be used to shield material for star wars components in space. Couldn't this material be used to provide the virtually perfect skin-hardening material for penetrating the star wars defense? Of course.

And how about the 2-million-volt particle beam accelerator that has been reduced in size by a factor of 20 or more. Could this be used as an offensive weapon? Yes, indeed.

Could the nuclear bomb-pumped x-ray laser in the hands of the offense also serve to overcome a star wars defense and give the offense another devastating weapon that would be more useful to the offense because the offense can choose its time, its place, and its intensity. Given the identical weapons, this gives the offense a decisive, consistent advantage.

Finally, there is the rocket-propelled projectiles able to hit a target above the atmosphere and reach designated points within the atmosphere. Who are we trying to kid? This kind of capability may work once in a while to defend against a present state of the art Soviet missile attack. But by the year 2000 or 2010 when it is deployed, it will have to work against a rocket propelled projectile very similar to the star wars equipment but in the hands of the Soviets. The offensive projectile has the advantage. It can come on any time, any place.

Mr. President, if this Nation proceeds with what may ultimately be $1 trillion or $2 trillion star wars defense we can be sure a cheaper and more devastating offense built on the technology of star wars will come on like gang busters. The President and Secretary Weinberger have said we will give this startling galaxy of nuclear weapons achievements to the Soviet Union. The administration has never countermanded that decision. If they do as they say and give it away, the Soviets will be able to build a far more potent offense using the technology we have so painstakingly developed at huge cost to American taxpayers. But even if they do not hand the technology over, our experience throughout the nuclear weapon age has been that the Soviets will follow us with the same technological capability. But they will be able to seize the advantage by applying the technology we design for defense to an offense that can and will overcome any star wars defense.

Mr. President, I ask unanimous consent that the article to which I referred by Philip Boffey from the New York Times edition of June 18, 1985, be printed at this point in the RECORD.

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

RESEARCH SUCCESS MARKS RECENT DAYS FOR "STAR WARS"

(By Philip M. Boffey)

WASHINGTON, June 17.—If a beam of green laser light flashes up from Hawaii to the space shuttle Discovery as scheduled on Wednesday, it will be the most prominent experiment yet conducted as part of President Reagan's Strategic Defense Initiative program to develop a defensive shield against nuclear missile attacks.

The experiment is the latest milestone in a series of tests aimed at learning how to send a laser beam through the turbulent atmosphere with great precision, a matter of critical importance if some of the most visionary "Star Wars" weapons are to succeed.

But the experiment also symbolizes dozens of rapid advances being made in a broad range of technologies that will be needed if the United States is ever to build a defensive system that could knock down incoming enemy missiles at various points along their flight paths toward this country.

Top Government scientists say that experiments completed or reported in recent months, and new ideas emerging from the nation's laboratories, have made them increasingly confident that the United States will ultimately be able to develop at least some of key weapons, sensors, materials and other technologies needed for a workable defensive system.

"There has been progress in all of these areas over the last six months or so," Dr. Gerold Yonas, chief scientist for the Strategic Defense Initiative Organization, which manages the "Star Wars" program for the Pentagon, said recently.

"The technology is rolling faster than some of us were really aware," George A. Keyworth 2d, the White House science adviser, said in an interview.

"We're about five years ahead of what we would have predicted" in developing such weapons as short wavelength lasers and neutral particle beams, and techniques for overcoming the distorting effects of the atmosphere on laser weapons, added Lieut. Col. Michael Havey, the "Star Wars" specialist for the White House science office.

How important these advances are is not yet clear. Most of the emerging technologies are very far from reaching the performance levels needed for eventual deployment, and much of the work was occurring even without the "Star Wars" program, which has only been functioning for less than a year. Moreover, military classification makes it difficult for outsiders to gauge whether the claimed advances are all that they seem.

Dr. Keyworth said he considers the ability to destroy Soviet missiles in the boost phase, shortly after they have lifted off the ground and before they can deploy their warheads and decoys, the most critical technical challenge facing the "Star Wars" program. Pointing to recent advances in lasers and particle beams, he said: "We now feel quite confident that within three to five years we can put doubts to rest on the feasibility of boost phase intercept."

But critics of the program discount the importance of the recent achievements. "They're certainly making progress," said John Pike, space analyst for the Federation of American Scientists, "but it's like the fusion energy program where they've been making very steady progress for 30 years now and they still don't have anything usable out of it. They're going to need breakthrough after breakthrough for several decades to get gadgets that are workable, and even then the system as a whole would not work reliably from a military or political point of view."

Richard Garwin, an International Business Machines Corporation physicist and a leading critic of the President's Strategic Defense Initiative program, told the annual meeting of the American Association for the Advancement of Science last month that whatever technical advances are made toward developing a "Star Wars" defense can easily be nullified by technical advances designed to overcome such a defense. "No matter how optimistic you are, how much of a technology fan, you cannot conclude that the "Star Wars" program will succeed," he said, "because technology is useful in defeating the system as well."

IMPORTANT TEST OF GROUND LASER

The experiment scheduled for the shuttle is the latest in a series designed to demonstrate that laser beams can be shot through the atmosphere with great precision despite the distorting effects of atmospheric turbulence.

The issue is of critical importance in determining whether a "Star Wars" defense could use lasers placed on the ground, where they could be as large as needed and would be easy to maintain and fuel and defend, instead of on space satellites, where they would have to be very compact and need no maintenance.

One plan under study would use lasers on mountain tops to shoot beams up to mirrors in space, which would redirect the beams, at the speed of light to the target missiles. That will only work if the beam can be aimed precisely through the atmosphere.

Scientists have already performed some tests in which they succeeded in compensating for atmospheric distortion. In experiments completed last winter, they shot a lower-power laser beam from the top of a 10,000-foot mountain on the island of Maui, Hawaii, to an aircraft flying at an altitude of about 20,000 feet, measured the distortion caused by the atmosphere and then adjusted the beam of a second laser to overcome the distortion and land precisely on target, according to Dr. Louis Marquet, head of the directed energy office of the Strategic Defense Initiative. Later this summer, similar experiments will be conducted between the ground and sounding rockets that will rise far above the turbulent atmosphere to a height of about 360 miles.

The shuttle experiment is an intermediate, low-cost step designed to demonstrate that the equipment and plan for the high-cost sounding rocket tests are apt to work. A low-power beam will be sent up through the atmosphere from Maui to an eight-inch diameter retroreflector mirror mounted on a side hatch window of the shuttle. The mirror will reflect the beam back to the point of origin, where the amount of atmospheric distortion will be measured.

Scientists will then determine whether control equipment on the ground could have corrected the beam to overcome the distortion, but they will not actually send a corrected beam back up to the shuttle. That step will await the sounding rocket experiments.

All of these scheduled experiments are working with low-power lasers, Dr. Marquet notes. The next big issue will be to determine whether it is possible to control atmospheric distortion of high-power laser beams of the kind that might ultimately be used in a weapons system. Such high-power beams are distorted more drastically by the atmosphere

Meanwhile, in Government and industrial laboratories, significant advances are being made toward developing two kinds of lasers that are emerging as strong candidates to serve as "Star Wars" weapons, probably based on the ground.

One type is known as the free electron laser, which uses the motion of electrons through magnetic fields to generate laser light. Such lasers have the enormous advantage of being "tunable," that is, they can be designed to operate at whatever wavelengths can best pass through the atmosphere and disable the target.

The Lawrence Livermore National Laboratory in California reported this year that it had achieved a peak power output of 100 megawatts in a new free electron laser, a significant gain over past performance, for the very short time period of 15 billionths Vf a second. More important, the free electron laser worked as predicted by scientific models, and those models suggest that it should eventually be possible to make a free electron laser that will meet the much more demanding power and wavelength requirements of the "Star Wars" program, according to Donald Prosnitz, assistant program leader for free electron lasers at Livemore.

Other important work on free electron lasers has been carried out at Los Alamos National Laboratory in New Mexico, and in industry. "Just a few years ago free electron lasers were only a clever idea," said Dr. Keyworth, the President's science adviser. "Now there is little doubt as to whether free electron lasers will work. The question that remains is how big and how efficient and how economical they can be. But a dream theory has most certainly been turned into a reality."

Similar advances are reported to be occurring with excimer lasers, which fire an electron beam into a gas to produce unusual molecules, called excimers, which in turn break up into separate atoms and generate a brief, intense burst of laser light while doing so. The advances on excimer and free electron lasers led Dr. Keyworth to state: "I for one feel much more confident than I did at the outset in the concept of a ground-based laser. It's a very powerful option."

Scientists involved in the "Star Wars" program cite these other advances, mostly achieved over the past 6 to 12 months, as exemplifying the kind of progress being made:

The University of Texas Center for Electromechanics has used an electromagnetic launcher to fire 20-gram projectiles repetitively at the rate of 5 shots in half a second, and to fire a plasma of vaporized metal at speeds approaching 25 miles per second. Both are considered important steps in the development of "rail guns" that would be able to fire homing projectiles at high speed to intercept enemy missiles.

United Technologies Corporation has developed a composite material in which carbon silicide fibers are used to reinforce a brittle ceramic base. The resulting material is as strong as steel, light in weight and highly resistant to radiation, heat and laser attacks, making it potentially useful as a shielding material for "Star Wars" components in space.

The Pennwalt Corporation has engineered a new molecule, not found in nature, that can be fabricated into capacitors capable of storing much larger amounts of energy per unit weight than is now attainable, a critical step on the road to storing the enormous amounts of energy required by space-based weapons.

A large chemical laser at the White Sands Proving Ground has achieved a very powerful, very high quality beam that can be used for atmospheric compensation tests but is still well below the power needed in a weapon.

The Los Alamos National Laboratory has devised a very compact preaccelerator that can accelerate a particle beam to 2 million volts, which is in the ballpark of what is needed for a "Star Wars" pre-accelerator. The new device is the size of a desk; its predecessors were the size of a house.

Scientists of Lawrence Livermore National Laboratory were reportedly successful in a test three months ago of a new way to focus the X-rays generated by a nuclear explosion, thereby reducing one of the most critical technical problems standing in the way of development of the "nuclear bomb-pumped X-ray laser," another potential candidate as a "Star Wars" weapon.

New infrared sensors, designed to detect and track enemy missiles in flight, have demonstrated 10 times greater resolving power than earlier models.

In addition, rocket-propelled projectiles have proved able to hit a target above the atmosphere and reach designated points within the atmosphere.

RATIFY THE GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, a recently published book has shed some interesting light on the activities of Albert Speer, Hitler's minister for eco-

nomic mobilization during World War II.

Matthias Schmidt, author of "Albert Speer: The End of a Myth," has uncovered documents that contradict Speer's carefully crafted image of himself as a "respectable Nazi."

The pages of the book are filled with copies of letters exchanged between Speer and Heinrich Himmler, the overseer of the Nazi death camps.

There are also pages that show reports Speer received regarding the construction of Auschwitz and other camps.

But perhaps the most damaging evidence to Speer's claim that he was never involved in the terror being waged against the Jews are log entries from Speer's office.

According to these entries, Speer was aware that 75,000 Jews from Berlin had been forced from their homes to accommodate homeless Aryans.

In fact, this campaign was conducted by Speer's own office.

Mr. President, Albert Speer was sentenced to only 20 years of imprisonment at Nuremberg. After his release he became a wealthy man after publishing his memoirs.

Now it is time that we open our eyes.

There can be no such person as a "respectable Nazi."

Albert Speer was not only aware of the persecution of the Jews, he actually played a role in the genocide that was committed.

Despite his crimes he was able to enter society again, and shade world perceptions of himself with self-proclamations of innocence.

Mr. President, we must not excuse Albert Speer for his role in the Holocaust.

We must not excuse anyone who has been a party to genocide.

And, Mr. President, we must not excuse the Senate for failing to ratify the Genocide Treaty.

The Genocide Convention is a document that could be used as a deterrent against the actions of men like Albert Speer.

It is the Senate's duty to make that deterrence possible.

I urge my colleagues to remember that genocide is not something of the past.

Genocide is part of the present.

And if we want genocide to have no place in our future, the Senate must act promptly and ratify the Genocide Convention.

ROUTINE MORNING BUSINESS

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

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. McCLURE. Mr. President, I ask unanimous consent that the period for routine morning business be extended to the hour of 11 a.m. with statements therein limited to 5 minutes.

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

STATUE OF LIBERTY-ELLIS ISLAND COMMEMORATIVE COIN ACT

Mr. McCLURE. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 111, H.R. 47, the Statue of Liberty coin bill.

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

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 47) to provide for the minting of coins in commemoration of the centennial of the Statue of Liberty.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment.

AMENDMENT NO. 418

(Purpose: To add an authorization for Liberty Coins)

Mr. McCLURE. Mr. President, I send an amendment to the desk for myself and Mr. MURKOWSKI and Mr. HECHT, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE], for himself and Senator MURKOWSKI and Senator HECHT, proposes an amendment numbered 418.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I—STATUE OF LIBERTY-ELLIS ISLAND COMMEMORATIVE COINS

SHORT TITLE

SEC. 101. This Act may be cited as the "Statue of Liberty-Ellis Island Commemorative Coin Act".

COIN SPECIFICATIONS

SEC. 102. (a)(1) The Secretary of the Treasury (hereinafter in this title referred to as the "Secretary") shall issue not more than 500,000 five dollar coins which shall weigh 8.359 grams, have a diameter of 0.850 inches, and shall contain 90 percent gold and 10 percent alloy.

(2) The design of such five dollar coins shall be emblematic of the centennial of the Statue of Liberty. On each such five dollar coin there shall be a designation of the value of the coin, an inscription of the year "1986", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b)(1) The Secretary shall issue not more than ten million one dollar coins which shall weight 26.73 grams, have a diameter of 1.500 inches, and shall contain 90 percent silver and 10 percent copper.

(2) The design of such dollar coins shall be emblematic of the use of Ellis Island as a gateway for immigrants to America. On each such dollar coin there shall be a designation of the value of the coin, an inscription of the year "1986", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c)(1) The Secretary shall issue not more than twenty-five million half dollar coins which shall weigh 11.34 grams, have a diameter of 1.205 inches, and shall be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(2) The design of such half dollar coins shall be emblematic of the contributions of immigrants to America. On each such half dollar coin there shall be a designation of the value of the coin, an inscription of the year "1986", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(d) The coins issued under this title shall be legal tender as provided in section 5103 of title 31, United States Code.

SOURCES OF BULLION

SEC. 103. (a) The Secretary shall obtain silver for the coins minted under this title only from stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).

(b) The Secretary shall obtain gold for the coins minted under this title pursuant to the authority of the Secretary under existing law.

DESIGN OF THE COINS

SEC. 104. The design for each coin authorized by this title shall be selected by the Secretary after consultation with the Chairman of the Statue of Liberty-Ellis Island Foundation, Inc. and the Chairman of the Commission of Fine Arts.

SALE OF THE COINS

SEC. 105. (a) Notwithstanding any other provision of law, the coins issued under this title shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, and overhead expenses).

(b) The Secretary shall make bulk sales at a reasonable discount to reflect the lower costs of such sales.

(c) The Secretary shall accept prepaid orders for the coins prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount to reflect the benefit of prepayment.

(d) All sales shall include a surcharge of $35 per coin for the five dollar coins, $7 per coin for the one dollar coins, and $2 per coin for the half dollar coins.

ISSUANCE OF THE COINS

SEC. 106. (a) The gold coins authorized by this title shall be issued in uncirculated and proof qualities and shall be struck at more than one facility of the United States Mint.

(b) The one dollar and half dollar coins authorized under this title may be issued in uncirculated and proof qualities, except that not more than one facility of the United States Mint may be used to strike any particular combination of denomination and quality.

(c) Notwithstanding any other provision of law, the Secretary may issue the coins minted under this title beginning October 1, 1985.

(d) No coins shall be minted under this title after December 31, 1986.

GENERAL WAIVER OF PROCUREMENT REGULATIONS

SEC. 107. No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this title. Nothing in this section shall relieve any person entering into a contract under the authority of this title from complying with any law relating to equal employment opportunity.

DISTRIBUTION OF SURCHARGES

SEC. 108. All surcharges which are received by the Secretary from the sale of coins issued under this title shall be promptly paid by the Secretary to the Statue of Liberty-Ellis Island Foundation, Inc. (hereinafter in this title referred to as the "Foundation"). Such amounts shall be used to restore and renovate the Statue of Liberty and the facilities used for immigration at Ellis Island and to establish an endowment in an amount deemed sufficient by the Foundation, in consultation with the Secretary of the Interior, to ensure the continued upkeep and maintenance of these monuments.

AUDITS

SEC. 109. The Comptroller General shall have the right to examine such books, records, documents, and other data of the Foundation as may be related to the expenditure of amounts paid, and the management and expenditures of the endowment established, under section 108.

COINAGE PROFIT FUND

SEC. 110. Notwithstanding any other provision of law—

(1) all amounts received from the sale of coins issued under this title shall be deposited in the coinage profit fund;

(2) the Secretary shall pay the amounts authorized under this title from the coinage profit fund; and

(3) the Secretary shall charge the coinage profit fund with all expenditures under this title.

FINANCIAL ASSURANCES

SEC. 111. (a) The Secretary shall take all actions necessary to ensure that the issuance of the coins authorized by this title shall result in no net cost to the United States Government.

(b) No coin shall be issued under this title unless the Secretary has received—

(1) full payment therefor;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration Board.

TITLE II—LIBERTY COINS

SHORT TITLE

SEC. 201. This title may be cited as the "Liberty Coin Act".

MINTING OF SILVER COINS

SEC. 202. Section 5112 of title 31, United States Code, is amended by striking out subsections (e) and (f) and inserting in lieu thereof the following new subsections:

"(e) Notwithstanding any other provision of law, the Secretary shall mint and issue, in quantities sufficient to meet public demand, coins which—

"(1) are 40.6 millimeters in diameter and weigh 31.103 grams;

"(2) contain .999 fine silver;

"(3) have a design—

"(A) symbolic of Liberty on the obverse side; and

"(B) of an eagle on the reverse side;

"(4) have inscriptions of the year of minting or issuance, and the words 'Liberty', 'In God We Trust', 'United States of America', '1 Oz. Fine Silver', 'E Pluribus Unum', and 'One Dollar'; and

"(5) have reeded edges.

"(f) The Secretary shall sell the coins minted under subsection (e) to the public at a price equal to the market value of the bullion at the time of sale, plus the cost of minting, marketing, and distributing such coins (including labor, materials, dies, use of machinery, and overhead expenses).

"(g) For purposes of section 5132(a)(1) of this title, all coins minted under subsection (e) of this section shall be considered to be numismatic items.".

(h) The coins issued under this title shall be legal tender as provided in section 5103 of title 31, United States Code.

PURCHASE OF SILVER

SEC. 203. Section 5116(b) of title 31, United States Code, is amended—

(1) in the first sentence of paragraph (1), by striking out "The Secretary shall" and inserting in lieu thereof "The Secretary may";

(2) by striking out the second sentence of paragraph (1); and

(3) by inserting after the first sentence of paragraph (2) the following new sentence: "The Secretary shall obtain the silver for the coins authorized under section 5112(e) of this title by purchase from stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).".

CONFORMING AMENDMENT

SEC. 204. The third sentence of section 5132(a)(1) of title 31, United States Code, is amended by inserting "minted under section 5112(a) of this title" after "proof coins".

EFFECTIVE DATE

SEC. 205. This title shall take effect on October 1, 1985, except that no coins may be issued or sold under subsection (e) of section 5112 of title 31, United States Code, before September 1, 1986, or before the date on which all coins minted under title I of this Act have been sold, whichever is earlier.

Amend the title so as to read "An Act to authorize the minting of coins in commemoration of the centennial of the Statute of Liberty and to authorize the issuance of Liberty Coins.".

Mr. McCLURE. Mr. President, the amendment before us today provides for the minting of a bullion coin. Bullion coins have been a source of revenue for other countries for some time now. Canada, South Africa, and Mexico, as well as others, sell millions of ounces of gold and silver bullion to U.S. investors each year. It is time for the United States to provide bullion coins minted by the U.S. Mint to the American public.

The amendment calls for one legal tender silver bullion coin. The silver coin is denominated in 1 ounce and has a face value of $1.

Mr. President, I have worked for passage of this measure for a number of years. I have listened closely to concerns raised by my colleagues and other interested parties. The amendment today is the combined work of many years. It has support from both sides of the aisle.

I have always been a strong supporter of silver coinage. However, my concern has been heightened in the last few years when the administration set out to dispose of silver stored in the national defense stockpile.

Currently, America's defense strategic stockpile contains 136 million troy ounces of silver. The silver is stockpiled with other critical minerals to ensure our self-reliance and security in case of a national emergency.

In early 1981, the Reagan administration gained authority to sell 105 million ounces of so-called excess silver. The administration's decision was based, in large part, on calculations made by the Federal Emergency Management Agency [FEMA]. FEMA claimed that even without the national stockpile, America already had an adequate silver supply to sustain it for 3 years—the level required by law.

In late 1981, the General Services Administration anticipated sales of 1.25 million troy ounces per week. However, only four sales were completed totaling about 2 million troy ounces out of an anticipated 5 million troy ounces. Three of the sales resulted in bids being rejected because they were too low. During this period, silver dropped in price from $12 a troy ounce to $8 a troy ounce. The silver producing countries of Peru, Mexico, and Canada filed protests with the State Department concerning the adverse impact of these sales on the already tenuous silver industry, not to mention the outrage expressed by our domestic silver miners.

The administration pressed forward in disregard of these factors. I was forced to amend the defense appropriations bill to halt the further sale of stockpile silver. I believe that the way to safeguard against any further disruption of the silver market and to better serve the taxpayers is to dispose of stockpile silver by minting coins.

I introduced legislation which required that any silver disposed from the national defense stockpile would be accomplished through the minting of coins. I was encouraged by a statement made by the Honorable Angela M. Buchanan, then Treasurer of the United States, in her testimony on my bill before the Senate Banking, Housing and Urban Affairs Committee in 1983. Ms. Buchanan recommended strongly that "* * * a study be undertaken to determine the demand, the price, and the general feasibility of the proposal."

Mr. President, a study has been conducted by a respected researcher to measure the American public's interest in American bullion coins. The survey was completed and shows a very strong market potential for such coins. For example, nearly half of all Americans would have an interest in purchasing an American bullion coin priced in the $15 range. If only one in three people who are likely to purchase such a coin did so, this translates into approximately 30 million Americans who might be likely to purchase this coin. And nearly 25 percent of those who are interested in the coin are likely to purchase four or more coins in 1 year.

This survey offers strong evidence that a coinage program would not only work but would bring more money into the Treasury than dumping the silver on the market. We have tried, unsuccessfully, the auction method of disposing of stockpile silver. Now I believe we should try the coin method.

Further evidence of the potential of such a program is the success that other nations have experienced with their coinage programs. As I mentioned earlier, the Canadians, South Africans, and Mexicans, as well as others, have ongoing bullion programs. The silver Mexican Libertad is projected to sell over 5 million ounces in the United States this year. A silver mine in Idaho has predicted they will market close to their entire production this year through the sales of rounds and bars. The astounding fact is that they advertise only on the west coast and in two coinage newspapers.

In the April 1985 printing of the Silver Institute Newsletter, two officials heavily involved in the silver industry were discussing the demand for silver in today's market. One said:

> The industry is experiencing incredible sales of silver pieces and is having difficulty in keeping up with the demand. Silver is a highly active investment vehicle for the U.S. public, who are tremendous buyers of silver at the right price.

Another official said:

> Investor demand may top 50 million to 75 million troy ounces this year if the price continues at about the first quarter levels.

Mr. President, I believe we have established beyond a reasonable doubt that there is a very large market in the United States for such coins. Our findings have convinced me that we should have started a program years ago.

In a study I asked the General Accounting Office to perform, they concluded that auctioning off silver was not the best method of disposal. In a followup study a year later, they mentioned that a bullion coinage program appeared "* * * to be an attractive alternative that should be considered." The report indicated that a coinage program would probably minimize any market disruption, assure that disposal is for domestic consumption, and would probably increase Federal revenues over selling the silver by auction. GAO went so far as to ask Congress to consider requiring the Secretary of the Treasury to conduct an appropriate study to develop a strategy to market bullion coins.

In 1984, Treasury Secretary Regan indicated in a letter to Secretary Clark that "* * * a coinage program is a viable means of disposing of a portion of the excess silver."

Mr. President, as I indicated earlier, I am convinced that it is time to develop a bullion coin program for the United States. The experience of our neighbors clearly shows that there is a tremendous demand for silver bullion coins. In addition, the Treasury will realize the highest return on disposal of silver from the stockpile.

The amendment before us today allows the Secretary of the Treasury broad authority to develop a marketing program which will put the silver coin in the hands of the buyer at the time of sale. By developing such a program, many more Americans will purchase the coin. Many investors and collectors have expressed concern that a mail order system is insufficient to meet the great demand for bullion coins. It is my intent to allow the Secretary as much discretion as possible to develop a favorable marketing system to market as many silver bullion coins as the public demands.

Mr. President, I support the Statue of Liberty Coin Program. It is a worthy cause which will be of great assistance toward renovating the Statue of Liberty and Ellis Island. The bullion coin program is also a worthwhile cause which deserves our support. Not only will it dispose of silver in the stockpile in the least disruptive manner but will fill the great demand that exists in America for ownership of legal tender silver bullion coins minted by the U.S. Mint.

Congressman FRANK ANNUNZIO, chairman of the House Banking Subcommittee on Consumer Affairs and Coinage, deserves much of the credit for the work on the Statue of Liberty proposal. Chairman ANNUNZIO has been a leader in commemorative coin legislation and should be applauded for his efforts to assist the renovation of this great American symbol.

Mr. President, I urge my colleagues to support this measure.

Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 418) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I am glad that we have reached agreement on expediting H.R. 47, the legislation approved by the House and by our Banking Committee that would authorize the minting of coins commemorating the centennial of the Statue of Liberty in 1986. These coins—three in number—will be sold to the public, and the profits will be used to help pay for the restoration of the statue and of Ellis Island. As Members know, the Statue of Liberty has suffered considerably over the years from exposure to the elements, and from the normal wear and tear that can be expected in 100 years of history. Its restoration is a project close to the hearts of the American people, particularly those 100 million who are descended from immigrants who passed through Ellis Island.

As many of my colleagues know, I had hoped to join with my colleagues, Senator CRANSTON and Senator McCLURE, to expand the scope of this bill and include the gold bullion coin that we have recommended as an American alternative to the South African Krugerrand. That proposal has strong bipartisan support, because it offers a fair, free-market response to the problems many perceive in our economic relations with South Africa, and particularly with Krugerrand sales in this country. I can pledge to my cosponsors of this legislation, S. 636, that we will be offering this proposal in the Senate in the near future. I believe we should be able to find an appropriate vehicle, because this issue does need to be addressed. Our companion bill in the House, sponsored by our colleagues JERRY LEWIS and JULIAN DIXON, has over 230 cosponsors; I think our prospects for success are excellent.

STATUE COMMEMORATIVE

Mr. President, while I would have welcomed the opportunity to combine these coinage proposals in a single vehicle, I very much appreciate the concerns of those involved in the Statue of Liberty restoration project that we not do anything that would impede

their efforts to raise funds. The commemorative coin program authorized by this legislation is designed to raise some $137 million out of an estimated $230 million needed to restore the statue. When it became known that I had an amendent--a germane one, I might add—to H.R. 47, other amendments started to emerge as well. That kind of thing has been known to happen, and while I would not quarrel with the prospective authors of those additional amendments, I do regret that the prospect of loading up this bill seemed to put the Statue of Liberty program at risk. For that reason, we have mutually agreed to get the Statue of Liberty coin program underway without further delay. That way we can ensure maximum benefit to the restoration program.

Mr. President, the Statue of Liberty has deep and lasting significance for all Americans; it links us together, with all our different beliefs, religious preferences, and ethnic backgrounds. The drive to restore both the statue and Ellis Island is an outstanding effort, and I congratulate our friends in the House, FRANK ANNUNZIO and JOHN HILER, for their great effort in the Coinage Subcommittee and on the House floor to expedite this legislation.

Mr. PROXMIRE. Mr. President, I am pleased to support H.R. 47, to provide for the minting of commemorative coins in honor of the centennial of the Statue of Liberty. I was one of the original cosponsors of the bill—S. 233—introduced in the Senate by my colleague from New York, Senator D'AMATO. I want to commend both Senator D'AMATO and Representative ANNUNZIO, who introduced H.R. 47, for their leadership on this important issue. What is important about this program is that the funds for the restoration of the Statue of Liberty come from direct sales of these commemorative coins to the public; there is no cost to the American taxpayer. A portion of the surcharge fees raised will also provide the funding to maintain the statue and Ellis Island as national monuments for future generations. I also want to commend Mr. Lee Iacocca, the chairman of the Statue of Liberty-Ellis Island Foundation, for his dedicated work in raising much of the funds needed for this project. While I have not always seen eye-to-eye with him in the past, we have finally found an issue on which we can agree.

Nineteen eighty-six marks the centennial of the Statue of Liberty. In 1886, France presented the statue to the United States as a gift symbolizing the close friendship between our two countries. For 99 years, the statue has welcomed millions of immigrants to our shores. Less than 1 mile away from the statue is Ellis Island where, from 1892 to 1954, 17 million immigrants first stood on American soil. Ellis Island was the Nation's first, and largest, immigration station. If the statue has become known as "Lady Liberty," then Ellis Island is to be remembered as the gateway to America.

One of the enduring characteristics of American society is its rich ethnic diversity. Over 100 million Americans are descended from those 17 million immigrants who came through Ellis Island and who saw the statue as a beacon of liberty welcoming them to these great shores. Yet despite our diversity, we share common values: a love of liberty, a keen sense of justice, and the potential for great opportunity. We must not take for granted the ideals we cherish the most. Just as we would not want these ideals on which the strength of this Nation rests to erode, we do not want our symbols of liberty to crumble and decay from indifference. Initiating this commemorative coin program is a way of assuring that our children and our children's children will be reminded of their ancestors' quest for freedom and what our country stands for.

● Mr. KENNEDY. Mr. President, I am pleased to give my strong support to H.R. 47, the Statue of Liberty-Ellis Island Commemorative Coin Act, which authorizes the minting of gold coins to commemorate the centennial of the Statue of Liberty. The coins will be sold to the public, and the proceeds will help to fund the much-needed restoration of the Statue of Liberty and Ellis Island.

Dedicated in 1886 to commemorate the centennial of the American Revolution, the Statue of Liberty has stood in New York Harbor for a century, welcoming those who seek freedom and opportunity. Today, she still stands as a beacon of hope to oppressed peoples throughout the world, a symbol of America's commitment to liberty and justice. Less than a mile from the Statue of Liberty lies Ellis Island, where countless immigrants have passed at the end of their journey of hope to the new world.

Today, these great symbols of America are in dire need of repair. The monuments which helped create a strong and diverse nation and brought hope to millions now need our help.

The Statue of Liberty-Ellis Island Foundation has begun a $230 million restoration effort, which is being carried out under the effective and energetic leadership of Chairman Lee A. Iacocca of the Chrysler Corp., who is also chairing the Statue of Liberty-Ellis Island Commission appointed by President Reagan.

The response of the American public to the appeals of the foundation and the work of the Commission has been impressive. To date, the foundation has raised $143 million pledges, and it is estimated that the sale of these commemorative coins will provide an additional $137.5 million in funds for this historic restoration.

At the same time, it is also important to point out that this coin act will have no cost to the Government or the American taxpayer. Through the purchase of these coins by private citizens, the legislation will enable us to support the restoration of these monuments and symbolically reaffirm our belief in the hope and promise they represent for generations yet to come.

This legislation authorizes the minting of three coins—a $5 gold coin which will commemorate the centennial of the Statue of Liberty; a silver dollar which will portray Ellis Island as the historical gateway of generations of immigrants to this country; and a half dollar which will pay tribute to the contributions of immigrants to America. The United States is a nation of immigrants, and it is especially appropriate that the sale of these commemorative coins will facilitate the restoration of the monuments that have welcomed our ancestors to this land.

The success of commemorative coin fundraising was recently demonstrated by the popularity of the coins minted to honor the Olympic games of 1984. The $70 million raised by the Olympic Coin Program testifies to the effectiveness of such efforts and the broad public support they receive. But it is urgent that the pending legislation be enacted as soon as possible, so that the fundraising effort can go forward in ample time for the centennial of the Statue of Liberty, which is scheduled for July 4, 1986.

I also commend the work of many Senators who have sought to expedite the present legislation and launch this coin program as soon as possible. A large number of us in the Senate oppose the importation of the South African gold coins called Krugerrands, and the House of Representatives has already passed legislation banning the importation of these coins into the United States. We will have the opportunity to debate these issues at length in the near future when the antiapartheid legislation comes before the Senate, including the opportunity to consider proposals, which I support, to ban Krugerrands and to permit the Treasury to mint U.S. gold coin for purchase by American citizens, investors, and collectors.

I look forward to that debate, and I welcome the decision of the Senate to expedite final action at this time on the Statue of Liberty-Ellis Island legislation, so that the Treasury can move forward immediately to implement the important purpose of restoring these two great symbols of our liberty.

Mr. President, I ask that the text of a recent magazine advertisement on the fundraising campaign for the

Statue of Liberty and Ellis Island may be printed in the RECORD.

The text follows:

[From Newsweek magazine, Apr. 15, 1985]

IF YOU STILL BELIEVE IN ME, SAVE ME

KEEP THE TORCH LIT

For nearly a hundred years, the Statue of Liberty has been America's most powerful symbol of freedom and hope. Today the corrosive action of almost a century of weather and salt air has eaten away at the iron framework; etched holes in the copper exterior.

On Ellis Island, where the ancestors of nearly half of all Americans first stepped onto American soil, the Immigration Center is now a hollow ruin.

Inspiring plans have been developed to restore the Statue and to create on Ellis Island a permanent museum celebrating the ethnic diversity of this country of immigrants. But unless restoration is begun now, these two landmarks in our nation's heritage could be closed at the very time America is celebrating their hundredth anniversaries. The 230 million dollars needed to carry out the work is needed now.

All of the money must come from private donations; the federal government is not raising the funds. This is consistent with the Statue's origins. The French people paid for its creation themselves. And America's businesses spearheaded the public contributions that were needed for its construction and for the pedestal.

The torch of liberty is everyone's to cherish. Could we hold up our heads as Americans if we allowed the time to come when she can no longer hold in hers?●

Mr. D'AMATO. Mr. President, I rise today to urge passage of H.R. 47, the companion bill S. 233, which I introduced in January.

This legislation requires the U.S. Mint to strike commemorative coins of the Statue of Liberty and Ellis Island. The proceeds from the sale of these coins will be used to reimburse the mint and to assist in the rehabilitation of the Statue of Liberty and the Ellis Island Immigration Center.

I am pleased that the concerns of the majority leader and the senior Senator from Idaho, Senator MCCLURE, have been addressed satisfactorily. I am proud to support the provisions of the bill that require the minting of both gold and silver bullion coins.

Passage of H.R. 47 is quite timely. The Statue of Liberty/Ellis Island Foundation has a cash problem resulting in delays in the work. This is critical because rehabilitation must be completed by July 4, 1986, Miss Liberty's 100th birthday. Passage of H.R. 47 will alleviate the cash shortage by providing $130 million for the project.

Mr. President, passage of H.R. 47 is imperative. This legislation will not cost the Federal Government any money and an extremely worthwile project will be funded. It is in the interest of the Nation that the Statue of Liberty and Ellis Island be restored to their original condition. I urge my colleagues to vote in favor of H.R. 47.

Mr. SYMMS. Mr. President, I commend my distinguished colleague, the Senior Senator from Idaho, on the introduction of this bill. Senator MCCLURE has worked long and hard to bring this measure to reality. In fact, if my memory is correct he has been pursuing this goal for 12 years. It is a well thought out proposal that will have important results.

It will begin, first of all, to reduce our national defense stockpile of silver. Certainly it has been established that 136 million ounces of silver is enough to hold over the market's head. Even though I think we need all of it, this measure has been designed so that the introduction of these coins won't have an adverse impact on the silver market.

These bullion coins will give the United States access to the secondary bullion market—a market that has been dominated by other countries. I'm sure that there will be a ready market for these coins. Bearing the symbol of Liberty and a likeness of the American eagle with the inscriptions "Liberty," "In God We Trust," and "E Pluribus Unum," they will be a reminder of some of the things we consider most important. This will give the American people an opportunity to own some valuable bullion coins of U.S.A. vintage.

I am especially happy to support this legislation because Idaho is a major silver producing State, and we appreciate hard money. While drawing our stockpile down somewhat probably will not spur increased mining activity in Idaho I think our miners will feel a little better knowing that the metal is moving. It has been a long time since the mining industry has had much to feel good about. If this measure helps, I will be glad.

Again, I congratulate Senator MCCLURE for his efforts and thank the distinguished majority leader for bringing this bill forward tonight. I am proud to support this measure.

Mr. GARN. Mr. President, I want to commend the leadership for their efforts to bring this bill to the floor today to establish a Commemorative Coin Program to help fund the restoration of the Statue of Liberty and Ellis Island.

The Statue of Liberty and Ellis Island are two of our Nation's most widely recognized symbols of what life, liberty and the pursuit of happiness are all about. For the millions of immigrants from all nations who came to the United States, the golden door of Ellis Island, and for the last 99 years the Statue of Liberty have stood as national and international symbols representing freedom, and the promise of a new life.

Today, both these monuments stand as reminders for the millions of Americans of the plight endured to reach the United States.

Due to the wear and tear of time and tourism, the Statue of Liberty and the Ellis Island facilities are in dire need of restoration. The sale of the three different commemorative coins will raise $137.5 million at no cost to the Government, but more importantly, the coins will help preserve these two precious monuments. I'm sure everyone will agree with me when I say that this is a worthwhile project. I urge my colleagues to join me in supporting H.R. 47.

Mr. MURKOWSKI. Mr. President, I am pleased to be a cosponsor of the Statue of Liberty bill which contains a provision for the minting of silver bullion coins.

That provision is nearly identical to the silver bullion coin elements of S. 1295, a gold and silver bullion coin bill, which I have previously introduced.

The American gold and silver mining industries are in distress today, through no fault of their own. The United States of America has a trade deficit which can best be described as extraordinarily large and growing, and a domestic budget deficit which can be fairly described as staggering. The bullion coin measure will provide small but significant relief in each of these areas.

For the first time, Americans will have the opportunity to purchase American bullion coins minted by the U.S. Mint.

For years, Americans have purchased South African Krugerrands, Canadian Maple Leafs, and Mexican bullion coins. They could not buy an American-made U.S. bullion coin if they wanted to, because such coins have simply not been made. The only American coins containing precious metal available in recent years have been commemorative coins, which appeal to a different market element than do bullion coins.

One of the serious concerns of American silver producers is the approximately 138 million ounces of silver held in the national defense stockpile. Much of this silver is surplus, and its mere presence acts to further depress silver prices, in view of previous attempts to auction this surplus silver. These earlier auction attempts were halted by the General Services Administration [GSA] since the bids received were not responsive.

It is generally agreed by most knowledgeable sources that the best way to dispose of this excess silver is through coinage. This method of silver disposal does not result in undue disruptions in market silver prices. Long-term production and sales of silver, as well as gold, coins would add a large element of stability to market prices and will encourage more exploration and mining of American resources.

I briefly mentioned earlier America's large and growing trade deficit, which

was $123 billion in 1984 and is expected to each nearly $145 billion this year. The silver bullion coin provisions of the Statue of Liberty coin bill will help to reduce this deficit by first reducing the amount of foreign coins purchased by Americans, and secondly, by enabling foreigners to purchase American silver legal tender currency. Last year, South Africa sold about 4 million ounces of gold as Krugerrands. The bullion coins to be minted under this provision would compete directly with the Krugerrand and the silver and gold bullion coins produced by other countries.

I anticipate that American silver bullion coins will sell about 6 million pieces each year.

I am pleased to note that these bullion coins will not be provided at Government expense. On the contrary, the U.S. Government will have all production costs covered, as well as a net income from the sale of any stocks of precious metals already owned by the Government.

Enactment of this measure will provide a much needed boost to the silver mining industry of the United States. I would hope that we can provide the same boost to the gold miners of this country by enacting a gold bullion coin bill sometime soon and would urge the Members of this body to support enactment of such a measure.

I encourage adoption of the Statue of Liberty coin bill with the silver bullion coin provision.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 47), as amended, was passed.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I would like to inquire of the distinguished Democratic leader if he is in a position to pass the following calendar items: Calendar No. 192, Senate Joint Resolution 111; Calendar No. 193, Senate Joint Resolution 122; and Calendar No. 194, House Joint Resolution 159.

Mr. BYRD. Mr. President, on this side of the aisle, these items are cleared for action.

NATIONAL SPINA BIFIDA MONTH

Mr. McCLURE. I send a joint resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 111) to designate the month of October 1985 as "National Spina Bifida Month."

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration, and, without objection, the joint resolution will be considered to have been read the second time at length.

The joint resolution (S.J. Res. 111) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 111

Whereas spina bifida is a birth defect in the spinal column which occurs in one of every one thousand births in the United States;

Whereas spina bifida is the most common crippler of newborns, resulting when one or more bones in the back (vertebrae) fail to close completely during prenatal development;

Whereas while the cause of spina bifida is not known, it appears to be the result of multiple environmental and genetic factors;

Whereas although most of the March of Dimes and Easter Seal poster children have spina bifida, many people have not heard of the defect;

Whereas only a few cities in the United States have proper care centers and specialized professionals that can provide the most effective, aggressive treatment for children and adults with spina bifida; and

Whereas an increase in the national awareness of the problem of spina bifida may stimulate the interest and concern of the American people, which may lead, in turn, to increased research and eventually to the discovery of a cure for spina bifida; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of October 1985 is designated "National Spina Bifida Month" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

NATIONAL ARBOR DAY

Mr. McCLURE. Mr. President, I send a joint resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 122) to authorize the President to proclaim the last Friday of April of each year as "National Arbor Day."

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on the Judiciary with an amendment on page 1, beginning on line 4, strike "each year," and insert "1986."

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

● Mr. BRADLEY. Mr. President, I am pleased that the Senate will consider today a joint resolution to designate the last Friday in April 1986 as National Arbor Day; 29 of my colleagues have seen fit to join me in this effort.

In 1970 and 1972, Congress legislated and the President proclaimed "The Last Friday in April" in those 2 years as National Arbor Day. The legislation we are considering would repeat this observation next year.

Our Nation's trees are one of our most important natural resources. Trees not only provide the raw materials for some of our basic industries, they are important stabilizers of our environment and they also provide natural grace and beauty to our lives. The observance of a national arbor day would provide an important reminder to all our citizens to appreciate and protect this vitally important natural resource. Furthermore, this observance need not cost the Federal Government a cent. There is no need to establish an agency or a staff. The news media would gladly promote this date.

The importance of this natural resource ought to also impel us to act promptly on the problem of forest decline. Scientists have observed growth declines, serious damage and death of a number of species of trees in large areas of Europe and the Eastern United States.

The most extensively documented case of forest damage is occurring in West Germany. In 1982, the Federal Minister of Food, Agriculture, and Forestry reported damage to 8 percent of all trees; coniferous species were most seriously affected. In 1983 this figure increased to 34 percent. Today an estimated 55 percent of West Germany's forested area is damaged. And the damage does not end at the West German border. Switzerland, Austria, and Czechoslovakia report 10 percent of their forests have suffered damage or have died.

Here in the United States, damage to forests has ranged from decline in growth of several species of pines in southern New Jersey to widespread damage to the ponderosa pine in southern California. A number of other coniferous species have experienced growth decline in an 11 State region extending from Maine to Alabama.

While forest damage is well documented, the scientific debate continues as to the exact causes. Several causes have been hypothesized including such factors as aluminum toxicity, magnesium deficiency, ozone damage, excess nutrients, and general stresses such as drought or insect infestation. Even though the mechanisms are as yet unclear, the role of air pollution in general and acid deposition in particular seem directly related. Research efforts have indicated that nitrous oxides may play an equal or greater role than sulfur oxides in damaging forests.

Last year I introduced legislation to transfer Forest Service resources from road building to pollution damage research. While research efforts continue, we must explore potential intermediate steps to protect this precious national resource.

Because of our concern about damage to our forests and trees it is particularly appropriate that we take special note of the importance of trees through designation of a national arbor day.●

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution to authorize the President to proclaim the last Friday of April 1986 as 'National Arbor Day.' ".

S.J. RES. 122

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the last Friday of April 1986 as "National Arbor Day" and calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

COMMEMORATING THE ANNIVERSARY OF THE BOY SCOUTS OF AMERICA

Mr. McCLURE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 159, commemorating the 75th anniversary of the Boy Scouts of America.

The PRESIDING OFFICER. The joint resolution will be stated.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 159) commemorating the 75th anniversary of the Boy Scouts of America.

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read twice by title.

Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The joint resolution (H.J. Res. 159) was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

DEFERRAL OF WHEAT REFERENDUM

Mr. McCLURE. Mr. President, I ask unanimous consent that the Senate now turn to Calendar No. 163, S. 822, the wheat referendum bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Idaho?

There being no objection, the Senate proceeded to consider the bill (S. 822), a bill to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1986.

Mr. ZORINSKY. Mr. President, S. 822 is legislation that I introduced on April 1. The bill, as reported by the Agriculture Committee, would provide authority to defer the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1986.

The legislation is needed to avoid having the Secretary of Agriculture conduct a wheat referendum by August 1, 1985, as required under the Agricultural Adjustment Act of 1938. In such a referendum, producers would vote "yes" or "no" on the question whether a marketing quota should be in effect for the 1986 crop of wheat.

S. 822 would permit deferral of the referendum until 30 days after adjournment sine die of the first session of the 99th Congress. This will allow time for Congress to develop a new wheat program as part of the 1985 farm bill.

When the final version of the 1985 farm legislation is passed, wheat marketing quotas may not be required or a referendum will be required on a program substantially different from that provided under the Agricultural Adjustment Act of 1938.

In the absence of the enactment of S. 822, the Secretary would be required under permanent law to conduct a referendum that would be nothing more than a needless and costly exercise. In 1981, the Department of Agriculture estimated that the total cost of preparing for and conducting such a referendum would be about $4.8 million.

S. 822 is legislation similar to legislation approved by Congress in 1977 and on three occasions in 1981 that postponed the wheat referendum. In that regard, Secretary Block sent letters—dated May 18, 1981, and October 7, 1981—recommending the enactment of legislation to postpone the 1981 wheat referendum. In his May 18 letter, Secretary Block stated that conducting the referendum would be, and I quote, "a needless and somewhat costly exercise," end of quote.

I believe that producers would not want the Secretary to conduct a referendum based on the wheat program provided under permanent law. Further, I believe that such a referendum is an unnecessary expenditure of funds since producers will not be presented with a choice of viable programs.

It is clear that, at the present time, holding the referendum would be an expensive administrative burden. Not holding the referendum will save the Department from committing resources to an unnecessary activity, prevent confusion among wheat producers regarding the 1986 wheat program, and save the taxpayers millions of dollars.

For those reasons, I urge my colleagues to support S. 822.

I ask unanimous consent that the text of the letters referred to in my statement be printed in the RECORD.

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

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, May 18, 1981.

Hon. GEORGE H.W. BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a bill "To extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1982."

The Department recommends enactment of this legislation.

This legislation is needed to avoid USDA's having to conduct a wheat referendum on August 1, 1981. In such a referendum, producers would vote yes or no on the question of whether a marketing quota should be in effect for the 1982 crop of wheat. When the final version of the 1981 farm legislation is passed, wheat marketing quotas will probably not be required. However, should the 1981 farm legislation not pass by August 1, the Department would be required, under the Agricultural Adjustment Act of 1938, to conduct the referendum—an almost certainly needless and somewhat costly exercise. The Department estimates that the total cost of preparing for and conducting the referendum would be about $4.8 million.

The proposed legislation is similar to P.L. 95-48, passed June 17, 1977, which post-

poned the wheat referendum that was scheduled for August 1, 1977.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

A similar letter has been sent to the Speaker of the House of Representatives.

Sincerely,

JOHN R. BLOCK,
Secretary.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, October 7, 1981.

Hon. ROBERT DOLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: We strongly urge that the legislative mandate to conduct a 1982-crop wheat referendum by October 15, 1981 be delayed to November 1981.

Delaying the requirement for the wheat referendum will give the Congress the needed time to complete action on the farm bill which has been passed by the Senate and is now being taken up by the House. The farm bill, once enacted and signed into law, will make the referendum unnecessary since it would suspend the marketing quota and acreage allotment provisions.

Holding the referendum would also be an expensive administrative burden. The federal cost for holding the referendum is estimated at over $4 million. If legislative action to postpone the referendum is not completed today, the Department must set in motion the actions needed to carryout this activity. If legislation to postpone the referendum is passed by October 13, it would result in a saving of approximately $3 million since $1 million would be expended in gearing up for the referendum.

Your assistance in allowing this referendum to be postponed is greatly appreciated since it will save the Department from committing resources to an unnecessary activity, save wheat producers from taking time to vote in a useless exercise and save the taxpayers several millions of dollars.

Sincerely,

JOHN BLOCK,
Secretary.

Mr. HELMS. Mr. President, the legislation before us, S. 822, would give the Secretary of Agriculture discretion to delay the pending wheat referendum until 30 days after adjournment sine die of the first session of the 99th Congress.

Current laws governing most of the farm programs—including the Wheat Program—are due to expire at the end of the 1985 crop year. Congress, therefore, is currently considering omnibus legislation establishing agricultural programs for the 1986 and subsequent crops.

There is no guarantee, however, that Congress will complete consideration of the farm bill by the end of the year. The Senate Agriculture Committee has found itself in the position of not being able to conduct business for as many hours as we would have liked. I, as one member of the committee and chairman, am committed to completing a new farm bill in 1985. However, if Congress is not successful in completing its work, permanent law requiring a wheat referendum—among other things—would go into effect.

Under permanent law—the Agriculture Adjustment Act of 1938 as amended—the Secretary of Agriculture is required to determine if the total supply of wheat in the marketing year will, in the absence of a marketing quota program, be excessive. If supplies are determined to be excessive, the Secretary must determine a national marketing quota and conduct a referendum not later than August 1.

The Secretary has already set this process in motion and has announced a referendum, to be held by mail, July 19-26.

My preference is for the Secretary to go ahead with his plans to hold the referendum. Reverting to permanent law is certainly not a good answer to the problems of agriculture today. By the same measure, an extension of current law would be even worse. If Congress is serious about trying to do something to correct agricultural policy, we will chart a new course by authorizing basic farm legislation in 1985. If not, we may be better off in agriculture by operating the laws set out in 1938.

The reason is that loan rates are the key instrument of farm policy. Farmers and those who invest in farming overseas use the U.S. loan rate as the price signal on which they can determine whether their investments in increased production will be profitable or not. Foreign competitors know that if they can market their commodities just below the price which the U.S. Government will purchase all American farmers will produce—which is what the "loan rate" is—they can take our market share from us if they made the additional investments in agricultural production. Our 50 percent of the total global trade is quite a chunk to shoot for. So as they are now operating, the U.S. farm programs benefit foreign producers more than they do our own people. In fact, in this sense, our farm programs are really quite perverse in their impact on U.S. farmers.

If the Congress refuses to make the fundamental reforms necessary to correct our failed farm policies, I am inclined to urge the President to implement permanent law rather than extend current law. But to do that, he is required to conduct referendums in advance.

The important point of this legislation is that it gives the Secretary discretion on whether or not to hold the wheat referendum prior to August 1. As long as the authority is discretionary, I have no objection to the legislation.

Mr. DOLE. Mr. President, it is my pleasure to bring up for consideration by the Senate a bill sponsored by the distinguished Senator from Nebraska, Senator ZORINSKY, that will provide authority to the Secretary of Agriculture to postpone the scheduled producer referendum on the 1986 Wheat Program until 1 month after the close of this session of the 99th Congress.

This measure, which is identical to legislation passed by the Congress during consideration of the last omnibus farm bill in 1981, will allow that important process to go forward in the House and Senate Agriculture Committees without the distraction of holding a vote to choose between two antiquated farm program alternatives. We should be looking forward to find ways to make U.S. agricultural exports more competitive in today's marketplace—not backward to the restrictive policies included in the 1938 and 1949 Agriculture Acts.

I have received assurances from Agriculture Secretary Block that he is willing to give favorable consideration to using the authority provided by this bill and to cancel the current plans to hold a wheat referendum during the week of July 19. The Secretary recognizes, as we all do, that such a procedure would be a costly and confusing digression from our efforts to craft responsible farm legislation this year. Those of us on the Senate Agriculture Committee look forward to working with Secretary Block on a bipartisan basis to design farm policies that respond to the environment agriculture will face in the 1980's and beyond—not the 1930's or 1940's.

I commend Senator ZORINSKY and the distinguished chairman of the Senate Agriculture Committee, Senator HELMS, for their leadership in responding to the need to provide this authority, and look forward to helping expedite the process and obtaining the President's approval of this legislation in the near future.

Thank you, Mr. President.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 822) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 822

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 336 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1336) is amended by striking out the last sentence and inserting in lieu thereof the following: "Notwithstanding any other provision hereof, the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1986, may be conducted not later than thirty days after adjournment sine die of the first session of the Ninetyninth Congress.".

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER TO ADD CONFEREES TO H.R. 2577

Mr. DOLE. I ask unanimous consent that Senators D'AMATO and RUDMAN be added as conferees to H.R. 2577.

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

ORDER FOR RECORD TO REMAIN OPEN UNTIL 3 P.M.

Mr. DOLE. I ask unanimous consent that the record remain open until the hour of 3 p.m. today, for the introduction of bills, resolutions, and the submission of statements.

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

EXECUTIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now go into executive session to consider the following nominations: Calendar No. 259, Larry James Stubbs; Calendar No. 260, Lt. Gen. Max B. Brailiar, and all nominations laid on the Secretary's desk.

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

Mr. DOLE. Mr. President, I ask unanimous consent that the nominations just identified be considered en bloc and confirmed en bloc.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Mr. BYRD. Mr. President, there is no objection. May I ask the distinguished majority leader if he was referring to nominations placed on the Secretary's desk in the Air Force and Navy?

Mr. DOLE. Yes, that is correct.

Mr. BYRD. Mr. President, there is no objection.

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

The nominations confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Larry James Stubbs, of Georgia, to be US marshal for the southern district of Georgia for the term of 4 years.

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Max B. Brailiar, [redacted] FR, United States Air Force.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, NAVY

Air Force nominations beginning Maj. Robert L. Baldwin, and ending Maj. Troy F. Barnett, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 12, 1985.

Air Force nominations beginning Gordon P. Mangente, and ending Jonathan M. Uhl, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 13, 1985.

Navy nomination of Cmdr. John O. Creighton, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of June 12, 1985.

Navy nominations beginning Robert David Abel, and ending George K. Zane, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 12, 1985.

NOMINATION OF LARRY J. STUBBS FOR U.S. MARSHAL, SOUTHERN DISTRICT OF GEORGIA

Mr. MATTINGLY. Mr. President, Mr. Larry James Stubbs of Glennville, GA, is before this body today to be confirmed as U.S. marshal for the southern district of Georgia. When confirmed by the Senate, he will be the second individual to hold that position since I came to the Senate. He succeeds my good friend, Cliff Nettles, whose untimely death last year deprived me of a friend, Georgia of a first-rate law enforcement officer, and our country of a loyal patriot. He will be missed.

It gives me great pride to recommend Larry Stubbs to this body for the position of U.S. marshal. Larry has a long and distinguished career as a law enforcement officer in Florida and Georgia. Before joining the U.S. Marine Corps in 1969, he served with the Hialeah, FL, Police Department. He returned to the Hialeah Police Force after leaving the Marines in 1971, and served until moving to Georgia in 1974. Since 1978, Larry has served with the Glennville, GA, Police Department as assistant chief of police with the rank of lieutenant.

In his law enforcement posts, Larry has not only proved himself an excellent police officer, but an able administrator as well. In short, Larry brings to the U.S. marshal post the proven experience that will make him a credit to the Marshals Service.

Mr. President, I urge my colleagues to support the confirmation of Larry Stubbs as U.S. marshal as an excellent addition to the Marshals Service and to the Federal law and order battle against crime. Thank you.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

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

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

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

LEGISLATIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now resume legislative session.

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

THE APPLICABILITY OF DRUNK DRIVING LAWS TO FOREIGN DIPLOMATS

Mr. DANFORTH. Mr. President, last Saturday, a Soviet military attaché, Sergei Smirnov, was involved in an accident on Rock Creek Parkway. Mr. Smirnov's car crossed over the parkway and ran head-on into another car, containing three people. Fortunately, two of the occupants of the struck car did not receive serious injuries, but an 85-year-old woman, Cecile, Malakoff, required hospitalization and is expected to be in the hospital for at least 2 months.

Mr. Smirnov was described in the accident report as "apparently severely intoxicated." He was said to be "incoherent," with "the strong odor of an alcoholic beverage about his breath." The Soviet Embassy, however, maintains that Mr. Smirnov was not intoxicated.

Everyone involved in an auto accident deserves to have all the evidence heard. While it certainly appears that alcohol was a part of this accident, I am not going to judge Mr. Smirnov's guilt or innocence here. I am very concerned, however, about the fact that we have no recourse to take action against diplomats who are found to be drunk drivers. Under our laws, diplomats involved in traffic accidents are immune from prosecution. This is troublesome in all cases, but especially when drunk driving is involved.

Mr. President, drunk driving is a serious national problem. Congress, the Federal Government, and the States have spent considerable time and effort to strengthen drunk driving laws and enforcement activities. We have made much progress, but more needs to be done. It is clear, however, that our inability to prosecute diplomats for drunk driving offenses represents a serious loophole in our drunk driving laws.

A diplomat should not have the right to come to the United States, get a driver's license and car tags and then proceed to get drunk, get behind the wheel of a car, and be totally unaccountable for his actions, no matter how serious. Driving is a privilege, not a right, for everyone operating vehicle in this country. It is time that we make this point clear. Until our traffic laws are applied with equal force to all drivers in this country, the effectiveness of our recent efforts to strengthen drunk driving laws and to improve highway

safety generally will be greatly diminished.

Mr. President, I ask unanimous consent that an article appearing in the June 21, 1985, Washington Post which describes the Smirnov incident, be included in the RECORD in its entirety.

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

[From the Washington Post, June 21, 1985]

SOVIET EMBASSY DENIES ATTACHE IN COLLISION WAS INTOXICATED

(By Patrice Gaines-Carter)

A high-ranking Soviet military attache, described in an accident report as "apparently severely intoxicated," was driving a car that plowed head on into another car Saturday afternoon and hospitalized an 85-year-old woman.

The driver has diplomatic immunity, however, and therefore cannot be prosecuted. He was released to the custody of the Soviet Embassy. An embassy spokesman denied yesterday that the official had been intoxicated at the time of the accident.

The accident report by the U.S. Park Police states that the Russian driver, identified as Sergei N. Smirnov, an embassy air attache, was "incoherent" and "had the strong odor of an alcoholic beverage about his breath."

The accident occurred on Rock Creek Parkway, just north of P Street NW.

Smirnov's 1982 Ford LTD crossed over from the southbound lanes of the parkway and struck a 1977 Dodge Aspen station wagon, driven by Robert Malakoff, a Senate subcommittee staffer, the report said.

Malakoff was driving, his wife Grace was in the front seat and his mother Cecile was in the back seat.

"There are a lot of uncertainties," said Malakoff, whose mother is in stable condition and in traction because of a hip injury she received in the accident.

"The first thing is the man should be subject to the same penalties we are subject to," he said. "Secondly, I'm not sure what diplomatic immunity means financially. It's unclear how far they will come to compensate us" for medical expenses.

Malakoff said he expects his mother to be hospitalized for at least two months.

The accident report states that the "accident was caused by Smirnov. Contributing factors would be the consumption of alcohol since he was apparently severely intoxicated."

It also says that Smirnov "could not speak, he babbled, appeared incoherent, and had glassy eyes . . . difficulty walking." Smirnov was handcuffed after he became "violent" and struggled with an officer, according to the report.

The official was taken into custody and released to the Soviet Embassy.

But Boris Malakhov, second secretary of the press office at the Soviet Embassy, said Smirnov "was not intoxicated."

"There were no charges pressed," Malakhov noted, adding, "He was under shock. The car was badly damaged. Why wouldn't the person inside be, too?"

"It is a sheer accident," Malakhov said. "It could happen to anybody. No one is charging him yet."

While Smirnov can't be prosecuted, the State Department can ask host countries to remove diplomats who have violated U.S. laws, a State Department spokesman said.

"All diplomats who drive must also have insurance to get license plates," the spokesman said, surmising that Smirnov's insurance company would cover some of the medical expenses incurred by the Malakoffs.

Smirnov was not in his office at the embassy yesterday afternoon.

When asked about her views on diplomatic immunity in such cases, Cecile Malakoff said, "They are guests here. Don't you think they ought to honor the laws of the country that provides the hospitality for them?"

ADVOCACY PROVISIONS OF THE OLDER AMERICANS ACT

Mr. GRASSLEY. Mr. President, the Administration on Aging published interim final rules for the Older Americans Act on April 1, 1985. Publication of these rules was a welcome event for most of those who work in Older Americans Act programs because the regulations then in force were written for the 1978 amendments to the act. The notice of proposed rulemaking which was published in the Federal Register on March 2, 1983, and which laid out proposed rules for the 1981 amendments to the act never appeared in final form. Therefore, the interim final rules published on April 1 provided regulatory specification for both the 1981 and the 1984 regulations.

Although welcome because they provide regulatory direction for the Older Americans Act amendments passed since 1978, the proposed rules have caused some concern, and not a little confusion, in the aging policy community, particularly with respect to parts of the proposed regulations dealing with advocacy on the part of the State and area agencies on aging.

In my capacity as chairman of the Subcommittee on Aging of the Senate Committee on Labor and Human Resources, the Senate subcommittee with oversight responsibility for the Older Americans Act programs, I wrote to the Commissioner on Aging to register some of my concerns about the interim final regulations.

I would also like to share my thoughts on the advocacy provisions of these proposed regulations with my colleagues in the Senate, their staff, and the wider aging policy community in hopes that systematic discussion of these provisions will reduce some of the confusion which seems to abound on this matter. I have been greatly aided by a Congressional Research Service paper which directly considers this issue. I ask that this paper be printed at the end of my remarks.

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

(See exhibit 1.)

Mr. GRASSLEY. Mr. President, I think we should begin by remembering that advocacy is clearly established in the Older Americans Act. Section 305(a)(1)(D) states that the State agency serves as "an effective and visible advocate for the elderly by reviewing and commenting upon all State plans, budgets, and policies which effect the elderly. * * *" Section 306(a)(6)(D) states that the plan developed by area agencies shall provide that the area agency will "serve as the advocate and focal point for the elderly within the community by monitoring, evaluating, and commenting upon all policies, programs, hearings, levies, and community actions which will affect the elderly." There was no change in these provisions in either the 1981 or 1984 amendments.

The key provisions with respect to advocacy in the interim final regulations appear to me to be those dealing with lobbying and political advocacy with Federal funds. These provisions are contained in section 1321.33(b) for State agencies and section 1321.65(b) for area agencies.

The language of these two sections is the same:

> No requirements in this section shall be deemed to supersede statutory or other regulatory restrictions regarding lobbying or political advocacy with Federal Funds.

Before I take up this provision directly, however, I would like to briefly discuss several other changes which bear on the advocacy responsibilities of the State and area agencies on aging. Section 1321.33(a) of the proposed regulations has eliminated entirely the requirement, contained in the prior regulations, that "the State Agency must: (d) represent the interests of the older persons before the legislative, executive and regulatory bodies in the State." Since the various subsections of section 1321.33 are all prefaced by the phrase "the State Agency must," I presume that removal of subsection (d) of the former section 1321.41 does not in any way imply, by itself, that a State agency may not represent the interests of older persons before State legislatures, executive, and regulatory bodies. In fact, I also assume that nothing in section 1321.33(a) prohibits State agencies from representing the interests of older persons before, or to, Federal legislative, executive or regulatory bodies.

Although the provisions of the law with respect to advocacy cited above does not specify the audiences to which the State agencies should direct their comments, the provision would mean very little were State agencies not able to make these comments available to State legislatures, executive branch and regulatory agency officials at the State level, and were area agencies not able to make them to other local public and private officials. It is difficult to understand how these advocacy provisions of the Older Americans Act could have meaning without routine interaction between State and area agencies on aging, on the one hand, and those other public officials who administer, legislate or otherwise make decisions at State and

local levels on public policy affecting the elderly.

The effect of the removal of this particular provision, of course, is to downgrade the importance of this activity, at least as far as the regulations are concerned, for they no longer say that a State agency must represent the interests of older persons before legislative, executive or regulatory bodies of State government; the Older Americans Act, however, in the sections I have cited above, seems to me to require this kind of activity.

It is also possible that other provisions of the new regulations could effect the ability of the State agencies on aging to advocate on behalf of older people. Section 1321.21 of the new regulations no longer contains the requirement for a qualified full time director and staffing plan for the agency. Language formerly contained in section 1321.11 and 1321.13 with respect to "an agency whose single purpose is to administer programs for older persons * * *" has been deleted and replaced with a provision, section 1321.21, which is vague and could admit of different interpretations.

The key provision, however, as I noted above, is the new subsection 1321.33(b) for State agencies on aging and 1321.65(b) for area agencies. The restrictiveness, or nonrestrictiveness, of the new regulations with respect to advocacy seems to turn on the interpretation of this new subsection. There is some confusion as to what this section means with respect to the advocacy activities of the Older Americans Act network. The Office of Management and Budget [OMB] Circular A-122 is cited by some as a possible important restriction on advocacy activities of State and area agencies on aging. But A-122 does not apply to State governments, and, because it applies only to private, nonprofit groups, does not apply to all area agencies on aging. Furthermore, I question whether any regulatory or other executive directive can prohibit activities which are authorized and funded by a law adopted by Congress. Here, of course, I am speaking of the advocacy provisions of the Older Americans Act.

At the very least, it would be useful to know which statutory provisions might apply to the advocacy activities of the aging network, so that the present vague provisions, which have unclear import for the network, can be made clearer. Relevant in this regard is the review by the Congressional Research Service, of which I spoke earlier. I concluded that:

No law or statute, however, specifically restricts State, local or private grantees of the Federal Government generally, or of HHS specifically, from using Federal grant or contract funds for advocacy and "monitoring, evaluating and commenting" on public policies at the State and local level consonant with the purposes of a grant program. Area aging agencies, however, under later Labor, HHS and Education Department appropriations riders, may be restricted from using Federal grant funds for attempting to influence Federal legislatin "pending before the Congress" even though such agencies are required by the Older Americans Act to evaluate and comment on all policies, hearings, etc. affecting the elderly.

I take the main point of this review to be that the only Federal statutes which could restrict advocacy activities of State and area agencies on aging are the appropriations riders to Labor-HHS appropriations bills, and that those restrict lobbying or attempts to influence legislation which is actually pending before the Congress. Furthermore, the effect on the appropriations riders does not outlive.

THE APPROPRIATIONS BILL IN QUESTION.

The changes in the new regulations which affect the advocacy role of the area agencies on aging parallel those made for the State agencies on aging. In the case of the regulations applying to area agency advocacy, the subsection which concerns representation by area agencies of the interests of older persons to public and private officials and organizations remains, but the word "public" has been replaced with "local and executive branch," a formulation which is more ambiguous than the one it replaced. In any case, the key provision seems to me to be again the subsection dealing with lobbying and political advocacy with Federal funds, in this case section 1321.65(b). The comments I made above with respect to State agency advocacy are relevant here also.

I would like to close with the following thought. The ability of national legislators, and, I would argue from my experience in State government, of local and State officials also, to provide effective oversight of the programs we authorize, such as the older Americans Act, depends very much on the ability and willingness of officials in the administrative chain to apprise us of developments in these programs which merit our closer attention. I, for one, would not like to see reduced the ability of State and area agencies, or of other Federal grantees under the Older Americans Act, to inform public officials of relevant problems in the administration of the act.

EXHIBIT 1

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, May 23, 1985.

From: American Law Division.

Subject: HHS regulations and required advocacy by area aging agencies under the Older Americans Act.

This memorandum is submitted in response to your request as discussed with * * * of your staff concerning the regulations recently promulgated by the Department of Health and Human Services under the Older Americans Act, and their relationship to advocacy for the elderly and the monitoring, evaluation and commenting on proposals and all policies affecting the elderly required of area aging agencies under the statutory provisions of the Older Americans Act. Concern has been expressed that a so-called "gag rule" on area aging agencies by the HHS regulations and by guidelines to executive agencies published as an OMB Circular would prevent and chill the area aging agencies from performing their required statutory functions as contemplated by Congress in the Older Americans Act.

Briefly, and as general background, it should be pointed out that under our Constitution it is the Congress which legislates the law, and the Executive which faithfully executes those laws enacted by the Congress. U.S. Constitution, Article 1, Section 1; Article 2, Sections 1 and 3. See *Youngstown Sheet & Tube* v. *Sawyer*, 343 U.S. 579, 587-588 (1952). Any inherent power of the Executive can not override a specific congressional enactment within a law, and any such inherent authority of the Executive is at its "lowest ebb" when "incompatible with the expressed or implied will of Congress". *Youngstown Sheet & Tube, supra*, at 637-638 (Jackson concurring). Congress thus "sets the legislative agenda" for a particular public policy (*Center for Science in the Public Interest* v. *Dept. of Treasury*, 573 F. Supp. 1168, 1174-1175 (D.D.C. 1983), see *Center for Science in the Public Interest* v. *Regan*, 727 F.2d 1161, 1165-1166 (D.C. Cir. 1984)), and administrative actions which undermine, are inconsistent with, or "frustrate the congressional policy underlying a statute" are invalid. *NLRB* v. *Brown*, 380 U.S. 278, 291 (1965); *Motor Vehicle Mfrs. Ass'n* v. *State Farm Mutual*, 103 S. Ct. 2858 (1983). If area aging agencies are therefore authorized, or are required by law as in the case of the Older Americans Act, to "advocate" for the elderly and to "monitor[], evaluat[e], and comment[] upon all policies, programs, hearings, levies, and community actions which will affect the elderly", and funds are appropriated by Congress for this purpose, then no administrative edict or guideline may establish a "gag rule" on the area agencies with regard to such activities in contradiction to the statutory mandate, unless amendatory legislation or superseding laws adopted by Congress require that result. No law or statute, however, specifically restricts state, local or private grantees of the federal government generally, or of HHS specifically, from using federal grant or contract funds for advocacy and "monitoring, evaluating and commenting" on public policies at the state and local level consonant with the purposes of a grant program. Area aging agencies, however, under later Labor, HHS and Education Department appropriations riders, may be restricted from using federal grant funds for attempting to influence *federal* legislation "pending before the Congress" even though such agencies are required by the Older Americans Act to evaluate and comment on "all" policies, hearings, etc. affecting the elderly.

The Older Americans Act (P.L. 89-73, as amended by P.L. 95-478 and P.L. 97-115) specifically authorizes and requires State agencies receiving grants under the Act "to serve as an effective and visible advocate for the elderly", and to designate private or public area agencies which are to serve "as the advocate and focal point for the elderly within the community".

Congress has directed such State agencies, to be eligible for funding, to:

Serve as an effective and visible advocate for the elderly by reviewing and comment-

ing upon all State plans, budgets and policies which affect the elderly . . .[1]

The Act also requires the area agencies which receive federal funds under the Act through the States to advocate for, and to evaluate and comment on all policies affecting the elderly, as well as to establish working advisory councils with local elected officials, representatives of the elderly, and private elderly citizens. The law specifically requires these area aging agencies to:

Serve as the advocate and focal point for the elderly within the community by monitoring, evaluating, and commenting upon all policies, programs, hearings, levies, and community actions which will effect the elderly.

Establish an advisory council consisting of older individuals who are participants or who are eligible to participate in programs assisted under this chapter, representatives of older individuals, local elected officials, and the general public, to advise continuously the area agency on all matters relating to the development of the area plan, the administration of the plan and operations conducted under the plan . . .[2]

The Act by its terms thus clearly and unequivocably contemplates advocacy, evaluation and comments and public policies, and interactions between the area aging agencies and those public officials who administer, legislate or otherwise make decisions in the area of public policy affecting the elderly. Although not defined within the statute, nor expanded upon to any great extent in the legislative history of the law adding this provision to the Act, by specifically requiring "advocacy" and linking this requirement with the requirement for "monitoring, evaluating and commenting" on all public policies affecting the elderly, Congress obviously did not intend for the area aging agencies to act as passive, disinterested or impartial observers of and commentators on public policy-making, but rather to act to convince or influence such public policy on behalf of and in the best interests of the elderly.[3] Congress did specifically intend to limit the public policy advocacy under the specific provision for legal services to the elderly within the Act (see S. Rpt. No. 95-855, 95th Cong., 2d Sess. at 12; H. Conference Rpt. No. 95-1618, 95th Cong. 2d Sess. at 64-65). However, no such express and limiting requirement upon the other activities of the area agencies generally was included nor expressly intended by Congress in the Act.

The interim final rules of HHS in question, regarding area agencies, provide as follows with respect to advocacy activities:

§ 1321.65. Advocacy responsibilities of the area agency.

(a) The area agency must—

(1) Monitor, evaluate, and, where appropriate, comment on all policies, programs, hearings, levies, and community actions which affect older persons;

(2) Solicit comments from the public on the needs of older persons;

(3) Represent the interests of older persons to local level and executive branch officials, public and private agencies or organizations;

(4) Carry out activities in support of the State administered long-term care ombudsman program; and

(5) Coordinate planning with other agencies and organizations to promote new or expanded benefits and opportunities for older persons.

(b) No requirements in this section shall be deemed to supersede statutory or other regulatory restrictions regarding lobbying or political advocacy with Federal funds.[4]

The regulations note that the advocacy responsibilities of the area aging agencies as set out in the regulations (and required by law) do not "supersede statutory or other regulatory restrictions regarding lobbying or political advocacy with Federal funds." These regulations, however, do not cite to any specific limiting statute on such activities, nor do the regulations provide any further guidance as to which types of advocacy activities by area aging agencies may be prohibited by other federal laws.

There appears to be, in fact, no federal statute specifically applicable to private recipients of funds distributed by federal agencies as to the "lobbying" of state or local governmental agencies or units by those private recipients when consistent with the purposes of the grant program. Furthermore, no other published regulations of HHS on such use of funds by local private recipients have been found, although there does exist a "circular" published by the Office of Management and Budget (OMB Circular A-122, as amended April 27, 1984) which provides guidelines to agencies as to the use of and reimbursement with federal monies to private grantees for "lobbying" and other activities.

The statutory provision often referred to as supporting restrictions on "lobbying" with federal monies, 18 U.S.C. § 1913, is a criminal law which by its terms applies its penalty only to, *inter alia*, an "officer or employee of the United States or of any department or agency thereof". This law on its face is clearly applicable only to federal employees and not to private or State recipients of federal grants or contracts. (See specifically, *Grassley* v. *Legal Services Corporation*, 535 F. Supp. 818, 826 n.6 (S.D. Iowa 1982). Furthermore, the law applies only to federal executive branch agencies and officials improperly lobbying "a Member of Congress", and does not extend to lobbying other executive agencies or state or local governmental units.[5] Finally, the law has been consistently interpreted by the Department of Justice as permitting direct lobbying contacts between federal executive branch officials and Members of Congress on pending legislation.[6]

Former appropriations restrictions which had been included in Treasury, Postal Service and General Governmental Appropriations Acts, usually at Section 607(a), had also restricted agencies from expending any funds for "publicity on propaganda" campaigns directed at "legislation pending before the Congress". That provision had similarly been interpreted to apply only to legislation before Congress, and then only to "grass roots" types of campaigns which urge the public to "write their congressman" and not to direct contacts between agency officials and Members of Congress, nor to public expressions or expositions of agency policy or arguments for or against legislation. 56 Comp. Gen. 889 (1976); Decision of the Comptroller General, B-129838, July 12, 1976; Decision of the Comptroller General, B-164497(5), August 10, 1977; Decision of the Comptroller General, B-173648, Sept. 21, 1973; Opinion of the Comptroller General, B-178448, April 30, 1973; Memorandum of General Accounting Office, B-1309061—O.M., Sept. 10, 1976. The most recent two Treasury, Postal Service and General Governmental Appropriations bills receiving congressional action, however, (H.R. 4139, 98th Cong., 1st Sess. and H.R. 5798, 98th Cong., 2d Sess) did not contain the general appropriations rider in Section 607(a) for all federal funds, but rather expressed a narrow rider only for funds appropriated in that Act on publicity and propaganda not authorized by Congress (Section 601). Appropriations acts for each agency or department must therefore be examined for further restrictions within the time frame of those particular appropriations.

Appropriations restrictions on HHS funding, unlike other appropriations riders which usually do not include specific restrictions on private citizens who receive federal grant or contract money, do place limitations on the use of contract or grant funds to pay the salary or expenses of recipients for "any activity designed to influence legislation or appropriation pending before the Congress". See P.L. 98-139, Section 509; H.R. 6028, 98th Cong., 2d Sess., Section 509 (emphasis added). This appropriation rider, however, clearly applies on its face only to legislation or appropriations "pending before the Congress", and does not extend to programs or policies being considered by administrative agencies of the federal government or by executive, administrative, regulatory or legislative governmental bodies at the state or local level.[7] Since an appropriation provision can be considered to amend substantive, permanent law,[8] the recipients of federal grant funds from Labor, HHS, and Education Departments may be prohibited regardless of statutory language of a specific program, from attempting to influence legislation which is actually pending before Congress. It should be noted that the HHS appropriation restriction prohibits funding of "any activity", and not just "publicity or propanganda" campaigns, and does not provide for an exclusion, like other appropriations riders, for instances when such activities are otherwise authorized by Congress.

In sum, then, although there are apparently restrictions regarding federal legislation pending before the Congress, area

[1] 42 U.S.C. § 3025(a)(1)(D).

[2] 42 U.S.C. § 3026(a)(6) (D) and (G).

[3] Note common legal definition of the verb "advocate", Black's Law Dictionary, 5th Edition, West Publishing Co. 1979, at 51. See legislative history of provision at H.R. Rpt. No. 95-1150, 95th Cong., 2d Sess. at 5: "These area agencies . . . have begun to mobilize Federal, State, and local resources on behalf of the elderly over and above the resources available under the Older Americans Act.", and 30.

[4] 50 F.R. 12952, April 1, 1985.

[5] See, for example, *Hall* v. *Siegel*, 467 F. Supp. 750, 753 (S.D. III. 1977), where the court found no authority in federal law to prevent the Executive or his staff from expending federal funds to "express his views to state legislators or 'lobby' for or against ratification of" the Equal Rights Amendment by the state legislatures.

[6] Opinion of the Assistant Attorney General of the United States, Henry J. Miller (1962), printed at 108 *Cong. Rec.* 8449-8451, May 15, 1962; Department of Justice letter opinion of July 19, 1973, from Assistant Attorney General Henry S. Peterson. Note legislative history of § 1913, at 58 *Cong. Rec.* 404, May 29, 1919.

[7] General Accounting Office Memorandum, B-13096.140- O.M., at 8, September 10, 1976, as to applicability of general appropriations riders on "publicity or propaganda activities" directed to legislation or appropriations "pending before Congress" GAO found: "In any event, like the penal statute [18 U.S.C. § 1913], Section 607(a) is limited by its terms to Federal legislation."

[8] *Skok* v. *Andrus*, 638 F. 2d 1154 (9th Cir. 1979), *cert den.* 444 U.S. 927; *Director, Office of Workman's Compensation Program, U.S. Dept. of Labor* v. *Alabama By-Products Corp.*, 560 F. 2d 710 (11th Cir. 1977).

aging agencies are specifically authorized by Congress in the Older Americans Act to "advocate" for the elderly "by monitoring, evaluating, and commenting upon all policies, programs, hearings, levies, and community actions which will affect the elderly", and there is no other federal law which would work to prohibit the area agencies from carrying out this congressional mandate within their community and state. Even the restrictive guidelines on activities by grantees issue by OMB in circular A-122, note that private contract and grant recipients may, of course, use federal funds for "any activity specifically authorized by statute to be undertaken with funds from the grant, contract or other agreement." See 49 F.R. 18276 (April 27, 1984), Circular A-122, paragraph B21, b(3).

In any event, as discussed briefly above, an agency regulation or other executive directive could not prohibit by administrative fiat activities which are authorized and funded by a law adopted by Congress. The Supreme Court has ruled that administrative decisions are invalid which are found "inconsistent with a statutory mandate or that frustrate the congressional policy underlying a statute." *NLRB* v. *BROWN*, 380, U.S. 278, 291 (1965); see *Motor Vehicle Mfrs. Ass'n* v. *State Farm Mutual*, 103 S. Ct. 2856 (1983); note generally *Youngstown Sheet & Tube* v. *Sawyer*, 343 U.S. 579 (1952). Programs, policies and activities established and funded by law by Congress may therefore not be unilaterally terminated by executive branch action nor may the law be executed in a manner contrary to Congress' intent. *Local 2677, American Federation of Government Employes* v. *Phillips*, 358 F. Supp. 60, 76-78 (D.D.C.), citing *Youngstown Sheet & Tube, supra; Local 2816, Office of Economic Opportunity Employees Union, AFGE* v. *Phillips*, 360 F. Supp. 1092, 1099-1100; *Center for Science in the Public Interest* v. *Dept of Treasury*, 573 F. Supp. 1168, 1174-1175 (D.D.C. 1983), See *Center for Science in the Public Interest* v. *Regan*, 727 F.2d 1161, 1165-1166 (D.C. Cir. 1984) lower court finding of improper agency consideration of factors other than those articulated in statute was not appealed by the agency); *Citizens to Preserve Overton Park* v. *Volpe*, 401 U.S. 402 (1971).

In a 1979 case in the Eighth Circuit, for example, the United States Court of Appeals reviewed an agency decision, ostensibly based on Office of Personnel Management (OPM) regulations and the conflict of interest principles articulated in an Executive Order (E.O. 11122), that removed an Indian/Bureau of Indian Affairs employee from his position of superintendent of an agency because of a potential conflict of interest created by the election of his brother to the position of Tribal President. The court in *Oglala Sioux Tribe of Indians* v. *Andrus*, 603 F.2d 707 (8th Cir. 1979), found that the application of a per se conflict of interest regulation of the executive branch based on familial ties to tribal officials frustrated the purpose and intent of the Indian Reorganization Act of 1934, which was to appoint and employ Indian personnel without regard to Civil Service laws on appointments. The court stated:

It is beyond dispute that agency action taken without statutory authorization, or which frustrates the congressional policy which underlies a statute, is invalid.

Such a transference of general Civil Service conflict-of-interest regulations ignores the particular conditions which affect Indian employment on the reservation, and the impact which such regulations may have on the goal of increased Indian employment and responsibility in the decision-making positions within BIA.

. . .[A]ny such regulations must be consistent with the congressional policy embodied in § 12 [of the Reorganization Act] . . . . 603 F.2d at 715, 716-717.

Regulations of an agency may therefore not frustrate the underlying congressional policy of the relevant statutory provision. Since the Congress specifically requires area aging agencies which receive grant funds from the Older Americans Act through the states to act as an "advocate" for the elderly and to monitor, evaluate and comment on all policies and programs affecting the elderly, a federal department or agency could not promulgate a "gag rule" on the area aging agencies with regard to such funded activities since this would obviously frustrate and be directly contrary to the congressional purpose underlying those relevant provisions of the Older American Act. A later congressional enactment may limit the use of such funds, however, and it may be argued that although the Congress has authorized and requires area agencies to act as public advocates for the elderly by evaluating and commenting on all proposals and policies affecting the elderly to further those interest, they may not expend federal funds to influence federal legislation which is actually pending before Congress. This would not seem to prohibit, however, area aging agencies from their statutorily required advocacy for the elderly by monitoring, commenting on and evaluating other federal policies and programs, for example before federal administrative and executive bodies with respect to rule making or other activities within their jurisdiction, a well as state or local governmental units. The regulations read in this manner would then appear to be consistent with the congressional intent and purposes underlying the Older American Act and current appropriation restrictions.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DODD:

S. 1339. A bill to amend the Internal Revenue Code of 1954 to allow any distribution from an individual retirement account or annuity which is used in the purchase of a home to be rolled over into the basis of such home, and to be treated as ordinary income upon the recognition of gain from the sale of such home; to the Committee on Finance.

By Mr. HARKIN:

S. 1340. A bill to stabilize the agricultural value of farm land, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 1341. A bill to provide tax relief for certain insolvent farmers, and for other purposes; to the Committee on Finance.

S. 1342. A bill to amend title 11 of the United States Code with respect to bankruptcy proceedings involving debtors who are family farmers, and for other purposes; to the Committee on the Judiciary.

By Mr. DANFORTH (for himself, Mrs. KASSEBAUM, Mr. HOLLINGS, and Mr. EXON) (by request):

S. 1343. A bill to improve safety and security for people who travel in international aviation; to the Committee on Commerce, Science, and Transportation.

By Mr. BRADLEY:

S.J. Res. 150. Joint resolution to designate the month of March 1986 as "National Hemophilia Month"; to the Committee on the Judiciary

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MOYNIHAN:

S. Con. Res. 53. Concurrent resolution expressing the sense of the Congress that the United Support of Artists for Africa be commended for its efforts to aid the victims of the spreading African famine; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN:

S. 1340. A bill to stabilize the agricultural value of farm land, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 1341. A bill to provide tax relief for certain insolvent farmers, and for other purposes; to the Committee on Finance.

AGRICULTURAL LAND VALUE STABILIZATION ACT AND AGRICULTURAL LAND VALUE TAX ACT

Mr. HARKIN. Mr. President, today I am introducing the "Agricultural Land Value Stabilization Act of 1985," a bill which addresses the severe farm credit crisis in my State of Iowa and several other States.

At the root of this crisis is the disastrous decline in farm income resulting from low commodity prices, high interest rates, the declining exports due to the overvalued dollar, and Federal monetary, fiscal, and trade policies which have worked to the detriment of the farmer.

One result of the decline in farm income has been a precipitous drop in agricultural land values. According to figures of the Department of Agriculture released this month, land values in Iowa declined 29 percent last year and have declined 49 percent since 1981. Declines approaching this magnitude have also been recorded in Minnesota, South Dakota, Nebraska, Kansas, Missouri, Illinois, Indiana, and Ohio. In Iowa alone, the decline accounts for an erosion of $32.1 billion in agricultural land equity.

Mr. President, consider this example to demonstrate the impact of this decline. Suppose a typical home in a Washington, DC, suburb sold 3 years ago for $100,000 and the home was purchased with a $20,000 downpayment and the remainder financed with an $80,000 loan. If property values had declined to the same extent Iowa farmland has declined, the house would now be worth $51,000—if you could find a buyer. The decline in

property values would have wiped out the original $20,000 investment, and the principal balance on the outstanding loan would now far exceed the value of the property.

Lenders would be very hesitant to make new loans because of substantial losses being incurred when any bad loans are liquidated. Potential home buyers and real estate investors would be scared out of the market, fearing that real estate values might decline further. These actions would in turn cause values to decline even further as the inventory of unsold homes accumulated. In short, the entire market would be in chaos, driving home values far below their economic value.

This, in fact, is what has happened to farmland values in Iowa. It will continue to happen in other States until the Federal Government intervenes to establish order and stability.

As further evidence of the distress being experienced in Iowa, I point out that seven agricultural banks have failed so far this year. Of the 15 production credit associations in Iowa, 10 have recently had to freeze their stock to prevent impairment of the stock. And, at a time when commercial interest rates are declining, the Omaha Federal Land Bank has just raised its interest rate to 13.5 percent in order to cover rapidly increasing loan lossess.

The response of the administration to this problem has been abysmal. The Debt Adjustment Program announced by the President just before the election was designed to fail. The veto of the farm credit legislation earlier this year confirmed the unwillingness of the President even to consider additional credit assistance. However, I predict that the deepening farm credit crisis will soon force additional action.

The question then remains as to the form this intervention will take. Several alternatives have been introduced or are under discussion by my colleagues on both sides of the aisle. However, none of the proposals go directly to the heart of the problem—that of shoring up and stabilizing land values.

The Agricultural Land Value Stabilization Act proposes using an established method of determining the agricultural value of land based on its income producing potential. This technique, called income capitalizaton, is now used in 17 States for determining farmland values for purposes of assessing property taxes, and an additional 11 States use similar systems based on soil productivity. The income capitalization system is also widely used in the real estate industry to appraise farmland and other income producing property.

The bill requires the Secretary of Agriculture, using 10-year averages for yield, commodity prices, and all production costs, to create a formula which could be used to calculate the agricultural value for land on any farm in the United States. This value would be, by definition, the value at which the land could cash flow or service this amount of debt, as long as the farmer achieved the average yield and price.

Because 10-year averages will be used, land values calculated by this method will be conservative. However, due to current drastic land market conditions in Iowa and elsewhere, actual land values are indeterminable. The only sales being made are by those forced to sell, and the amount of land on the market is three times the normal amount. As a result, lenders and their regulators have severely reduced the collateral values of land, often below values that would be assigned through income capitalization.

The bill mandates the use of the income capitalization formula to determine farmland values. Those values will be used as minimum collateral values by the Farmers Home Administration [FmHA], federally chartered banks, and Farm Credit System institutions, which hold a sizable portion of all the farm real estate debt in the United States. This process will go a long way toward restoring confidence in the farm lending community, by correcting the overreaction to declining land values where it has occurred and preventing it from happening elsewhere.

The bill also authorizes the FmHA to forgive that part of an outstanding real estate loan which exceeds the agricultural value of the land. In return, FmHA would receive all nonagricultural use rights on the land for a 40-year period; however, during this period, the Secretary could sell the nonagricultural rights back to the owner at the market value.

There is now a surplus of agricultural land on the market in many parts of the country, and few buyers. This condition is driving land prices much below its agricultural value. The bill requires the Secretary to hold government-owned agricultural land off the market until such time as the market price reaches the agricultural price. The Secretary is also forbidden to lease these lands for the purpose of growing commodities which sold for less parity price in the preceding year.

In addition, the bill requires the Secretary of Agriculture, upon the request of the farmer, to offer to purchase a loan from an institution if that institution is placed in bankruptcy or receivership, or forecloses on the loan as the result of a default by the borrower. If the institution does not accept the offer, the Secretary may make a loan to the farmer to permit the farmer to bid on his assets when they are put up for sale.

I believe that these measures will save many farmers in this country. However, we would gain little if we save farmers only to have them presented with a tax bill that would put them out of business. Therefore, I am also introducing S. 1341, legislation to exempt farmers from some capital gains and other taxes that could result from loan reductions.

Mr. President, the proposal I have just outlined is not a bank, PCA, or farm credit system bailout. This bill is intended to help farmers who are caught in the credit crunch. By helping the farmers first, we will be helping the banks and the credit system in the long run.

Mr. President, I ask unanimous consent that the text of the bills and a section-by-section analysis of the Agriculture Land Value Stabilization Act be printed in the RECORD.

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

S. 1340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Land Value Stabilization Act of 1985".

AGRICULTURE LAND VALUE STABILIZATION

DEFINITIONS

SEC. 101. As used in this title:

(1) The term "agency" has the same meaning given the term in section 551(1) of title 5, United States Code.

(2) The term "agricultural use component of the value of the land" means the value of land for commercial agricultural purposes, as determined by the Secretary, using an income capitalization approach, taking into account the average over the preceding ten crop years in the area in which the land is situated of—

(A) the yield of the indicator crop;

(B) the market price of the indicator crop;

(C) the interest rate charged by private lending institutions to purchase land;

(D) the cost of production of the indicator crop;

(E) the cost of the use of necessary conservation measures and improvements; and

(F) such other factors as the Secretary considers appropriate.

(3) The term "county committee" means the relevant county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

(4) The term "indicator crop" means the most common agricultural commodity which can be grown in the area in which land is situated and which can be grown on the land.

(5) The term "institution" means an institution of the Farm Credit System established under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.).

(6) The term "land" means any land located in one or more States and used primarily for commercial agricultural purposes, as determined by the Secretary.

(7) The term "non-agricultural use component of the value of the land" means the amount (if any) by which the fair market value of land exceeds the agricultural use component of the value of the land, as determined by the Secretary.

(8) The term "Secretary" means the Secretary of Agriculture.

(9) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

AGRICULTURAL LAND USE REQUIREMENT

SEC. 102. (a) Except as provided in sections 103 and 108(b)(2), to be eligible to obtain and retain a benefit described in section 105, 107, or 108, during the term of the loan referred to in such section, an owner or operator of land must agree to—

(1) use of land for—

(A) the production of agricultural commodities;

(B) wildlife food and habitat;

(C) soil or water conservation; or

(D) other agricultural purposes approved by the Secretary;

(2) enter into a covenant with the Secretary that prohibits the owner or operator from using the land for non-agricultural purposes, as determined by the Secretary; and

(3) meet the eligibility requirements for a loan prescribed under section 302 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922) and any other eligibility requirements prescribed by the Secretary.

(b) If the Secretary enters into a covenant with an owner or operator under subsection (a)(2) or section 108(b)(2)(A), the Secretary shall provide record notice of such covenant in a manner sufficient to provide constructive notice of such covenant under applicable State law.

TERMINATION OF LAND USE REQUIREMENT

SEC. 103. (a) Upon the request of the owner or operator of the land, the Secretary may terminate a covenant entered into with an owner or operator of land under section 102(a)(2) or 108(b)(2)(A), and the owner or operator may retain the benefit described in section 105, 107, or 108, if—

(1) termination of the covenant will not result in a significant adverse effect on the agricultural economy of the area in which the land is situated, as determined by the Secretary, taking into account—

(A) the productivity of the land;

(B) the efficiency of the farm located on the land; and

(C) the location of the land in relation to urban development and support services and water, sewage, and transportation agricultural support services;

(2) the owner pays the Secretary an amount equal to the average non-agricultural use component of the value of land in the area in which the land is situated; and

(3) the owner meets such other requirements as are prescribed by the Secretary.

(b) If a covenant entered into under section 102(a)(2) or 108(b)(2)(A) is terminated in accordance with subsection (a) or upon expiration of the term of the covenant, the Secretary shall provide record notice of the termination of such covenant in a manner sufficient to provide constructive notice of such termination under applicable State law.

SECURITY FOR LOANS BASED ON AGRICULTURAL VALUE OF LAND

SEC. 104. In determining the value of land used to secure a loan made, insured, or guaranteed by an agency or institution, the agency or institution—

(1) may not value the land at less than the agricultural use component of the value of the land; and

(2) shall consider the agricultural use component of the value of the land in determining the maximum value to be placed on the land used to secure the loan.

CONDITIONAL CANCELLATION OF LOAN AMOUNTS BASED ON NON-AGRICULTURAL VALUE OF LAND

SEC. 105. (a) In the case of a loan made to a borrower under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which is outstanding on the date of enactment of this Act, subject to section 102, the Secretary may cancel conditionally that portion of the outstanding amount of principal and interest due on the loan which is secured by the non-agricultural use component of the value of the land.

(b) If the Secretary cancels a loan amount under subsection (a), the borrower of the loan may repay the remaining amount of the loan at a level which is the lesser of—

(1) the original interest rate established for the loan; or

(2) the interest rate charged at the time of cancellation of the loan amount on a similar loan made under the Consolidated Farm and Rural Development Act.

(c) If the Secretary cancels a loan amount under subsection (a) and the borrower of the loan fails to comply with section 102(a), the borrower shall be liable for the total amount of principal and interest canceled under subsection (a).

USE OF SURPLUS AGRICULTURAL LAND

SEC. 106. (a) If the Secretary acquires land as the result of the foreclosure of a loan made under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), the Secretary may not—

(1) sell the land at a price which is less than the agricultural use component of the value of the land; or

(2) lease the land for the production of an agricultural commodity during a crop year, if the average price of the commodity during the preceding crop year was less than 100 percent of the parity price of the commodity.

(b) The Secretary shall use adequate conservation measures on any land held by the Secretary as the result of subsection (a).

(c)(1) This section shall be effective during the period beginning on the date of enactment of this Act and ending on October 1, 1989.

(2) This section shall apply to land acquired before, on, or after the date of enactment of this Act but shall not apply to land sold before such date.

PURCHASE OF AGRICULTURAL LAND

SEC. 107. (a) If the fair market value of land in an area is less than the agricultural use component of the value of the land as the result of the supply of and demand for land in the area, subject to section 102, the Secretary may provide a loan to a farmer or rancher under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) to purchase the land.

(b) The amount of a loan made under subsection (a) may not exceed the agricultural use component of the value of the land.

(c) If the Secretary makes a loan to a borrower under subsection (a) and the borrower fails to comply with section 102(a), the borrower shall be liable to the Secretary for an amount equal to the non-agricultural use component of the value of the land.

PURCHASE OF LOANS FROM FARM CREDIT INSTITUTIONS

SEC. 108. (a) Subject to the requirements of this section and section 102 and the availability of appropriated funds, upon the request of the borrower, the Secretary shall offer to purchase a loan from an institution if the institution made a loan secured by land to a borrower and the institution—

(1) is placed in bankruptcy or receivership; or

(2) forecloses on the loan as the result of a default by the borrower.

(b)(1) If a borrower possesses assets valued at 110 percent or more of the outstanding balance due on a loan referred to in subsection (a), the Secretary shall offer to purchase the loan from the institution which made the loan in an amount equal to the outstanding balance due by the borrower on the loan, less the value of the stock the borrower was required to purchase as a condition of receiving the loan from the institution.

(2) If the Secretary acquires under this subsection a loan made to a borrower and secured by land, the borrower—

(A) shall retain the right to use the land for agricultural or non-agricultural purposes; or

(B) may enter into a covenant with the Secretary that prohibits the borrower from using the land for non-agricultural purposes.

(c) If a borrower possesses assets valued at no less than 90 percent, and no more than 110 percent, of the outstanding balance due on a loan referred to in subsection (a), subject to section 102, the Secretary shall offer to purchase the loan from the institution which made the loan in an amount equal to the outstanding balance due by the borrower on the loan, less the value of the stock the borrower was required to purchase as a condition of receiving the loan from the institution.

(d)(1) If a borrower possesses assets valued at less than 90 percent of the outstanding balance due on a loan referred to in subsection (a), subject to section 102, the Secretary shall offer to purchase the loan from the institution which made the loan in an amount equal to the value of the assets of the borrower.

(2) If the institution does not accept the offer, subject to section 102, the Secretary may provide a loan to the borrower under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in an amount not to exceed the value of the assets of the borrower.

(e) In determining the value of land under this section, the Secretary shall base the determination on the agricultural use component of the value of the land.

(f) If the Secretary purchases a loan secured by land under this section and, except as provided in subsection (b)(2)(A), the borrower of the loan fails to comply with section 102(a), the borrower shall be liable to the Secretary for an amount equal to the non-agricultural use component of the value of the land.

PROMPT APPROVAL OF LOANS

SEC. 109. (a)(1) The Secretary shall approve or disapprove the application for a loan made under this title, and notify the applicant of such action, within forty-five days after the secretary has received a completed application for such loan.

(2) If an application for a loan under this title is incomplete, the Secretary shall inform the applicant of the reasons such application is incomplete within five days after the Secretary has received such application.

(3) If an application for a loan under this title is disapproved by the Secretary, the

Secretary shall state the reasons for the disapproval in the notice required under paragraph (1).

(b) If an application for a loan under this title is approved by the Secretary, the Secretary shall provide the loan proceeds to the applicant within five days (or such longer period as the applicant may approve) after the application for the loan is approved by the Secretary, except that, if the Secretary is unable to provide the loan proceeds to the applicant within such five-day period because sufficient funds are not available to the Secretary for such purpose, the Secretary shall provide the loan proceeds to the applicant as soon as practicable (but in no event five days unless the applicant agrees to a longer period) after sufficient funds for that purpose become available to the Secretary.

(c) If an application for a loan under this title is disapproved by the Secretary, but such action is subsequently reversed or revised as the result of an appeal within the Department of Agriculture or to the courts of the United States and the application is returned to the Secretary for further consideration, the Secretary shall act on the application and provide the applicant with notice of the action within five days after return of the application to the Secretary.

(d) If the Secretary fails to comply with subsection (a), (b), or (c) on an application for a loan that is approved by the Secretary, the Secretary shall reduce the interest payments due on the loan in an amount calculated by multiplying the outstanding principal of the loan by that part of the annual rate of interest being charged for the loan that bears the same proportion to the full annual rate of interest as the period during which the Secretary was not in compliance with such subsection bears to a full year.

(e) Upon receipt of an application for a loan under this title, the Secretary shall inform the applicant of the requirements of this section.

SECTION-BY-SECTION ANALYSIS OF THE AGRICULTURAL LAND VALUE STABILIZATION ACT OF 1985

AGRICULTURAL LAND VALUE STABILIZATION

Section 101—Definitions

The agricultural use component of the value of land shall be determined by the Secretary of Agriculture using the income capitalization method. The agricultural value of land is equal to the net income from a given acre of land divided by the capitalization rate. The average expected annual income shall be based on the prior ten-year averages of the following—

(A) yield of commodity grown (indicator crop);

(B) the selling price of the indicator crop;

(C) interest rate charged by private lending institutions to purchase land;

(D) production cost of the indicator crop;

(E) installation of needed conservation measures and improvements; and

(F) other factors as determined by the Secretary to be appropriate.

The non-agricultural use component of the value of the land is the amount (if any) by which the fair market value of the land exceeds the agricultural use component of the value of the land.

Section 102—Agricultural Land Use Requirement

For loans provided under sections 105, 107, and 108, the farmer must agree to—

(1) use the land for—

(a) the production of agricultural commodities;

(b) wildlife food and habitat;

(c) soil or water conservation; or

(d) other agricultural purposes approved by the Secretary;

and—

(2) enter into a covenant, not to exceed forty years, with the Secretary that prohibits the owner from using the land for non-agricultural purposes.

Section 103—Termination of Land Use Requirement

Upon the request of the landowner, the Secretary may terminate the covenant prohibiting non-agricultural use of the land if—

(1) termination of the covenant will not result in a signficant adverse affect on the agricultural economy of the area with consideration given to—

(a) the productivity of the land;

(b) the efficiency of the farm located on the land; and

(c) the location of the land in relation to urban development and urban support services (water, sewage, and transportation) and agricultural support services;

and—

(2) The owner pays the Secretary an amount equal to the value of the non-agricultural value of the land.

Section 104—Security for Loans Based on Agricultural Value of Land

Prohibits FmHA, federally-chartered banks and Farm Credit Systems institutions from using a value less than the agricultural use value component in adjusting the price of land used to secure existing loans. Directs these agencies and institutions to consider the agricultural use component of land in determining the maximum value placed on land to secure a loan.

Section 105—Conditional Cancellation of Loan Amounts Based on Non-Agricultural Value of Land

The Secretary may cancel that portion of an outstanding FmHA loan that exceeds of the agricultural use component value.

The owner would repay the remaining amount of the loan at the original interest rate or the interest rate at the time of cancellation, whichever is the lesser.

Section 106—Use of Surplus Agricultural Land

If the Secretary has acquired or acquires land as a result of a foreclosure, he may not (before October 1, 1989)—

(1) sell the land at a price less than the agricultural use component value; or

(2) lease the land to grow a commodity which sold for less then the parity price in the preceding year. The Secretary shall apply adequate conservation measures on any land held by the Secretary.

Section 107—Purchase of Agricultural Land

In depressed markets where the fair market value of the land is less than the agricultural use component value of the land, the Secretary may provide a loan to a farmer or rancher to purchase the land. The maximum amount of the loan cannot exceed the agricultural use component value of the land.

Section 108—Purchase of Loans from Farm Credit Institutions

On request from the borrower, the Secretary shall offer to purchase a loan from an institution that is placed in bankruptcy or receivership, or is in the process of foreclosing on the borrower's loan as the result of a default.

If the borrower possesses assets valued at ninety percent or more of the outstanding balance due, the Secretary shall offer to purchase the loan and pay the institution 100% of the outstanding balance due, less the value of the stock the borrower was required to purchase, as a condition of receiving the loan.

Where the assets are less than 100% of the outstanding loan, the owner must enter a covenant with the Secretary that prohibits the borrower from using the land for non-agricultural purposes.

Where the owner's assets are valued at less than 90% of the outstanding balances due on the loan, the Secretary shall offer to purchase the loan at the amount equal to the agricultural use value of the land. The borrower would be required to enter into a covenant with the Secretary that prohibits the borrower from using the land for non-agricultural purposes.

If the institution does not accept the offer, the Secretary may provide a loan to the borrower in an amount not to exceed the value of the assets, to enable the borrower to bid on the assets when put up for sale.

Section 109—Prompt Approval of Loan

The Secretary shall approve or disapprove the application for a loan under this title and notify the applicant with forty-five days after the Secretary receives a completed application.

If the Secretary fails to comply with this section the Secretary will be required to reduce the interest rate on the loan.

S. 1341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Land Value Tax Act of 1985".

TAX RELIEF FOR CERTAIN INSOLVENT FARMERS

SEC. 101. TAX TREATMENT OF INCOME FROM CONDITIONAL CANCELLATION OF CERTAIN FARM LOANS.

(a) EXCLUSION FROM GROSS INCOME.—

(1) IN GENERAL.—Paragraph (1) of section 108(a) of the Internal Revenue Code of 1954 (relating to income from discharge of indebtedness) is amended—

(A) by striking out "or" at the end of subparagraph (B),

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof ", or", and

(C) by adding at the end thereof the following new subparagraph:

"(D) the discharge is a conditional cancellation of a loan under section 105 of the Agricultural Land Value Stabilization Act of 1985.".

(2) COORDINATION OF EXCLUSIONS.—Paragraph (2) of section 108(a) of such Code (relating to coordination of exclusions) is amended—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and

(B) by inserting before subparagraph (B), as redesignated in subparagraph (A), the following new subparagraph:

"(A) FARM LOAN EXCLUSION TAKES OVERALL PRECEDENCE.—Subparagraphs (A), (B), and (C) of paragraph (1) shall not apply to a discharge described in subparagraph (D) of paragraph (1).".

(b) EFFECTIVE DATE.—The amendments made by this section apply to loan cancellations occurring after the date of the enact-

ment of this Act, in taxable years ending after such date.

SEC. 102. EXEMPTION FROM MINIMUM TAX FOR CAPITAL GAINS ON SALES OF FARM PROPERTY BY INSOLVENT FARMERS.

(a) GENERAL RULE.—Paragraph (9) of section 57(a) of the Internal Revenue Code of 1954 (relating to capital gains) is amended by adding at the end thereof the following new subparagraph:

"(E) SALES OF FARM PROPERTY BY INSOLVENT FARMERS.—For purposes of this paragraph, gain from a qualified farm sale (as defined in subsection (f)) shall not be taken into account.".

(b) QUALIFIED FARM SALE DEFINED.—Section 57 of such Code is amended by adding at the end thereof the following new subsection:

"(f) QUALIFIED FARM SALE.—

(1) IN GENERAL RULE.—For purposes of subsection (a)(9)(E), the term 'qualified farm sale' means any sale or exchange to an unrelated person of farm property during any taxable year if—

"(A) 50 percent or more of the gross income of the taxpayer for the taxable year is attributable to the trade or business of farming.

"(B) such taxpayer is insolvent (within the meaning of section 108(d)(3)) as of the time of the sale or exchange.

"(C) substantially all of the proceeds from the sale or exchange are applied in satisfaction of indebtedness of the taxpayer, and

"(D) 90 percent or more of the fair market value of the farm property held by the taxpayer as of the beginning of such taxable year is sold or exchanged during such taxable year in qualified farm sales (determined without regard to this subparagraph).

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) FARM PROPERTY.—The term 'farm property' means any property used or held for use in the trade or business of farming.

"(B) UNRELATED PERSON.—The term 'unrelated person' means any person other than a related person (as defined in section 453(f)(1)).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 103. QUALIFIED FARM SALE DOES NOT TRIGGER ADDITIONAL TAX UNDER SECTION 2032A OR ACCELERATION OF PAYMENT UNDER SECTION 6166.

(a) SECTION 2032A.—Paragraph (7) of section 2032A(c) of the Internal Revenue Code of 1954 (relating to tax treatment of dispositions and failures to use for qualified use) is amended by adding at the end thereof the following new subparagraph:

"(E) NO TAX IN CASE OF QUALIFIED FARM SALE.—

"(i) IN GENERAL.—No tax shall be imposed under paragraph (1) with respect to any interest in qualified real property of a qualified heir in the case of any qualified farm sale of such interest (as defined in section 57(f)).

"(ii) EXCEPTION IN CASE OF RECAPTURE AVOIDANCE TRANSACTION.—Clause (i) shall not apply with respect to any such interest transferred between qualified heirs within 2 years of a qualified farm sale of such interest if the transfer was made with the intent to avoid the tax imposed under paragraph (1) on such interest.".

(b) SECTION 6166.—Paragraph (1) of section 6166(g) of such Code (relating to acceleration of payment) is amended by adding at the end thereof the following new subparagraph:

"(G) NO ACCELERATION IN CASE OF QUALIFIED FARM SALE.—

"(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to any interest in a closely held business which qualifies under subsection (a)(1) in the case of any qualified farm sale of such interest (as defined in section 57(f)).

"(ii) EXCEPTION IN CASE OF ACCELERATION AVOIDANCE TRANSACTION.—Clause (i) shall not apply with respect to any such interest transferred between qualified heirs within 2 years of a qualified farm sale of such interest if the transfer was made with the intent to avoid the acceleration of payment of tax imposed by subparagraph (A) with respect to such interest.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges after the date of the enactment of this Act.

By Mr. HARKIN:

S. 1342. A bill to amend title 11 of the United States Code with respect to bankruptcy proceedings involving debtors who are family farmers, and for other purposes; to the Committee on the Judiciary.

FAMILY FARMER BANKRUPTCY

● Mr. HARKIN. Mr. President, today I am introducing legislation which, at very little cost to the Federal Government, will go a long way toward helping the worst off of our Nation's family farmers.

The agricultural producers of Iowa and our entire country have been devastated in recent years by the drastic worsening of conditions in the agricultural economy. A great many have been forced to file bankruptcy. Our farmers have looked to the protection of bankruptcy laws only as a last resort but, unfortunately, as an increasingly important one if they are to be able to continue to make a living through farming. In just the northern district of the State of Iowa, for example, chapter 11 farm bankruptcies increased from only 2 in all of 1980 to 147 in the first 5 months of 1985.

Today, most farm debtors who are forced to file bankruptcy must do so under the complex, expensive provisions of chapter 11. Under chapter 11, a farmer's debt repayment plan must be negotiated, not only by the farmer and the courts, but by all of the relevant creditors as well. This causes a great deal of expense in legal fees for the farmer and, more importantly, causes a substantial risk that a farmer's land will be liquidated. Without the land on which he makes his living, the farmer stands virtually no chance of repaying his debt or even regaining his financial footing.

On April 24, 1985, Representative RODINO introduced H.R. 2211 into the other body. The measure I am introducing today is the companion legislation to that bill, as amended by the House Committee on the Judiciary. I hope that my bill will speed passage in the Senate of this legislation, in order to provide some immediate relief for those many farmers who are currently being forced to file bankruptcy under chapter 11. The Rodino bill combines the best provisions of his earlier farm bankruptcy legislation, similar legislation by Representative SEIBERLING and Representative SYNAR, and ideas emerging from testimony before the House Committee on the Judiciary.

This legislation will allow a great many more farmers to file bankruptcy under the much simpler and less expensive provisions of chapter 13. The ceiling for chapter 13 eligibility on both secured and unsecured debt would be raised to $1 million. The current chapter 13 ceilings of $100,000 for unsecured debts and $350,000 for secured debts are too low to include most farmers.

The bill also gives bankruptcy courts the power to allow the farmer 10 years, rather than the current 5, to make payments under the repayment plan.

The bill also creates a new class of "family farmer" for purposes of chapter 13. A family farmer is defined as a person who has more than 80 percent of their debt arising out of farming operations. Tying the definition of a family farmer to the amount of debt rather than the amount of income would allow farmers who have been forced, by poor economic conditions, to take nonfarm jobs, to utilize chapter 13 provisions if the bulk of their debt is farm related. A family farmer could be an individual, a partnership, or a private corporation so long as more than 50 percent of the corporation is owned by one family.

Mr. President, I urge the Judiciary Committee to act quickly and favorably on this important legislation and hope that all of my colleagues will lend their support to this measure in order to speed crucial help to the most severely troubled of our Nation's farmers.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1342

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

SECTION 1. DEFINITIONS.

Section 101 of title 11, United States Code, is amended—

(1) in paragraph (17) by inserting "(except when such term appears in the term 'family farmer')" after "means",

(2) by redesignating paragraphs (17) through (49) as paragraphs (18) through (50), respectively, and

(3) by inserting after paragraph (16) the following new paragraph:

"(17) 'family farmer' means a person not less than 80 percent of the aggregate amount of whose debts, at the time the case commences, arises out of a farming oper-

ation owned or operated by such person and, if such person is a corporation—

"(A) more than half of the aggregate value of the outstanding equity securities of such corporation are held by one family or by one family and the relatives of the members of such family; and

"(B) if such corporation issues stock, such stock is not publicly traded;

except that such aggregate amount does not include a debt for the principal residence of such person unless such debt arises out of a farming operation;".

SEC. 2. WHO MAY BE A DEBTOR.

Section 109(e) of title 11, United States Code, is amended—

(1) by striking out "or an individual" and inserting in lieu thereof "; an individual", and

(2) by inserting before the period at the end thereof "; or a family farmer with regular annual income that owes on the date of the filing of the petition noncontingent, liquidated, secured and unsecured debts of less than $1,000,000".

SEC. 3. INVOLUNTARY CASES.

Section 303(a) of title 11, United States Code, is amended by inserting ", family farmer," after "farmer".

SEC. 4. FILING OF PLAN.

(a) PERIOD FOR FILING BY DEBTOR.—Section 1121(b) of title 11, United States Code, is amended by inserting before the period at the end thereof "or, in the case of a debtor who is a farmer, until after 240 days after the date of the order for relief under this chapter".

(b) FILING BY ANY PARTY IN INTEREST.—Section 1121(c) of title 11, United States Code, is amended—

(1) in paragraph (2)—

(A) by inserting "(other than a farmer)" after "debtor", and

(B) by inserting before the semicolon at the end thereof the following: "or, in the case of a debtor who is a farmer, before 240 days after the date of the order for relief under this chapter", and

(2) by amending paragraph (3) to read as follows:

"(3) the debtor has not filed a plan that has been accepted—

"(A) in the case of a debtor who is not a farmer, before 180 days; or

"(B) in the case of a debtor who is a farmer, before 300 days;

after the date of the order for relief under this chapter, by each class of claims or interests that is impaired under the plan.".

(c) AUTHORITY TO EXTEND PERIODS.—Section 1121(d) of title 11, United States Code, is amended by striking out "the 120-day period or the 180-day period referred to in" and inserting in lieu thereof "any period referred to in subsection (b) or (c) of".

SEC. 5. COMPENSATION OF TRUSTEE.

(a) AMENDMENT TO TITLE 11 OF THE UNITED STATES CODE.—Section 1302(e)(1)(B) is amended to read as follows:

"(B) a percentage fee not to exceed—

"(i) in the case of a debtor who is not a family farmer, ten percent; or

"(ii) in the case of a debtor who is a family farmer, the sum of—

"(A) not to exceed ten percent of the payments made under the plan of such debtor, with respect to payments in an aggregate amount not to exceed $450,000; and

"(B) three percent of payments made under the plan of such debtor, with respect to payments made after the aggregate amount of payments made under the plan exceeds $450,000;

based on such maximum annual compensation and the actual, necessary expenses incurred by such individual as standing trustee."

(b) AMENDMENT TO TITLE 28 OF THE UNITED STATES CODE.—Section 586(e)(1)(B) of title 28, United States Code, is amended to read as follows:

"(B) a percentage fee not to exceed—

"(i) in the case of a debtor who is not a family farmer, ten percent; or

"(ii) in the case of a debtor who is a family farmer, the sum of—

"(A) not to exceed ten percent of the payments made under the plan of such debtor, with respect to payments in an aggregate amount not to exceed $450,000; and

"(B) three percent of payments made under the plan of such debtor, with respect to payments made after the aggregate amount of payments made under the plan exceeds $450,000;

based on such maximum annual compensation and the actual, necessary expenses incurred by such individual as standing trustee."

SEC. 6. CONVERSION.

(a) AMENDMENT TO CHAPTER 11.—Section 1112(c) of title 11, United States Code, is amended by inserting ", family farmer," after "farmer".

(b) AMENDMENT TO CHAPTER 13.—Section 1307(e) of title 11, United States Code, is amended by inserting "or family farmer" after "farmer".

SEC. 7. CONTENTS OF PLAN.

(a) CONTENTS OF PLAN.—Section 1322(b)(2) of title 11, United States Code, is amended by striking out "debtor's principal residence" and inserting in lieu thereof "principal residence of a debtor who is not a family farmer whose principal residence is located on real property used by such family farmer in connection with a farming operation or is located within a reasonable proximity to the farming operation of such family farmer".

(b) PERIOD FOR PAYMENTS UNDER PLAN. — Section 1322(c) of title 11, United States Code, is amended by inserting before the period at the end thereof the following: "in the case of a debtor who is not a family farmer, or longer than ten years in the case of a debtor who is a family farmer".

SEC. 8. PAYMENTS.

Section 1326(a)(1) of title 11, United States Code, is amended by adding at the end thereof the following: "If the debtor is a family farmer who requests, not later than 15 days after the order for relief, that the court hold a hearing to determine whether to order a different time for the commencement of payments proposed by the plan, then the court shall, not later than 30 days after the date of such request, hold a hearing and determine from the facts and circumstances of the debtor and the case a reasonable time after the plan is filed within which the debtor shall commence making the payments proposed by the plan.".

SEC. 9. TECHNICAL AMENDMENTS.

(a) The table of chapters for title 11 of the United States Code is amended in the item relating to chapter 13 by inserting "OR A FAMILY FARMER" after "INDIVIDUAL".

(b) The heading for chapter 13 of title 11 of the United States Code is amended by inserting "OR A FAMILY FARMER" after "INDIVIDUAL".

SEC. 10. APPLICABILITY OF AMENDMENTS.

The amendments made by this Act shall not apply with respect to cases commenced under title 11 of the United States Code before the date of the enactment of this Act.●

By Mr. DANFORTH (for himself, Mrs. KASSEBAUM, Mr. HOLLINGS, and Mr. EXON) (by request):

S. 1343. A bill to improve safety and security for people who travel in international aviation; to the Committee on Commerce, Science, and Transportation.

ANTI-HIJACKING ACT

Mr. DANFORTH. Mr. President, I am today introducing a bill entitled the "Anti-Hijacking Act of 1985." I do so, together with Senators KASSEBAUM, HOLLINGS, and EXON, at the request of the administration. The purpose of the bill is to improve the safety and security of U.S. citizens who travel abroad by air.

Over the past several days a number of bills and resolutions have been introduced in the Senate which are intended to prevent the recurrence of tragic hijacking like that of TWA flight 847. Their common denominator is concern for the safety of our citizens in international air transportation, a concern which I could not share more deeply.

Because a large number of bills on this subject are now pending, bills which are properly within the jurisdiction of the Commerce Committee, Senator KASSEBAUM, chairman of the Aviation Subcommittee, has announced a hearing on all such proposals for the morning of Thursday, June 27. I applaud her for her expeditious scheduling of this hearing. I am confident that such a forum will prove to be the best method of weighing the merits of these proposals. I look forward to a thorough airing of the issues.

Mr. President, I ask, unanimous consent that a copy of the bill, along with a section-by-section analysis be printed in the RECORD.

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

S. 1343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Anti-Hijacking Act of 1985".

SEC. 2. (a) The Secretary of Transportation, in coordination with the Secretary of State, shall study the need for an expanded airmarshal program on international flights of United States air carriers and report the results of the study to the Congress. If the Secretary of Transportation and the Secretary of State find that such an expanded airmarshal program is necessary, then there is authorized to be appropriated such sums as may be necessary to carry out the program. Such sums shall be derived from the Airport and Airway Trust Fund.

(b) The Secretary of Transportation, with the approval of the Attorney General and the Secretary of State, may authorize persons, in connection with the performance of

their air transportation security duties, to carry firearms and to make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States, if they have reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

SEC. 3. Section 1115 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1515), is amended as follows:

(1) In subsection (b) by striking "hold a foreign air carrier permit or permits issued pursuant to section 402 of this Act" and inserting in lieu thereof "hold authority under Title IV of this Act",

(2) In subsection (b) by striking "minimum standards" wherever the phrase appears and inserting in lieu thereof "standards and recommendations", and

(3) By adding at the end the following new subsections:

"(c) Notwithstanding the provisions of subsection (b) of this section and sections 1102 and 1114 of this Act, whenever the Secretary of Transportation determines that a condition exists that threatens the safety or security of passengers, aircraft or crew traveling to or from a foreign airport, and that the public interest requires an immediate suspension of services between the United States and the identified airport, the Secretary of Transportation shall, without notice or hearing and with the approval of the Secretary of State, suspend the right of any air carrier or foreign air carrier to engage in foreign air transportation to or from that foreign airport and the right of any persons to operate aircraft in foreign air commerce to or from the foreign airport.

"(d) The provisions of this section shall be deemed to be a condition to any authority under Title IV or Title VI of this Act to any air carrier or any foreign air carrier, issued under authority vested in the Secretary of Transportation."

SECTION-BY-SECTION ANALYSIS

The purpose of this bill is to take decisive action to improve safety and security for people who travel through foreign airports.

SEC. 1. This section contains the short title of the bill.

SEC. 2. This section would do two things. First, it would require the Secretaries of Transportation and State to study whether an expanded airmarshal program for international flights of United States carriers would improve aviation security. The current program provides airmarshals for only a limited number of flights. If the Secretaries found that the program should be expanded, then the bill authorizes the appropriation of such sums as may be necessary to carry out the program. These funds would come solely from the user-fee financed Airport and Airway Trust Fund.

Second, the section would give airmarshals the authority to carry weapons and to make arrests. Currently airmarshals do not have this authority except when they are deputized as United States marshals.

SEC. 3. This section would amend current law to grant the Secretary of Transportation the clear authority to act immediately, without notice or hearing, to suspend all services between the United States and an inadequately secured airport where a condition exists that threatens the safety of those traveling through the airport.

These amendments would send a clear signal to countries that have inadequate security procedures in their airports that the United States is prepared to act quickly and decisively.

By Mr. BRADLEY:

S.J. Res. 150. Joint resolution to designate the month of March 1986, as "National Hemophilia Month;" to the Committee on the Judiciary.

NATIONAL HEMOPHILIA MONTH

● Mr. BRADLEY. Mr. President, today I am introducing a joint resolution to designate March 1986 as "National Hemophilia Month." I am introducing this resolution in order to educate the public about hemophilia, to highlight the medical advances in the field and to try to dispel the myths and misconceptions that surround the disease.

Mr. President, hemophilia is a hereditary disorder afflicting approximately 1,000 in 4,000 males. The disease, which is equally common among all races and socioeconomic groups, involves deficiency in a clotting factor in the victim's blood. As a result, bleeding due to cuts and bruises does not, as is normal, automatically stop.

The primary danger to those with the disease is not, as many suppose, external bleeding; rather, severe internal hemorrhaging presents the greatest threat to these individuals. Hemophiliacs depend for their very lives on infusion treatments derived from human plasma. Hemorrhaging episodes usually entail frantic trips to the hospital to receive these expensive infusions.

While plasma treatments are the hemophiliac's lifeline, these treatments can also carry diseases such as hepatitis and, recently, acquired immune deficiency syndrome [AIDS], thus fostering the myth that day-to-day contact with hemophiliacs can lead to AIDS. This is not true, and I hope that placing greater attention on hemophilia will help to correct this misconception. Even the victims themselves, Mr. President, are not free from these misconceptions. There have been numerous cases reported of hemophiliacs foregoing treatment out of fear of AIDS. This is extremely dangerous; the risk involved in withholding treatment is several times greater than the risk of contacting AIDS.

This is clearly a serious disease, Mr. President, but there is hope. We should be cognizant of the tremendous progress researchers have made in the last two decades. Donald Goldman, who heads the National Hemophilia Foundation, and who is a hemophiliac from West Orange, NJ, said recently:

I feel I've been travelling across an ocean during my lifetime, and I'm now able to see land in the distance.

This is no exaggeration. Twenty years ago patients needed whole blood transfusions just to stay alive; even then they had to avoid all potential dangers. In the 1970's, plasma treatments were developed, allowing more widespread treatment for hemophiliacs. Today, scientists are working to perfect a process developed last year that enables cloning of the clotting factor. This advance promises to eliminate the risk of contracting diseases through transfusions. Another advancement is a pilot program just recently developed in which hemophiliacs administer injections themselves, without hospitalization. The effectiveness of this program indicates that annual medical costs for treating hemophilia could be significantly reduced nationwide.

Mr. President, both to further public awareness and knowledge of hemophilia, and to recognize the outstanding work being done by our scientists on behalf of its victims, I urge support for this joint resolution.●

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. MOYNIHAN, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 15, a bill to authorize the Secretary of Health and Human Services to make grants to States for the purpose of increasing the ability of States to provide drug abuse prevention, education, treatment and rehabilitation, and for other purposes, to authorize the Attorney General to make grants to States for the purpose of increasing the level of State and local enforcement of State laws relating to production, illegal possession, and transfer of controlled substances.

S. 777

At the request of Mr. HEINZ, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 777, a bill to amend the Tax Equity and Fiscal Responsibility Act of 1982 to extend hospice benefits under the Medicare Program for an additional 3 years.

S. 837

At the request of Mr. HEINZ, the name of the Senator from North Dakota [Mr. ANDREWS] was added as a cosponsor of S. 837, a bill to amend the Social Security Act to protect beneficiaries under the health care programs of that act from unfit health care practitioners, and otherwise to improve the antifraud provisions of that act.

S. 1084

At the request of Mr. GOLDWATER, the names of the Senator from Utah [Mr. HATCH] and the Senator from Maryland [Mr. MATHIAS] were added as cosponsors of S. 1084, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

S. 1326

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 1326, a bill to provide air passenger security for certain air carrier flights.

S. 1330

At the request of Mr. MURKOWSKI, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1330, a bill to amend section 504 of the Alaska National Interest Lands Conservation Act to allow expanded mineral exploration of the Admiralty Island National Monument in Alaska.

SENATE JOINT RESOLUTION 73

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Joint Resolution 73, a joint resolution to designate the week of September 15, 1985, through September 21, 1985, as "National Independent Free Papers Week."

SENATE JOINT RESOLUTION 86

At the request of Mr. WILSON, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of Senate Joint Resolution 86, a joint resolution to designate the week of July 25, 1985, through July 31, 1985, as "National Disability in Entertainment Week."

SENATE RESOLUTION 174

At the request of Mr. GORE, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Senate Resolution 174, a resolution expressing the sense of the Senate with respect to the proposed closing and downgrading of certain offices of the Social Security Administration.

SENATE CONCURRENT RESOLUTION 53—COMMENDING THE EFFORTS OF UNITED SUPPORT OF ARTISTS FOR AFRICA

Mr. MOYNIHAN submitted the following concurrent resolution; which was referred to the Committee on the Judiciary.

S. CON. RES. 53

Expressing the sense of the Congress that the United Support of Artists for Africa be commended for its efforts to aid the victims of the spreading African famine.

Whereas the spreading famine in Africa is a disaster which defies ordinary relief efforts, despite the generosity of governments world-wide;

Whereas on January 28, 1985, a variety of leading recording artists joined to donate their talents to record a compassionate song entitled "We Are the World";

Whereas the profits from the sale of the record will be turned over to the United Support of Artists for Africa, a nonprofit foundation that will distribute these funds to established famine relief agencies;

Whereas the sales of the record containing the song "We Are the World" have exceeded the most optimistic hopes of its many producers, and it is conservatively estimated that the efforts of the United Support of Artists for Africa will raise $50,000,000 for famine relief; and

Whereas it is incumbent upon each of us, as Americans and as human beings, to help provide relief for the victims of the African famine: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That United Support of Artists for Africa should be commended not only for the initiative and generosity of its organizers and participants in aiding the victims of the African famine, but also for its demonstration that people can individually and collectively make a difference in relieving the plight of those victims and that all of us should try.

● Mr. MOYNIHAN. Mr. President, I rise today to submit a Senate Concurrent Resolution commending the "United Support of Artists for Africa" for its efforts to aid the victims of the spreading African famine.

On January 28, 1985, 45 recording artists from across the Nation, representing nearly every type of music, assembled to record the song, "We Are the World." "We Are the World" was written to raise funds for famine relief efforts in Africa, as well as for food and shelter for the growing numbers of homeless Americans.

Record sales have netted approximately $45 million to date, and on Monday, June 10, a 747 jet left New York's John F. Kennedy Airport with the first shipment of relief supplies purchased by the "United Support of Artists for Africa." A partial list of the supplies sent to Ethiopia, Sudan, Tanzania, and Kenya includes: 35,000 pounds of intravenous fluid replacement for cholera treatment; 1.1 million doses of chloroquine for prevention and treatment of malaria; 8.6 million doses of antibiotics; 1.1 million drug doses for tuberculosis treatment; 7.5 million doses of vitamins A, C, and Iron; 12,000 feeding tubes; 1,000 gallons of disinfectant; eight refrigerators for vaccines 640,000 square feet of plastic sheeting for temporary shelter in refugee camps; 1,000 10-person tents for feeding centers; 5,000 "metalized" blankets to eliminate the health hazards associated with fiber blankets; 15,000 T-shirts; 100,000 identification bracelets for new refugees in Sudan; and 182,000 packages of high-energy biscuits.

A 14-member "United Support of Artists for Africa" delegation accompanied the supplies to oversee its distribution.

All the members of this fine group are to be commended. May I mention in particular Ken Kraven, the president of the organization, and Marty Rogal, the executive director. Quincy Jones directed the celebrity chorus, which included several native New Yorkers: Diana Ross, Darryl Hall, John Oates, Cyndi Lauper, Paul Simon, and Billy Joel.

On March 26, 1985, Representative JOHN BRYANT submitted this concurrent resolution in the House of Representatives. I am pleased to submit the companion measure in the Senate. The activities of the "United Support of Artists for Africa" have increased the public-awareness and interest in the devastating famine that grips Africa, and spawned many other charitable activities by Americans, especially our youth.

"We are the world. We are the children. We are the ones who make a brighter day. So let's start giving."

I urge my colleagues to support this resolution.●

AMENDMENTS SUBMITTED

STATUE OF LIBERTY COMMEMORATIVE COIN ACT

McCLURE (AND OTHERS) AMENDMENT NO. 418

Mr. McCLURE (for himself, Mr. MURKOWSKI, and Mr. HECHT) proposed an amendment to the bill (H.R. 47) to provide for the minting of coins in commemoration of the centennial of the Statue of Liberty; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I—STATUE OF LIBERTY-ELLIS ISLAND COMMEMORATIVE COINS

SHORT TITLE

SEC. 101. This Act may be cited as the "Statue of Liberty-Ellis Island Commemorative Coin Act".

COIN SPECIFICATIONS

SEC. 102. (a)(1) The Secretary of the Treasury (hereafter in this title referred to as the "Secretary") shall issue not more than 500,000 five dollar coins which shall weigh 8.359 grams, have a diameter of 0.850 inches, and shall contain 90 percent gold and 10 percent alloy.

(2) The design of such five dollar coins shall be emblematic of the centennial of the Statue of Liberty. On each five dollar coin there shall be a designation of the value of the coin, an inscription of the year "1986", and inscriptions of the words "Liberty", "In God We Trust", "United States of America," and "E Pluribus Unum".

(b)(1) The Secretary shall issue not more than ten million one dollar coins which shall weigh 26.73 grams, have a diameter of 1.500 inches, and shall contain 90 percent silver and 10 percent copper.

(2) The design of such dollar coins shall be emblematic of the use of Ellis Island as a gateway for immigrants to America. On each such dollar coin there shall be a designation of the value of the coin, an inscription of the year "1986", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c)(1) The Secretary shall issue not more than twenty-five million half dollar coins which shall weigh 11.34 grams, have a diameter of 1.205 inches, and shall be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(2) The design of such half dollar coins shall be emblematic of the contributions of immigrants to America. On each such half dollar coin there shall be a designation of

the value of the coin, an inscription of the year "1986", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(d) The coins issued under this title shall be legal tender as provided in section 5103 of title 31, United States Code.

SOURCES OF BULLION

SEC. 103. (a) The Secretary shall obtain silver for the coins minted under this title only from stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.)

(b) The Secretary shall obtain gold for the coins minted under this title pursuant to the authority of the Secretary under existing law.

DESIGN OF THE COINS

SEC. 104. The design for each coin authorized by this title shall be selected by the Secretary after consultation with the Chairman of the Statue of Liberty-Ellis Island Foundation, Inc. and the Chairman of the Commission of Fine Arts.

SALE OF THE COINS

SEC. 105. (a) Notwithstanding any other provision of law, the coins issued under this title shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, and overhead expenses).

(b) The Secretary shall make bulk sales at a reasonable discount to reflect the lower costs of such sales.

(c) The Secretary shall accept prepaid orders for the coins prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount to reflect the benefit of prepayment.

(d) All sales shall include a surcharge of $35 per coin for the five dollar coins, $7 per coin for the one dollar coins, and $2 per coin for the half dollar coins.

ISSUANCE OF THE COINS

SEC. 106. (a) The gold coins authorized by this title shall be issued in uncirculated and proof qualities and shall be struck at no more than one facility of the United States Mint.

(b) The one dollar and half dollar coins authorized under this title may be issued in uncirculated and proof qualities, except that not more than one facility of the United States Mint may be used to strike any particular combination of denomination and quality.

(c) Notwithstanding any other provision of law, the Secretary may issue the coins minted under this title beginning October 1, 1985.

(d) No coins shall be minted under this title after December 31, 1986.

GENERAL WAIVER OF PROCUREMENT REGULATIONS

SEC. 107. No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this title. Nothing in this section shall relieve any person entering into a contract under the authority of this title from complying with any law relating to equal employment opportunity.

DISTRIBUTION OF SURCHARGES

SEC. 108. All surcharges which are received by the Secretary from the sale of coins issued under this title shall be promptly paid by the Secretary to the Statue of Liberty-Ellis Island Foundation, Inc. (hereinafter in this title referred to as the "Foundation"). Such amounts shall be used to restore and renovate the Statue of Liberty and the facilities used for immigration at Ellis Island and to establish an endowment in an amount deemed sufficient by the Foundation, in consultation with the Secretary of the Interior, to ensure the continued upkeep and maintenance of these monuments.

AUDITS

SEC. 109. The Comptroller General shall have the right to examine such books, records, documents, and other data of the Foundation as may be related to the expenditure of amounts paid, and the management and expenditures of the endowment established, under section 108.

COINAGE PROFIT FUND

SEC. 110. Notwithstanding any other provision of law—

(1) all amounts received from the sale of coins issued under this title shall be deposited in the coinage profit fund;

(2) the Secretary shall pay the amounts authorized under this title from the coinage profit fund; and

(3) the Secretary shall charge the coinage profit fund with all expenditures under this title.

FINANCIAL ASSURANCES

SEC. 111. (a) The Secretary shall take all actions necessary to ensure that the issuance of the coins authorized by this title shall result in no net cost to the United States Government.

(b) No coin shall be issued under this title unless the Secretary has received—

(1) full payment therefor;

(2) security satisfactory to the Secretary to indemnify the United States for full payments; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration Board.

TITLE II—LIBERTY COINS

SHORT TITLE

SEC. 201. This title may be cited as the "Liberty Coin Act".

MINTING OF SILVER COINS

SEC. 202. Section 5112 of title 31, United States Code, is amended by striking out subsection (e) and (f) and inserting in lieu thereof the following new subsection:

"(e) Notwithstanding any other provisions of law, the Secretary shall mint and issue, in quantities sufficient to meet public demand, coins which—

"(1) are 40.6 millimeters in diameter and weigh 31.103 grams;

"(2) contain .999 fine silver;

"(3) have a design—

"(A) symbolic of Liberty on the obverse side; and

"(B) of an eagle on the reverse side;

"(4) have inscriptions of the year of minting or issuance, and the words 'Liberty', 'In God We Trust', 'United States of America', '1 Oz. Fine Silver', 'E Pluribus Unum', and 'One Dollar'; and

"(5) have reeded edges.

"(f) The Secretary shall sell the coins minted under subsection (e) to the public at a price equal to the market value of the bullion at the time of sale, plus the cost of minting, marketing, and distributing such coins (including labor, materials, dies, use of machinery, and overhead expenses).

"(g) For purposes of section 5132(a)(1) of this title, all coins minted under subsection (e) of this section shall be considered to be numismatic items.".

(h) The coins issued under this title shall be legal tender as provided in section 5103 of title 31, United States Code.

PURCHASE OF SILVER

SEC. 203. Section 5116(b) of title 31, United States Code, is amended—

(1) in the first sentence of paragraph (1), by striking out "The Secretary shall" and inserting in lieu thereof "The Secretary may";

(2) by striking out the second sentence of paragraph (1); and

(3) by inserting after the first sentence of paragraph (2) the following new sentence: "The Secretary shall obtain the silver for the coins authorized under section 5112(e) of this title by purchase from stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).".

CONFORMING AMENDMENT

SEC. 204. The third sentence of section 5132(a)(1) of title 31, United States Code, is amended by inserting "minted under section 5112(a) of this title" after "proof coins".

EFFECTIVE DATE

SEC. 205. This title shall take effect on October 1, 1985, except that no coins may be issued or sold under subsection (e) of section 5112 of title 31, United States Code, before September 1, 1986, or before the date on which all coins minted under title I of this Act have been sold, whichever is earlier.

Amend the title so as to read "An Act to authorize the minting of coins in commemoration of the centennial of the Statue of Liberty and to authorize the issuance of Liberty Coins.".

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee has rescheduled a hearing for July 3, 1985, in Boston, MA, on the impact of tax reform proposals on small business. This hearing had been previously scheduled for June 3, 1985. The hearing will be held at the John F. Kennedy Federal Office Building and will begin at 9:30 a.m. For further information, please call Stewart Hudson of the committee staff, at 224-5175 or Jim Brenner of Senator KERRY's staff at 224-2742.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, June 21, 1985, in order to receive testimony concerning S. 397, Foreign Trade Antitrust Improvement Act.

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

SUBCOMMITTEE ON ENERGY AND AGRICULTURE TAXATION

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Energy and Agriculture Taxation, of the Committee on Finance be authorized to meet during the session of the Senate on Friday, June 21, in order to conduct a hearing on the oversite, regarding the impact changes the Tax Code will have on energy policy.

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

ADDITIONAL STATEMENTS

FLY THE FLAG FOR THE HOSTAGES

● Mr. CHILES. Mr. President, we in Congress and the people of this Nation are deeply distressed and frustrated over the plight of the hostages in Lebanon, for their safety specifically and for this further evidence that the United States is a target of terrorists throughout the world.

What we can do to gain the release of these men without contributing to the overall problem for the future eludes us. What we can do to provide greater protection and try to avoid such tragedies is difficult, but we are trying.

In the meantime, as a nation we must maintain our spirit. We must be determined; we must be as one in our efforts; we must be persistent in pursuing freedom and safety for Americans wherever they may be.

I have just learned of an effort to emphasize this focus. The Pensacola (FL) News Journal has announced its intention to fly the American flag over its offices and on its front page every day until the hostages come home.

The News Journal said in a front page editorial:

> And we encourage you to do likewise in a show of unity, concern and support for the innocent American travelers caught in a web of horror not of their choosing.
>
> The patriotic gesture shows that we—living in a free nation—are unified, standing strong, ready to act rationally and humanely in behalf of fellow citizens victimized by a new breed of madmen.

I commend the initiative of the News Journal and readily join in urging people in Pensacola, in Florida, and throughout the country to use this means to bind us together in spirit, intention, and effort.●

THE EQUAL RIGHTS AMENDMENT

● Mr. CHAFEE. Mr. President, today—the 21st of June—marks an important date in the history of this Nation's Constitution. It was on this day in 1788 that the Constitution officially took effect, when New Hampshire became the ninth State to ratify.

On this occasion, I rise to reiterate my strong support for the proposed equal rights amendment, introduced in the Senate as Senate Joint Resolution 10. I have been a consistent supporter of ERA throughout my term in the Senate.

The first proposed equal rights amendment was introduced in Congress in 1923. Now, more than 60 years later, we are still working to embody the essential principle of equal rights between the sexes in our Nation's fundamental legal document: the Constitution.

Mr. President, I think we all agree that the Constitution is a remarkable work, and is not to be altered except in clear and compelling cases. The equal rights amendment is just such a case.

Recent experience has made it abundantly clear that State action is not enough: Discrimination based on gender continues in education, in employment, and in the issuance of credit and insurance. And until they are made part of the Constitution, the legislative gains of recent years can be rescinded, eroded, or simply not enforced.

Current laws to prevent sex discrimination are not doing the job: They are not comprehensive, can be weakened or repealed, and are filled with loopholes. A recent study by the U.S. Commission on Civil Rights found that both Federal and State laws contain examples of discrimination based on sex, citing more than 800 instances in the United States Code alone. The study concluded that despite the enactment of equal opportunity laws, women continue at a disadvantage due to gender-based laws and practices. In fact, study after study has asserted that existing constitutional guarantees do not provide for full rights for American women, and that the need for the equal rights amendment is greater today than it was in 1972 when Congress first passed the amendment.

Women who work outside the home need the ERA for better pay and more opportunities. U.S. Department of Labor statistics show that even when occupation, age, education, and time worked are taken into account, women still make less than 60 cents for each dollar earned by men. Women with college degrees are paid less than men who did not even complete high school, and minority women are paid less than half of what men make. Full-time homemakers need the ERA for full economic security through elimination of sex discrimination in Social Security, pension plans, property rights, and credit.

The suggestion that an issue as basic as equality of rights under the law is a State or local matter reflects a misunderstanding of the principles on which this country is founded. Like the abolition of slavery or the institution of women's suffrage, the persistence of gender-based discrimination is a matter which we cannot, ultimately, leave to the States.

Mr. President, it is time for us to reaffirm our commitment to the essential principle of equality under the law. The prohibition of gender-based discrimination deserves a place in the Constitution, the one document which, more than any other, defines civil rights.

In 1987, we will celebrate the Constitution's 200th year. I can think of no better way to mark that approaching anniversary than to approve and ratify the equal rights amendment, thus setting a national standard in human and civil rights.●

CONTRIBUTIONS OF ASIAN-AMERICANS

● Mr. SIMON. Mr. President, Marguerite Michaels wrote a story of inspiration that appeared in a recent Parade magazine.

It is a story of the Asian-Americans and the contribution they are making to our country.

It shows what dedicated, hard work can do.

It also shows the opportunities that we have in this good land of ours.

I regret to say that a part of the story that was not mentioned prominently is also there—the prejudice that some of our fellow citizens of Asian background face.

Rather than deride these people—they are Americans—we should welcome and applaud.

I am inserting this inspirational story into the RECORD at this time for my colleagues who may not have seen it.

The article follows:

> CONTRIBUTIONS OF ASIAN-AMERICANS
>
> Which was the fastest-growing minority in American in the last decade?
>
> Which ethnic group has the largest percentage of high school graduates?
>
> Which group of immigrants has taken only one generation to top the national median family income?
>
> The answers to all of the above is the same: Asian-Americans. Making up this group are 4.1 million people, the majority of whom are Chinese, Japanese, Koreans, Filipinos and Asian Indians. Most have come here since the mid-'60s. And while they constitute only 1.8 percent of our population, they promise to have an influence on this country far out of proportion to their numbers.
>
> It is not the kind of influence of a Seiji Ozawa, the conductor of the Boston Symphony Orchestra, or architect I.M. Pei, or computer wizard Dr. An Wang—singular achievers the like of which all nationalities can claim. But, rather, it is a growing grassroots impact of an unusual group of immigrants on this country's very definition of itself.
>
> For this generation of Asians, the traditional American dream of political freedom and economic opportunity that brought them to this country has come true. But for their children the dream includes a qual-

ity—and equality—of living that they perceive in their American friends' lives but not in their parents'. For the children, the American dream has not yet come true.

It is a question of different values: family responsibility vs. individual freedom; personal sacrifice vs. the pursuit of happiness' spirituality vs. materialism; what Asian-Americans perceive as Asian vs. American.

The cultural tug-of-war between the Asian-born parents and their American-born children offers a rare and fascinating glimpse into the traditional melting pot that remains a constant source of revitalization for this country.

Some measures of the immigrant parents' success:

According to the 1980 census, the median income for white families was $20,835; for Asian-Americans, $22,713.

Among Asian-American families, 8.5 percent earned $50,000 or more, vs. 6.2 percent among white families.

Asian-Americans (both sexes) had lower unemployment rates than whites.

Asian-Americans also are better educated. Among those 25 or older, 32.5 percent completed at least four years of college; the comparable figure for white Americans is 17.2 percent. And 75 percent of Asian-Americans are high school graduates, compared with 69 percent of whites.

To appreciate the astounding success of Asian immigrants in this country is to remember that as recently as World War II, thousands of Japanese-Americans were interned in prison camps in California. Chinese-Americans lived huddled among themselves as protection against intense discrimination.

In 1965, in the midst of America's new political and social spirit of civil rights, an immigration law was passed banning the racial quotas that had kept Asians out of the U.S. since the late 19th century. Today, nearly 20,000 Asians arrive here every month. In the next two decades, the number will rise 90.7 percent—almost double the rate of Hispanic immigrants.

The new Asian immigrants still often live together in enclaves on the east and west coasts. Language problems have limited some of them to long hours in underpaid restaurant and garment industry sweatshops. But, increasingly, they have begun to move out of their self-imposed segregation and into the mainstream of American life.

Parade found one such community of Korean-Americans, in Kansas City. Originally attracted by the universities in the area or transferred to nearby military bases with their GI husbands, the Korean students and military wives have imported hundreds of family members—either from Korea or one of the Asian enclaves on the U.S. coasts. Now numbering about 3500, the Koreans consider Kansas City a "nice" and "conservative" community in which to work and raise their children.

David Kim, 60, drove around the U.S. for two months looking for the right place to bring his family. "I love this country since I was young," says Kim. He studied English by flashlight under a blanket during the Japanese occupation of Korea. When his children started "running up the street to protest" what they considered a repressive Korean government in the mid-'60s, he brought his family here. He and his wife, Agnes, run a popular hot dog stand in downtown Kansas City and provide occasional evenings of Korean dance and music to small gatherings around town—"because it is important to understand each other."

For most Korean immigrants, the dream is not political, but economic. In some cases, the job matters. Dr. Tae Lee came to the U.S. to specialize in the treatment of kidney disease. Dr. Young Pai came to chair the social philosophy division of the Education Department on the campus of the University of Missouri at Kansas City. Yong Kim graduated from high school in Seoul and came to study business administration in 1962. After a year in someone else's international trading company, he began his own.

But for the most part, the job doesn't matter. The Koreans have come to make money, and they adapt to whatever they find. "I didn't know what a hot dog was," laughs David Kim. "Now mine are famous. I just do best." Peter Chun—whose 6-year-old daughter, Jennifer, is pictured on the cover—came to study theology and ended up with his own tofu and bean sprout business. Pan Jo Jeong had a good poultry job, but it involved too much time away from his family. He figured there were an awful lot of cars in America, so he got a job in a body shop for four years and then did what Asians do with astonishing consistency—he opened his own place.

If the job is unimportant, the family is paramount.

Woon Ho and his wife, Jinsoo Park, came to the U.S. in 1974 to educate their three boys, Jinsoo, a trained soprano who taught high school in Korea, and Woon, who majored in law, left "a pretty good life" to make a better one for their children. Woon worked a shift and a half in a plastic factory, and Jinsoo worked long hours in a restaurant to earn college money. Ten years later, their eldest son is an industrial engineer for the U.S. Postal Service, their middle son is in medical school and their youngest is in high school "thinking about medicine," Woon works only one shift now, but they own the restaurant where Jinsoo still works 14-hour days.

Kansas City is full of Koreans like the Parks. Trained pharmacists running newsstands to put the kids through school. Journalists working on the General Motors assembly line. College professors in steel companies. Concert musicians teaching piano. The first wave of Asians to enter the United States after the 1965 immigration law were mostly college-trained professionals. Many have been unable to transfer their talents to the American marketplace.

"It can be frustrating," says Chiang Kim, a GM lineman. "But you have to survive. Family is first. It is my hobby, my major, my everything. I will do anything for family, even if I am unhappy."

Korean-American parents are quite blunt, however, about what they expect in return. "We give and give for our children, "says one father, "and we have high expectations for our sacrifice. The children sense this and respond to it."

Example of their response have not been hard to find.

Seven of the 40 finalists for the 1985 Westinghouse Science Talent Search were Asian. At Juilliard. New York's noted school of the arts. 10 percent of the enrollment is Asian. At major graduate schools of business, such as Harvard and Stanford, there has been a disproportionate representation of Asians for almost a decade. At Stuyvesant High School in New York—one of the most selective in the country, where nearly 10,000 applicants competed last year for 750 seats in the freshman class—about 31 percent of the students are Asian, although Asians represent less than 2 percent of the population.

But many Asian children have run into problems created by the values of the land of their birth. As a result, many of the parents are finding it difficult to watch their kids grow up American.

For the parents, "growing up American" too often means "lack of respect for others," "selfishness" and "no spiritual, inner quality." For the children, it means "personal freedom," "fun" and an end to the "confining, restricting social customs" of Asia.

Jane Kim, 14, is the only Asian student in her suburban Kansas City high school. "I wish I could do everything my friends do. I won't start dating until I'm 16. Some of my friends are already driving. My sister and I have to ask our parents before we do anything. My friends just tell their parents and go. We can't go to dance places. We can't wear short skirts. Our brother started college this fall. He's glad to be out of the house."

The children, however, actually have come some way toward convincing their parents that all American social customs—or lack of them—are not bad. Not too long ago, a group of parents in Kansas City met to discuss their "discipline problems" with their American-born children. Essentially what was happening was breaddown in the Confucian code of filial piety. The kids were giving their parents a hard time about things like practicing the piano, cleaning the kitchen—chores that would have been done immediately and unquestioningly in a home in Korea. "At the end of the meeting," says businessman Peter Chun, "we realized we were the problem. We are forcing our children according to the way we grew up."

In trying to mix both cultures—to please their Korean parents and fit in with their American friends—the children end up in a sort of isolation.

"It's like we live two different lives," says 14-year-old Jane Kim.

Martha Souza, a Spanish teacher in Shawnee Mission, Kan.—one of the most prestigious school districts in the U.S.—finds herself urging her Asian students to participate in more school social events. "The kids really appreciate education. But they are overly serious and often loners."

About half of the Korean-American population is under 19. For this generation, the questions of success and adjustment remain unanswered.

"Asians are now a 'model minority,'" says Eleanor Wong Telemaque, New York field representative for the Civil Rights Commission and a first-generation Chinese-American. "'Wow!' we say, 'The parents work night and day, and the kids are going to Stuyvesant High. The crème de la crème.' These Asian kids are first in American schools, but we don't know how well they'll do in the American marketplace, where Asians are still unconnected to things like the old-boy network."

But even Eleanor Telemaque will admit that things are better for Asians in America today than when she grew up in Minnesota in the '40s. Discrimination in the professions is down, marriage with non-Asians is up. Asian workers are organizing unions in Asian-run businesses and organizing within the two political parties. There are more and more Asian role models.

The Koreans in Kansas City mirror the larger Asian immigrant story. Their experience is not unlike that of millions of immigrants from other nations who came to this country before them. "The Golden Moun-

tain" is what the Asians call the United States. Despite the difficulty of the climb, most Asians are sure they will get to the top.●

JAPAN'S IMPORT BARRIERS

● Mr. BAUCUS. Mr. President, I read in this morning's Washington Post that the Japanese are not agreed on the need to open their markets. Apparently some Japanese officials believe that the United States will be satisfied by token concessions.

Let my words carry across the sea: Nothing could be further from the truth.

The Japanese have benefited greatly from the international trading system. It is time they ceased acting the part of a poor, weak island nation. Japan is a major economic power in the world. It must assume the responsibilities as well as the costs of such a position.

Japan can no longer practice export-only trade. Barring imports—whether through tariffs or bureaucratic barriers—while promoting exports is not an acceptable practice.

I, my constituents, and my colleagues agree that there is blame here as well. The overvalued dollar—a function of the basic mismatch of fiscal and monetary policy under this administration—hurts U.S. exports. But agreeing that part of the blame is ours does not absolve the Japanese from the responsibility to open their market.

The Japanese should not mistake the reasonableness and measured pace of U.S. congressional actions to be a sign that "it will all blow over." It will not.

If expressions of concern do not work, targeted, but firm, retaliation will come. If these steps fail, I fear for the future of the trading system and the alliance. If anger and frustration boil over, our relationship with a critical ally would be harmed.

No relationship is more important than that we have with Japan. But no relationship—however important—is healthy or lasting if one party sees itself consistently being taken advantage of.

The Japanese would be mistaken to assume no steps are necessary. They must act to open their market. Failure to do so would be costly for them and for us.●

CONGRESSIONAL CALL TO CONSCIENCE

● Mr. GRASSLEY. Mr. President, I rise today to participate in the 1985 Congressional Call to to Conscience. I thank my colleague RUDY BOSCHWITZ for sponsoring this program. Our work with Soviet Jews is more crucial now than ever in the wake of falling emigration figures. Less than 500 Jews were allowed to emigrate in the first 5 months of this year. This represents a significant and frightening decrease compared to earlier emigration figures—51,000 in 1979.

It is disheartening to those who live in freedom to hear the story I am about to tell. Even more upsetting is the fact that this is only one case in thousands. Countless refusniks are mistreated and held against their will in the U.S.S.R. because of their desire to practice Judaism.

Ina Kvartina is a computer programmer living in Moscow. She has a husband, David, and four young children. They have been denied permission to leave the U.S.S.R. three times, the latest refusal coming in September 1981. No reason was given for the refusals.

After their application was first filed in 1979, Ina was forced to leave her job. She and David now teach Hebrew to Soviet Jews wishing to emigrate to Israel. Employment in a classified occupation is an excuse commonly cited by Soviet officials in the detainment of Jews. Neither Ina nor David have ever held classified jobs, which makes their visa refusal particularly frustrating. They are being held for no apparent reason. They only wish to join their family and friends already living in the Jewish homeland—Israel.

Concerned citizens throughout the world keep a vigil for families like the Kvartina's who are hostages of the Soviet Union. I am proud that we Americans have the freedom to go where we want, and practice the religion of our choice in a free land. Let us not, however, forget the plight of the Soviet Jews.

I call today on the leaders of the Soviet Union to abide by the Helsinki accords which they signed in 1971. I call for the immediate release of those Jews wishing to emigrate.●

ROB JOHNSTON, 1985 MAINE JAYCEES OUTSTANDING YOUNG FARMER

● Mr. MITCHELL. Mr. President, although most Americans may not picture Maine as an agricultural State, it most certainly is one. Agriculture makes a major contribution to my State's economy and way of life.

Currently, its food production and processing industries generate more than $1 billion in annual economic activity and create roughly 50,000 jobs on Maine farms and in food processing plants.

One of the most important tools for me to keep as informed as I can about Maine agriculture, its achievements, its people, and its problems, is a weekly publication of the Maine Department of Agriculture, Food and Rural Resources, Maine-ly Agriculture.

In his "Commissioner's Comments" column of May 24, Maine Agriculture Commissioner Stewart Smith profiles Rob Johnston of Albion, the "1985 Maine Jaycees Outstanding Young Farmer." I join with the commissioner in congratulating Rob Johnston and I also wish him well in the National OYF competition.

Mr. President, I ask that this column be printed in the RECORD at this point.

The column follows:

MAINE'S "OUTSTANDING YOUNG FARMER"

(By Stewart N. Smith)

Each year, Jaycees throughout the country select farmers to represent their states in the annual "Outstanding Young Farmer" (OYF) award program sponsored by the national Jaycees' organization. The basic purpose of the OYF program is to honor young farmers who have made significant achievements, thus providing at the same time a good opportunity to increase public awareness of farm businesses.

State Jaycee leaders choose their representative from nominees submitted by local chapters. The winners from each state are sent to the national OYF Awards Congress in February, where four are selected as America's Outstanding Young Farmers of the Year.

I recently learned that the farmer who will be representing Maine at the next national OYF competition is Rob Johnston, owner of "Johnny's Selected Seeds" in Albion. While there are many young farmers who deserve recognition, I certainly agree that Rob is an excellent choice.

This energetic 34-year-old entrepreneur established his seed company in 1973. Since then it has grown steadily both in size and reputation. Johnny's Selected Seeds sells a wide range of commercial and home garden vegetable seeds, most of which are grown there on Rob's Albion farm. Though Maine has several other seed production companies, Johnny's is probably the best known. I suspect it is also the largest, with more than 20 year round employees and a nationwide mail order business.

The success of Johnny's Selected Seeds is an especially interesting example of the potential for innovative agricultural ventures in Maine. As is true of most agricultural success stories, it is also an impressive example of individual initiative and effort.

Rob faced a number of hurdles in getting his company started. For example, in contrast to the more common types of farm operations, there is no easily available wealth of information about how to operate a commercial seed production business. I imagine this meant Rob had to depend more on his own research and trial and error than many farmers.

Another problem Rob faced was financing. Most conventional lending institutions viewed his operation as a farm and said they weren't interested in financing farmers. On the other hand, most of the traditional agricultural lending agencies considered his operation to be a business instead of a farm. As a result, the company was painfully under-capitalized during its early years.

Rob overcame that hurdle, too, partly by investing more than the usual amount of "sweat equity" in his operation. He also put a great deal of thought and effort into the crucial marketing aspects of his operation, including how to position his company in the very competitive mail-order seed market.

From the beginning, a major emphasis was put on quality. Samples of all seeds are regularly tested in the company's own lab to

assure above standard germination rates. Crop variety field tests are conducted each season to assure that the varieties chosen for sale will grow well even under tough, northern growing conditions. Care is taken that orders are filled promptly and all of Johnny's products carry a 100 percent guarantee.

These are selling points that obviously appeal to any customer. In addition, Johnny's Selected Seeds has a special appeal to the growing number of farmers and gardeners who prefer organic methods.

Unlike many seed companies, Johnny's does not treat its seeds with fungicides or any other chemicals (with the exception of hybrid sweet corn). Indeed, the company's literature clearly states an orientation toward natural or organic methods, though it also emphasizes that "top quality, high germination, vigor, and trueness-to-type" are the firm's primary goals. At any rate, this support for organic methods is an added attraction to many customers. It has also made Johnny's Selected Seeds the largest seed company in the country with such a commitment—and such a unique selling angle.

Rob's interest in organic agriculture is also reflected by the fact that he is a member and past president of the Maine Organic Farmers and Gardeners Association (MOFGA). But he is among those enlightened farmers who doesn't let cultural philosophies prevent him from working with other, more traditional types of farmers to address common needs and goals. For example, besides his involvement in MOFGA, he is also an active member of the Farm Bureau, the Maine Vegetable and Small Fruit Growers Association, and the American Seed Trade Association.

I'd like to commend the Maine Jaycees for their choice of Rob as Maine's Outstanding Young Farmer of the year and for their continuing interest in supporting and promoting Maine agriculture. To Rob, I extend my hearty congratulations. I hope he has as much success in the National OYF competition as he has had in his seed business.●

AMUSEMENT PARK RIDES

● Mr. SIMON. Mr. President, yesterday, I inserted into the RECORD an editorial written by the Bloomington, IL, Pantagraph regarding the safety of amusement park rides. The statistics are frightening. In the last decade, there have been over 30 senseless deaths as a result of faulty equipment in amusement rides. Americans go on rides like the Corkscrew and the Superloop for the thrill and excitement that these rides provide. Terror should play no role in an amusement park.

I introduced a bill in March to encourage the 24 States that have no inspection program to promptly enact laws to ensure the safety of amusement park patrons. In the interim, the Consumer Product Safety Commission would be empowered to send in safety engineers to sites where serious accidents occurred to prevent future mistakes. Additionally, my plan would set up a clearinghouse for operators to report malfunctions and defects in equipment so that operators of the same ride in another State can be alerted to the problem.

There is another proposal to commission an 18-month study. This would be a tragic and unnecessary delay in the process of providing our citizens with safe and fun amusement park rides. The St. Louis Post Dispatch published the following editorial on May 3, 1985. I ask that it be inserted into the RECORD.

The editorial follows:

[From the St. Louis Post-Dispatch, May 3, 1985]

MAKING THE MIDWAY SAFE

As the vacation season nears, Congress is once again considering legislation giving the federal government power to inspect amusement park rides. Last summer, accidents at such parks resulted in the deaths of 12 people, including one woman who was killed when she was thrown from a roller coaster at Six Flags over Mid-America in Eureka.

Following that death, then-Rep. Simon, D-Ill., introduced a measure restoring to the federal Consumer Product Safety Commission the authority to investigate accidents and inspect rides, among other things. Though the House approved it, he was unable to get the Senate to pass corresponding legislation. This year, as a Senator now, Mr. Simon is again pressing forward in his campaign for amusement park safety.

The main competition to his bill comes from a measure sponsored by Sen. John C. Danforth. That bill, which is supported by the International Association of Amusement Parks and Attractions, would do no more than call for an 18-month study of whether, and if so, how, the federal government should involve itself in regulating amusement parks, a matter that Mr. Danforth would prefer to leave to the states.

But amusement parks across the country depend to a large extent on tourists traveling from out-of-state areas—tourists who would like to think that the roller coaster ride they get in New York will be no more dangerous than the one they might enjoy in Texas. Mr. Simon's bill supports them and, insofar as it bolsters consumer confidence in the amusement park industry, deserves the support of the industry as well as consumers. Mr. Danforth's bill does not.●

CONGRESSIONAL CALL TO CONSCIENCE

● Mr. ARMSTRONG. Mr. President, many of my colleagues and I have had the opportunity to participate in the Call to Conscience on behalf of Soviet Jews. My interest in bringing this to the attention of my colleague once again stems from my conviction that only from direct pressure and constant vigilance will Soviet Jews and other religious and ethnic groups ever attain the freedom they have sought for so long.

The desire for freedom manifests itself in many ways—from those wishing to emigrate to seek a better life as most of our ancestors did to those who simply wish to practice and teach about their faith.

To those who are unaware of the current situation for Jews in the Soviet Union, the name of Gregory Rozenshtein might appear to be just another one of thousands trapped within the Soviet system. However, each individual seeking freedom, including Dr. Rozenshtein, has a name, an identity, and a story of commitment that should be told.

Dr. Rozenshtein is a gifted scientist recognized both in the Soviet Union and abroad who in 1973 applied to emigrate to Israel with his family. However, he was refused permission because Soviet officials claim he "saw" a classified document which Dr. Rozenshtein does not remember at all.

Soviet officials frequently use such questionable charges when denying permission to emigration to Soviet Jewish activists like Dr. Rozenshtein and his wife, Natalia. And consequences are frequently severe.

The Rozenshteins and their two sons live with daily torment and danger. Throughout the years, they have been harrassed by the KGB and by their neighbors, have had their telephone disconnected, and mail intercepted. Dr. Rozenshtein has been interrogated, detained, and threatened with lengthy imprisonment. Slogans such as "Jews into coffins" and "The place for Jews is the cemetery" have appeared in front of their house.

In the United States, the Rozenshteins would simply be considered an orthodox family, trying to raise their children in a traditional, religious manner. Dr. Rozenshtein teaches the children history and customs, while Natalia gives them instructions in Hebrew. They often hold seminars on Jewish religion and culture in their home and celebrate Jewish holidays.

The wishes of the Rozenshtein family are like those of millions of Americans—simply to practice their faith in peace. This is best illustrated by concerns expressed in a letter from Natalia Rozenshtein:

> It is important to us, for our children, to be brought up in our homeland, studying the language, history, life and culture of our people . . . I appeal to all my colleagues, all those bringing up children, and those who understand suffering and pain.

Unfortunately, the Rozenshteins know that their dreams may never materialize. And their story is no different from thousands of other Jews and Christians who face a difficult and uncertain future in the Soviet Union.

We are undeniably lucky to have religious and political rights here in the United States. I urge my colleagues and all Americans to continue to work for these same rights for those suffering under Soviet tyranny.●

HOCKER DAM PROJECT

● Mr. BINGAMAN. Mr. President, while it is not my practice to call attention to the death of prominent New Mexicans, events of yesterday cause me to make an exception to that practice.

Mr. President, yesterday the Senate voted to require the Bureau of Reclamation to complete its study of the Hooker Dam project and make an initial site selection by the middle of August of this year. Yesterday, too, Mr. President, the man described in this morning's El Paso Times as the "backbone of Hooker Dam"—Hilton A. Dickson, Jr.—died in Silver City, NM.

Mr. Dickson enjoyed a distinguished career which included service as attorney general of New Mexico and the chairmanship of the Interstate Stream Commission. He practiced law in Grant County and also served as city attorney. He was a leader in the effort to make Hooker Dam a reality and worked ceaselessly to get the job done.

His leadership, diligence, ability, and good humor will be remembered by those who have benefited from association with him. I am proud that he considered me his friend.

Thank you, Mr. President, for the opportunity to acknowledge the contribution of Hilton Dickson to New Mexico and to this country.●

THE AIR PASSENGER SECURITY ACT OF 1985

● Mr. CHAFEE. Mr. President, the recent hijacking of TWA flight 847 from the Athens airport and the frustration all Americans feel at our seeming inability to deal effectively with random terrorists acts, demonstrates conclusively that it is time we took steps to improve security for airline passengers traveling throughout the world.

It is for this reason that I am joining as a cosponsor of the Air Passenger Security Act of 1985, introduced by my colleagues from New York, Senators MOYNIHAN and D'AMATO.

This bill not only provides for speedy implementation of a new program to place armed, unidentified sky marshals on U.S. carriers departing from international airports abroad, it sets the stage for heightened international cooperation aimed at preventing hijackings. More importantly, it provides for sanctions against countries which refuse to cooperate with the United States.

The hijacking of the TWA flight alone is sufficient cause for Congress to act to prevent—to the extent we can—such acts of terrorism in the future. But the case of TWA flight 847 is only the most dramatic of a growing series of hijacked airliners throughout the world in recent months.

In 1983, there were 34 hijacking incidents, 19 of them involving American carriers. In 1984, 28 hijackings took place, 7 of which were directed at U.S. carriers. Aircraft piracy is a growing concern which the United States and other nations must address now.

One of the major problems involves inadequate security in major airports in other parts of the world. The hijacking of TWA flight 847 happened largely because of grossly inadequate security at the Athens airport, where two Shiite gunmen were able to board the flight without detection. Sadly, the lack of security at the Athens airport has been known for some time; it has taken this tragedy—including the murder of one American—to focus international attention on the problem.

Earlier this week, President Reagan, at his press conference, announced a series of steps to reduce the risks of international air travel. One of those steps included consideration of an expanded Armed Sky Marshal Program.

The bill I am cosponsoring today would implement that suggestion.

The legislation provides for one armed, unidentified U.S. air marshal on scheduled or chartered American flights departing from international airports with inadequate security.

The new law would require the Administrator of the Federal Aviation Administration to compete a review within 90 days of security programs at foreign airports where American carriers enjoy landing and departure rights. Within 30 days of completion of the review, the FAA is required to publish a list of those foreign airports with effective security programs—and to update the list twice each year.

At those airports with ineffective programs, the FAA Administrator is given the authority under this legislation to deploy at least one U.S. air marshal to accompany U.S. carrier flights departing therefrom.

The key provision of this legislation is to give the President the authority to deny landing rights in the United States to carriers of any nation that refuses to permit American sky marshals on flights from listed unsafe airports within that country. Nations that refuse to cooperate would be considered in violation of the international Convention for the Suppression of Unlawful Seizure of Aircraft.

Recognizing that it may take time to hire and train additional personnel, this legislation gives the Administrator of the FAA the authority to use personnel from other agencies—including the FBI—as sky marshals on an interim basis. This would assure speedy implementation of the law.

Mr. President, we cannot now undo the hijacking of TWA flight 847. That particular act of wanton terrorism must run its course. But our frustration should not deter us from acting quickly to take those steps which are in our power to deter and prevent future terrorist acts of this kind.

It may be that there are other steps that can be taken to deal with terrorism, and they should be considered on an expedited basis as they are presented.

But for now, I think we can all agree that an effective program of armed sky marshals on American carriers abroad offers at least a first step toward the prevention of new hijackings.

I urge the Senate to approve this legislation. Those nations which refuse, for whatever reason, to take effective steps to assure proper security in their own airports should know that the United States intends to take steps to assure the safety of its citizens abroad.●

ILLITERACY

● Mr. SIMON. Mr. President, the illiteracy rate in the United States is a national disgrace. A recent editorial in the Quad City Times, a newspaper that covers the quad cities in Illinois and Iowa, makes this point well. I ask to have it printed in the RECORD.

The editorial follows:

AMERICANS ADRIFT

No matter how many times Sen. Paul Simon, dusts off the statistics on illiteracy in America and presents them, they lose none of their shock. A country in which one out of every five persons cannot read or write is asking for trouble.

"We rank 49th among the 158 nations that belong to the United Nations in literacy levels," said Simon. "We have 5 percent of the world's population, one-third of the world's economic power—and we are 49th in our literacy levels. We have 23 million Americans who can read a stop sign, but cannot address an envelope or fill out an employment form—cannot help their children with school work."

American democracy, which depends so heavily on informed citizens, is inundated with functional illiterates. And one generation too easily can pass this handicap onto the next because, as Simon puts it, the nation lacks a national commitment to solve the problem. The annual cost of illiteracy in regard to welfare programs and unemployment compensation has been put at $6 billion. Too, the nation reportedly spends $6.6 billion each year to keep 750,000 illiterates in jail.

A nation that provide such an expensive and extenisve system of education is losing tremendous amounts of wealth to illiteracy. Not just the costs of helping them through life. But the costs of their non-productive lives.

The country clearly is too complacent with a problem that stays too out of sight and out of mind. Those with the problem hide it. Others do little or nothing to correct it. Sen. Simon should have a lot more company trying to check this great national liability. The nation may be more at risk through education shortcomings than its alarming studies suggest.●

ORDERS FOR MONDAY, JUNE 24

ORDER FOR RECESS UNTIL MONDAY, JUNE 24

Mr. DOLE. I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon on Monday, June 24.

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

51-059 O-86-32 (Pt. 12)

ORDER FOR RECOGNITION OF SENATOR PROXMIRE

Mr. DOLE. I also ask unanimous consent that following the recognition of the two leaders under the standing order, there be a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes.

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

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. DOLE. Following the Proxmire special order, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond 1 p.m., with statements limited therein to 5 minutes each.

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

PROGRAM

Mr. DOLE. Mr. President, on Monday, following morning business, it will be the majority leader's intention to turn to any of the following bills: S. 49, the McClure/Volkmer gun bill. I understand there is still a good chance of some agreement on that. If such is the case, that will then be carried over under the agreement until Tuesday, July 9.

Another possibility for consideration on Monday would be H.R. 2475, imputed interest, which is of some importance. There is one or two problems with that. The chairman of the Finance Committee, Senator PACKWOOD, has indicated he would not want to bring it up if there were a number of amendments because he feels we might interfere with work on tax reform legislation.

We hope we can clear Senate Joint Resolution 77, Compact of Free Association, for action next week. There may also be other matters on the calendar which we can consider. It would be my hope that if we can complete action on these, work out some arrangement, we might conclude business of the Senate next Thursday evening, June 27.

RECESS UNTIL MONDAY, JUNE 24

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move that we stand in recess until 12 noon Monday, June 24.

The motion was agreed to, and at 11:44 a.m. the Senate recessed until Monday, June 24, 1985, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 21, 1985:

DEPARTMENT OF JUSTICE

Larry James Stubbs, of Georgia, to be U.S. Marshal for the southern district of Georgia for the term of 4 years.

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Lt. Gen. Max B. Bralliar, [redacted] FR, U.S. Air Force.

IN THE AIR FORCE

Air Force nominations beginning Maj. Robert L. Baldwin, and ending Maj. Troy F. Barnett, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 13, 1985.

Air Force nominations beginning Gordon P. Mangente, and ending Jonathan M. Uhl, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 13, 1985.

IN THE NAVY

The following-named officer for promotion to the grade indicated under the provisions of Article II, Section 2, Clause 2 of the Constituton of the United States of America:

To be captain

Cmdr. John O. Creighton, U.S. Navy, [redacted] /1310.

Navy nominations beginning Robert David Abel, and ending George K. Zane, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 12, 1985.

HOUSE OF REPRESENTATIVES—*Friday, June 21, 1985*

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 20, 1985.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Friday, June 21, 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:

Gracious God, lead us in the paths of good will and righteousness. May we and all the people of our world see the centrality of justice and understand the benefits of peace. May our thoughts and words and deeds magnify Your glorious name as we seek to serve you by helping others. 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.

Mr. PORTER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PORTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 214, nays 124, answered "present" 7, not voting 88, as follows:

[Roll No. 182]

YEAS—214

Ackerman
Akaka
Alexander
Anderson
Andrews
Archer
Aspin
Barnard
Bateman
Bedell
Beilenson
Bennett
Berman
Bevill
Boggs
Boner (TN)
Bonker
Borski
Brown (CA)
Broyhill
Bruce
Bryant
Burton (CA)
Bustamante
Byron
Carper
Chappell
Coelho
Coleman (TX)
Conyers
Cooper
Coyne
Crockett
Daniel
Darden
Davis
de la Garza
DeLay
Dellums
Dicks
Donnelly
Dorgan (ND)
Dowdy
Downey
Duncan
Dwyer
Dyson
Eckart (OH)
Edwards (CA)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Fish
Flippo
Florio
Foglietta
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Gejdenson
Glickman
Gonzalez
Gray (PA)
Green
Guarini
Hall, Ralph
Hamilton
Hansen
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jenkins
Johnson
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kildee
Kolter
Kostmayer
LaFalce
Lantos
Leath (TX)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Long
Lowry (WA)
Lujan
Lundine
MacKay
Manton
Martinez
Matsui
Mavroules
McCloskey
McCollum
McKinney
Meyers
Mica
Michel
Mikulski
Miller (CA)
Mineta
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nichols
Nielson
Nowak
Oberstar
Obey
Ortiz
Owens
Pease
Perkins
Petri
Pickle
Price
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Rinaldo
Robinson
Rodino
Roe
Rose
Roukema
Rowland (CT)
Rowland (GA)
Russo
Sabo
Savage
Schaefer
Schneider
Sharp
Shelby
Sisisky
Skelton
Slattery
Slaughter
Smith (FL)
Smith (NE)
Smith, Robert
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Traficant
Traxler
Valentine
Vento
Visclosky
Volkmer
Walgren
Weaver
Weiss
Wheat
Whitley
Whitten
Wilson
Wirth
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron

NAYS—124

Badham
Bartlett
Bereuter
Bilirakis
Bliley
Boehlert
Boulter
Brown (CO)
Burton (IN)
Campbell
Carney
Chandler
Clay
Coats
Cobey
Coble
Coleman (MO)
Combest
Conte
Courter
Craig
Dannemeyer
Daub
Derrick
DeWine
Dickinson
DioGuardi
Dreier
Durbin
Eckert (NY)
Edgar
Edwards (OK)
Emerson
Evans (IA)
Fawell
Fields
Gallo
Gekas
Gilman
Gingrich
Goodling
Gradison
Gregg
Grotberg
Gunderson
Hammerschmidt
Henry
Hillis
Ireland
Jacobs
Kindness
Kolbe
Kramer
Lagomarsino
Latta
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lloyd
Loeffler
Lott
Lowery (CA)
Lungren
Mack
Madigan
Markey
Martin (IL)
Martin (NY)
McCandless
McEwen
McGrath
McKernan
McMillan
Miller (OH)
Miller (WA)
Mitchell
Molinari
Monson
Moorhead
Morrison (WA)
Packard
Parris
Pashayan
Penny
Porter
Pursell
Ridge
Ritter
Roberts
Roemer
Rogers
Roth
Saxton
Schroeder
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sikorski
Skeen
Smith (NH)
Snowe
Solomon
Stangeland
Stenholm
Stump
Sundquist
Swindall
Tauke
Taylor
Vander Jagt
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Wolf
Young (AK)
Young (FL)
Zschau

ANSWERED "PRESENT"—7

Bosco
Chappie
Dymally
Gibbons
Gordon
Olin
Scheuer

NOT VOTING—88

Addabbo
Annunzio
Anthony
Applegate
Armey
Atkins
AuCoin
Barnes
Barton
Bates
Bentley
Biaggi
Boland
Bonior (MI)
Boucher
Boxer
Breaux
Brooks
Broomfield
Callahan
Carr
Cheney
Clinger
Collins
Coughlin
Crane
Daschle
Dingell
Dixon
Dornan (CA)
Early
Fiedler
Foley
Ford (MI)
Garcia
Gaydos
Gephardt
Gray (IL)
Hall (OH)
Hartnett
Hendon
Hiler
Hunter
Jeffords
Jones (NC)
Kasich
Kemp
Kleczka
Lehman (CA)
Lipinski
Livingston
Luken
Marlenee
Mazzoli
McCain
McCurdy
McDade
McHugh
Moakley
Moore
Nelson
O'Brien
Oakar
Oxley
Panetta
Pepper
Rostenkowski
Roybal
Rudd
Schumer
Seiberling
Siljander
Smith (IA)
Smith (NJ)
Smith, Denny
Snyder
Stark
Strang
Sweeney
Thomas (CA)
Torricelli
Towns
Udall
Watkins
Waxman
Williams
Wise
Young (MO)

□ 1020

Mrs. MARTIN of Illinois changed her vote from "yea" to "nay."

Mr. SKELTON changed his vote from "present" to "yea."

Mr. WHITEHURST changed his vote from "present" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 900. An act to consolidate and authorize program support and certain ocean and coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce.

The message also announced that pursuant to Public Law 98-501, the President pro tempore appoints Joseph Michael Giglio, Jr., of New Jersey, from private life, as a member of the National Council on Public Works Improvement.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I take this time to proceed for 1 minute for the purpose of inquiring of the acting majority leader the program for the balance of this day and the next week.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Speaker, the House will continue debate of H.R. 1872, the Defense authorization bill today until the hour of 3 p.m. at which time we will adjourn until Monday next. I will ask unanimous consent for that.

ADJOURNMENT TO MONDAY, JUNE 24, 1985

Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12 noon on Monday next.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule shall be dispensed with on Wednesday next.

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

There was no objection.

Mr. ALEXANDER. Mr. Speaker, further responding to the distinguished gentleman's inquiry, on Monday, the 24th of June, the House will consider 10 suspensions which are listed in the memorandum submitted to the gentleman.

They are:

H.R. 1532, FEC authorization.

H.R. 2244, drug labeling bill.

H.R. 2378, amendments to United States Code, title 5, section 504.

H.R. 2434, patent and trademark authorization.

H.R. 2211, farm bankruptcy.

S. 413, war risk insurance.

S. 679, Maritime Administration authorization.

S. 818, fire prevention.

H.R. 2800, land satellite authorization.

S. 817, earthquake hazard reduction.

All recorded votes will be postponed until the following day, Tuesday, June 25.

On Tuesday and for the balance of the week, the House will continue the Department of Defense authorization bill.

If that is completed, we are prepared to begin consideration of H.R. 1555, the foreign assistance authorization for 1986, and another bill is ready for consideration, H.R. 99, the American Conservation Corps Act.

I am advised that Members should be prepared to work late on Tuesday, Wednesday, and perhaps even Thursday in hopes that we can complete consideration of the Defense Authorization Act.

At the close of the week's business next week, the House will adjourn until 12 noon on Monday, July 8, for the Independence Day district work period.

Mr. MICHEL. The gentleman failed to mention the D.C. Stadium Act amendments measure which is H.R. 2776. Will that bill be brought up?

Mr. ALEXANDER. Yes, that is correct. H.R. 2776, the D.C. Stadium Act amendments, will be included first on the calendar on Monday, June 24. The gentleman is correct.

Mr. MICHEL. I thank the gentleman. It is my understanding that legislation would make it possible for us to get major league baseball in this community, and I do not think there is all that much opposition to it.

Mr. ALEXANDER. It is a very important act. It must be presented first on the agenda on Monday.

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

Mr. MICHEL. I am happy to yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Speaker, let me talk a little bit to the gentleman about where we are with the defense bill so Members get an idea of what we are doing today and what we will be doing next week.

We hope today to deal with mostly cats and dogs, because with a number of people not here today I do not think anybody wants to bring up a matter that is a real controversy on which the House might be closely divided on this bill today. But we have a lot of stuff to get out of the way.

If we can do that today and move a lot of the relatively noncontroversial issues through, we would be in very good shape and finish by 3 o'clock.

What we have left, I would tell the members of the committee, next week is two things that are going to take some time. One is the ASAT amendments which was offered last year by the gentleman from California [Mr. BROWN] and the gentleman from Pennsylvania [Mr. COUGHLIN]. We will debate that probably on Tuesday, and that is an important issue, and we are going to have some votes.

The only other major issue that faces the Congress after we get through that, and the cats and dogs which I hope we can get through today, is the whole issue of procurement reform. And how long we are here next week on the defense bill depends upon what the will of the House is on the issue of procurement reform. I would hope that we are ready to go into procurement reform on Wednesday. It could be finished on Wednesday or it could be finished on Wednesday and Thursday, or it could be finished Wednesday, Thursday, and Friday, depending upon how much people want to talk about that issue.

My concern that I would point out to the gentleman is that there is an awful lot of amendments on procurement reform floating around the place. People get ideas and they write them down and it sounds good and they write it on the back of an envelope and here we go with it.

I would suggest we know something about the abuses of the system. We probably do not know all about the abuses of the system. But one thing for sure, we do not know very much about what to correct or how to correct the system.

I have great concern personally that we are going to do something in a series of votes next week about procurement reform that will turn out to be the wrong thing to do. If we get through next without totally screwing up the whole procurement system of the U.S. Government it will be a miracle.

Mr. BRYANT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Texas.

Mr. BRYANT. I thank the gentleman and would just like to have the gentleman explain to the House how the procurement system could be screwed up any more totally than it is already at the present time.

Mr. ASPIN. Just wait until we get through with it next week and you will see.

There are some serious reforms that we can do and there are going to be some very serious proposals and we need to debate them and we need to deal with them. I think that there are some issues that some committees have gotten involved with and some reforms that are going to be debated on and indeed ought to pass.

But there is going to be an awful lot more than we have given judicious consideration to. And, as I have just pointed out, it is that that is going to

be an issue that will determine how much longer this defense bill is going to take. We are not going to do any procurement reform today because there are too many Members interested in the subject that are not here. It is all in title VIII and we will try to get to title VIII and try to do as much as we can around the issue, get to title VIII on Wednesday and start maybe at 10 o'clock in the morning and we will start on that. But it is going to be a very, very sensitive issue, an important issue, and that is what is going to hold us up for the rest of the week.

I thank the gentleman for yielding.

□ 1030

Mr. MICHEL. Mr. Speaker, if I might just make the observation that I do hope that we will, all Members will plan on meeting late next week; Tuesday, Wednesday, and Thursday, bearing in mind that if we are completed with this bill, that we would then be recessing for the Fourth of July, which does not get us back here working until about a third of the month of July is past; we have not yet had one regular appropriation bill before the floor; we are here roughly 3 weeks and we are gone for a month in deference to all of us who have families and vacations during the month of August; we have got an awful lot of work to do.

So I would hope that there will not be those kind of pleadings next week, "Well, let's not meet late because we've got another day tomorrow." The days are getting shorter and the time is growing shorter, and that is one of the measures we just really have to be disposing of.

THE STRATEGY OF TERROR

(Without objection, Mr. MICHEL was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, Washington Post reports that Radio Venceremos, operated by Communist guerrillas in El Salvador, has given its reaction to the brutal murder of four U.S. Marines, two American citizens, and at least seven others in San Salvador.

Let me quote the Post:

> * * * Radio Venceremos welcomed the attack in its evening broadcast and warned that other U.S. military personnel might be the target of future attacks.
>
> Americans have begun to die, said the rebel radio.

In the Baltimore Sun, Guillermo Ungo, described by the Sun as the "rebel political leader," says he would call for one spectacular act—meaning terrorism—every Saturday, so that it could make headlines in the U.S. Sunday papers. The Sun reports he said this—and I quote—"half-joking."

It was these people, we were told 4 years ago, who deserve a share in running the Government of El Salvador. Not by election, but by negotiation.

The government of Jose Napoleon Durate has been successful in lessening right-wing terror. Now it must bring these Communist gangsters to justice. They are outlaws and should be treated as such.

The only difference between this bunch of thugs and Murder Incorp. is that this new gang quotes Marx and Lenin.

IT'S TIME TO MOVE AHEAD WITH THE U.S. INSTITUTE OF PEACE

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

Mr. GLICKMAN. Mr. Speaker, it has been 9 months since Congress authorized the creation of a U.S. Institute of Peace in last year's Department of Defense authorization bill, and provided the funds for it, and yet the administration has chosen to ignore this congressional mandate, and failed to submit its names for the Board of Directors of the Peace Institute by April 20, the statutory deadline, so that the Institute can begin.

Nearly 40 Americans are held hostage in Beirut. There seems to be a consensus that a nonmilitary solution is the only answer. The State Department appears to be doing its best, but it is totally possible that with the benefit of a Peace Institute, newer and more innovative techniques and skills could be developed for use by the State Department and others to accelerate solutions in these kinds of crises.

It is time for the administration to comply with the law and make its appointments.

IT'S TIME TO REASSESS OUR SECURITY MEASURES TO ENSURE THAT SDI TECHNOLOGY STAYS SECURE

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

Mr. GEKAS. Mr. Speaker, Members of the House, now that the President's strategic defense initiative is literally and figuratively off the ground, one cannot help but wonder, as the research on that project begins to develop itself, is it going to be secure from the type of espionage and leakage of secrets and sale of documents that has characterized the revelations that we have recently heard about what has happened to our Navy establishment through the alleged activities of the Walker family.

In my judgment, this is a proper occasion for our Federal establishment to reassess our security measures and to make sure that important process, the strategic defense initiative, is going to be as secure as possible.

We, in the Congress, can help in that process by reinstituting the death penalty as a deterrent to treason and espionage. We have enough before us now, enough evidence before us, as a Congress, and before the American people, that not only is it a proper remedy, but it is an active and proper deterrent for such activities.

I have been assured by the chairman of the Subcommittee on Criminal Justice that we are going to be considering that subject very soon.

CUTTING OUR CONTRIBUTION TO THE UNFPA WILL BE COUNTERPRODUCTIVE

(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, I call to the attention of my colleagues in the House an op-ed piece from this morning's New York Times entitled, "The Wrong Signal on Birth Control—Punishing Developing Countries," by Robert L. Schiffer, a former State Department offical.

In effect, it echoes what I and several of my colleagues, among them Congressmen MOODY and KOSTMAYER, have been saying for many weeks: That the attempts of some Members of this House to amend the upcoming foreign aid bill and cut off our contribution to UNFPA, are like going mouse-hunting with an elephant rifle, and are largely counterproductive.

UNFPA's contribution to the Communist China Family Planning Program is $10 million. China's total family planning budget is more than $1 billion. It is naive to suggest that cutting off UNFPA's contribution to China, equal to a fraction of 1 percent, is going to change anybody's mind in China. It is going to make them angry and resentful at outside interference, but it is not going to change anything fundamental.

What the funding cut for UNFPA will do is punish more than 130 countries in the developing world that UNFPA has been helping to climb out of their pitiful conditions of over population that has decimated any hope they might have of producing and maintaining enough food, housing, education, health care, and jobs for their people, to attain a satisfactory, minimum quality of life.

THE TRIDENT D-5 MISSILE SERVES OUR PURPOSES BETTER THAN THE C-4

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

Mr. PASHAYAN. Mr. Speaker, I am disappointed with the tenor of the debate on the Trident D-5 missile authorization. Some of my colleagues oppose the weapon because it is very accurate and would threaten Soviet military targets, thus destabilizing the "balance to terror" between our nations in the nuclear age. They support the C-4 missile with its relatively inaccurate guidance system because it could not destroy a Soviet ICBM silo.

The question arises, for what purpose would the United States use the C-4? Because it is inaccurate, it is mostly useful for hitting large targets, in other words, cities. I should hope that the majority of this body does not favor escalating a nuclear exchange from attacking isolated military targets to needlessly destroying innocent populations. The D-5 missile attacks military targets, not cities; accurately, so that the United States will not have to hold the Soviet people as targets for any imprudent actions of its leadership.

BIENNIAL DEFENSE BUDGETING

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

Mr. SKELTON. Mr. Speaker, it has come to the attention of many of us in this body that the present system of yearly authorization and appropriation for the Defense budget has just not done the job. We are worried more about line items than policy. A biennial Defense budget, one that approves 2 years of spending, would foster greater stability in the planning and programming process and would allow Congress of focus on the broader question of national strategy. Every year, Congress must examine the Defense budget which in turn blurs our primary goal: that is, to enhance our national security through the most efficient method. The budget has come to dominate the very lives of those of us on Capitol Hill. The current yearly process is so time-consuming and so demanding that Congess doesn't have proper time to worry about whether or not we're spending the money on the right items. I therefore urge my colleagues to support the legislation that I am introducing today. Biennial, that is, 2-year budgeting will not solve all Defense spending problems, but it is a firm step in the right direction.

TRAITORS AND SPIES MUST BE STOPPED

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

Mr. YOUNG of Florida. Mr. Speaker, as a member of the Appropriations Subcommittee on National Defense, I get tired of spending hundreds of billions of dollars for our national defense effort only to see much of it compromised when some traitor decides to go into business for himself and sell our military secrets to the Soviet Union.

I'm tired of traitors, spies, and potential spies having access to that highly classified information that makes up such an important part of our own national security. And I want something done about it, and my constitutents want something done about it, and I believe that yours do as well.

Someone who works for the Central Intelligence Agency or the National Security Agency is subject to a counterintelligence polygraph test before they can have access to highly classified information. But a person in the military, who has access to that identical information, is not required or even subject ot a random polygraph examination.

In the series of hearings and meetings we have had on the Walker spy case, every intelligence officer finally comes to the bottom line and asks, for the tools needed to stop espionage against our Nation. One of the most effective tools, they all believe, is the right to give a counterintelligence polygraph examination to people seeking clearance to have access to the most sensitive national defense secrets of the United States of America.

Yesterday I filed such an amendment to the Defense authorization bill we are now considering to accomplish that.

ADMINISTRATION IS INSENSITIVE TO TEXTILE SITUATION IN SOUTH CAROLINA

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

Mr. TALLON. Mr. Speaker, I rise today with great dismay, disbelief, and disappointment over a letter I received from the administration stating its opposition to the textile import quota bill, H.R. 1562, which now has 285 cosponsors.

Signed by George Shultz, James Baker, Malcolm Baldrige, William Brock, and Michael Smith, the letter states:

> In the best interest of our country, we urge you to oppose H.R. 1562.

I would like to ask the administration, is this in the best interest of the 29,000 textile and apparel workers in South Carolina who have lost their jobs over the past 5 years because of the flood of imports?

What about the loss of payroll and property taxes, combined with the cost of unemployment benefits, to the 1,700 people who have lost their jobs from the four textile plants and three apparel plants that have closed in South Carolina during the first 6 months of 1985?

Is the administration's decision in the best interest of my State of South Carolina? I know it isn't, and the hundreds of South Carolinians who have written me supporting H.R. 1562, know it isn't.

It was bad enough when "made in Taiwan" scarfs were given out to congressional wives at the first ladies luncheon, but this letter and the position of the administration goes beyond showing any sensitivity to the textile situation and the people who are affected.

TAX FAIRNESS AND THE PERSONAL EXEMPTION

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

Mr. COATS. Mr. Speaker, I was deeply disturbed when I picked up the Sunday Washington Post and read a piece by Martin and Kathleen Feldstein on increasing the personal exemption. The Feldsteins argued against raising the exemption for all persons because it would be expensive to do so. Further, they say, it is not necessary to raise the personal exemption for all persons if our goal is to reduce the tax burden of low-income families.

I have a couple of things to say about this line of reasoning. First of all, the chief purpose of increasing the personal exemption is not simply to reduce the tax burden of low-income families, but to make the tax system fairer for all families. The personal exemption is the primary means by which our Tax Code adjusts tax liability according to a person's expenses for dependents. As such it is as essential to a fair Tax Code as are the rate schedules themselves.

I agree with the Feldsteins that one of the most outrageous consequences of the shrinking personal exemption has been the growing percentage of poor and low-income families paying Federal income taxes. But that is not the only unfair consequence. Over the past 25 years, the average-income family of four has experienced an almost 50 percent increase in its effective tax rates, while a family of six has experienced an increase of over 200 percent. During this same period, the average effective tax rates for single person and couples without dependents have remained almost constant.

The personal exemption is a matter of basic fairness which is well understood by most American families. Over the past few months I have received nearly a thousand letters from fathers and mothers in every State in the Union. All have asked for an increase in the personal exemption, and not

one has asked that the increase be focused just in his own income level. The average American understands what many economists don't. They understand that the personal exemption is not a tax break, it is not an incentive, and it is not a handout. It is more important and more basic than any of these. It is simple fairness. And in America, fairness is owed to everyone.

CAPITOL PAGE SCHOOL CLASS OF 1960 CELEBRATES SILVER JUBILEE REUNION

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

Mr. BOSCO. Mr. Speaker, this weekend, the Capitol Page School class of 1960 will celebrate its silver jubilee reunion in the Nation's Capital. As a former House Page, I take special pleasure in congratulating the members of the class on their 25th anniversary.

The Page Program, which dates from the earliest days of the Congress, has been a strong and positive influence on the hundreds of young Americans who have been privileged to serve. While few former pages pursue a career in public office as have I, they all become better citizens, interested in the affairs of their communities and Nation, deeply appreciative of the diversity of America, tolerant of a broad range of opinion and the free expression thereof and sensitive to the hopes and needs of others.

Three members of the Capitol Page School class of 1960 continue to serve here, our colleague JIM KOLBE of Arizona, Ron Lasch, floor assistant to the minority and Donn Anderson, floor manager, Democratic cloakroom.

I know that my colleagues join me in expressing our congratulations to the class of 1960 on this important and happy occasion, and in extending our gratitude to our pages, past and present, who have served us and our institution so well.

I am including for the RECORD the names of the class members: Donnald K. Anderson, Robert C. Christesen, Anthony P. David, Michael H. Freehill, Steven P. Goad, Tom Junkersfeld, James T. Kolbe, Ronald W. Lasch, David B. Loge, William S. McIntyre IV, David P. Miller, Wayne Moore, John P. Nolan, William B. Owens, Michael Sprague, Paul M. Stanford, Dennis L. Trout, Samuel I. Williams, James A. Wrobel, and Fritz C. "Duke" Zeller. Deceased class members are: Steven Smith, Scott Shoemaker, and Oswald Glymph.

SGT. THOMAS HANDWORK—A DAMNED GOOD MARINE

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

Mr. DEWINE. Mr. Speaker, all Americans yesterday were shocked and saddened and, yes, angered, by the murder of our four marines in El Salvador and the two civilians.

One of those marines who was killed was from my congressional district, Sgt. Thomas Handwork of Beavercreek, OH. Those of us who have had an opportunity to travel to El Salvador and talk to the marines who are stationed there at the Embassy know how dedicated they are and how much they understood the importance of our mission.

I think Sergeant Handwork's father expressed it best yesterday not only in regard to his son but also in regard to all the marines who were killed, and I quote: "He loved his country. He loved his family. He was a damn good marine."

DELETION OF NAME OF MEMBER AS COSPONSOR OF H.R. 1591

Mr. STENHOLM. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Oregon ROBERT F. SMITH be deleted as a cosponsor of H.R. 1591.

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

There was no objection.

TROUBLE IN PARADISE

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

Mr. BLAZ. Mr. Speaker, as the Member from that district located most distant from the Nation's Capital, I am compelled to alert my colleagues to some very serious recent developments in the Pacific Basin, surrounding the American territory of Guam, that pose a direct and immediate threat to the security of this Nation.

Almost daily, news reports bring into sharp focus the critical importance of that region to the United States. The Soviets, their allies, and agents are continuing their efforts to subvert our interests in the Asia-Pacific area and eventually to dominate the region themselves.

We read with increasing concern that island nations in the Southwest Pacific, including traditional allies like New Zealand, ban our nuclear warships from their territory. A few weeks ago, the island nation of Kiribati entered into a fishing agreement with the Soviets, allowing them access to that Central Pacific nation's vast territory. We hear repeatedly of the steady expansion and deployment of the Soviet Far East fleet from its bases in Vladivostok and Vietnam.

I also call your attention to a June 19, 1985, article in the Washington Times by a Hoover Institution scholar, entitled "Trouble in Paradise," in which the author concludes that:

> The outcome of the struggle for naval supremacy in the area between the United States and the U.S.S.R. may determine the destiny of the free world, including Western Europe.

In the center of this arena is the loyal and strategically important American territory of Guam. If, as it is prominently argued, the Pacific Basin holds the greatest potential for the United States and the free world in the next few decades, it logically follows that the American Territory of Guam at the crossroads of the Pacific Basin can and will play a major role in protecting the interests of the United States.

President Reagan stated during debate exactly 8 months ago today that "The future of the world lies in the Pacific Basin." As we continue deliberation on the very important measure now before this House, the defense authorization bill of 1986, I implore each and every Member to be mindful of the Soviet Union threat in the Pacific as you cast your votes.

□ 1050

CONGRESS MUST KEEP ITS PROMISE TO OLDER AMERICANS

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

Mr. BRYANT. Mr. Speaker, year after year, campaign after campaign the President and almost every Member of both the House and the Senate have pledged that the Social Security benefits earned by older Americans would not be threatened in our effort to reduce the deficits and balance the Federal budget.

Although this House voted decisively to protect the Social Security System including the modest cost-of-living increases needed to keep up with inflation, we watched the Republican majority in the Senate follow the President's recommendation and vote to freeze those benefits. Now we learn that the Senate members of the conference committee on the budget are again insisting that Social Security benefits be frozen.

Enough is enough. The American people believe that Congress and the President should keep their promise to older Americans. And for good reason.

Neither Social Security nor the cost-of-living adjustment [COLA] which permit many older citizens to keep up with inflation is a give-away program. It is a retirement system, fully paid for from the paychecks of working Ameri-

cans before they retire. It does not draw on other parts of the budget and has nothing to do with the deficit.

The effort to reduce the meager retirement benefits earned by our parents and grandparents who worked hard and paid into the Social Security System, knowing it would help provide independence in their golden years, is reprehensible.

The average Social Security check for an aged widow is only $400 a month and for a retired couple only $776 a month. Even a few pennies a day, a week, or a month can make a big difference in the standard of living of these elderly citizens.

The program—which will be 50 years old on August 14—is an absolute necessity for many citizens. In 1983, 43 percent of elderly households had total incomes below $10,000 and more than 5.9 million older Americans—a quarter of the people over 65—lived at or below the poverty level. Without Social Security, the House Ways and Means Committee has reported, there would be at least 3½ times as many elderly poor or almost 10 percent of our entire U.S. population.

Social Security provides more than half the total income of 65 percent of beneficiaries, 90 percent of the incomes of 27 percent of beneficiaries, and all the income of 15 percent of beneficiaries.

If the Senate Republicans and their conferees have their way our Government will go back on its word and violate a fundamental commitment to the people of this Nation.

I urge my colleagues to join me in asking our conferees to reject any budget that seeks to reduce, freeze, or eliminate Social Security cost-of-living adjustments, which are vital to so many older Americans.

ROBERT DEAN STETHAM

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

Mrs. BENTLEY. Mr. Speaker, the entire Nation has been shocked by the ease with which our Nation and our people have been damaged before the world by the acts of terrorists from the Middle East. We in Maryland have the keenest reason to be indignant. Robert Dean Stetham, one of our sons and a Navy man on active duty, had his life taken from him by these sadistic butchers.

Yesterday, with the rest of the Maryland delegation, I had the sad duty of attending the funeral of this fine young man. His family is typical American in the finest sense of that expression. They have borne their loss in the conviction that their son gave his life in the service of his country.

The Stetham family is no stranger to the dangers of the military calling. The elder Mr. Stetham is himself a retired Navy veteran. The mother worked for the Navy for years. One brother, who is on active duty, proudly wore his uniform yesterday. A second brother recently enlisted and a third one also has seen Navy duty.

No matter the willingness of men and women like the Stethams to brave danger to protect their Nation, their loss is real. It is irreversible; it is permanent. Pray God that it serves a useful service.

SUCCESSFUL SHUTTLE LASER TEST

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

Mr. BROWN of California. Mr. Speaker, I rise to call attention of the Members to the successful laser pointing and tracking experiment which was demonstrated on the shuttle within the last day or two. This will probably be the prelude to many more such successful demonstrations.

I do this because I want the Members to understand the implications of this test. You may be inclined to think that this merely shows that we can hit the shuttle with a laser, but the test may not be applicable to missiles. The target on the shuttle was less than a foot in diameter, much smaller than an ICBM, traveling faster than a missile, and there is no question but that a missile would be just as easy to hit.

You may think that we have not demonstrated lethality. We demonstrated lethality more than 10 years ago when we knocked down a drone airplane with a laser, and we have now in the inventory lasers with about a million times the energy of the one that was used in Hawaii. There is no question that lethality is achievable with existing technology.

This brings us very close to the question of whether or not we may be reaching the stage of testing components which would be prohibited by the ABM Treaty. It should also be pointed out that the Soviets, according to DOD's analysis of Soviet military capabilities, are at a very similar stage of development in laser technology, and may indeed be ahead in some areas.

While yesterday's test was conducted under the SDI, I should point out that the test was conducted against a satellite, the shuttle, not against a missile. Technically, I suspect that DOD would argue therefore that it was not an ABM test, questionable under the ABM Treaty, but an ASAT test, not precluded by the ABM Treaty.

As an ASAT test, this very successful demonstration raises the question of whether the United States should spend several billion dollars on the technologically less advanced MHV ASAT system, still in the testing stage, when we could have a more technologically advanced, far more versatile system available for deployment in the same timeframe as the F-15 miniature homing vehicle system, and probably at a lesser cost.

Another issue of equal or greater importance raised by this test is whether our existing satellites, on which the military is heavily dependent, should not have every possible survivability option included in their design, including hardening to all radiation, maneuverability, on orbit spares, reconstitutability, and so forth. This is of far greater priority, for our scarce dollars than an ineffective ASAT, justified as an offset to an even more ineffective Soviet ASAT.

I have concluded personally that our security would be enhanced by continued vigorous research on both SDI and ASAT technologies, coupled with a moratorium on testing and deployment, leading to enforceable arms control agreements in space. I invite my colleagues to seriously consider these questions, and the implications of this laser-shuttle test, as we debate the Brown-Coughlin ASAT amendment on Tuesday next.

LET US NOT PERMIT HISTORY TO REPEAT ITSELF!

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

Mr. REGULA. Mr. Speaker, in 1970 this body authorized a breeder reactor demonstration project. In that year the project was estimated to cost $700 million, but by the 1975 authorization of the Clinch River Breeder Reactor, the estimate had climbed to $1.7 billion.

Over the decade since the Clinch River project was authorized, it had faced opposition on all fronts. Nuclear opponents expressed concern that the process would promote nuclear proliferation. A slowing in our Nation's demand for electricity led to questions over the necessity of the project. Finally, numerous construction delays led to ever mounting construction costs.

In 1983, as costs for the plant's construction had increased tenfold, Congress voted overwhelmingly to halt the construction of the plant. By this time, however, $1,598 million had been spent on the project. In addition many millions will be spent to pay interest on this money.

Although much preliminary work had been completed on the project when it was halted, little construction had actually taken place on site. At the time of the project's demise, only

construction on the foundation had begun.

Today, the site of the deauthorized Clinch River Breeder Reactor in Oak Ridge, TN must be restored to its state before construction. Last week the Department of Energy awarded a contract to an excavating company for more than $2.5 million to complete the restoration.

This project represents just one example, Mr. Speaker, of the pressing need for Congress to exercise more prudent and effective policymaking decisions.

Hopefully we have learned a valuable lesson from this debacle. Let's not permit history to repeat itself!

CAUTION URGED IN DEALING WITH TERRORISTS

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

Mr. WEISS. Mr. Speaker, terrorism is brutal and inhuman conduct deserving our outrage and condemnation regardless of who commits it. It is equally abhorrent whether it is committed by the left or the right, in South Africa or Chile, in Frankfurt or Beirut, by Salvadoran guerrillas or Nicaraguan Contras.

Whether the victims are American servicemen, Israeli settlers or Cambodian peasants, the killings are reprehensible, uncivilized and unacceptable behavior. We must not, however, allow the frustration and anger which we all feel over the brutal actions which resulted in the killings of American servicemen and civilians in El Salvador to justify dragging the United States into more active military involvement in El Salvador or Nicaragua.

I urge this caution, having listened carefully in the last couple of days to statements made by the distinguished minority leader on the floor of this House. Compounding tragedy upon tragedy is no way for the United States to act in this situation.

ESSENTIAL TEXTILE AMENDMENT TO BE OFFERED

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

Mr. DANIEL. Mr. Speaker, later today or next week, the gentleman from Georgia [Mr. RAY] will introduce an amendment to the Defense authorization bill which will require a study every 5 years of the condition of our textile industry as it pertains to the military/industrial base.

The textile resources in our country are declining rapidly. During World War II, textiles held a very high priority because of the need and because so many uses were made of textiles. It would be ironic if we are forced to rely on foreign sources for our military uniforms. Mr. RAY's amendment will be appropriate and necessary and hopefully it will be accepted.

□ 1100

CONTINUE BIPARTISAN SUPPORT FOR FAMILY PLANNING

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

Mr. KOSTMAYER. Mr. Speaker, the world's population grew by 84 million people. That is 21 El Salvadors. In India, 2 million are born every 30 days, and in Ethiopia the population will double in the next 30 years.

Last week when the Prime Minister of India, Rajiv Gandhi, was in this country he was asked, "What is the most serious problem faced by India?"

He said, "Unbridled population growth."

Despite this, when the foreign aid bill comes to the floor next week or the week following, Members will offer amendments to cut America's contributions to our voluntary family planning programs through the United Nations Fund for Population Activities and the International Planned Parenthood Federation.

Mr. Speaker, I urge the Congress to resist these irresponsible amendments and point out that neither of these organizations are participating in the population programs in China. I hope that Congress will reject these irresponsible efforts and allow our Government to continue its 20-year bipartisan support for family planning programs in the developing world.

LET US NOT DEFUND VOLUNTARY FAMILY PLANNING

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

Mr. MOODY. Mr. Speaker, a lot of rhetoric has appeared in recent "Dear Colleague" letters about family planning in the fiscal year 1986 foreign aid bill. Let us set the record straight.

No U.S. funds go for abortion in this bill. The Helms rule has prevented that for 12 years.

Second, no U.S. funds go to China's population program at all.

No. 3, the United Nations Family Planning Activities Programs spend no money for any abortion-related programs in China.

No. 4, and most importantly, the need for family planning is dire. Without outside help, the population of the poorest countries of Africa, Latin America, and Asia will double every 20 years, producing starvation, excessive resource depletion and political turmoil in these countries.

Let us not let our abortion debate in America lead us to defund voluntary family planning among starving, suffering people around the world.

HYPOCRISY OVER HOSTAGE CRISIS

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

Mr. WILSON. Mr. Speaker, I have been increasingly distressed in recent days over suggestions on various talk shows and other media presentations that the United States should somehow pressure Israel to release the 700 Shiite terrorists captured in Southern Lebanon who were arrested for attempting violence to Israeli soldiers during Israel's withdrawal from that country.

Mr. Speaker, this is altogether out of order. For the United States to hold Israel responsible for its hostage crisis would be a precedent of tragic proportions. Israel is a sovereign country with far more experience in dealing with terrorists than we are. To establish such a precedent for exchange, making the United States responsible for Israeli action, or making Israel responsible for United States action would be as destructive as making ourselves responsible for the Shiite prisoners in Kuwait, Spain or any other country.

As painful as it is, the hostages are Americans aboard an American aircraft and remain our responsibility and no one else's. For us to talk of not knuckling under to terrorists and at the same time secretly pressuring others to knuckle under is, in my view, hypocrisy of the first order.

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.

□ 1102

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.

DURBIN chairman pro tempore in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, June 20, 1985, title II had been completed for amendment except for the amendments printed in the CONGRESSIONAL RECORD before June 20, 1985, by, and if offered by the gentleman from New Jersey [Mr. COURTER]; the gentleman from California [Mr. BROWN]; the gentleman from Maryland [Mr. HOYER]; the gentleman from Pennsylvania [Mr. FOGLIETTA]; the gentleman from Georgia [Mr. DARDEN]; the gentleman from Michigan [Mr. CONYERS]; the gentleman from Illinois [Mr. SAVAGE]; and the gentleman from Michigan [Mr. LEVIN]; and title III was open for amendment at any point.

Are there any amendments to title III?

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

As the Chair indicated, the first amendments this morning will be to title III, which has to do with military readiness. There has been a lot of debate recently over whether or not the readiness of our Armed Forces has improved. In this Committee we believe that it has.

I think the first thing we have to take into account, though, when we consider the subject of readiness. We have to ask ourselves the question: Ready for what? In this connection, we have taken on some additional responsibilities since 1981 when the Readiness Subcommittee came into existence.

President Carter, as the Members will recall, declared the Persian Gulf and Southwest Asia under the protective umbrella of the United States, and after President Reagan was elected, he also not only endorsed that, but also included the Caribbean Basin.

So when we talk about readiness we have to always ask ourselves: Ready for what?

On the issue of whether military readiness has improved, there is no doubt in my mind that there has been a marked increase in our military readiness since 1981. I know this because I have visited units in the field. I have seen first hand the more modern and capable weapon systems and equipment that have been deployed in recent years. Seeing those units go through their paces in recent exercises convinces me that the tempo and realism of training has never been better. More importantly, I have had the opportunity to observe and talk with the highly qualified and dedicated men and women who are leading and serving in those units.

But let me hasten to add that this improvement is not just one man's opinion. For the past 2 years the Readiness Subcommittee has held 8 separate hearings on readiness trends and the facts bear me out.

For example, Navy aircraft mission capable rates are up from 59 to 70 percent since 1981. Likewise, Air Force tactical aircraft mission capable rates have risen from 65 to 72 percent, and Army and Marine Corps ground equipment continues to meet or exceed full mission capable goals despite larger inventories and increased operational use.

In the area of training, Air Force flying hours have increased from 16 to 20 hours per month and the Navy provides almost 24 flying hours for its combat pilots. Steaming days per quarter for Navy ships has also increased from 32 to 35 days since 1981. Similar increases have also taken place in the case of Army and Marine battalion training days.

The simple fact is that much of the recent controversy about readiness has been generated by the misuse of the unit reporting system. Unfortunately, our ability to answer these criticisms has been seriously hampered by the absence of any simple and comprehensive readiness measurement system. In my opinion, the development of such a system is imperative if we are to avoid the counterproductive readiness debates of the past year.

I do not mean to imply, however, that we are home free or that serious deficiencies do not remain. Depot maintenance backlogs are still larger than I would like to see and the tempo and realism of training could be improved if more funding and support equipment were available. Nevertheless, I believe we have a better handle on remaining readiness deficiencies and are in a better position to address them than was the case in 1981.

Although the operations and maintenance account is most commonly linked to readiness, we should not lose sight of the contribution of recent military personnel initiatives and modernization efforts. In fact, largest single contributor to increased readiness since 1981, has been the improved quality of military personnel. The resulting improvements in unit efficiency and productivity have been a major success story.

On the other hand, it is in the areas of personnel policy and modernization where we find our greatest challenges. Can we maintain the current personnel quality in a time when the pool of available manpower is declining and the economy is improving? Do we have the wisdom to make the necessary policy changes to adjust to these emerging realities? Can we sustain the level of effort in modernization to keep abreast of the threat and at the same time address glaring voids and bloc obsolescence in our conventional inventories?

I hope we are equal to these challenges. The sad fact, however, is that all too often we have opted for the path of least resistance toward incremental neglect and wishful thinking. The experiences of the late 1970's should have convinced us that readiness cannot be maintained without vigilance and commitment. That is why it was so necessary to establish a strong readiness consistency in Congress. The committee recommendations that are reflected in the bill now being considered demonstrate that the commitment to readiness continues.

AMENDMENT OFFERED BY MR. NICHOLS

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

The Clerk read as follows:

Amendment offered by Mr. NICHOLS: At the end of title III (page 38, after line 10), insert the following new section:

SEC. 308. SPECIFICATION OF CORE-LOGISTICS FUNCTIONS SUBJECT TO CONTRACTING-OUT LIMITATION.

(a) IN GENERAL.—A function of the Department of Defense described in subsection (b) shall be deemed for the purposes of section 307(b) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2514), to be a logistics activity identified by the Secretary of Defense under section 307(a)(2) of such Act as necessary to maintain the logistics capability of the Department of Defense described in section 307(a)(1) of such Act.

(b) DESCRIPTION OF FUNCTIONS.—The functions to which subsection (a) applies are the following:

(1) Depot level distribution and maintenance of mission-essential materiel at the following activities of the Army:

Anniston Army Depot, Anniston, Alabama.

Corpus Christi Army Depot, Corpus Christi, Texas.

Crane Army Ammunition Plant, Crane, Indiana.

Fort Wingate Army Depot, Gallup, New Mexico.

Letterkenny Army Depot, Letterkenny, Pennsylvania.

Lexington-Blue Grass Army Depot, Lexington, Kentucky.

McAlester Army Ammunition Plan, McAlester, Oklahoma.

New Cumberland Army Depot, Harrisburg, Pennsylvania.

Pueblo Army Depot, Pueblo, Colorado.

Red River Army Depot, Texarkana, Texas.

Rock Island Arsenal, Rock Island, Illinois.

Sacramento Army Depot, Scramento, California.

Savanna Army Depot, Savanna, Illinois.

Seneca Army Depot, Romulus, New York.

Sharpe Army Depot, Stockton, California.

Sierra Army Depot, Herlong, California.

Tobyhanna Army Depot, Tobyhanna, Pennsylvania.

Tooele Army Depot, Tooele, Utah.

Umatilla Army Depot, Umatilla, Oregon.

Watervliet Arsenal, Watervliet, New York.

(2) Depot-level distribution and maintenance of mission-essential materiel at the following activities of the Navy:

Naval Air Rework Facility, Alameda, California.

Naval Air Rework Facility, Cherry Point, North Carolina.

Naval Air Rework Facility, Jacksonville, Florida.

Naval Air Rework Facility, Norfolk, Virginia.

Naval Air Rework Facility, Pensacola, Florida.

Naval Air Rework Facility, North Island, San Diego, California.

Naval Aviation Supply Office, Philadelphia, Pennsylvania.

Naval Construction Battalion Center, Davisville, Rhode Island.

Naval Construction Battalion Center, Gulfport, Mississippi.

Naval Construction Battalion Center, Port Hueneme, California.

Naval Electronics Systems Engineering Center, San Diego, California.

Naval Ordnance Station, Indian Head, Maryland.

Naval Ordnance Station, Louisville, Kentucky.

Naval Shipyard, Charleston, South Carolina.

Naval Shipyard, Norfolk, Virginia.

Naval Shipyard, Long Beach, California.

Naval Shipyard, Mare Island, California.

Naval Shipyard, Philadelphia Pennsylvania.

Naval Shipyard, Portsmouth, Kittery, Maine.

Naval Shipyard, Pearl Harbor, Hawaii.

Naval Shipyard, Puget Sound, Bremerton, Washington.

Naval Ship Repair Facility, Guam.

Naval Supply Center, Charleston, South Carolina.

Naval Supply Center, Jacksonville, Florida.

Naval Supply Center, Norfolk, Virginia.

Naval Supply Center, Oakland, California.

Naval Supply Center, Pearl Harbor, Hawaii.

Naval Supply Center, Puget Sound, Bremerton, Washington.

Naval Supply Center, San Diego, California.

Naval Undersea Warfare Engineering Station, Keyort, Washignton.

Naval Weapons Station, Charleston South Carolina.

Naval Weapons Station, Colts Neck, Earle, New Jersey.

Naval Weapons Station, Concord, California.

Naval Weapons Station, Seal Beach, California.

Naval Weapons Station, Yorktown, Virginia.

Naval Weapons Station, Crane, Indiana.

Naval Ships Parts Control Center, Mechanicsburg, Pennsylvania.

Trident Refit Facility, Bangor, Bremerton, Washington.

(3) Depot-level distribution and maintenance of mission-essential materiel at the following activities of the Marine Corps:

Marine Corps Logistics Base, Albany, Georgia.

Marine Corps Logistics Base, Barstow, California.

(4) Depot-level distribution and maintenance of mission-essential materiel at the following activities of the Air Force:

Aerospace Guidance and Metrology Center, Newark Air Force Station, Ohio.

Ogden Air Logistics Center, Hill Air Force Base, Utah.

Oklahoma City Air Logistics Center, Tinker Air Force Base, Oklahoma.

Sacramento Air Logistics Center, McClellan Air Force Base, California.

San Antonio Air Logistics Center, Kelly Air Force Base, Texas.

Warner Robins Air Logistics Center, Robins Air Force Base, Georgia.

(5) Depot-level distribution and maintenance of mission-essential equipment at the following activities of the Defense Logistics Agency:

Defense Construction Supply Center, Columbus, Ohio.

Defense Depot Mechanicsburg, Mechanicsburg, Pennsylvania.

Defense Depot Memphis, Memphis, Tennessee.

Defense Depot Ogden, Ogden, Utah.

Defense Depot Tracy, Tracy, California.

Defense Electronics Supply Center, Dayton, Ohio.

Defense General Supply Center, Richmond, Virginia.

Defense Industrial Plant Equipment Center, Memphis, Tennessee.

Defense Industrial Supply Center, Philadelphia, Pennsylvania.

Defense Logistics Service Center, Battle Creek, Michigan.

Defense Subsistence Office, Bayonne, New Jersey.

(6) Depot-level distribution and maintenance of mission-essential materiel at the following activities the Defense Mapping Agency:

Aerospace Center, Kansas City Field Office, Kansas City, Missouri.

Aerospace Center, St. Louis AFS, Missouri.

Office of Distribution Services, Brookmont, Maryland.

Mr. NICHOLS [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. NICHOLS. Mr. Chairman, the amendment I am offering clarifies the intent of section 307 of last year's authorization act that limits the contracting-out of core logistics functions. As the author of the amendment that was enacted as section 307, I sincerely regret having to clarify what should be obvious to the Department of Defense, but circumstances leave me no alternative.

As the Members will recall, section 307 exempted core logistics functions or activities from being contracted out. In addition, it required the Secretary of Defense to submit a report to the House and Senate Armed Services Committees by April 1 identifying specific core logistics functions or activities.

On March 29, the Secretary of Defense submitted a report that must rank as one of the more remarkable documents I have encountered during my 18 years in Congress. First of all, he said, "Congress did not know what it was asking for" when it enacted section 307. Instead of a listing of specific core logistics jobs or functions, he provided a list of facilities—depots, arsenals, shipyards, aircraft rework facilities, and the like. Not only is this interpretation inconsistent with the clear intent of section 307, I find it personally insulting.

I think my colleagues know me well enough to realize that I would not have proposed legislation if all I wanted was a listing of DOD logistics facilities and installations that is readily available from a number of DOD publications.

The next thing the report tells us is that Congress was "asking for something that does not exist." According to DOD, core logistics only relates to real estate, equipment and management personnel. Specifically excluded are the civilian personnel who actually perform the depot maintenance and distribution of mission essential equipment. In effect, there are no core logistics jobs.

Mr. Chairman, this is incredible. If there is anything at those facilities that qualifies as a core logistics asset, it has to be the highly trained and dedicated civilian employees who are the heart and soul of our logistics system. And while this simple truth may be lost on DOD, it is well recognized by senior military and civilian managers in the field. As the following documentation I am submitting for the RECORD indicates, these leaders have no doubt that core logistics includes the "people" who do the work. In fact, the concept of core logistics was developed by senior logistics managers in the Department of Defense to specifically identify and exempt those jobs from being contracted out.

Repeated efforts on my part to resolve this misinterpretation of section 307 and failure to comply with clear congressional guidance have been to no avail. Consequently, I have been left with no other choice but to amend the authorization bill.

My amendment does two things to clarify the intent of section 307. First, it lists logistics facilities that DOD has identified as being core logistic in nature. Second, it expands the definition of core logistics to include the civilian personnel who perform the depot maintenance and distribution of mission essential materiel at those facilities. I think that these provisions establish beyond any doubt Congress' commitment to the retention of critical readiness and mobilization base capabilities.

At the same time, however, I recognize that contracting-out can play a useful role where it is cost-effective, efficient, and does not impair military readiness and mobilization surge requirements. Consequently, my amendment excludes functions at those facilities that are already under contract or announced for review upon the enactment of this bill. Also excluded are support or housekeeping functions. Finally, the Secretary retains his authority to waive the exemption from A-76 review after notifying Congress and a short hold-and-wait period.

In sum, Mr. Chairman, my amendment does not rule out a reasonable contracting-out program, but it does

ensure that Congress will play an active role in the evaluation of core logistics requirements. With military readiness and mobilization capabilities in the balance, I think we can do no less.

I urge your support of my amendment.

□ 1110

Mr. EVANS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. Certainly, I yield to the gentleman from Illinois.

Mr. EVANS of Illinois. Mr. Chairman, is it the gentleman's understanding that this amendment is intended to cover the mission function of the facilities listed by the DOD in the March report?

Mr. NICHOLS. The gentleman is exactly correct on that issue.

Mr. EVANS of Illinois. As the gentleman from Alabama is aware, the primary mission of the Rock Island Arsenal is manufacturing. Am I correct in assuming that the intention of this amendment is to cover the essential personnel in these functions as well?

Mr. NICHOLS. Mr. Chairman, being familiar with the mission at Rock Island, I would say the gentleman is entirely correct.

Mr. EVANS of Illinois. Mr. Chairman, I thank the gentleman from Alabama for yielding and for clarifying the definition of core logistics so that it includes civilians who perform manufacturing functions as well as maintenance and distribution.

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

Mr. Chairman, I simply wish to say that we have no objection to the amendment on this side.

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

Mr. DANIEL. I yield to the gentleman from Virginia.

Mr. WHITEHURST. Mr. Chairman, we have examined the amendment on this side and have no objection to it.

● Mr. McCLOSKEY. Mr. Chairman, I rise in strong support of the amendment offered by the distinguished chairman of the House Armed Services Investigations Subcommittee [Mr. NICHOLS] to protect the in-house readiness and industrial base of the Department of Defense. The amendment would expand the Secretary of Defense's definition of "core logistics" personnel to include civilian personnel who actually perform depot level maintenance and distribution functions at such DOD civilian activities as weapons support centers and ammunition depots. The work performed at these facilities and installations across the country is absolutely essential to the readiness of our forces. Every gun that is repaired, every aircraft that is maintenanced and every shipborne defense system that is overhauled contributes to the overall security of our Nation. Concern has arisen that the Department of Defense may not undestand the concern of Congress that these types of civilian DOD jobs simply cannot and should not be contracted out to the private sector. However, despite the repeated requests from DOD for a list of such jobs considered essential to national security and, therefore, exempt from being contracted out under OMB Circular A-76, the response which was received from DOD on March 29, 1985, was woefully inadequate. Congress has repeatedly gone on record in support of keeping mission-essential DOD civilian jobs "in-house." We must send a clear signal to the Pentagon that these activities must remain so. Adoption of the Nichols amendment will accomplish this.

Mr. Chairman, I know first hand the importance of these types of facilities since the Naval Weapons Support Center in Crane, IN, and its tenant Army ammunition activity are located in my district. The work that is done there is vital to our land and naval forces. Because these facilities perform work based on funding levels available for their personnel requirements, they are tremendously efficient in getting work done on time and within budget. Congress has repeatedly recognized the importance of these and other such "industrially funded" activities by allowing these facilities to operate without manpower ceiling constraints unrelated to funded workload. The Secretary of Defense has agreed with the wisdom of this policy. But now it appears that the Department of Defense is seeking to fund ways of contracting out such work. The Members of the Armed Services Committee have for many years managed the difficult task of balancing the need for a reasonable contracting out program against the absolute requirements to preserve and protect in-house military capabilities that are critical to military readiness, operational capabilities, and mobilization requirements. Accordingly, I urge my colleagues to support the Nichols amendment to protect our in-house capability of getting work done essential to the safety and readiness of our forces and security of our Nation.●

● Mr. FAZIO. Mr. Chairman, I rise in strong support of the amendment offered by my good friend and colleague from Alabama [Mr. NICHOLS]. He has been one of Congress' staunchest advocates of improving the readiness of our military services. As a senior member of the House Armed Services Committee, he is regarded as an expert on this field, and when he points out the existence of a problem, we should all sit up and take notice.

Over the past several years, DOD officials have repeatedly gone on record contending that there are certain functions performed by DOD civilian personnel that are so critical to our national security that they should not be contracted out under provisions of OMB Circular A-76. These functions are known as core logistics.

Unfortunately, however, despite persistent requests by Mr. NICHOLS and his colleagues on the House Armed Services Committee, DOD has failed to come forth with a comprehensive list of such functions. Last year, Representative NICHOLS offered an amendment to the Defense Authorization Act of fiscal year 1985 which exempted core logistics jobs at depots, shipyards, aircraft rework facilities, logistics centers, and arsenals from being contracted out. His amendment further required the Secretary of Defense to report to Congress identifying those jobs by March 31, 1985. This amendment became section 307 of Public Law 98-525.

On March 29, 1985, the Secretary submitted a report. Instead of providing a list of jobs, the report was a listing of installations. Even more disturbing, the Secretary's definition of core logistics was confined to real estate, physical plant, equipment, and management personnel. For the first time, DOD indicated that civilian personnel performing at these activities would be subject to A-76 review. This is clearly contrary to Congress' past support of the requirement for an in-house responsive depot maintenance and distribution capability in time of national emergency.

The Secretary's response is inconsistent with previous testimony disclaiming any intent to contract out functions at such activities, the intent of section 307, and a long held position by the Armed Services Committee and Congress that depot level maintenance and distribution functions remain in-house. The amendment that Mr. NICHOLS will offer expands the Secretary's definition to include the civilian personnel who actually perform depot level maintenance and distribution functions at these installations. It will preserve the capabilities that are critical to force readiness and mobilization requirements.

Core logistics are critical to our national security. Those skilled and dedicated Federal workers who perform these activities are an essential element of core logistics. We cannot separate the people from the tasks. Secretary Weinberger must take heed of what we say and do today on this matter, and he must, this time, comply with Congress' intent.●

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

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. WEBER. 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. 183]

ANSWERED "PRESENT"—361

Ackerman
Akaka
Alexander
Anderson
Andrews
Applegate
Archer
Aspin
Atkins
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilirakis
Bliley
Boehlert
Boggs
Boner (TN)
Bonker
Bosco
Boucher
Boulter
Brown (CA)
Brown (CO)
Broyhill
Bruce
Bryant
Burton (CA)
Burton (IN)
Bustamante
Byron
Callahan
Campbell
Carney
Carper
Chandler
Chappell
Chappie
Clay
Coats
Cobey
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Cooper
Courter
Coyne
Craig
Crockett
Daniel
Dannemeyer
Darden
Daub
Davis
de la Garza
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
DioGuardi
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Eckart (OH)
Eckert (NY)
Edgar
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flippo
Florio
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Fuqua
Gallo
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Gray (PA)
Green
Gregg
Grotberg
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hansen
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hendon
Henry
Hertel
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
Kastenmeier
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kolbe
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lloyd
Loeffler
Long
Lott
Lowery (CA)
Lowry (WA)
Lujan
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
McCandless
McCloskey
McCollum
McCurdy
McEwen
McGrath
McHugh
McKernan
McKinney
McMillan
Meyers
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mitchell
Molinari
Mollohan
Monson
Montgomery
Moody
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens
Packard
Parris
Pashayan
Pease
Penny
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Savage
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Seiberling
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Sikorski
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (NE)
Smith (NH)
Smith (NJ)
Smith, Robert
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams
Wilson
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zschau

□ 1130

The CHAIRMAN pro tempore. Three hundred sixty-one Members have answered to their name, 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 Minnesota [Mr. WEBER] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. The Chair will advise Members that 5 minutes will be allowed for this vote.

The vote was taken by electronic device, and there were—ayes 353, noes 7, not voting 73 as follows:

[Roll No. 184]

AYES—353

Ackerman
Akaka
Alexander
Anderson
Andrews
Applegate
Archer
Atkins
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bentley
Berman
Bevill
Bilirakis
Bliley
Boehlert
Boggs
Boner (TN)
Bonker
Borski
Bosco
Boucher
Boulter
Brown (CA)
Broyhill
Bruce
Bryant
Burton (CA)
Burton (IN)
Bustamante
Byron
Callahan
Campbell
Carney
Carper
Chandler
Chappell
Chappie
Clay
Coats
Cobey
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Conyers
Cooper
Courter
Coyne
Craig
Crockett
Daniel
Dannemeyer
Darden
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
Eckart (OH)
Edgar
Edwards (CA)
Edwards (OK)
Emerson
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fawell
Feighan
Fields
Fish
Flippo
Florio
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frost
Fuqua
Gallo
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Gray (PA)
Gregg
Grotberg
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hansen
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hendon
Henry
Hertel
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
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
Latta
Leach (IA)
Leath (TX)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lloyd
Loeffler
Long
Lott
Lowery (CA)
Lowry (WA)
Lujan
Lundine
Lungren
Mack
MacKay
Madigan
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
McCandless
McCloskey
McCurdy
McEwen
McGrath
McHugh
McKernan
McKinney
McMillan
Meyers
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mitchell
Molinari
Mollohan
Monson
Montgomery
Moody
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens
Packard
Parris
Pashayan
Pease
Penny
Perkins
Petri
Pickle
Porter
Price
Pursell
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Savage
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Seiberling
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Sikorski
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (NH)
Smith (NJ)
Smith, Robert
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Stokes
Stratton
Studds
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Weaver
Weber

Weiss	Wilson	Wylie
Wheat	Wirth	Yates
Whitehurst	Wolf	Yatron
Whitley	Wolpe	Young (AK)
Whittaker	Wortley	Young (FL)
Whitten	Wright	Zschau
Williams	Wyden	

NOES—7

Bereuter	Green	Stump
Brown (CO)	Ireland	
Frenzel	Shaw	

NOT VOTING—73

Addabbo	Fazio	Olin
Annunzio	Fiedler	Oxley
Anthony	Foglietta	Panetta
Armey	Foley	Pepper
Aspin	Garcia	Quillen
AuCoin	Gaydos	Rahall
Barton	Gephardt	Rostenkowski
Biaggi	Gray (IL)	Rudd
Boland	Hartnett	Schumer
Bonior (MI)	Hiler	Siljander
Boxer	Jeffords	Smith (IA)
Breaux	Lehman (CA)	Smith (NE)
Brooks	Lipinski	Smith, Denny
Broomfield	Livingston	Snyder
Carr	Luken	Stark
Cheney	Marlenee	Strang
Clinger	Martin (IL)	Thomas (CA)
Collins	Mazzoli	Torricelli
Coughlin	McCain	Towns
Crane	McCollum	Watkins
Daschle	McDade	Waxman
Dixon	Moakley	Wise
Early	Moore	Young (MO)
Eckert (NY)	Nelson	
English	O'Brien	

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FAZIO. Mr. Chairman, I would like to note that I was unable to be present for the vote on the Nichols amendment, specifying core logistics functions subject to contracting out limitations.

I was in strong support of that proposal, and wish to indicate that had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. MONTGOMERY

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

The Clerk read as follows:

Amendment offered by Mr. MONTGOMERY: At the end of title III (page 38, after line 10) insert the following new section:

SEC. 308. LIMITATION CONCERNING AIR NATIONAL GUARD AND AIR FORCE RESERVE FLYING UNITS.

Funds appropriated to or for the use of the Secretary of the Air Force may not be used to deactivate or divest of its flying mission any flying unit of the Air National Guard or the Air Force Reserve.

● Mr. MONTGOMERY. Mr. Chairman, in the recent past, the committee has made a number of recommendations designed to improve the effectiveness of the Reserve components. Incentives for recruitment of personnel into certain critical skills, employee and family support initiatives, procurement of modern equipment and training devices and upgrading of facilities are some of the ongoing efforts in support of these Reserve forces. Congress has been willing to support these efforts because of the cost effectiveness and the capability of Guard and Reserve forces to perform additional missions is unquestionable.

During consideration of the fiscal year 1986 Defense authorization bill, the committee was made aware of proposals to close various facilities and relocate functions and resources. Certain Air National Guard and Air Reserve facilities were included in these proposals. While such action might result in long-term savings with respect to active force units, this would not be the case with Reserve component units. Reserve units rely on the local community for manpower resources, and, indeed, derive a large portion of their cost effectiveness from the lower pay costs of Reserve members. Any attempt to deactivate or relocate a Guard or Reserve unit would result in the loss of significant numbers of skilled personnel and in a decrease in the overall readiness of the total force.

My amendment will preclude the negative impact of such action upon our well manned and combat capable Reserve flying units. We have worked too long and too hard to improve the readiness of our National Guard and Reserves to allow ill-conceived proposals to reverse our efforts. I ask for your support.●

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

Mr. MONTGOMERY. I am glad to yield to the gentleman from Virginia, chairman of the subcommittee.

Mr. DANIEL. Mr. Chairman, my distinguished colleague from Mississippi is to be congratulated for his proposed amendment. It is a natural outgrowth of the committee's efforts and the Congress as a whole, to maintain a finite limit on the Active Armed Forces' strength, with as much mission—and readiness emphasis on the Reserve components as is possible.

In addition to the numerous examples that the gentleman can doubtless provide, I would like to point out one example of the operation of this amendment.

Perhaps the senior, most experienced, and most combat-ready special operations squadron left in the Air Force is a Reserve helicopter squadron—the 302d. The heroism of the squadron, and many of its wartime crews who are still flying in the Reserves, is an object of respect wherever soldiers gather. And in an environment such as we have today, with its Grenadas and Beiruts, its illicit arms and drugs, and international terrorism—the 302d is a vital national asset.

This amendment will allow the 302d to remain in the special operations force, flying the special operations mission, in the desert and mountain environment of the Arizona southwest, available for immediate deployment if the international situation deteriorates.

And it will leave this squadron in an ideal location to assist in peacetime drug interdiction in an area of the border which is remote and lacking in adequate narcotics surveillance and detection.

This is a good amendment, which I accept for our side and for which I urge all Members' support.

I commend the gentleman for his initiative.

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

Mr. MONTGOMERY. I yield to the gentleman from Virginia.

Mr. WHITEHURST. Mr. Chairman, the minority side has no objection and we accept the gentleman's amendment.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MC COLLUM

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

The Clerk read as follows:

Amendment offered by Mr. McCOLLUM: At the end of title III (page 38, after line 10) insert the following new section:

SEC. 308. NONLETHAL ASSISTANCE TO CERTAIN REFUGEES AND DISPLACED PERSONS

(a) AUTHORITY TO PROVIDE ASSISTANCE.—The Secretary of Defense may provide nonlethal assistance in accordance with this section to persons displaced or becoming refugees because of the invasion of Afghanistan by the Soviet Union. The Secretary may use any excess supplies of the Department of Defense and any supplies donated to the Department for such purpose, to the extent that provision of those supplies would constitute nonlethal assistance.

(b) TRANSPORTATION.—The Secretary may provide transportation for supplies provided as nonlethal assistance under this section. Any such transportation shall be by the most economical commercial or military means available including use of reserve aircraft and personnel.

(c) PRIORITY OF ASSISTANCE.—The Secretary of Defense shall expedite the handling of assistance under this section. Upon identification of any excess supplies of the Department as being suitable for such assistance, such supplies shall immediately be made available for the purposes of this section.

(d) ADMINISTRATION WITHIN THE UNITED STATES.—The Secretary of Defense shall have sole responsibility for the administration of nonlethal assistance under this section within the United States and may not delegate any part of that authority to any agency outside the Department of Defense.

(e) DISTRIBUTION OF ASSISTANCE.—Assistance provided under this section shall be distributed to the recipients of the assistance by private volunteer organization designated by the Agency for International Development. If no suitable private volunteer organization is available, such assistance shall be distributed by the Agency for International Development.

(f) EFFECTIVE DATE.—This section shall take effect on October 1, 1985.

Mr. McCOLLUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be con-

sidered as read and printed in the RECORD.

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

There was no objection.

□ 1140

Mr. McCOLLUM. Mr. Chairman, I ask unanimous consent that the amendment be modified in line 5 by striking the word "becoming" and inserting the words, "who are," and on page 2 by striking subparagraph (e).

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

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment offered by Mr. McCOLLUM, as modified: At the end of title III (page 38, after line 10) insert the following new section:

SEC. 308. NONLETHAL ASSISTANCE TO CERTAIN REFUGEES AND DISPLACED PERSONS.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—The Secretary of Defense may provide nonlethal assistance in accordance with this section to persons displaced or who are refugees because of the invasion of Afghanistan by the Soviet Union. The Secretary may use any excess supplies of the Department of Defense and any supplies donated to the Department for such purpose, to the extent that provision of those supplies would constitute nonlethal assistance.

(b) TRANSPORTATION.—The Secretary may provide transportation for supplies provided as nonlethal assistance under this section. Any such transportation shall be by the most economical commercial or military means available including use of reserve aircraft and personnel.

(c) PRIORITY OF ASSISTANCE.—The Secretary of Defense shall expedite the handling of assistance under this section. Upon identification of any excess supplies of the Department as being suitable for such assistance, such supplies shall immediately be made payable for the purposes of this section.

(d) ADMINISTRATION WITHIN THE UNITED STATES.—The Secretary of Defense shall have sole responsibility for the administration of nonlethal assistance under this section within the United States and may not delegate any part of that authority to any agency outside the Department of Defense.

(e) EFFECTIVE DATE.—This section shall take effect on October 1, 1985.

Mr. McCOLLUM. Mr. Chairman, this amendment would allow the Department of Defense and the Secretary of Defense to give excess supplies to the displaced and the refugees from Afghanistan. It is strictly the authority to deliver, the authority to present, and I would urge very strongly its adoption. It is a technical need that they have, and I believe it is agreeable to both sides of the aisle.

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

Mr. McCOLLUM. I yield to the gentleman from Virginia.

Mr. DANIEL. Mr. Chairman, the gentleman from Florida has rendered an important service in offering this amendment.

It provides a mechanism whereby numerous civic and service organizations can funnel nonlethal assistance directly to hapless refugees from the brutal Soviet invasion of Afghanistan.

And it is crafted in such a manner, Mr. Chairman, as to streamline the entire assistance process, without degrading our services' combat readiness due to their helping the Afghan people. In fact, the amendment's emphasis on reserve participation will ultimately provide excellent peacetime training for their wartime airlift mission.

Unlike the divisiveness and sincere differences in opinion existing in this House on measures to be taken in Central America, there can be no disagreement on the origin and causes of the terrible fate which has befallen the Afghan people. Nor can there by any argument that their needs are deserving of immediate relief.

This amendment will accomplish that, Mr. Chairman, giving our service members the proud opportunity to help the Afghan people, in stark contrast to the Soviet forces' repeated murder, atrocities, and brutality.

It is deserving of our support, and I urge its adoption.

POINT PAPER ON AMENDMENT PROVIDING AUTHORIZATION OF O&M FUNDS FOR HUMANITARIAN ASSISTANCE TO RESISTANCE FORCES IN AFGHANISTAN

Purpose of the amendment

Authorizes $10 million for the Secretary of Defense to provide humanitarian assistance—including donations, excess and surplus property—to the resistance forces in Afghanistan.

Pros and cons of the amendment

Pro.—Unlike humanitarian assistance provisions proposed for earlier bills, this measure doesn't require the Department or the Services to fund the assistance effort out of funds otherwise authorized.

It provides that assistance be transported by the most economical means including utilization of the reserves.

It provides a streamlined system using only DOD as the focal point for this specific program—unlike the more cumbersome multiagency approach used in Central America.

It does not constrain transportation to space-available status in the absence of regular flights to Pakistan.

Con.—This establishes a precedent for authorization of DOD funds specifically for humanitarian purposes.

This establishes a precedent or direct delivery by DOD of nonlethal assistance to an insurgent organization.

This establishes a precedent for DOD to be the supervising and validating agency for private and public assistance to a combatant, from point of origin, donor, through transportation—primarily airlift—to the recipient—an armed, combatant force.

Staff recommendations.—Accept the amendment.

Mr. WHITEHURST. Mr. Chairman, if the gentleman will yield, there is no objection on the minority side. We accept the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida [Mr. McCOLLUM], as modified.

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. WEBER. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So, the amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. HUNTER

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

The CHAIRMAN pro tempore. The gentleman will please identify the amendment.

Mr. HUNTER. Mr. Chairman, this is an amendment that was proposed initially to be placed at the end of title X, but it is more appropriate here; although it could be placed there, it is more appropriate under this section.

The CHAIRMAN pro tempore. The gentleman will identify the amendment so the Clerk can read.

Mr. HUNTER. It is a study on the use of the E-2 aircraft for drug interdiction purposes, and it was proposed initially to be placed at the end of title X.

Mr. Chairman, I would ask unanimous consent it be considered under this title, because it is more appropriate.

Mr. ENGLISH. Mr. Chairman, I reserve the right to object.

The CHAIRMAN. The Clerk will first report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNTER: At the end of title 3 (page 200, after line 4) add the following new section:

SEC. 1050. STUDY ON THE USE OF THE E-2 AIRCRAFT FOR DRUG INTERDICTION PURPOSES.

(a) STUDY BY SECRETARY OF THE NAVY.—The Secretary of the Navy shall conduct a test of the use of E-2 aircraft of the Naval Reserve to determine the effectiveness of that aircraft in drug interdiction. The study shall be conducted along the border between the United States and Mexico and shall be carried out over a period of six months.

(b) COLLECTION OF DATA.—As part of the test, the Secretary shall collect data on the contribution on the use of the E-2 aircraft to the apprehension of drug smugglers. This data shall include the number of intercepts which resulted in apprehensions.

(c) REPORT.—Not later than September 30, 1986, the Secretary shall submit to Congress a report on the results of the study.

Mr. HUNTER (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 not objection.

The CHAIRMAN pro tempore. Would the gentleman from California [Mr. HUNTER] please restate his unanimous-consent request?

Mr. HUNTER. Mr. Chairman, I ask unanimous consent that the amendment be considered in this section rather than title X.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. ENGLISH. Mr. Chairman, reserving the right to object.

I would like to know exactly what the gentleman has in mind in the use of E-2's.

At the present time the Secretary of the Navy has the authority to use E-2's, whether in the Reserve or on active duty, any time that they are in training, in those training areas.

Does the gentleman have in mind to use E-2's on a dedicated basis for this purpose?

Mr. HUNTER. What the gentleman from California is offering is a requirement for the Secretary of the Navy to take a couple of these E-2's that are in the Reserve units; not the active units but Reserve units, specifically along the United States-Mexican border, and see if we can upgrade the interdiction rate which right now hovers right around 1 percent.

Let me answer my friend, who is very, very active on this issue. Right now we have very close to the border at San Diego Naval Air Station, for example, E-2 aircraft available. A few miles away, we have literally hundreds of small aircraft escaping from Central America or coming through with loads of contraband.

We are interdicting right now, to the best of our estimates, 1 percent of those aircraft, although the Secretary of the Navy could in fact employ some of his E-2's under the present law, this is a requirement that he take a couple of them out of the Reserve unit, which is right there, utilize them on that border area, and see if—and send a report back to us, no later than September 30, that tells us whether or not these E-2's are successful in improving our interdiction rate of narcotics.

So it is a very short test period; it calls for some real action, and a report back to us to tell us if he can upgrade that interdiction.

Mr. ENGLISH. Mr. Chairman, further reserving the right to object, I would point out to the gentleman, such tests have already been conducted, and unless the Reserve units the gentleman has designated have F-138 radars on them, they cannot see over land. F-120's cannot see, and I know of no Naval Reserve radars on E-2C's that are presently F-138. They are just now being outfitted with the active duty Navy.

So I would point out to the gentleman such study has already been conducted; it was not successful; the radar cannot see over land as it can see over water, and I would strongly suggest that this would not be a good amendment, and I would urge the gentleman to withdraw the amendment.

I would also like to add that we have a letter from chief, naval operations, stating that dedicated use of Navy E-2's, whether they be C's or B's, would have a negative impact on combat readiness.

I yield to the chairman.

Mr. DANIEL. Would the gentleman agree to withhold his amendment to title X so we can have an opportunity to study it? I have not seen it in its present form.

Mr. HUNTER. The gentleman has not seen my amendment?

Mr. DANIEL. Not in its present form.

Mr. HUNTER. OK, I would give a copy to him right now, so he could take a look at it, but simply say that it says that the Secretary of the Navy shall conduct a test, actual use of E-2 aircraft of the Naval Reserve, to determine the effectiveness of that aircraft in drug interdiction and the study should be conducted along the border between the United States and Mexico, and should be carried out in a period of 6 months, and they shall report back to us on the success of it.

Mr. DANIEL. Would the gentleman yield further?

Mr. ENGLISH. I am happy to yield to the gentleman.

Mr. DANIEL. Would the gentleman withdraw his amendment and bring it up under title X? Otherwise, I will be compelled to oppose it.

Mr. HUNTER. If the chairman asks me to withdraw it, I will withdraw, but let me answer my friend briefly on his request.

As I understand, E-2C's do have overland capability and No. 2, they have not utilized naval aircraft, to my knowledge, along the Mexican-California border, or they have not exercised that—let me finish if the gentleman would let me—they have not exercised that testing capability; in other words, they have not actually flown aircraft out there; the E-2C's, over a sustained period of time, and attempted to interdict narcotics.

Mr. ENGLISH. Further reserving the right to object, Mr. Chairman, I would point out to the gentleman, that from a technological standpoint, and I think if you will check with the Navy, they will be delighted to tell him that; that only the 138's, F-138, can see over land; F-120's cannot.

Tests have been run over the last 2 years along the southern border, into California, and particularly it is difficult in the mountainous areas of California where the drug smugglers fly for this radar to be accurate.

So I would suggest to the gentleman that he may want to check with the Navy as far as the technological capabilities, and also further check as to the tests that have already been run before the gentleman offers this amendment.

Mr. HUNTER. If I may respond to my friend, I would be happy to, at the request of the chairman to withdraw this amendment; hold it until title X; again, and to check my facts, and check the report of the Secretary of the Navy.

Again, my information from Armed Services staff is, E-2C's can see over land, and the gentleman is not correct in that.

Mr. ENGLISH. Further reserving the right to object, Mr. Chairman, there is a definite difference between the APS-138 radar and the APS-120. I know of no APS-138 radars that presently are outfitted on reserve E-2C's. That is the key point that the gentleman needs to determine. Only the F-138's are only being outfitted on active duty E-2C's.

Mr. HUNTER. I thank the gentleman, and we will investigate on that fact before title X.

The CHAIRMAN. Is it the Chair's understanding that the gentleman from California is withdrawing his amendment at this time?

Mr. HUNTER. Yes.

The CHAIRMAN. The amendment is withdrawn, without objection.

There was no objection.

□ 1150

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

Mr. Chairman, I want to call the attention of every Member to section 305 of title III, which reflects the language of H.R. 1307, allowing the Department of Defense to put some teeth into its support of civilian drug law enforcement by creating a unique Air Force Reserve wing dedicated to surveillance. And, at the same time, the military will derive training and surveillance benefits on its own behalf. Let me give you the background for this initiative.

I chair the Government Operations Subcommittee on Government Information, Justice and Agriculture. Since 1982 we have held 20 hearings into drug interdiction and posse comitatus assistance. In concert with Readiness Subcommittee Chairman DAN DANIEL, we began to assess Customs' critical aircraft and vessel detection problems.

We wondered if Southcom could provide a heads-up to Customs on northbound air and sea traffic, so we contacted Gen. Paul Gorman, who 2 months ago completed his tour as Commander-in-Chief of Southcom. He outlined detection needs in that command which were similar to Customs' needs, and cited the alarming correlation in that region among arms smugglers, insurgents, and narcotics smugglers. Further reinforcing the nexus between regional drug enforcement

and military interests, the general testified:

There is a very real southern border insurgency threat to our national security during wartime;

Narcotics profits are financing the purchase and shipment of arms to Central and South America;

In most cases the same organizations, with the same tactics, with the same individuals are involved in both drug trafficking and arms trafficking in the region;

We have no peacetime or wartime mission to detect this flow of drugs and arms in the region;

The clandestine threat corridors for drugs, arms, and insurgents are the same.

President Reagan, Secretary of State Shultz, the House Foreign Affairs Committee, and the DEA have also confirmed those links.

In considering both Customs' and General Gorman's needs, a plan soon formed to create a reserve special operations wing in the Air Force which could respond to both Customs and Southcom. This wing, consisting of 16 long-range surveillance aircraft, would have the military mission to detect potentially illicit air traffic in Southcom, and in the event of war, along the southern U.S. border.

During peacetime, eight of the aircraft would be operated on a daily basis on behalf of the Customs Service, with Customs paying for consumables and organizational level maintenance. Two others would be tasked each day to Southcom. DOD would provide intermediate and higher maintenance for the fleet.

DOD initiatives taken to date have consisted principally of direct loans of equipment from DOD to Customs—as with the Blackhawk helicopter; the sharing of information gathered during routine DOD activities—as with the Navy ship sighting program, E2/E3 training flights, and Cudjoe Key aerostat; or specific tasking of DOD elements to support Customs—as with the specially designated E2/E3 aircraft missions and Marine Corps OV-10 flights.

When this proposal is adopted, both DOD and a civilian agency will garner the benefit. Importantly, the training DOD will receive will be exactly equivalent to its wartime Mission, thus serving the readiness interest of the Air Force.

President Reagan and Secretary of Defense Weinberger have agreed in principle to this concept, providing Congress appropriates the funds necessary to convert the aircraft.

My friends, we are demanding that Customs do a better job of stopping the drugs that pollute our country and harm our people. If Customs can't see the smugglers, then they can't stop them, and the same can be said concerning insurgents and the military. This program provides a tremendous boost to both our drug fighters and our Air Force.

I urge your support.

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

Mr. Chairman, I rise to commend the gentleman from Oklahoma. We hear a lot in this body about the bickering between the various committees and the various agencies of Government. But let me point out an example here where there has been complete cooperation between the Government Operations Committee and the committee which the gentleman from Virginia has the privilege to chair.

I would also like to point out that the Department of Defense has been very cooperative in working with these two committees of the Congress. We believe that we are making some progress. I think we can conclude very readily that this cooperation and consultation are integral parts, not only for the readiness of our forces, but also for the protection of American citizens.

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

Mr. DANIEL. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I would like to associate myself with the chairman's remarks. I certainly would like to commend the Armed Services Committee as well as the Appropriations Committees in both the House and the Senate. This has been a cooperative effort between both Democrats and Republicans not only on my subcommittee but the other committees as well, and the Department of Defense. There has been a cooperation that has developed over the last 2 or 3 years, and I have got to say that in the beginning it was very slow and there were those who resisted, but we now I think have reached an accord that this cooperation is moving forward, and I think we are in a position now to make substantial progress. I certainly commend the chairman of the subcommittee for his work.

Mr. DANIEL. I thank the gentleman.

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

Mr. DANIEL. I yield to the gentleman from Florida.

Mr. HUTTO. Mr. Chairman, I want to commend you for your leadership, along with the gentleman from Oklahoma. This has been a great cooperative effort, a bipartisan effort, not only in this body but the other body, and I think through the gentleman's dynamic leadership that we are going to get at this problem of drug interdiction. The gentleman has done excellent work and I want to commend him.

I was in a hearing with the gentleman from Oklahoma down in Miami, and we had good bipartisan participation—participation on the part of many people who are interested in eradicating from the face of this Earth this tremendous problem that we have with drugs. The gentleman is doing a good job and I commend him on it.

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

Mr. DANIEL. I yield to the gentleman from Florida.

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Chairman, I simply wanted to express my appreciation to the gentleman from Virginia for his leadership, and the cooperation on the minority side.

I also want to express that I think the gentleman from Virginia was eminently wise in his caution in this matter and to let it develop and materialize in a way that it has. We need all of the assistance we can get. My colleague, who has been the chairman of the Subcommittee on Government Operations, who has kind of been the spearhead on this thing, deserves a great deal of credit for it. But I wanted especially to thank the chairman of the Committee on Armed Services.

Mr. DANIEL. I thank the gentleman.

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

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

Mr. HUNTER. I thank my chairman for yielding, and I also want to commend the subcommittee and the chairman for the work that he has done on this.

I think the important thing is that we are interdicting very few of the aircraft that are crossing the border right now, and we desperately need to get people and equipment down there to stop them. This initiative is going to go a long way toward doing that. I think, especially in light of what is happening in Central America, the Armed Forces do have an interest in being able to interdict aircraft that are not authorized, and other traffic that is not authorized, from coming north, and I commend the chairman and the subcommittee for their work.

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

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

Mr. DANIEL. I yield to the gentlewoman from Maryland.

Mrs. BYRON. Mr. Chairman, let me compliment my two colleagues here for taking such a strong stand on something that I think is so very vital.

Let me tell a very quick short story but a very tragic one: I have a constituent, a 17-year-old girl, who was a runaway, contacted by her family. She had disappeared in New Orleans. As it turned out, she has just recently been found by her family. She had gotten involved with a drug dealer. She was taken on board his yacht, she lived there from 2 to 3 months. She has just

returned home to her family in a very tragic physical and mental condition. And yet it brings forward on a personal basis once again the very serious problem, the crime problem, that is resulting from the massive influx of drugs, but above and beyond that, the drug dealers that so desperately we need to make an attack against.

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

Mr. DANIEL. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. In response to the point the gentleman from California was making, I think it is an excellent point. There is no question that the equipment that has been approved is just now beginning to come on line. We have contained in this bill the authorization for 16 detection aircraft, and these are very large aircraft. It is under the best of conditions as far as posse comitatus, in that both the military and our law enforcement officials are going to derive benefit from it. I think it is in that very careful, concise approach that we not only are able to strengthen our national defense, we are able to strengthen our law enforcement effort, and at the same time we are making sure that the taxpayer gets due use of his tax dollars. I think the gentleman can look forward to a great deal more equipment coming on line as it is processed through the system.

Mr. HUNTER. If the gentleman will yield further, I thank the gentleman.

I think we have a real opportunity here, and I think this is an excellent initiative by the committee. I have one further concern, and that is the fact that we have tremendous resources within a few miles of the border, specifically, San Diego, Fort Huachuca in Arizona, and on down the line, and that there is an economy to be effected if we can find aircraft that are dedicated to those particular areas which essentially patrol within a few miles of that border anyway, to utilize those also. I realize part of this force is also located very close to the border.

Mr. DANIEL. Mr. Chairman, I would like also to commend the gentleman from Virginia [Mr. WHITEHURST]. He has been most cooperative in this matter and we are deeply grateful for his effort.

AMENDMENT OFFERED BY MR. KANJORSKI

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

The Clerk read as follows:

Amendment offered by Mr. KANJORSKI: At the end of title III (page 38, after line 10) add the following new section:

SEC. 308. MILITARY ENTRANCE PROCESSING STATION, WILKES BARRE, PENNSYLVANIA.

None of the funds appropriated pursuant to the authorizations of appropriations in this title may be used to relocate the military entrance processing station in the city of Wilkes Barre, Pennsylvania, to a location outside that city.

□ 1200

Mr. KANJORSKI. Mr. Chairman, this amendment would prohibit the relocation of the Wilkes-Barre Military Entrance Processing Station. As a result of recent conversations with my distinguished colleague from Virginia, Mr. Daniels, I will not be asking for a vote today on my amendment. I understand his desire not to have this kind of amendment added to the Department of Defense authorization bill, particularly since this bill does not authorize the relocation of the Wilkes-Barre MEPS facility. But I would like to use my time to bring to this body's attention a matter that I feel makes $600 hammers and toilet seats seem like a bargain. I am referring to a move now underway to relocate a military entrance processing station from a city in my district to another city less than 30 miles away. This move has nothing to do with the national security or the accessibility of the MEPS facility at its present location or the possible new location.

I have been informed that this move will be made because it is cost effective for the Government. Unless basic math has changed recently so that $2 million is now less than $92,000—This move represents a gross misuse of taxpayers money. According to the GSA. The leasing costs per square foot at the present location are less expensive than the leasing costs to be incurred in the new site. On an annual basis, at the present leasing space totals, the move will cost the Government some $4,500 more per year in leasing costs. Over a 20-year period, the Federal Government, at the present rates, will spend an additional $90,000 in rent for this move.

I would like to say that this travesty ends here, but unfortunately it does not. The site under consideration for the relocation will need substantial renovation to meet the needs of the processing station. This renovation will costs the taxpayers, according to the GSA, some $2 million more. Renovation at the current site has been estimated to cost some $92,000. I simply cannot understand how, at a time of $200 billion deficits and massive cost overruns in the Defense Department, we can justify moving a facility some 30 miles—at a net cost to the Government of $2 million—when it does not affect the national security or the functional ability of that facility.

Mr. Chairman, this body faces many critical budgetary decisions this year and in the future. I do not believe that we can, in good conscience, ask our hard working citizens and local officials to bite the bullet and accept reductions in numerous Government programs that provide for the common good—while at the same time, approve the wasteful expenditure of funds for the frivilous and non-cost-effective relocation of facilities vital to local communities.

I would like to ask my distinguished colleague from Virginia to join me in requesting the General Accounting Office to investigate this matter and to provide us with an analysis of the cost-effectiveness of this relocation.

Mr. Chairman, I would like to yield to my colleague from Virginia.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania [Mr. KANJORSKI] has expired.

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

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

Mr. KANJORSKI. I yield to the gentleman from Virginia.

Mr. DANIEL. Mr. Chairman, I would like to thank my colleague from Pennsylvania for his statement today and for bringing the matter of this relocation to my attention. I share his concern over the wasteful expenditure of Federal funds, especially at a time when many of my own constituents are being asked to make numerous sacrifices. I will be glad to join with the gentleman from Pennsylvania in asking the GAO to conduct a complete investigation into this matter and to report back to us with their results on the efficiency and cost-effectiveness of the proposed relocation. If the GAO confirms the facts that have been presented by Mr. KANJORSKI, I will join with him in an attempt to prevent this relocation and the wasteful expenditure of taxpayer moneys.

Mr. KANJORSKI. Mr. Chairman, I would like to thank the gentleman from Virginia for his cooperation and assistance in this matter of vital importance to my constituents, and for his diligent work in protecting the interests of the hard-working taxpayers of America.

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

Mr. KANJORSKI. I yield to the gentleman.

Mr. STRATTON. I thank the gentleman.

Mr. Chairman, I just wanted to ask the gentleman this entrance processing station, this is a recruiting station, is that the idea?

Mr. KANJORSKI. That is right, Mr. STRATTON; 14 civilians and 16 military personnel.

Mr. STRATTON. Going back to my district from Washington, I very frequently drive up Interstate 81, and I am very familiar with Wilkes-Barre as well as Scranton, of course, we all remember our former colleague, Dan Flood, who did a great deal for Wilkes-Barre.

I would ask the gentleman, where is this going to be located? Are they

going to move it over into Scranton, is that the idea?

Mr. KANJORSKI. Of course, we are not certain where that will be located, but that is not the issue; where the relocation will occur, Mr. STRATTON.

The issue is that they are arguing that it is cost effective to increase the square footage rent by moving from private-owned facilities to Government facilities, and then to facilitate that, rather than having the private owner renovate at a cost of $92,000, that the U.S. Government should renovate at $2 million, which comes out to $100 a square foot.

Now, I am glad the gentleman brought up the point that he drives through Wilkes-Barre, because I tell the gentleman at $100 a square foot, you should not only be able to renovate a building, you should be able to build about 2 square feet in Wilkes-Barre, PA.

Mr. STRATTON. If the gentleman will yield, he is absolutely correct. I am very sympathetic with the gentleman and I hope that we will be able to accept his amendment.

Mr. KANJORSKI. Mr. STRATTON, I appreciate your joining me.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

AMENDMENT OFFERED BY MR. HUNTER

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

The Clerk read as follows:

Amendment offered by Mr. HUNTER: Page 38, after line 10, insert the following new section:

SEC. 308. LIMITATION ON USE OF FUNDS TO DISMANTLE POSEIDON-CLASS SUBMARINE.

No funds appropriated for fiscal year 1986 under any authorization of appropriations in this title may be used to dismantle any Poseidon-class submarine until—

(1) the President submits to the Congress a report with respect to—

(A) the feasibility of transferring the ownership of any such submarine to the United Kingdom; and

(B) if the transfer referred to in subparagraph (A) is not feasible, the feasibility of converting any such submarine into an SSN-type submarine or SSGN-type submarine; and

(2) the 60-day period beginning on the date of the submission of such report to the Congress expires.

Mr. HUNTER. Mr. Chairman, in a few months, we are going to bump up against the SALT limitations on missile launchers, and we will be dismantling, faced with dismantling the Poseidon submarine, the U.S.S. *Sam Rayburn*, when the *Alaska* Trident-class submarine goes out for sea trials.

Right now we have, I believe, some 31 Poseidon boats; we will have 30 when we dismantle this one. We have about six Tridents in the water. I think the sixth Trident has not yet gone out for sea trials. What this amendment does is very simple: It simply requests a report from the President on the feasibility of doing one of several things. No. 1, transferring that Poseidon submarine to the United Kingdom, and that could be, if it was not transferred with SLBM capability as an attack boat, or if that is not feasible, the feasibility of converting that submarine into an SSN-type submarine or SSGN-type submarine.

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

Mr. HUNTER. I yield to the gentleman.

Mr. STRATTON. I thank the gentleman for yielding.

Mr. Chairman, is it not true that the actual submarine that would have to be sacrificed under the decision that the President of the United States took is the U.S.S. *Sam Rayburn*? I would think that the House of Representatives would certainly not want to have the U.S.S. *Sam Rayburn* destroyed or outmoded as a result of SALT II. I think that the gentleman is offering a very signficant alternative.

□ 1210

Mr. HUNTER. I thank the gentleman from New York.

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

Mr. HUNTER. I would be happy to yield to the chairman, the gentleman from Wisconsin.

Mr. ASPIN. I thank the gentleman for yielding.

Mr. Chairman, let me point out here that we are now into an amendment which we had hoped would not be offered because there are other people who feel very strongly about this subject, and we are fooling around, now, with the President's decision to dismantle the Poseidon submarine to comply with the SALT agreement.

I am not saying that it is not something that the House ought to get into; it is not something that we ought to get into with a lot of the Members not here.

If the gentleman would like to ask for a report, and would amend his amendment to ask for a report, that is fine, but to say that we are going to prohibit the use of any funds, in other words, we are going to tell the administration at this point that they cannot do that until they issue this report, we cannot do that with 60 or 70 Members not here.

We had the agreement, and what we were going to do was, if we could deal with the noncontroversial amendments, protect anybody who was going to offer amendments that the House is going to want to debate, protect the gentleman's right to offer that amendment even though we had gone beyond title III. It seems to me perfectly legitimate.

I would ask the gentleman to save his amendment until we get more people here to discuss it.

Mr. HUNTER. Let me repond to my chairman.

To begin with, I understand that we were to offer amendments that are essentially noncontroversial, and I ran this amendment past the chairman of the subcommittee and the ranking member on the subcommittee this morning, and the chairman did not say, "I do not like this amendment," or "I think it is a controversial amendment."

So I ran the amendment by both of my colleagues. The amendment simply calls for a report on the feasibility of transferring. It says if it is not feasible, then all we want is a report on the feasibility of conversion into a standard-type submarine.

So I am telling the gentleman he has not approached me before. The two gentlemen that I am supposed to do buisness with on the House floor had no problem with me offering this particular amendment.

Mr. ASPIN. If the gentleman had approached me and had asked me, I would have told the gentleman that we have big problems with this. I made commitments to people who are not here today that we would not deal with issues like this if they wanted to get a vote. I cannot go back on that. If the gentleman insists on his amendment, I will have to move to adjourn.

Mr. HUNTER. If my chairman represents that he has promised other Members that we would not have amendments that would be controversial and he thinks that this would be reneging on that promise, I would be happy to withhold the amendment, if it is protected.

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

Mr. HUNTER. I yield to the chairman of the subcommittee, the gentleman from Virginia.

Mr. DANIEL. I thank the gentleman for yielding.

Mr. Chairman, the chairman of the full committee is absolutely correct. This is an amendment which a number of people have expressed an interest in to me, and I would urge the gentleman to withhold his amendment until next week.

Mr. HUNTER. I will be happy to withhold. I might mention that none of the Members that you spoke of approached this gentleman and said, "We think it is controversial and would you hold off?"

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

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

I am going to ask unanimous consent that amendments to title III already printed in the RECORD, and that includes the amendment that the gentleman from California [Mr. HUNTER] was just talking about, and if offered by the Members submitting the amendments, be in order notwithstanding the fact that title III has already been passed.

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

There was no objection.

Mr. ASPIN. Mr. Chairman, I know of no other amendments to title III, and I think we ought to go on to title IV.

The CHAIRMAN pro tempore. The Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

PART A—ACTIVE FORCES

SEC. 401. AUTHORIZATION OF END STRENGTHS.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1986, as follows:

(1) The Army, 780,800.

(2) The Navy, 581,300.

(3) The Marine Corps, 199,500.

(4) The Air Force, 608,500.

SEC. 402. EXTENSION OF QUALITY CONTROL ON ENLISTMENTS INTO THE ARMY.

Effective on October 1, 1985, section 302(a) of the Department of Defense Authorization Act, 1981 (10 U.S.C. 520 note), is amended by striking out "October 1, 1984" and "September 30, 1985" and inserting in lieu thereof "October 1, 1985" and "September 30, 1986", respectively.

PART B—RESERVE FORCES

SEC. 411. AUTHORIZATION OF AVERAGE STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—For fiscal year 1986 the Selected Reserve of the reserve components of the Armed Forces shall be programmed to attain average strengths of not less than the following:

(1) The Army National Guard of the United States, 441,882.

(2) The Army Reserve, 291,346.

(3) The Naval Reserve, 134,400.

(4) The Marine Corps Reserve, 41,900.

(5) The Air National Guard of the United States, 108,700.

(6) The Air Force Reserve, 75,600.

(7) The Coast Guard Reserve, 12,500.

(b) ADJUSTMENTS.—The average strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

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

(a) IN GENERAL.—Within the average strengths prescribed in section 601, the reserve components of the Armed Forces are authorized, as of September 30, 1986, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, on full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components or the National Guard:

(1) The Army National Guard of the United States, 26,879.

(2) The Army Reserve, 13,614.

(3) The Naval Reserve, 19,510.

(4) The Marine Corps Reserve, 1,475.

(5) The Air National Guard of the United States, 7,269.

(6) The Air Force Reserve, 635.

(b) AUTHORITY TO INCREASE END-STRENGTH LIMIT.—Upon a determination by the Secretary of Defense that such action is in the national interest, the end strengths prescribed by subsection (a) may be increased by a total of not more than the number equal to 2 percent of the total end strengths prescribed.

SEC. 413. INCREASE IN NUMBER OF CERTAIN PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS.

(a) SENIOR ENLISTED MEMBERS.—The table in section 517(b) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9	517	175	80	9
E-8	2,296	381	358	74".

(b) OFFICERS.—The table in section 524(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	2,422	875	476	100
Lieutenant Colonel or Commander	1,210	520	318	60
Colonel or Navy Captain	356	177	189	25".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1985.

PART C—MILITARY TRAINING

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1986, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 79,686.

(2) The Navy, 71,018.

(3) The Marine Corps, 20,766.

(4) The Air Force, 43,389.

(5) The Army National Guard of the United States, 18,886.

(6) The Army Reserve, 16,985.

(7) The Naval Reserve, 3,355.

(8) The Marine Corps Reserve, 3,790.

(9) The Air National Guard of the United States, 2,517.

(10) The Air Force Reserve, 2,352.

(b) ADJUSTMENTS.—The average military student loads for the Army, the Navy, the Marine Corps, and the Air Force and the reserve components authorized in subsection (a) for fiscal year 1986 shall be adjusted consistent with the personnel strengths authorized in parts A and B. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the reserve components in such manner as the Secretary of Defense shall prescribe.

Mr. ASPIN. Mr. Chairman, I ask unanimous consent that titles IV, V, and VI be open to amendment. Those are 3 titles that deal with personnel issues. I would like to open those to amendment at this point with the same kind of procedure that we have been using before. We will deal with whatever amendments we can of the noncontroversial kind and protect those amendments that are more controversial, protect Members' opportunity to offer those amendments.

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

There was no objection.

The CHAIRMAN pro tempore. The Clerk will designate titles V and VI.

The text of titles V and VI is as follows:

Titles V and VI read as follows:

TITLE V—DEFENSE PERSONNEL POLICY

PART A—CIVILIAN PERSONNEL

SEC. 501. WAIVER OF CIVILIAN PERSONNEL CEILINGS FOR FISCAL YEAR 1986.

The provisions of section 138(c)(2) of title 10, United States Code, shall not apply with respect to fiscal year 1986 or with respect to the appropriation of funds for that year.

SEC. 502. PROHIBITION OF MANAGING CIVILIAN PERSONNEL BY END STRENGTHS.

Effective on October 1, 1985, section 140b of title 10, United States Code, is amended—

(1) by inserting "and" before "(2)",

(2) by striking out ", and (3)" and all that follows through "such fiscal year"; and

(3) by striking out the period at the end of the second sentence and inserting in lieu thereof "or any constraint or limitation (known as an 'end-strength') on the number of such personnel who may be employed on the last day of such fiscal year.".

PART B—ACTIVE MILITARY PERSONNEL

SEC. 511. ADJUSTMENT IN MARINE CORPS OFFICER GRADE TABLE.

(a) INCREASE IN AUTHORIZED NUMBER OF MARINE CORPS MAJORS.—The table in section 523(a)(1) of title 10, United States Code, is amended by striking out "2,717", "2,936", "3,154", "3,373", and "3,591" in the items relating to the Marine Corps under the column headed "Major" and inserting in lieu thereof "2,818", "3,137", "3,456", "3,775", and "4,094", respectively.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1985.

SEC. 512. SERVICE AGREEMENTS OF CADETS AND MIDSHIPMEN.

(a) MILITARY ACADEMY.—Section 4348 of title 10, United States Code, relating to agreements of cadets at the United States Military Academy, is amended to read as follows:

"§ 4348. Cadets: agreement to serve as officer

"(a) Each cadet shall sign an agreement with respect to the cadet's length of service in the armed forces. The agreement shall provide that the cadet agrees to the following:

"(1) That the cadet will complete the course of instruction at the Academy.

"(2) That upon graduation from the Academy the cadet—

"(A) will accept an appointment, if tendered, as a commissioned officer of the Regular Army or the Regular Air Force; and

"(B) will serve on active duty for at least five years immediately after such appointment.

"(3) That if an appointment described in paragraph (2) is not tendered or if the cadet is permitted to resign as a regular officer before completion of the commissioned service obligation of the cadet, the cadet—

"(A) will accept an appointment as a commissioned officer as a Reserve for service in the Army Reserve or the Air Force Reserve; and

"(B) will remain in that reserve component until completion of the commissioned service obligation of the cadet.

"(b)(1) The Secretary of the Army may transfer to the Army Reserve, and may order to active duty for such period of time as the Secretary prescribes (but not to exceed four years), a cadet who breaches an agreement under subsection (a). The period of time for which a cadet is ordered to active duty under this paragraph may be determined without regard to section 651(a) of this title.

"(2) A cadet who is transferred to the Army Reserve under paragraph (1) shall be transferred in an appropriate enlisted grade or rating, as determined by the Secretary.

"(3) For the purposes of paragraph (1), a cadet shall be considered to have breached an agreement under subsection (a) if the cadet is separated from the Academy under circumstances which the Secretary determines constitute a breach by the cadet of the cadet's agreement to complete the course of instruction at the Academy and accept an appointment as a commissioned officer upon graduation from the Academy.

"(c) The Secretary of the Army shall prescribe regulations to carry out this section. Those regulations shall include—

"(1) standards for determining what constitutes, for the purpose of subsection (b), a breach of an agreement under subsection (a);

"(2) procedures for determining whether such a breach has occurred; and

"(3) standards for determining the period of time for which a person may be ordered to serve on active duty under subsection (b).

"(d) In this section, 'commissioned service obligation', with respect to an officer who is a graduate of the Academy, means the period beginning on the date of the officer's appointment as a commissioned officer and ending on the sixth anniversary of such appointment or, at the discretion of the Secretary of Defense, any later date up to the eighth anniversary of such appointment.

"(e)(1) This section does not apply to a cadet who is not a citizen or national of the United States.

"(2) In the case of a cadet who is a minor and who has parents or a guardian, the cadet may sign the agreement required by subsection (a) only with the consent of a parent or guardian.".

(b) NAVAL ACADEMY.—Section 6959 of such title, relating to agreements of midshipmen at the United States Naval Academy, is amended to read as follows:

"§ 6959. Midshipmen: agreement for length of service

"(a) Each midshipman shall sign an agreement with respect to the midshipman's length of service in the armed forces. The agreement shall provide that the midshipman agrees to the following:

"(1) That the midshipman will complete the course of instruction at the Naval Academy.

"(2) That upon graduation from the Naval Academy the midshipman—

"(A) will accept an appointment, if tendered, as a commissioned officer of the Regular Navy, the Regular Marine Corps, or the Regular Air Force; and

"(B) will serve on active duty for at least five years immediately after such appointment.

"(3) That if an appointment described in paragraph (2) is not tendered or if the midshipman is permitted to resign as a regular officer before completion of the commissioned service obligation of the midshipman, the midshipman—

"(A) will accept an appointment as a commissioned officer in the Naval Reserve or the Marine Corps Reserve or as a Reserve in the Air Force for service in the Air Force Reserve; and

"(B) will remain in that reserve component until completion of the commissioned service obligation of the midshipman.

"(b)(1) The Secretary of the Navy may transfer to the Naval Reserve or the Marine Corps Reserve, and may order to active duty for such period of time as the Secretary prescribes (but not to exceed four years), a midshipman who breaches an agreement under subsection (a). The period of time for which a midshipman is ordered to active duty under this paragraph may be determined without regard to section 651(a) of this title.

"(2) A midshipman who is transferred to the Naval Reserve or Marine Corps Reserve under paragraph (1) shall be transferred in an appropriate enlisted grade or rating, as determined by the Secretary.

"(3) For the purposes of paragraph (1), a midshipman shall be considered to have breached an agreement under subsection (a) if the midshipman is separated from the Naval Academy under circumstances which the Secretary determines constitute a breach by the midshipman of the midshipman's agreement to complete the course of instruction at the Naval Academy and accept an appointment as a commissioned officer upon graduation from the Naval Academy.

"(c) The Secretary of the Navy shall prescribe regulations to carry out this section. Those regulations shall include—

"(1) standards for determining what constitutes, for the purpose of subsection (b), a breach of an agreement under subsection (a);

"(2) procedures for determining whether such a breach has occurred; and

"(3) standards for determining the period of time for which a person may be ordered to serve on active duty under subsection (b).

"(d) In this section, 'commissioned service obligation', with respect to an officer who is a graduate of the Academy, means the period beginning on the date of the officer's appointment as a commissioned officer and ending on the sixth anniversary of such appointment or, at the discretion of the Secretary of Defense, any later date up to the eighth anniversary of such appointment.

"(e)(1) This section does not apply to a midshipman who is not a citizen or national of the United States.

"(2) In the case of a midshipman who is a minor and who has parents or a guardian, the midshipman may sign the agreement required by subsection (a) only with the consent of a parent or guardian.".

(c) AIR FORCE ACADEMY.—Section 9348 of such title, relating to agreements of cadets at the United States Air Force Academy, is amended to read as follows:

"§ 9348. Cadets: agreement to serve as officer

"(a) Each cadet shall sign an agreement with respect to the cadet's length of service in the armed forces. The agreement shall provide that the cadet agrees to the following:

"(1) That the cadet will complete the course of instruction at the Academy.

"(2) That upon graduation from the Academy the cadet—

"(A) will accept an appointment, if tendered, as a commissioned officer of the Regular Air Force; and

"(B) will serve on active duty for at least five years immediately after such appointment.

"(3) That if an appointment described in paragraph (2) is not tendered or if the cadet is permitted to resign as a regular officer before completion of the commissioned service obligation of the cadet, the cadet—

"(A) will accept an appointment as a commissioned officer as a Reserve in the Air Force for service in the Air Force Reserve; and

"(B) will remain in that reserve component until completion of the commissioned service obligation of the cadet.

"(b)(1) The Secretary of the Air Force may transfer to the Air Force Reserve, and may order to active duty for such period of time as the Secretary prescribes (but not to exceed four years), a cadet who breaches an agreement under subsection (a). The period of time for which a cadet is ordered to active duty under this paragraph may be determined without regard to section 651(a) of this title.

"(2) A cadet who is transferred to the Air Force Reserve under paragraph (1) shall be transferred in an appropriate enlisted grade or rating, as determined by the Secretary.

"(3) For the purposes of paragraph (1), a cadet shall be considered to have breached an agreement under subsection (a) if the cadet is separated from the Academy under circumstances which the Secretary determines constitute a breach by the cadet of the cadet's agreement to complete the course of instruction at the Academy and accept an appointment as a commissioned officer upon graduation from the Academy.

"(c) The Secretary of the Air Force shall prescribe regulations to carry out this section. Those regulations shall include—

"(1) standards for determining what constitutes, for the purpose of subsection (b), a breach of an agreement under subsection (a);

"(2) procedures for determining whether such a breach has occurred; and

"(3) standards for determining the period of time for which a person may be ordered to serve on active duty under subsection (b).

"(d) In this section, 'commissioned service obligation', with respect to an officer who is a graduate of the Academy, means the period beginning on the date of the officer's appointment as a commissioned officer and ending on the sixth anniversary of such appointment or, at the discretion of the Secretary of Defense, any later date up to the eighth anniversary of such appointment.

"(e)(1) This section does not apply to a cadet who is not a citizen or national of the United States.

"(2) In the case of a cadet who is a minor and who has parents or a guardian, the cadet may sign the agreement required by subsection (a) only with the consent of a parent or guardian.".

(d) DEADLINE FOR REGULATIONS.—The Secretary of each military department shall prescribe the regulations required by section 4348(c), 6959(c), or 9348(c), as appropriate, of title 10, United States Code (as added by the amendments made by subsections (a), (b), and (c)) not later than the end of the 90-day period beginning on the date of the enactment of this Act.

(e) APPLICABILITY OF AMENDMENTS.—The amendments made by subsections (a), (b), and (c) (other than with respect to the authority of the Secretary of a military department to prescribe regulations)—

(1) shall take effect with respect to each military department on the date on which regulations prescribed by the Secretary of that military department in accordance with subsection (d) take effect; and

(2) shall apply with respect to each agreement entered into under sections 4348, 6959, and 9348, respectively, of title 10, United States Code, that is entered into on or after the effective date of such regulations and shall apply with respect to each such agreement that was entered into before the effective date of such regulations by an individual who is a cadet or midshipman on such date.

SEC. 513. TRANSFERS TO AND FROM TEMPORARY DISABILITY RETIRED LIST.

(a) IMPROVEMENTS IN ADMINISTRATION OF TEMPORARY DISABILITY RETIRED LIST.—Chapter 61 of title 10, United States Code, relating to retirement or separation for physical disability, is amended as follows:

(1)(A) Sections 1201(1) and 1204(1) are amended by inserting "and stable" after "permanent nature".

(B) Sections 1202 and 1205 are amended by inserting "and stable" after "permanent nature" the first place it appears in each section.

(2) Section 1210 is amended—

(A) by inserting "and stable" in subsections (b), (c), and (d) after "permanent nature"; and

(B) in subsection (f)—

(i) by inserting "(1)" after "(f)"; and

(ii) by striking out "and rating" and all that follows and inserting in lieu thereof "or rating, the Secretary shall—

"(A) treat the member as provided in section 1211 of this title; or

"(B) discharge the member, retire the member, or transfer the member to the Fleet Reserve, Fleet Marine Corps Reserve, or inactive Reserve under any other law if, under that law, the member—

"(i) applies for and qualifies for that retirement or transfer; or

"(ii) is required to be discharged, retired, or eliminated from an active status.

"(2)(A) For the purpose of paragraph (1)(B), a member shall be considered qualified for retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve or is required to be discharged, retired, or eliminated from an active status if, were the member reappointed or reenlisted under section 1211 of this title, the member would in all other respects be qualified for or would be required to be retired, transferred to the Fleet Reserve or Fleet Marine Corps Reserve, discharged, or eliminated from an active status under any other provision of law.

"(B) The grade of a member retired, transferred, discharged, or eliminated from an active status pursuant to paragraph (1)(B) shall be determined under the provisions of law under which the member is retired, transferred, discharged, or eliminated. The member's retired, retainer, severance, readjustment, or separation pay shall be computed as if the member had been reappointed or reenlisted upon removal from the temporary disability retired list and before the retirement, transfer, discharge, or elimination. Notwithstanding section 8301 of title 5, a member who is retired shall be entitled to retired pay effective on the day after the last day on which the member is entitled to disability retired pay.".

(3) The second sentence of section 1211(c) is amended—

(A) by inserting "and if the member is not discharged, retired, or transferred to the Fleet Reserve or Fleet Marine Corps Reserve or inactive Reserve under section 1210 of this title," after "subsection (a) or (b),"; and

(B) by inserting "and the member shall be discharged" before the period.

(b) CONFORMING AMENDMENT.—Section 1448(c) of such title is amended by inserting "disability" before "retired pay".

SEC. 514. CHANGE IN TITLE OF GRADE OF COMMODORE TO REAR ADMIRAL (LOWER HALF).

(a) CHANGE IN TITLE.—(1) Section 5501 of title 10, United States Code, is amended by striking out "Commodore" in clause (4) and inserting in lieu thereof "Rear admiral (lower half)".

(2) Section 41 of title 14, United States Code, is amended by striking out "commodores" and inserting in lieu thereof "rear admirals (lower half)".

(3) Section 24 of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853u) is amended by striking out "commodore" each place it appears and inserting in lieu thereof "rear admiral (lower half)".

(b) CONFORMING AMENDMENTS TO TITLE 10.—(1) The following sections of title 10, United States Code, are amended by striking out "commodore" each place it appears and inserting in lieu thereof "rear admiral (lower half)": 101(41), 525(a), 601(c)(2), 611(a), 612(a)(3), 619(a)(2)(B), 619(c)(2)(A)(ii), 625(a), 625(c), 634, 635, 637(b)(2), 638(a)(3), 638(b), 638(c), 645(1)(A)(ii), 5138(a), 5149(b), 5442, 5444, 5457(a), and 6389(f).

(2) Section 5444 of such title is amended by striking out "commodores" in subsections (a) and (f) and inserting in lieu thereof "rear admirals (lower half)".

(3) The tables in sections 5442(a) and 5444(a) of such title are amended by striking out "commodores" and inserting in lieu thereof "rear admirals (lower half)".

(4)(A) The heading of section 625 of such title is amended to read as follows:

"§ 625. Authority to vacate promotions to grades of brigadier general and rear admiral (lower half)".

(B) The item relating to such section in the table of sections at the beginning of subchapter II of chapter 36 of such title is amended to read as follows:

"625. Authority to vacate promotions to grades of brigadier general and rear admiral (lower half).".

(5)(A) The heading of section 635 of such title is amended to read as follows:

"§ 635. Retirement for years of service: regular brigadier generals and rear admirals (lower half)".

(B) The item relating to such section in the table of sections at the beginning of subchapter III of chapter 36 of such title is amended to read as follows:

"635. Retirement for years of service: regular brigadier generals and rear admirals (lower half).".

(6)(A) The heading of section 5442 of such title is amended to read as follows:

"§ 5442. Navy: line officers on active duty: rear admirals (lower half) and rear admirals".

(B) The item relating to such section in the table of sections at the beginning of chapter 533 of such title is amended to read as follows:

"5442. Navy: line officers on active duty; rear admirals (lower half) and rear admirals.".

(7)(A) The heading of section 5444 of such title is amended to read as follows:

"§ 5444. Navy: staff corps officers on active duty; rear admirals (lower half) and rear admirals".

(B) The item relating to such section in the table of sections at the beginning of chapter 533 of such title is amended to read as follows:

"5444. Navy: staff corps officers on active duty; rear admirals (lower half) and rear admirals.".

(8) The table in section 741(a) of such title is amended by striking out "Commodore" and inserting in lieu thereof "Rear admiral (lower half)".

(c) CONFORMING AMENDMENTS TO TITLE 14.—(1) The following sections of title 14, United States Code, are amended by striking out "commodore" each place it appears and inserting in lieu thereof "rear admiral (lower half)": 42(b), 256(a), 259(b), 271(d), 289(a), 290(a), 421(b), 724(b), 729(e), 736(b), 740(a), 742(b), and 743.

(2)(A) The heading of section 290 of such title is amended to read as follows:

"§ 290. Rear admirals and rear admirals (lower half); continuation on active duty; involuntary retirement".

(B) The item relating to such section in the table of sections at the beginning of chapter 11 of such title is amended to read as follows:

"290. Rear admirals and rear admirals (lower half); continuation on active duty; involuntary retirement.".

(3)(A) The heading of section 743 of such title is amended to read as follows:

"§ 743. Rear admiral and rear admiral (lower half); maximum service in grade".

(B) The item relating to such section in the table of sections at the beginning of chapter 21 of such title is amended to read as follows:

"743. Rear admiral and rear admiral (lower half); maximum service in grade.".

(d) CONFORMING AMENDMENTS TO TITLE 37.—(1) The table in section 201(a) of title 37, United States Code, is amended by striking out "Commodore" in the third column and inserting in lieu thereof "Rear admiral (lower half)".

(2)(A) Section 202 of such title is amended by striking out "commodore" and inserting in lieu thereof "rear admiral (lower half)".

(B) The heading of such section is amended to read as follows:

"§ 202. Pay grades: retired Coast Guard rear admirals (lower half)".

(C) The item relating to such section in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

"202. Pay grades: retired Coast Guard rear admirals (lower half).".

(e) TRANSITION PROVISION.—(1) An officer who on the day before the date of the enactment of this Act is serving in or has the grade of commodore shall as of the date of the enactment of this Act be serving in or have the grade of rear admiral (lower half).

(2) An officer who on the day before the date of the enactment of this Act is on a list of officers selected for promotion to the grade of commodore shall as of the date of the enactment of this Act be considered to be on a list of officers selected for promotion to the grade of rear admiral (lower half).

PART C—RESERVE MILITARY PERSONNEL

SEC. 521. EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT PROGRAMS.

(a) GRADE DETERMINATION FOR RESERVE MEDICAL OFFICERS.—Sections 3359(b) and 8359(b) of title 10, United States Code, are amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1987".

(b) PROMOTION OF CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d) and 8380(d) of such title are amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1987".

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 668), is amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1987".

SEC. 522. RETENTION UNTIL AGE 60 OF RESERVE CIVILIAN TECHNICIANS.

(a) ARMY.—(1) Section 3848(c) of title 10, United States Code, relating to reserve component officers of the Army who may be removed from an active status after completing 28 years of service, is amended to read as follows:

"(c) Notwithstanding subsections (a) and (b), the Secretary of the Army may authorize the retention in an active status until age 60 of an officer who would otherwise be removed from an active status under this section who—

"(1) is an officer of the Army National Guard of the United States assigned to a headquarters or headquarters detachment of a State or territory, the Commonwealth of Puerto Rico, the Canal Zone, or the District of Columbia; or

"(2) is employed—

"(A) as a technician under section 709 of title 32 in a position for which membership in the National Guard is required as a condition of employment; or

"(B) as a technician of the Army Reserve in a position for which membership in the Army Reserve is required as a condition of employment.".

(2) Section 3851(c) of such title, relating to reserve component officers of the Army who may be removed from an active status after completing 30 years of service, is amended to read as follows:

"(c) Notwithstanding subsections (a) and (b), the Secretary of the Army may authorize the retention in an active status until age 60 of an officer who would otherwise be removed from an active status under this section who—

"(1) is an officer of the Army National Guard of the United States assigned to a headquarters or headquarters detachment of a State or territory, the Commonwealth of Puerto Rico, the Canal Zone, or the District of Columbia; or

"(2) is employed—

"(A) as a technician under section 709 of title 32 in a position for which membership in the National Guard is required as a condition of employment; or

"(B) as a technician of the Army Reserve in a position for which membership in the Army Reserve is required as a condition of employment.".

(b) AIR FORCE.—(1) Section 8848(c) of title 10, United States Code, relating to reserve component officers of the Air Force who may be removed from an active status after completing 28 years of service, is amended to read as follows:

"(c) Notwithstanding subsections (a) and (b), the Secretary of the Air Force may authorize the retention in an active status until age 60 of an officer who would otherwise be removed from an active status under this section who—

"(1) is employed as a technician under section 709 of title 32 in a position for which membership in the National Guard is required as a condition of employment; or

"(2) is employed as a technician of the Air Force Reserve in a position for which membership in the Air Force Reserve is required as a condition of employment.".

(2) Section 8851(c) of such title, relating to reserve component officers of the Air Force Reserve who may be removed from an active status after completing 30 years of service, is amended to read as follows:

"(c) Notwithstanding subsections (a) and (b), the Secretary of the Air Force may authorize the retention in an active status until age 60 of an officer who would otherwise be removed from an active status under this section who—

"(1) is employed as a technician under section 709 of title 32 in a position for which membership in the National Guard is required as a condition of employment; or

"(2) is employed as a technician of the Air Force Reserve in a position for which membership in the Air Force Reserve is required as a condition of employment.".

SEC. 523. AUTHORITY TO RETAIN IN ACTIVE STATUS UNTIL AGE 62 UP TO 10 ARMY RESERVE MAJOR GENERALS.

Section 3852 of title 10, United States Code, relating to mandatory retirement or discharge of reserve major generals, is amended—

(1) by inserting "(a)" at the beginning of the text of the section; and

(2) by adding at the end thereof the following new subsection:

"(b) Notwithstanding subsection (a), an officer in the reserve grade of major general who would otherwise be removed from an active status under this section may, in the discretion of the Secretary of the Army, be retained in an active status, but not later than the date on which he becomes 62 years of age. Not more than 10 officers may be retained under this subsection at any one time.".

SEC. 524. REQUIREMENT OF MUSTER TEST OF ARMY INDIVIDUAL READY RESERVE.

(a) REQUIREMENT OF MUSTER TEST.—The Secretary of Defense shall conduct a test of the ability of the Army to muster members of the Individual Ready Reserve of the Army in time of war or national emergency. The test—

(1) shall be national in scope; and

(2) shall be conducted through voluntary calls to active duty.

(b) REPORT.—Not later than February 1, 1986, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the muster test. The report shall include the findings of the Secretary concerning—

(1) the availability and fitness for duty of members of the Army Individual Ready Reserve; and

(2) the adequacy of current call-up procedures.

PART D—MISCELLANEOUS

SEC. 531. APPOINTMENTS OF WARRANT OFFICERS.

(a) REGULAR WARRANT OFFICERS.—Section 555(b) of title 10, United States Code, is amended to read as follows:

"(b) Permanent appointments of regular warrant officers, W-1, shall be made by warrant by the Secretary concerned. Permanent appointments of regular chief warrant officers shall be made by commission by the President.".

(b) RESERVE WARRANT OFFICERS.—Section 597(b) of such title is amended to read as follows:

"(b) Appointments made in the permanent reserve grade of warrant officer, W-1, shall be made by warrant by the Secretary concerned. Appointments made in a permanent reserve grade of chief warrant officer shall be made by commission by the Secretary concerned.".

(c) TRANSITION.—(1) The amendments made by subsections (a) and (b) apply to any appointment of a warrant officer or chief warrant officer on or after the effective date of this section.

(2) An officer who on the effective date of this section is serving in a chief warrant officer grade under an appointment by warrant may be appointed in that grade by commission under section 555(b) or 597(b) of title 10, United States Code, as appropriate. The date of rank of an officer who receives an appointment under this paragraph is the date of rank for the officer's appointment by warrant to that grade.

(d) EFFECTIVE DATE.—This section takes effect six months after the date of the enactment of this Act.

SEC. 532. AUTHORITY FOR INDEPENDENT CRIMINAL INVESTIGATIONS BY NAVY AND AIR FORCE INVESTIGATIVE UNITS.

(a) IN GENERAL.—The Secretary of the Navy shall prescribe regulations providing to the Naval Investigative Service authority to initiate and conduct criminal investigations on the authority of the Director of the Naval Investigative Service. The Secretary of the Air Force shall prescribe regulations providing to the Air Force Office of Special Investigations authority to initiate and conduct criminal investigations on the authority of the Commander of the Air Force Office of Special Investigations.

(b) AUTHORITY TO BE SIMILAR TO THAT OF ARMY CID.—The authority granted under subsection (a) shall be as similar as practicable to the authority of the Army Criminal Investigation Command to determine appropriate investigative action for all criminal matters reported to it or developed through its own sources.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

PART A—BASIC PAY AND ALLOWANCES

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1986.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of the compensation of members of the uniformed services to become effective during fiscal year 1986 shall not be made.

(b) THREE PERCENT PAY RAISE.—The rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased

by three percent effective on January 1, 1986.

SEC. 602. ADJUSTMENTS IN VARIABLE HOUSING ALLOWANCE PROGRAM.

(a) VHA FOR CERTAIN MEMBERS PAYING CHILD SUPPORT.—Subsection (a) of section 403a of title 37, United States Code, relating to the variable housing allowance, is amended by adding at the end thereof the following new paragraph:

"(4) In the case of a member with dependents—

"(A) who is assigned to duty inside the United States;

"(B) who is authorized to receive the basic allowance for quarters at the rate established for a member with dependents solely by reason of the payment of child support by the member; and

"(C) who is not assigned to a housing facility under the jurisdiction of a uniformed service,

the member may be paid a variable housing allowance at the rate applicable to a member without dependents serving in the same grade and at the same location.".

(b) LIMITATIONS ON VHA.—Subsection (b) of such section is amended—

(1) by striking out "is not entitled to" in the matter preceding paragraph (1) and inserting in lieu thereof "may not be paid"; and

(2) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) in the case of a member with dependents who is authorized the basic allowance for quarters at the rate established for a member with dependents solely by reason of the payment of child support by the member, if—

"(A) the member is assigned to a housing facility under the jurisdiction of a uniformed service; or

"(B) the member (i) is assigned to duty outside the United States or in Alaska or Hawaii, and (ii) is authorized a station housing allowance under section 405 of this title; or".

(c) CLARIFICATION OF AUTHORITY TO PAY VHA AT WITH-DEPENDENTS RATE.—Subsection (c) of such section is amended by inserting "and with the same dependency status" in paragraph (1) after "in the same pay grade" both places it appears and in paragraph (4) after "in the same pay grade" both places it appears.

(d) SAVINGS PROVISION.—A member described in paragraph (4) of section 403a(a) of title 37, United States Code, as added by subsection (a), who on September 30, 1985, is receiving variable housing allowance at the rate applicable to a member with dependents shall continue to be entitled to variable housing allowance at the appropriate rate applicable to a member with dependents until the member departs his duty station as a result of a permanent change of station.

(e) EFFECTIVE DATE.—(1) The amendments made by subsections (a), (b), and (d) shall take effect on October 1, 1985.

(2) The amendments made by subsection (c) shall apply as if included in the enactment of section 403a of title 37, United States Code, by section 602(d) of the Department of Defense Authorization Act, 1985 (Public Law 98-525).

SEC. 603. PAYMENT OF VARIABLE HOUSING ALLOWANCE IN ALASKA AND HAWAII.

(a) REPEAL OF AUTHORITY FOR PAYMENT OF STATION HOUSING ALLOWANCE IN ALASKA AND HAWAII DURING FISCAL YEAR 1985.—Section 8108 of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of Public Law 98-473 (98 Stat. 1943)), is repealed.

(b) CONFORMING AND TECHNICAL AMENDMENTS TO VHA TRANSITION PROVISION.—(1) Section 602(f)(2) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2537), is amended—

(A) by striking out "December 31, 1984," and inserting in lieu thereof "the date of the enactment of the Department of Defense Authorization Act, 1986,";

(B) by striking out "amendment made by subsection (d)" and inserting in lieu thereof "amendments made by subsection (e)"; and

(C) by striking out "this title (as added by subsection (c))" and inserting in lieu thereof "such title (as added by subsection (d))".

(2) The amendments made by subparagraphs (B) and (C) of paragraph (1) shall take effect as if included in the enactment of section 602(f)(2) of the Department of Defense Authorization Act, 1985 (Public Law 98-525).

SEC. 604. AUTHORITY TO PAY BAQ AND VHA IN ADVANCE.

(a) BASIC ALLOWANCE FOR QUARTERS.—Section 403(a) of title 37, United States Code, is amended by adding at the end thereof the following new sentence: "The allowance authorized by this section may be paid in advance.".

(b) VARIABLE HOUSING ALLOWANCE.—Section 403a(a)(1) of such title is amended by adding at the end thereof the following new sentence: "The allowance authorized by this section may be paid in advance.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1985.

SEC. 605. ELIGIBILITY FOR BASIC ALLOWANCE FOR QUARTERS.

(a) MEMBERS WITHOUT DEPENDENTS ASSIGNED TO FIELD DUTY OR SEA DUTY.—Section 403(c) of title 37, United States Code, is amended—

(1) by striking out "is not entitled to a basic allowance for quarters while he is on field duty" in paragraph (1) and inserting in lieu thereof "who makes a permanent change of station for assignment to a unit conducting field operations is not entitled to a basic allowance for quarters while on that initial field duty";

(2) by striking out "and who is on sea duty" in the second sentence of paragraph (2) and all that follows and inserting in lieu thereof "who is assigned to sea duty under a permanent change of station is not entitled to a basic allowance for quarters if the unit to which the member is ordered is deployed and the permanent station of the unit is different than the permanent station from which the member is reporting."; and

(3) by striking out paragraph (3).

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1985.

SEC. 606. REIMBURSEMENT FOR ACCOMMODATIONS IN PLACE OF QUARTERS.

(a) LIMITATION ON AMOUNT AVAILABLE FOR REIMBURSEMENT FOR FISCAL YEAR 1986.—Section 7572(b)(3) of title 10, United States Code, is amended—

(1) by striking out "and" after "fiscal year 1984,"; and

(2) by inserting ", and $1,395,000 for fiscal year 1986" after "fiscal year 1985".

(b) EXTENSION OF AUTHORITY.—Section 3 of Public Law 96-357 (10 U.S.C. 7572 note) is amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1986".

PART B—TRAVEL AND TRANSPORTATION

SEC. 611. INCREASE IN DISLOCATION ALLOWANCE.

(a) IN GENERAL.—Section 407 of title 37, United States Code, is amended by striking out "one month" and inserting in lieu thereof "two months".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to moves begun after September 30, 1985.

SEC. 612. REVISION OF TRAVEL AND TRANSPORTATION ALLOWANCES.

(a) IN GENERAL.—Subsection (d) of section 404 of title 37, United States Code, is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "(1) The travel and transportation allowances authorized for each kind of travel may not be more than one of the following:

"(A) Transportation in kind, reimbursement therefor, or, under regulations prescribed by the Secretaries concerned, when travel by privately-owned conveyance is authorized or approved as more advantageous to the Government, a monetary allowance in place of the cost of transportation, at the rates provided in section 5704 of title 5, based on distances established over the shortest usually traveled route, under mileage tables prepared under the direction of the Secretary of the Army.

"(B) Transportation in kind, reimbursement therefor, or a monetary allowance as provided in subparagraph (A) of this paragraph, plus a per diem in place of subsistence in an amount not more than $50 determined by the Secretaries concerned to be sufficient to meet normal and necessary expenses in the area to which travel is to be performed.

"(C) A mileage allowance at a rate per mile prescribed by the Secretaries concerned and based on distances established under clause (1) of this subsection."; and

(2) by designating the second sentence as paragraph (2) and by striking out "clause (2)" in such sentence and inserting in lieu thereof "paragraph (1)(B)".

(b) TRANSPORTATION ALLOWANCE FOR DEPENDENTS.—Section 406(a)(1) of such title is amended by striking out "for his dependents" and all that follows through "to be prescribed" and inserting in lieu thereof ", reimbursement therefor, or a monetary allowance in place of the cost of transportation, plus a per diem, for the member's dependents at rates prescribed by the Secretaries concerned".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to travel performed after September 30, 1985.

SEC. 613. DEFINITION OF RESIDENCE OF A STUDENT DEPENDENT.

(a) IN GENERAL.—Section 406 of title 37, United States Code, is amended by adding at the end thereof the following new subsection:

"(l) For the purposes of this section, the residence of a dependent of a member who is a student not living with the member while at school shall be considered to be the permanent duty station of the member or the designated residence of dependents of the member if the member's dependents are not authorized to reside with the member.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to orders to change a permanent station that are effective after September 30, 1985.

SEC. 614. TRANSPORTATION OF MOTOR VEHICLES FOR MEMBERS MAKING PERMANENT CHANGES OF STATION.

Section 2634(a)(4) of title 10, United States Code, is amended by striking out "in the case of" and all that follows through "or (2),".

SEC. 615. DEPENDENT STUDENT TRAVEL FOR MEMBERS STATIONED IN ALASKA OR HAWAII.

(a) IN GENERAL.—Subsection (a) of section 430 of title 37, United States Code, is amended—

(1) by inserting "or in Alaska or Hawaii" after "outside the United States" in clause (1);

(2) by striking out "oversea" in clause (2); and

(3) by inserting "(except as provided in subsection (c) of this section)" after "may".

(b) CONFORMING AMENDMENTS.—Subsection (b) of such section is amended—

(1) by striking out "in the oversea area" in the first sentence; and

(2) by striking out the third sentence.

(c) LIMITATION.—Such section is further amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection (c):

"(c) The allowance authorized by this section may not be paid—

"(1) to a member assigned to duty outside the United States for a child attending a school in the United States for the purpose of obtaining a secondary education if the child is eligible to attend a secondary school for dependents that is located at or near the vicinity of the duty station of the member and that is operated under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.); or

"(2) to a member assigned to a permanent duty station in Alaska for a child attending a school in Alaska or a member assigned to a permanent duty station in Hawaii for a child attending a school in Hawaii.".

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

"§ 430. Travel and transportation: dependent children of members stationed overseas or in Alaska and Hawaii".

(2) The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

"430. Travel and transportation: dependent children of members stationed overseas or in Alaska and Hawaii.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to travel begun on or after the date of the enactment of this Act, but such amendments shall not constitute authority for the enactment of new budget authority for a fiscal year beginning before October 1, 1985.

SEC. 616. EXTENSION OF TEST PROGRAM FOR FLAT RATE PER DIEM SYSTEM.

(a) AUTHORITY FOR TEST PROGRAM.—The Secretary concerned may carry out a program to test a flat rate per diem system for travel allowances for travel performed by members of the Armed Forces while on temporary duty.

(b) AMOUNT OF FLAT RATE.—Per diem allowances paid under such a test program shall be in an amount determined by the Secretary concerned to be sufficient to meet normal and necessary expenses in the area in which travel is performed, but may not exceed $75 for each day a member is in travel status within the continental United States.

(c) REGULATIONS.—The test program under this section shall be carried out under regulations prescribed by the Secretary concerned.

(d) DEFINITION OF SECRETARY CONCERNED.—For the purposes of this section, the term "Secretary concerned" means—

(1) the Secretary of each military department with respect to matters concerning the respective military departments; and

(2) the Secretary of Defense with respect to matters concerning the defense agencies.

(e) DURATION OF PROGRAM.—The test program under this section shall be carried out during the period beginning on October 1, 1985, and ending on September 30, 1986.

SEC. 617. TRAVEL AND TRANSPORTATION ALLOWANCES FOR TRAVEL WITHIN THE ADMINISTRATIVE LIMITS OF A MEMBER'S DUTY STATION.

(a) AUTHORITY TO PAY ALLOWANCES TO CERTAIN MEMBERS DIRECTED TO PERFORM OVERNIGHT DUTY.—Section 408 of title 37, United States Code, relating to travel and transportation allowances for travel within the limits of a member's duty station, is amended—

(1) by inserting "(a)" before "A member"; and

(2) by adding at the end thereof the following new subsection:

"(b) Under regulations prescribed by the Secretaries concerned, a member of a uniformed service who is directed by competent authority to perform duty at a location within the limits of his duty station other than his residence or normal duty location for a period of time that requires the member to obtain overnight accommodations is entitled to the travel and transportation allowances authorized by section 404 of this title.".

(b) PARKING FEES.—Such section is further amended by inserting "plus parking fees" after "fixed rate a mile".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to expenses incurred after September 30, 1985.

SEC. 618. TRAVEL DURING SHIP OVERHAUL.

(a) IN GENERAL.—Section 406b of title 37, United States Code, is amended—

(1) by striking out "Under" and inserting in lieu thereof "(a) Under";

(2) by inserting "(including the member's spouse)" after "dependents" in the first sentence;

(3) by striking out ", ninety-first, and one hundred and fifty-first calendar day" and inserting in lieu thereof "calendar day, and every sixtieth calendar day after the thirty-first calendar day"; and

(4) by adding at the end thereof the following new subsections:

"(b) Transportation in kind, reimbursement for personally procured transportation, or a monetary allowance in place of the cost of transportation as provided in section 404(d)(1) of this title may be provided, in lieu of the member's entitlement to transportation, for the member's dependents (including the member's spouse) from the location that was the home port of the ship before commencement of overhaul or inactivation to the port of overhaul or inactivation. The total reimbursement for transportation for the member's dependents may not exceed the cost of Government-procured commercial round-trip travel.

"(c) A member of the uniformed services on permanent duty aboard a ship which undergoes a change of home port to the overhaul or inactivation port and the member's dependents may be provided the transportation allowances prescribed in subsections (a) and (b) of this section in lieu of the transportation entitlements of section 406 of this title and section 2634 of title 10.".

(b) EFFECTIVE DATE.—The travel allowances authorized by the amendments made by this section are payable only for travel that commences after September 30, 1985, but may be paid for members assigned to ships being overhauled or inactivated away from home port on the date of enactment of this Act.

(c) CLERICAL AMENDMENTS.—(1) The section heading for such section is amended by striking out the last four words.

(2) The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended by striking out the last four words.

SEC. 619. TRAVEL ALLOWANCE FOR TRAVEL PERFORMED IN CONNECTION WITH CERTAIN LEAVE.

(a) IN GENERAL.—Section 411b(a)(1) of title 37, United States Code, is amended—

(1) by striking out "if he is a member without dependents,";

(2) by striking out ", if either" and all that follows and inserting in lieu thereof a period; and

(3) by adding at the end thereof the following new sentence: "Such allowances may be paid for the member and for the dependents of the member who are authorized to, and do, accompany him at his duty stations.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to orders to change a permanent station that are effective after September 30, 1985.

PART C—BONUSES AND SPECIAL AND INCENTIVE PAYS

Subpart 1—Active Forces

SEC. 631. LUMP-SUM PAYMENTS OF SELECTIVE REENLISTMENT BONUSES.

(a) SPECIFICATION OF MINIMUM TO BE PAID IN ADVANCE.—Paragraph (1) of section 308(b) of title 37, United States Code, is amended to read as follows:

"(b)(1) Not less than 75 percent of the amount of a bonus under this section shall be paid in a lump sum at the beginning of the period for which the bonus is paid, with any remaining amount paid in equal annual installments.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to bonuses paid for reenlistments or extensions of enlistment effective after September 30, 1985.

SEC. 632. SPECIAL PAY FOR NUCLEAR OFFICERS.

(a) CONTINUATION PAY.—(1) Subsection (a) of section 312 of title 37, United States Code, is amended—

(A) by inserting "and" at the end of clause (2);

(B) by striking out clause (3);

(C) by redesignating clause (4) as clause (3) and striking out "for one period of four years" in such clause and inserting in lieu thereof "for a period of three, four, or five years, so long as the new period of obligated active service does not extend beyond the end of 26 years of commissioned service,"; and

(D) in the matter following such clause—

(i) by striking out "$7,000" and inserting in lieu thereof "$12,000";

(ii) by striking out "semiannually" and "six-month period" in the second sentence and inserting in lieu thereof "annually" and "12-month period", respectively; and

(iii) by striking out "shall become fixed" and all that follows through the end of subsection (a) and inserting in lieu thereof "shall be paid in equal annual installments over the length of the contract, commencing at the expiration of any existing period of obligated active service. The Secretary (or his designee) may accept an active service agreement under this section not more than one year in advance of the end of an officer's existing period of obligated active service under such an agreement. In such a case, the amount of the special pay may be paid commencing with the date of acceptance of the agreement, with the number of installments being equal to the number of years covered by the contract plus one.".

(2) Subsection (b) of such section is repealed.

(3) Subsection (c) of such section is redesignated as subsection (b) and is amended by striking out "of four years".

(4) Subsection (d) of such section is redesignated as subsection (c) and is amended—

(A) by striking out "four years' " in the second sentence; and

(B) by striking out "at the end of the four year period" in that sentence.

(5) Such section is further amended by inserting after subsection (c) (as so redesignated) the following new subsection (d):

"(d)(1) An officer who is performing obligated service under an agreement under subsection (a) of this section may, if the amount that may be paid under such subsection is higher than at the time the officer executed such agreement, execute a new agreement under that subsection. The period of such an agreement shall be a period equal to or exceeding the original period of the officer's existing agreement, so long as the period of obligated active service under the new agreement does not extend beyond the end of 26 years of commissioned service. If a new agreement is executed under this subsection, the existing active-service agreement shall be cancelled, effective on the day before an anniversary date of that agreement after the date on which the amount that may be paid under this section is increased.

"(2) This subsection shall be carried out under regulations prescribed by the Secretary of the Navy.".

(6) Subsection (e) of such section is amended by striking out "September 30, 1987" and inserting in lieu thereof "September 30, 1990".

(b) NUCLEAR-CAREER ACCESSSION BONUS.—(1) Subsection (a)(1) of section 312b of such title is amended—

(A) by striking out "of $3,000" and inserting in lieu thereof "not to exceed $8,000"; and

(B) by adding at the end thereof the following new sentence: "Upon acceptance of the agreement by the Secretary, the amounts payable upon selection for training and upon completion of training, respectively, as determined under subsection (b) of this section, shall become fixed.".

(2) Subsection (b) of such section is amended to read as follows:

"(b) The Secretary of the Navy shall determine annually the total amount of the bonus to be paid under this section and of that amount the portions that are to be paid—

"(1) upon selection for officer naval nuclear power training; and

"(2) upon successful completion, as a commissioned officer, of training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.".

(3) Subsection (d) of such section is amended by striking out "September 30, 1987" and inserting in lieu thereof "September 30, 1990".

(c) ANNUAL INCENTIVE BONUS.—(1) Subsection (a) of section 312c of such title is amended as follows:

(A) The first sentence is designated as paragraph (1) and amended—

(i) by redesignating clauses (1) through (5) as clauses (A) through (E), respectively;

(ii) by striking out ", but has completed less than twenty-six years of commissioned service" in clause (C) (as so designated); and

(iii) by striking out "$6,000" and "October 1, 1987" and inserting in lieu thereof "$10,000" and "October 1, 1990", respectively.

(B) The second sentence is designated as paragraph (2) and is amended by inserting "technically" before "qualified".

(C) The third sentence is designated as paragraph (3) and is amended by striking out "nuclear service year" the second place it appears and all that follows in that sentence and inserting in lieu thereof "nuclear service year on which he—

"(A) was not on active duty;

"(B) was not technically qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants;

"(C) was performing obligated service as the result of an active-service agreement executed under section 312 of this title; or

"(D) was entitled to receive aviation career incentive pay in accordance with section 301a while serving in a billet other than a billet that required the officer—

"(i) be technically qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants; and

"(ii) be qualified for the performance of operational flying duties.".

(D) The fourth sentence is repealed.

(2) Subsection (b) of such section is amended as follows:

(A) The first sentence is designated as paragraph (1) and amended—

(i) by redesignating clauses (1) through (4) as clauses (A) through (D), respectively; and

(ii) by striking out "$3,500" and "October 1, 1987" and inserting in lieu thereof "$4,500" and "October 1, 1990", respectively.

(B) The second sentence is designated as paragraph (2) and is amended by inserting "technically" before "qualified".

(C) The third sentence is designated as paragraph (3) and is amended by striking out "nuclear service year" and all that follows in that sentence and inserting in lieu thereof "nuclear service year on which he—

"(A) was not in an assignment involving the direct supervision, operation, or maintenance of naval nuclear propulsion plants;

"(B) was performing obligated service as the result of an active-service agreement executed under section 312 of this title; or

"(C) was entitled to receive aviation career incentive pay in accordance with section 301a while serving in a billet other than a billet—

"(i) involving the direct supervision, operation, or maintenance of naval nuclear propulsion plants; and

"(ii) that required the officer be qualified for the performance of operational flying duties.".

(3) Subsection (e) of such section is amended by striking out "October 1, 1987" and inserting in lieu thereof "October 1, 1990".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1985.

SEC. 633. INCENTIVE PAY FOR SUBMARINE DUTY.

(a) INCREASE IN RATES OF INCENTIVE PAY FOR OFFICERS.—The table pertaining to commissioned officers in section 301c(b) of title 37, United States Code, is amended to read as follows:

"COMMISSIONED OFFICERS

Pay grade	Years of service computed under section 205						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
0–10	$265	$265	$265	$265	$265	$265	$265
0–9	265	265	265	265	265	265	265
0–8	265	265	265	265	265	265	265
0–7	265	265	265	265	265	265	265
0–6	440	440	440	440	440	440	440
0–5	440	440	440	440	440	440	440
0–4	270	270	270	300	440	440	440
0–3	265	265	265	290	440	440	440
0–2	175	175	175	175	175	175	265
0–1	130	130	130	130	130	130	265

"COMMISSIONED OFFICERS

Pay grade	Years of service computed under section 205						
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
0–10	$265	$265	$265	$265	$265	$265	$265
0–9	265	265	265	265	265	265	265
0–8	265	265	265	265	265	265	265
0–7	265	265	400	395	395	305	265
0–6	440	440	440	440	440	440	440
0–5	440	440	440	440	440	440	440
0–4	440	440	440	440	440	440	440
0–3	440	440	440	440	440	440	440
0–2	265	265	265	265	265	265	265
0–1	265	265	265	265	265	265	265".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 1985.

SEC. 634. REVISION OF SPECIAL PAY FOR DENTAL OFFICERS.

(a) IN GENERAL.—Section 302b of title 37, United States Code, is amended to read as follows:

"§ 302b. Special pay: dental officers of the armed forces

"(a)(1) An officer who—

"(A) is an officer of the Dental Corps of the Army or the Navy or an officer of the Air Force designated as a dental officer; and

"(B) is on active duty under a call or order to active duty for a period of not less than one year,

is entitled to special pay in accordance with this subsection.

"(2) An officer described in paragraph (1) of this subsection who is serving in a pay grade below pay grade O-7 is entitled to variable special pay at the following rates:

"(A) $1,200 per year, if the officer is undergoing dental internship training.

"(B) $2,000 per year, if the officer has less than six years of creditable service and is not undergoing dental internship training.

"(C) $5,000 per year, if the officer has at least six but less than 10 years of creditable service.

"(D) $7,000 per year, if the officer has at least 10 but less than 14 years of creditable service.

"(E) $6,000 per year, if the officer has at least 14 but less than 18 years of creditable service.

"(F) $4,000 per year, if the officer has 18 or more years of creditable service.

"(3) An officer described in paragraph (1) of this subsection who is serving in a pay

grade above pay grade O-6 is entitled to variable special pay at the rate of $1,000 per year.

"(4) Subject to subsection (b) of this section, an officer entitled to variable special pay under paragraph (2) or (3) of this subsection is entitled to additional special pay for any 12-month period during which the officer is not undergoing dental internship or residency training. Such additional special pay shall be paid at the following rates:

"(A) $6,000 per year, if the officer has at least three but less than 12 years of creditable service.

"(B) $8,000 per year, if the officer has at least 12 but less than 18 years of creditable service.

"(C) $10,000 per year, if the officer has 18 or more years of creditable service.

"(5) An officer who is entitled to variable special pay under paragraph (2) or (3) of this subsection and who is board certified is entitled to additional special pay at the following rates:

"(A) $2,000 per year, if the officer has less than 12 years of creditable service.

"(B) $3,000 per year, if the officer has at least 12 but less than 14 years of creditable service.

"(C) $4,000 per year, if the officer has 14 or more years of creditable service.

"(b)(1) An officer may not be paid additional special pay under subsection (a)(4) of this section for any 12-month period unless the officer first executes a written agreement under which the officer agrees to remain on active duty for a period of not less than one year beginning on the date the officer accepts the award of such special pay.

"(2) Under regulations prescribed by the Secretary of Defense under section 303a(a) of this title, the Secretary of the military department concerned may terminate at any time an officer's entitlement to the special pay authorized by subsection (a)(4) of this section. If such entitlement is terminated, the officer concerned is entitled to be paid such special pay only for the part of the period on active duty that the officer served, and the officer may be required to refund any amount in excess of that entitlement.

"(c) Regulations prescribed by the Secretary of Defense under section 303a(a) of this title shall include standards for determining—

"(1) whether an officer is undergoing internship or residency training for purposes of subsections (a)(2)(A), (a)(2)(B), and (a)(4) of this section; and

"(2) whether an officer is board certified for purposes of subsection (a)(5) of this section.

"(d) Special pay payable to an officer under paragraphs (2), (3), and (5) of subsection (a) of this section shall be paid monthly. Special pay payable to an officer under subsection (a)(4) of this section shall be paid annually at the beginning of the 12-month period for which the officer is entitled to such payment.

"(e) An officer who voluntarily terminates service on active duty before the end of the period for which a payment was made to such officer under subsection (a)(4) of this section shall refund to the United States an amount which bears the same ratio to the amount paid to such officer as the unserved part of such period bears to the total period for which the payment was made.

"(f) A discharge in bankruptcy under title 11 shall not release a person from an obligation to reimburse the United States required under the terms of an agreement described in subsection (b) of this section if the final decree of the discharge in bankruptcy was issued within a period of five years after the last day of a period which such person had agreed to serve on active duty. This subsection applies to a discharge in bankruptcy in any proceeding which begins after September 30, 1985.

"(g) For purposes of this section, creditable service of an officer is computed by adding—

"(1) all periods which the officer spent in dental internship or residency training during which the officer was not on active duty; and

"(2) all periods of active service in the Dental Corps of the Army or Navy, as an officer of the Air Force designated as a dental officer, or as a dental officer of the Public Health Service.".

(b) REPEAL OF CONTINUATION PAY FOR DENTISTS.—Section 311 of such title is repealed.

(c) AUTHORITY FOR CERTAIN DENTAL OFFICERS TO EXECUTE NEW AGREEMENTS.—(1) Subject to paragraphs (2) and (3), a dental officer who on October 1, 1985, is performing obligated service under an agreement under section 311 of title 37, United States Code, that—

(1) was executed after June 29, 1985; and

(2) is affected by the limitation in section 8091 of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of Public Law 98-473), may execute a new agreement under section 302b of such title (as amended by subsection (a)).

(2) A dental officer may not execute a new agreement under paragraph (1) unless the amount that may be paid such officer under an agreement under section 302b of title 37, United States Code (as amended by subsection (a)), is greater than the amount to be paid the officer under the existing agreement of the officer under section 311 of such title.

(3) The period of such a new agreement shall be a period equal to or exceeding the original period of the officer's existing agreement.

(4) If a new agreement is executed under this subsection, the existing agreement of the officer shall be canceled.

(5) For the purposes of this section, the term "dental officer" has the meaning given that term in section 101 of title 10, United States Code.

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 5 of such title is amended—

(1) by striking out the item relating to section 302b and inserting in lieu thereof the following:

"302b. Special pay: dental officers of the armed forces."; and

(2) by striking out the item relating to section 311.

(e) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 1985.

SEC. 635. SPECIAL PAY FOR MEDICAL OFFICERS.

Section 302 of title 37, United States Code, is amended—

(1) by striking out "is not" in subsection (h)(1)(B) and inserting in lieu thereof "who is"; and

(2) by adding at the end thereof the following new subsection:

"(i) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or under paragraph (1) of this subsection. This paragraph applies to any case commenced under title 11 after September 30, 1985.".

SEC. 636. SPECIAL PAY FOR QUALIFIED ENLISTED MEMBERS EXTENDING DUTY AT DESIGNATED LOCATIONS OVERSEAS.

(a) INCREASE IN RATE OF MONTHLY SPECIAL PAY.—Section 314(a) of title 37, United States Code, is amended by striking out "$50" and inserting in lieu thereof "$80".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1985.

Subpart 2—Reserve Forces

SEC. 641. SELECTED RESERVE ENLISTMENT AND REENLISTMENT BONUSES.

(a) ENLISTMENT BONUS.—Section 308c of title 37, United States Code, is amended—

(1) by striking out "$2,000" in subsection (b) and inserting in lieu thereof "$5,000"; and

(2) by striking out "September 30, 1985" in subsection (f) and inserting in lieu thereof "September 30, 1990".

(b) REENLISTMENT BONUS.—Section 308b of such title is amended—

(1) in subsection (b)—

(A) by striking "$450" and "$900" in paragraph (1) and inserting in lieu thereof "$1,250" and "$2,500", respectively; and

(B) by striking "$150" in paragraph (2) and inserting in lieu thereof "$416.66";

(2) by striking out "$25" in subsection (d)(2) and inserting in lieu thereof "$69.44"; and

(3) by striking out "September 30, 1985" in subsection (g) and inserting in lieu thereof "September 30, 1990".

(c) ENLISTMENT BONUS FOR PRIOR SERVICE PERSONNEL.—Chapter 5 of such title is amended by inserting after section 308h the following new section:

"§ 308i. Special pay: prior service enlistment bonus

"(a)(1) A person who is a former enlisted member of an armed force who enlists in the Selected Reserve of the Ready Reserve of an armed force for a period of three or six years in a military skill or unit designated for such a bonus by the Secretary concerned and who meets the requirements of paragraph (2) may be paid a bonus as prescribed in subsection (b).

"(2) A bonus may only be paid under this section to a person who—

"(A) has completed his military service obligation but has less than 10 years of total military service;

"(B) has received an honorable discharge at the conclusion of military service;

"(C) is not being released from active service for the purpose of enlistment in a reserve component; and

"(D) has not previously been paid a bonus for enlistment, reenlistment, or extension of enlistment in a reserve component.

"(b) The bonus to be paid under subsection (a) shall be—

"(1) an initial payment of—

"(A) an amount not to exceed $1,250, in the case of a member who enlists for a period of three years; or

"(B) an amount not to exceed $2,500 in the case of a member who enlists for a period of six years; and

"(2) a subsequent payment of an amount not to exceed $416.66 upon the completion of each year of the period of such reenlistment or extension of enlistment during which such member has satisfactorily participated in unit training.

"(c) A member may not be paid more than one bonus under this section.

"(d) A person who receives a bonus payment under this section and who fails during the period for which the bonus was paid to serve satisfactorily in the element of the Selected Reserve of the Ready Reserve with respect to which the bonus was paid shall refund to the United States an amount that bears the same relation to the amount of the bonus paid to such person as the period that such person failed to serve satisfactorily bears to the total period for which the bonus was paid.

"(e) An obligation to reimburse the United States imposed under subsection (d) of this section is, for all purposes, a debt owed to the United States.

"(f) Under regulations prescribed pursuant to subsection (h) of this section, the Secretary concerned may remit or cancel the whole or any part of an obligation to reimburse the United States imposed under subsection (d) of this section.

"(g) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an enlistment for which a bonus was paid under this section shall not discharge the person receiving such bonus payment from the debt arising under subsection (d) of this section. This subsection applies to any case commenced under title 11 after September 30, 1985.

"(h) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

"(i) No bonus may be paid under this section to any person for an enlistment after September 30, 1990.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 308h the following new item:

"308i. Special pay: prior service enlistment bonus.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1985.

SEC. 642. SELECTED RESERVE AFFILIATION BONUS.

(a) INCREASE AND EXTENSION.—Section 308e of title 37, United States Code, is amended—

(1) by striking out "$25" in subsection (c)(1) and inserting in lieu thereof "up to $75 as determined by the Secretary concerned"; and

(2) by striking out "September 30, 1985" in subsection (e) and inserting in lieu thereof "September 30, 1990".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1985.

SEC. 643. SELECTED RESERVE UNIT AFFILIATION INCENTIVE PAY.

(a)(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 305a the following new section:

"§ 305b. Special pay: incentive pay for members of the Selected Reserve assigned to certain high-priority units

"(a) Under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, an enlisted member of a reserve component who participates in scheduled training periods of a unit designated by the Secretary concerned may receive incentive pay.

"(b) Eligibility for and the amount and method of payment of an incentive pay under this section shall be determined pursuant to regulations prescribed under subsection (a) of this section, except that the amount of such incentive pay may not exceed $10 per drill and shall be paid only after the member has participated satisfactorily in a scheduled training period of the designated unit.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 305a the following new item:

"305b. Special pay: incentive pay for members of the Selected Reserve assigned to certain high-priority units.".

(b) EFFECTIVE DATE.—Section 305b of title 37, United States Code, as added by subsection (a), shall take effect on October 1, 1985.

SEC. 644. REENLISTMENT BONUS FOR ENLISTED MEMBERS ON ACTIVE DUTY FOR TRAINING AND ADMINISTRATION OF RESERVES.

(a) ELIGIBILITY FOR ACTIVE-DUTY REENLISTMENT BONUS.—Section 308(a)(1)(D) of title 37, United States Code, is amended by striking out "in a regular component" and all that follows and inserting in lieu thereof "for a period of at least three years—

"(i) in a regular component of the service concerned; or

"(ii) in a reserve component of the service concerned to serve on active duty in connection with organizing, administering, recruiting, instructing, or training Reserves;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to reenlistments and extensions of enlistments effective after September 30, 1985.

SEC. 645. INDIVIDUAL READY RESERVE BONUSES.

(a) FIVE-YEAR EXTENSION OF REENLISTMENT AND ENLISTMENT BONUSES.—(1) Sections 308g(h) and 308h(g) of such title are amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1990".

(b) ENHANCED IRR BONUS FOR PERSONS WITH CRITICAL SKILLS.—(1) Subsection (a)(1) of section 308h of title 37, United States Code, is amended by striking out "for a period of not less than three years" and inserting in lieu thereof "for a period of three years, or for a period of six years,".

(2) Subsection (b) of such section is amended—

(1) by inserting "(1)" after "(b)";

(2) by striking out ", except that" and all that follows and inserting in lieu thereof a period; and

(3) by adding at the end thereof the following new paragraphs:

"(2) The amount of a bonus under this section—

"(A) may not exceed $1,500, in the case of a person who enlists for a period of six years; and

"(B) may not exceed $750 in the case of a person who enlists for a period of three years.

"(3) A bonus paid under this section shall be paid as follows:

"(A) In the case of a bonus under paragraph (2)(A) of this subsection—

"(i) $500 shall be paid at the time of the reenlistment, enlistment, or extension of enlistment for which the bonus is paid; and

"(ii) the remainder shall be paid in equal annual increments.

"(B) In the case of a bonus under paragraph (2)(B) of this subsection, the amount of the bonus shall be paid in equal annual increments.".

(c) AUTHORITY TO REQUIRE MUSTER OR DRILL FOR ENHANCED BONUS.—Subsection (f) of such section is amended—

(1) by inserting "(1)" after "(f)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Regulations under this section may require that as a condition of receiving a bonus under this section the person receiving the bonus agree to participate in an annual muster of the Reserves, or in active duty for training, as may be required by the Secretary concerned.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1985.

SEC. 646. SELECTED RESERVE HAZARDOUS DUTY INCENTIVE PAY.

(a) MODIFICATION OF COMPUTATION OF HAZARDOUS DUTY PAY FOR RESERVES.—Section 301(f) of title 37, United States Code, relating to incentive pay for hazardous duty, is amended—

(1) by inserting "(1)" after "(f)";

(2) by inserting "for the entire month" before the period at the end; and

(3) by adding at the end thereof the following new paragraph:

"(2)(A) If in any calendar month a member performs duty as described in paragraph (1) of this subsection and while entitled to basic pay also performs hazardous duty as described in the same clause of subsection (a) as constitutes the predicate for his entitlement under paragraph (1) of this subsection, the earned units of measuring entitlement for incentive pay under this section shall be combined. If the sum of units determined under the preceding sentence equals or exceeds the minimum standard prescribed by the President for entitlement to pay specified under subsections (b) and (c) of this section for a member of corresponding grade who is entitled to basic pay for the entire relevant month, the member shall be entitled to an increase in compensation equal to 1/30 of the monthly incentive pay authorized by subsection (b) or (c) of this section for the performance of that hazardous duty by a member of corresponding grade who is entitled to basic pay for the entire month.

"(B) A member who qualifies for entitlement under this paragraph is entitled to the increase for each day in the relevant month in which he is entitled to basic pay pursuant to section 204 of this title or to compensation under section 206 of this title.

"(C) In this paragraph, 'units' means the significant increments of performance prescribed as qualifying standards in regulations promulgated by the President pursuant to this section.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to payments of incentive pay for hazardous duty performed after September 30, 1985.

SEC. 647. AUTHORIZATION TO REPAY EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.

(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense and subject to the other provisions of this section, the Secretary concerned may repay a portion of a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965, a loan made under part E of such title after October 1, 1975, and a health education assistance loan made or insured under the provisions of part C of title VII of the Public Health Service Act.

(b) ELIGIBLE INDIVIDUALS—The Secretary concerned may repay loans described in subsection (a) only in the case of a person who—

(1) performs satisfactory service as an officer in the selected reserve of an armed force after September 30, 1985; and

(2) possesses professional qualifications in a health profession that the Secretary of Defense has determined to be needed critically in order to meet identified wartime combat medical skill shortages.

(c) AMOUNT OF REPAYMENTS.—(1) The amount of any repayment of a loan made under this section on behalf of any person shall be determined on the basis of each complete year of service that is described in subsection (b)(1) and performed by the person after the date on which the loan was made.

(2) Subject to paragraph (3), the portion of a loan that may be repaid under this section on behalf of any person may not exceed $3,000 for each year of service described in paragraph (1).

(3) The total amount that may be repaid on behalf of any person under this section may not exceed $20,000.

(d) EFFECTIVE DATE.—The authority provided in this section shall apply only in the case of a person first appointed as a commissioned officer of an armed force after September 30, 1985, and before October 1, 1990.

SEC. 648. SELECTED RESERVE HEALTH PROFESSIONS SCHOLARSHIPS.

(a) INCLUSION OF SELECTED RESERVE IN SCHOLARSHIP PROGRAM.—Section 2121(a) of title 10, United States Code, is amended by inserting "and in the Selected Reserve of the Ready Reserve" after "on active duty".

(b) MILITARY SERVICE OBLIGATION.—(1) Subsection (a) of section 2123 of such title is amended to read as follows:

"(a)(1) A member of the program incurs an obligation for military service. Such service may be service on active duty or as a member of the Selected Reserve of the Ready Reserve.

"(2) The amount of service for which the member is obligated shall be determined under regulations prescribed by the Secretary of Defense. Such regulations may not provide for a period of obligation of less than one year of service on active duty, or two years of service in the Selected Reserve of the Ready Reserve, for each year of participation in the program.".

(2) Subsection (c) of such section is amended by striking out "in an appropriate" and all that follows and inserting in lieu thereof ", or service in the Selected Reserve of the Ready Reserve, in accordance with the military service obligation imposed by this section.".

(3) Subsection (e) of such section is amended—

(A) by striking out "his active duty obligation" and inserting in lieu thereof "a military service obligation"; and

(B) by striking out "the period of obligation from which he was relieved" and inserting in lieu thereof "the period of active duty obligation, or to one-half of the period of Selected Reserve obligation, from which the member was relieved".

(c) NUMBER OF MEMBERS WHO MAY BE APPOINTED.—Section 2124 of such title is amended by striking out "5,000" and inserting in lieu thereof "7,500".

(d) CLERICAL AMENDMENTS.—(1) The heading of section 2123 of such title is amended to read as follows:

"§ 2123. Members of the program: military service obligation; failure to complete training; release from program".

(2) The item relating to such section in the table of sections at the beginning of chapter 105 of such title is amended to read as follows:

"2123. Members of the program: military service obligation; failure to complete training; release from program.".

PART D—HEALTH CARE MATTERS

SEC. 651. CHAMPUS DENTAL CARE FOR ACTIVE-DUTY DEPENDENTS.

(a) DENTAL BENEFITS FOR DEPENDENTS OF ACTIVE-DUTY MEMBERS.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1076 the following new section:

"§ 1076a. Dependents' dental program

"(a)(1) The Secretary of Defense may establish dental benefit plans for spouses and children (as described in section 1072(2)(D) of this title) of members of the uniformed services who are on active duty for a period of more than 30 days. Any plan under this section shall provide for voluntary enrollment of participants and shall include provisions for premium-sharing between the Department of Defense and members enrolling in the program.

"(2) A plan under this section shall be administered under regulations prescribed by the Secretary of Defense in consultation with the other administering Secretaries.

"(b)(1) Members enrolling in a dental benefit plan established under subsection (a) shall be required to pay a share of the member's premium.

"(2) The Secretary of Defense shall establish the amount of the premium to be paid by a member enrolled in a plan under this section.

"(c) A member's share of the premium for a plan established under subsection (a) shall be paid by deductions from the basic pay of the member.

"(d) The dental benefits provided under such a plan may not include a benefit other than—

"(1) diagnostic, oral examination, and preventive services and palliative emergency care; and

"(2) basic restorative services of amalgam and composite restorations and stainless steel crowns for primary teeth, and dental appliance repairs.

"(e) Any such plan shall provide that a member whose spouse or child receives care under a plan established under this section—

"(1) may not be required to pay for any charge for care described in subsection (d)(1); and

"(2) shall be required to pay 20 percent of the charges for care described in subsection (d)(2).

"(f) If a member who is enrolled in a plan established under this section is transferred to a duty station where dental care is provided to the member's spouse or children under a program other than a plan established under this section, the member may discontinue participation under the plan established under this section. If the member is later transferred to a station where dental care is not provided to such member's spouse or children except under a plan established under this section, the member may re-enroll in such a plan.

"(g) The authority of the Secretary of Defense to enter into a contract under this section for any fiscal year is subject to the availability of appropriations for that purpose.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076 the following new item:

"1076a. Dependents' dental program.".

(b) CONFORMING AMENDMENT.—Section 1077 of such title is amended by adding at the end thereof the following new subsection:

"(c) A dependent participating under a dental plan established under section 1076a of this title may not be provided dental care under section 1076(a) of this title except for emergency dental care and care that is not covered by such plan.".

SEC. 652. ELIMINATION OF CHAMPUS DEDUCTIBLE AND CO-PAYMENT FOR ACTIVE-DUTY DEPENDENTS IN REMOTE LOCATIONS.

(a) IN GENERAL.—Subsection (b) of section 1079 of title 10, United States Code, is amended—

(1) by striking out "of the following amounts" in the matter preceding clause (1) and inserting in lieu thereof "as follows";

(2) by inserting "The patient shall pay" in clause (1) before "$25";

(3) by striking out "Except as provided in clause (3)," in clause (2) and inserting in lieu thereof "In the case of a patient who resides in the catchment area of a medical facility of the uniformed services, the patient (subject to clause (3)) shall pay";

(4) by inserting "The patient shall pay" in clause (4) before "$25"; and

(5) by adding at the end thereof the following new clause:

"(5) In the case of a patient who does not reside in the catchment area of a medical facility of the uniformed services, the patient shall not be required to pay any deductible or copayment for care authorized by subsection (a) and received while in an outpatient status.".

(b) REGULATIONS TO DEFINE CATCHMENT AREA.—Subsection (c) of such section is amended by adding at the end thereof the following new sentence: "Such regulations shall define what constitutes a catchment area for purposes of subsections (b)(2) and (b)(5). The administering Secretary shall designate the catchment area for each medical facility under the jurisdiction of the Secretary.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to medical and dental care provided after September 30, 1985.

SEC. 653. CATASTROPHIC LOSS PROTECTION UNDER CHAMPUS.

(a) ACTIVE-DUTY DEPENDENTS.—Section 1079(b) of title 10, United States Code, as amended by section 652, is amended by adding at the end thereof the following new clause:

"(6) An individual or family group may not be required by reason of this subsection to pay a total of more than $1,000 for health care in any fiscal year under a plan under subsection (a).".

(b) MILITARY RETIREES AND DEPENDENTS.—Section 1086(b) of such title is amended—

(1) by inserting "the patient shall pay" in clause (1) after "clause (2),";

(2) by inserting "The patient shall pay" in clause (3) after "(3)"; and

(3) by adding at the end thereof the following new clause:

"(4) An individual or family group covered by this section may not be required by reason of this subsection to pay a total of more than $3,000 for health care in any fiscal year under a plan under section 1079(a) of this title.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1985.

SEC. 654. ENHANCED HEALTH-CARE BENEFITS FOR SURVIVORS OF CERTAIN RESERVISTS.

(a) MEDICAL AND DENTAL CARE IN FACILITIES OF THE UNIFORMED SERVICES.—Section 1076(a) of title 10, United States Code, is amended to read as follows:

"(a)(1) A dependent described in paragraph (2) is entitled, upon request, to the medical and dental care prescribed by section 1077 of this title in facilities of the uniformed services, subject to the availability of space and facilities and the capabilities of the medical and dental staff.

"(2) A dependent referred to in paragraph (1) is a dependent of a member of a uniformed service—

"(A) who is on active duty for a period of more than 30 days or who died while on that duty; or

"(B) who died from an injury or illness incurred or aggravated—

"(i) while on active duty under a call or order to active duty of 30 days or less, on active duty for training, or on inactive duty training; or

"(ii) while traveling to or from the place at which the member is to perform, or has performed, such active duty, active duty for training, or inactive duty training.".

(b) CHAMPUS CARE.—Section 1086(c)(2) of such title is amended to read as follows:

"(2) A dependent (other than a dependent covered by section 1072(2)(E) of this title) of a member of a uniformed service—

"(A) who died while on active duty for a period of more than 30 days; or

"(B) who died from an injury or illness incurred or aggravated—

"(i) while on active duty under a call or order to active duty of 30 days or less, on active duty for training, or on inactive duty training; or

"(ii) while traveling to or from the place at which the member is to perform, or has performed, such active duty, active duty for training, or inactive duty training.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply only with respect to dependents of members of the uniformed services whose deaths occur after September 30, 1985.

PART E—MILITARY RETIREMENT

SEC. 661. LIMITATION ON AMOUNTS AVAILABLE FOR OBLIGATION FOR BASIC PAY AND FOR RETIRED PAY ACCRUAL CHARGE.

From amounts appropriated or otherwise available to the Department of Defense for military personnel accounts for fiscal year 1986, the total amount obligated from each such account for military basic pay and payments into the Department of Defense Military Retirement Fund pursuant to section 1466(a) of title 10, United States Code, may not exceed the following:

(1) For the Department of the Army—

(A) for payments from the appropriation account "Military Personnel, Army", $15,436,000,000;

(B) for payments from the appropriation account "Reserve Personnel, Army", $1,647,000,000; and

(C) for payments from the appropriation account "National Guard Personnel, Army", $2,455,000,000.

(2) For the Department of the Navy—

(A) for payments from the appropriation account "Military Personnel, Navy", $11,360,000,000;

(B) for payments from the appropriation account "Military Personnel, Marine Corps", $3,545,000,000;

(C) for payments from the appropriation account "Reserve Personnel, Navy", $918,000,000; and

(D) for payments from the appropriation account "Reserve Personnel, Marine Corps", $195,000,000.

(3) For the Department of the Air Force—

(A) for payments from the appropriation account "Military Personnel, Air Force", $13,158,000,000;

(B) for payments from the appropriation account "Reserve Personnel, Air Force", $425,000,000; and

(C) for payments from the appropriation account "National Guard Personnel, Air Force", $730,000,000.

SEC. 662. LEGISLATIVE PROPOSAL TO AMEND MILITARY RETIREMENT SYSTEM FOR NEW ENTRANTS.

(a) REQUIREMENT FOR SUBMISSION OF LEGISLATIVE PROPOSAL MAKING CHANGES IN MILITARY RETIREMENT SYSTEM.—(1) The Secretary of Defense shall submit to Congress a report (including draft legislation) proposing changes in the military nondisability retirement system.

(2) The changes to be proposed in the report shall include changes which, if enacted, would result in reductions in the amount required to be paid by the Secretary of Defense into the Department of Defense Military Retirement Fund pursuant to section 1466(a) of title 10, United States Code, during fiscal year 1986 in a total amount that would enable the Department of Defense to remain within the limits on obligations for basic pay and payments into such Fund prescribed by section 661 solely through such reductions.

(3) Structural changes in the military retirement system to be proposed by the Secretary of Defense in the report under this section—

(A) should apply only to individuals who initially become members of the Armed Forces after the effective date of such changes; and

(B) should, to the maximum extent possible and consistent with military requirements, encourage members who are eligible for retirement to remain on active duty beyond 20 years of service.

(4) At the same time the Secretary of Defense submits the report required by paragraph (1), the Secretary shall submit a separate report containing a plan that could be used to implement over a period of four or more years the changes proposed in the report submitted under paragraph (1).

(b) SPECIFICATION OF ACTUARIAL METHODS AND ASSUMPTIONS FOR FISCAL YEAR 1986 RETIREMENT LEGISLATION.—In determining the cost, or the amount to be saved, as the result of the enactment of any legislative proposal that would make changes in the military retirement system effective during fiscal year 1985 or 1986, the actuarial methods and assumptions used shall be the same as those approved by the Board of Actuaries (in accordance with section 1465(d) of title 10, United States Code) for use in calculating the military retirement accrual percentage for the President's budget for fiscal year 1986.

(c) RECALCULATION OF ACCRUAL PERCENTAGE UPON ENACTMENT OF CHANGE IN BENEFITS.—(1) If a significant change in the military retirement system is enacted into law that takes effect during fiscal year 1985 or 1986, the accrual percentage shall be recalculated taking into account that change in law. Any such recalculation shall be made using the actuarial methods and assumptions described in subsection (b).

(2) In making determinations under section 1466(a) of title 10, United States Code, for months during fiscal years 1985 and 1986 beginning on or after the effective date of any such change in law, the accrual percentage as recalculated under paragraph (1) shall be used in lieu of the accrual percentage that would otherwise be applicable.

(d) DEFINITION OF ACCRUAL PERCENTAGE.—For purposes of this section, the term "accrual percentage" means the single level percentage of basic pay determined under section 1465(c)(1) of title 10, United States Code, for the purposes of computations under sections 1465(b) and 1466(a) of that title.

PART F—SURVIVOR BENEFIT PLAN IMPROVEMENTS

SEC. 671. SHORT TITLE.

This part may be cited as the "Uniformed Services Survivor Benefits Amendments of 1985".

SEC. 672. 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 an annuity provided to a person under section 1450(a) of this title (other than section 1450(a)(4)) by virtue of eligibility under section 1448(a)(1)(A) of this title, the monthly annuity shall be determined as follows:

"(A) If the person to whom the annuity is provided is under 62 years of age when such person becomes entitled to the annuity, the monthly annuity shall be 55 percent of the base amount, as adjusted from time to time under section 1401a of this title.

"(B) If the person to whom the annuity is provided is 62 years of age or more when such person becomes entitled to the annuity, the monthly annuity shall be 35 percent of the base amount, as adjusted from time to time under section 1401a of this title.

"(2) In the case of an annuity provided to a person under section 1450(a) of this title (other than section 1450(a)(4)) by virtue of eligibility under section 1448(a)(1)(B) of this title, the monthly annuity shall be determined as follows:

"(A) If the person to whom the annuity is provided is under 62 years of age when such person becomes entitled to the annuity, the monthly annuity shall be a percentage less than 55 percent (determined by the Secretary of Defense in accordance with subsection (d)) of the base amount, as adjusted from time to time under section 1401a of this title on or after the date the person providing the annuity becomes entitled to retired pay under chapter 67 of this title.

"(B) If the person to whom the annuity is provided is 62 years of age or more when such person becomes entitled to the annuity, the monthly annuity shall be a percentage less than 35 percent (determined by the Secretary of Defense in accordance with subsection (d)) of the base amount, as adjusted from time to time under section 1401a of this title on or after the date the person providing the annuity becomes entitled to retired pay under chapter 67 of this title.

"(b)(1) In the case of an annuity provided to a former spouse or other natural person under section 1450(a)(4) of this title by virtue of eligibility under section 1448(a)(1)(A) of this title, the monthly annuity shall be 55 percent of the retired or retainer pay of the person who elected to provide that annuity after the reduction in

such pay in accordance with section 1452(c) of this title.

"(2) In the case of an annuity provided to a former spouse or other natural person under section 1450(a)(4) of this title by virtue of eligibility under section 1448(a)(1)(B) of this title, the monthly annuity shall be 55 percent (determined by the Secretary of Defense in accordance with subsection (d)) of the retired pay of the person who elected to provide that annuity after the reduction in such pay in accordance with section 1452(c) of this title.

"(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 paid under section 1448(d) of this title to a surviving spouse of a member, the amount of the annuity shall be determined as follows:

"(A) If the surviving spouse is under 62 years of age when the member dies, the monthly annuity shall be 55 percent of the retired or retainer pay to which the member would have been entitled if the member had been entitled to that pay based upon his years of active service when he died.

"(B) If the surviving spouse is 62 years of age or more when the member dies, the monthly annuity shall be 35 percent of the retired or retainer pay to which the member would have been entitled if the member had been entitled to that pay based upon his years of active service when he died.

"(2) An annuity computed under paragraph (1) 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.

"(3) In the case of the surviving spouse of a member described in section 1448(d)(2)(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.

"(d) The percentage to be applied by the Secretary of Defense in determining the amount of an annuity under subsection (a)(2) shall be 55 percent or 35 percent, as appropriate, reduced by such amount as may be prescribed in regulations under section 1455 of this title. The percentage to be applied by the Secretary of Defense in determining the amount of an annuity under subsection (b)(2) shall be 55 percent, reduced by such amount as may be prescribed in regulations under section 1455 of this title. 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 President considers relevant.

"(e) 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 receiving the annuity becomes 62 years of age. The annuity as reduced shall be the amount computed under clause (B) of such subsection, as increased from time to time pursuant to subsection (f).

"(f)(1) Whenever retired or retainer pay is increased under section 1401a of this title, each annuity that is computed under this section 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.—Effective on the date of the enactment of this Act, section 641 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2545), is repealed.

(c) EFFECTIVE DATE AND TRANSITION.—(1) The amendment made by subsection (a) shall take effect on the first day of the first month beginning after the date of the enactment of this Act.

(2) A person who on such date is receiving an annuity under the Survivor Benefit Plan or is the beneficiary of a participant in the Plan may not by reason of the enactment of such amendment receive an annuity under the Plan in a smaller amount than the amount of the annuity that such person is receiving under the Plan on the day before that date or that such person would be entitled to receive under the Plan on the day before that date if the participant were dead.

SEC. 673. INDEXING OF THRESHOLD AMOUNT FOR CALCULATION OF REDUCTION OF RETIRED PAY.

Section 1452(a) of title 10, United States Code, is amended by inserting "(adjusted at the same time and by the same percentage as the retired pay of such person is adjusted under section 1401a of this title or any other provision of law)" after "$300".

SEC. 674. SPOUSAL CONCURRENCE FOR ELECTIONS.

Section 1448(a)(3) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by striking out subparagraph (A) and inserting in lieu thereof the following:

"(3)(A) Notwithstanding any other provision of this subchapter, a person eligible to participate in the Plan under paragraph (1)(A) 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.

This subparagraph does not affect any right to elect to provide an annuity for a former spouse under subsection (b).

"(B) If a person who is eligible under paragraph (1)(A) to participate in the Plan and who is married elects to provide an annuity for a former spouse under subsection (b)(2), that person's spouse shall be notified of that election.".

SEC. 675. SBP COVERAGE UPON REMARRIAGE.

(a) OPTION NOT TO RESUME COVERAGE UPON REMARRIAGE.—Section 1448(b) of title 10, United States Code, is amended by adding at the end thereof the following new paragraph:

"(5) A person—

"(A) who is a participant in the Plan and is providing coverage for a spouse or a spouse and child;

"(B) who does not have an eligible beneficiary under the Plan; and

"(C) who remarries,

may elect, with the concurrence of the person's spouse, not to provide coverage under the Plan for the person's spouse. Such an election is irrevocable. If such an election is made, no reduction in the retired or retainer pay of such person under section 1452 of this title may be made. An election under this paragraph shall be made within such period of time after the person's marriage, and in such form and manner, as may be prescribed in regulations under section 1455 of this title.".

(b) OPTION TO PROVIDE HIGHER COVERAGE UPON REPAYMENT OF AMOUNTS NOT PREVIOUSLY WITHHELD.—Section 1451 of such title, as amended by section 672, is further amended by adding at the end thereof the following new subsection:

"(g)(1) A person—

"(A) who is a participant in the Plan and is providing coverage for a spouse or a spouse and child, but at less than the maximum level; and

"(B) who remarries,

may elect to provide coverage under the Plan for the person's spouse at a higher level (not in excess of the maximum level previously available to that person) if the person pays an amount determined under paragraph (2).

"(2) The amount of a payment under paragraph (1) shall be the difference between—

"(A) the amount that would have been withheld from such person's retired or retainer 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 or retainer pay actually withheld under such section.

"(3) An election under paragraph (1) shall be made in such manner as the Secretary shall prescribe and shall become effective upon receipt of the deposit required by such paragraph.

"(4) Any such payment shall be deposited into the Department of Defense Military Retirement Fund.".

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 by adding after paragraph (5) (as added by section 675) the following new paragraph:

"(6) A person who elects to provide an annuity for a former spouse under the Plan may, at the time of such election, elect to provide that annuity for the former spouse and for a dependent child, if the child resulted from the person's marriage to that former spouse. The reduction in retired or retainer pay for such an election shall be that prescribed under section 1452(c) of this title and such additional amount as may be

prescribed under regulations of the Secretary of Defense.".

(b) BENEFICIARIES OF ANNUITY.—Section 1450(a)(4) of such title is amended to read as follows:

"(4) the former spouse, the surviving dependent children in equal shares, if eligible under section 1448(b)(6) of this title and if the eligible former spouse is dead, dies, or otherwise becomes ineligible under this section, or other natural person designated under section 1448(b) of this title, unless the election to provide an annuity to the former spouse or other natural person has been changed as provided in subsection (f).".

(c) CONFORMING AMENDMENT.—Section 1448(b)(2) of such title is amended by inserting "(other than a child designated under section 1448(b)(6) of this title)" after "that spouse or child" in the second sentence.

(d) TRANSITION PROVISION.—A person who has before the date of the enactment of this Act made an election to provide an annuity under the Survivor Benefit Plan for a former spouse may elect, within the one-year period beginning on such date, 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 (6) of section 1448(b) of title 10, United States Code, as added by subsection (a).

SEC. 677. SBP COVERAGE FOR OFFICERS WHO DIE AFTER 20 YEARS OF SERVICE BUT WHO ARE NOT ELIGIBLE FOR RETIRED PAY.

(a) IN GENERAL.—Section 1448(d) of title 10, United States Code, is amended to read as follows:

"(d)(1) Subject to paragraph (3), the Secretary concerned shall pay an annuity under this subchapter to the surviving spouse or dependent child of a member described in paragraph (2).

"(2) A member referred to in paragraph (1) is a member who dies on active duty—

"(A) after he has become entitled to retired or retainer pay;

"(B) after he has qualified for retired or retainer pay except that he has not applied for or been granted that pay; or

"(C) after he has served 20 years of active duty but before he is eligible for retired or retainer pay because he has not completed 10 years of active commissioned service.

"(3) A surviving spouse or dependent child is not eligible for an annuity under this subsection if the amount (if any) of the dependency and indemnity compensation to which the surviving spouse or dependent child is entitled under chapter 15 of title 38 is equal to or greater than the amount of the annuity the surviving spouse or dependent child would have received under this subchapter if the member had been entitled to retired or retainer pay when he died.

"(4) For the purposes of paragraph (3), the retired pay to which a member described in paragraph (2)(C) 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) The amount of an annuity under this subsection is computed under section 1451(c) of this title.".

(b) PERSONS COVERED.—Section 1448(d) of title 10, United States Code, as amended by subsection (a), shall apply to the surviving spouse and dependent children of a person who dies after September 20, 1972.

SEC. 678. 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). Such repayment shall be made in such manner as may be provided in regulations prescribed under section 1455 of this title. Any amount repaid under this paragraph shall be deposited into the Department of Defense Military Retirement Fund.".

SEC. 679. ANNUITY FOR SURVIVORS OF CERTAIN RESERVISTS.

(a) ELIGIBILITY.—Section 1448(a)(2) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of clause (A);

(2) by striking out the period at the end of clause (B) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new clauses:

"(C) to a person who dies 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 if on the date of death the person—

"(i) has completed the years of service required for eligibility for retired pay under chapter 67 of this title; and

"(ii) is married or has a dependent child; and

"(D) to a person who dies 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 on the date of death the person—

"(i) has not made an election under clause (B) to participate in the Plan; and

"(ii) is married or has a dependent child.".

(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 by virtue of clause (C) or (D) of section 1448(a)(2) of this title shall be effective on the first day after the death of the person to whom the Plan applies.".

(c) PERSONS COVERED.—Clauses (C) and (D) of section 1448(a)(2) 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.

SEC. 680. EFFECTIVE DATE.

Except as otherwise provided in this part, the amendments made by this part shall take effect on October 1, 1985. No benefit shall accrue to any person by virtue of the enactment of this part for any period before October 1, 1985.

PART G—MISCELLANEOUS

SEC. 681. LEGAL REPRESENTATION OF CIVILIANS OVERSEAS.

(a) IN GENERAL.—Section 1037(a) of title 10, United States Code, relating to counsel before foreign judicial tribunals and administrative agencies, is amended by striking out the period at the end of the first sentence and inserting in lieu thereof "and of persons not subject to the Uniform Code of Military Justice who are employed by or accompanying the armed forces in an area outside the United States and the territories and possessions of the United States, the Northern Mariana Islands, and the Commonwealth of Puerto Rico.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to costs incurred after September 30, 1985.

SEC. 682. SURCHARGE FOR SALES AT ANIMAL DISEASE PREVENTION AND CONTROL CENTERS.

(a) REQUIRED SURCHARGE.—The Secretary of Defense shall require that each time a sale is recorded at a military animal disease prevention and control center the person to whom the sale is made shall be charged a surcharge of $2.

(b) DEPOSIT OF RECEIPTS IN TREASURY.—Amounts received from surcharges under this section shall be deposited in the Treasury in accordance with section 3302 of title 31.

(c) CONFORMING AMENDMENT.—Section 1033 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 672), is repealed.

(d) EFFECTIVE DATE.—This section shall take effect on October 1, 1985.

SEC. 683. ACCRUED LEAVE.

Section 501(b)(3) of title 37, United States Code, relating to payments for unused accrued leave, is amended by striking out "September 1, 1976" and inserting in lieu thereof "February 9, 1976".

SEC. 684. PAY ALLOTMENTS FOR NAVY AND MARINE CORPS.

(a) STANDARDIZATION OF NAVAL SERVICE PAY ALLOTMENTS WITH ARMY AND AIR FORCE.—(1) Section 701 of title 37, United States Code, is amended—

(A) by striking out "of the Army or the Air Force" in subsections (a), (c), and (d)(1) and inserting in lieu thereof "of the Army, Navy, Air Force, or Marine Corps";

(B) by striking out "of the Army or the Air Force" in subsections (b) and (d)(2) and inserting in lieu thereof "of the Army, Navy, or Air Force"; and

(C) by striking out "Secretary of the Army or the Secretary of the Air Force, as the case may be" in subsections (a) and (d) and inserting in lieu thereof "Secretary of the military department concerned".

(2) The heading of such section is amended to read as follows:

"§ 701. Members of the Army, Navy, Air Force, and Marine Corps; contract surgeons".

(3) The item relating to such section in the table of sections in the beginning of chapter 13 of such title is amended to read as follows:

"701. Members of the Army, Navy, Air Force, and Marine Corps; contract surgeons.".

(b) CONFORMING AMENDMENTS.—(1) Sections 702, 705, and 805 of such title are repealed.

(2) The table of sections at the beginning of chapter 13 of such title is amended by striking out the items relating to sections 702 and 705.

(3) The table of sections at the beginning of chapter 15 of such title is amended by striking out the item relating to section 805.

SEC. 685. AUTHORITIES TO COLLECT DEBTS FROM MEMBERS OF THE UNIFORMED SERVICES.

(a) EXTENSION OF AUTHORITY TO PHS AND NOAA.—Subsection (c) of section 1007 of title 37, United States Code, is amended by

striking out "armed forces" and inserting in lieu thereof "uniformed services".

(b) DISHONORED CHECKS.—(1) Such section is further amended by adding at the end thereof the following new subsection:

"(h)(1) If a member of a uniformed service draws or makes a check payable to the United States that upon presentment is dishonored, the amount due the United States as the result of the check's being dishonored may be deducted from the pay of the member.

"(2) If there is a service charge prescribed by the Secretary concerned that is applicable to a check that is dishonored, the deduction under this subsection may include the amount of the service charge.

"(3) Deductions from a member's pay under this subsection because a check drawn or made by the member is dishonored may be made only after—

"(A) the member is notified in writing that the check has been dishonored; and

"(B) the member fails to pay the amount of the check to the United States within 30 days after receiving the notice.

"(4) Amounts deducted from a member's pay under this subsection—

"(A) shall be transferred to the agency or instrumentality that was the payee of the dishonored check; and

"(B) shall be credited to the appropriate fund or account of that agency or instrumentality.

"(5) In this subsection:

"(A) 'Check' includes a draft or order.

"(B) 'Member' includes a former member entitled to retired pay.

"(C) 'United States' includes any instrumentality of the United States (including any nonappropriated fund instrumentality).".

(2) Subsection (h) of section 1007 of title 37, United States Code, as added by paragraph (1), shall apply only to checks, drafts, and orders drawn or made after the date of the enactment of this Act.

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered 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 annuity 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 annuity. 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 "(l)" 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(l) 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 subchap-

ter, 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).

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER (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 gentlewoman from Colorado?

There was no objection.

Mrs. SCHROEDER. Mr. Chairman, I also ask unanimous consent that modifications be incorporated in this amendment at this time.

The CHAIRMAN pro tempore. The clerk will report the modifications.

The Clerk read as follows:

Modifications to amendment offered by Mrs. SCHROEDER: In section 1451(c)(1)(B) of title 10, United States Code, as proposed to be amended by section 671(a) of the matter proposed to be inserted by the amendment, insert "member" after "member or former" the second place it appears.

In section 672(b)(2) of the matter proposed to be inserted by the amendment, strike out "dependents" and insert in lieu thereof "children".

In the matter proposed to be inserted by the amendment made by section 674(2)(B)(ii) of the matter proposed to be inserted by the amendment, strike out "service".

In section 676 of the matter proposed to be inserted by the amendment—

(1) redesignate subsection (b) as subsection (c); and

(2) insert after subsection (a) the following new subsection (b):

(b) CONFORMING AMENDMENT.—Section 1452(c) of such title is amended—

(1) by inserting "(1)" after "(c)";

(2) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively;

(3) by striking out "clause (1)" in the second sentence and inserting in lieu thereof "clause (A)"; and

(4) by designating the third sentence as paragraph (3) and inserting immediately before such paragraph the following:

"(2) If the annuity is being provided to a former spouse and if the person providing the annuity elected to provide the annuity to both the former spouse and a dependent child, the reduction in retired pay is prescribed under regulations of the Secretary of Defense as long as there is both an eligible former spouse and a dependent child.".

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

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

The CHAIRMAN pro tempore. Without objection, the amendment is modified. There was no objection.

Mrs. SCHROEDER. Mr. Chairman, I will be very brief. The amendment I now offer simplifies and strengthens the Survivor Benefit Program for military retirees. It picks up a number of excellent provisions contained in the bill reported by the committee.

One such provision requires the concurrence of a spouse before the military person can waive survivor benefits or elect less than maximum coverage. Giving a spouse the right to share in a pension can be meaningless if the member has the right to cut off the spouse unilaterally. By establishing spousal consent, we protest the right of the spouse. Marriage is an economic partnership in which both individuals contribute to the livelihood of the family. Spousal concurrence recognizes the contributions and responsibilities of the spouse to the military career. Both the Retirement Equity Act and the Civil Service Spouse Retirement Act provide for similar concurrence. I congratulate the committee for including this provision.

My amendment goes a step further and provides that this spousal concurrence provision apply to reservists as well, who fall under slightly different rules. Also, my amendment provides that service members, spouses, and former spouses must be given information on the options under the survivor benefit plan before the member reaches retirement eligibility.

Further, my amendment requires that notice be given to a member's current spouse if a former spouse has been elected as beneficiary for survivor benefits as provided by a spousal agreement or a court order.

Finally, my amendment clarifies that DOD should honor spousal agreements, in addition to court orders, providing for the election of a former spouse as beneficiary where it is permitted by State law.

I believe this is a good amendment which makes the Survivor Benefit Program fairer and stronger. More needs to be done. Yet, I urge the support of my colleagues for this amendment.

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Mr. HILLIS. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Indiana.

Mr. HILLIS. Mr. Chairman, we have examined the amendment on our side. We are agreeable to accepting it, and we recommend that it be accepted.

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

Mrs. SCHROEDER. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, we have examined the amendment. We think it has a great deal of merit, and we urge its acceptance.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER], as modified.

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MRS. BYRON

Mrs. BYRON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BYRON: At the end of subpart 1 of part C, title VI (page 98, after line 2), insert the following new section:

SEC. 637. EXTENSION OF AVIATION OFFICER CONTINUATION PAY.

Effective on October 1, 1985, section 301b of title 37, United States Code, is amended by striking out "September 30, 1985" in subsections (e)(2), (e)(3), and (f) and inserting in lieu thereof "September 30, 1988".

Mrs. BYRON. Mr. Chairman, let me explain this amendment very briefly.

The intent of this amendment is to extend the aviation officers' continuation pay, which currently expires in September 1985, until September of 1988. This gives flexibility to those young naval aviators who are in the first 6-year timeframe of their careers to make a decision on whether they wish to retain their naval careers.

We are beginning to see a downward trend once again in naval aviators. I think one of the factors involved in this is the fact of the long deployments with our carrier fleet. I am concerned with the fact that we have two new carriers coming into the fleet, and we must make sure we have a viable force to man those aircraft on those carriers.

Mr. Chairman, I think this amendment makes a great deal of sense. It gives some long-term stability to the Naval Aviation Program, and I urge its adoption.

Mr. HILLIS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, we have examined this amendment, and I certainly want to say on behalf of the sponsors that I think it is a very good amendment.

It is quite costly to train these aviators. It runs into hundreds of thousands of dollars, and to lose them is not only a high-cost item for their replacement, but we also lose them at a time when we are trying to bring more facilities on base to go to sea. There is no way we can keep an active force and meet the requirements and the commitments of this country without this highly trained aviation force.

So, Mr. Chairman, we salute the gentlewoman from Maryland [Mrs. BYRON], who has brought this amendment to the floor. I think it is a very meritorious amendment, and we are happy to accept it on this side.

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

Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Indiana [Mr. HILLIS]. We have examined the amendment also and believe that it has a great deal of merit. We urge its acceptance.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Maryland [Mrs. BYRON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LAGOMARSINO

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

The Clerk read as follows:

Amendment offered 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 the 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 following new item:

"1128. Prisoner of war medal: award.".

Mr. LAGOMARSINO (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. LAGOMARSINO. Mr. Chairman, I will be extremely brief.

This amendment will empower the Secretary of Defense to award a prisoner-of-war medal to persons who have been prisoners of war since 1917 in appropriate cases.

I am proud to propose a continuation of a tradition here in Congress to recognize the great and noble sacrifices of the men and women of our Armed Forces during time of war. The extreme physical and mental hardships all to often experienced by the members of our armed services during times of international hostility can only be considered as the most commendable service rendered by citizens of this country.

Yet above and beyond the suffering sustained by other American soldiers, Mr. Chairman, American prisoners of war suffer the greatest. Most often captured from front lines, prisoners of war are then faced with probable disease, starvation, torture, and extreme brutality. Some have been murdered. Perhaps the most stressful thing about it is the fact that a prisoner of war never knows how, when, or if his imprisonment will ever end.

For those fortunate enough to escape or be released, the prisoners of war still often confront severe physical

and psychological aftermaths of their confinement. It is a fact that prisoners of war encounter higher incidence rates of health problems than other American veterans. Anxiety reactions of all types are the most prominent conditions suffered by former prisoners of war. Follow-up longitudinal studies conducted by the National Academy of Sciences indicate that accidents, suicides, and homicides are the leading causes of death among former prisoners of war. These problems are aggravated by the fact that there exists limited knowledge concerning long range effects of malnourishment, deprivation, and stress.

Official recognition of American prisoners of war is long overdue, Mr. Chairman. This medal will honor the more than 142,000 prisoners of war, and their families, who have sacrificed their liberty for the freedom of this country during World War I, World War II, and the Korean and Vietnam wars.

Mr. Chairman, a Harris poll conducted earlier this decade indicated that prisoners of war ranked first in Americans' respect and esteem. I urge this honorable body to fulfill its duty of constitutent representation by supporting my amendment to honor those Americans who have adminstered such noble service to our country.

Mr. Chairman, the amendment provides for no stipends or monetory considerations.

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

Mr. LAGOMARSINO. I yield to the gentleman from Indiana.

Mr. HILLIS. Mr. Speaker, first of all, I would like to begin by commending the gentleman from California [Mr. LAGOMARSINO] for offering the amendment. As I understand it, it covers the veterans of all the wars this country has been involved in since World War I?

Mr. LAGOMARSINO. That is correct.

Mr. HILLIS. Mr. Chairman, it is worthwhile and much-needed recognition, and it is overdue, I might say. I am certainly happy to accept the amendment on this side of the aisle.

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

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

Mr. DORNAN of California. Mr. Chairman, let me ask, is there any provisions made in this for prisoners' honorable service?

Mr. LAGOMARSINO. Yes.

Mr. DORNAN of California. We had at least 10 people who dishonorably served in their earlier years in Vietnam captivity, and some of them, during torture, got to these men with a program that they called internally the "Come Home Program."

Of seven officers who were collaborating, five came home, in other words, obeyed superior officers in captivity. Two of them refused to come home. One has since been quiet since he has come home. The other has been a thorn in the side of all the returned POW's and continues to torment them, up to the point of suing them.

Then there were seven enlisted men. There was a great tragedy there. One of them committed suicide. Another one of the collaborators was just murdered in the Philippines, and I went to the Ambassador to try to find out the facts of the case for his family in spite of his dishonorable service as a prisoner, and it seems that he died in mystery over there in the Philippines last year.

But of the other five, two or three of them have continued to agitate and promote left-wing causes. One of them even denied that there has been a genocide in Cambodia.

I am just giving a flavor of how strange this is. We are left with maybe three noncontrite enlisted people and two officers. A Secretary of the Navy refused to release a letter of reprimand, so one of the officers acts like it does not exist. the Marine Corps inadvertently promoted him to bird colonel, driving the other 560-some POW's right up the wall. They were distraught because some of the POW's who had wanted to punish him internally, since they had no access to the outside world for years, were sworn to by superior officers that these men would get justice. Those that felt offended, some of them had been tortured because of these men that collaborated, and they were promised they would get justice under the Universal Military Code of Justice when they got home.

So just briefly discussing the horror of that, if there is provision for those who did not serve honorably, I think this is a long overdue award, because the survivors of the Bataan death march alone are worthy of some recognition by their country, not to say that in this House and in the other body there are two magnificent heroes of this country that would be the first ones humbly to say, "Who needs this?"

But there are many forgotten people among the POW's, let alone all the Vietnam veterans, who need some recognition that they served well and they tied down many enemy troops who had to keep them captive that otherwise would have been out killing other Americans on the field of battle.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman. The amendment does provide that the conduct must have been honorable during the period of captivity.

Mr. Chairman, I yield back the balance of my time.

Mr. GILMAN. Mr. Chairman, I am pleased to rise in strong support of the amendment being offered by the gentleman from California, my friend and distinguished colleague, Mr. LAGOMARSINO. This amendment authorizes the Secretary of Defense to confer a service medal upon prisoners of war who have served in the Air Force, Army, Navy, Marine Corps and the Coast Guard. We all have been reminded during these past 2 weeks, of the dangers facing our enlisted men and women and the unwavering bravery with which they approach these difficult and demanding situations. By adopting this amendment today and paying tribute to those who have suffered the hardship and anguish of life as a POW, we are also showing our support for those who serve their Nation today—surrounded by both friend and foe—throughout the world.

This amendment is identical to language unanimously adopted in the other body during their consideration of the Department of Defense authorization last month. It is only appropriate that we acknowledge the countless sacrifices borne by the brave servicemen who have been interned by the enemy in prisoner of war camps and authorize the presentation of this medal.

Earlier this week Congress sent to the President legislation designating July 19, 1985, as "National POW/MIA Recognition Day." This national observance will serve to remind Americans that the U.S. Government will not rest until all of our missing servicemen are accounted for and returned. Let us follow suit today by paying tribute to those who have come home to their families by authorizing this most fitting recognition and honor. Accordingly I urge my colleagues to support this amendment.

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

Mr. Chairman, we have examined the amendment on this side. We think 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 California [Mr. LAGOMARSINO].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Chairman, I offer an amendment to title VI.

The Clerk read as follows:

Amendment offered by Mr. FASCELL: At the end of part D of title VI (p. 118, after line 4) insert the following new section:

SEC. 655. CHAMPUS COVERAGE OF ORGAN TRANSPLANTS.

Chapter 55 of title 10, United States Code, is amended—

(1) by adding at the end of section 1079 the following new subsection:

(l) A plan covered by this section may include provision of other organ transplants (including the cost of acquisition and transportation of the donated organ) in accord-

ance with this subsection. Such an organ transplant may be provided if—

"(1) the transplant is for a dependent considered appropriate for that procedure by the Secretary of Defense in consultation with the other administering Secretaries and such other entities as the Secretary considers appropriate;

"(2) the transplant is to be carried out at a health-care facility that has been approved for that purpose by the Secretary of Defense after consultation with the other administering Secretaries and such other entities as the Secretary considers appropriate; and

"(3) the transplant procedure is not considered experimental under regulations prescribed by the Secretary of Defense after consultation with other administering Secretaries and such other entities as the Secretary considers appropriate."; and

(2) by adding at the end of section 1086(a) the following new sentence:

"Organ transplants authorized by section 1079(l) may not be provided under such plans for persons covered by subsection (c) unless such transplants were covered under regulations prescribed by the Secretary of Defense prior to October 1, 1985.".

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. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Chairman, I would like to engage the gentleman from Wisconsin [Mr. ASPIN], chairman of the Armed Services Committee, in a colloquy on CHAMPUS coverage of organ transplants. I have in my district Billy Bostik, a 14-year-old boy born with Eisenmenger's complex, a condition causing severe hypertension, and a buildup of blood pressure and blockage in both lungs. Billy's doctors have advised him that he will not recover from this disease without a heart-lung transplantation. Examination by doctors at the Pittsburgh Children's Hospital has shown that Billy is a prime candidate for the complex triple transplantation. However, because CHAMPUS has refused to pay for this procedure, Billy's family cannot afford to have his name added to the waiting list for potential heart-lung recipients. What is the current CHAMPUS policy with respect to heart-lung transplants?

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

Mr. FASCELL. I yield to the gentleman from Wisconsin.

Mr. ASPIN. CHAMPUS covers procedures considered to be standard medical practice, but currently views heart-lung transplants to be experimental. This policy is based on current practices in other government programs, such as Medicare, and the majority of providers in the private sector. At this point in time, the Department of Health and Human Services considers heart-lung transplants to be experimental. Based on the small number of operations that have been performed, it may be a substantial period of time before there is sufficient evidence or data for HHS to remove heart-lung transplants from its experimental list. In fact, even heart transplants, a procedure that has been performed for many years, have not yet been recognized as standard medical practice and are still considered experimental.

Mr. FASCELL. Isn't it true that discovery of drugs such as Cyclosporin has advanced this field tremendously in a very short period of time?

Mr. ASPIN. The gentleman is correct. We found this to be the case, in fact, with respect to liver transplants in certain cases like biliary atresia for children. As a result, several years ago, CHAMPUS began coverage of this procedure for military dependents who meet the criteria.

Mr. FASCELL. I appreciate the coverage CHAMPUS has given to liver transplants. However, I am still concerned that CHAMPUS must keep pace with the rapidly advancing state of the art with transplants in the future, so that meritorious cases such as Billy's are not lost in long bureaucratic delays. As a result, I am introducing an amendment to authorize CHAMPUS coverage of other organ transplants for dependents of active military personnel for nonexperimental procedures in appropriate cases in approved medical centers. The purpose of the amendment is to insure that CHAMPUS will review carefully each new development in transplant technology so that the coverage provided does not lag behind the decisions by Health and Human Services to remove such procedures from an experimental status, and is in tune with the prevalent practice of the private insurance industry.

Mr. ASPIN. Let me assure the gentleman that this is certainly the committee's intent, and I am pleased to accept his amendment. We plan to closely monitor the CHAMPUS decisionmaking process on expanding coverage for additional transplant procedures. While it is not the committee's desire to put CHAMPUS out in front as a forerunner in this field, it is certainly not our intention that the program lag behind. Coverage should be comparable to that provided by the majority of insurance programs—government and private.

Mr. ASPIN asked and was given permission to revise and extend his remarks.

□ 1230

Mr. HILLIS. Mr. Chairman, if the gentleman will yield, we would be willing and happy to accept the gentleman's amendment on this side of the aisle.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. SCHROEDER:

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 made 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 inconsistant 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 of 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.

Mrs. SCHROEDER (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 gentlewomen from Colorado?

There was no objection.

Mrs. SCHROEDER. Mr. Chairman, I am offering this amendment on behalf of myself and the two gentlemen from Massachusetts, Mr. MOAKLEY and Mr. FRANK.

In essence, I think everybody has looked at the amendment and I do not believe there is anything controversial about it.

It deals with the medical aspects of investigations of deaths of servicemen, because it has become a real source of tension between the servicemen and their families.

This is to try to establish an advisory panel to work with the Secretary of Defense and the Congress on improvements that would help make that system work better.

Mr. ASPIN. Mr. Chairman, if the gentlewoman will yield, we have examined the amendment and believe it has merit. We urge its adoption.

Mr. HILLIS. Mr. Chairman, if the gentlewoman will yield, from our examination of the amendment, we understand that it would create only an advisory panel for review procedures used in medical casualty investigations.

On that basis, Mr. Chairman, we are happy to accept the amendment.

● Mr. MOAKLEY. Mr. Chairman, I am pleased to join with my able friend from Colorado [Mrs. SCHROEDER] in offering our amendment. The amendment is not controversial but could lead to significant reforms in the manner in which the military services investigate casualties. And I am hopeful that the amendment could lead to better relations between the military services and the families of casualties.

The amendment establishes an advisory panel to report to the Secretary of Defense and the Congress on improvements to make the military's casualty resolution process work better.

MEMBERSHIP

The panel would be composed of: Three physicians who specialize in pathology from outside Government; the Director of the Armed Forces Institute of Pathology; two persons to represent the interests of families; and two military officers or employees involved in casualty investigation or family liaison.

STUDY

The advisory panel will conduct a study and report to the Secretary within 1 year on: Standards for uniform policies with respect to autopsies; standards for independent review of autopsies; procedures for safeguarding evidence and making it available for independent review by families of casualties; and the desirability of establishing a permanent independent board of medical examiners to oversee medical examiner systems in the Defense Establishment.

On August 9, 1984, I introduced the bill (H.R. 6136, 98th Congress) to require an autopsy of any member of the Armed Forces who dies while on active duty, to establish a board of medical examination in the Department of Defense, and for other purposes. This bill has been reintroduced in the present Congress as H.R. 369.

The amendment that the gentlelady from Colorado and I are offering today is a balanced and responsible effort to create a formal structure, with adequate outside participation, to study these issues and to make recommendations to the Secretary of Defense and the Congress. This shift in approach largely represents the fact that adequate administrative authorities exist under present law to enable much of the intent of my legislation to be implemented by the Secretary. It also reflects a growing perception by organizations concerned with this issue, principally Citizens Against Military Injustice, that there is an increasing responsiveness by the Department of Defense in reforming the procedures for casualty investigation and family liasion.

I am very hopeful that the final report will result in the establishment of an independent medical examiner system, an enhanced role for the Armed Forces Institute of Pathology, and a permanent outside board of professional pathologists to oversee the system.

Mr. Chairman, I would like to explain the origins of this amendment, because it is a useful example of the importance of casework in congressional offices. Our Government is so large and so complex that it is very easy for us in Congress to be unaware of the frustrations and anxieties that our constituents face, until they turn to their Congressmen for help. The adoption of this amendment culminates a process that began when George and Audrean Victoria of North Easton, MA, called on me to ask help in resolving their concerns about the military casualty investigation pertaining to their son, Pvt. James T. Victoria, who died while serving with the U.S. Army in Germany.

I would like to record to reflect, at the establishment of this advisory panel, that I view this project as a living memorial to Private Victoria, an honest, decent, and hard-working young man from my district, who died tragically in an accident across the ocean from a family who loved him deeply and continue to profoundly miss him today.

During more than a year and a half since the death of Private Victoria, I have worked with the family to try to settle some of their doubts and concerns. But the mistakes in the investigation were made a long time ago. And I have now come to the conclusion that the only genuine comfort I can offer to his family is to attempt to change things so that the next Mr. and Mrs. Victoria are spared some of the pains and doubts Private Victoria's family suffered.

Mr. Chairman, I thank my friend from Colorado [Mrs. SCHROEDER] for presenting this amendment and I would like to express my appreciation to the committee staff, to the able chairman of the committee, the gentleman from Wisconsin [Mr. ASPIN], and to the distinguished gentleman from Alabama [Mr. DICKINSON] for their kindness and cooperation as we have developed this amendment.

Mr. Chairman, I urge the adoption of the amendment.●

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I ask unanimous consent that my amendment, which has been printed to title X, a study on the use of the E-2 aircraft for drug interdiction purposes, be now considered under this title.

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

There was no objection.

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

The Clerk read as follows:

Amendment offered by Mr. HUNTER: At the end of title X (page 200, after line 4) add the following new section:

SEC. 1050. STUDY ON THE USE OF THE E-2 AIRCRAFT FOR DRUG INTERDICTION PURPOSES.

(a) STUDY BY SECRETARY OF THE NAVY.—The Secretary of the Navy shall conduct a test of the use of E-2 aircraft of the Naval Reserve to determine the effectiveness of that aircraft in drug interdiction. The study shall be conducted along the border between the United States and Mexico and shall be carried out over a period of six months.

(b) COLLECTION OF DATA.—As part of the test, the Secretary shall collect data on the contribution on the use of the E-2 aircraft to the apprehension of drug smugglers. This data shall include the number of intercepts which resulted in apprehensions.

(c) REPORT.—Not later than September 30, 1986, the Secretary shall submit to Congress a report on the results of the study.

Mr. HUNTER (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. DANIEL. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to my chairman, the gentleman from Virginia.

Mr. DANIEL. Mr. Chairman, this amendment has been rewritten. We have examined it, and we think it is a good amendment and recommend its passage.

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

Mr. HUNTER. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, it is my understanding that the gentleman now has four E-2C's with AP-138 radars which can see over land. It is my understanding that it is the gentleman's intention not necessarily that this be a study, but the fact that the Navy would then be directed that these AP-138's would be used then for flying the region from San Diego to Yuma, for which the 138 certainly would be suited for as a part of their overall drug interdiction mission, where they are now carried out in the San Diego area. Is that the gentleman's intention?

Mr. HUNTER. That is precisely correct. We checked the record and the 138's are available, so they can in fact make that surveillance over land.

It would be carried out in those mountainous areas between San Diego and Yuma. We would ask that it be carried out in a manner that would be consistent with readiness.

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

Mr. HUNTER. Yes, absolutely.

Mr. ENGLISH. Mr. Chairman, I think that is one point we wanted to make certain to make very clear, that it is not the intent of the amendment to go beyond that point or to that point which would impair combat readiness.

Mr. HUNTER. That is correct. This amendment would make aircraft and personnel available for this very troublesome spot and would require the Navy to get back with us and let us know whether or not they have been successful in interdicting illicit aircraft that come across the border.

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

Mr. HUNTER. I yield.

Mr. ENGLISH. I would certainly concur, this is one of the hotspot areas in which we definitely need all the detection capability we can get and so long as the Navy agrees that this will not impair our combat readiness, certainly I think it is a good and beneficial addition.

Mr. HUNTER. Mr. Chairman, I thank the gentleman and I thank my chairman.

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

Mr. HUNTER. I yield to the gentleman from Indiana.

Mr. HILLIS. Mr. Chairman, can the gentleman tell the House how many of these aircraft are in existence and how soon they could be utilized for this purpose and give us a little more information?

Mr. HUNTER. Yes. I would inform the gentleman that with the appropriate radar, that is, the 138 radar, there are four aircraft available. They are being stationed very close to the international border right now. Presumably all of them will be used to some degree, but really the tests could be carried out, some interdiction could be carried out by utilizing only one aircraft, but there are four available, to answer the gentleman's question.

Mr. HILLIS. Mr. Chairman, if the gentleman will yield further, the CNO and the Secretary of the Navy have been consulted about this and what is their position on using these aircraft in that manner?

Mr. HUNTER. Well, I have not seen a statement by the CNO with regard to these specific four aircraft, but it is my understanding that these four aircraft are equipped with the 138 for that specific purpose, so that they can in fact assist in the war in interdicting the international drug trade coming across the international border, so the Secretary of the Navy and the CNO do support this measure to the extent that they have equipped these aircraft with the 138 for that purpose.

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

Mr. HUNTER. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I would like to point out to the gentleman that the Navy is already conducting these efforts in that area. They have made tests with both the AP-135 and 120 with E2C's. They were not successful over land.

The AP-138 definitely will see over land and it is my understanding that the Navy has found that they can have at least 20 hours of dedicated time solely for the purpose of assisting in the war on drugs, not counting the normal training period of time. They are constantly on the outlook for drug smugglers during that period; so in discussions with the Department of Defense, it is my understanding that will not impair or change the activities that they are doing now.

What the gentleman from California is doing is simply directing that these four new radars be specifically pinpointed toward this region between San Diego and Yuma, which is certainly a hotspot.

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

Mr. HUNTER. I yield to the gentleman from Indiana.

Mr. HILLIS. Mr. Chairman, I certainly understand the purpose of the gentleman here. I think it is laudatory what he is trying to accomplish.

The question I had is whether we are kind of micromanaging the affairs of the Navy here by telling them specific missions that they have to dedicate assets to that they might have greater need for elsewhere.

Mr. HUNTER. Mr. Chairman, if I could answer that question, certainly we do not want to micromanage the Navy, but these assets are very close to this mountainous area that lies along the Mexican-California border, running eastward from San Diego. Presently there is a tremendous amount of traffic, illicit drug traffic, coming across that area; so we are only directing the Navy essentially to attack that hotspot with these particular aircraft and not keep them clustered toward the coastal area.

So it is not micromanaging. It is a directive and it gives them great latitude. They are only a few miles from the area, anyway.

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

Mr. HUNTER. I am happy to yield.

Mr. DANIEL. Mr. Chairman, the Members should understand that all military assets that are on loan or operating in the drug interdiction program are done upon the conclusion that it does not degrade readiness. That should be made clear to all the Members. If it degrades readiness, we do not do it.

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

Mr. Chairman, I would just like to say to the gentleman that I am very much in sympathy with the thrust of what the gentleman would like to see accomplished. My reservation is, and that is why I did not speak earlier, but I would have opposed the former amendment. This is a study to which I have no objection; but what does bother me is the principle or the policies that we would set here, we in the

House of Representatives setting policies for the Navy.

□ 1240

The President has the right now to do this as Commander in Chief. He also has a task force on drugs and a commission on drugs and they are working very diligently.

The Navy has the right to do this now and I hate to see us put into law things that are not necessary. There is nothing wrong with a study, but if it had not been mandated already I would have been compelled to object because it would be precedent setting.

So with that I just want to get on record where I stand.

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

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

Mr. ENGLISH. I think the gentleman makes a very good point. Again I would stress that the gentleman from California has said that it is certainly not his intention to go to that point and certainly not beyond in which combat readiness would be impaired. I think that is the key proviso on any of the efforts we carry out.

Second, I would point out as well that the Navy is already conducting these kinds of efforts in the San Diego area. The only reason they are not doing it in this specific region is because the radar detection system they have is not good over this type of mountainous terrain. And with the addition of the four reserve aircraft, that does change the situation.

I think what the gentleman from California wants to do is to emphasize that they ought to spend the time with those four aircraft at least in this region to make sure that we maximize the impact.

Mr. DICKINSON. Mr. Chairman, I think we have made the point and there is no need in belaboring it. We will have a study and that is fine, and with the results of whatever we learn from the study we will go from there.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ENGLISH

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

The Clerk read as follows:

Amendment offered by Mr. ENGLISH: At the end of title V (page 68, after line 6) add the following new section:

SEC. 533. GRADE OF DIRECTOR, DEPARTMENT OF DEFENSE TASK FORCE ON DRUG ENFORCEMENT.

Section 525(b) of title 10, United States Code, is amended by adding at the end thereof the following new paragraph:

"(4) An officer while serving as Director of the Department of Defense Task Force on Drug Enforcement, if serving in the grade of lieutenant general or vice admiral, is in addition to the number authorized his armed force for that grade under paragraph (1) or (2).".

Mr. ENGLISH (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. ENGLISH. Mr. Chairman, I am offering this amendment to accomplish a very specific action—to make it possible for the Defense Department to continue to operate its new Task Force on Drug Law Enforcement at its current level of efficiency and leadership.

It is of utmost importance that the Department of Defense continue to vigorously support this Government's efforts against illicit drug smuggling. DOD brings to the effort certain talents and equipment which otherwise would be available only with many years of delay and at impossible costs to the taxpayer.

The Congress and the administration have announced ambitious plans in the war on drugs which, by absolute necessity, will deeply involve the Defense Department. We cannot afford for the Department to lose the degree of leadership which it has evolved. If the position of task force Director is reduced from its current three star general officer level, the capability of that office and of the entire Department will be devalued. I speak from experience on this.

The Government Operations Subcommittee which I chair has held more than 20 hearings on Posse Comitatus support to our civilian drug enforcement agencies. In the 3½ years that have elapsed since Congress amended the Posse Comitatus Act we have seen the Defense Department grow from a reluctant participant to a truly committed partner in the war on drugs. But, this did not happen overnight.

In 1982 DOD was exceptionally wary of improper demands being placed on its military resources, and this was not entirely unfounded. The Deputy Secretary of the Treasury quickly proposed to shift areas of civilian drug interdiction responsibility into the deep pockets of DOD in order to free up some of his budget for other purposes.

This action had not been coordinated with DOD, OMB, the White House, or the Congress, and its effect was to paralyze posse comitatus planning for months. It was a wonderful example of how a well-intentioned and urgently needed program could be derailed before it ever got a chance to develop.

In large measure, we were able to correct this blunder because we were able to deal with an individual of great credibility who had been identified by the Pentagon as the single source of contact—the Director of the new DOD Task Force on Drug Law Enforcement. This gentleman is a lieutenant general, whose authority and experience contributed hugely to the solution of a potentially gravely damaging episode.

Before the advent of the DOD task force, my subcommittee would spend months trying to get answers to questions because no one was in charge. The individual services questioned their roles in drug interdiction. DOD's coordination with the Customs Service, with the Drug Enforcement Administration, with the Coast Guard, with the intelligence community, with the Congress, and with State and local enforcement agencies was fragmented. Internally at DOD, the right hand didn't know what the left hand was doing, or whether they could or should be doing anything at all.

That has changed. It has changed because the Pentagon took bold action to make it change. We must act today to preserve the ground that we have gained if we want to move forward from here.

I urge my colleagues to support this vital amendment. Please help us to maintain the momentum which has taken 3 years to build up.

Mr. GILMAN. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Oklahoma [Mr. ENGLISH] to section 305 of the Defense authorization bill. Basically this amendment allows the current Director of the Department of Defense Task Force on Drug Enforcement, Lt. Gen. R. Dean Tice, U.S. Army to continue in his position as Director. The DOD Task Force on Drug Enforcement is charged with the responsibility of coordinating the assistance provided by all branches of the armed services to our civilian drug law enforcement agencies. Amendments passed by the Congress to the posse comitatus statute in 1981, allowed for increased military assistance to civilan drug law enforcement agencies in terms of equipment, training, and resources.

General Tice has appeared before our Select Committee on Narcotics Abuse and Control, on which I serve as the ranking minority member, on numerous occasions during his 18 months of service as Director of the task force. He has done outstanding work in seeing to it that military assistance is provided to civilian drug law enforcement agencies as they seek to stem the flood of illicit narcotics from entering this country and flooding our streets, destroying the minds of our youth and threatening the moral fabric of our society.

The amendment offered by the gentleman from Oklahoma is essential to keep General Tice on as Director of

the DOD Task Force on Drug Enforcement. It specifies that the Army would have an additional three-star general billet, thus allowing General Tice to remain in his position beyond June 30, 1985. If this amendment is not adopted, General Tice will be forced to retire on that date, with a civilian filling his position.

Just this past week, General Tice once again appeared before our select committee. We were most impressed with the job that he is doing coordinating military assistance to civilian drug law enforcement agencies. The loss of General Tice would be a severe blow to our efforts to bring narcotics trafficking under control.

Accordingly, I urge my colleagues to support this important amendment, and allow General Tice to continue the outstanding job that he is doing. We all recognize that much more needs to be done by our military, and I am confident that General Tice will continue to respond to that critical need.

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

Mr. ENGLISH. I am happy to yield to the gentleman from Florida.

Mr. HUTTO. Mr. Chairman, I want to commend the gentleman on his initiative, and certainly this is a worthwhile amendment.

I have an amendment to the gentleman's amendment which I believe is agreeable.

The CHAIRMAN pro tempore. Does the gentleman from Oklahoma [Mr. ENGLISH] yield back the balance of his time?

Mr. ENGLISH. Mr. Chairman, I have looked over the gentleman's amendment, and I would ask unanimous consent that the amendment of the gentleman from Florida [Mr. HUTTO] be incorporated into my amendment, if that is agreeable.

The CHAIRMAN pro tempore. The Clerk will report the modification of the gentleman from Florida [Mr. HUTTO].

The Clerk read as follows:

Modification offered by Mr. HUTTO to the amendment offered by Mr. ENGLISH: In paragraph (4) of section 525(b) of title 10, United States Code, as proposed to be added by the amendment, strike out "An officer" and insert in lieu thereof "During the period beginning on October 1, 1985, and ending on September 30, 1988, an officer".

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

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment offered by Mr. ENGLISH, as modified: At the end of title V (page 68, after line 6), add the following new section:

SEC. 533. GRADE OF DIRECTOR, DEPARTMENT OF DEFENSE TASK FORCE ON DRUG ENFORCEMENT.

Section 525(b) of title 10, United States Code, is amended by adding at the end thereof the following new paragraph:

"(4) During the period beginning on October 1, 1985, and ending on September 30, 1988, an officer while serving as Director of the Department of Defense Task Force on Drug Enforcement, if serving in the grade of lieutenant general or vice admiral, is in addition to the number authorized his armed force for that grade under paragraph (1) or (2).".

Mr. HUTTO. Mr. Chairman, this is just to make this a 3-year provision. It makes the amendment all the better and it is agreeable to everyone, I believe.

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

We have examined the amendment offered by the gentleman from Oklahoma [Mr. ENGLISH], as modified, and find it to be a very meritorious amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oklahoma [Mr. ENGLISH] as modified.

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. LOWERY OF CALIFORNIA

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

The Clerk read as follows:

Amendment offered by Mr. LOWERY of California: At the end of title V (page 68, after line 6) add the following new section:

SEC. 533. ELIGIBILITY OF CERTAIN ALIENS FOR JUNIOR ROTC.

Section 2031(b)(1) of title 10, United States Code, is amended by striking out "are citizens or nationals of the United States" and inserting in lieu thereof "who are citizens or nationals of the United States, aliens lawfully admitted to the United States for permanent residence, or aliens admitted as minor children of nonimmigrants described in section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H))".

Mr. LOWERY 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. LOWERY of California. Mr. Chairman, the amendment I am offering today allows permanent resident aliens to participate more fully in school districts' junior reserve officer training programs. By allowing permanent resident aliens to be considered junior cadets in the fullest sense of the word, the amendment will end discrimination against those school districts which have large populations of immigrant students.

Current law sets minimum enrollment standards for junior ROTC units at a specified number of physically fit students who are at least 14 years of age and are citizens: 100 students or 10 percent of the number of students enrolled in the institution who are at least 14 years of age, whichever is less. Although resident alien students are eligible to participate in junior ROTC programs, they do not contribute to the established minimum enrollment standards for unit viability. As a result, junior ROTC units cannot be established in public schools where most students do not meet the citizenship criterion.

Additionally, established units which undergo a population shift become nonviable when the majority of their students no longer meet the citizenship criterion. Closing these units deprives students, both citizens and noncitizens, of the benefits of the program.

Finally, since the Junior ROTC Program is primarily intended to provide citizenship training, it is appropriate that it be made available to those young people residing in this country who do not have citizenship status, but will probably become citizens in the future.

Mr. Chairman, legislation which would have enacted this change was first introduced by my predecessor in the 41st District of California, the Honorable Bob Wilson. Mr. Wilson and I had introduced legislation for this purpose to right a wrong that we observed in the way that the junior ROTC citizenship eligibility criterion had discriminated against Asian immigrants in the San Diego area.

For example, we observed that in some cases those children that had risked their lives to escape communism in Vietnam and who were intending to become U.S. citizens at the earliest opportunity were denied equal standing in the Junior ROTC Program—which I repeat is primarily a citizenship training program. We must no longer deny equal standing to these immigrants who have shown their love for this country by seeking to participate in junior ROTC and who will one day become citizens.

According to Mr. Don Yoder, the national chairman for Junior ROTC for the Military Orders of World Wars and who headed the Junior ROTC Program in San Diego for 15 years, this amendment will be extremely beneficial to the many immigrants who make up more than 50 percent of the San Diego High School student body.

The Department of Defense informed me that they supported legislation I had introduced, H.R. 1439, which is essentially the same as the amendment I am offering today. In addition, I have been assured by the Department of Defense that adoption of this change will not cause any increase in budgetary requirements.

Finally, the Office of Management and Budget has expressed no objection to this reform.

In conclusion, therefore, Mr. Chairman, I would like to thank the distinguished chairman of the Armed Services Committee especially in his capacity as chairman of the Subcommittee on Military Personnel and Compensation, for working so cooperatively with me to bring this amendment to the floor. I would also like to thank Mr. DICKINSON and Mr. HILLIS for being so cooperative. I urge my colleagues to support this humanitarian change in the law.

□ 1250

Mr. ASPIN. Mr. Chairman, if the gentleman will yield, the gentleman from California is correct; we have examined the amendment and we believe it should be adopted.

Mr. HILLIS. Mr. Chairman, if the gentleman will yield, we have examined the amendment on this side. We believe it is very meritorious and should be adopted.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WYDEN

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

The Clerk read as follows:

Amendment offered by Mr. WYDEN: Page 118, after line 4, add the following new section:

SEC. 655. LICENSURE REQUIREMENT FOR DEFENSE HEALTH-CARE PROFESSIONALS.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1094. Licensure requirement for health-care professionals

"(a)(1) No person under the jursidiction of the Secretary of a military department may provide health care independently as a health-care professional under this chapter unless the person has a current license to provide such care.

"(2) The Secretary of Defense may waive paragraph (1) with respect to any person in unusual circumstances. The Secretary shall prescribe by regulation the circumstances under which such a waiver may be granted.

"(b) The commanding officer of each health care facility of the Department of Defense shall ensure that each person who provides health care independently as a health-care professional at the facility meets the requirement of subsection (a).

"(c)(1) A person who provides health care in violation of subsection (a) is subject to a civil money penalty of not more than $5,000.

"(2) The provisions of subsections (b) and (d) through (g) of section 1128A of the Social Security Act (42 U.S.C. 1320a-7a) shall apply to the imposition of a civil money penalty under paragraph (1) in the same manner as they apply to the imposition of a civil money penalty under that section, except that for purposes of this subsection—

"(A) a reference to the Secretary in that section is deemed a reference to the Secretary of Defense; and

"(B) a reference to a claimant in subsection (e) of that section is deemed a reference to the person described in paragraph (1).

"(d) In this section:

"(1) 'License'—

"(A) means a grant of permission by an official agency of a State, the District of Columbia, or a Commonwealth, territory, or possession of the United States to provide health care independently as a health-care professional; and

"(B) includes, in the case of such care furnished in a foreign country by any person who is not a national of the United States, a grant of permission by an official agency of that foreign country for that person to provide health care independently as a health-care professional.

"(2) 'Health-care professional' means a physician, dentist, clinical psychologist, nurse, and such other person providing direct patient care as may be designated by the Secretary of Defense in regulations.".

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

"1094. Licensure requirement for health-care professionals.".

(b) TRANSITION.—Section 1094 of title 10, United States Code, as added by subsection (a), does not apply during the three-year period beginning on the date of the enactment of this Act with respect to the provision of health care by any person who on the date of the enactment of this Act is a member of the Armed Forces.

Mr. WYDEN (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. WYDEN. Mr. Chairman, for many months we have been reading horror stories in the press about shoddy, unprofessional health care in the Pentagon health care system.

Just yesterday, on the front page of the Washington Post, we read about Dr. Donal Billig, the former chief of heart and chest surgery at Bethesda Naval Hospital, who was hired by the military despite previous questions about his competency and who has now been charged in connection with the death of four individuals entrusted to his care.

Earlier, there were reports of a baby who was born blind and mentally retarded because Army doctors in Fort Lewis, WA, waited 3 hours to perform a caesarean section after the baby showed fetal heart distress during labor—and of a young boy who entered that same facility for treatment of a cut lip and died of a heart attack soon afterward as the result of an improperly injected sedative.

We have also read about the wife of a retired Navy officer whose surgeon got "off track" during a sinus operation, cut through the sinus wall, removed a piece of brain tissue and injured an artery that provides the brain with blood. As a result, the woman's IQ was reduced and she suffered loss of control over her emotions. Only 2 months later, the surgeon responsible received a promotion.

The Defense Department knows that atrocities like this cannot be allowed to continue. So do we.

That's why I'm introducing an amendment today that will lay the groundwork for a new, safer, more professional approach to health care delivery for our men and women in the Armed Forces.

It achieves this goal by four important steps:

One, for the first time, my amendment requires that all medical personnel practicing within the military health care system—whether active duty personnel, civil servants, or contract employees—have valid, current licenses. This hasn't always been true in the past, as is clear from the much-publicized case of Mr. Abraham Assante, who rose to the rank of chief medical officer in the U.S. Army despite the fact that he had no bona fide medical credentials.

Second, my amendment puts the onus on supervisory personnel—specifically the commanding officer of the health care facility where the individual in question will be practicing—to ensure that this licensure requirement is met. Only yesterday's Washington Post detailed the failure of supervisors either to adequately investigate or report obvious deficiencies in Donal Billig's competency; supervisory personnel must be given a stake in ensuring quality care.

The third initiative in my amendment levies civil penalties of $5,000 against those who ignore the licensure requirement. There are already criminal penalties that apply to both civilian and active duty medical practitioners, but by adding civil penalties as well, we can put still more pressure on shoddy military health care providers.

Finally, my amendment makes it clear that we're concerned not only about the person who wields the scalpel, but the one who provides the care after surgery. My amendment applies to all persons who provide direct patient care, including physicians, nurses, dentists, clinical psychologists, et cetera. Medical disasters can occur at the hands of persons other than the primary physician/surgeon, and my amendment ensures that they are pulled into the quality care net as well.

This amendment does not pretend to be the complete answer to substandard military medical care. Even with its passage, the burden will still be on the military to ensure that any past performance by physicians admitted to practice is up to necessary stand-

ards and that these individuals continue to perform at an acceptable level.

The Department of Defense recognizes the problem, and is in the process of creating new, stiff quality assurance programs.

My amendment will complement this effort by giving the military the tools it needs to make these programs work—and to help ensure that the morning papers will not continue to provide a litany of military malpractice horror stories.

I am pleased that my amendment has the support of both the Department of Defense and the leadership of both parties. I urge my colleagues to join me in making this commonsense quality care provision the law of the land.

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

Mr. WYDEN. I am happy to yield to my colleague, the gentleman from Washington.

Mr. DICKS. I want to compliment the gentleman from Oregon for his leadership on this particular issue. I happen to have, in my district, what I think is a very fine hospital, Madigan. In fact, we are working very hard to improve that hospital. But we have a series of problems there. Based on my own personal investigation, I am convinced that what the gentleman is striving for here; to make certain that we have professional people, who are licensed and are qualified to provide quality health care, is a very important step.

I also would hope that the committee, when it has an opportunity, would hold extensive hearings to look into the whole question of military medicine as it is now being practiced.

What I am really worried about, based on my own investigation, is that we do not have adequate personnel to man our major hospitals in any of the services.

I have talked at great length to a number of people who are well-informed about the situation at Madigan, including the base commander. Just 2 days ago he made a statement about this, in which he said:

> I don't have the personnel that similar hospitals, private and public have, to provide the kind of health care that I think is essential.

He told me that there was a major shortage of nurses in the military health care service today.

(On request of Mr. DICKS, and by unanimous consent, Mr. WYDEN was allowed to proceed for 2 additional minutes.)

Mr. DICKS. If the gentleman will continue to yield, I am going to be very brief here.

I would urge the committee to take a look at this situation because I think it does cry out for further investigation. It is not just the health care facilities here in the United States. Some of the worst problems are health facilities internationally where they are using doctors that do not come anywhere close to having the kind of credentials and medical records that you need to have to practice medicine in the United States.

So I would hope that the committee would pay attention to this. I would certainly hope that, as a first step, that they would accept the Wyden amendment today. I think it is well-thought out; I think it has the support of the Defense Department, and I would urge the committee to really get into this subject.

(By unanimous consent, Mr. WYDEN was allowed to proceed for 1 additional minute.)

Mr. WYDEN. Mr. Chairman, I agree with the gentleman. Personnel are critical.

All that this amendment says is, this is the beginning. You cannot go anywhere unless you require current, valid licenses, and that is the point of this amendment.

I yield back the balance of my time.

Mr. HILLIS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, we have examined this amendment and certainly accept it, in the manner and in the spirit in which it is presented, Mr. Chairman, and we have heard the further discussion here.

I just wanted to point out, on behalf of the Department of Defense, that in addition to the gentleman's amendment, they are embarking on a program of credentials, which is very, very important and will tie in closely with the licensing provisions that are included in the gentleman's amendment, and I think that the two will go well together and will help elevate and deal with the problem.

Mr. WYDEN. Will the gentleman yield on that point?

Mr. HILLIS. I would be happy to yield.

Mr. WYDEN. I appreciate the gentleman yielding on that point, because I think he is absolutely right; I think the Pentagon now recognizes the seriousness of the matter. I think my amendment complements the kind of efforts they are trying to undertake, particularly Dr. Jerud Clinton, who heads the Quality Assurance Program, trying to move them in the right direction.

I appreciate the gentleman's comments.

Mr. HILLIS. We agree to accept the amendment on this side.

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

The amendment was agreed to.

Mr. ASPIN. Mr. Chairman, I ask unanimous consent that the amendments to titles IV, V, and VI already printed in the RECORD by, and if offered by, the Member submitting the amendment be in order notwithstanding the fact that titles IV, V, and VI have already been passed.

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

There was no objection.

The CHAIRMAN pro tempore. If there are no further amendments to those titles, the Clerk will designate title VII.

The text of title VII is as follows:

TITLE VII—CIVIL DEFENSE

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated for fiscal year 1986 to carry out provisions of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.) the sum of $141,425,000.

Mr. ASPIN. Mr. Chairman, I ask unanimous consent that the amendments to title VII already printed in the RECORD by, and if offered by, the Member submitting the amendment be in order notwithstanding the fact that title VII has already been passed.

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

There was no objection.

The CHAIRMAN pro tempore. If there are no further amendments to title VII, the Clerk will designate title VIII.

The text of title VIII is as follows:

TITLE VIII—PROCUREMENT REFORM

SEC. 801. CONTRACTS FOR CERTAIN EDUCATIONAL SERVICES.

(a) IN GENERAL.—In contracting for the provision of off-duty postsecondary education services to be provided by an educational institution to members of the Armed Forces or civilian employees of the Department of Defense (or the dependents of such members or employees), the Secretary of Defense and the Secretaries of the military departments may not—

(1) discriminate, on the basis of an institution's lack of authority to award a baccalaureate degree, against an associate-degree school in a manner that adversely affects such school's opportunity to offer courses (within the scope of its accreditation) under such contract; or

(2) except as provided in subsection (b), limit the offering of courses (or any group, category, or level of courses) to a single educational institution.

(b) EXCEPTIONS.—The Secretary concerned may take such action as may be necessary to avoid unnecessary duplication in the offerings of courses at a military installation consistent to the maximum extent feasible with ensuring alternative providers of education.

(c) COURSES OFFERED ABOARD NAVAL VESSELS.—Nothing in this section requires that more than one educational institution be authorized to offer courses aboard a naval vessel.

(d) DEFINITION.—For the purposes of this section, the term "associate-degree school" means an accredited educational institution that is authorized to award one or more associate degrees.

(e) EFFECTIVE DATE.—This section shall apply to contracts entered into, amended, or renewed on or after the date of the enactment of this Act.

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Mr. ASPIN. Mr. Chairman, I ask unanimous consent that the amendments to title VIII already printed in the RECORD by, and if offered by, the Member submitting the amendment be in order, notwithstanding the fact that title VIII has already been passed.

The CHAIRMAN pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN pro tempore. Are there any amendments to title VIII? If not, the Clerk will designate title IX.

The text of title IX is as follows:

TITLE IX—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 901. SHORT TITLE.

This title may be cited as the "Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1986".

PART A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

SEC. 911. OPERATING EXPENSES.

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1986 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For naval reactors development, $489,000,000.

(2) For weapons activities, $3,526,419,000, to be allocated as follows:

(A) For research and development, $850,300,000.

(B) For weapons testing, $539,000,000.

(C) For the defense inertial confinement fusion program, $145,000,000, of which—

(i) $88,000,000 shall be used for glass laser experiments;

(ii) $38,000,000 shall be used for gas laser experiments;

(iii) $19,000,000 shall be used for pulsed power experiments.

(D) For production and surveillance, $1,893,419,000.

(E) For program direction, $98,700,000.

(3) For verification and control technology, $83,475,000, of which $3,800,000 shall be used for program direction.

(4) For defense nuclear materials production, $1,575,700,000, to be allocated as follows:

(A) For uranium enrichment, $214,000,000.

(B) For production reactor operations, $581,380,000.

(C) For processing of defense nuclear materials, $502,445,000, of which—

(i) $74,800,000 shall be used for special isotope separation;

(ii) $26,000,000 shall be used for the plasma separation process program.

(D) For supporting services, $256,575,000.

(E) For program direction, $21,300,000.

(5) For defense nuclear waste and byproduct management, $395,037,000, to be allowed as follows:

(A) For interim waste management, $271,000,000.

(B) For long-term waste management technology, $96,567,000.

(C) For terminal waste storage, $25,070,000.

(D) For program direction, $2,400,000.

(6) For nuclear safeguards and security technology development program, $54,325,000, of which $6,925,000 shall be used for program direction.

(7) For security investigations, $33,400,000.

SEC. 912. PLANT AND CAPITAL EQUIPMENT.

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1986 for plant and capital equipment (including planning, construction, acquisition, and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

(1) For weapons activities:

Project 86-D-101, general plant projects, various locations, $29,900,000.

Project 86-D-121, general plant projects, various locations, $33,700,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $3,700,000.

Project 86-D-105, instrumentation systems laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $6,200,000.

Project 86-D-122, structural upgrade of existing plutonium facilities, Rocky Flats Plant, Golden, Colorado, $3,000,000.

Project 86-D-123, environmental hazards elimination, various locations, $8,700,000.

Project 86-D-124, safeguards and site security upgrading, phase II, Mound Plant, Miamisburg, Ohio, $3,000,000.

Project 86-D-125, safeguards and site security upgrade, phase II, Pantex Plant, Amarillo, Texas, $1,500,000.

Project 85-D-102, nuclear weapons research, development, and testing facilities revitalization, phase I, various locations, $65,400,000, for a total project authorization of $100,800,000.

Project 85-D-103, safeguards and security enhancements, Lawrence Livermore National Laboratory and Sandia National Laboratories, Livermore, California, $16,400,000, for a total project authorization of $21,100,000.

Project 85-D-106, hardened engineering test building, Lawrence Livermore National Laboratory, Livermore, California, $1,900,000, for a total project authorization of $2,700,000.

Project 85-D-112, enriched uranium recovery improvements, Y-12 Plant, Oak Ridge, Tennessee, $15,300,000, for a total project authorization of $19,800,000.

Project 85-D-113, powerplant and steam distribution system, Pantex Plant, Amarillo, Texas, $18,500,000, for a total project authorization of $23,000,000.

Project 85-D-115, renovate plutonium building utility systems, Rocky Flats Plant, Golden, Colorado, $17,700,000, for a total project authorization of $20,600,000.

Project 85-D-121, air and water pollution control facilities, Y-12 Plant, Oak Ridge, Tennessee, $14,000,000, for a total project authorization of $19,000,000.

Project 85-D-123, safeguards and site security upgrade, phase I, Pantex Plant, Amarillo, Texas, $4,000,000, for a total project authorization of $5,000,000.

Project 85-D-124, safeguards and site security upgrade, Rocky Flats Plant, Golden, Colorado, $2,400,000, for a total project authorization of $3,400,000.

Project 85-D-125, tactical bomb production facilities, various locations, $11,000,000, for a total project authorization of $21,000,000.

Project 84-D-102, radiation-hardened integrated circuit laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $15,500,000, for a total project authorization of $37,500,000.

Project 84-D-104, nuclear materials storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $12,100,000, for a total project authorization of $19,300,000.

Project 84-D-107, nuclear testing facilities revitalization, various locations, $14,900,000, for a total project authorization of $65,940,000.

Project 84-D-112, Trident II warhead production facilities, various locations, $60,700,000, for a total project authorization of $140,700,000.

Project 84-D-113, antisubmarine warfare/standoff weapon warhead production facilities, various locations, $10,000,000.

Project 84-D-115, electrical system expansion, Pantex Plant, Amarillo, Texas, $3,300,000, for a total project authorization of $14,800,000.

Project 84-D-117, inert assembly and test facility, Pantex Plant, Amarillo, Texas, $400,000, for a total project authorization of $13,600,000.

Project 84-D-118, high-explosive subassembly facility, Pantex Plant, Amarillo, Texas, $33,000,000, for a total project authorization of $40,000,000.

Project 84-D-120, explosive component test facility, Mound Plant, Miamisburg, Ohio, $2,300,000, for a total project authorization of $22,300,000.

Project 84-D-211, safeguards and site security upgrading, Y-12 Plant, Oak Ridge, Tennessee, $7,500,000, for a total project authorization of $23,000,000.

Project 84-D-212, safeguards and site security upgrade, Pinellas Plant, Florida, $3,800,000, for a total project authorization of $7,500,000.

Project 83-D-199, buffer land acquisition, Lawrence Livermore National Laboratory and Sandia National Laboratories, Livermore, California, $10,000,000, for a total project authorization of $34,000,000.

Project 82-D-107, utilities and equipment restoration, replacement, and upgrade, phase III, various locations, $175,500,000, for a total project authorization of $745,900,000.

Project 82-D-111, interactive graphics systems, various locations, $6,000,000, for a total project authorization of $26,000,000.

Project 82-D-144, simulation technology laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $10,300,000, for a total project authorization of $34,000,000.

Project 79-7-0, universal pilot plant, Pantex Plant, Amarillo, Texas, $4,500,000, for a total project authorization of $20,400,000.

(2) For materials production:

Project 86-D-146, general plant projects, various locations, $32,500,000.

Project 86-D-149, productivity retention program, phase I, various locations, $27,200,000.

Project 86-D-148, special isotope separation plant (design only) site undesignated, $8,000,000.

Project 86-D-150, in-core neutron monitoring system, N reactor, Richland, Washington, $5,460,000.

Project 86-D-151, PUREX electrical system upgrade, Richland, Washington, $3,500,000.

Project 86-D-152, reactor electrical distribution system, Savannah River, South Carolina, $4,000,000.

Project 86-D-153, additional line III furnace, Savannah River, South Carolina, $2,000,000.

Project 86-D-154, effluent treatment facility, Savannah River, South Carolina, $2,500,000.

Project 86-D-156, plantwide safeguards systems, Savannah River, South Carolina, $3,000,000.

Project 86-D-157, hydrofluorination system—FB-line, Savannah River, South Carolina, $2,200,000.

Project 85-D-137, vault safety special nuclear material inventory system, Richland, Washington, $1,900,000, for a total project authorization of $4,400,000.

Project 85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $15,000,000, for a total project authorization of $25,000,000.

Project 85-D-140, productivity and radiological improvements, Feed Materials Production Center, Fernald, Ohio, $12,000,000, for a total project authorization of $18,000,000.

Project 85-D-145, fuel production facility, Savannah River, South Carolina, $16,000,000, for a total project authorization of $25,800,000.

Project 84-D-135, process facility modifications, Richland, Washington, $15,000,000, for a total project authorization of $32,500,000.

Project 84-D-136, enriched uranium conversion facility modifications, Y-12 Plant, Oak Ridge, Tennessee, $7,200,000, for a total project authorization of $19,600,000.

Project 83-D-148, non-radioactive hazardous waste management, Savannah River, South Carolina, $3,100,000, for a total project authorization of $22,100,000.

Project 82-D-124, restoration of production capabilities, phases II, III, IV, and V, various locations, $44,900,000, for a total project authorization of $349,534,000.

Project 82-D-201, special plutonium recovery facilities, JB-Line, Savannah River, South Carolina, $4,400,000, for a total project authorization of $83,800,000.

(3) For defense waste and byproducts management:

Project 86-D-171, general plant projects, interim waste operations and long-term waste management technology, various locations, $25,451,000.

Project 86-D-172, B plant F filter, Richland, Washington, $1,000,000.

Project 86-D-173, central waste disposal facility, Oak Ridge, Tennessee, $1,000,000.

Project 86-D-174, low-level waste processing and shipping system, Feed Materials Production Center, Fernald, Ohio, $2,500,000.

Project 86-D-175, Idaho National Engineering Laboratory security upgrade, Idaho National Engineering Laboratory (INEL), Idaho, $2,000,000.

Project 85-D-157, seventh calcined solids storage facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $14,500,000, for a total project authorization of $21,500,000.

Project 85-D-158, central warehouse upgrade, Richland, Washington, $5,000,000, for a total project authorization of $5,700,000.

Project 85-D-159, new waste transfer facilities, H-Area, Savannah River, South Carolina, $9,000,000, for a total project authorization of $20,000,000.

Project 85-D-160, test reactor area security system upgrade, Idaho National Engineering Laboratory (INEL), Idaho, $2,250,000, for a total project authorization of $4,250,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, $165,000,000, for a total project authorization of $597,500,000.

(4) For verification and control technology:

Project 85-D-171, space science laboratory, Los Alamos, New Mexico, $4,500,000, for a total project authorization of $5,500,000.

(5) Nuclear safeguards and security:

Project 86-D-186, nuclear safeguards technology laboratory, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

(6) For naval reactors development:

Project 86-N-101, general plant projects, various locations, $4,000,000.

Project 86-N-104, reactor modifications, advance test reactor, Idaho National Engineering Laboratory, $4,500,000.

Project 82-N-111, materials facility, Savannah River, South Carolina, $11,000,000, for a total project authorization of $176,000,000.

Project 81-T-112, modifications and additions to prototype facilities, various locations, $27,000,000, for a total project authorization of $137,000,000.

(7) For capital equipment not related to construction:

(A) for weapons activities, $266,750,000;

(B) for inertial confinement fusion, $10,000,000;

(C) for materials production, $123,440,000;

(D) for defense waste and byproducts management, $38,997,000;

(E) for verification and control technology, $5,600,000;

(F) for nuclear safeguards and security, $4,600,000; and

(G) for naval reactors development, $28,000,000.

PART B—RECURRING GENERAL PROVISIONS

SEC. 921. REPROGRAMMING.

(a) NOTICE TO CONGRESS.—Except as otherwise provided in this title—

(1) no amount appropriated pursuant to this title may be used for any program in excess of 105 percent of the amount authorized for that program by this title or $10,000,000 more than the amount authorized for that program by this title, whichever is the lesser, and

(2) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress,

unless a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the appropriate committees of Congress of notice from the Secretary of Energy (hereinafter in this part referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or unless each such committee before the expiration of such period has transmitted to the Secretary written notice to the effect that such committee has no objection to the proposed action.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 922. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated costs of the construction project does not exceed $1,000,000.

(b) REPORT TO CONGRESS.—If at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,000,000, the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

(c) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated to carry out all general plant projects authorized by this title exceed the total amount authorized to be appropriated for such projects by this title.

SEC. 923. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—Whenever the current estimated cost of a construction project which is authorized by section 912 of this title, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(1) the amount authorized for the project; or

(2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to the Congress,

construction may not be started or additional obligations incurred in connection with the project above the total estimated cost, as the case may be, unless a period of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three days to a day certain) has passed after receipt by the appropriate committees of the Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the action, or unless each committee before the expiration of such period has notified the Secretary it has no objection to the proposed action.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 924. FUND TRANSFER AUTHORITY.

To the extent specified in appropriation Acts, funds appropriated pursuant to this title may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

SEC. 925. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) IN GENERAL.—(1) Within the amounts authorized by this title for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In any case in which the total estimated cost for such planning and design exceeds $300,000, the Secretary shall notify the appropriate committees of Congress in writing of the details of such project at least

30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such design must be specifically authorized by law.

SEC. 926. AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN.

In addition to the advance planning and construction design authorized by section 912, the Secretary may perform planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

SEC. 927. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 928. ADJUSTMENTS FOR PAY INCREASES.

Appropriations authorized by this title for salary, pay, retirement, or other benefits for Federal employees may be increased by such amounts as may be necessary for increases in such benefits authorized by law.

SEC. 929. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for Department of Energy defense programs may remain available until expended.

PART C—SPECIAL PROGRAM PROVISIONS

SEC. 931. GENERAL REDUCTION.

The total amount that may be appropriated pursuant to the authorizations in this title is the amount equal to the sum of the amounts authorized in this title reduced by $32,280,000. Of such reduction—

(1) $10,000,000 shall be derived from funds for acquisition of automated data processing and computer equipment;

(2) $14,000,000 shall be derived from savings from management initiatives; and

(3) $8,280,000 shall be derived from proposed rescission R85-80.

SEC. 932. COMMUNITY ASSISTANCE PAYMENTS.

(a) FINAL SETTLEMENT.—Subject to the provisions of appropriation Acts, the Secretary of Energy is authorized to obligate during fiscal year 1986 not more than $41,133,000 from funds available to the Department of Energy for the purpose of carrying out a contract with Anderson County and Roane County, Tennessee, and the City of Oak Ridge, Tennessee, that would provide a final financial settlement with those entities and terminate all annual assistance payments made to those entities pursuant to section 91 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2391), and for advance payment of payments in lieu of property taxes for the fiscal years 1986 through 1996 authorized by section 168 of the Atomic Energy Act of 1954 (42 U.S.C. 2208).

(b) REPORT TO CONGRESS.—Not later than February 1, 1986, the Secretary of Energy shall submit to the appropriate committees of Congress a report and the Secretary's recommendations concerning any need for any further financial assistance payments to local governmental entities pursuant to the Atomic Energy Community Act of 1955. In making such recommendations, the Secretary shall consider—

(1) the criteria established by section 91 of the Atomic Energy Act of 1954;

(2) changes in the financial circumstances of State and local governmental entities since 1955;

(3) other forms of Federal assistance to State and local governmental entities provided since 1955; and

(4) the deficit of the Federal budget.

(c) LIMITATION.—No funds may be obligated for the purposes set forth in subsection (a) until—

(1) the Secretary has submitted a copy of an executed contract that complies with the requirements of that subsection to the appropriate committees of Congress; and

(2) a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt of such contract.

SEC. 933. IMPROVEMENTS TO DEPARTMENT OF ENERGY BUILDING AT OAK RIDGE, TENNESSEE.

Subject to the provisions of appropriations Acts, the Secretary of Energy is authorized to obligate not more than $5,000,000 during fiscal year 1986 from funds available to the Department of Energy to renovate a building owned by the Department of Energy at Oak Ridge, Tennessee if the Secretary determines that the Department's research and development requirements of the Strategic Defense Initiatives program require such renovations.

SEC. 934. PROHIBITION OF USE OF FUNDS FOR CERTAIN PURPOSES.

No amount appropriated pursuant to this title may be used in any way, directly or indirectly, for any of the following:

(1) Publicity or propaganda purposes not authorized by the Congress.

(2) Advertising, other than for recruiting employees, acquiring necessary items or services, or disposing of scrap or surplus material.

(3) The purpose of influencing congressional action on any legislation or appropriation matters pending before the Congress.

(4) Contributions or donations, regardless of the recipient, including political contributions.

(5) Initiation fees or dues paid to any social, country, or similar type club or organization.

(6) Gifts.

(7) Entertainment costs.

(8) The use of corporate aircraft in connection with any of the foregoing purposes or any use of such aircraft that has any personal benefit to the user.

SEC. 935. TECHNICAL AMENDMENTS.

(a) IN GENERAL.—Sections 1623(a) and 1626 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1985 (title XVI of Public Law 98-525) are amended by striking out "section 302" and inserting in lieu thereof "section 1602".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be considered to have been made on the date of the enactment of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1985.

Mr. ASPIN. Mr. Chairman, I ask unanimous consent that the amendments to title IX already printed in the RECORD by, and if offered by, the Member submitting the amendment be in order, notwithstanding the fact that title IX has already been passed.

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

There was no objection.

The CHAIRMAN pro tempore. Are there any amendments to title IX?

The Clerk will designate title X.

The text of title X is as follows:

TITLE X—GENERAL PROVISIONS

PART A—FINANCIAL MATTERS

SEC. 1001. CONTRACTED ADVISORY AND ASSISTANCE SERVICES.

(a) ACCOUNTING PROCEDURE.—(1) The Secretary of Defense shall require that there be established within each military department an accounting procedure to aid in the identification and control of expenditures for services identified as contracted advisory and assistance services.

(2) Not later than six months after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the accounting procedure implemented in each military department pursuant to paragraph (1).

(b) REGULATIONS TO DISTINGUISH WEAPONS-RELATED ADVISORY SERVICES.—(1) The Secretary shall prescribe regulations which specifically describe—

(A) what services the Department of Defense considers to be contracted advisory and assistance services; and

(B) of those services, which services are carried out in direct support of a weapons system and are essential to the development, production, or maintenance of the system.

(2) Regulations required by paragraph (1) shall be prescribed not later than six months after the date of enactment of this Act.

(c) CONGRESSIONAL BUDGET DOCUMENTS.—Budget documents presented to Congress in support of the annual budget for the Department of Defense shall identify contracted advisory and assistance services as defined under regulations prescribed pursuant to subsection (b) and shall separately set forth amounts for such services described in subsection (b)(1)(B).

PART B—DEFENSE MANAGEMENT

SEC. 1011. ANNUAL SELECTED ACQUISITION REPORTS.

(a) ADDITIONAL INFORMATION TO BE INCLUDED.—Subsection (c) of section 139a of title 10, United States Code, is amended to read as follows:

"(c)(1) Each Selected Acquisition Report for the first quarter for a fiscal year shall include—

"(A) the same information, in detailed and summarized form, as is provided in reports submitted under section 139 of this title;

"(B) the current program acquisition unit cost for each major defense acquisition program included in the report and the history of that cost from the date the program was first included in a Selected Acquisition Report to the end of the quarter for which the current report is submitted; and

"(C) such other information as the Secretary of Defense considers appropriate.

"(2) Each Selected Acquisition Report for the first quarter of a fiscal year shall be prepared and submitted in the same format and with the same content as was used for the Selected Acquisition Report for the first quarter of fiscal year 1984.

"(3) In addition to the material required by paragraphs (1) and (2), each Selected Ac-

quisition Report for the first quarter of a fiscal year shall include—

"(A) a full life-cycle cost analysis for each major defense acquisition program included in the report that was first included in a Selected Acquisition Report for a quarter after the first quarter of fiscal year 1985; and

"(B) if the system that is included in that major defense acquisition program has an antecedent system, a full life-cycle cost analysis for that system.

"(4) Selected Acquisition Reports for the first quarter of a fiscal year shall be known as comprehensive annual Selected Acquisition Reports.".

(b) RESUBMISSION OF SARs FOR FIRST QUARTER OF FISCAL YEAR 1985.—(1) The Secretary of Defense shall resubmit to Congress the Selected Acquisition Reports required by section 139a of title 10, United States Code, for the first quarter of fiscal year 1985. The reports as resubmitted shall be in the format and with the content required by paragraph (2) of section 139a(c)(2) of such title, as added by subsection (a).

(2) Such reports shall be submitted not later than 30 days after the date of enactment of this Act.

SEC. 1012. ANNUAL REPORT ON GUARD AND RESERVE EQUIPMENT.

Section 138(b) of title 10, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) The Secretary shall include in each report under paragraph (2) the following:

"(A) A listing of each major item of equipment required by the Selected Reserve of the Ready Reserve of each reserve component indicating—

"(i) the full war-time requirement of that component for that item, shown in accordance with deployment schedules and requirements over successive 30-day periods following mobilization;

"(ii) the number of each such item in the inventory of the component;

"(iii) a separate listing of each such item in the inventory that is a deployable item and is not the most desired item;

"(iv) the number of each such item projected to be in the inventory at the end of the third succeeding fiscal year; and

"(v) the number of nondeployable items in the inventory as a substitute for a required major item of equipment.

"(B) A narrative explanation of the plan of the Secretary concerned to provide equipment needed to fill the war-time requirement for each major item of equipment to all units of the Selected Reserve, including an explanation of the plan to equip units of the Selected Reserve that are short major items of equipment at the outset of war.

"(C) For each item of major equipment reported under paragraph (2)(C) in a report for one of the three previous years under this subsection as an item expected to be procured for the Selected Reserve or to be transferred to the Selected Reserve, the quantity of such equipment actually procured for or transferred to the Selected Reserve.".

SEC. 1013. PROHIBITION ON CERTAIN TRANSFERS TO FOREIGN GOVERNMENTS.

Funds appropriated to the Department of Defense may not be used—

(1) to transfer to a foreign government a technical data package from a Government-owned, Government-operated defense plant manufacturing large caliber cannons; or

(2) to assist a foreign government in producing a defense item currently being manufactured or developed in such a defense plant.

SEC. 1014. DEPOT-LEVEL MAINTENANCE OF SHIPS HOMEPORTED ON WEST COAST.

The Secretary of the Navy—

(1) shall review the depot-level maintenance workload for naval vessels scheduled, as of May 8, 1985, to be carried out in Japan during fiscal years 1986, 1987, and 1988; and

(2) shall require that not less than one-half of such work (measured in cost) be carried out in the United States.

SEC. 1015. STUDY AND PLAN FOR THE DESTRUCTION OF CHEMICAL AGENTS AND MUNITIONS.

(a) IN GENERAL.—Before any destruction of the United States' stockpile of lethal chemical agents and munitions may take place, the Secretary of Defense shall conduct a study for the purpose of formulating and making recommendations for a masterplan and a schedule for destroying such stockpile.

(b) SPECIFIC REQUIREMENT.—Such study shall consider, but not be limited to—

(1) technological advances in techniques used to destroy chemical agents and munitions; and

(2) the feasibility of establishing a national destruction site within or outside the continental United States.

(c) SUBMISSION OF REPORT.—The Secretary of Defense shall transmit a copy of the findings and conclusions of such study, including the masterplan and schedule described in subsection (a), to the Committees on Armed Services and the Committees on Appropriations of the House of Representatives and of the Senate.

(d) EXCEPTION.—The prohibition contained in subsection (a) shall not apply to the destruction or continued storage of the 476,885 chemical munitions declared by the Secretary of the Army to be obsolete and to have no military value.

PART C—MISCELLANEOUS REPORTING REQUIREMENTS

SEC. 1021. EXTENSION OF TIME FOR SUBMISSION OF REPORTS BY COMMISSION ON MERCHANT MARINE AND DEFENSE.

Section 1536 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2633), is amended—

(1) by striking out "on September 30, 1985, and September 30, 1986" in subsection (b) and inserting in lieu thereof "12 months after the date of the enactment of the law first providing funds for the Commission and 24 months after such date"; and

(2) in subsection (g)—

(A) by striking out "June 30, 1985, and June 30, 1986" and inserting in lieu thereof "nine months after the date of the enactment of the law first providing funds for the Commission and not later than 21 months after such date"; and

(B) by striking out "September 30, 1985, and September 30, 1986" and inserting in lieu thereof "12 months after such date of enactment and not later than 24 months after such date of enactment".

SEC. 1022. REPORT ON NAVAL SHIPBUILDING AND REPAIR BASE.

(a) REQUIREMENT FOR REPORT BY SECRETARY OF THE NAVY.—The Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the industrial base for construction, overhaul, and repair of naval vessels (hereinafter in this section referred to as the "shipyard base").

(b) COMPETITION AND MOBILIZATION CAPABILITY.—The report shall consider the current competitive environment in the shipyard base and the current mobilization capability of the shipyard base.

(c) STUDY OF INCREASE IN NUMBER OF SHIPYARDS.—(1) The report shall include an assessment of how competition in the shipyard base and the mobilization capability of the shipyard base would each be affected by an increase in the number of shipyards in the shipyard base and shall assess alternative ways of achieving such an increase.

(2) In assessing ways to increase the number of shipyards in the shipyard base, the Secretary shall consider the feasibility and desirability of expanding by one the number of shipyards currently engaged in construction of each of the following types of vessels:

(A) Trident nuclear-powered fleet ballistic missile submarines.

(B) Nuclear-powered attack submarines.

(C) Nuclear-powered aircraft carriers.

(D) Complex surface combatants.

(E) Auxiliaries.

(3) In considering ways to increase the number of shipyards constructing each type of vessel listed in paragraph (2), the Secretary shall consider expansion of the shipbuilding base on the West Coast of the United States and increased use of public shipyards.

(d) FACTORS IN ASSESSMENT.—The assessment of the current capabilities of the shipyard base and of each alternative identified under subsection (c)—

(1) shall be made considering the requirements of both peacetime competition and wartime mobilization capability; and

(2) shall include a description of the possible costs and benefits of the current capabilities and each alternative.

(e) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than January 31, 1986.

SEC. 1023. NUCLEAR REACTOR COMPONENTS FOR SSN-21 CLASS SUBMARINES.

Funds appropriated pursuant to authorizations of appropriations in this Act may not be obligated for the design or construction of nuclear reactor components for the SSN-21 class submarine until the Secretary of the Navy submits to the Committees on Armed Services of the Senate and House of Representatives a report on the industrial base for the design and construction of nuclear components for the SSN-21 class submarine. The report shall evaluate the cost effectiveness of increasing the number of firms actively employed in the design of nuclear reactor components and the construction of nuclear reactor components.

PART D—TECHNICAL AND CLERICAL AMENDMENTS

SEC. 1031. ELIMINATION OF CERTAIN STATUTORY GENDER-BASED DISTINCTIONS.

(a) GENERAL MILITARY LAW.—(1) Section 772(c) of such title is amended by striking out the second sentence.

(2) Section 1431(b)(3) of title 10, United States Code, is amended by striking out "widow" and inserting in lieu thereof "surviving spouse".

(b) ARMY.—(1)(A) Section 3683 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 353 of such title is amended by striking out the item relating to section 3683.

(C) The repeal made by subparagraph (A) shall not apply in the case of a person who performed active service described in section 3683 of title 10, United States Code, as such section was in effect on the day before the date of the enactment of this Act.

(2)(A) Section 3963 of such title is repealed.

(B) The table of sections at the beginning of chapter 369 of such title is amended by striking out the item relating to section 3963.

(C) The repeal made by subparagraph (C) shall not apply in the case of a member of the Regular Army described in section 3963 of title 10, United States Code, as such section was in effect on the day before the date of the enactment of this Act.

(3)(A) Section 4309(b) of such title is amended by striking out "males" and inserting in lieu thereof "persons".

(B) Section 4313(a) of such title is amended by striking out "man" and inserting in lieu thereof "competitor".

(C) Section 4651 of such title is amended by striking out "male".

(4)(A) Section 4712(d) of such title is amended by striking out clauses (1) through (9) and inserting in lieu thereof the following:

"(1) The surviving spouse or legal representative.

"(2) A child of the deceased.

"(3) A parent of the deceased.

"(4) A brother or sister of the deceased.

"(5) The next-of-kin of the deceased.

"(6) A beneficiary named in the will of the deceased.".

(B) Section 4713(a)(2) of such title is amended by striking out clauses (A) through (I) and inserting in lieu thereof the following:

"(A) The surviving spouse or legal representative.

"(B) A child of the deceased.

"(C) A parent of the deceased.

"(D) A brother or sister of the deceased.

"(E) The next-of-kin of the deceased.

"(F) A beneficiary named in the will of the deceased.".

(c) NAVY.—(1) Section 6160(a) of title 10, United States Code, is amended by striking out "enlisted man" and inserting in lieu thereof "enlisted member".

(2) Section 6964(e) of such title is amended by striking out "men" and inserting in lieu thereof "persons".

(3)(A) Section 7601(a) of such title is amended by striking out "widows" and inserting in lieu thereof "widows and widowers".

(B) The heading of such section is amended to read as follows:

"§ 7601. Sales: members of the naval service and Coast Guard; widows and widowers; civilian employees and other persons".

(C) The item relating to section 7601 in the table of sections at the beginning of chapter 651 of such title is amended to read as follows:

"7601. Sales: members of the naval service and Coast Guard; widows and widowers; civilian employees and other persons.".

(d) AIR FORCE.—(1)(A) Section 8683 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 853 of such title is amended by striking out the item relating to section 8683.

(C) The repeal made by subparagraph (A) shall not apply in the case of a person who performed active service described in section 8683 of title 10, United States Code, as such section was in effect on the day before the date of the enactment of this Act.

(2)(A) Section 8963 of such title is repealed.

(B) The table of sections at the beginning of chapter 869 of such title is amended by striking out the item relating to section 8963.

(C) The repeal made by subparagraph (A) shall not apply in the case of an Air Force nurse or medical specialist described in section 8963 of title 10, United States Code, as such section was in effect on the day before the date of the enactment of this Act.

(3) Section 9651 of such title is amended by striking out "male".

(4)(A) Section 9712(d) of such title is amended by striking out clauses (1) through (9) and inserting in lieu thereof the following:

"(1) The surviving spouse or legal representative.

"(2) A child of the deceased.

"(3) A parent of the deceased.

"(4) A brother or sister of the deceased.

"(5) The next-of-kin of the deceased.

"(6) A beneficiary named in the will of the deceased.".

(B) Section 9713(a)(2) of such title is amended by striking out clauses (A) through (I) and inserting in lieu thereof the following:

"(A) The surviving spouse or legal representative.

"(B) A child of the deceased.

"(C) A parent of the deceased.

"(D) A brother or sister of the deceased.

"(E) The next-of-kin of the deceased.

"(F) A beneficiary named in the will of the deceased.".

(e) WORLD WAR II ERA ARMY NURSES.—(1) The Act entitled "An Act to authorize temporary appointment as officers in the Army of the United States of members of the Army Nurse Corps, female persons having the necessary qualifications for appointment in such corps, female dietetic and physical-therapy personnel of the Medical Department of the Army (exclusive of students and apprentices), and female persons having the necessary qualifications for appointment in such department as female dietetic or physical-therapy personnel, and for other purposes", approved June 22, 1944 (58 Stat. 324; 50 U.S.C. App. 1591 et seq.), is repealed.

(2) The repeal made by paragraph (1) shall not apply in the case of any person appointed and assigned under the first section of the Act repealed by such paragraph, as such Act was in effect on the day before the date of the enactment of this Act.

(f) SOLDIERS' AND AIRMEN'S HOME.—The first sentence of section 4 of the Act entitled "An Act prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes", approved March 3, 1883 (24 U.S.C. 52), is amended—

(1) by striking out "wife" both places it appears and inserting in lieu thereof "spouse"; and

(2) by striking out "his" and inserting in lieu thereof "such".

(g) DEPENDENTS OF PERSONS MISSING IN ACTION.—Section 551(1)(A) of title 37, United States Code, is amended by striking out "wife" and inserting in lieu thereof "spouse".

SEC. 1032. TECHNICAL AMENDMENTS RELATING TO BENEFITS FOR CERTAIN DIA PERSONNEL.

(a) CIVILIAN EMPLOYEES.—(1) Section 192 of title 10, United States Code, is transferred to the end of chapter 83 of such title, redesignated as section 1605, and amended—

(A) in subsections (a) and (b), by striking out "Director of the Defense Intelligence Agency, on behalf of the Secretary of Defense," and inserting in lieu thereof "Secretary of Defense";

(B) in subsection (a)—

(i) by striking out "military and";

(ii) by striking out "under sections 903, 705, and 2308" and inserting in lieu thereof "sections 705 and 903";

(iii) by striking out "22 U.S.C. 4025;"; and

(iv) by striking out "; 22 U.S.C. 4083" and all that follows in such subsection and inserting in lieu thereof ", 4025, 4083) and under section 5924(4)(B) of title 5."; and

(C) by striking out subsection (c) and redesignating subsection (d) as subsection (c).

(2) The item relating to such section in the table of sections at the beginning of chapter 8 of such title is transferred to the end of the table of sections at the beginning of chapter 83 of such title and is amended by striking out "192" and inserting in lieu thereof "1605".

(3) Section 1603 of such title is amended by striking out "chapter" both places it appears and inserting in lieu thereof "sections 1601 and 1602 of this title".

(b) MEMBERS OF THE ARMED FORCES.—(1) Chapter 7 of title 37, United States Code, is amended by adding at the end thereof the following new section:

"§ 431. Benefits for certain members assigned to the Defense Intelligence Agency

"(a) The Secretary of Defense may provide to members of the armed forces who are assigned to Defense Attache Offices and Defense Intelligence Agency Liaison Offices outside the United States and who are designated by the Secretary of Defense for the purposes of this subsection allowances and benefits comparable to those provided by the Secretary of State to officers and employees of the Foreign Service under paragraphs (2), (3), (4), (6), (7), (8), and (13) of section 901 and sections 705 and 903 of the Foreign Service Act of 1980 (22 U.S.C. 4081 (2), (3), (4), (6), (7), (8), and (13), 4025, 4083) and under section 5924(4)(B) of title 5.

"(b) The authority of the Secretary of Defense to make payments under subsection (a) of this section is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

"(c) Members of the armed forces may not receive benefits under both subsection (a) of this section and any other provision of this title for the same purpose. The Secretary of Defense shall prescribe such regulations as may be necessary to carry out this subsection.

"(d) Regulations prescribed pursuant to subsection (a) of this section shall be submitted to the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate before such regulations take effect.".

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

"431. Benefits for certain members assigned to the Defense Intelligence Agency.".

(3) The authority of the Secretary of Defense under section 431 of title 37, United States Code, as added by paragraph (1), may be delegated in accordance with section 133(d) of title 10, United States Code.

SEC. 1033. CLERICAL AMENDMENTS.

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

(1) Section 124(c)(2) is amended by inserting "of the Joint Chiefs of Staff" after "Chairman".

(2) Section 139b(d)(3)(B)(i) is amended by inserting "percent" before the semicolon.

(3) Section 140c(b)(1) is amended by striking out "enactment of this section" and inserting in lieu thereof "September 24, 1983".

(4)(A) Section 520b is amended by striking out "enlistments" and inserting in lieu thereof "enlistment".

(B) The item relating to such section in the table of sections at the beginning of chapter 31 is amended by striking out "enlistments" and inserting in lieu thereof "enlistment".

(5) Section 555 is amended by striking out "section 201(c)" and inserting in lieu thereof "section 201(b)".

(6) The item relating to section 1043 in the table of sections at the beginning of chapter 53 is amended by striking out "Atomospheric" and inserting in lieu thereof "Atmospheric".

(7) Section 1074a(a) is amended by striking out "prescribed by" and all that follows through "the following persons" and inserting in lieu thereof "prescribed by the administering Secretaries, the following persons".

(8) Section 1085 is amended by indenting the first line of the text of the section.

(9) Section 1437(c)(3)(A) is amended by striking out "(notwithstanding section 144 of this title)".

(10) Section 1440 is amended by striking out "section 1437(c)(3)" and inserting in lieu thereof "section 1437(c)(3)(B)".

(11) Section 1450 is amended—

(A) by striking out "subsection (l)" in subsection (i) and inserting in lieu thereof "subsection (l)(3)(B)"; and

(B) by striking out "(notwithstanding subsection (h))" in subsection (l)(3)(A).

(12) Section 1489(a) is amended by striking out "Armed Forces" and inserting in lieu thereof "armed forces".

(13) Section 2304(a)(1)(B) is amended by striking out "krocedures" and inserting in lieu thereof "procedures".

(14) Paragraph (5) of section 2305(b) is reset full measure.

(15) Section 2306 is amended—

(A) by adding a period at the end of subsection (a); and

(B) by striking out "of this title" in subsection (b).

(16) Section 2310 is amended by inserting "this" after "2305 of".

(17)(A) Sections 2320, 2321, 2322, and 2323 (as added by section 1216 of the Defense Procurement Reform Act of 1984 (title XII of Public Law 98-525)) are redesignated as sections 2319a, 2319b, 2319c, and 2319d, respectively.

(B) The items relating to those sections in the table of sections at the beginning of chapter 137 are redesignated to reflect the redesignations made by subparagraph (A).

(18) The heading of section 2691 is amended to read as follows:

"§ 2691. Restoration of land used by permit or lease from other agencies".

(19) Section 2821(b) is amended by striking out "paragraph" before the period at the end and inserting in lieu thereof "subsection".

(20) Section 2852 is amended by striking out "section 3324(a) and (b)" and inserting in lieu thereof "subsections (a) and (b) of section 3324".

(21)(A) Section 3843(b) is amended by striking out "after July 1, 1960,".

(B) Sections 3848(a), 3851(a), and 3852 are amended by striking out "After July 1, 1960, each" and inserting in lieu thereof "Each".

(22) Section 5985 is amended by striking out "the Act of March 4, 1911, ch. 265, 36 Stat. 1353, as amended," and inserting in lieu thereof "section 1304 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1295c),".

(23) Section 6148 is amended by redesignating subsection (e) as subsection (d).

(24) Section 7204(a) is amended—

(A) by running "contribute, out of" in after "Secretary of the Navy may";

(B) by aligning clauses (1) through (4) so as to be cut in two ems; and

(C) by aligning the matter after clause (4) flush with the margin.

(25)(A) The heading of section 7309 is amended by striking out the fifth word.

(B) The item relating to that section in the table of sections at the beginning of chater 633 is amended by striking out the fifth word.

(26) Section 7431(c) is amended—

(A) by striking out "the" at the beginning of paragraphs (1), (2), and (3) and inserting in lieu thereof "The";

(B) by striking out the semicolons at the end of paragraphs (1), (2), and (3) and inserting in lieu thereof periods;

(C) by striking out "a summary" at the beginning of paragraph (4) and inserting in lieu thereof "A summary";

(D) by striking out "; and" at the end of paragraph (4) and inserting in lieu thereof a period; and

(E) by striking out "such" at the beginning of paragraph (5) and inserting in lieu thereof "Such".

(27) The item relating to section 8202 in the table of sections at the beginning of chapter 831 is amended to read as follows:

"8202. Air Force: strength in grade; general officers.".

(28)(A) Section 8848(a) is amended by striking out "After June 30, 1960, each" and inserting in lieu thereof "Each".

(B) Sections 8851(a) and 8852(a) are amended by striking out "After June 30, 1960, except" and inserting in lieu thereof "Except".

(29) Section 9441(b) is amended by striking out "and" at the end of clause (8).

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

(1) Section 203(a) is amended by inserting "or as otherwise prescribed by law" before the period.

(2) Section 301(c)(1) is amended by striking out the first comma after "(10)".

(3) Sections 308g(f) and 308h(e) are amended by striking out "the date of the enactment of the Department of Defense Authorization Act, 1984" and inserting in lieu thereof "September 24, 1983".

(4) Section 312b(c) is amended by striking out "make an annual report to the House and Senate Armed Services Committees" and inserting in lieu thereof "submit to the Committees on Armed Services of the Senate and House of Representatives an annual report".

(5) Section 402(b) is amended by inserting "or as otherwise prescribed by law" before the period at the end of the fourth sentence.

(6) Section 403(a) is amended by inserting "or as otherwise prescribed by law" after "of this title".

(7) The table of sections at the beginning of chapter 7 is amended—

(A) by striking out the semicolon in the item relating to section 404 and inserting in lieu thereof a colon;

(B) by striking out the item relating to section 405a and inserting in lieu thereof the following:

"405a. Travel and transportation allowances: departure allowances."; and

(C) by striking out the item relating to section 425 and inserting in lieu thereof the following:

"425. United States Navy Band; United States Marine Band: allowances while on concert tour.".

(8) The heading of section 405 is amended to read as follows:

"§ 405. Travel and transportation allowances: per diem while on duty outside the United States or in Hawaii or Alaska".

(9) Section 406(k) is amended by striking out "to carry out subsection (b)" and inserting in lieu thereof "for providing transportation of household effects of members of the armed forces under subsection (b)".

(10) Section 429 is amended by inserting "(20 U.S.C. 921 et seq.)" after "Defense Dependents' Education Act of 1978".

(11) Section 557(c) is amended by inserting "of this title" after "section 558" both places it appears.

(12) Section 1006(h) is amended by striking out "section 3324(a) and (b)" and inserting in lieu thereof "subsections (a) and (b) of section 3324".

(13)(A) Section 1012 is amended—

(i) by striking out "under sections 206 (a), (b), and (d), 301(f), 309, 402(b) (last sentence), and 1002 of this title for pay" and inserting in lieu thereof "for the pay, under subsections (a), (b), and (d) of section 206, section 301(f), the last sentence of section 402(b), and section 1002 of this title,";

(ii) by striking out "Disbursements" and inserting in lieu thereof "All such disbursements"; and

(iii) by striking out "under the" and inserting in lieu thereof "as prescribed in those".

(B) The heading of that section is amended to read as follows:

"§ 1012. Disbursement and accounting: pay of enlisted members of the National Guard".

(C) The item relating to that section in the table of sections at the beginning of chapter 19 is amended to read as follows:

"1012. Disbursement and accounting: pay of enlisted members of the National Guard.".

(D) The amendments made by this paragraph shall take effect as if included in the enactment of section 2(i) of Public Law 97-258.

PART E—MISCELLANEOUS

SEC. 1041. MILITARY FAMILY POLICY.

(a) OFFICE OF FAMILY POLICY.—(1) There is hereby established in the Office of the Secretary of Defense an Office of Family Policy. The office shall be under the Assistant Secretary of Defense designated on May 1, 1985, as the Assistant Secretary of Defense for Manpower, Installations and Logistics.

(2) The office shall coordinate programs and activities of the military departments to the extent that they relate to military families and shall make recommendations to the Secretaries of the military departments with respect to programs and policies regarding military families.

(b) 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.

(c) YOUTH SPONSORSHIP PROGRAM.—The Secretary of Defense shall direct that there be established at each military installation a youth sponsorship program to facilitate the integration of dependent children of members of the Armed Forces into new surroundings when moving to that military installation as a result of a parent's permanent change of station. Such a program shall provide, to the extent feasible, for involvement of dependent children of members presently stationed at the military installation.

(d) STUDY OF HOUSING AVAILABILITY.—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. The study shall examine the availability of affordable housing for each pay grade and for all geographic areas inside the United States and for appropriate overseas locations.

(e) STUDY ON 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 which makes recommendations for any administrative and legislative changes necessary 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 does not undergo unnecessary disruptions in education or have inequitable or unduly burdensome or duplicative education requirements imposed.

(f) EMPLOYMENT OPPORTUNITIES FOR MILITARY SPOUSES.—The Secretary of Defense shall issue regulations to ensure that—

(1) vacancy announcements for each vacant position in the Department of Defense are distributed in such manner as to enable spouses of members of the Armed Forces whose permanent duty stations are in the same geographic area as the vacant position to learn of the vacant position; and

(2) spouses of members of the Armed Forces who apply for vacant positions are considered for such positions in the Department of Defense in the same geographic area as the area within which the permanent duty station of the member is located.

(g) EFFECTIVE DATE.—This section shall take effect on October 1, 1985.

SEC. 1042. AUTHORITY TO PROVIDE COAST GUARD COMMANDANT RESIDENCE-TO-WORK TRANSPORTATION PROVIDED OTHER SERVICE CHIEFS.

Effective on October 1, 1985, section 660 of title 14, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) Passenger motor vehicles of the United States may be used to provide transportation between the residence and place of work of the Commandant.".

SEC. 1043. ACCEPTANCE OF CERTAIN VOLUNTEER SERVICES.

(a) EXTENSION OF AUTHORITY TO COAST GUARD.—Section 1588(a) of title 10, United States Code, is amended—

(1) by striking out "Secretary of a military department" and inserting in lieu thereof "Secretary concerned"; and

(2) by striking out "operated by that military department" and inserting in lieu thereof "operated by the military department concerned or the Coast Guard, as appropriate".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1985.

SEC. 1044. CIVIL AIR PATROL.

(a) REIMBURSEMENT FOR MAJOR ITEMS OF EQUIPMENT.—Section 9441(b)(10) of title 10, United States Code, is amended by striking out "authorize the purchase with funds appropriated to the Air Force" and inserting in lieu thereof "reimburse the Civil Air Patrol for costs incurred for the purchase".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1985.

SEC. 1045. NATIONAL DEFENSE STOCKPILE.

(a) FUNDING FOR NATIONAL DEFENSE STOCKPILE TRANSACTION FUND FROM NAVAL PETROLEUM RESERVE RECEIPTS.—Section 905 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2574), is amended by striking out "during fiscal year 1985".

(b) CONFORMING AMENDMENT.—Section 903(b) of such Act (98 Stat. 2573) is repealed.

SEC. 1046. SENSE OF THE CONGRESS EXPRESSING SUPPORT FOR THE SELECTIVE SERVICE REGISTRATION PROGRAM.

(a) The Congress makes the following findings:

(1) The program of peacetime registration of young men under the Military Selective Service Act contributes to the national security by reducing by an additional two months the time required for full defense mobilization.

(2) The Selective Service registration program is an important signal to our allies and to our potential adversaries of the United States defense commitment.

(3) Since the resumption of selective service registration more than 13,500,000 young men, representing over 98 percent of the draft eligible population, have registered with Selective Service.

(b) In view of these findings, it is the sense of Congress that the President should recognize, by Presidential proclamation, the contribution of our young men to the success of the peacetime registration program.

SEC. 1047. LIMITATION ON GRATUITIES AT NAVAL SHIPBUILDING CEREMONIES.

(a) GENERAL RULE.—A Federal officer, employee, or Member of Congress may not accept, directly or indirectly, any tangible thing of value as a gift or memento in connection with a ceremony to mark the completion of a naval shipbuilding milestone.

(b) EXCLUSION.—Subsection (a) does not apply to a gift or memento that has a value of less than $100.

(c) DEFINITIONS.—For purposes of this section, the terms "officer", "employee", and "Member of Congress" have the meanings given those terms in sections 2104, 2105, and 2106, respectively, of title 5, United States Code.

SEC. 1048. AUTHORITY TO TRANSFER CERTAIN AIRCRAFT.

(a) IN GENERAL.—The Secretary of the Navy may transfer title to an aircraft described in subsection (b) to the institution leasing the aircraft if the Secretary certifies—

(1) that at the time of the transfer the aircraft is being used by the organization holding the aircraft for a purpose consistent with the use intended when the aircraft was first leased to the institution; and

(2) that the Department of the Navy no longer needs the aircraft.

(b) COVERED AIRCRAFT.—The authority of the Secretary of the Navy under subsection (a) applies with respect to an aircraft—

(1) that on the date of the enactment of this Act is being leased by the Secretary to a State-supported educational institution; and

(2) for which a lease for such aircraft began with such institution on or before January 1, 1976.

(c) COMPENSATION.—A transfer under this section shall be made without compensation or reimbursement to the United States.

SEC. 1049. REPORT ON TWO-YEAR BUDGET CYCLE FOR THE DEPARTMENT OF DEFENSE.

Not later than January 15, 1986, the Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a report containing the Secretary's views on the following:

(1) The advantages and disadvantages of operating the Department of Defense on a two-year budget cycle.

(2) How the Department of Defense could convert to a two-year budget cycle if a two-year budget cycle were to be adopted for the Department of Defense.

(3) A description of any impediment (statutory or otherwise) to converting the operations of the Department of Defense to a two-year budget cycle beginning with fiscal year 1988.

AMENDMENT OFFERED BY MR. MONTGOMERY

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

The Clerk read as follows:

Amendment offered by Mr. MONTGOMERY: Page 172, after line 20, insert the following new section:

SEC. 1016. DEMONSTRATION PROJECT TO TEST THE USE OF A CERTAIN COMPUTER SYSTEM IN MILITARY HOSPITALS.

(a) TEST OF VETERANS' ADMINISTRATION DECENTRALIZED HOSPITAL COMPUTER PROGRAM.—The Secretary of Defense (hereinafter in this section referred to as the "Secretary") shall carry out a demonstration project for the purpose of testing the use in military hospitals of the hospital management computer system of the Veterans' Administration known as the Veterans' Administration's decentralized hospital computer program. The purpose of the test shall be to determine the feasibility and cost-effectiveness of the use in military hospitals of such system rather than the use of a centralized hospital management computer system, including the system referred to as the Composite Health-Care System.

(b) DURATION AND LOCATION OF DEMONSTRATION PROJECT.—The demonstration project under subsection (a) shall be carried out over a six-month period beginning on December 1, 1985, in six military hospitals designated by the Secretary. Two of such hospitals shall be under the jurisdiction of the Secretary of the Army, two shall be under the jurisdiction of the Secretary of the Navy, and two shall be under the jurisdiction of the Secretary of the Air Force.

(c) USE OF ALL COMPONENTS OF DHCP.—The Secretary, in consultation with the Administrator of Veterans' Affairs, shall ensure that all components of the system referred to in subsection (a) (including equipment and software) are used in each hospital in which the system is tested under this section.

(d) ASSISTANCE FROM VETERANS' ADMINISTRATION.—The Administrator of Veterans' Affairs shall provide, on a reimbursable basis, such personnel and equipment as are requested by the Secretary and determined by the Administrator to be available in order to assist the Secretary in carrying out

the demonstration project under subsection (a).

(e) REPORT.—The secretary shall transmit to Congress a report describing the demonstration project carried out under this section. Such report shall include specific findings and conclusions by the Secretary, and by the Secretary of each military department, with respect to the feasibility and cost-effectiveness of using the system referred to in subsection (a) in military hospitals, including the cost advantage that would accrue from acquiring a hospital management computer system in the near term rather than the date that would apply if the Secretary were to acquire a centralized computers system, including the system referred to as the Composite Health-Care System.

(f) RESTRICTION.—The Secretary may not enter into a contract for the procurement of a centralized computer system for military hospitals, including the system referred to as the Composite Health-Care System, until the Secretary has evaluated the results of the project carried out under this section, specifically with regard to the feasibility and cost-effectiveness of using the computer system referred to in subsection (a) for military hospitals instead of using a centralized computer system, including the system referred to as the Composite Health-Care System.

(g) COMPTROLLER GENERAL REPORT.—The Comptroller General shall evaluate the conduct of the demonstration project and shall report to Congress whether the Secretary has carried out the demonstration program in accordance with the section.

(h) DEFINITION.—In this section, the term "military hospital" means a hospital or medical center under the jurisdiction of the Secretary of the military department.

Mr. MONTGOMERY (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 Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Chairman, I offer this amendment because I believe that the Department of Defense can save hundreds of millions of dollars by looking at a new way of acquiring computer systems to manage DOD hospitals.

All of us are aware of and are concerned about the pricing policies of major defense contractors. In part, abuses occur because DOD loses control of the process—it has no alternative but to let the contractor proceed. Today, DOD has a choice about how it is going to modernize and computerize its hospitals. The choice is to control its own system, as the Veterans' Administration has done, or turn it all over to a contractor.

The Veterans' Administration has successfully automated 169 of its 172 hospitals at a cost to date of less than $130 million. It is a dynamic and effective system which the VA has developed, and the VA controls it because its own employees run it. It is capable of serving medical computer needs well into the 21st century.

Compare that with the experience of the Defense Department. They've already spent over $200 million and not one of their hospitals is fully automated. There is a good chance that by the time the procurement process is all finished, the price tag will be well over $1 billion. I think that the DOD should look very closely at the VA's Decentralized Hospital Computer Program [DHCP] before it contracts with a subsidiary of General Motors, or some other large defense contractor, and loses control of the cost. We're talking about a system with a life cycle cost which is very likely going to be three or four times that of the VA's DHCP. Here is what this amendment would require. It says:

Don't buy a system until you've looked closely at one that the government already owns.

I have heard statements that the VA system is a 1985 Chevy, and DOD wants a 1990 Mercedes. Well, the average taxpayer doesn't want DOD to buy a Mercedes in 5 years when military hospitals need computers today, and the VA's system can be tailored to suit their needs.

The VA is the primary backup to Department of Defense hospitals in the event of a major conflict. We've authorized all kinds of sharing of resources between the VA and DOD. A framework exists for DOD to take the VA's experience and knowledge in automating hospitals at a very low cost to the taxpayer.

We mandated a test of the VA's system last year, but DOD has not implemented a demonstration project with the spirit and zest that we had intended. So, we've spelled it out in this amendment exactly what we want them to do. Six test sites, two in each of the three services, and the complete DHCP system which includes admission, discharge and transfer, scheduling, pharmacy, laboratory, and a data base management and electronic mail system. We expect the Secretary will make only those modifications and enhancements of the VA DHCP as are necessary to perform service essential functions not performed by the existing VA DHCP, as well as an interface with the Defense enrollment eligibility reporting system [DEERS].

During this past year, the Comptroller General has been encouraging DOD to do exactly what this amendment would require. We want the Secretary of Defense to keep the Comptroller General advised on a regular basis, weekly if necessary, as to how this demonstration project is proceeding. That way, we'll have an independent opinion of whether the VA's system will work for DOD.

Mr. Chairman, there's been a lot of talk about the Grace Commission and saving the taxpayer's money. This is one idea that the Grace Commission missed, but it just might save us a billion dollars or so. I urge my colleagues to support my amendment.

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

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

Mr. NICHOLS. Mr. Chairman, let me say to the gentleman that we have held hearings in my office, with the gentleman from Mississippi [Mr. MONTGOMERY], with the VA, and with our medical people in the military. I thoroughly support what he wants to do. It makes a lot of sense. I hope his amendment will be passed.

Mr. MONTGOMERY. I appreciate the gentleman's concern. We went to the gentleman when we were having some problems, and he sure helped us out.

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

Mr. MONTGOMERY. I yield to the gentleman from Indiana.

Mr. HILLIS. Mr. Chairman, I, too, am familiar with the type of process that the gentleman is requesting be submitted for test here, and it is a very good system. It is used throughout the VA, as I understand it, today, with good results, and I think there would be great savings here if these tests could be conducted. We think it is a good amendment, and we have no objection to it. We think it ought to be adopted.

Mr. MONTGOMERY. I thank the gentleman.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. SCHROEDER: 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 hereby established in the Office of the Secretary of Defense an 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 Assistant 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.

(a) 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 STAMP 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 Forces 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.

Mrs. SCHROEDER (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 on the request of the gentlewoman from Colorado?

There was no objection.

Mrs. SCHROEDER. Mr. Chairman, there seems to be some concern by the full committee chairman, and I yield to him at this moment for a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. ASPIN. Mr. Chairman, let me ask the Chair, on a parliamentary inquiry, if we take up this matter at this time, which creates a new title X, as I understand it, do we shut off debate on title X?

The CHAIRMAN pro tempore. Title X in the bill will still be open. This amendment creates a new title on page 166 prior to title X, and not following title X.

Mr. ASPIN. I thank the Chair.

Mrs. SCHROEDER. Mr. Chairman, I consider this amendment to be as important as many of the provisions of titles I and II concerning procurement and research. That is because this amendment provides for the maintenance and effectiveness of our most important military asset, our fighting men and women. This amendment lifts some of the burden off the shoulders of our military personnel by making life somewhat more tolerable for their families.

Life is not easy for military families. They are moved from place to place every 2 or 3 years. Kids attend four or five different schools before they graduate high school. Spouses find it difficult to find employment and virtually impossible to find jobs which have pensions and promotion opportunities. Military pay is often not enough to rent decent housing and fill the table. Permanent changes in duty station involve numerous incidental expenses which the military does not pick up.

My amendment creates a new title X which provides a wide range of remedies for the problems faced by military families. Some of the provisions of title X are picked up from section 1041 of the reported bill. The committee is to be congratulated for including as much profamily language as it did. Some of the provisions of this title are new.

Among the provisions in my amendment are:

Creation of a central focus in the Department of Defense to coordinate and improve programs for military families. This new office, the Office of Family Policy, will report to us on what more needs to be done.

Elimination of a couple of procedural barriers to better knowing the needs of military families. One section waives the requirement for OMB approval of surveys of military families and another section allows family members to serve on DOD committees, without placing such committees under the Advisory Committee Act.

Easing the way that spouses can get jobs. The amendment ensures that spouses know of vacant civil service positions and are able to apply for them. Further, the amendment encourages the President to remove overseas DOD positions from the competitive service so that spouses can be appointed noncompetitively to these positions. Also, the amendment requires that nonappropriated fund facilities give preference to dependents. I consider this section to be the most crucial one of the entire title. Jobs for spouses is the best way I know to improve morale.

New emphasis on finding ways to help youths adjust to new homes due to relocations.

Lifting the restriction on DOD paying for student travel within the United States. This restriction was added in an appropriations bill to save money. I think the military kids ought to have the same student travel benefits as civil service or foreign service kids. I hope such a discriminatory appropriations limitation is not again passed.

Encouraging DOD to use relocation assistance to help families forced to relocate and requiring DOD to report on what kind of advice it gives to families forced to relocate. A little information about the new community, the availability of housing, schools, and the like would go a long way.

Lowering the cost of hookup charges for home trailers at DOD-owned trailer parks.

Reducing the cost of housing at unaccompanied personnel housing facilities incident to permanent changes in duty station or temporary duty assignments.

Reducing the cost of food at messes for low ranking enlisted personnel and their families.

Subsidizing the cost of food at overseas DOD child care centers to the same extent that the Department of Agriculture subsidizes such facilities in the United States.

Studying the feasibility of DOD serving overseas in the role that States do in the Food Stamp Program, so that eligible military families can get food stamps.

Requiring the Secretary of Defense to ask States to report incidents of child abuse on base. This parallels provisions of the Child Abuse Prevention and Treatment Act.

These and other provisions of the amendment will go a long way in making life better for military families. I urge support for the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROBERT F. SMITH

Mr. ROBERT F. SMITH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered 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 of providing beef, pork and lamb produced in the United States for sale in American Military Forces' commissaries located overseas in volumes equivalent to beef, pork and lamb secured for sale from non-United States producers.

Such study—

(1) shall be carried out in consultation with the Secretary of Agriculture; and

(2) shall include a demonstration project in which beef, pork and lamb produced in the United States shall be stocked in three commissaries on Air Force bases in Europe and in three commissaries located on Army bases in Europe for a six month period in volumes equivalent to beef, pork and lamb secured for sale from non-United States producers; such U.S.-produced products shall, to the best of the Secretary's ability, be made available at consumer prices which are competitive when compared with non-United States' produced red meat products offered for sale in the commissary system.

(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.

Mr. ROBERT F. 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. ROBERT F. SMITH. Mr. Chairman, colleagues, I rise today to offer an amendment to title 10 of this bill which is straightforward in both its language and intent. It would provide a 6-month demonstration period during which U.S. military families in Europe will be given the opportunity to buy American-produced red meat in selected commissary systems in Europe.

I was surprised to learn that, even though U.S. troop-feeding facilities use 100-percent American products, overseas commissaries, particularly those in Europe offer for sale only locally produced meat, from communities that are near the installation. The families of American servicemen can't even buy good ol' American hamburger.

Certainly, one of the primary reasons we have commissaries overseas in the first place is to provide our troops and their families with a quality of living that approaches—as close as possible—the lifestyle we have asked them to leave in the United States.

From a comparative quality standpoint, asking the spouse and children of our GI's to endure the clearly inferior beef, pork, and lamb of European providers, in my mind, denies them a comparable lifestyle.

The second advantage provided by the commissary system is, without question, the price advantage. In the past, the difficulty in shipping fresh U.S. meat to Europe—and more recently, the high comparative value of the dollar in Europe, coupled with enormous European community subsidies for the meat industry—have U.S. product prices less competitive.

One of the primary reasons for conducting a pilot program now is to allow us to test some of the technological advances that have been made in meat packaging and shipping in recent years. Logistical problems that made the sale of American red meat in Europe cost prohibitive just a few years ago appear to be conquerable today.

Newly developed (cryogenically sealed) containers, in fact, are already being used to ship fresh meat to areas where the domestic beef supply is not as readily available for the military. Military families stationed in the Pacific, for instance, are expected to purchase in excess of 6 million pounds shipped under this method each year.

Now, in all honesty there are reasons other than the dining pleasure of American military families overseas that make this test a valid one.

Red meat producers in the United States are one of the few non-Government-supported elements in the business of agriculture. They like it that way. This amendment won't change that status.

As such, unless you have red meat producers in your own district, you probably haven't heard much about the problems encountered in that industry. But the fact is that red meat producers are vulnerable to the same crises in farm financing and market pressure that have disabled so many crop farmers.

Today, red meat prices are low and supplies are high. Increased sales of American-made beef, pork, and lamb can help sustain the market for these producers. At the same time, increased commissary purchases to facilitate this amendment will take advantage of this period of plentiful supply and low cost.

My amendment would provide a 6-month test, during which U.S.-produced beef, pork, and lamb would be made available in three European Air Force commissaries and three European Army commissaries, in supplies equivalent to red meats produced by the foreign host.

It is my hope that technological advances will enhance that test by allowing prices of those higher quality products to be competitive.

The amendment directs the Secretary to report findings to the Congress 1 year from enactment.

Though he could not join me at the moment, I know this amendment has the full support of my colleague from Montana [Mr. MARLENEE], a senior member of the Agiculture Committee. In fact, he has encountered a possible violation of DOD regulations in regard to the importation of Yugoslavian hams for use in military commissaries here in the United States. The DOD has been slow in providing an adequate explanation of this problem.

Mr. MARLENEE agrees with me that our military men and women ought to be guaranteed access to fresh American meats in the United States and overseas, and he urges our colleagues to support this amendment.

It is first a way we can improve the quality of life for those Americans who have accepted the hardships of being away from home to serve their Nation.

Second, it is an opportunity to bolster an industry of independent agricultural producers in this Nation by relying on the forces of a free market, and without embroiling this Government in another costly, never-ending program of supports for critical product.

Finally, it will test technological advances that—if successful—can add even greater depth to the one positive line on America's balance of trade ledger: The export of our farm and ranch products.

I appreciate the opportunity to present this amendment. I urge my colleagues to approve it without hesitation.

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

Mr. ROBERT F. SMITH. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, so far as I know, this amendment is all right, and we accept the amendment.

Mr. HILLIS. Mr. Chairman, if the gentleman will yield, we accept the amendment on this side.

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

Mr. ROBERT F. SMITH. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I think this is a very important item for us to look at. We, as you know, produce the finest red meats in the world. It is a matter of concern to those producers. I know I represent a number of them, and throughout the Midwest we have a number of red meat people who have asked this very question, and the gentleman's study will help answer the question as to why our military does not participate more fully.

Mr. ROBERT F. SMITH. I thank the gentleman.

Mr. Chairman, I also want to express my appreciation to the gentleman from Virginia [Mr. DANIEL], without whose assistance this amendment likely would not be here, and I want to thank him publicly.

The CHAIRMAN pro tempore. The queston is on the amendment offered by the gentleman from Oregon [Mr. ROBERT F. SMITH].

The amendment was agreed to.

□ 1310

AMENDMENT OFFERED BY MR. NICHOLS

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

The Clerk read as follows:

Amendment offered by Mr. NICHOLS: At the end of title X (page 200, after line 4) add the following new sections:

SEC 1050. TECHNICAL CORRECTIONS TO FEDERAL PROCUREMENT LAW.

(a) SIMPLIFICATION OF PROCEDURES FOR CERTAIN NONCOMPETITIVE PURCHASES.—(1) The second sentence of section 2304(f)(2) of title 10, United States Code, is amended to read as follows: "The justification and approval required by paragraph (1) is not required—

"(A) When a statute expressly requires that the procurement be made from a specified source;

"(B) when the agency's need is for a brand-name commercial item for authorized resale;

"(C) in the case of a procurement permitted by subsection (c)(7); or

"(D) in the case of a procurement conducted under (i) the Act of June 25, 1983 (41 U.S.C. 46 et seq.), popularly referred to as the Wagner-O'Day Act, or (ii) section 8(a) of the Small Business Act (15 U.S.C. 637(a)).".

(2) The second sentence of section 303(f)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(2)) is amended to read as follows: "The justification and approval required by paragraph (1) is not required—

"(A) when a statute expressly requires that the procurement be made from a specified source;

"(B) when the agencies need is for a brand-name commercial item for authorized resale;

"(C) in the case of a procurement permitted by subsection (c)(7); or

"(D) in the case of a procurement conducted under (i) the Act of June 25, 1938 (41 U.S.C. 46 et seq.), popularly referred to as the Wagner-O'Day Act, or (ii) section 8(a) of the Small Business Act (15 U.S.C. 637(a).".

(b) NATO MUTUAL SUPPORT PROCUREMENT.—Section 2323(b) of chapter 138 of title 10, United States Code, is amended by striking out "section 2304(g)" and inserting in lieu thereof "section 2304(a)".

(c) ADP PROCUREMENT.—Section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) is amended by adding at the end thereof the following new subsection:

"(i) The justifications and approvals required by section 303(f)(1) of this act shall apply in the case of any procurement under this section for which the minimum needs are so restrictive that only one manufacturer is capable of satisfying such needs. such procurement includes either a sole source procurement or a procurement by specific make and model. Such justification and approval shall be required notwithstanding that more than one bid or offer is made or that the procurement obtains price competition and such procurement shall be treated as a procurement using procedures other than competitive procedures for purposes of section 19(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 417(b)).".

(d) CLARIFICATION OF REGULATIONS CONCERNING TECHNICAL DATA.—(1) Section 2320(a)(1) of title 10, United States Code is amended by striking out "the technical data" and inserting in lieu thereof "the item or process to which the technical data pertains".

(2) Section 21(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 418a(c)(1)) is amended by striking out "the technical data" and inserting in lieu thereof

"the item or process to which the technical data pertains".

(3) The second sentence of section 301(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 418a note) is amended by striking out "July 1, 1985" and inserting in lieu thereof "October 19, 1985".

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect as if included in the enactment of the Competition in Contracting Act of 1984 (title VII of division B of Public Law 98-369).

SEC. 803. CLERICAL AMENDMENTS TO FEDERAL PROCUREMENT LAW.

(a) DEFENSE PROCUREMENT LAW.—Chapter 138 of title 10, United States Code, is amended as follows:

(1) Sections 2321, 2322, 2323 (as amended by section 802), 2324, 2325, 2426, 2327, and 2328 are redesignated as sections 2341 through 2348, respectively.

(2) Section 2329 is repealed.

(3) Sections 2330 and 2331 are redesignated as sections 2349 and 2350, respectively.

(4) Sections 2341 and 2342 (as so redesignated) are amended by striking out "section 2323" and inserting in lieu thereof "section 2343".

(5) Section 2323 (as so redesignated) is amended—

(A) by striking out "section 2321" both places it appears and inserting in lieu thereof "section 2341"; and

(B) by striking out "section 2322" both places it appears and inserting in lieu thereof "section 2342".

(6) The table of sections at the beginning of such chapter is amended—

(A) by striking out the item relating to section 2329; and

(B) by redesignating the remaining items in the table to reflect the redesignations made by paragraphs (1) and (3).

(b) CONFORMING AMENDMENT.—Section 2213(e)(2) of such title is amended by striking out "section 2331" and inserting in lieu thereof "section 2350".

(c) CIVILIAN AGENCY PROCUREMENT.—Federal Property and Administrative Services Act of 1949 is amended as follows:

(1) Section 111(h)(3)(A) (40 U.S.C. 759(h)(3)(A)) is amended by striking out "Board" and inserting in lieu thereof "board".

(2) Section 303(f)(1)(C) (41 U.S.C. 253(f)(1)(C)) is amended by striking out "Any" and inserting in lieu thereof "any".

(3) Section 303(g)(1) (41 U.S.C. 253(g)(1) is amended by inserting a comma after "1984".

(4)(A) Sections 303D, 303E, 303F, 303G, and 303H (as added by title II of the Small Business and Federal Procurement Competition Enhancement Act of 1984 (Public Law 98-577)) are redesignated as sections 303C, 303D, 303E, 303F, and 303G, respectively.

(B) The items relating to those sections in the table of contents for such Act are redesignated to reflect the redesignations by subparagraph (A).

(d) MILITARY AND CIVILIAN PROCUREMENT.—Section 3551(1) of title 31, United States Code, is amended by striking out "executive agency" and inserting in lieu thereof "Federal agency".

SEC. 804. CHARGES FOR SOLICITATION PACKAGES.

(a) TEST PROGRAM.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall establish a test program in each military department and in the Defense Logistics Agency under which persons requesting a solicitation package shall be required to pay a fee for a copy of such package. Any such fee may not exceed the actual cost to the Government of duplicating the package.

(b) REPORT.—Before the test program required by subsection (a) is implemented, the Secretary shall report to Congress on how the program will be carried out.

Mr. NICHOLS. Mr. Chairman, the purpose of this amendment is to make minor changes to the Competition in Contracting Act to correct typographical and clerical errors, to exempt from the requirement to justify sole source procurements those purchases of brand-name commercial items purchased for resale in commissaries and ships stores, and to preserve an exception to title 10 U.S.C. 2304 contained in the NATO Mutual Support Act. It is printed in the RECORD of June 20, on H4668.

The Competition in Contracting Act of 1984 created for the first time a clear statutory requirement that all purchases be made through the use of full and open competition. There are, however, several provisions authorizing the use of less than full and open competition, one of which is for brand-name commercial items for authorized resale. This is to allow the commissaries and ships stores to buy Crest toothpaste, Hunts catsup, and so forth, to allow buyers a choice and let the products compete on the store shelf. However, the act neglected to exempt the Defense Department from the requirement to justify in writing the use of this exemption. Thus, the Defense Department is required to justify in writing approximately 20,000 purchases per year, even though it is clearly recognized that the purchases are necessarily for a particular product.

This amendment would exmept them from the justification requirement for these purchases only. In addition, this amendment corrects a citation in the NATO Mutual Support Act which, prior to the Competition and Contracting Act, exempted certain NATO purchases from the statutory requirement of 10 U.S.C. 2304(g) to obtain, under the negotiated method of contracting proposals from the maximum number of sources.

The NATO Mutual Support Act chapter 138 of title 10 of the United States Code provides authority for the Department of Defense to acquire, on an expedited basis, logistics support, supplies, and services for U.S. Armed Forces in Europe from governments of NATO countries and NATO subsidiary bodies. Logistics support includes such items as food, billeting, transportation, petroleum, oil, lodging, clothing, communications services, and so forth.

CICA deleted section 2304(g) and substituted a new provision in its place that relates to special simplified procedures for small purchases without passing an amendment to the NATO Mutual Support Act to conform it to the Competition in Contracting Act. The amendment includes a conforming provision which would amend 10 U.S.C. 2323(b) by deleting "2304(g)" and substituting therefore "2304(a)." This amendment would reestablish the exemption authority under the NATO Mutual Support Act to essentially what it provided prior to the CICA.

Mr. Chairman, I want to thank the chairman of the Committee on Government Operations, the gentleman from Texas [Mr. BROOKS], for his assistance and his cooperation. We have cleared this with him and he may wish to make a floor statement next week on this subject.

In addition, there are several clerical amendments which are necessary. I believe this amendment is noncontroversial, and I hope that the committee will accept it.

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

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I have an amendment at the desk, and I ask unanimous consent for consideration of the amendment notwithstanding the fact that it has not been printed in the RECORD.

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

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. WALKER: In Title 10, add the following new section:

"Sec. ——. The Commander-in-Chief is authorized to undertake actions to protect United States Armed Forces personnel against terrorist activity through:

(a) The use of such anti-terrorism measures as may be necessary to prevent the loss of lives of United States Armed Forces personnel and,

(b) The use of such counter-terrorism measures as may be appropriate against those persons identified as being responsible for the loss of lives of United States Armed Forces personnel."

Mr. WALKER (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 Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, this is a bill which takes the implicit authority that the Commander in Chief has to react against terrorism directed against our troops, and says he is specifically authorized to take antiterrorism and counterterrorism measures to protect the lives of U.S. armed services personnel. It would basically authorize that which is implicit and make it specific.

The CHAIRMAN pro tempore. The question is on the amendment offered

by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ASPIN

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

The Clerk read as follows:

Amendment offered by Mr. ASPIN: Page 166, after line 4, add the following new section (and redesignate section 1001 as section 1002):

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY OF TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this Act between any such authorizations (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purpose as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

Mr. ASPIN (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 Wisconsin?

There was no objection.

Mr. ASPIN. Mr. Chairman, the amendment that I am offering was inadvertently omitted from the bill during committee markup. It is identical to the provisions included in the 1985 Defense Authorization Act. The amendment would provide the legal basis for the reprogramming process which we use subject to the usual limitations.

I ask for the approval of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RAY

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

The Clerk read as follows:

Amendment offered 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.

Mr. RAY (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 Georgia?

There was no objection.

Mr. RAY. Mr. Chairman, I rise today to focus the attention of this body on a problem which may affect this Nation's ability to mobilize rapidly in time of national emergency; and to suggest something that we can do about that problem.

As everyone in this Chamber knows, our domestic textile industry has suffered greatly over the past few years because of a flood of cheap foreign imports. I am concerned that the continuing onslaught of imports will so shrink the domestic textile and apparel industries that they will no longer be able to support defense mobilization.

Therefore, I am offering this amendment which requires the Secretary to report to Congress on the status of the textile and apparel industrial base. Reports will be required not later than April 1 for each of the next 5 years beginning in 1986. The reports will address: One, textile and apparel mobilization requirements that can not be satisfied on a timely basis by the domestic industries; two, the effect any inadequacy in the textile and apparel industrial base would have on defense mobilization; and three, recommendations for ways to alleviate any critical inadequacies in the industrial base.

The textile and apparel industries are responsible for essential military items such as uniforms, a wide assortment of protective clothing and equipment, parachutes, tents, webbing, etc. although these items may not sound as exotic as some of our modern weapons, shortages of combat essential clothing and textile items can be just as critical as munitions shortages.

Troublesome shortages have occurred in the past, prompting a huge clothing price increase during World War II and causing curtailment of inductions at one point in the Korean conflict.

Even though textile items will be needed early in the mobilization process, the DOD has only filled about 18 percent of their war reserve requirements for these items. This limited stockpile means that we are placing heavy reliance on the ability of the domestic textile and apparel industries to quickly satisfy mobilization requirements.

Yet, there is increasing evidence that these industries are in jeopardy.

For the period 1981 to 1984, textile product imports surged ahead at a 19.3-percent compound annual growth rate. By the end of 1984, apparel imports were supplying 38 percent of the U.S. market.

Although precise estimates are not available, everyone forecasting in this area predicts continuing import growth. Industry experts state that if imports grow by as much as 15 percent annually, the U.S. apparel industry will be essentially eliminated by 1992. At a more conservative 8 percent growth rate, the industry would still be largely eliminated by the year 2000. Even lower growth rates, over similar time periods, will take the industry below the level needed to support defense mobilization.

Evidence of declining capabilities is already available. Employment in the apparel and related products industries declined from 1.478 million workers in 1973 to 1.201 million in 1984.

The DOD already has to import up to $5 million of textile items annually because of the nonavailability of American sources. Imports include critical items such as material for chemical protective suits.

Since the next 5 years will be a critical period for the textile and apparel industries, I believe Congress and military planners must closely monitor the industrial base and be prepared to take the actions needed to preserve our mobilization capability.

Finally, Mr. Chairman, there should be very little cost associated with my amendment, since the Department of Defense already has in place a mechanism which is accumulating the data that is necessary to make these reports. My amendment simply requires DOD to focus on the textile and apparel industries and report to Congress annually.

We need to make sure that we are kept fully informed on developments in this area. For that reason, I urge support of this amendment.

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

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

Mr. STRATTON. Mr. Chairman, I would say to the gentleman that we have had an opportunity on this side

of the aisle to examine the amendment, and we have no objection to it.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KRAMER

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

The Clerk read as follows:

Amendment offered by Mr. KRAMER: At the end of part B of title X (page 172, after line 20), add the following new section:

SEC. 1016. DATES FOR INITIAL OPERATIONAL CAPABILITY FOR AIR FORCE SHUTTLE OPERATIONS AND PLANNING COMPLEX.

(a) PRIORITY FOR ACHIEVING SPECIFIED IOCs.—The Secretary of the Air Force shall place the highest priority on meeting the following initial operational capability (IOC) dates for a fully capable Shuttle Operations and Planning Complex (SOPC) of the Consolidated Space Operations Center (CSOC):

(1) July 1987 for mission planning.

(2) January 1992 for mission readiness (including astronaut training).

(3) November 1992 for mission control.

(b) REPORT.—No later than December 31, 1985, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on how the IOC dates set forth in subsection (a) will be met.

Mr. KRAMER (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 Colorado?

There was no objection.

Mr. KRAMER. Mr. Chairman, I rise to offer an amendment to the Department of Defense authorization bill for fiscal year 1986 that would, in effect, incorporate the Armed Services Committee's report language regarding the Air Force's Shuttle Operations and Planning Complex—or SOPC—into title X of the bill.

My amendment would require the Air Force to put top priority on meeting initial operational capability dates leading to a fully operational SOPC at the Consolidated Space Operations Center in Colorado Springs by late 1992. This would serve to keep the SOPC Program on schedule according to long-established plans. Under my amendment, the Air Force would have to report to Congress no later than December 31, 1985, how it will meet the requirements of the amendment.

A fully capable SOPC is vital to our military space operations. Fully one-third of all shuttle missions will be national security missions, most of a highly sensitive nature. It is essential that the Department of Defense have a secure and fully military-controlled planning and control facility for these missions.

As our military presence in space grows, the need for an ability to give central, coordinated direction to all military space missions—manned and unmanned—will grow apace. And it is my firm conviction that such a command and control capability will become absolutely critical in the very near future.

The future of our Nation's security and the peace and security of the world lies in space. My amendment is intended to help assure that we will have the means to make that future an age of peace and security for all.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MS. MIKULSKI

Ms. MIKULSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered 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.

Ms. MIKULSKI (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 gentlewoman from Maryland?

There was no objection.

Ms. MIKULSKI. Mr. Chairman, I would like to offer an amendment to H.R. 1872, the fiscal 1986 Defense Authorization Act, which would give the Secretary of the Navy an effective veto over the transfer of a vessel built with Government subsidy into the domestic trade.

The House unanimously approved an amendment identical to this measure during last year's debate on the Defense Authorization Act.

I am offering this amendment because of my concern for our domestic merchant marine fleet. As the Armed Services Committee has noted in recent years, the Maritime Administration has stopped new domestic ship construction and maintenance of our shipbuilding base.

As part of the defense authorization last year, Congress approved the establishment of a Commission on Merchant Marine and Defense.

This bipartisan group will study problems related to our Nation's sealift and shipbuilding capacity, including our merchant marine fleet's current inability to provide adequate transportation for cargo and personnel in time of war or national emergency.

MARAD has eliminated the Construction Differential Subsidy [CDS] Program and has strongly advocated permitting construction of U.S.-flag vessels in foreign yards.

Today the domestic merchant marine faces yet another and equally serious threat. The Secretary of Transportation has promulgated a rule to allow all tankers built with subsidy to enter the domestic trade upon repayment of their construction subsidy.

On numerous occasions the Department of Defense has said that the adoption of the rule would drive small- and medium-size tankers out of business.

And yet, it is these very tankers which the Department considers to be the most important for military use. The adoption of the DOT rule would transfer to the Department of Defense the additional expense of trying to buy up these tankers to save them for the national defense.

The U.S.-flag fleet is sharply divided into two sectors:

An unsubsidized fleet which has the privilege of operating in the coastwise trade;

And a subsidized fleet which is limited to the foreign trade of the United States.

Section 506 of the 1936 Merchant Marine Act, as amended, is the centerpiece of this statutory scheme. It permits the Secretary of Transportation to pay subsidies for the construction of vessels to compete in the foreign trade of the United States.

The subsidy is designed to allow those vessels to compete with foreign-flag vessels built at lower cost in foreign yards.

By the same token, subsidized vessels are not allowed to compete with the unsubsidized operators in the domestic trade, who shoulder virtually the entire capital costs of construction.

A policy of unrestricted admission of subsidized vessels upon repayment of CDS could permit as many as 4 million additional tons of tankers to enter a domestic trade of approximately 6 million tons.

The adverse effect on rates would be profound, leading to extensive layups and scrapping of vessels, especially the independent tankers.

In addition to driving out modern large tonnage, the admission of large-subsidized tankers would require the scrapping of small- and medium-size tankers.

The Navy has made it clear that these handy-size tankers are precisely the best suited for military transportation purposes in the event of an outbreak of hostilities.

By contrast, the larger and less maneuverable subsidized tankers are not suited for military purposes.

Finally, the overtonnaging in the domestic tanker industry caused by this rule would virtually eliminate any domestic tanker ship construction for the foreseeable future. If this occurs, more U.S. shipyards will be forced to close, a futher erosion of our Nation's shipyard mobilization base.

The Armed Services Committee has indicated its growing concern on the decline in our shipyard mobilization base by requesting in H.R. 1872 that the Navy report on the adequacy of our shipyard base. It is incumbent on us not to permit a rule to go through which may further erode our shipyard base.

My amendment would bar the transfer of CDS vessels to the coastwide trade unless the Secretary of the Navy determines that the transfer will not adversely affect the national security.

Under my amendment, the Secretary of the Navy's approval would be necessary before any vessel could be transferred where it might drive out a vessel important for defense.

This is consistent with existing law, which requires the approval of the Secretary of the Navy for the construction of any vessel with a Government subsidy. It is, in my judgment, appropriate that the Secretary of the Navy have an effective veto over a decision with such implications for national defense.

I am pleased that the chairman of the Armed Services Committee, my friend and colleagues, Representative ASPIN, and the distinguished chairman of the Armed Services Subcommittee on Seapower, Representative CHARLES BENNETT, support this amendment.

I urge my colleagues to join them and support this amendment as well.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Maryland [Ms. MIKULSKI].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DE LAY

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

The Clerk read as follows:

Amendment offered by Mr. DELAY: Add the following section to the end of title X (page 200, after line 4):

SEC. 1050. CONDITIONS ON THE PROCUREMENT OF ALCOHOLIC BEVERAGES ON MILITARY INSTALLATIONS.

(a) IN GENERAL.—Section 2683 of title 10, United States Code, is amended—

(1) by striking out "section" in subsection (b) and inserting in lieu thereof "subsection (a)"; and

(2) by adding the following new subsection at the end thereof:

"(c)(1) The Secretary of Defense shall provide that alcoholic beverages procured by the Department of Defense (including its nonappropriated fund instrumentalities) with appropriated or nonappropriated funds for resale on a military installation located in any State shall be procured in the State in which the installation is located.

"(2) Not later than one year after the date of enactment of this subsection, the Secretary shall transmit a report to the Congress concerning the implementation of this subsection.

"(3) As used in this subsection, 'State' means each of the several States and the District of Columbia."

(b) CONFORMING AMENDMENT.—Section 6 of the 1951 Amendments to the Universal Military Training and Service Act (50 U.S.C. App. 473) is amended by striking out "The" in the first sentence and inserting in lieu thereof "Subject to section 2683 of title 10, United States Code, the".

(c) TECHNICAL AMENDMENTS.—(1) The section heading for section 2683(c) of title 10, United States Code, is amended to read as follows:

"§ 2683. Relinquishment of legislative jurisdiction; conditions on procurement of alcoholic beverages.

(2) The item for section 2683 in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

"2683. Relinquishment of legislative jurisdiction; conditions on procurement of alcoholic beverages."

Mr. DELAY (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 Texas?

There was no objection.

Mr. DELAY. Mr. Chairman, this is a very simple amendment that applies to the procurement of alcoholic beverages on the bases, and that they procure alcoholic beverages from the State in which the base is located.

Mr. Chairman, there is no public policy reason for persons in the military to purchase or consume alcoholic beverages at less than market prices. Furthermore, there is no public policy reason for alcoholic beverages to find their way into the civilian market place at prices cheaper than local merchants can provide them.

In much of this Defense authorization bill we have been dealing with matters vital to the peace of our Nation. However, in this case we are simply dealing with cheaper alcohol on military bases. I, for one, do not want to encourage our soldiers to drink, especially in light of the severe penalties the military levies against them if they are caught while driving under the influence.

It is above all not my intention to require military installations to attain any sort of license. However, it is my intent to serve public policy best by requiring both appropriated and nonappropriated fund instrumentalities to purchase alcohol from local sources.

I view this amendment as a minor fair market adjustment in this massive bill.

I have discussed the amendment with the leadership of the Armed Services Committee, especially the Morale, Welfare, and Recreation Panel of that committee. I thank especially Mr. DANIEL and Mr. WHITEHURST for their support. As far as I know there is no opposition to this amendment and I ask for its immediate adoption.

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

Mr. DELAY. I yield to the gentleman from Virginia.

Mr. DANIEL. I thank the gentleman.

Mr. Chairman, I just want to say that we have no objection to the gentleman's amendment.

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

Mr. Chairman, I would like to know about this amendment. Does this apply to bases internationally as well?

Mr. DELAY. If the gentleman would yield, the answer is no; this is only for the Continental United States.

Mr. DICKS. What does it require?

Mr. DELAY. It just requires that those alcoholic beverages that are bought from the States will be bought from the States that the bases are located in.

Mr. DICKS. So they have to buy it from the State liquor system in that State; they cannot buy if from a national source?

Mr. DELAY. From the wholesalers in the State, that is right.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SPRATT

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

The Clerk read as follows:

Amendment offered by Mr. SPRATT: Page 167, strike out line 13.

Page 168, lines 6 and 7, strike out "in the same format and".

Page 168, line 14, strike out "report that" and all that follows through line 17 and insert in lieu thereof "report that—

"(i) is in the full-scale engineering development stage or has completed that stage; and

"(ii) was first included in a Selected Acquisition Report for a quarter after the first quarter of fiscal year 1985;".

Page 168, line 20, strike out the period and insert in lieu thereof "; and".

Page 168, after line 20, insert the following:

"(C) production information for each major defense acquisition program included in the report, including (with respect to each such program)—

"(i) specification of the baseline production rate for each year of production of the program, defined as the production rate for each fiscal year through completion of procurement assumed in the decision to proceed with production (commonly referred to as the "Milestone III" decision);

"(ii) specification of the production rate for each fiscal year through completion of procurement assumed in the cost-effectiveness analysis prepared in conjunction with the decision to proceed with full-scale engineering development (commonly referred as the "Milestone II" decision);

"(iii) specification of the maximum production rate for each year of production under the program, defined as the production rate for each fiscal year through completion of procurement attainable with the facilities and tooling currently programmed to be available for procurement under the program or otherwise provided by Government funds;

"(iv) specification of the current production rate for each year of production, defined as the production rate for the fiscal year during which the report is submitted and the annual production rate currently programmed for each subsequent fiscal year through completion of procurement, based on the President's Budget for the following fiscal year;

"(v) estimation of any cost variance—

"(I) between the program acquisition unit cost at the current production rate specified under clause (iv) and the program acquisition unit cost at the baseline production rate specified under clause (i); and

"(II) between the total program cost at the current production rate specified under clause (iv) and the total program cost at the baseline production rate specified under clause (i);

"(vi) estimation of any cost variance—

"(I) between the program acquisition unit cost at the current production rate specified under clause (iv) and the program acquisition unit cost at the maximum production rate specified under clause (iii); and

"(II) between the total program cost at the current production rate specified under clause (iv) and the total program cost at the maximum production rate specified under clause (iii); and

"(vii) estimation of any schedule or delivery variance—

"(I) between total quantities assumed in the baseline production rate specified under clause (i) and the current production rate specified under clause (iv); and

"(II) total quantities assumed in the maximum production rate specified under clause (iii) and the current production rate specified under clause (iv).

Page 168, strike out line 24 and all that follows through line 8 on page 169.

Mr. SPRATT (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 South Carolina?

There was no objection.

Mr. SPRATT. Mr. Chairman, I have another amendment at the desk, and I ask unanimous consent that it be considered en bloc with my prior amendment. It is an amendment printed at page H4544 in yesterday's CONGRESSIONAL RECORD.

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

There was no objection.

The CHAIRMAN pro tempore. The Clerk will report the additional amendment.

The Clerk read as follows:

Amendment offered 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.

Mr. SPRATT (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 South Carolina?

There was no objection.

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Mr. SPRATT. Mr. Chairman, the Defense authorization bill, reported by our committee, includes provisions that relate to the selected acquisition reports [SAR's]. The selected acquisition reports [SAR's] are variance reports. Their aim is to take each major weapons system being developed or acquired, and to fix baselines for program cost and program schedule, and to select criteria for technical performance; and then as the system is developed and produced, to measure actual program cost, actual delivery schedule, and demonstrated performance against what was promised or represented when we decided to spend significant sums of money on it. The SAR's are for Congress, and to some extent for DOD, a management reporting system. Indeed, the SAR's are our only means of measuring systematically and periodically what we are actually paying and what we are actually getting, against what we were promised.

The SAR's don't tell us all we need to know; and in form and content they still leave room for improvement. Last year, DOD undertook to streamline the SAR's. They issued a new instruction for preparing SAR's. The end result was a shorter SAR, but not a better SAR. In fact, it's a much less useful SAR. In an attempt to shorten the report, the new SAR omits basic information, information that any Member would find useful if he went to a SAR to find out more about a certain weapon system, information such as a description of the system, its mission, major subcontractors, and related programs. The Pentagon says that can be supplied from other sources, and that's true; but why not integrate into the SAR, as it has been for the last 15 years.

The new SAR's also drop any reference to DCP thresholds that have been breached. Those are major decisions regarding cost and performance reached between the program office and the Department of Defense. When they are breached, shouldn't our variance system report the variance? As to cost, schedule, and technical performance, the new SAR drops what should be the most important baseline: The approved program baseline.

Heretofore, the SAR has broken out major program elements. As to aircraft, for example, the old SAR's would set out airframe cost, engine cost, and the cost of avionics. The new SAR's simply lump those costs together; there is no way to tell from the report whether an overrun is occurring in the airframe, in the engine, or in the avionics.

The old SAR's gave us a page of information about the initial contract price, comparing it to the current contract—which is useful information when there are follow-on buys. The new SAR omits it, and also omits the current contract ceiling price, even though that is the price the Government may ultimately be liable for.

The Defense authorization bill, as amended in the Armed Services Committee, says, in effect, these changes in the SAR are not improvements; they make the SAR much less useful; and we want to go back to the SAR system of reporting that existed before DOD's last revisions. The bill before us now also requires DOD to resubmit all of its SAR's due as of December 31, 1984, within 30 days, after enactment. My amendment would delete the resubmission requirement. By the time the new reports were submitted, the information would be stale, and SAR's for next year would already be in process. However, DOD

has agreed that in return for deletion of this requirement, they will cooperate with the Congressional Budget Office, and will furnish CBO the data needed to complete their annual SAR study—which CBO cannot do with the pared-back SAR that DOD submitted this year. With that understanding, resubmission would be dropped by my amendment.

This SAR provisions now in the bill do not merely reinstate the previous SAR reporting system; they also add a new requirement, a requirement that DOD submit for each new system it would put into production a life-cycle cost analysis, comparing the system's life-cycle costs with antecedent systems and competitive alternatives.

In addition, my amendment would add another reporting requirement. The SAR provisions in our Defense authorization bill were not part of the Defense authorization bill reported by the Senate Armed Services Committee, but these provisions were added by amendment when the bill came to the floor of the other body. My amendment would incorporate in our bill an additional reporting requirement which the other body approved and incorporated in its bill though in redrafted language. My amendment would require that DOD specify in each SAR the baseline production rate, the rate of production assumed when the decision to proceed with production is made. And it would then require DOD to state the cost variance caused by production at different—usually lower—rates of production from the rates originally planned.

We are frequently told in our committee that a certain level of procurement—so many end units per year—is the optimal or most efficient level. At this level, unit costs are lowest. But it is seldom explained exactly how this particular level of efficiency is derived. This amendment would help us obtain that data.

More importantly, we are buying numerous weapons systems at levels of production below maximum efficiency. This amendment will allow us to know the increment, the extra price we are paying, for procurement at less than efficient rates of production, as to each major system, and in the aggregate for all major systems.

Mr. Chairman, this amendment will improve the SAR and the information we receive and act on in making major budget decisions. I urge its adoption.

Mr. Chairman, the second amendment I am offering today is quite simple. It requires the Department of Defense [DOD] to submit two reports updating the 5-year defense plan [FYDP] which was prepared in conjunction with the President's 1986 budget request.

One report would require an updated FYDP for the years 1986-90, based on an assumption of 3-percent real growth per year in the defense budget.

The second report would require an updated FYDP for these same years, but based on an assumption of inflationary growth only each year.

Mr. Chairman, I am not attempting to prophesy what level of growth in the defense budget Congress will approve over the next several years. Given the emphasis on reducing deficits, however, and the recent budget resolutions passed by the House and the Senate, I believe these two figures are likely to be the parameters within which defense will be budgeted in the near future.

The 5-year defense plan contained in the President's fiscal year 1986 budget assumes 6 percent real growth this year and 8 percent real growth over the subsequent 2 years. Given current budgetary constraints, these projections are unlikely to obtain. But these outyear projections, realistic or not, have an impact on programs we are approving.

We have asked DOD before to tell us where and what they would cut assuming a lower budget. But we never receive a complete response. These two FYDP's will tell us how DOD would adapt if they were required to budget to a lower bottom line, and a level that is realistic in today's fiscal environment.

Let me add that this amendment was introduced by Senator NUNN in the other body, and was approved with bipartisan support.

I urge support of this amendment.

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

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

Mr. STRATTON. I thank the gentleman for yielding.

Mr. Chairman, we have examined the gentleman's amendments on this side of the aisle and we have no objection to them.

The CHAIRMAN pro tempore. The question is on the amendments offered by the gentleman from South Carolina.

The amendments were agreed to.

AMENDMENT OFFERED BY MR. BARNES

Mr. BARNES. Mr. Chairman, I offer an amendment which has been printed in the RECORD.

The Clerk read as follows:

Amendment offered 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 Committee 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.

Mr. BARNES (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 Maryland?

There was no objection.

Mr. BARNES. Mr. Chairman, I offer this amendment on behalf of myself and the gentlewoman from Maryland, Mrs. BYRON. The amendment is intended to deal with our concern that the Department of Defense lacks a policy with respect to where it contracts for testing of dangerous chemical warfare agents. The amendment requires the Department of Defense to report to the Armed Services Committees of the House and Senate within 90 days on a variety of issues relating to the testing of chemical warfare agents in facilities located close to schools, hospitals, nursing homes, health care facilities, day care centers, and in residential areas generally.

In my district, there is a private testing facility which has received several contracts from the Army for the testing of chemical warfare agents relating to their effects on clothing and other protective materials. The company is located in a building which shares space with unrelated business, and is approximately 150 feet from the grounds of an elementary school. The presence of the testing has generated substantial concern in the community, quite understandably.

What my amendment is intended to do is to obtain information on how the Department of Defense makes decisions on awarding such contracts, whether it takes into account the location of the testing facility, and how it handles relations with the State and local governments which have an in-

terest in knowing about the location and type of testing going on.

In correspondence with me, the Army has indicated that, in effect, it has no policy with regard to the location of the testing facility. The Army's interest is in ensuring that the interior of the testing facility and its manner of operation meet Army standards. The Army also says that it is the contractor's responsibility to meet any National Environmental Policy Act requirements for its facility. The contracting agency is also supposed to prepare a safety program which would ensure safe operation of the facility.

So as long as the interior of the facility meets certain requirements, it does not seem to matter to the Army where the testing of dangerous chemical warfare agents is conducted. I think that Congress needs to consider these issues, and decide whether a national policy is needed. Receipt of the report required by this amendment will be a first step in that direction.

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

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

Mr. STRATTON. I thank the gentleman for yielding.

Mr. Chairman, this amendment has been examined on this side of the aisle, and we have no objection to it.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. COURTER

Mr. COURTER. Mr. Chairman, I offer the amendment.

The Clerk read as follows:

Amendment offered by Mr. COURTER: Page 176, after line 8, insert the following new section:

SEC. 1024. STUDY OF POINT DEFENSE FOR LAND-BASED STRATEGIC FORCES.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall conduct a study of the feasibility of providing a system of point defense for land-based strategic forces in order to reduce the vulnerability of such forces and to enhance strategic stability. The study shall particularly examine the application of research conducted under the Strategic Defense Initiative program to reducing this vulnerability.

(b) REPORT ON STUDY.—Not later than April 30, 1986, the Secretary shall submit to Congress a report describing the results of the study conducted under subsection (a) and containing such advice and recommendations with respect to the use of point defense for land-based strategic forces.

Mr. COURTER (during the reading). Mr. Chairman, I ask unanimous censent 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 New Jersey?

Mr. DICKS. Mr. Chairman, reserving the right to object, I would like to have the gentleman describe what this amendment is before we object to dispensing with the reading of it.

Mr. COURTER. The amendment is a fairly straightforward one. It requires a study by the Department of Defense, given to the Congress, by April 30, 1986. That study will review the feasibility of the deployment of a point defense on the land-based leg of our triad. It requires a study and no more.

As the gentleman knows, one of the great issues in the Congress, and properly so, is the vulnerability of the land-based leg of our triad. If the land-based leg of our triad is vulnerable to a first strike, that obviously decreases deterrence, which is one of the reasons that people are arguing that we should cap the deployment of MX missiles, one of the reasons we are considering the research and development of the small ICBM, which would achieve that invulnerability by mobility.

The purpose of the amendment is to have basically the Office of SDI and the Air Force talk to each other and report to the Congress as to the feasibility of that type of a program.

Mr. DICKS. Further reserving the right to object, let me ask the gentleman this: Is it not part of the assignment of the Strategic Defense Office now to study the question of point defense, along with the other concepts of strategic defense?

Mr. COURTER. If the gentleman will yield, they will be doing the research and development on all sorts of defense, obviously the 3 or 4 layers, the boost phase, a midcourse phase and point defense.

The point here is that I would like a report to find out about the effectiveness of only a point defense, which is somewhat a unique question and is not one that the Office of SDI is supposed to answer. They are looking at the entire effect of a multilayered defense. I want them to focus in directly on point defense.

Mr. DICKS. Further reserving the right to object, this is just a report.

Mr. COURTER. May I continue, under your reservation?

Mr. DICKS. Yes.

Mr. COURTER. It could very well be, and in fact it might be probable, that a point defense that this Congress has talked about a number of times, is really not a feasible alternative because it may be that the Soviet Union could overwhelm a point defense. Then you get some views from the administration that are contrary to that from DOD.

I would like to have this study so we know what the position of the Department of Defense is on the deployment of only a point defense.

Mr. DICKS. Further reserving the right to object, it is true, is it not, that a point defense as conceived of by the gentleman would be a violation of the ABM agreement?

Mr. COURTER. If the gentleman would yield further, no, if is not, for 2 reasons. No. 1, it is a study, so it is not a violation of any treaty, and that will relieve the gentleman, I am quite sure.

No. 2, under the ABM Treaty, as the gentleman is very aware, we are permitted to deploy a point defense as long as we comply with the requirement of 100 launches, et cetera. We do not have one; the Soviet Union does. They have opted, obviously, to deploy theirs around Moscow. We may opt to deploy a point defense system around our land-based leg as long as it conforms to the restrictions in the ABM Treaty.

So even in a deployed mode, it is not a violation of the treaty.

Mr. DICKS. Further reserving the right to object, again, this is just a report. It does not have anything to do with arms control or any waiver of the ABM agreement.

Mr. COURTER. No, it does not; none whatsoever. It is just a report, so we would know.

Mr. DICKS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey to dispense with the reading of the amendment?

There was no objection.

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

The amendment was agreed to.

REQUEST FOR CONSIDERATION OF AMENDMENT OUT OF ORDER

Mr. HERTEL of Michigan. Mr. Chairman, I ask unanimous consent to consider my amendment to title VIII out of order.

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

Mr. ASPIN. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

AMENDMENT OFFERED BY MR. PARRIS

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

The Clerk read as follows:

Amendment offered by Mr. PARRIS: Add the following section at the end of title X (page 200, after line 4):

SEC. 1050. ESTABLISHMENT OF MINIMUM AGE WITH RESPECT TO THE PURCHASE AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON MILITARY INSTALLATIONS.

(a) IN GENERAL.—Section 2683 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

"(c)(1) Except as provided in paragraphs (2) and (3), the minimum age, as defined in paragraph (4)(B), established by a State law shall be established and enforced as the minimum age on military installations located in that State.

"(2) In the case of any military installation located—

"(A) in more than one State; or

"(B) in one State but within 40 miles of another State, Mexico, or Canada,

the Secretary concerned may establish and enforce the minimum age established by the State law, Mexican law, or Canadian law, as the case may be, that has the lower minimum age.

(3)(A) The commanding officer of a military installation may grant temporary exemptions to the requirement of paragraph (1) if such officer determines that such exemption is justified by special circumstances, as defined in regulations by the Secretary of Defense.

"(B) Each commanding officer of each military installation shall submit a report every six months to the Secretary concerned containing a description of the nature, duration, and justification of each exemption made by such officer under subparagraph (A) during the six-month period immediately preceding the month in which the report is filed. The first such report shall be submitted no later than 300 days after the date of the enactment of this subsection.

"(C) Each report made pursuant to subparagraph (B) shall be transmitted by the Secretary concerned to the Secretary of Defense within 30 days after the receipt of such report.

"(D) As soon as practicable after receiving the first transmittal of reports from all of the Secretaries concerned under subparagraph (C), the Secretary of Defense shall transmit to the Congress a report containing—

"(i) the first report submitted by each Secretary concerned under subparagraph (C);

"(ii) the military installations affected by paragraph (2); and

"(iii) any information with respect to any administrative or other problem resulting from the application of the provisions of this subsection.

"(E) After the transmittal of the report under subparagraph (D), the Secretary of Defense shall transmit reports under this subsection to Congress only when requested by the Chairman and ranking minority member of either the Committee on Armed Services of the Senate or the House of Representatives.

"(4) As used in this subsection:

"(A) 'State' means each of the several States and the District of Columbia; and

"(B) 'minimum age' means the minimum age or ages established for persons who may purchase, possess, or consume alcoholic beverages.".

"(b) CONFORMING AMENDMENTS.—(1) Section 2683(b) of such title is amended by striking out "section" in subsection (b) and inserting in lieu thereof "subsection" (a)".

"(2) Section 6 of the 1951 Amendments to the Universal Military Training and Service Act (50 U.S.C. App. 473) is amended by striking out "The" in the first sentence and inserting in lieu thereof "Subject to section 2683 of title 10, United States Code, the ".

"(c) TECHNICAL AMENDMENTS.—(1) The section heading for section 2683(c) of title 10, United States Code, is amended to read as follows:

"§ 2683. Relinquishment of legislative jurisdiction; minimum age for the purchase and consumption of alcoholic beverages."

"(2) The item for section 2683 in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

"§ 2683. Relinquishment of legislative jurisdiction; minimum age for the purchase and consumption of alcoholic beverages."

"(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

Mr. PARRIS (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 Virginia?

There was no objection.

Mr. PARRIS. Mr. Chairman, as we all have come to realize in the past several years, there is a horror which exists on the streets and highways of our Nation. That horror is drunk driving. Those responsible for this carnage are individuals who drink and then get behind the wheel of an automobile without any consideration given to the rights and safety of others on the road. Not one of us is safe from this menace.

This is a grassroots problem—one which can most effectively be dealt with at that level. However, leadership must be provided at the Federal and State levels. The administration and the Congress have begun this process by requiring that the States raise their respective minimum drinking ages to 21 by 1987. So far, 35 States have enacted this minimum drinking age requirement, and 15 States and the District of Columbia have not yet followed suit.

Mr. Chairman, I cannot understand the failure of these 15 States to enact legislation to establish this uniform drinking age. I cannot understand why the District of Columbia is refusing to move the legislation now before them. This matter cannot be reduced to a sagebrush rebellion issue in the West, or a revenue issue elsewhere. You simply cannot put that kind of a price tag on the lives of our youth. How can they deny that our future is dying out there on the highways.

As a result of the failure of certain States and the District of Columbia to adopt the uniform drinking age, there exist "blood borders" around the perimeter of these States. The blood borders, appropriately named, are the result of young people residing in one State driving to another State with a lower drinking age to consume alcohol. After imbibing, they then proceed to get back in the car and drive home—many times killing themselves and innocent people in the process. We have a serious blood border problem in Virginia and Maryland with our young citizens driving into the District, drinking heavily and driving home.

The amendment which we are now considering would require that the drinking age on military installations shall be the same as the minimum age established by the State in which the installation is located.

Because of the blood border problem, an exemption has been included in this amendment for installation located within 40 miles of another State, Mexico, Canada, or the District of Columbia, which has a lower drinking age. Of course, when a State raises its drinking age, the surrounding installations would lose their exemptions. While this is something I would prefer not to have, as long as these States and the District of Columbia refuse to raise their drinking ages, the blood border issue is one which we will have to deal with.

Another provision of this amendment provides the authority to the individual installation commanding officers to grant temporary exceptions to the drinking age requirement for special occasions as presently defined by Department of Defense regulations. Included under this definition are "unit functions" where the entire unit would be participating in an event or celebration such as the Marine Corps birthday or a Grenada-type victory celebration.

In order to prevent abuses of this provision, a strict reporting requirement has been included. The new section created by this amendment would become effective 90 days after the date of enactment. Beginning at the end of a 6-month period following the effective date, the commanding officers shall have no more than 30 days to file a report with the service Secretary concerned including detailed information as to the number of special occasion exemptions granted, their purpose and their duration. The commanding officers shall continue to make these reports every 6 months thereafter.

Upon receipt of the reports from the commanding officers, the individual service Secretaries shall have no more than 30 days to file a complete report with the Secretary of Defense. The Secretary of Defense shall then be required to file a similar report with the Congress for the first 6-month reporting period. Future reports will be provided to the Congress only upon request. Along with the above mentioned report, the Secretary of Defense shall include a list of installations exempted under the 40-mile rule, and any problems with the implementation of this new section.

Mr. Chairman, I believe this is a reasonable approach to a complex problem—a problem which cannot be solved with quick fixes. This is meant as a step in the right direction. The next step, in my judgment, is to ensure that each and every State, particularly the District of Columbia, adopt legislation toward the establishment of the

uniform drinking age. My message to them is: Let's stop playing politics with the lives of our young people. Just swallow hard, tighten your respective liquor-tax revenue belts, and take some action. The time is now.

This amendment has the support of the administration, the acceptance of the military, and has been cleared on both sides of the aisle. I urge its passage.

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

Mr. PARRIS. I yield to the gentleman from Virginia.

Mr. DANIEL. I thank the gentleman for yielding.

Mr. Chairman, we have examined this amendment, and we have no objection on this side.

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

The amendment was agreed to.

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

I ask the Chair to re-recognize the gentleman from Michigan [Mr. HERTEL]. I objected to his amendment earlier. I thought he was talking about a different amendment, and I do not have any objection to this amendment.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Michigan [Mr. HERTEL].

AMENDMENT OFFERED BY MR. HERTEL OF MICHIGAN

Mr. HERTEL of Michigan. Mr. Chairman I offer an amendment to title VIII, and I ask unanimous consent that it be considered out of order.

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

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. HERTEL of Michigan: At the end of title VIII (page 143, after line 19) insert the following new section:

SEC. 802. GAO STUDY OF FEASIBILITY OF CIVILIAN DEFENSE ACQUISITION AGENCY.

(a) STUDY.—The Comptroller General shall carry out a study to review all available evidence, studies, reports, and analyses concerning the organizational structure for defense procurement.

(b) REPORT.—(1) After conducting such study, the Comptroller General shall submit to Congress a report containing the recommendations of the Comptroller General concerning the feasibility of the creation of an agency outside the Department of Defense with the mission to coordinate, supervise, direct, and perform all procurement functions for the Department of Defense. The recommendations of the Comptroller General shall include recommendations for the most efficient method to accomplish the transition of the performance of defense procurement functions from existing military procurement agencies to such an agency.

(2) The report required by paragraph (1) shall be submitted not later than one year after the date of the enactment of this Act.

Mr. HERTEL of Michigan (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 Michigan?

There was no objection.

Mr. HERTEL of Michigan. Mr. Chairman, the amendment I offer today institutes a study of a civilian defense acquisition agency and recommendation on the most efficient way to accomplish the transition of this agency.

Continuing dissatisfaction with the way in which the U.S. Department of Defense carries out procurement programs has prompted Congress to consider alternative procedures. One of the ways in which a number of highly industrialized foreign countries differ from the United States is the degree of centralization of their military procurement organization. In other words, in the United States a major weapon system to be utilized by the Army, Navy, or Air Force is purchased by that military service; in a significant number of other countries, that procurement is done by a central agency which is organizationally independent of the three major services.

Great Britain is a country in which a substantial degree of centralization has taken place since the early 1970's and there are indications that a further reorganization, which is in the process of taking place, will result in additional centralization. Currently the procurement activities of the British Ministry of Defense are carried out by the Procurement Executive, which has responsibility not only over military equipment, but also over civilian aircraft.

France likewise has a central agency for military procurement, the Delegation Generale pour l'Armement—General Directorate for Armaments. The predecessor to this agency, which was France's first centralized organization for military procurement, was created in 1961, under the administration of General de Gaulle. The concept of the central agency was developed in recognition of the fact that procurement by the three military services resulted in substantial duplication. The feature of the French system which is apparently unique is the creation of an Armaments Directorate which is almost analogous to a fourth military service, in that it has its own uniform and its own military procurement schools.

In some ways, the process of centralization has gone farther in Canada than it has in any of the other countries studied: The Department of Supply and Services is responsible not only for the procurement of military equipment, but for purchasing for the entire Canadian Government. Centralization within the Canadian military began during World War II with the establishment of the Department of Munitions and Supplies. While that agency became largely dormant after the war, Canada's greater military responsibilities arising from the creation of NATO and the outbreak of the Korean war resulted in the creation in 1951 of the Department of Defense Production. This centralization of the procurement function was generally considered successful, and resulted in the establishment of the Department of Supply and Services, a decade later.

West Germany also has a centralized military procurement organization, which resulted from the recommendations of the 1971 report of the Federal Commission on Defense Procurement. The Commission was directed to recommend procedures which would produce greater cost-effectiveness, but which would also make the procurement process more responsive to the views of Parliament. While in West Germany, as in the other countries studied, centralization was designed to increase efficiency, there was the additional purpose of ensuring civilian control over the military.

In Sweden, military procurement is performed for the three military services by a central agency, the Forsvarets Materialverk—Defense Material Administration. The functions of this agency extend to the procurement of equipment not only for the military services, but also for the civil defense agency and civilian public health services. While there has already been considerable centralization of the procurement function, it seems likely that the trend will proceed even further within the next few years.

Not all countries have a central agency for military procurement—in Norway and Turkey, for example, the military services do their own procurement—but it seems nevertheless accurate to conclude that over the past 25 years there has been a trend toward centralization in the major industrialized countries of the West. For the most part, the purpose appears to have been to avoid duplication and promote economy in an era when the cost of weapon systems has escalated substantially. The additional purpose of ensuring civilian control has probably been of some significance in West Germany but less so in other countries. There is probably no way to prove that centralization has produced substantial cost savings. However, it may be regarded as significant that no country which has moved in the direction of centralization has seriously considered reversing this direction.

It is high time we begin to study new ways of conducting our defense procurement business.

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

The amendment was agreed to.

□ 1330

AMENDMENT OFFERED BY MR. BENNETT

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

The Clerk read as follows:

Amendment offered by Mr. BENNETT: Page 197, after line 8, insert the following new subsection:

(c) No reductions may be made before October 1, 1986, by the President in stockpile goals below those goals in effect on October 1, 1984, as established under authority provided by the Strategic and Critical Materials Stock Piling Act.

Mr. BENNETT. Mr. Chairman, the amendment I offer rescinds the President's authority, as provided by the Strategic and Critical Materials Stock Piling Act, to reduce the goals for materials in the national defense stockpile through fiscal year 1986. As one of the authors of the existing stockpile legislation and as a proponent of strong executive branch management of the stockpile, I regret the need for this amendment, but recent developments leave us no alternative.

It is my understanding that a 2-year study of the stockpile by the National Security Council will drastically reduce the stockpile goal levels. A similar stockpile goal study was completed in 1976 and approved by both the Ford and Carter administrations. That study resulted in the current goals which were then considered in the national security interest. There is at present a shortfall of approximately $7 billion between current stockpile goals and inventories. The national security of the United States should not be sacrificed to enhance the budget. It has taken us a long time to get the stockpile where it is today. Must we learn the lessons of the past again the hard way—at the time when we can least afford it?

The national defense stockpile is needed to protect our armed services and the supporting industrial base against shortfalls of critical materials in times of emergency. It is a hedge against disruptions of supplies of strategic and critical materials for which we are increasingly dependent on foreign sources. The Strategic and Critical Materials Stock Piling Act requires the President to establish stockpile goals sufficient to sustain the United States for a period of not less than 3 years in the event of a national emergency.

I am reminded of the 1973-75 period when another administration reduced the stockpile goal levels and tried to sell off the stockpile for economic reasons—to help in the fight against inflation. The concerns of Congress about the energy crisis and other materials shortages prompted the passage of the 1979 Strategic and Critical Materials Stock Piling Act which reaffirmed the need for a national defense stockpile. In addition, section 3(b)(1) of the act was directed at the abuses of stockpile disposal for budgetary purposes and I quote: "The purpose of the stockpile is to serve the interest of national defense only and is not to be used for economic or budgetary purposes."

Reductions in stockpile goals and materials disposals would also further weaken a declining U.S. mining industry, leaving it less capable of providing materials for the defense effort in a national emergency. Furthermore, within the perspective of the current defense establishment buildup, savings from stockpile sales would be minimal while the risk of not having the materials we need in an emergency could be disastrous.

The President and the Congress have the responsibility to insure the long-term national security interests and options to succeeding administrations and to the American people. Sacrificing this for short-term economic gain is irresponsible.

I urge your support of this amendment to maintain current stockpile goals until the administration can demonstrate that its proposed changes in stockpile goals are based primarily on national security considerations.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MONSON

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

The Clerk read as follows:

Amendment offered 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).

Mr. MONSON (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 Utah?

There was no objection.

Mr. MONSON. Mr. Chairman, I bring this amendment before the House today in order to provide a limited exception to an existing statute which prohibits our military bands from performing in commercial endeavors. The original intent of the statute was to prevent competition against private sector performing groups by moonlighting military musicians. This statute, however, is preventing the marketing of a recording by the Mormon Tabernacle Choir.

On April 18 and 19, this year, the choir held a concert in which the Air Force Band and the Singing Sergeants participated. This concert was recorded by CBS Masterworks, which has an exclusive recording contract with the choir. In order for this recording to be marketed this amendment is proposed in order to provide a one-time exemption from the existing statute in order to clarify the legal situation. The Department of Defense has indicated they have no objections to such legislation.

Mr. Chairman, there is another reason for proposing this amendment. CBS Masterworks, which also produced the U.S.A. for Africa "We are the World" recording for which they deserve sincere congratulations, has also agreed to donate 3 percent of the wholesale sales from this new recording to African relief as an additional humanitarian gesture. Any other funds received by the Air Force will be accrued to the general fund of the Treasury. I understand Mr. Chairman, that the distinguished managers of this bill have no objection to this amendment, and I urge its acceptance.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman. I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STRATTON: Page 172, after line 20, add the following new 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.

Mr. STRATTON (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 New York?

There was no objection.

Mr. STRATTON. Mr. Chairman, this amendment will provide for cooperative agreements to be made between the Department of Defense and the State and local governments and nonprofit organizations that provide technical assistance to firms that seek to bid for defense contracts for the Department of Defense to grant these organizations money to run such centers.

I believe this is a measure that would benefit us nationwide since at least one center in each defense contract administration service region would be chosen.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DICKINSON

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

The Clerk read as follows:

Amendment offered by Mr. DICKINSON: At the end of title X (page 200, after line 4) insert the following new section:

SEC. 1050. PROVISION OF GREEN SALT TO CONTRACTORS FOR PRODUCTION OF CONVENTIONAL AMMUNITION.

(a) IN GENERAL.—Chapter 433 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 4542. Conventional ammunition: loan of uranium tetrafluoride for production

"(a) Subject to subsection (b), the Secretary of the Army may provide uranium tetrafluoride (green salt) to a contractor for the production of conventional ammunition for the Army. Such uranium tetrafluoride shall be provided from stockpile materials available to the Secretary.

"(b) Any uranium tetrafluoride provided to a contractor under this section shall be provided as a loan subject to the contractor's agreement to repay to the United States an equivalent amount of uranium tetrafluoride at no cost to the United States.".

(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:

"4542. Conventional ammunition: loan of uranium tetrafluoride for production.".

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, this amendment allows the Secretary of the Army to loan green salt to a contractor provided that the contractor returns an equivalent amount of green salt at no cost to the Government.

Green salt is uranium tetrafluoride used to produce antitank munitions. The U.S. Government has thousands of tons of depleted uranium but it is in the wrong form and cannot readily be turned into metal for weapons. The Army wants to preserve its dwindling reserves of green salt for national emergencies and therefore has forced the munitions makers to go to outside suppliers to turn uranium hexafluoride—Government furnished—into green salt. What has happened is that some suppliers are late and the Army will not get its antitank munitions on time. The Army is willing to lend green salt to the munitions makers as long as they pay it back when their suppliers deliver.

This is an innocuous amendment and the Army supports it. I ask my colleagues to support it.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BARNARD

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

The Clerk read as follows:

Amendment offered by Mr. BARNARD: At the end of title X (page 200, after line 4) add the following new section:

SEC. 1050. ARMED FORCES NATIONAL SCIENCE CENTER FOR COMMUNICATIONS AND ELECTRONICS.

(a) FINDINGS.—The Congress makes the following findings:

(1) Scientific and technological developments in communications and electronics are of particular importance to the United States in meeting its national security, industrial, and other needs.

(2) Enhanced training in the technical communications, electronics, and computer disciplines is necessary for a more efficient and effective military force.

(3) The Secretary of the Army, through the Training and Doctrine Command, is responsible for providing training to members of the Army.

(4) The Ninety-seventh Congress, in Senate Concurrent Resolution 130 of that Congress, encouraged the establishment within the United States of a national center dedicated to communications and electronics.

(5) The Secretary of the Army entered into a Memorandum of Understanding with the National Science Center for Communications and Electronics Foundation Incorporated, a nonprofit corporation of the State of Georgia, in which the Army and such foundation agreed to develop a science center for—

(A) the promotion of engineering principles and practices;

(B) the advancement of scientific education for careers in communications and electronics; and

(C) the portrayal of the communications, electronics, and computer arts.

(b) PURPOSE.—It is the purpose of this section—

(1) to recognize the relationship between the Army and the National Science Center for Communications and Electronics Foundation Incorporated (hereinafter in this section referred to as the "Foundation") for the development, construction, and operation of a national science center; and

(2) to authorize the Secretary of the Army (hereinafter in this section referred to as the "Secretary") to make available a suitable site for the construction of such a center, to accept title to the center facilities when constructed, and to provide for the management, operation, and maintenance of such a center after the transfer of title of the center to the Secretary.

(c) ARMED FORCES NATIONAL SCIENCE CENTER.—(1) Subject to paragraph (2), the Secretary may provide a suitable parcel of land at or near Fort Gordon, Georgia, for the construction by the Foundation of an Armed Forces National Science Center to meet the objectives expressed in subsection (a). Upon completion of the construction of the center, the Secretary may accept title to the center and may provide for the management, operation, and maintenance of the center.

(2) As a condition to making a parcel of land available to the Foundation for the construction of an Armed Forces National Science Center, the Secretary shall have the right to approve the design of the center, including all plans, specifications, contracts, sites, and materials to be used in the construction of such center and all rights-of-way, easements, and rights of ingress and egress for the center. The Secretary's approval of the design and plans shall be based on good business practices and accepted engineering principles, taking into consideration safety and other appropriate factors.

(d) GIFTS.—The Secretary may accept conditional or unconditional gifts made for the benefit of, or in connection with, the center.

(e) ADVISORY BOARD.—The Secretary may appoint an advisory board to advise the Secretary regarding the operation of the center in pursuit of the goals of the center described in subsection (a)(5). The Secretary may appoint to the advisory board such members of the Board of Directors of the Foundation as the Secretary considers appropriate. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory board appointed under this subsection

(f) AVAILABILITY OF CENTER TO FOUNDATION.—Consistent with the mission of the armed forces and the efficient operation of the center, the Secretary may make facilities at the center available to the Foundation—

(1) for its corporate activities; and

(2) for such endeavors in the area of communications and electronics as the Secretary may consider appropriate.

(g) OTHER AUTHORIZED USES.—(1) The Secretary may make the center available to the public and to other departments and agencies of the Government for research and study and for public exhibitions. The Secretary may charge for such uses as he considers necessary and appropriate.

(2) Any money collected for the use of the facilities of the center shall be deposited to a special fund maintained by the Secretary for the maintenance and operation of the center. The Secretary shall require the Auditor General of the Army to audit the records of such fund at least once every two years and to report the results of the audits to the Secretary.

Mr. BARNARD (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 Georgia?

There was no objection.

Mr. BARNARD. Mr. Chairman, my amendment would grant authority to the Secretary of the Army to accept and to operate a National Science Center for Communications and Electronics in order to promote, support, and supplement training in the fields of communications, electronics, science, and computer technology. This will be done in partnership with the National Science Center for Communications and Electronics Foundation, and the U.S. Army. As a partner with the Foundation, the Army will designate a suitable location at Fort Gordon for the facility and approve design and construction plans.

Recognizing the drastic need to combat this decline of education in those fields of science and mathematics, Congress adopted a concurrent resolution in 1982, supporting the establishment of a National Science Center for Communications and Electronics.

A nonprofit organization, The National Science Center for Communications and Electronics, was established to carry this congressional mandate. And, because of the vital need for high technological skills in our program for military readiness, the U.S. Army became a partner with the Foundation in this venture.

In a memorandum of understanding signed by the Foundation and the Secretary of the Army last July, this partnership was formalized with the joint mission to make a positive impact on the educational necessities on our students as well as our servicemembers.

Mr. Chairman, in a 1983 report, the National Science Board Commission on Pre-college Education in Mathematics, Science and Technology issued an alarming statement regarding education in the United States: "A nation that dramatically and boldly led the world into the age of technology is now failing to provide its citizens with the intellectual skills needed for the 21st century."

The United States has not anticipated the need to prepare its people for its future technological needs in the fields of science and mathematics. Other countries around the world far exceed us in meeting the needs for technological education and training. Our ability to understand, produce, and excel in highly advanced scientific fields is being threatened because of our lack of technologically trained manpower.

High school students in Japan and Western Europe study two to three times more science and math than the most science-oriented United States student.

Japan, with half the United States population, graduates nearly twice as many engineers; the U.S.S.R. has six times as many engineers.

Since 1963, industrial productivity has increased 197 percent in Japan—but only 39 percent in the United States.

Unlike foreign competitors, American companies have been unable to retrain employees who are displaced by advancing technology for new and more sophisticated jobs.

THERE IS A CHALLENGE HERE THAT MUST BE MET

The National Science Center for Communications and Electronics Foundation is drawing upon the partnership of industry, scientific, military, and academic communities to fund the design and construction of a Center which will be located at Fort Gordon, GA, the largest, most advanced training center in the free world for communications and electronics. Upon its completion, the center will be donated to the U.S. Army, to be used as a training site for both the communications and electronics industry and the national defense establishment.

This Center will be used on-site and through electronic extension to train the over 33,000 Army service members as well as students from the other services and 44 different nations who attend the U.S. Army Signal School at Fort Gordon. Through the planned computer-controlled telecommunications network, the capability will exist to provide education and training to active, reserve and National Guard personnel wherever they may be located in the United States.

Today's soldiers must be trained in the most advanced technological skills to meet the demands of operating our increasingly complex weapons and communications systems. This center will enable the Army to continue its work to develop programs that will provide that training.

This unique partnership between the Army and the private sector will touch our entire Nation. Together, they can effect our economic well-being by providing a center which will promote communication and electronic education and training. It will be accessible to private and public academic institutions, business and industry, and Government agencies through the telecommunications network.

I urge my colleagues to support this amendment and make a vital contribution toward alleviating our already limited manpower resources in the high technology areas of communications and electronics.

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

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

Mr. STRATTON. Mr. Chairman, we on this side have had an opportunity to examine the gentleman's amendment. We have no objection to it. We regard it as a fine amendment.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I offer an amendment, and 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 Ohio?

There was no objection.

The text of the amendment is as follows:

Amendment offered by Mr. REGULA: Page 172, after line 20, insert the following new section:

SEC. 1016. ESTABLISHMENT OF DEFENSE HEALTH AGENCY.

(a) IN GENERAL.—(1) Chapter 8 of title 10, United States Code, is amended by adding at the end thereof the following new section: "S. 193. Defense Health Agency

"(a) There is in the Department of Defense a Defense Health Agency. The medical health-care systems of the Army, Navy, Marine Corps, and Air Force, and the facilities and resources thereof, shall be administered in policy and operation solely by the Defense Health Agency.

"(b) The Office of the Assistant Secretary of Defense of Health Affairs shall organize, in conjunction with the Army, Navy, Marine Corps, and Air Force, the Defense Health Agency.

"(c) The Defense Health Agency shall function under the direction and control of the Assistant Secretary of Defense for Health Affairs. The Agency shall have sole authority and discretion over policy and operation of the medical health-care systems of the armed forces of the United States.

"(d) For the purposes of this section the Defense Health Agency shall be comprised of two offices, designated as the Office of Policy and Operation and the Defense Readiness Office. These Offices are authorized, and subject to, the individual responsibilities, powers, and limitations as set forth in this subsection. The Defense Health Agency shall proscribe and oversee the proper conduct of all functions delegated to the respective offices:

"(1) The Office of Policy and Operation shall be administered by the Assistant Secretary of Health Affairs. Said office shall administer the operation and policy of the health care delivery system; oversee and prescribe management information systems and perform statistical studies; control and allocate resources including the functions of accounting, budgeting, and cost containment; and administer research and development.

"(2) The Office of Defense Readiness shall be jointly administered by the Surgeons Generals of the Army, Navy, and Air Force. Said Office shall develop, implement, and assess policy regarding the readiness of the combat medical support in the operating and field forces; administer the policy and operation of health care delivery in field facilities in peacetime or war; supervise the training and development of health services personnel; administer service unique operational medical support; and prepare for necessary wartime medical mobilization.".

(b) REQUIREMENT OF LICENSURE FOR PHYSICIANS PROVIDING CLINICAL CARE.—(1) Chapter 55 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1094. Licensure of physicians providing clinical care

"No individual may act, or be employed, by the United States government, as a physician to provide clinical care unless the individual has received State licensure to practice medicine and said individual has satisfied any education credentials which may be required by the Secretary of the Department of Health and Human Services.'.

Mr. REGULA. Mr. Chairman, this amendment would consolidate the three armed services' health care systems into a central entity known as the Defense Health Agency [DHA] controlled and directed by the Assistant Secretary of Defense for Health Affairs [OASD-HA] in conjunction with the Surgeons General. The provision of medical care to military service personnel and their dependents, the single major peacetime role, will be directed by the OASD while all military field medical units will be under the respective Surgeons General.

According to DOD and Grace Commission figures such an entity could save at least $225 million annually while improving health care delivery and medical preparedness.

A 2-year study of the military health care system was undertaken jointly by OMB, DOD, and HEW in 1973 at the direction of the President. The report on the study recommended, among other things, that "a central entity within DOD, serving as a coordinating mechanism for planning and allocating resources, should be established." More recently, a 1983 feasibility study released by the OASD-HA, the office responsible for coordinating the military health care system, found "a reasonably strong case for the Defense Health Agency" concept. In total, over 21 studies have been completed on this matter since 1949. All have recommended, in some form, the need for a organizational consolidation at the DOD level.

Problems exist with the quality and efficiency of care offered by the military system. Occupancy rates at many of their facilities are well below the rate considered appropriate for efficient operation despite their military uniqueness. Generally, private health care facilities consider an occupancy rate of 80 percent necessary for efficient operation. But 44 percent of the MHCS facilities run under a 50-percent capacity rate. The costs per patient associated with the operation of these underutilized facilities exceeds the cost per patient of operating consolidated facilities which have absorbed patients from other less efficient and smaller facilities. This is an excellent example of a situation where a central authority could direct and coordinate more effectively and efficiently.

The current graduate medical education programs are hindered by low utilization rates which block professional development. In an Institute of Medicine Report issued in 1981, "Graduate Medical Education and Military Medicine," a task force found that professional and technical shortages continue. Under centralized control, the DHA would have the capacity to concentrate health care teams at locations where specialized care is needed and coordinate education resources effectively.

Other problems are a persistent inability to collect claims from third party insurers; duplication in facility construction costs; and an inappropriate staff to bed ratio.

Perhaps, even more frightening than the waste of Federal tax dollars, is the questionable quality of care in many facilities. As noted in a February Reader's Digest article, numerous newspaper investigations—including the Washington Post—and network news programs such as 60 Minutes, military physicians have been found lacking the basic education and clinical credentials necessary to practice medicine. I emphasize that this is the exception. Our military has some of the finest practicing physicians in the world. But even one gross failure in selecting a qualified physician is unacceptable. Effective screening procedures must be implemented to prevent any future tragedies arising from medical fraud and incompetence. In my judgment, this amendment provides the mechanism to accomplish that end.

The situation has not gone unnoticed by DOD. Last October, a directive was issued which attempted to correct the problem through interagency policy changes. The effort has failed to provide the OASD with the necessary authority and direction. Administrative duplication and conflict continue on, wasting precious Federal resources, and perhaps, unnecessary physical injury. This amendment does not create a new bureaucracy within DOD. It consolidates the current system into a more efficient management structure.

The evidence is clear that greater coordination and cooperation between the military services' health systems is essential to effective management. A balance must be achieved which will

permit maximum benefit through standardizing and coordinating those similar or like functions and still retain the separate operational nature so essential to wartime operations. The history of military medical operations indicates that to achieve the desired degree of effectiveness will not be done by the military departments on their own.

Establishment of the DHA will centralize those necessary activities while retaining much of the decentralized characteristic of defense medical operations. I stress that this amendment does not affect the operation or delivery of services under CHAMPUS or the Veterans' Administration.

A catalyst is required. The time is long overdue. To date, 34 Members of Congress have joined as cosponsors in bipartisan support of this measure.

I would conclude by commending the gentleman from Oregon for his earlier amendment which requires minimum qualifications for physicians practicing within the military health care system. We owe the men and women who volunteer to serve in the military and assurance that the health care which they receive will be of the best quality and safety.

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

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

Mr. NICHOLS. Mr. Chairman, let me say to the gentleman that I appreciate his efforts to improve the quality of health care of men and women in the armed services. I share his view. But having said that, I must oppose the amendment that is being offered, if for no other reason than the fact simply that the Congress has not had an opportunity to look into it and examine it carefully.

The gentleman from Ohio deserves the highest praise, and I share his concern.

For that reason, I wonder if the gentleman might be amenable to accepting a substitute which would in effect require the military to take a good look at this and to give us a report on it based on the recommendations of various people that have studied it. I have a substitute amendment at the desk.

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

Mr. NICHOLS. Certainly I yield to the gentleman from Washington.

The CHAIRMAN pro tempore. The Chair would point out that the gentleman from Ohio [Mr. REGULA] has the floor, and the gentleman from Alabama [Mr. NICHOLS] has a substitute amendment for the amendment. After the gentleman from Ohio yields the floor. The Clerk will report the substitute amendment of the gentleman from Alabama.

Mr. DICKS. Mr. Chairman, if the gentleman wants to offer his amendment first, then I will ask him a question at that point.

Mr. REGULA. Mr. Chairman, if I may proceed briefly first, I have examined the language of the substitute, and I think it would be very effective in getting attention focused on this matter and would result in giving the services an opportunity to suggest how we can best achieve this kind of consolidation.

This is a significant change, and it has long-term impacts. Therefore, I agree with the gentleman from Alabama that there should be some time spent in doing it effectively. What I had intended to do was focus attention on the problem, and I think the gentleman has done that very well with his substitute. I would be pleased to accept it as a substitute for the language that I have offered.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Ohio [Mr. REGULA] yields back the balance of his time, and the gentleman from Alabama [Mr. NICHOLS] will now offer his substitute.

AMENDMENT OFFERED BY MR. NICHOLS AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. REGULA

Mr. NICHOLS. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. NICHOLS as a substitute for the amendment offered by Mr. REGULA: At the end of part C of title X (page 176, after line 8) insert the following new section:

SEC. 1024. REPORT ON ORGANIZATIONAL STRUCTURE OF THE MILITARY HEALTH-CARE DELIVERY SYSTEM.

(a) REQUIREMENT FOR REPORT.—(1) The Secretary of Defense shall submit to Congress a report containing a plan for revising the organizational structure of the military health-care delivery system to accomplish the goals described in subsection (b). In addition to recommendations of the Secretary, the report shall contain an analysis and evaluation of the various alternatives for that organizational structure that have been proposed as well as such other measures as the Secretary considers appropriate.

(2) The report of the Secretary shall be prepared through the Office of the Assistant Secretary of Defense for Health Affairs.

(b) GOALS.—The goals referred to in subsection (a) are the following:

(1) Streamlining the process for allocation of resources of the military health care delivery system, including—

(A) integrating and coordinating the planning, programming, and budgeting of military medical facilities, equipment, and staffing; and

(B) adopting uniform budgeting procedures, uniform measures of workload, and other actions to improve operational efficiency (including the elimination of incentives to over-use of inpatient care).

(2) Improving the quality of medical care, including adoption of uniform, rigorous quality assurance standards and procedures to monitor the implementation of those standards.

(3) Reducing the cost of health care provided by the Department of Defense (in military medical facilities and under the Civilian Health and Medical Program of the Uniformed Services) through adoption or adaptation, where possible, of competitive strategies, cost containment innovations, or other techniques from the private sector.

(4) Enhancing medical readiness, including—

(A) improving joint medical readiness planning within the continental United States and overseas;

(B) standardizing combat medical equipment;

(C) standardizing the methodology used to determine the number of personnel, force structure, and speciality mix necessary to meet wartime medical manpower requirements; and

(D) redirecting graduate medical education programs to provide training in critical combat specialities.

(c) VIEWS OF OTHER DOD COMPONENTS.—The Secretary of each military department and the Joint Chiefs of Staff shall each carry out an independent study of the matters described in subsection (a). The report submitted under subsection (a) shall include the results of each such study. The study carried out by the Joint Chiefs of Staff shall include comments and contributions from the commanders of each of the unified and specified commands.

(d) DEADLINE FOR REPORT.—The report required by this section shall be submitted not later than 6 months after the date of the enactment of this Act.

Mr. NICHOLS (during the reading). Mr. Chairman, I ask unanimous consent that the substitute 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?

Mr. DICKS. Mr. Chairman, reserving the right to object, I would like to hear the amendment if I could. I will not object, but will the gentleman describe again what he wants done by this? I think it is an important area, and I compliment the gentleman on his leadership on this issue.

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

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

Mr. NICHOLS. Mr. Chairman, I appreciate the effort of the gentleman from Ohio [Mr. REGULA] to improve the delivery of health care to the men and women of the Armed Forces, their dependents, and other eligible recipients. And I share his view that the health related problems that have cropped up over the last several years may suggest that the present organization of the system should be reexamined.

That said, however, I must oppose the amendment being offered, if for no other reason than because the Committee on Armed Services has not had an opportunity to examine it carefully. Acknowledging that there are problems is one thing; moving to correct those problems through root and branch reorganization of the existing DOD health care structure with its

168 hospitals, 150,000 personnel, and 9 to 10 million beneficiaries is another. On an issue of this magnitude, responsible congressional action requires much closer examination of the question than my committee—or this body—has heretofore given it.

The gentleman from Ohio deserves the highest praise for calling attention to the health care issue with his amendment. And he will deserve a great deal of credit for whatever improvements in DOD health care eventually materialize. I hope he will accept, however, my substitute to his amendment that is intended to start the Department of Defense and Congress on the road to improving the DOD health care structure. The substitute would deliver the message that Congress insists that improvements be made in the Defense health care system.

The substitute recognizes that changes are needed to improve the system. It goes on to establish objectives that should be accomplished through those changes—streamlining the resource allocation process, improving the quality of medical care, reducing the cost of care, and enhancing medical readiness. It requires the Secretary of Defense to prepare a report, based upon recommendations from the various elements of the present structure, that includes a plan of action to achieve those specific objectives. The amendment further requires the Secretary to consider and evaluate in the report the various alternative structures that have been proposed over the years. These include the status quo—retaining the present structure but improving its performance; assigning an assistant secretary in each military department an additional responsibility for health affairs; strengthening the position of the Assistant Secretary of Defense for Health Affairs; a Defense Health Command; and a Defense Health Care Agency.

Once again, I want to commend the gentleman for his concern in his efforts to improve the health care system. Our only difference is in the manner by which we proceed to achieve that goal. I hope he will accept my substitute to his amendment.

□ 1330

Mr. DICKS. Mr. Chairman, further reserving the right to object, I think the gentleman's study is well targeted and it is the kind of thing that will produce a good result.

I am very concerned about what is going on in the quality of health care that is being provided at our military hospitals. I believe it is something that the Armed Services Committee should get into and should hold hearings on immediately.

I think there is a major problem with shortage of personnel at our key hospitals and because of that shortage of personnel we are seeing a vast increase in malpractice suits that are being brought. I am convinced that this increase is costing the taxpayers of this country an enormous amount of additional money. In fact, I think we could probably afford to have the additional nurses and the additional health care personnel in the hospitals as an offset to the amount of money we are paying out in malpractice suits.

I think this is an issue that deserves not only the attention of the Pentagon, but I would hope and urge that the Armed Services Committee would hold comprehensive hearings on this.

I have a hospital in my own district. We have had a number of serious problems. I am a strong supporter of the hospital. I think it is a good hospital, but I am told over and over again that we do not have adequate personnel to do the job.

So I would urge the committee to take a look at this.

I am trying to investigate it from the appropriations side. I would like to work with the committee on this, because I think it is something that cries out for attention.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama [Mr. NICHOLS] to dispense with the reading of the amendment?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] is recognized for 5 minutes.

Mr. REGULA. Mr. Chairman, will the gentleman from Alabama yield to me?

Mr. NICHOLS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding.

I would say to the gentleman from Washington [Mr. DICKS] that that is part of the purpose of my original amendment and of the substitute amendment offered by the gentleman from Alabama, and that is to say, let us use our money more carefully to get quality care and not so much in having duplication of services.

Obviously, when we have over 44 percent of the hospitals with less than 50 percent occupancy, there is a lot of money being spent in duplicative services that could be spent in improving the quality of care that the gentleman so eloquently described. That is really the objective of the amendment originally.

I think what the gentleman has said about focusing attention on this subject is certainly a point that is well taken. As reiterated by the gentleman from Alabama, and other Members in this House, every effort must be made to ensure that only qualified physicians enter the health care cadre of our Armed Forces. The health care of the military must not be compromised.

Mr. DICKS. Mr. Chairman, if the gentleman will yield to me, we would hope when this reporting is done we would focus on the question of adequacy of personnel. Do we have enough people manning these hospitals to provide the care that is necessary?

I have been told by the base commander of Madigan Hospital that he is operating at about 50 percent of the personnel that similar hospitals have on the outside. He says that we simply cannot provide the same quality of care if we do not have the people to do the job.

So I would hope that this would be part of this study as well.

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

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

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

Let me just reinforce the request that the gentleman from Washington made about investigating health care in our military hospitals.

I have heard our Channel 10 in San Diego recently did a story on an individual who performed several unnecessary vasectomies in the civilian sector and then went into the service sector and presently has a very high level job in overseeing surgery in a military hospital.

I have heard there are several other cases in this area and I would urge my chairman to hold those hearings and see if there are some questions to be addressed with regard to the adequacy of health care in our armed services.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Alabama [Mr. NICHOLS], as a substitute for the amendment offered by the gentleman from Ohio [Mr. REGULA].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. REGULA], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. HUNTER

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

The Clerk read as follows:

Amendment offered by Mr. HUNTER: At the end of part C of title X (page 176, after line 8), insert the following new section:

SEC. 1024. Report concerning Poseidon-class submarine to be dismantled.

The President shall submit to the Congress a report with respect to—

(1) the feasibility of transferring to the United Kingdom the ownership of any Poseidon-class submarine proposed to be dismantled; and

(2) if the transfer referred to in paragraph (1) is not feasible, the feasibility of converting any such submarine into an SSN-type submarine or SSGN-type submarine.

The report shall be submitted not later than thirty days after the date of the enactment of this act.

Mr. HUNTER (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. HUNTER. Mr. Chairman, let me simply say, this is an amendment that I offered earlier that restricted funds that would be used to dispense of the Poseidon class submarine, the *Sam Rayburn*, until the President could ascertain as to whether or not it was feasible to transfer that particular submarine to the United Kingdom, or alternately, to convert it into a cruise missile or an attack boat.

I have discussed this with the chairman and he is not reluctant to allow it to come up now, even though some Members are not here who might want to oppose the funding issue, if we deleted the funding issue.

Mr. Chairman, I ask unanimous consent that the amendment be considered under this title, even though it is not identical to the amendment that is printed in the RECORD.

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

Mr. ASPIN. Reserving the right to object, Mr. Chairman, I just wanted to confirm what the gentleman from California was saying. The gentleman and I discussed this.

It is now a study. It does not say, as did the original amendment, that no money can be used to dismantle the Poseidon until the study comes up. I thought that might be setting off a hornet's nest.

We are now asking for study of the various uses of what the Poseidon might be put to if it is no longer going to be a ballistic-missile-carrying submarine.

I know the gentleman from Washington has some other ideas and the gentleman may want to add to the study, but I believe that we can consider this amendment now without violating what we told other Members who are not here.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California [Mr. HUNTER]?

Mr. DICKS. Mr. Chairman, I will withhold my objection, but I reserve the right to object.

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

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

Mr. STRATTON. Mr. Chairman, I would like to ask the gentleman from California, if I could get his attention, as I indicated earlier in the discussion is it my understanding that the U.S.S. *Sam Rayburn* is the submarine that would have to be scrapped and turned into razor blades in the event of carrying out the commitment in connection with SALT II.

I would think that the gentleman should make a very strong point in his amendment to make certain that the House of Representatives does not permit the U.S.S. *Sam Rayburn* to become the one that has to be sacrificed to SALT II.

Mr. HUNTER. Mr. Chairman, I thank the gentleman. I think he has made a good point. The submarine, U.S.S. *Sam Rayburn*, has served this country well, as did the Speaker, Sam Rayburn. It is a very precious platform. We do not have many of them in this country and we need to consider in depth alternate uses before we go ahead and dismantle.

Mr. DICKS. Mr. Chairman, further reserving the right to object, I would very much like to have an opportunity to discuss this with my good friend and colleague for whom I have great respect and admiration. But I feel compelled to object, because I have something I want to talk to the gentleman about on this very subject. I will object at this point and we can come back to the amendment if we can work out an agreement. I am sorry to do that.

Mr. HUNTER. Mr. Chairman, if the gentleman will yield, I will be happy to accommodate my friend, the gentleman from Washington, if he wants to talk about it.

Mr. DICKS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Are there any other amendments to title X?

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

Mr. DICKINSON. Mr. Chairman, I would like at this point to pay my compliments to the chairman and to all the members of the committee. We have come now to the end of this first week of dealing with this Department of Defense authorization bill. I think that we have made remarkable progress. If we consider the items that we have brought up and the items that have passed, normally without an agreement and without the ability of the chairman of the full committee to work with all factions, particularly on the Democratic side, the items which we have brought up and passed, the MX missile, the SDI, chemical weapons, normally these would take several days apiece. We probably would be 3 or 4 weeks on this defense bill, if the history of dealing with the defense authorization bill in the past were any guide or gauge.

□ 1350

I think we have done a remarkable job in getting this far through the bill. We are up to title X and we have only ten titles. We are at the position now where we can start off on Tuesday with the controversial amendments.

As the chairman pointed out when we were having a discussion this morning as to what we might anticipate, we have one big issue, so far as I know, to be debated before we get into the procurement issue, and that has to do with the ASAT or antisatellite weapons.

We went through this last year. We debated it at least 2 days, perhaps 3. We came to a conclusion.

We authorized the test of the ASAT and then, due to technical reasons, we were not able to test. We were supposed to test in the spring and we have not been able to have the test even yet.

So with the exception of that one amendment, next week I think will be devoted principally to procurement reform and everybody is interested in reform. Everybody realizes that we have a problem.

But I think that the concern expressed by the chairman this morning, everybody has an idea as to what is the best way to go about reform, everybody thinks, well, now we have a simple solution, and here we will just drop in this amendment to the point where at this point we have over 50 amendments pending that have been printed in the RECORD that are going to mandate or suggest ways that the Department of Defense and the administration should bring about reform so that we can avoid waste, fraud, and abuse.

No one on this floor is in favor of waste, fraud, and abuse. But when you start tampering with the machinery, when you start putting in fixes without even understanding the method of doing business, quite often you inadvertently, even though you are well intended, quite often you bring about more waste, fraud, or abuse than you attempted to correct.

So I would hope that this next week the Members would have a little self-restraint, that we would accept some guidance from the committee members who work at this every year, for many weeks, many days each year that are devoted to studying the problem and coming up with solutions.

We are not impotent. I think we are quite capable of managing our own affairs.

That is not to say that any amendment that would be submitted is not a

good amendment that should not be put into place. But the problem is that we have 50-odd Members, most of whom really have no background or expertise in the area. As a matter of fact, it was at my suggestion and urging that the President just recently empaneled a so-called Blue Ribbon Commission to be headed by David Packard, the former Deputy Secretary of Defense. It was for this specific purpose that the President empaneled this group, some 12 to 15 very good, able, prestigious people with very high integrity that I hope will restore the confidence of the American people in the process and in our ability to manage our own affairs.

I would hope that the Members would take this into consideration and not try to force on the Department of Defense and force on the administration ways of doing business, force on them some artificial code that they think will bring about morality, bring about efficiency, bring about buying a bigger ban for the buck.

I hope that there will be some moderation, some consideration given to the concerns of the committee.

AMENDMENT OFFERED BY MR. HUNTER

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

The Clerk read as follows:

Amendment offer by Mr. HUNTER: At the end of part C of title X (page 176, after line 8), insert the following new section:

SEC. 1024. Report concerning Poseidon-class submarine to be dismantled.

The President shall submit to the Congress a report with respect to—

(1) The feasibility and legality of transferring to the United Kingdom the ownership of any Poseidon-class submarine proposed to be dismantled; and

(2) if the transfer referred to in paragraph (1) is not feasible, the feasibility of converting any such submarine into an SSN-type submarine or SSGN-type submarine.

(3) The feasibility of using the Poseidon-class submarine as a training platform.

The report shall be submitted not later than thirty days after the date of the enactment of this act.

Mr. HUNTER (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. HUNTER. Mr. Chairman, I have just had a discussion with my colleague from Washington [Mr. DICKS] who is concerned about a couple of things and I am going to have a colloquy with him. But we agreed to insert as a third feasibility that should be inspected by the administration the feasibility of using the Poseidon-class submarine as a training platform, as well as the feasibility of transferring to the United Kingdom or the feasibility of converting it into an SSN-type submarine or SSGN-type submarine.

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

Mr. HUNTER. I yield to my friend from Washington.

Mr. DICKS. I deeply appreciate the constructive and cooperative attitude of my friend from California, whom I hold in highest regard.

I would just like to say we added another word, feasibility and "legality" of transferring a Poseidon submarine to an ally, in this case maybe the British.

The reason I am concerned about this is that we are talking about the requirements under the SALT I and SALT II agreements to keep our total submarine force below a specific level, and our ballistic missile launchers below a specific number. My concern, and the reason I had a reservation was that you could see a situation where instead of dismantling submarines we give them to our allies, and they put them out on patrol, so the cumulative effect is we get more submarine-based ballistic missiles. Now, we could certainly see what the Russians might do under that same scenario. All of a sudden we could see 500 SS-18's in Poland and we would be told this is now the Polish independent strategic nuclear force.

So if we are going to maintain SALT II, and the President has agreed to maintain SALT II, we should consider legality. I personally have doubts about whether it is legal under the agreements to transfer the submarine without dismantling it.

But there may be the possibility of using it as an attack submarine, as a cruise missile submarine. But most importantly, there is the prospect of using it for a training submarine.

I have talked to the highest officials in the Navy in terms of the nuclear training. They say that they would love to have that submarine, assuming that we are going to abide by SALT II, for a training platform and that they can save the taxpayers about $800 million if they use it for that purpose instead of having to construct a new base.

I would hope that we take a look at it and I appreciate the gentleman amending his amendment, and appreciate his constructive approach.

Mr. HUNTER. I thank the gentleman for his involvement in this amendment. I think it is important to look at SALT II and to look at the question of whether or not this would be permissible under SALT II. So I have no problem with adding inspecting the legality also or the feasibility and legality of that proposed transfer.

So I think this is something that will force the administration to ask the question about what we are going to do with this class of Poseidon submarines as they come down the pike, as well as individual submarines like the *Sam Rayburn*, and I thank the gentleman, and I thank him for his contribution with regard to the use of the submarine as a training vessel also.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DICKINSON

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

The Clerk read as follows:

Amendment offered by Mr. DICKINSON: Page 182, line 24, strike out "5924(4)(B) of title 5" and insert in lieu thereof "5924(4) of title 5".

Page 184, line 2, strike out "5924(4)(B) of title 5" and insert in lieu thereof "5924(4) of title 5".

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, this amendment simply makes a technical correction in two citations appearing in section 1032, in order to preserve the current administration of benefits. It is not controversial but a technical amendment, and I urge its adoption.

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

The amendment was agreed to.

● Mr. DE LUGO. Mr. Chairman, I wholeheartedly support the amendment to title V of H.R. 1872, the Defense Department Authorization Act of fiscal year 1986, offered today by my distinguished colleague from California, that will eliminate the restrictions now imposed on the participation by resident alien and H-4 youngsters in the junior ROTC program. This amendment tracks the legislation which my colleague and I cosponsored and introduced earlier this year, H.R. 1439, and I would like to especially thank the chairman of the Armed Services Committee for his assistance with this amendment and for his understanding and concern that these restrictions are not in the best interests of the youngsters or the United States.

I am proud to report that all the high schools in the U.S. Virgin Islands have a junior reserve officers training program. This is an excellent program, very ably headed by Col. Gordon Green, U.S. Army, retired. We also have in the U.S. Virgin Islands a large resident alien population, and these young people are particularly enthusiastic about the junior ROTC program, despite the current restrictions on their participation. They constitute up

to 40 percent of some of our units, and given their enthusiasm and their strong allegiance it is patently unfair, and indeed unwise of the United States to deny these young people full participation.

The amendment offered today will upgrade these fine young people from auditors to full-fledged cadets by allowing them to receive uniforms and to count for enrollment, and thus protect the viability of their units.

I commend Colonel Green and Louis Shulterbrandt, our civilian aide to the U.S. Army, for their assistance on this, and I thank my colleague from California for his efforts on this amendment.●

The CHAIRMAN pro tempore. Before the gentleman from Wisconsin [Mr. ASPIN] makes his motion for the Committee to rise, just let me compliment both Reading Clerks, Meg Goetz and Bob Berry, for their magnificent job in keeping up with this fast-flowing action today and for their tremendous job.

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. DICKS] having assumed the chair, Mr. MURTHA, 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.

□ 1400

GENERAL LEAVE

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks, and to include extraneous matter on the bill, H.R. 1872.

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

There was no objection.

A RESPONSIBLE APPRAISAL OF THE MARKEY AMENDMENTS TO TITLES IX AND X

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

Mr. STRATTON. Mr. Speaker, the gentleman from Massachusetts [Mr. MARKEY] has had printed in the RECORD of June 18, and apparently plans to offer, some 15 different amendments to titles IX and X of the bill. All of those amendments are aimed at the defense programs of the Department of Energy. More specifically, the gentleman's amendments would kill all research and development and production authorization for several nuclear warheads and also would kill or cripple several critical programs essential to the production of special nuclear materials and the purification of several tons of nuclear materials that are now in the Government's inventory.

During the past few days, the gentleman from Massachusetts [Mr. MARKEY] has supported amendments that would kill the MX and kill the Trident II missile. This current set of amendments would kill and R&D on the standard missile II Navy air defense warhead, kill the 155-millimeter nuclear round for the Army and Marine Corps, kill the Trident II warhead, and severely restrict production of the 8-inch nuclear artillery shell and the MX warhead.

If this were not enough, Mr. Speaker, the gentleman, Mr. MARKEY's amendments would require the closure of several critical plutonium production facilities, including the closure of a production reactor at the Savannah River Plant in South Carolina; the PUREX (Plutonium-Uranium Extraction) Plant at the Hanford Reservation in the State of Washington; and drastically reduce the level of effort at supporting facilities in Oak Ridge, TN; Miamisburg, OH, and Ashtabula, OH.

If this were not enough, Mr. Speaker, the gentleman's amendments would completely kill a Special Isotope Separation Program resulting in the waste of the $207 million that we have already spent on this program. In addition, these ill-conceived amendments would prevent the Government from recovering several metric tons of plutonium and uranium scrap materials, or even plutonium produced for the weapons program, at the least cost and with the creation of the least amount of additional radioactive waste.

The Markey amendments should be recognized for what they really are. That is, a back door approach to killing off weapon systems by attacking their warhead and killing off the programs that provide materials for warhead construction. In other words, when we cannot win on the playing field through amendments to title I, we will try to win in the locker room through amendments to titles 9 and 10. These amendments are not only "weak on defense", but they would be disastrous and disruptive to the national nuclear weapons program and to the strategic and tactical systems that we have already voted this year, and in prior years, to build and deploy.

I will oppose each of the Markey amendments as they are offered, but it should be made clear at the beginning just what the effects of those amendments would be. Because of the mischevious and great additional expense that these amendments would cause, I would hope that each would be voted down when offered.

UNIVERSITY RESEARCH FACILITIES REVITALIZATION ACT OF 1985

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

Mr. FUQUA. Mr. Speaker, yesterday I introduced a bill, H.R. 2823, entitled, "The University Research Facilities Revitalization Act of 1985." This legislation is designed to assist in revitalizing our Nation's academic research programs.

The U.S. network of institutions of higher education in this country is a national resource. We have all come to expect from our Nation's universities a level of performance that can be termed as nothing less than "excellence." And we as a nation have been consistently rewarded in this realm. America's university system is respected and admired throughout the world.

It has been a longstanding policy in the United States to engage colleges and universities in the Nation's research enterprise. This approach to research, which is limited to teaching and performance, provides our science-producing network with a very fundamental strength. Through this combination of the academic community and the Nation's research effort, we have coupled the advancement of the scientific frontiers to the training and education of the next generation of American scientists. Although we in America take this for granted, the combination is really unique in the community of highly advanced industrial nations.

It is in our university laboratories and facilities that much of the pioneering work of American science is carried out. These facilities function as the focus for research that is not only the process by which the individual investigator continues to expand our scientific frontiers, but also as a place where research is conducted as a method of teaching future scientists and engineers.

If as a nation we do not commit ourselves to maintaining the best possible facilities, we will not only minimize our present scientific potential but we will also mortgage our future possibilities as well.

And yet many of our university laboratories are obsolete for the level of work they should be conducting; the buildings are old and frequently in disrepair, and the new facilities that have special features and capacities to provide the essentials for work at the

frontier of such fields as microelectronics or recombinant DNA are often not even being planned.

In short, we have been shortsighted in concentrating on tomorrow's payoff in research, and not concentrating as well on the facilities or infrastructure that makes the research possible to be continued.

The University Research Facilities Revitalization Act both philosophically and practically signifies the Federal Government's commitment and responsibility to an ongoing construction and revitalization program for research facilities at our Nation's universities. It is a Federal commitment that requires at least matching funds from non-Federal sources for each grant. The legislation creates a 10-year program aimed at addressing this national problem.

In trying to better understand both the magnitude and the implications of the problem, the Science and Technology Committee has held hearings on several occasions to elicit the insight and perspective of representatives from academia, industry, and government on this issue.

Just 2 weeks ago, Dr. Dale Corson, president of Cornell University and chairman of the Government-University-Industry Research Roundtable sponsored by the National Academies of Science and Engineering testified before us. He defined the term, "facilities," as the buildings, the laboratories, the machine shops and the specialized technical operation facilities designed to house and to support research projects effectively.

In speaking of the scope of the need he said:

> It is impossible for me to put any number on the magnitude of the need. I know of no studies which have provided adequate data. However, the total need of new and renovated facilities is certainly measured in billions of dollars.

He went on to say:

> To provide facilities, we need a national program, based on a partnership concept, that will regularize the facilities appropriation process. . . . As we develop programs to address these facility needs, we must think about new ways to finance them. Given the magnitude of the problem, and given the degree to which the national welfare depends on solving such problems, the Federal Government must necessarily play the lead role. There is no possibility, however, that the Federal Government alone will provide funds in an amount sufficient to relieve the accumulated need.

From the Executive Office of the President, Bernadine Healy, Deputy Director of the Office of Science and Technology Policy, testified similarly on the importance of the issue and the enormity of the problem.

She said:

> The condition of the research facilities and equipment in our universities and colleges is one of the most important issues affecting the future of our nation. . . . Estimates of the cost of renovating and modernizing the university research infrastructure range from about $15 billion to over $20 billion in a period of around 5 years. To get more specific than that often requires arbitrary judgments. What we do know is that present conditions do not make us especially comfortable about the prospects that our university system will be able to meet our nation's needs in coming years.

On the question of who, besides the Federal Government, should participate in funding this construction and refurbishing program she said:

> I think we are seeing a very exciting motion on the part of state and local governments to become part of this effort both with industry and the universities.

Donald Langenberg, chancellor, the University of Illinois at Chicago, echoed many of the same sentiments in his testimony. His statement was delivered on behalf of five higher education associations: the Association of American Universities, the National Association of State Universities and Land Grant Colleges, the American Council on Education, the Association of Graduate Schools, and Council of Graduate Schools in the United States.

He said about the extent of the problem:

> Now although we don't know the dimensions of the problem with any precision, there are estimates that can give us a general idea of its magnitude. There are some present estimates that say that one-half of the physical plant of all universities and colleges is more than 25 years old, and that one-quarter of it was built prior to World War II. In 1981 the Association of American Universities reported that universities were able to meet only about half of their accumulating needs to replace, modernize, and renovate their research laboratories.

On the level of participation needed to accomplish the task, Dr. Langenberg said:

> A national program to secure the necessary reinvestment in the capital base at universities is needed. Federal agencies, States, industry, and others all must participate because the Nation's needs exceed the capacity of any one sector to address them alone.

Mr. Speaker, this legislation would authorize the creation of university and college research laboratory modernization programs in the six leading Federal R&D agencies: the National Science Foundation [NSF], the Department of Health and Human Services [HHS], the Department of Defense [DOD], the Department of Energy [DOE], the National Aeronautics and Space Administration [NASA], and the Department of Agriculture [USDA]. Several of these agencies established programs for facility construction, after the Soviet launch of Sputnik in 1958. Such programs, although they were uncoordinated, helped build U.S. research capacity in the 1960's, but by the early 1970's the programs were terminated.

The legislation that I am introducing would reestablish an important Federal investment in the physical infrastructure for research, which is so vital to our national science and engineering base.

Moreover, after initially authorizing startup funds for the laboratory modernization programs, the bill would require structural changes in the R&D agency budgets that provide for a steady, systematic investment in university research facility renewal that is now absent from the budget process. This investment would be indexed to the annual level of federally supported R&D performed at our universities and colleges.

The National Science Foundation would play a special coordinating role. Beginning in fiscal year 1986, NSF would be authorized to carry out periodic assessments of university and college research facility needs, and to report on the implementation of the laboratory modernization programs.

For the first year of the 10-year facility modernization program, fiscal year 1987, the bill would authorize startup funds for six agency programs. The amount of each agency authorization would be roughly proportional to that agency's current obligations for R&D to universities and colleges. The fiscal year 1987 authorization is as follows:

	Million
NSF	$100
HHS	200
DOD	100
DOE	25
NASA	20
USDA	25

The total fiscal year 1987 authorization is $470 million, which is somewhat less than 10 percent of the total of all Federal obligations for R&D to higher education institutions—in fiscal year 1983 the latter total was $5 billion.

For the 2d through the 10th year of the program, fiscal years 1988 to 1996, each of the six agencies would be required to reserve at least 10 percent of their R&D obligations to universities and colleges for their facility modernization programs, which at that point would form part of the R&D base of each agency. Thus, one envisions the Federal share of the 10-year program to be roughly $5 billion, which would leverage another $5 billion in non-Federal funds, for a total of $10 billion.

The bill contains two critical provisions; one protects the base of university R&D funding, so that the 10 percent formula for laboratory modernization not be an undue tax on funding for research grants. This provision prevents the facility programs, once established, from growing dollarwise any faster than the R&D base during years of increased R&D funding. The bill also takes into account the unpleasant possibility of decreased R&D funding. During such years the modernization program formula would be reduced below 10 percent, and would,

in fact, become zero in the event R&D funding was cut 10 percent or more.

The second provision assures that the facility programs do not favor the large, well-established, research universities over the smaller or newly emerging, higher education institutions. This provision requires that at least 15 percent of the amounts that are reserved—10 percent of R&D obligations—for the facility programs would be available to these universities and colleges below the top 100 institutions in overall Federal R&D funding. Indeed, these institutions, taken together, receive 15 percent of Federal R&D funding to all universities and colleges, and this provision assures that they receive at least a proportional share of facility funding. Importantly, these institutions would have two categories in which to compete for facility awards in each of the six agencies. First, they would compete with all classes of universities in the main facility programs, and second, they would compete in their own class within the 15 percent category.

Mr. Speaker, I believe that this legislation represents an appropriate Federal response to a truly national problem. The bill calls for a six-agency program and, therefore, it will be referred to four committees in the House of Representatives: the Committees on Agriculture; Armed Services; Energy and Commerce; and Science and Technology. The bill contemplates this by setting up an overall framework, yet retaining agency flexibility to carry out the programs.

As chairman of the Committee on Science and Technology, I plan to have our committee convene a comprehensive set of hearings on the bill to receive the views of all concerned.

Yesterday, I wrote to the chairmen of the other three committees, to let them know of our serious intent and request their cosponsorship of the bill, and to urge their leadership to join us in legislating this needed change.

It is my hope that this legislation will be a vehicle to develop consensus within the Congress, within the executive branch, and within the academic community that it so directly affects in the crucial matter of university research infrastructure.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. TORRES] is recognized for 5 minutes.

● Mr. TORRES. Mr. Speaker, I was not present for rollcall votes 180 and 181 on Thursday, June 20 because I was unavoidably detained in the Cannon Caucus Room where the rollcall notification system was inoperative. Had I been present on the House floor, I would have cast my votes in the following manner:

Rollcall No. 180, Holt substitute amendment to DOD bill increasing the SDI authorization by $490 million to $2.9 billion; "no."

Rollcall No. 181, Price amendment to DOD bill increasing the SDI authorization by $27 million to $2.5 billion; "no."●

1985 CONGRESSIONAL SENIOR CITIZEN INTERN PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. GROTBERG] is recognized for 30 minutes.

● Mr. GROTBERG. Mr. Speaker, I would like to submit an excellent summary from Mrs. Identa Austin, my constituent from Yorkville, IL, who participated in the 1985 Congressional Senior Citizen Intern Program this year. Mrs. Austin was my first 14th District senior citizen intern and she participated in the program from Monday, May 20 through Friday, May 24. Mrs. Austin felt the intern program was extremely worthwhile, and I feel that our colleagues will benefit from the summary of her activities during the week of the program.

At this point, I would like to insert her comments in the RECORD:

JUNE 7, 1985.

DEAR CONGRESSMAN GROTBERG: Here is the summary of my week in the Congressional Senior Citizen Intern Program, lengthy though it may be.

The Intern Program was really excellent—a splendid exercise in the field of legislation. Since I was so familiar with almost all of the senior programs and had been involved with senior citizen work for so many years, the week was especially meaningful to me. I had not anticipated the work on the Budget Deficit Reduction—from that I have a little better understanding of what goes on behind the scenes.

Being in your office for the half day was a great experience. In the Evaluation Form I returned to Congressman Coelho's office I said I thought there should be more time allotted to that part of the Intern Program.

Thanks again for a very worthwhile week. If there's anything more you'd like from me, let me know.

Cordially,

IDENTA AUSTIN.

1985 CONGRESSIONAL SENIOR CITIZEN INTERN PROGRAM

Monday, May 20, 9 a.m.-12 p.m.:

After a Continental Breakfast in the Cannon Caucus Room and Registration, Claude Pepper welcomed the group and commended all for the wonderful service rendered our congressmen and our seniors. He reviewed the twenty years of Social Security and what changes have been made until now. He said, "We are going to have to fight to maintain the Program. Political Greed must stay off Social Security."

Coordinators of the Congressional Senior Citizen Intern Program, Heidi Hicks and Karla Nash, Office of Congressman Tony Coelho, and Cyrana Longest, Office of Senator Thad Cochran, briefed the interns on the week's program.

(During the lunch break Helen Freeman, one of the interns for Senator William Cohen of Maine, and I visited the Botanic Garden Conservatory.)

2 p.m.-5 p.m.:

Monday afternoon was spent in learning about the Legislative process.

John Duncan of the Senate Government Affairs Committee explained the means by which legislation is done, a detailed and time-consuming procedure, one that may ultimately take years. The process first sees the light of day in a sub-committee of the Committee on Government Affairs, a standing committee. We were told that we and our friends, or acquaintances, have to act; we have to make the decison really on what we feel must be done. Our Congressman represent us in Washington, and these people must have six attributes; (1) Ability to express themselves, (2) Tolerance and willingness to defend or to dicuss positions, (3) Ability to decide on the issue, (4) Power to persuasion through eloquent power of speech, (5) Ability to negotiate, and (6) Ability to compromise, if necessary.

Bill LaForge, Chief Legislative Counsel, Office of Senator Than Cochran, explained how the Senator serves on three committees, which may involve 12 or so sub-committees. As far as the Personnel System is concerned, there are different structures on the Hill and a senator determines his system very much as he desires. There may be luncheons and other meetings, hearings, where there is in-put, testimony, etc. The next step is Markup, the writing of a bill or funding procedure. He emphasized that the Senator deals with constituents; we were urged to stop in and meet our senators and express our views on issues. He discussed how a senator makes a decision, how he must consider the issue from all angles, how he must decide whether his decision is basically right, how difficult it often is to say "yes" or "no", and how he may have to come up with a compromise.

Larry Love, Deputy Associate Commissioner, Office of Family Assistance, Health and Human Services Department, listed the three programs his department works with: (1) Family and Children Services, (2) Home and Energy Assistance, and (3) Repatriation. This Department deals with committee staff members, trying to get the Department's views known, sending ideas over to the Hill to get interest in or decisions on them. The Department wants letters from people, expressing needs. It receives policy letters from state groups and public organizations of all kinds dealing with its three programs.

Bryn ——, Deputy Administrative Assistant, Office of Congressman Tony Coelho, emphasized that we as citizens can be effective members of the legislative process. One of the main purposes of the Congressman's office is to serve constituents. He outlined their staff, their offices in California, etc.

Bentley Lipscomb, Deputy Staff Director,

Senate Budget Committee, related that the vote on the Budget last week in the Senate was very inspirational. The Budget Committee functioned as a whole; the Budget was discussed (argued about) item for item. At the end it came in with a substitute package reported to the floor. That one was declared D.O.A. The Republicans reported another one with an amendment. The last day another package was reported in and that passed 49-49 with the tie broken by the Vice-President. The House is due to come up with theirs, probably this week. We were urged to discuss the Budget with our legislators. The amount of the deficit has doubled; interest alone will cost the government more than Social Security and Medicare combined in a few more years. The point was made that the Budget is not sent on to the President for a vote. He cannot veto it. This is a function of the Budget Committee. His office received over 40,000 letters on Social Security, so computers have to be used for answers. We were advised not to believe everything we read or hear in the press or see on TV; often there are only half-truths given. At least six organizations are asking for money to save Social Security. One organization has taken 6 million dollars out of Florida and has yet to step foot in the senator's office in Washington. He urged us to get involved on the local level.

SENIOR CITIZEN EMPLOYMENT

Willis Martin, Chief, Older Workers Division, Department of Labor, spoke of the Senior Community Service Program for employing workers 55 and over, their rate of pay, their qualifications, etc.

Glen Northrup, Director, Senior Community Services Program, spoke of the "cronologically gifted" worker; only about 1% of those who have the need are served. There is not enough money to do for enough people. There is age discrimination but the tide is turning. 6 p.m. - 8 p.m.:

Reception sponsored by the Democratic Congressional Campaign Committee, the Democratic National Committee, and the Democratic Senatorial Campaign Committee.

Tuesday, May 21, 8:30 a.m.-12:15 p.m.:

The group met at the east door of the House and assembled on the floor of the House of Representatives to be addressed by Donn Anderson, House Cloakroom Manager, with an historical perspective, relating how the original desks by 1911 had been exchanged for bench-type seating with no assigned seats, Democrats on the right and Republicans on the left. Two Principles of the Parliamentary Body are Debate (Discussion) and Decision (Voting). This is the Hall of the House, a cross section of America. The House is the People. He remarked that this might be the only time we would have an opportunity to speak in the House!

Following the visit to the House the group assembled on the East steps for a photo.

11:15 a.m.-12:15 p.m.

THE PRESS AND HOW IT WORKS IN WASHINGTON

John Fogarty, Bureau Chief, San Francisco Chronicle, Senate Press Gallery, The Capitol, indicated that the Press in Washington is not what it is at home. He described how it works around the Capitol.

Eric Ruff, Deputy Director of Communications, Republican National Committee, remarked that reporters are rated lower than car salesmen, hoping that none of the latter were present. He indicated the news media had to offer opinion and alter the story slightly. If the Republicans are in the White House, then they think the media is biased. There aren't very many leaks that are not intentional.

Senator Thad Cochran arrived to speak briefly at the end of the session, but the Senate was working on the Armed Services bill, so he was called back shortly to the Chamber.

1:30 p.m.-5:00 p.m.:

SENATE/HOUSE AGING COMMITTEE OVERVIEW

Steve McConnell, Director, Senate Special Committee on Aging, told how the Committee, temporary to begin with, was established to look out for the interests of the aging. It has no legislative jurisdiction; it can introduce but has no jurisdiction. It deals with all phases, such as Health Care Costs, Hearings on Abuse, Unnecessary Surgery, Pacemakers, private pension systems, etc.

Senator John Heinz, Chairman of the Senate Special Committee on Aging, kept by the vote at 2 o'clock, spoke of the Budget sent to the House, reduced by 300 million, freezing Defense, reducing Federal Spending, and freezing the COLA with protection. The areas of concern to the Committee are Medicare, Health Care Cost Inflation, and DRG's (Diagnostic Related Groups). The fastest growing segment is now 85 and over; this age group is being studied and suggestions will be made. The primary function of the Senate Committee on Aging is to hold hearings, to identify the problem and to inquire into it. The second function is Publications. The third function is news Conferences. The fourth function is to suggest Legislation.

Sheila Duffy, House Select Committee on Aging, the advocate for the aging in the House, explained their four committees: (1) Retirement Income and Employment, (2) Health and Long Term care, (3) Housing and Consumer Interests, and (4) Human Services. they monitor regulatory agencies. Where must we start? In our own communities with public hearings. And we must contact our congressman.

SOCIAL SECURITY

Congressman Jim Jones, Chairman, House Subcommittee on Social Security, (formerly of the House Budget Committee) spoke of the plans of the 99th. Guidelines were sent out to close so many field offices but so far these have not closed. Human contact is still needed, not computers. Administrative costs in this department are really one of the lowest. The Committee has to look at the whole question of retirement in America, private plans and Social Security. The House was to work on the Budget next day and vote on Thursday. Congressman Jones said he favored a cut across the board—just then he was summoned to return to the House. We should not try to balance the Budget on the back of Social Security. It is financially sound only so long as the economy is sound. If we don't get deficits under control, there will be a more serious depression in 1976. Social Security is solvent for 75 more years, assuming there is a growing economy.

Patricia Dilley, Staff Director, House Subcommittee on Social Security, discussed the problems encountered with Social Security through the years, beginning with the forstructuring has now set up a benefit structure stable for the next 50 years, providing the economy stays the same. The '83 Amendment to spread the burden for all, accelerated tax increases to refinance the structure but did not restructure the Program. It made changes to help the cash flow to avoid a shortfall, covered Federal workers, and delayed the COLA for 6 months. In 1985 the System seems to be actuarily sound for 75 years, depending on the economy. All through the nineties reserves should be built up to meet a deficit in 2020 when the boom is over. Whatever problems arise will be dealt with. "The System will be there if you want it to be there." She concluded.

Ed Digiorgio, Congressional Relations Staff, Social Security Administration, spoke briefly since much of his material was a repeat of what had been given previously. He said that in 1990 $1 of every $3 in earnings above the annual limit for people 65 or over will be withheld. On August 14, 1985, the 50th Anniversary will be held; the theme is "Partnership with Tomorrow".

Brian Wademan, Legislative Director, Office of Senator William Armstrong, told how the congressmen have received instructions to reduce spending this year and not to raise taxes. He referred us to the April 25 and the May 2 pages in the Congressional Record for material on the Armstrong Minimum Tax bill which is due to be discussed tomorrow (Wednesday). If we are interested in the "Notch" problem, we should write his office. The Trustees of Social Security are Secretary of the Treasury, Secretary of Labor, Secretary of Health and Human Services, Committee of Social Security, and two from the public segment. The funds are invested with the government and interest paid back. The taxes paid on Social Security go into the Trust Fund. Problems involved with Disability, Double and Tripple Dipping, Felons, etc., are many. Over 60% depend on the their Social Security for 50% of their income.

Wednesday, May 22:

8:30 a.m. Tour of White House (Saw the President leave for Annapolis).

10:50 a.m. Tour of F.B.I.

12:00 p.m.-5:00 p.m. Congressman Grotberg's Office.

Thursday, May 13, 9:00 a.m.-12:00 p.m.

CRIME AND THE ELDERLY

Marlene Young, Executive Director, National Organization for Victim Assistance, accompanied by her dog Mission, in a very fluent and effective manner discussed the problem of the older person and crime. Every year 37 million are victimized and each incident involves a personal tragedy. We must focus our human concern on the victim. In a crime there are three primary injuries to the victim: (1) Financial, (2) Physical, and (3) Emotional. The victim goes through several stages: shock, anger, fear (terror), confusion, and often self-blame. The Public, looking on, is subjected to the Media's presentation of body bags, gore, intimate details, etc., which we should object to. The Media say the "Public" wants to see that—we must let them hear that we do *not* want that: As a nation we want some rights: (1) Right to Protection against intimidation (or attempted intimidation) and

harassment, (2) Right to Information and Notification, (3) Right to Counsel and Consultation, (4) Right to Reparation, (5) Right to Property and Employment, and (6) Right to Fundamental Due Process.

MEDICARE AND LONG TERM HEALTH CARE

Val Halamandaris, President, National Association For Home Care, spoke of the tremendous need for home care since people are living longer. So much is spent on nursing homes, 32 billion, of which 60% is paid by the government, and so little is spent on home care, 4 billion, of which the government funds 50%. On-going investigations are conducted into abuses in nursing homes, clinics, laboratories, etc. In 1975 a phony clinic was set up in Chicago. Salesmen came in to make "deals". For this clinic eleven laboratories controlled 90% of the business. Ultimately ten of the eleven labs came in to "deal" with the clinic. 55% of the lab money went into "kick-backs".

Medicare is the fastest growing segment and Home Health Care is the fastest growing in Medicare. Home Health Care is cost effective. The new DRG (Diagnostic Related Group) system is having an impact on hospitals where it has been introduced. In this system hospitals are encouraged to be more efficient and better run since the system reimburses the hospital after care is provided, rather than being paid for costs incurred, no matter how high the costs might be.

Jim Jaffe, House Ways and Means Subcommittee on Health, told how this group is now involved in completing work on the Budget: cuts in Medicare, Medicare Bankruptcy, Fraud, etc. Fraud won't take up all the slack. Down the line we have to discuss some sort of means testing. He spoke of the recent Blue Cross refund due to less hospital use.

Lynn Blewett, Legislative Assistant, Office of Senator David Durenberger, with a nursing home experience background, spoke of the changes in Medicare payment brought about the DRG's. (I believe that this system of payment is an experimental program and is still in the East.) She questioned whether this system might bring a cut-back in quality of care when it cuts 40% of the costs. We cannot let up on the monitoring to reduce hospital or nursing home costs and physicians' fees. She spoke of the PRO's (Peer Review Organizations), with which I also was not familiar. Some of the excess has to be reomved from Medicare so that it does not pay capital costs or educate doctors (4-5 billion dollars). In Long Term Care we must tighten up on stays, work for reform, not just cuts, to eliminate the deficit in Medicare (200 billions).

1:30-4:30 p.m.:

HOUSING FOR SENIORS

Mary Ann Gomez, Special Assistant for Elderly Housing, Department of Housing and Urban Development, discussed the various types of housing available for older Americans: (1) HUD for the 62 and over elderly and the Handicapped, (2) 202 Elderly Housing developed by private, non-profit sponsors for low income and handicapped, (3) 221D Housing for the low and very low income elderly through mortgage insurance for affordable projects, (4) Sec. 231 Housing obtainable by mortgage insurance for rehabilitation by either profit or non-profit groups, 10% of which is for elderly occupation, and (5) Sec. 232 Nursing Home housing aid, senior citizen centers, energy assistance, urban development, etc. New alternatives to fulfill the housing needs of seniors are beginning to appear: shared housing, accessory apartments, and ECHO housing (Elder Cottage Housing Opportunity), often referred to as Granny Flats.

Leo Baldwin, Housing Consultant, American Association of Retired Persons, encouraged us to urge HUD and the Administration on Aging to address the services provided in Housing. 70% of those over 65 will die in the house where they were at 65. The Congregate Housing Study will be coming soon. Mr. Baldwin believes the decision will have to be made on the local level. Older houses may be used for Shared Housing. Larger houses may have an area turned into an Accessory Apartment. The Home Equity conversion plan is promising but it has a long way to go: problems with tax treatment, etc. Another type is the Sale-Lease Back Plan. In addition there are Congregate Housing Services, which provide additional assistance in the way of meals and supportive services for those who live in public housing and Section 202 housing. Board and Care Homes may solve problems of the "Street People".

ACTION AGENCY/FOSTER GRANDPARENT PROGRAM

Wade Freeman, ACTION Agency, related that there are 340,000 RSVP (Retired Senoir Volunteer Program) workers. Some administer in Foster Grandparent Program and the Senior Companion Program in addition to various other types of volunteer work. (Mr. Freeman yielded to Senator Jake Garn who came from the Senate.)

Senator Jake Garn spoke of the outlook for funding. 202 Elderly Housing was frozen at '85 levels (12,000 new units). Senior citizens live on fixed income and have no way to adjust to the increase in cost of living. Of the 300 billion Deficit only 70 billion is current; the rest is accumulated debt. There is at present a minimum tax on corporations (only Budget resolution thus far), but it is not enforced. We can expect a bill later on. Senator Garn does not like non-germane amendments. He would support a line item veto. He discussed the case of the Continental Bank and why the government stepped in when it did, Concerning Social Security he spoke of its being a supplementary income in the beginning; then the government increased payouts and added programs that should never have been added. He wants to keep the Revenue Sharing Program but he wants control put on the local level. (At this point Senator Garn was called back to the Senate.) (Mr. Freeman resumed.) There is a tremendous resource in senior citizens as indicated in the ACTION Program. The government has allocated $1,800,000 for the RSVP Programs to enable seniors to continue their volunteer work.

Jack Kenyon, Chief, Foster Grandparent Program, explained that the Program places a low income 65 year old person with a "special" child (unfortunate, retarded, etc.). There are 190,000 in the Program; the cost is less than 25¢ per person per year. ACTION supplies 90% of the funds; the state and/or local funding supports the rest. (Film of the Program is action.)

Dr. Daniel Bonner, Associate Director, ACTION Agency Domestic and Anti-Poverty Programs, is involved with the Grandparents Program, the Young Volunteers in ACTION (Ages 14-22), Vista Program, and Corporate Volunteers.

Suzanne Fahy, Senior Companion Program, explained that this is also a 20 hour program of older low income adults serving others adults, only 5% of whom are institutionalized. Congress appropriated 3 million for this project; by September there will be another thousand positions in place. The Program trains adults 40 hours before they begin. 85% of the programs are serving people in their homes; the average age is 73 serving the average age of 75.

6 p.m.-8 p.m.:

Reception sponsored by the Republican National Committee.

Friday, May 24, 9:00 a.m.-12:00 p.m.

"AN EXERCISE IN HARD CHOICES"

Carol Cox, President, and Susan Clark Joy, Vice President, The Committee for a Responsible Budget.

The interns assembled in round table groups of 8-10 in the Cannon Caucus Room to act as Budget Committee members, with a professional staff member of the Committee serving as a table leader, to devise a Federal Budget. (My table leader was Chris Chiames of Congressman Coelho's Office.) Our first decision concerned whether we opposed an Across-the-Board Freeze for FY '86 or whether we did not oppose a Freeze. Our group chose to oppose the Freeze and as a result received the Blue Folder "Exercise in Hard Choices". We lacked four items of completing the Budget in the time allotted, so the first figures I am giving below allow for that; the second figures are those after I personally completed those four items.

	1986	1990	5-year
CBO baseline deficit	220.0	302.00	1,299.00
Final deficit	182.87	58.67	592.65
	166.03	−4.40	461.70
Deficit reduction	37.13		
	53.97		

2:00 p.m.-4:00 p.m.:

LOBBYING IN WASHINGTON/AGING ORGANIZATIONS

Alice Quinlan, Director of Public Policy, Older Women's League.

Sauna Shtasel, Division of Legislation, Research, and Public Policy, American Association of Retired Persons.

Janet Myder, Assistant Director of Legislation, National Council of Senior Citizens.

Curt Clinksdale, National Alliance of Senior Citizens.

The material covered in this session was so much repetition of statistics of senior citizens that I didn't bother to take notes—perhaps I was weary.

4:00-4:15 p.m.:

WRAP-UP BY COORDINATORS OF THE SENIOR INTERN PROGRAM

Heidi Hicks and Cyrana Longest.●

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.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOLAND (at the request of Mr. WRIGHT), for today, on account of medical reasons.

Mr. HARTNETT (at the request of Mr. MICHEL), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. MACK) to revise and extend his remarks and include extraneous material:)

Mr. GROTBERG, for 30 minutes, on June 21.

(The following Members (at the request of Mr. DONNELLY) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. TORRES, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. PANETTA, for 60 minutes, June 25.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GILMAN, to revise and extend his remarks on the English amendment, immediately following the remarks of Mr. ENGLISH, in the Committee of the Whole today.

Mr. GILMAN, immediately following the remarks of Mr. LAGOMARSINO on the Lagomarsino amendment to H.R. 1872 in the Committee of the Whole today.

(The following Members (at the request of Mr. MACK) and to include extraneous matter:)

Mr. CONTE.

Mr. YOUNG of Florida.

Mr. TAUKE.

Mr. DAUB.

Mr. GRADISON.

Mr. GEKAS in two instances.

Mr. COATS.

Mr. LAGOMARSINO.

Mr. MICHEL in two instances.

(The following Members (at the request of Mr. LOWRY of Washington) and to include extraneous matter:)

Mr. HUBBARD.

Mr. SHARP.

Mr. LUNDINE in two instances.

Mr. KANJORSKI.

Mr. VENTO.

Mr. RAHALL.

Mr. LELAND.

Mr. TALLON.

Mrs. KENNELLY.

Mr. KOLTER.

Mr. LEHMAN of Florida.

Mr. DONNELLY.

Mr. ERDREICH.

Mr. OBERSTAR.

Mr. DE LUGO.

BILL 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 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."

ADJOURNMENT

Mr. DONNELLY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until Monday, June 24, 1985, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1563. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to deny farm program benefits to agricultural producers who participate in the illegal production of cannabis or other prohibited drug-producing plants on their farms; to the Committee on Agriculture.

1564. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the 71st annual report, pursuant to the Act of December 23, 1913, chapter 6, section 10; to the Committee on Banking, Finance and Urban Affairs.

1565. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed letter of offer to Thailand for defense articles and services estimated to cost $21 million, pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1566. A letter from the Clerk, U.S. Claims Court, transmitting a certified copy of the court's judgment order of June 18, 1985, entering judgment for the Aleut Tribe, pursuant to 28 U.S.C. 2509; to the Committee on Interior and Insular Affairs.

1567. A letter from the President, American Council of Learned Societies, transmitting the ACLS Annual Report for the year 1983-84, pursuant to Public Law 88-504, section 3 (36 U.S.C. 1103); to the Committee on the Judiciary.

1568. A letter from the General Counsel of the Treasury; transmitting a draft of proposed legislation to remove States' liability for substate entities' Social Security deposits, and to the States, political subdivisions, and interstate instrumentalities pay Social Security contributions directly to the Treasury along with their Federal income tax withholding; to the Committee on Ways and Means.

1569. A letter from the General Counsel of the Treasury; transmitting a draft of proposed legislation to require the Secretary of the Treasury to impose fees upon obligations of Government-sponsored enterprises; jointly, to the Committee on Banking, Finance and Urban Affairs; Agriculture; and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. OAKAR: Committee on House Administration. House Joint Resolution 198. Joint resolution to provide for the appointment of Barnabas McHenry as a citizen regent of the Board of Regents of the Smithsonian Institution; with amendments (Rept. No. 99-179). Referred to the House Calendar.

SUBSEQUENT ACTION ON A REPORTED BILL

Under clause 5 of rule X the following action was taken by the Speaker:

Referral of H.R. 2402 to the Committee on Government Operations extended for a period ending not later than July 19, 1985.

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. CONYERS:

H.R. 2839. A bill to amend title 18, United States Code, with respect to certain bribery and related offenses; to the Committee on the Judiciary.

By Mr. HAWKINS:

H.R. 2840. A bill to provide assistance to States for educational excellence and for assuring access for underserved populations to the benefits of general State educational reforms; to the Committee on Education and Labor.

By Mr. DAVIS (for himself and Mr. OBERSTAR):

H.R. 2841. A bill to eliminate the requirement that material injury, or the threat thereof, to a domestic industry be found before countervailing duties may be imposed on products of Brazil; to the Committee on Ways and Means.

By Mr. DONNELLY:

H.R. 2842. A bill to amend the Immigration and Nationality Act to provide a procedure for an alien who dies while serving on active-duty with the U.S. Armed Forces during certain periods of hostilities to be considered a citizen of the United States at the time of the alien's death; to the Committee on the Judiciary.

By Mr. MICA:

H.R. 2843. A bill to provide for the payment of rewards to individuals providing information leading to the arrest and conviction of persons guilty of killing or kidnapping a Federal drug law enforcement agent; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 2844. A bill to amend the Federal Election Campaign Act of 1971 to provide for financing of general election campaigns for the House of Representatives, to limit contributions by nonparty multicandidate political committees in election campaigns for the House of Representatives, and for other purposes; jointly, to the Committees on House Administration, and Energy and Commerce.

By Mr. SKELTON:

H.R. 2845. A bill to provide for a two-year budget cycle for the Department of Defense beginning with fiscal year 1988; to the Committee on Armed Services.

By Mr. LAFALCE:

H. Con. Res. 169. Concurrent resolution expressing the sense of the Congress that the President's proposal to repeal the provisions of the Internal Revenue Code of 1954 which allow taxpayers to make designations of income tax payments to the Presidential Election Campaign Fund should not be enacted by the Congress; jointly, to the Committees on Ways and Means, and House Administration.

By Mr. SILJANDER (for himself, Mr. LOTT, Mr. BURTON of Indiana, Mr. SMITH of New Hampshire, Mr. DIOGUARDI, Mr. LUNGREN, Mr. HUNTER, Mr. MACK, Mr. ARMEY, Mr. GINGRICH, Mr. ROTH, Mr. WEBER, Mr. BARTON of Texas, Mr. WALKER, Mr. CARNEY, Mr. COBEY, Mr. DANNEMEYER, Mr. DELAY, Mr. QUILLEN, Mr. SHAW, Mr. SHUSTER, Mr. COBLE, Mrs. MEYERS of Kansas, Mr. BLAZ, Mr. GALLO, Mr. HARTNETT, Mrs. JOHNSON, Mr. KASICH, Mr. MCMILLAN, Mr. MCGRATH, Mr. PETRI, Mr. SWINDALL, Mr. SWEENEY, Mr. WHITEHURST, Mr. WOLF, Mr. WORTLEY, Mr. DAUB, and Mr. MADIGAN):

H. Con. Res. 170. Concurrent resolution condemning the hijacking of TWA flight 847, the brutal murder of PO2c. Robert Stethem, confirming the policy of no capitulation to terrorism, and expressing our commitment to a course of action that results in the freedom of all American hostages; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

185. The SPEAKER presented a memorial of the Legislature of the State of Nevada, relative to desert lands in Nevada; to the Committee on Interior and Insular Affairs. June 21, 1985.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 615: Mr. LAFALCE, Mr. NOWAK, and Mr. MOLLOHAN.

H.R. 1063: Mr. EDWARDS of Oklahoma, Mr. FAZIO, Mr. MCCOLLUM, Mr. MORRISON of Washington, and Mr. PACKARD.

H.R. 1207: Mr. STALLINGS.

H.R. 1510: Mr. ECKART of Ohio.

H.R. 1519: Mr. MURPHY and Mr. MCCLOSKEY.

H.R.1780: Mr. COBEY.

H.R. 1940: Mr. ANDERSON, Mr. RAHALL, Mr. MOAKLEY, Mr. SENSENBRENNER, and Mr. BATES.

H.R. 2020: Mr. MINETA.

H.R. 2062: Mr. FAWELL.

H.R. 2205: Mr. ACKERMAN, Mr. BILIRAKIS, Mr. CHENEY, and Mr. STAGGERS.

H.R. 2353: Mr. EDGAR, Mrs. KENNELLY, Mr. KOLTER, Mr. MURPHY, and Mr. MATSUI.

H.R. 2371: Mr. CROCKETT.

H.R. 2472: Mr. PANETTA, Mr. SIKORSKI, and Mr. TRAFICANT.

H.R. 2591: Mr. WILSON, Mr. HENDON, Mr. MATSUI, Mr. BUSTAMANTE, and Mr. BERMAN.

H.R. 2626: Mr. FRENZEL and Mr. SHAW.

H.J. Res. 135: Mr. WILSON.

H.J. Res. 143: Mr. KEMP.

H.J. Res. 266: Mr. KOSTMAYER, Mr. WALKER, Mr. STALLINGS, Mr. EVANS of Iowa, Mr. OLIN, Mrs. KENNELLY, Mr. QUILLEN, Mr. SUNDQUIST, and Mr. GROTBERG.

H. Con. Res. 69: Mr. BOUCHER and Mr. TRAFICANT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1591: Mr. ROBERT F. SMITH.

PETITIONS, ETC.

Under clause 1 of rule XXII.

150. The SPEAKER presented a petition of Lawrence K. Groom, relative to compensation for Panama Canal Commission employees; which was referred to the Committee on Merchant Marine and Fisheries.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1872

By Mrs. BOXER:

—At the end of title VIII (page 143, after line 19) insert the following new section:

SEC. 802. COST AND PRICE MANAGEMENT IN DEFENSE PROCUREMENT.

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

"§ 2406. Cost and price management

"(a) In this section:

"(1) 'Covered contract' means a contract that is awarded by a defense agency using procedures as defined in chapter 137 of this title and that is subject to the provisions of section 2306 of this title, including contracts for full-scale engineering, development, or production.

"(2) 'Defense agency' means the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Defense Logistics Agency.

"(b)(1) A defense agency that is responsible for the acquisition of property (including major manufactured end items) or services under a covered contract shall cause to be recorded the contractor's proposed and negotiated cost and pricing data acquired by the agency into appropriate categories. Such categories shall include labor costs, materials costs, subcontract costs, overhead costs, general and administrative costs, fee or profit, recurring costs, and nonrecurring costs.

"(2)(A) A defense agency that is responsible for the acquisition of major manufactured end items under a covered contract shall cause to be recorded the proposed and negotiated bills of labor for labor used by the prime contractor and each associate contractor in manufacturing the item and for labor used by each such contractor in performing routine testing relating to the item. The bill of labor relating to the labor used by any such contractor shall reflect such contractor's computation of the work required in manufacturing parts and subassemblies for the end item and in performing routine testing of such parts and subassemblies.

"(B) Each contractor preparing a bill of labor referred to in subparagraph (A) shall specify in the bill of labor the current industrial engineering standard hours of work content (also known as should-take times) for the work included in a component of the bill of labor and for the total work included in the bill of labor. The contractor shall base the standard hours of work content specified in the bill of labor on the 'fair day's work' concept, as such term is understood in competitive commercial manufacturing industries in the United States. The contractor's standard hours of work content included in the bill of labor may not vary from time standards derived from commercially available predetermined time standard system widely used in the United States, as determined by the defense agency, subject to verification by audit.

"(C) The head of a defense agency acquiring a bill of labor referred to in subsection (A) shall provide for the maintenance of the information relating to standard hours of work content included under subparagraph (B) and shall review such information to determine changes in measured work content as work progress under the contract to which the bill of labor relates.

"(3) A defense agency that is responsible for the acquisition of major manufactured end items under a covered contract shall cause to be recorded the proposed and negotiated bills of materials used by the prime contractor and each associate contractor under the contract in manufacturing the item and of material used by each such contractor in performing routine testing relating to the item. The bill of material used by any such contractor shall reflect such contractor's computation of the material required for manufacturing parts and subassemblies for the end item and for routine testing of such parts and subassemblies. The costs set out in the bill of material shall be expressed in current dollars and shall be maintained and received in a manner similar to the manner provided for bills of labor in paragraph (2)(C).

"(4) A defense agency that is responsible for the acquisition of property (including major manufactured end items) or services under a covered contract shall cause to be recorded incurred costs under the contract in the same manner as the defense agency categorizes and records proposed and negotiated costs, including grouping the costs as provided under paragraph (1).

"(c)(1) Nothing in this section shall prohibit a contractor from submitting a request for payment or reimbursement for any bill of labor or any bill of material developed pursuant to an approved system of cost principles and procedures.

"(2) Nothing in this section shall require the submission of the information to be submitted under this section if the contractor does not maintain such information on the date of enactment of this section.".

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

"2406. Cost and price management.".

By Mr. DICKS:

—Add the following new section at the end of title X (page 200, after line 4):

SEC. 1050. ACTIVITIES UNDER THE STRATEGIC DEFENSE INITIATIVE TO BE CONSISTENT WITH THE 1972 ABM TREATY.

The Secretary of Defense may not obligate funds appropriated or otherwise made available for fiscal year 1986 for activities of the Strategic Defense Initiative Organization in any manner that is consistent with the 1972 Treaty on the Limitation of Anti-Ballistic Missile Systems between the Soviet Union and the United States (the "ABM Treaty").

—Add the following new section at the end of title X (page 200 after line 4):

SEC. 1050 RESTRICTION ON FUNDING FOR THE STRATEGIC DEFENSE INITIATIVE.

(a) PROJECTS REQUIRED TO BE CARRIED OUT AT SPECIFIED LEVELS.—Of the amount appropriated or otherwise made available for fiscal year 1986 for research, development, test and evaluation for activities of the Strategic Defense Initiative—

(1) not less than $98,240,000 shall be obligated or expended for the systems architecture project:

(2) not less than $145,060,000 shall be obligated or expended for the battle management and command, control and communications project;

(3) not less than $72,150,000 shall be obligated or expended for the Strategic Defense Initiative system survivability project; and

(4) not less than $103,500,000 shall be obligated or expended for the lethality and target-hardening project.

(b) PROJECTS LIMITED TO A SPECIFIED MAXIMUM.—Of the amount appropriated or otherwise made available for fiscal year 1986 for research, development, test, and evaluation for activities of the Strategic Defense Initiative—

(1) not more than $117,000,000 may be obligated or expended for the optical surveillance experiment;

(2) not more than $162,700,000 may be obligated or expended for space-based laser concepts project;

(3) not more than $12,000,000 may be obligated or expended for the hypervelocity launcher development project; and

(4) not more than $30,000,000 may be obligated or expended for the kinetic kill vehicle project.

(c) ACTIVITIES TO BE CONSISTENT WITH 1972 ABM TREATY.—The Secretary of Defense may not obligate funds appropriated or otherwise made available for fiscal year 1986 for activities of the Strategic Defense Initiative Organization in any manner that is inconsistent with the 1972 Treaty on the Limitation of Anti-Ballistic Missile Systems between the Soviet Union and the United States (the "ABM Treaty").

—Add the following new section at the end of title X (page 200, after line 4):

SEC. 1050 RESTRICTION ON FUNDING FOR STRATEGIC DEFENSE INITIATIVE.

(a) PROJECTS LIMITED TO A SPECIFIC MAXIMUM.—Of the amount appropriated or otherwise made available for fiscal year 1986 for research, development, test and evaluation for activities of the Strategic Defense Initiative—

(1) not more than $117,000,000 may be obligated or expended for the optical surveillance experiment;

(2) not more than $162,700,000 may be obligated or expended for the space-based laser concepts project:

(3) not more than $12,000,000 may be obligated or expended for the hypervelocity launcher development project; and

(4) not more than $30,000,000 may be obligated or expended for the kinetic kill vehicle project.

(b) ACTIVITIES TO BE CONSISTENT WITH THE 1972 ABM TREATY.—The Secretary of Defense may not obligate funds appropriated or otherwise available for fiscal year 1986 for activities of the Strategic Defense Initiative Organization in any manner that is inconsistent with the 1972 Treaty on the Limitation of Anti-Ballistic Missile Systems between the Soviet Union and the United States (the "ABM Treaty").

By Mr. FISH:

—At the end of Title X, on page 200, after line 4, insert the following new section:

SEC. . EDUCATION OF HIGH SCHOOL STUDENTS RESIDENT ON THE WEST POINT MILITARY RESERVATION.

(a) The Department of Defense may enter contractual arrangements pursuant to Section 6 of the Act of Sept. 30, 1950, 63 Stat. 1107, 20 U.S.C. § 241, for the public education of high school students residing on the West Point military reservation.

(b) Contracts pursuant to section (a) above shall be funded from Department of Defense appropriations. The total cost of such contracts shall not exceed the cost per student for education in comparable communities in the state, less any state and federal contributions attributable to the education of the students concerned.

By Ms. KAPTUR:

—Page 176, after line 8, insert the following new section:

SEC. 1024. REPORT ON COMMON DEFENSE OBJECTIVES.

(a) IN GENERAL.—The Secretary of Defense shall submit to the Congess a report recommending methods by which Japan may be encouraged to increase its defense expenditures and thereby further the security interests of the United States by strengthening the common defense of the United States and Japan..

(b) SUBMISSION OF REPORT.—The report required by subsection (a) shall be submitted before the expiration of the 90-day period following the date of the enactment of this Act.

By Mr. MARKEY:

—At the end of title X (page 200, after line 4) add the following new section:

SEC. 1050. LIMITATION ON MEMBERS OF THE ARMED FORCES IN HONDURAS.

(a) LIMITATION ON PROXIMITY TO NICARAGUA BORDER.—None of the funds appropriated pursuant to the authorizations of appropriations in this Act may be obligated or expended in connection with any activity, or to support any activity, by members of the United States Armed Forces in any land area of Honduras that is within 20 nautical miles of the land border of Nicaragua and Honduras.

(b) EXCEPTIONS.—Subsection (a) does not apply if—

(1) Congress has declared war or enacted specific authorization for the presence of members of United States Armed Forces in such area; or

(2) such forces are needed—

(A) to respond to a clear and present danger of military attack on the United States;

(B) to meet a clear and present danger to, and to immediately evacuate, United States citizens; or

(C) to respond, pursuant to the provisions of the Inter-American Treaty of Reciprocal Assistance, to an invasion of Honduras.

By Mr. WALKER:

—In Title 10, add the following new section:

"SEC. . The Commander-in-Chief is authorized to undertake actions to protect United States Armed Forces personnel against terrorist activity through:

"(a) The use of such anti-terrorism measures as may be necessary to prevent the loss of lives of United States Armed Forces personnel and,

"(b) The use of such counter-terrorism measure as may be appropriate against those persons identified as being responsible for the loss of lives of United States Armed Forces personnel."

—In Title 10, add the following new section:

"SEC. . It is the Sense of the Congress that the Commander-in-Chief is authorized to undertake actions to protect United States Armed Forces personnel against terrorist activity through:

"(a) The use of such anti-terrorism measures as may be necessary to prevent the loss of lives of United States Armed Forces personnel and,

"(b) The use of such counter-terrorism measures as may be appropriate against those persons identified as being responsible for the loss of lives of United States Armed Forces personnel."

EXTENSIONS OF REMARKS

SOUND ADVICE GIVEN TO VIRGINIA TECH GRADUATES

HON. FREDERICK C. BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. BOUCHER. Mr. Speaker, this month, graduates throughout the Nation will gather to receive their degrees and last minute guidance from those who have themselves cultivated the advice given to them on graduation day.

I would like to bring to the attention of our colleagues the wisdom shared on June 8 with graduates at the Virginia Polytechnic Institute and State University.

Alexander F. Giacco, rector of the VPI and SU Board of Visitors, presented a simple proposition to the graduating class: The world marketplace is the new economic frontier. He cautions, however, that meeting the challenges of the New Frontier requires not only sound business skills but also compassion and understanding of the cultures of other nations.

As president, chairman and chief executive officer of Hercules, Inc., a worldwide corporation with $3.5 billion in annual sales, Al Giacco clearly possesses that critical mix of economic and sociological skills that are needed as America embraces the challenges of international economic competition and opportunity.

I commend his speech to our colleagues, and I ask that it be included in the RECORD.

Mr. Giacco's speech follows:

Dr. Lavery, distinguished members of the Board of Visitors, honored guests, and graduates of the Class of 1985.

It's fair to say that whoever first began calling this day "Commencement" understood rather precisely the chronology of education in our lives. Graduation day does not end our education, rather it signals its commencement in another context. No longer in the structured setting of classroom and laboratory—but in the more eclectic setting of life. You were counselled a few years ago about survival in the college environment. Let me give you today your freshman convocation in business survival in what will be your new setting—the world environment.

A century ago, commencement speakers echoed Horace Greeley's siren call that one should "Go West, young man, go West". West, of course, meant the frontier. A place where opportunity lay waiting. A place representing the future, where one could crosscut the old establishment and could make it in a new environment. It represented a break with the past and, hence, risk as well as opportunity for the future.

More recently, when I sat where you are sitting today, our speaker was more specific—he said, "Go to Texas, young engineer, Go to Texas". Texas was then almost generic for new opportunities in oil, hydrocarbons—the future building blocks for a new industrial age. New horizons and opportunities on the frontiers of engineering technology.

Today, as we speak, the West is gone in a frontier sense and the vitality of Texas comes more from high-tech than from hydrocarbons.

But there has been developing out there across the planet—for the last two decades—a new frontier of opportunity, and the most exciting one yet. It is there I suggest you go.

The new frontier is the emerging world marketplace.

Your early recognition and understanding of it will lead you to its opportunities—because you are the first generation of people who will have lived their entire lives in it!

So I say to you—Think global! And Go World, Young Men and Women, Go World!

To do that doesn't require that you move to Australia, or Brazil or Tiera del Fuego. But it does require you to know where they are, know something of their culture, their needs and aspirations. It requires an attitude of unfailing optimism that the new global frontier offers more opportunity for the future than the old parochial and nationalistic markets, which are relics of the past. You will need to begin with a radical change in the way you think about the world. You will have to stimulate your intellectual curiosity and broaden your points of view from a domestic perspective to a global one. You will have to learn to think as others think. You will have to meet them more than half way. And you need more than one language.

Let me illustrate with a personal example. Our company produces a broad spectrum of chemicals for a developed society. It is a world company with about 80 plants evenly split between the U.S. and the rest of the world. In some years, as much as half our earnings have come from operations and sales overseas.

To help keep track of such an enterprise, I have a computer terminal at my desk which updates each night all business changes—so I have real time information from around the world each morning when I arrive.

Further, we have a television linkup via satellite to our major U.S. and European locations. If need be, we can discuss overnight changes with our managers around the globe face-to-face on TV each morning.

I travel regularly overseas and encourage our executives to do the same, not just visiting our installations, but absorbing the cultures and keeping abreast of, or ahead of, changes in the world markets.

To this day, I take language lessons. The cassette player in my car is usually loaded with Berlitz language tapes instead of stereo music. And I subscribe to foreign magazines so I can read in that language what is going on in that part of the world. I'm on the Board of a European company where meetings are conducted only in Italian.

Look at the most successful American companies today, and you will find men and women at the top who are voracious for information about markets abroad. Most of you will not produce goods and services for a local or national markets of only parochial tastes. Because that has been transcended by the world marketplace and you will think it and live it and it will be the lodestar of the most successful among you.

The new world economy is not just for the physical scientists among you—there is plenty to do also for the social scientist. One of the major problems of our age is that technology has outpaced sociology. If there is any doubt to my optimism for the future, the reasons are not technological, but sociological. That is because we are in the midst of a fundamental discontinuity in world economic history.

The way the world worked economically in the past was through local and domestic markets, which were largely vehicles of large producers, cartels and governments. Consumer satisfaction often came somewhere after national price policies, wage policies, protectionism and special interests. What is called the international market is just an extension of that through exporting, controlled by restrictions and tariffs.

But the world market is something new. It is unique in human civilization. And it is an achievement of the consumer. Because in it, he will be willing to buy the best available at the lowest price, regardless of where on the planet it is produced. That will ultimately put all producers and governments and labor unions, and other special interests around the globe into the competition with each other as groups vying for the consumer's business. That is happening today, and we are seeing the world work a lot differently.

The compelling reason for this is rapid telecommunications. People in the tiniest hamlets in the backwaters of the world can see how everyone else lives. Nowhere can you go on the globe today without seeing TV antennas. This creates universal appetites, and is causing economic changes such as we have not seen before. It signifies increasing economic independence for the consumer, a little more control over economic destiny. When the masses see economic growth and prosperity on TV, they want for themselves.

No longer can governments, unions or companies hold appetites hostage to geography. Television obliterates geographical boundaries. A gigantic world marketplace, resulting in a kind of global shopping center, is developing as a result.

But this secular change that's underway in the way the world works hasn't yet been fully recognized.

The reason is that most of us, and most of our institutions—government, business, the press, universities and unions are still tied to yesterday. So there is a lack of recognition of what is really happening in the world today. That produces a frontier of opportunity for your generation—one you can participate in.

There is a gap that exists in the country you are inheriting between our traditional system of business and political beliefs and the new realities of the world.

The myopia of politics and government make those institutions slow to appreciate this change and address it. The superficiality of the news media keeps the sea change

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

from being explained. The day-to-day, bottom line problems of business have caused many in that institution to not fully confront the change. Unions are grounded in the status quo. Universities, by their nature, teach us a lot about yesterday, some about today, but almost nothing about tomorrow—yet they do provide us the underpinnings to extrapolate for ourselves.

Part of the gap is between technology and sociology. But mostly is our natural, slow reaction to secular change. History is always instructive, but if we simply straight-line extrapolate history, in such times, it can mislead us. This is one of those times.

In the U.S., our traditional system of business and political beliefs fathered the economic environment of yesterday. Because of our vast resources and economic strength tied to big homogenous domestic markets—we were able to overcome adversarial government-business relationships and other problems. But those same strengths can be weaknesses in the new world market. That portends dramatic challenges for you who will emerge soon as leaders of business, government and academe.

So, that is the direction. As with any long journey there is a first step, and you must take it. The first step is to Think Global! Go World, young men and women as you leave Blacksburg—Go World! I envy you the journey!

Can I be more specific? Not except to say you have to recognize the sea change; you have to prepare yourself with a new understanding about how the world works—of cultures and languages and trends—and, then, only then, you have to do what successful people of all ages have always done. You have to look for opportunity.

The richness and texture of this secular change will be a greater experience for you if you recognize it and command it. It is inexorable. You can jump on—or you can hang on for dear life. It is there! And new eras such as this are like horses. They are almost impossible to ride, except in the direction they're going.

Best wishes to you on your commencement day. Go World! And Good Luck! ●

ADM. HYMAN RICKOVER

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. BENNETT. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

Mr. Speaker, Adm. Hyman Rickover became a hero and a legend in his own time. As the father of the U.S. nuclear Navy his contribution to our national defense has been equalled by very few. As chairman of the Seapower Subcommittee of the House Armed Services Committee I have, through past decades, been in close touch with him and heavily relied on his good judgment in Naval affairs. As an individual, I treasure his friendship.

Recent question arose as to gifts received by him from Electric Boat, a company producing nuclear submarines for the Navy; and he received a letter of censure for this and then replied as shown by the following June 7 letter. I endorse his statement there: "I can emphatically say that no gratuity or favor ever affected any decision I made." The Secretary of the Navy said "there was no evidence found that in fact favor was granted by the Admiral in any of his dealings with Electric Boat." In my opinion, it is appropriate to have Admiral Rickover's letter of June 7 put in the RECORD; and it reads as follows:

JUNE 7, 1985.

Hon. JOHN H. LEHMAN,
Secretary of the Navy, Department of the Navy, The Pentagon, Washington, DC.

DEAR MR. SECRETARY: In accordance with section 0102(b) of the Manual of the Judge Advocate General, I write you this letter as an official statement in reply to your administrative letter of censure dated 21 May 1985 concerning the findings of the Ad Hoc Gratuities Board re allegations of gift giving to me by General Dynamics.

Let me first say, as I have said repeatedly, my conscience is clear on this subject. Ultimately a human being has to judge himself. I have always acted in the best interest of the Navy and my country during my 64 years of military service. I can emphatically say that no gratuity or favor ever affected any decision I made. In fact, the record will show that I have been consistently tougher on defense contractors than any government official at any time. The very shipbuilders being investigated by your Gratuities Board were the targets of my repeated criticism for poor procurement practices, inefficiency, high overhead, and inadequate cost control. As you yourself recognized in your news conference of May 21, 1985:

"There is absolutely no evidence that Admiral Rickover gave [General Dynamics] favorable treatment as a result of this. If his behavior toward General Dynamics was an indicator of what General Dynamics was getting for its money they sure got a bad deal, because he was always rigorous in negotiating with General Dynamics, very tough. The Board found that on the one hand, while General Dynamics sought to get perhaps the best way to put it is the least unfavorable treatment from the man who had the most power over General Dynamics, Electric Boat, there was no intention, according to the findings of the Board, to corrupt or to suborn the admiral or the system. Nor was there any evidence found that in fact favor was granted by the admiral in any of his dealings with Electric Boat."

I have never denied receiving certain items from General Dynamics. My receipt of these gifts, however, deserves to be placed in the proper context—the context in which they were given.

During my more than 30 years at the helm of the Navy's nuclear power program I was responsible for the construction of 141 nuclear-powered vessels. I went on all but two of their sea trials and I participated in most of their launchings, keel-layings or commissionings. The Gratuities Board now alleges that I received a total of $67,628.33 in gratuities during my lengthy career in the Navy, the vast majority of these so-called "gifts" being given me in conjunction with the 139 sea trials and numerous launchings. They cite as alleged gratuities and place a value on, among other things, mint julep cups, trays, paper weights, models, mugs, lunch boxes, and book ends, most of the items noting the commissioning of a particular ship; and food and other provisions for the sea trials.

First, it is important to note, I never considered or treated these items as personal gifts to me. With the exception of two pieces of jewelry which were given to my wife and were valued by the Gratuities Board of $1,269.73, all of the items with which I was presented by General Dynamics were given away. They were given to members of Congress and congressional staff whose support and enthusiasm for our nuclear program were and remain essential for the security of our country. They were given to the dedicated and hardworking crews of the vessels whose launchings I attended and whose sea trials I witnessed. They were given to staff members in my office who labored so tirelessly over the years to ensure that the United States would always remain preeminent in the field of nuclear power. And they were given to Presidents of the United States. In fact, in large part, the so-called "gratuities" which I received would be classified as "trinkets" if one were judging their intrinsic value. The true value of these "trinkets", as you properly termed them in your news conference, was in their reminder when given to others that yet another milestone in the development of the nuclear Navy had been achieved insuring the continued security and well-being of our country.

The practice of presenting gifts at ship launchings has been with us for hundreds of years and, as it should be, will doubtless remain with us for hundreds more. Sea trials for the vessels are not only a tradition but were required by the Navy's contracts with General Dynamics. The provisions and supplies for these sea trials, alleged as gratuities, were used and consumed not only by me but also by the dedicated Navy men and women who served on these ships. If General Dynamics had not provided the provisions, the Navy, and ultimately the taxpayers would have had to. "Rigging for Rickover", as the stocking of provisions for the sea trials was commonly called, was not something I ordered. It is a Navy custom of long standing for the Commanding Officer of a naval vessel to make special arrangements for the reception of high ranking officers and other dignitaries. Thus, provisions for the sea trials were ordered by the crew of the ship and supplied by the Navy in conjunction with General Dynamics and were consumed by all aboard.

No single item, however, highlights the true nature of the Gratuities Board findings more than the alleged "chauffeur services" I received valued at more than $16,000, nearly a quarter of the total gratuities claimed. The Board finds that during the period 1964 to 1977 I made on the average three trips per month to Groton, Connecticut, a total of 504 trips. No one challenges, nor could they, the official business conducted on these visits to the submarine base. Since there was no commercial air service to Groton from Washington, I had to fly to either New York City, Boston, Providence, Hartford or New Haven and be driven to Electric Boat, as I do not have a driver's license and travelled without an aide. Was I to walk? If General Dynamics had not provided the transportation, the Government would have had to. That such activity constitutes a gratuity to me is ludicrous. I note in passing that although General Dynamics has paid the fine the Navy levied against it, they too have noted their disagreement with the findings and conclusions of the Gratuities Board including

those on the essential questions of intent and quantum.

I can state unequivocally that I was never influenced in the recommendation to award or amend any contract, or in the making of any determination with respect to the performance of any contract, by any item or service provided me by General Dynamics. At no time did the receipt of any item or service from General Dynamics have any bearing on the exercise of my authority. I did not at any time accept any item or service from General Dynamics with the intent to be influenced and I never made any statement or undertook any action with the intent to convey to any General Dynamics officer or employee the impression that I could or would be influenced in any contract related decision, or in the exercise of my authority. If I am to be criticized for not reporting to the Navy that General Dynamics occasionally presented me with the "gratuities" referred to above, (and in fact Navy officials at all levels were aware of these long standing customs and practices), I must note that during the years 1961-1977, the span of time addressed in your letter of censure, neither the Navy nor any other governmental entity required government personnel to do so.

It goes without saying that if I had identified material success as my goal in life, I would certainly have followed another career path than that which I chose. I have never received profit or personal gain by reason of my position with the Navy. I could have retired in 1952 at three-quarters pay and made a fortune in the private sector. Instead I chose to forego a lucrative second career and stayed on to serve my country for another 30 years, in effect giving two full careers to public service. I almost never took leave and was always among the very first to work every morning and the very last to leave at night. I considered Saturdays regular work days and often Sundays as well. I would often schedule out-of-town meetings at night to minimize my time away from the office and I would insist that sea trials for nuclear powered ships start on Sundays for the same reason. When I was offered honoraria for the numerous speeches I gave and articles I wrote during my career, I directed that the money be given to charity. Over the years I donated more than $120,000.00 in this manner to such charities as Care, UNICEF, The American Red Cross, and the Crippled Children's Foundation. My conscience satisfies me that I have conducted the affairs of my Office during my 64 year naval career with the best interests of the Navy and of my country at heart and with the highest degree of personal integrity. No one has held a higher standard in that regard than that to which I hold myself.

I want you to know, in closing, that I sincerely appreciate the sentiments you expressed concerning me at your news conference when you said, "I think it's important that people remember that this man spent nearly 60 years in the Navy and has made a truly monumental contribution to this country's security and safety. His name will live for a very long time for the contribution he has made to our nuclear Navy and well it should. So this fall from grace, if you will, with these little trinkets, should be viewed in the larger context of his enormous contribution." I would simply conclude with a quotation that I like from President Theodore Roosevelt which I think should be kept in mind when considering the allegations of the Gratuities Board:

"It is not the critic who counts, not the one who points out how the strong man stumbled, or how the doer of deeds might have done them better. The credit belongs to the man who is actually in the arena, whose face is marred with sweat, and dust, and blood; who strives valiantly; who errs and comes short again and again; who knows the great enthusiasm, the great devotion, and spends himself in a worthy cause; who, if he wins, knows the triumph of high achievement; and who, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither victory nor defeat."

Respectfully,

HYMAN G. RICKOVER,
Admiral, U.S. Navy (Retired).●

DEFENSE AUTHORIZATION—SDI

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. FRENZEL. Mr. Speaker, yesterday's debate on the strategic defense initiative—also called SDI, or star wars—was only the beginning. Because it will be with us for a long time, it's not a bad idea to review the House action of yesterday.

To begin, the President's proposal offers a major change in the idea of deterrence which has formed the basis of our security policy for 40 years. As the President has noted, reliance on an assured defense is a safer, less accident-prone policy than reliance on mutual, assured destruction.

SDI will be terribly expensive. Experts agree that it will require eventual modification of current arms control treaties, especially the antiballistic missile treaty.

No one has a very good idea about the prospects for success. Most people, including myself, believe it is a technology which must be explored. My judgment is that we ought to proceed with research to investigate the proposal, but that we ought to do so carefully.

We ought not spend in a profligate manner. Huge increases in any Federal program, and particularly in DOD programs, usually result in waste or duplication, or both. Our deficit situation also signals caution. Finally, we should try not to endanger our existing treaties without clear and convincing evidence of success for SDI, or of urgent need.

Yesterday, the House had six choices. The Dellums amendment would have eliminated SDI. My negative vote was an easy one. The program should go forward.

The Mavroules amendment was called a freeze at $1.4 billion. I was tempted to support it. However, the SDI Program is now in process at a much higher spending rate than $1.4 billion. I voted against Mavroules because, to me, it was a real and substantial cut. It failed.

The Dicks amendment called for a number of conditions I considered useful, and $2.1 billion in spending. That figure may have been low, but with the Senate at $3 billion, and a conference figure around $2.5 billion therefore assured, I found it appealing. Because I find no compelling need for breakneck speed, I voted for it, but it was not passed.

The next alternative was offered by Representative COURTER. It called for spending the $3.7 billion requested by the President. For me, that figure was grotesque.

As noted above, we are currently spending at a rate above last year's appropriation, but the $3.7 figure is a 160-percent increase over last year which was a 40-percent increase over the previous year. Enough said.

The Holt amendment was next. It called for an appropriation at the Senate approved level of $2.96 billion. That figure, too, exceeds the level at which I have confidence in the Department to invest the money wisely, and exceeds the level of spending which is prudent under today's circumstances. I voted against it.

The defeat of the preceding five amendments left the House with the committee recommendation of $2.5 billion as the only remaining alternative. That level is not objectionable to me, but I am concerned that it will be raised in the conference with the Senate. Like most Members of the House, I voted for this last available alternative.

Much of this week's debate focused on the differences in spending in the various proposals, but other important factors were brought up. Some are worthy of note. One is the question of limiting testing and demonstration of weapons. At this time, I believe some limits are appropriate.

We have directed much of our attention to the weapons portion of SDI, like lasers and directed-energy beams. But, other technological challenges which present perhaps even more difficult problems are control mechanisms, aiming mechanisms, and power systems. Testing of the weapons components will not, by itself, be an indication of success.

My judgment is that now we ought to know whether we can overcome the challenges of nonweapons components of SDI, before we begin to spend heavily, or risk breaking the ABM Treaty unilaterally, by indulging in weapons tests which don't tell the whole story on SDI success. With the failure of the Dicks and Mavroules amendments, there remain insufficient limitations on testing.

The strategic defense initiative will be, under any conditions, an expensive gamble. There is no guarantee of unqualified success. But we cannot fail to

explore it. The benefits would seem to be well worth the risk.

My affirmative vote for the system is based on hope and optimism, but it is also cast with caution.●

JOHN MONAHAN

SPEECH OF

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 1985

● Mr. JACOBS. Mr. Speaker, he is a man of few words, all of them golden.

John Monahan is one of the best advisers I ever had in the House of Representatives.

I am grateful to him and wish him and his family many years of happiness.●

A WRONG SIGNAL ON BIRTH CONTROL

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. SCHEUER. Mr. Speaker, the New York Times of June 21, 1985, contains an article concerning the efforts in this body to cut international population assistance funds from the upcoming foreign assistance bill.

I recommend that my colleagues read this enlightened opinion piece by Robert L. Schiffer, a former State Department official, before they cast their votes on an amendment expected to be offered by our colleague from New Jersey Mr. [SMITH].

In his op-ed article, entitled "A Wrong Signal on Birth Control," Mr. Schiffer points out that 15 years ago, the United States was accused of espousing population control as a means of keeping developing countries weak and subjugated, but now that many nations have accepted the need to control population growth, the United States, ironically, is changing its tune.

He says a successful effort to block funding for the U.N. Fund for Population Assistance will send the wrong signal to developing nations—a signal that the United States is willing to sacrifice important and worthwhile worldwide family planning programs in order to influence China and reverse that country's reported coercive family planning policies.

I hope every Member of Congress will have a chance to read the following article:

[From the New York Times, June 21, 1985]

A WRONG SIGNAL ON BIRTH CONTROL

(By Robert L. Schiffer)

Fifteen years ago, the United States was accused of espousing population control as a means of keeping developing countries weak and subjugated. Ironically, now that many have accepted the need to control population growth, the United States may change its tune.

If anti-abortion lobbyists are successful in Congress, the United States will send the wrong signal to developing countries—that it is willing to sacrifice worldwide family planning efforts in order to influence population control programs in China.

Congress is considering several proposals that would prohibit United States funds to go to any country or organization supporting or participating in a program of coercive abortion or infanticide.

Fair enough. Not even the staunchest proponents of family planning advocate spending money for such acts. However, anti-abortion groups have used reported incidents of abuse in China as a pretext to end financing of all family planning programs. Congress is considering a measure that would effectively block payment of a $10 million pledge to the United Nations Fund for Population Activities. President Reagan should urge Congress to reject such legislation.

Curiously, family planning programs are the surest antidotes to abortion, and the legislation promoted by anti-abortion lobbyists thus defeat precisely what they claim they want to prevent. Though the aim of their outrage this time is abuses in China, the measures they seek are the same as in past campaigns—the end of all family planning efforts. Anti-abortion groups have already been successful in halting United States aid to the International Planned Parenthood Federation.

The latest measures are superfluous, moreover, because existing law already bars the use of United States funds for abortions. So money is hardly the issue here. Pointing a finger at China and trying to impose our own domestic political considerations or cultural norms on other countries only strains relations.

Blocking the United States contribution to the United Nations fund will not affect China's policies, but it will seriously damage one of the better and more deserving programs. We should be among the first to encourage not penalize it.

China is one of some 140 countries in which the United Nations Fund for Population Activities now operates, and which will be penalized as well. The $10 million the fund stands to lose this year is only part of the total United States contribution to the fund, which is about 25 percent of the approximately $150 million budget. The more important question, therefore, has to do with future years.

The Chinese are understandably annoyed by the fuss, saying it has been stirred up by old and inaccurate reports. Nonetheless, they have gone out of their way to assure us that they will not use money from the fund for abortions. The fund's executive director, Rafael M. Salas, has also given his word to the State Department that his organization does not, and will not, take part in abortion activities in China or anywhere else.

The world population growth rate showed a small decline for the first time in 1984, but it is projected to soar to six billion by the end of the century. More than 90 percent of this growth is expected in developing countries. World population experts estimate that population may stabilize by the year 2090, but only with the help of a sustained family planning effort.

The tragedy sweeping Africa today is a tragic lesson. The drought was only the trigger; one of the key underlying causes was an uncontrolled population growth and the resultant pressure it has placed on the natural-resource base of an already fragile land. The United States has committed itself to $1 billion in emergency aid to Africa in 1985. Emergency help will not provide a cure unless the cause too, is attacked.

What happened in Africa can happen again, there and elsewhere. The developing countries have come to recognize the danger that unchecked population growth poses. We should not abandon them.

Domestic abortion politics ought not to be extended to foreign policy. While the relatively few million dollars that are earmarked for family planning can hardly assure peace or stability, its loss can put them in jeopardy.●

TRIBUTE TO DARRYL MARTIN

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. GEKAS. Mr. Speaker, today I rise to recognize a young man, who, through his determination, exemplifies the ability of an individual to make a difference in his community.

On June 18, 1985, Darryl Martin of Harrisburg, at age 27, became the Pennsylvania junior welterweight boxing champion by knocking out his opponent in the third round of the title fight.

"Dangerous Darryl" is anything but dangerous outside of the boxing ring. His involvement with local youth groups and active participation in his church belies his ring name. The many hours that were spent as a volunteer counselor in the Harrisburg YMCA helped Darryl get his start in boxing.

The leadership that Darryl inspires in and out of the ring works as a prime motivational factor in his many endeavors throughout the community. Probably the most important lesson to learn from someone like Darryl Martin is that success is achieved by a combination of talent, dedications and courage.●

THE FATE OF CONRAIL

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. LUNDINE. Mr. Speaker, in the next few months, Congress will be called upon to decide the fate of Conrail. This issue is of vital importance to the American rail industry and to all of us who are served by the railroads.

I would like to submit for the RECORD a copy of a "Letter to the Editor" that appeared in the New York Times on June 17. This letter,

written by Mr. Jervis Langdon, succinctly outlines the history of Conrail and the likely consequences of the sale of the railroad to Norfolk Southern. Mr. Langdon, who is a personal friend, arrives at this conclusions regarding the proposed sale after years of professional experience with the railroad industry. Now retired, Mr. Langdon does not have a vested interest, other than that of a concerned citizen, in the fate of Conrail.

I urge all of my colleagues to read this informative letter.

WATCH IT, CONRAIL, HERE COMES NORFOLK SOUTHERN

To the EDITOR:

Tom Wicker's June 4 column, "Conrail Give-Away," is right on target. As trustee and president of Penn Central during the bankruptcy period (1970-76), I was close to railroad operations that now make up more than 90 percent of Conrail, and I helped identify operating and regulatory changes that, when finally recognized by Congress, converted a hopelessly deficit railroad into the efficient and prosperous company that we see today.

For this result, labor must be given great credit for perception and willingness to participate in the recovery process, and richly deserves the two places on Conrail's board reserved for it under the public-sale plan put together by Morgan Stanley. Conrail is now giving the Eastern states the best freight service they have ever had—and doing so at a profit.

The Reagan Administration, by pushing hard for a sale of Conrail's stock to the Norfolk Southern Corporation, would pull the plug on this smoothly running transportation system and force it into an unfriendly takeover by a competitor, thus producing a rail monopoly between many Eastern stations, including New York and New Jersey and Kansas City and New Orleans (as gateways) as well as most of the stations in the Southeast, except Florida. The Government's excuse: Norfolk Southern's "deep pockets" and assumed ability to come to Conrail's rescue if in the years ahead it should need help. A replay of the Conrail interlude is not wanted.

No one can guarantee the future. But Conrail, as an independent carrier, has as good a chance to make out well as any Eastern railroad, perhaps a better chance if it can retain the caliber of management it has had since 1980. Even if the Eastern economy, with its smokestack industries, continues to sag, Conrail has plenty of room, by adjusting the size of its plant, to increase traffic density (ton-miles per mile of road operated) and thus assure viability. Moreover, there is evidence that Conrail's market share (falling since the Korean War) is at present stabilizing.

In relying upon Norfolk Southern's "deep pockets," the Department of Transportation may be kidding itself. In the mid-1960's the Norfolk & Western (the dominant component of the merged Norfolk Southern) was required to take the Erie-Lackawanna and Delaware & Hudson railroads under its protective wing as part of the price for Federal authority to consummate its desired merger with the old Nickel Plate and Wabash railroads. Indeed, the Supreme Court specifically upheld Norfolk & Western as the proper "home" for the Erie and Delaware & Hudson.

A few years later, both those railroads fell on hard times, but the Norfolk & Western was nowhere to be found. The Erie (now an important segment of Conrail) went into bankruptcy, despite large Government advances, and the Norfolk & Western refused to take it back in 1976, when Conrail was being formed. The Delaware & Hudson (now a part of Guilford) became a ward of New York State, which, with the Federal Government, advanced millions in subsidies to keep it alive as a Conrail competitor.

With the express concurrence of the Southern Railway, Norfolk & Western excluded the Delaware & Hudson from the Norfolk Southern merger because it was an "intolerable burden" with "no hope." In its relations with its one-time family members, the Erie and Delaware & Hudson, the Norfolk & Western's principal role was limited to taking large tax credits amounting to millions of dollars.

What reason is there to believe that if Conrail falters in the years ahead, its treatment by Norfolk Southern would be any different from the brushoff the Erie and the Delaware & Hudson got? After all, the Norfolk Southern is not an eleemosynary institution. It exists to make money—the more the merrier.

JERVIS LANGDON, Jr.,
Gibson Island, Md.,
JUNE 5, 1985.●

PERSONAL EXPLANATION

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. DANNEMEYER. Mr. Speaker, during Wednesday's rollcall—No. 171—on the Weiss amendment, striking authorization for the Trident II missile, I was unavoidably detained away from the Capitol. Had I been present, I would have voted "no."●

A TRIBUTE TO SENATOR CLARENCE M. MITCHELL III

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. LELAND. Mr. Speaker, the members of the Congressional Black Caucus would like to join the colleagues, friends, and family of Maryland Senator Clarence M. Mitchell III in extending our congratulations for his 23 years of service in the State legislature, on the occasion of a testimonial dinner being held in his honor on June 26, 1985, at the Baltimore Convention Center.

A native of Baltimore, Senator Mitchell holds the distinction of having been elected to the Maryland Legislature at the age of 22. He has served 4 years in the house and 18 years in the senate and is the youngest person ever elected to that body. He began his political career after working with Dr. Martin Luther King, Jr. and the NAACP youth council as a young civil rights activist in 1960. He is one of the founding members of the Student Nonviolent Coordinating Committee [SNCC]. Mitchell presently holds the Maryland Senate leadership positions of chairman of the Executive Nominations Committee and senate chairman, Joint Federal Relations Committee. Among his committee assignments are ranking member of the Judicial Proceedings Committee and the Governor's Commission on Review of the Judiciary. In December 1979, he was elected president of the National Black Caucus of State Legislators for his first 2-year term. He has since been reelected to an unprecedented third 2-year term.

One of his outstanding legislative achievements is the creation of the Maryland Office of Minority Business Enterprise. He has been a leader in the fight for the inclusion of blacks and other minorities in the building and maintenance of many Baltimore improvement projects including the new convention center and subway system. He has been instrumental in bringing millions of dollars in new housing and thousands of jobs to his district.

The young senator served as an adviser to Presidents Jimmy Carter, Lyndon B. Johnson, John F. Kennedy, and to Vice President Hubert Humphrey. He has also led delegations of his colleagues to meet with President Reagan and Vice President BUSH on a number of occasions to express the concerns of black Americans over administration policy.

In October 1980, President Carter invited Senator Mitchell to join other leaders to represent the United States in the People's Republic of Congo and to deliver a commitment for $123 million in oil exploration assistance from the United States.

To gain greater perspective of foreign legislative processes, he has traveled extensively around the world and participated in factfinding missions to the Middle and Far East.

When not involved in legislative activities, the senator is self-employed as president of the thriving Baltimore-based Mitchell Properties, Inc., a realty company, employing more than 40 sales agents and staff employees. He is also a consultant and lecturer.

The senator comes from a family of politically involved members with a deeply rooted civil rights commitment extending over four generations.

His uncle, PARREN J. MITCHELL, is Maryland's first black Member of Congress, former chairman of the Congressional Black Caucus, and currently majority whip at large. Juanita Jackson Mitchell, his mother, is a noted civil rights attorney and also former president of the Maryland State Conference of NAACP branches. His younger brother, Michael Bowen Mitchell, now serving a third 4-year

term as a member of the Baltimore City Council, is also an outstanding defense attorney. Another brother, Keiffer, is a physician and former president of the medical staff of Baltimore's Providence Hospital. His youngest brother, George, is a general contractor and property manager.

Senator Mitchell is a member of the Prince Hall Mason and Kappa Alpha Psi fraternity.

He is married to the former Joyce Thompson, attorney, who is presently serving as a juvenile court master. They have three children. His son Clarence IV, 22, was elected Democratic State Central Committeeman in the 1982 elections. His daughter, Lisa, 21, is a junior business administration major at Howard University and Lauren, 8, is in elementary school.

We commend this contemporary hero for his commitment to leadership and his extraordinary service to the people of the State of Maryland and black America.●

CHILD ABUSE PROSECUTION

HON. DAN COATS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. COATS. Mr. Speaker, child abuse is a crime we all find abhorrent. But it is more disturbing when our judicial system intimidates children to the point that truth is blurred and offenders go free.

In 1984 the Select Committee on Children, Youth, and Families, on which I serve, heard testimony on child abuse and it became clear that parents need to be cautious and careful in their selection of day care centers and even babysitters. It was also evident that the courtroom is presently not a friendly place for children who are prepared to accuse their molesters.

Recently another case has surfaced which serves to illustrate the difficulties children have in presenting testimony in a hostile environment. It appears easy for the judicial system to victimize a child for a second time. In California, during a recent pretrial hearing of a child sexual abuse case, a child was placed on the witness stand for 16 days. Mr. Jack Yelverton, the executive director of the National District Attorney Association has said, "It is unconscionable that the law can permit a child to be placed on the witness stand for that period of time." When parents withdraw complaints against persons suspected of committing the most vile of crimes because court proceedings have proven too traumatic for the children involved, we have nothing less than an indictment against our judicial system.

The problem is that the criminal justice system is designed to provide safeguards for the accused—such as the right to trial and the right to be confronted by his accuser. Yet the child accuser is rarely equipped with the verbal or developmental skills to function as an equal in our traditionally adversarial system. This makes it easy for defense counsel to frighten or intimidate a child and keep them from testifying freely as would an adult.

It is my belief that the criminal justice system should be modified to be more responsive to the needs and the nature of children. Mr. Speaker, I am pleased to announce to my colleagues that the National District Attorneys Association is currently planning the establishment of a National Center for the Prosecution of Child Abuse and hopes to extend its influence into every jurisdiction in the country. I would also at this time like to express my support for Congressman DON EDWARDS' bill, H.R. 2791, to improve the enforcement of child abuse laws. I am pleased to be an original cosponsor of this bill and believe it is one more necessary step to effectively reduce the trauma suffered by children who become the victims of sexual abuse.●

CLAY SUPPORTS HOUSE RESTAURANT EMPLOYEES

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. CLAY. Mr. Speaker, history repeats itself. The Architect of the Capitol is employing the same unfair labor practices against the House of Representatives cafeteria workers as were used to defeat the efforts of Senate cafeteria employees to organize for purposes of collective bargaining. Because no one else responded to their plight, the frustration of the Senate employees rights found its way onto the agenda of the International Labor Organization [ILO]. An election was eventually held in the Senate to determine if the Senate employees desire union representation. However, there was considerable evidence that the Senate election was tainted by widespread unfair labor practices which left the employees believing that if they voted for collective bargaining their jobs would be contracted out.

The Architect has continued to disregard the basic rights of employees under his supervision since assuming responsibility for the supervision of the House Restaurant System. For the past several months there appears to have been a concerted campaign directed against the House cafeteria employees to frustrate and defeat their legitimate aspirations to engage in collective bargaining. Unless there is an immediate and significant change from present circumstances, it is my intention, as chairman of the Subcommittee on Labor-Management Relations, to conduct a public investigation of this matter.

Nearly a year ago the employees of the House Restaurant System began to organize for purposes of collective bargaining. On several occasions they notified the Architect that a majority of the employees wanted to be represented by a union. The Architect has not only refused the repeated requests, but the employees have been subjected to a classic antiunion campaign. Union supporters have been threatened, intimidated, and even witnessed the arrest of a union organizer. Now, in a repeat of what happened in the Senate, the employees have been threatened with the contracting out of their jobs as apparent retaliation for their efforts to organize. Such conduct would clearly be illegal in the private sector and there is no reason that the Architect should be able to get away with it in the Halls of Congress.

By statute the Congress has guaranteed the right to collective bargaining for workers in the private sector and all other Federal employees. While the right of House employees to engage in collective bargaining is not statutorily protected, the Supreme Court has held that the right of public employees to form a union is constitutionally protected. Nothing in law precludes the Architect, as supervisor for the restaurant system, from bargaining with the restaurant employees.

To deny this right to the lowest paid employees of the House, more than 90 percent of whom are black, makes a mockery of the principles upon which this institution was premised. As a group the restaurant workers are among the longest serving employees in this institution, including the Members. To reward their years of service with these kinds of threats and scare tactics does irreparable harm, not only to the integrity of the House of Representatives, but to the rights of workers everywhere. It is debatable whether or not the taxpayers can afford an Architect who has not been able to complete a building for less than twice its estimated cost. It is beyond doubt that they cannot afford one who also threatens their rights. If this Architect is incapable of recognizing the minimal right of these employees to choose a representative to bargain on their behalf, then immediate steps should be taken to replace him with someone who can.●

CARL SANDBURG HIGH SCHOOL

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. FAWELL. Mr. Speaker, I wish to extend my congratulations to the staff, students, and parents of Carl Sandburg High School in Orland Park, IL, for being elected for the 1984-85 National Excellence in Education Award.

The National Secondary School Recognition Program identifies schools displaying outstanding achievements in leadership, attendance, academic testing, and teacher excellence. Carl Sandburg High competed with schools from across the Nation for this award and was one of only four Illinois high schools selected. A special awards ceremony is planned for September when the school will be presented with a commemorative flag and plaque.

At these times when our Nation is looking for leaders in the field of education, I am proud to have one such leader in my congressional district. Again, I commend principal Dr. David Eblen, the board of education, and the efforts of the staff, students, and parents.●

THE WATERWAYS STANDOFF

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. RAHALL. Mr. Speaker, today, there is a lack of concensus among many in the Congress regarding the role of the Federal Government in the construction and maintenance of our Nation's inland and coastal waterways, which for years had been accepted by virtually all Americans as national priorities, to be funded in the main by the national treasury.

Today, waterway construction and maintenance is at a standoff, a loggerhead, because that concensus regarding the common, national role the waterway system plays remains elusive. Today, some feel that the commercial navigation industry should pay the full cost for the needed expansion and repair to our Nation's maritime infrastructure. Others vehemently disagree. The result is that virtually all active participants in the debate over who should pay the tab—the user fee question—have hard and fast positions on the matter. The logical extension of that disagreement is that nothing is getting done. There is a total standoff, and the result along our waterways is close to disastrous.

Regarding the inland waterways, locks and dams are not being built, repaired, or expanded due to this impasse. This is sad and has potentially tragic future ramifications for the waterways industry and for the millions of Americans who benefit from its ability to transport goods both efficiently and inexpensively.

The Nation's ports—our domestic and international trade lynchpins—suffer also. Federal insertia, the demands of some that commercial interests pay the tab for port improvements counterbalanced against those who argue for a vigorous and proper Federal role, has resulted in a similar lack of action in harbor development. Again, these delays only make the ultimate solutions more difficult and losses to the Nation greater.

Those involved in the waterways industry are greatly concerned by what seems to be the narrow philosophical premise upon which the concept of user taxes in general rests and, in particular, as it is applied to the marine industry. There appears to be much theorizing on this issue, and little informed opinion. Everyone knows that if a creature has fins, scales, swims, and lives in the sea, it's a fish, no matter what someone else tries to name it. And, user fees—in reality, taxes, no matter what the name—are simply another way to further burden an already depressed and severely struggling industry. Moreover, these fees constitute an indirect form of taxation on the American people.

When it comes to barge user taxes, there is an accountant mentality in many sectors of our Government that insists that the commercial navigation industry is the sole beneficiary of port development, lock and dam replacement and some even argue, dredging. Therefore, they reason, the barge industry should pay much more.

Let us take that bit of reasoning at face value, and a step further. Let us assume that new user taxes are imposed on the already economically devastated barge industry, and that as a result, the barge industry suddenly disappears. What would happen along our Nation's coastlines and river banks? What would it do to electric generating stations on the waterways? To refineries? How about the housing industry, dependent upon gravel, cement, and sand? How about the American farmer trying to export his crops, and needing fertilizers and insecticide to grow them in the first place? What would be the trickle-down effect on our Nation's river and port communities? What would be the cost to the American consumer of goods produced from bulk products which were hauled by barges in competition with the railroads? To the local tax bases? To contiguous school districts?

No one would dispute the fact that the barge industry benefits from the work of the Corps of Engineers and the Coast Guard. But, so too do millions and millions of our citizens. The present dilemma and debate concerning the appropriate modern Federal role in waterway development takes little, if any, account of the direct contribution by the waterway industry itself. For example, U.S. ports have invested more than $2.5 billion in new and improved cargo handling facilities in the past 10 years. This massive monetary commitment was necessitated by the growth of U.S. waterborne commerce and by the increasing average size, complexity, and specialization of ocean-going vessels. Those pressures continue unabated. Some 3.7 billion metric tons moved in international seaborne trade in 1982. That volume is projected to rise to 5.22 billion metric tons by 1990, to 6.53 billion metric tons by 1995 and to 7.84 billion metric tons by the year 2000. The U.S. market share of that total seabound commerce, of course, will be a function of the ability of our ports to handle the cargoes efficiently. In that regard, the U.S. Maritime Administration estimates that an additional 247 seaport berthing facilities, costing on the order of $5 billion, will be required to accommodate the traffic projected for U.S. ports by the end of this decade alone.

In addition to the ports, there is a looming catastrophe on the inland waterways of America. These arteries of commerce move their vital life-sustaining cargo from point-to-point in the United States and to port for transshipment to foreign lands. These arteries are fast becoming clogged. The infrastructure, the shoreside physical plant which sustains these arteries of commerce is in disrepair and is crumbling. These arteries that are our waterways are essential to sustain life and economic health. If they are allowed to deteriorate, the system dies. It's that simple.

It is clear that a consensus regarding the proper Federal roles in the development, construction, and maintenance of our Nation's waterways must be reached, and that the current impasse must come to an end. If not, the barge industry, and the system of ports, locks, and dams which support it and allow for the free flow of commerce, will deteriorate beyond our Nation's ability to restore it. Ultimately, those who will suffer are none other than the general public.●

REPEAL THE PENALTY FOR WORKING

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. ERDREICH. Mr. Speaker, yesterday, I introduced H.R. 2820, to repeal the limitation on outside

income a senior citizen may earn while receiving Social Security benefits.

If an individual between ages 62 and 64 retires but continues to work part time, the amount of income he or she can receive from that part-time job is limited to $5,400 a year. If more is earned, $1 for every $2 earned will be subtracted from the retirement benefit. From ages 65 to 69, the income ceiling is $7,320 a year. This penalty for working applies no matter how long an individual has contributed to the Social Security system.

Though Congress reduced the penalty for working in the 1983 Social Security Amendments, I still believe it is terribly unfair that our Government should discourage people in this way from working if they wish to. It is important that our Government see that the tax revenues and savings from other Federal programs would accrue, and that citizens of all ages would benefit from encouraging rather than discouraging the employment of senior citizens. We in Congress should take every opportunity to help aging Americans help themselves toward financial security.●

TRIBUTE TO JAN SHINPOCH

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. LUNDINE. Mr. Speaker, today I would like to pay tribute to Ms. Jan Shinpoch, departing staff director of the Subcommittee on International Development Institutions and Finance which I currently chair. Jan has been staff director since 1982 and during the past 3 years has served both the previous chairman, Jerry Patterson, and myself with distinction. Prior to Jan's service with the subcommittee she was legislative director for Congressman MIKE LOWRY. I know that MIKE and Jerry share my expression of appreciation for Jan and the fine job she did for us all over the last 6 years.

Jan has served the Congress well through her work on many issues but nowhere more effectively than on those relating to foreign affairs and the multilateral development banks. In particular, she has been a committed and tireless advocate of human rights legislation. She promoted and organized a very valuable series of hearings on the subject of MDB development projects and their environmental consequences which have already helped focus the attention of the Treasury Department and the banks on the need for careful planning and protection of the world's natural resources.

Jan has been practical astute in the execution of her role as staff director which has enabled her to be effective in seeing legislation through the steps of congressional deliberation. She has been a loyal team player with high ideals, creativity, and energetic commitment to the political process. She will be missed but I am sure her influence will continue to be felt for whomever and whever she decides to concentrate her efforts.

Today, Jan's last as staff director, I thought it fitting to insert the following release along with the above tribute. The press release was delivered at a going-away party for Jan and is a humorous commentary on her participation in the debate surrounding the authorization of the Inter-American Investment Corporation.

The release follows:

[Press Release]

JUNE 5, 1985.

The Inter-American Development Bank today announced approval of the first loan granted by the Inter-American Investment Corporation.

Ms. Jan Shinpoch, soon to be Ex-Staff Director of the International Development Institutions and Finance Subcommittee, was named the lucky recipient of the IIC loan in what was a decision reached after little or no deliberation by the Executive Board. The loan, in the amount of 80 billion Chilean pesos, was made available in a single tranche for immediate payment.

The U.S. Treasury Department, in making known its immense satisfaction with the recipient chosen and the purposes for which the badly needed cash will be used, felt that this first IIC loan would provide valuable momentum for the Administration's Supplemental Appropriations request.

The IDB released precious few details regarding the loan's provisions but, as many observers were quick to point out, there are very few restrictions which apply to an IIC credit. Ms. Shinpoch, a long-standing advocate of basic human needs loans within the MDB's, in her elation upon hearing the news was heard to exclaim that, "I have been a reluctant observer of the current administration's policies and I knew it would pay off someday. Mom and Dad are first on my list to receive some of the bucks assuming I can convert them into a usable currency. There are other family members which I know could use a slice of the pie and beyond that I'll use the cash in any other manner I choose."

Later in the day, Ms. Shinpoch was spotted spending the first pesos at Bob's Famous Ice Cream, and handing her landlord an envelope for the next six months rent. There are rumors, from inside sources close to Ms. Shinpoch, that she will soon be appearing as a witness before the International Development Subcommittee of the House Banking Committee to testify about the multiplicity of benefits derived from the ICC lending and investment program.●

PRIVATE LEGISLATION TO CONFER CITIZENSHIP

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. DONNELLY. Mr. Speaker, last year the Congress enacted private legislation to confer citizenship on a young man who was killed in action while serving with the U.S. Marine Corps in Vietnam, Wladyslaw Staniszewski. In doing so, we recognized that by his service, he had certainly earned the right to be fully accepted as a citizen of his adopted homeland.

The tragedy of his death was compounded by the 17 years of struggle it took his family to see that this recognition was paid to him. Similar private legislation was required to confer citizenship posthumously on others who died in service to our country.

It is a sad anomaly in our immigration code that immigrants who serve our Nation during wartime are accorded citizenship upon their discharge, but no provision exists in our laws to recognize as citizens those who make the ultimate sacrifice for the United States.

Today, I am introducing legislation to establish a remedy for this situation. It establishes a simple administrative procedure for conferring citizenship on those who sacrifice their lives in the service of the United States.

At the time this House considered granting citizenship to Corporal Staniszewski last year, there was much interest expressed in legislation that would cover all those noncitizens who lost their lives in Vietnam while serving in the U.S. Armed Forces. The President committed his administration to that purpose when he signed the bill into law. Although the administration has not submitted the promised legislation, the President's comments at the signing are worth recalling and I submit them for the RECORD.

The comments follow:

STATEMENT BY THE PRESIDENT

I am pleased to sign into law H.R. 960, which confers citizenship posthumously on Corporal Wladyslaw Staniszewski, a national of Great Britain, who was killed in action on July 7, 1967, in the Republic of Vietnam while serving in the United States Marine Corps.

Corporal Staniszewski, who had immigrated to Brockton, Massachusetts, acted as an American when he willingly served the United States in a place of peril. He made the supreme sacrifice under our Nation's colors and for our country. Today we simply confirm what Corporal Staniszewski earned on July 7, 1967.

Corporal Staniszewski has focused the Nation's attention on a matter we have overlooked for too long. At least 462 non-citizen servicemen from 64 countries sacrificed their lives in Vietnam. Among these was

Lance Corporal Jose Francisco Jimeniz of Mexico, who was awarded the Medal of Honor in upholding the highest traditions of the Armed Forces. Each was truly an American, and every one earned the right to be an American.

We cannot repay these men for their sacrifice, valor, or patriotism; but it is only right that we bestow upon each of them our Nation's greatest honor: American citizenship.

It is my intention to submit to the 99th Congress legislation which will provide United States citizenship for all non-citizens killed in action in Vietnam while serving in the Armed Forces of the United States.●

ST. PAUL FIRE DEPARTMENT GETS HIGH MARKS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. VENTO. Mr. Speaker, I rise today to bring to the attention of my colleagues the recent national recognition given to the St. Paul Fire Department for its efforts.

In a recent study of U.S. metropolitan fire departments, the St. Paul Fire Department was rated as one of the most efficient.

The "Comparison Study of Metropolitan Fire Departments," done by the Memphis Fire Department, rated St. Paul, for 1984, better than average in all categories. These casualties include dollar loss per fire, loss per capita, and casualties per fire.

The study also revealed that the St. Paul firefighters' performance improved over the previous year. This improvement is most significant because fire responses increased by over 6 percent in the past year. Despite the increased incidents, fire deaths were cut in half and fire losses dropped by a half million dollars.

In addition, the St. Paul Fire Department service is cost-effective. The St. Paul Fire Department offers the maximum number of services and functions listed in the survey. Yet the cost for St. Paul taxpayers is less per capita than the national average.

The success of the St. Paul Fire Department is attributable to the dedication and training of its firefighters. These individuals also do go beyond the call of duty and their hard work has saved lives and millions of dollars invested in homes and businesses.

Mr. Speaker, I would like to salute the St. Paul Fire Department and all of its members for their remarkable achievements.●

CAREFULLY WATCHING SUSPENSION CALENDAR

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. PURSELL. Mr. Speaker, a disturbing trend has developed this week with regards to authorization legislation, a trend which deserves the attention of this full House. That is, the placing of authorization legislation that violates the House-passed budget resolution, that exceeds fiscal year 1985 appropriated levels, on the Suspension Calendar. There is no excuse for that. Simply, it circumvents the will of this House as demonstrated over and over again by overwhelming votes in favor of freeze amendments to five authorization bills thus far this year.

Monday, the House approved on a voice vote—a voice vote, mind you—H.R. 2409, the Health Research Extension Act, which reauthorizes some NIH programs and creates two new institutes—new spending.

Specifically, for fiscal year 1986, funding for the National Cancer Institute was authorized to be increased by almost 9 percent. Funding for the National Heart, Lung and Blood Institute will be increased by almost 8 percent. Funding for medical library assistance will be increased by 54 percent. And a new program, the Biomedical Ethics Board, will be funded at $2 million. For the programs I've just mentioned, the bill represents an actual increase of $175 million over the fiscal year 1985 appropriated level. Overall—overall—the bill is $282 million, or 13 percent, over the House-passed budget. This bill, representing over a quarter billion dollars of spending increases, passed on a voice vote. In short, it was rammed through, without allowing the full House to amend such an incredible increase to keep the bill at current fiscal year 1985 spending levels. Let me emphasize that I am a strong supporter of the National Institutes of Health and of the great work they perform. However, they, just like any other Federal program we have dealt with on this floor and will deal with the future, should be subject to the budget freeze—for that is the only way we will reduce spending and bring this deficit crisis under control.

This fight has been going on for years—whether to put authorization bills on the Suspension Calendar. But this year, given the serious fiscal crisis we face, there is absolutely no excuse to place a bill of that spending increase magnitude on the Suspension Calendar where it cannot be amended nor, because it passed on a voice vote, now not even voted on in a manner in which the full House can express its will.

Ladies and gentlemen, in the name of budget reduction, bills calling for increases in spending should not be on the Suspension Calendar. They should be brought before the House for proper debate, potential amendment, and decision by all the Members.

We had assumed, given our budget deficit crisis, that significant spending increases would be brought openly and fairly before this body so the House could work its will. Apparently, that is not the case.

We want to serve notice that we strongly object to this procedure and will seek to prevent it from becoming a precedent for other authorization bills seeking to escape the legitimate scrutiny of the full membership.

I would like to inform all my colleagues, including committee chairmen, that we will be carefully watching the Suspension Calendar to make sure that authorizations which call for an increase in spending over fiscal year 1985 appropriated levels are not slipped past the House, circumventing its will and the will of the people to reduce Federal spending and bring this deficit under control.●

A SENTIMENTAL JOURNEY

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. TAUKE. Mr. Speaker, although news accounts about the problems plaguing our farm sector have disappeared from the front page, the crisis in farming still exists. Our colleague from Guam, Congressman BEN BLAZ, recently made a sentimental journey, as he put it, to southwestern Iowa, an area he had known as a college student. Congressman BLAZ was touched by the changes he saw in the mood and spirit of the Midwestern farmer. He put his thoughts down in a moving essay entitled "A Sentimental Journey." I insert his essay into the RECORD for the benefit of my colleagues, and I urge them to read it.

A SENTIMENTAL JOURNEY

(By Ben Blaz, Member of Congress)

I want to tell you about a recent journey I made to a part of America that is hurting badly. It was a sad visit to a place I had known and loved. I wasn't sure there was anything I could do to ease the pain, but I knew I had to go. It was the America I had met as a young man—the heartland where I had learned about this great nation. While a student at Creighton and Notre Dame Universities, I had spent the summers working the stockyards and farmlands of Iowa, Nebraska, Indiana, and Oklahoma. The people there had left an indelible impression on my mind and heart.

I knew I would return there when some visitors came to my congressional office one blustery day in mid-March. As I sat listening and studying their worried, weathered

faces, those Iowa farmers explained their crisis: the crushing debt, the borrowing at higher and higher interest rates, the dramatic decline in land values—that collision of economic forces that led to disaster.

As they talked, they began to cry. I had come to Washington toughened by a career in the U.S. Marine Corps as well as the psychic scar tissue of a hard-fought election battle and had been engrossed in the daily details of getting established on Capitol Hill. But the presence and plight of these hurting people struck like a summer storm and their tears washed away my preoccupations. Later, when Jim Lightfoot, who represents Iowa's 5th District, invited me to visit his constitutents, I accepted without hesitation.

I recall fondly my first visits to southwestern Iowa when I was a student. I remember an American farmer with suspender-snapping confidence in himself and the future. There was abundance as far as the eye could see—rich, lush fields, heavy with the grain crops that have made America the breadbasket of the world. I remember the broad, easy smiles, especially on the youngsters. I learned about crops, livestock, red barns and why the corn is knee-high by the Fourth of July. I also learned why the farmer's son was so proud of the south 40. He knew, at age 7, that someday the parcel would be his.

The people there taught me the American values of hard work, dedication and honesty. They taught me you would be rewarded for living those virtues. So it was not as a complete stranger that I came to Lenox, Iowa, that March weekend and stayed with the Wilkinson and Trucks families.

Between them, they own and farm about 800 acres, specializing in grain crops. The candor of my hosts was revealing and refreshing. They were a wealth of information and insight about the changes in the great American heartland.

Congressmen must, at times, arm themselves with a shield of skepticism, but when God-loving American families invite you into their homes and then open up their financial records—right down to their checkbook—to demonstrate their plight, you quickly become a believer. Something tragic had happend to these families since those suspender-snapping days. Much of it hit in the last few years. The changes had nothing to do with the savvy and work ethic of American farmers. They were more efficient and productive than ever.

Instead, it was those out-of-our-reach global forces that had wrecked havoc on the U.S. farm economy, I learned. The big dip in the inflation rate had lowered the price of farm products sold in the United States. The decade had opened with a recession, cutting the world's demand for our farm product. The dollar's value had soared, raising the price of farm products sold abroad. most importantly for Iowa farm families, land values in the area had plummeted, gutting the equity these farmers needed to finance their operations.

The farmer I visited this time no longer snapped his suspenders with confidence. He hung onto them like they were crutches. His head was bowed. He shook it in bewilderment, walked with apprehension, and talked guardedly about the future. When he took his wife's hand, he squeezed it like a man holding onto a lifeline.

Gone too were the easy smiles. The young ones sat expressionless as we talked. The fence around the South 40 was kind of weathered and the children didn't talk as much about farming that land someday. Their inheritance is in serious doubt. The farmer I saw is struggling to survive. He cannot see the expected reward for his hard work, honesty and dedication. He sees only a threat from farm conglomerates and economic forces beyond his control. He fears he will not be able to pass on the family farm to his children, and his way of life to the next generation.

As I drove away from those Iowa families, I wondered if I would ever again see the family farm that had guided and inspired much of life. During my sentimental journey, I saw a people whose isolation began when the superhighways roared by, cutting off the family farm from the flow of America across the continent. I saw a people who, if they are forced off their land, will not be able to pass on their heritage—that bushelful of essential American values—to the next generation. I saw a part of our society, a crucial economic and social force, threatened with extinction, unless we act quickly and wisely.

When I hear debates about the farm crisis, I feel the experts are missing the forest for the trees. Working for a hospital in Omaha during my school years, I learned the emergency room's job was to treat and save the injured person, not find out which truck hit him or who was to blame. In the midst of this crisis, we need to treat the patient, not fix blame for the injury. We need to save the family farm, not worry about who is responsible for the hurting. The scale of this problem demands nothing less. This is not just an isolated Iowa crisis, it is a national tragedy.

Farm families are a very special breed of Americans. They are the last of a hardy pioneer strain that is woven through the American fabric, binding the diverse strands of our nation into a magnificient tapestry. If we lose that binding, the tapestry frays and falls apart. The mounting toll of family farms is a tragedy comparable to the removal of American Indian tribes from their land to reservations. That forced relocation drained many of them of their free spirit, innovativeness and ambition. Unless we act to save farm families, they will be uprooted and forced into city life, a move that will drain them of their spirit, vitality and initiative. Their critical role in building and binding America will be lost forever.

While the increased productivity of giant farm conglomerates is highly praised by many who see bigness as progress, farm efficiency is not the issue here. Inefficiency is not being done away with by allowing economic aberrations to force dedicated and productive families off the farms. A way of life, a binding in the weave of our national tapestry, will be lost.

The corn still may be knee-high by the Fourth of July, but of what value will it be to our way of life, if it was planted by a conglomerate.●

A VITAL MATTER

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to my colleagues attention the following article from William Randolph Hearst, Jr., regarding the strategic defense initiative [SDI]. I fully support the SDI and the President's determination to fund research into ascertaining the feasibility of destroying incoming Soviet ballistic missiles. I recommend the following article to my colleagues attention.

A VITAL MATTER

(By William Randolph Hearst, Jr.)

NEW YORK.—Some Senate Democrats were calling last week for the resignation of Defense Secretary Caspar Weinberger. The latest tactic was to try to blame him for scandals involving defense contracts, most of which were concluded under previous administrations.

The real reason for the efforts to get rid of Mr. Weinberger is no secret. He has been the point man for President Reagan's program to restore American military strength which a Democratically-controlled Congress allowed to become so weak the Soviets now have the capacity to knock out our land based Minuteman missiles in a first strike.

This patriotic man has maintained year after year that the only way to secure a nuclear arms reduction agreement that will not leave the Soviets with superiority is to regain strategic balance.

By indefatigable perseverance despite a divided administration and hostile media, he has succeeded, with the President's strong support, in getting a recalcitrant Congress to provide, even during the recession, funds for the greatest peacetime military buildup in U.S. history.

Now he is deeply concerned that congressional cuts in the defense budget will sap the negotiating strength the military buildup was intended to give us in the arms talks with the Soviets. He is particularly concerned about the move in Congress to slash by $1 billion funds for the President's research program to defend America against nuclear attack.

Initial efforts to do so were defeated in the Senate Tuesday, but other attempts will be made, especially in the House, to block increased spending on the program. Sen. John Warner (R.-Va.), said a freeze "would jerk the chairs from beneath" our negotiators in Geneva.

It was a week ago this past Sunday that my report to you was devoted to this subject. Under the heading "Defense or Defeat," I wrote about the danger of letting the Soviets be the first to develop a strategic defense system. It was therefore gratifying to have my views confirmed last week by the greatest authority on the military status of our country and the Soviet Union. In an exclusive interview with Joe Kingsbury Smith, our National Editor, Secretary Weinberger expressed fear cuts the Senate has already made in the defense budget and others being proposed in the House could so weaken our negotiating position in Geneva that the arms talks with the Soviets would fail.

"Essentially, it comes down to the way the Soviets perceive the reductions," he said. "I am afraid it will add to their hopes that they can secure their objectives outside the negotiating table simply by waiting us out. Knowing how unpopular defense spending is in our country at present, they may feel they can secure reductions in our defense program unilaterally simply by our refusal to continue with necessary re-armament programs.

"I am worried about voluntary reductions in our defense systems, and in investments we need to make, not only because of the effect it has on our own military but be-

cause it makes it very much more difficult, if not impossible, to get the decent arms reduction agreements we need."

Q—Since no progress has been made in the Geneva talks, do you believe the Soviets are stalling to see to what extent Congress cuts the defense budget?

A—"It's consistent with that. First of all, they want to stop our strategic defense program. That is the thing the Soviets want more than anything else. I really worry about the proposed reductions in that program. It is a vital program and we are making major progress in the research. Strategic defense is something the Soviets have been working on for 16 or 17 years. They are ahead of us, especially in laser research. They want to keep a monopoly. If they should get such a system, we would be living in a much more dangerous world."

Q—What would happen if they were the first to develop and deploy such a system?

A—"We would all be subject to nuclear balckmail. We would be told by them, on this hypothesis, that they had a defense against our missiles and therefore they could launch a first strike with impunity and we could make no adequate response. If you feel as I do that their continuing overall objective is world domination, then you have to worry very much."

Q—In the 1960's, the Soviets favored defensive missiles over offensive ones. Then Soviet Premier Kosygin declared at the Glassboro conference with President Johnson that "defensive weapons are moral, offensive weapons are immoral." On two separate occasions at the U.N. in the '60's, Foreign Minister Gromyko argued that strategic defense could be the key to agreements on offensive nuclear weapons. What changed their minds?

A—"I suppose one of the reasons is that they have been making progress on strategic defense and they don't want anyone else to have such a system. They accuse us of planning to develop a new offensive system, which is totally misleading. What we are trying to do is develop a system that could destroy Soviet missiles outside the atmosphere by non-nuclear means in a way to render them impotent. The President has said that if we developed such a system, we would offer to share the knowledge with the Soviets on condition they join with us in eliminating offensive nuclear weapons. But we don't want them to pursue and achieve it unilaterally because we don't believe they would share it with anybody."

This is the kind of realistic thinking we need in Washington. We should all hope, and write our Washington representatives if you feel as I do, that Mr. Weinberger must continue to serve as Secretary of Defense for at least the rest of President Reagan's term.●

PRIVATE CLUBS AND DISCRIMINATION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. LEHMAN of Florida. Mr. Speaker, in the 98th Congress I inserted in the RECORD a resolution passed by the American Bar Association in support of legislation to prohibit discrimination by private clubs. I was a cosponsor of such a bill in the last Congress and I am pleased to note that our colleague, Representative SAM GEJDENSON, has reintroduced his bill this year.

H.R. 875, the Equal Access to Public Accommodations Act of 1985, provides that a private club would be considered a public accommodation if 20 percent or more of its revenue is paid directly or indirectly by members' businesses, or if such payments are deducted on tax returns as business expenses. Such clubs would then be subject to the Civil Rights Act of 1964. The bill further provides that discrimination on the basis of sex would be prohibited in public accommodations.

I am sure that my colleagues with an interest in this area will want to read the following article from the Miami Herald of April 21, 1985. It is written by a Miami lawyer who is also a professor at the University of Miami Law School. Ms. Dannheisser correctly notes that moral persuasion is preferable to legal prohibitions. We recognize, however, that the force of law is sometimes necessary to ensure the rights of women and minorities.

The article follows:

[From the Miami Herald, April 21, 1985]

PRIVATE CLUBS: MIAMI, LIKE THE BAR, WILL DO THE RIGHT THING

(By Lynn M. Dannheisser)

In August 1983 the American Bar Association, after much debate, adopted a resolution to recommend to Congress amendments to the Civil Rights Act of 1964 to prohibit discrimination in the admissions policies of private social clubs on the basis of race, color, sex, religion or national origin if those clubs operated in a significant manner as establishments of business, commerce and professional activity.

I firmly believe that that ABA adopted this resolution for one overriding reason—it was the right thing to do. The ABA, once viewed as a bastion of predominantly upper-crust, male conservatives, came to recognize sister and minority colleagues within its ranks and refused to tolerate discrimination on the basis of birthright.

While this resolution had previously been adopted in February 1982, it was rescinded six months later after a well-organized, well-funded and successful campaign by the National Clubs Association. In the final analysis, however, it was their sense of fundamental fairness that led the lawyers not only to reconsider their position and re-adopt the resolution, but to go one step further and adopt another resolution admonishing judges to refrain from membership in any organization that discriminates.

The entire premise of the private clubs resolution was not to deny individuals the right to freely associate on a personal level which whomever they choose in restricted clubs. Rather, it was the probability that such interaction inevitably resulted in economic and business opportunities for members (obviously denied to those restricted access to membership) to which the resolution objects. The resolution is specifically designed to reach an unconscious bias, and the heretofore unexamined denial of a traditional avenue of economic and business opportunity denied those who were not white, gentile or perhaps male.

In an essentially pluralistic, democratic society as ours, the right to associate freely is protected only if such association is purely social and does not involve business, civic, professional or commercial activity to any substantial extent. The ABA, in adopting the private clubs resolution, was making an effort to separate the truly private, social club (which would remain unaffected by the resolution) from private clubs that are essentially extensions of the marketplace.

There is now, however, significant and reliable evidence that private clubs are rarely exclusive, private gathering places for purely social purposes. A high percentge of club dues are provided by business employees, as demonstrated in The Herald's own survey of 39 major companies and professional firms. Substantial revenues are often derived from providing conference rooms, food and beverage services for business-related functions. In fact, the National Club Association itself estimates that 37 percent of its members' dues are paid directly by business. The all-male, national University Club, for example, stated that it conservatively estimates that "well over 50 percent of its dues and fees" were from employers when reimbursements from employers were taken into account.

It is an inescapable fact of life that restricted clubs such as the Riviera, La Gorce and Bath clubs are not viewed simply as social clubs: they are patronized by prominent businessmen, civic leaders who go there not merely to have a drink or play a round of golf. For it is hardly the fine fare and good greens that attract membership. It is the membership roll itself, and the friendships and casual relationships that develop that are often the catalyst for the development an nurturing of business relationships.

Were this not true, why would businesses and professional firms fund membership dues for their executives, employees and partners? Why do these businesses and individuals deduct those membership dues and expenses from their income tax returns? Obviously, once the club expense is treated as a tax-deductible business expense by a substantial number of its members, it is by definition no longer strictly for social or personal purposes. Claiming dues as a deduction by a significant number of members changes that club's status as a private, social club entitled to noninterference by government since all taxpayers, including those denied access to such a restricted club, are then required to subsidize these memberships!

Legal arguments aside, however, this issue reaches beyond the lawfulness of one group of citizens receiving tax subsidies to assist promotion of discriminatory conduct or the constitutional cloak of the right of free association. The issue of restricted clubs essentially is one of fundamental fairness, which after all lies in our hearts, not our laws, and the undeniably adverse impact their existence has in our community.

Many, including our own Dade County mayor an at least four Metro commissioners have initial difficulty understanding why this is a fairness issue. Commissioner Beverly Phillips, for example, assessed the resolution put before Metro last Tuesday to ban county spending on organizations that hold meetings at restricted clubs, as "unnecessary." Others have cited me the fact that there are many minority clubs that they cannot join, pointing to Westview, B'nai B'rith or the Knights of Columbus as examples.

The answer to that is twofold.

First and foremost, the systematic exclusion of people based on birthright—that is being born of the "wrong" race, religion, sex or national origin—is unquestionably unfair. It is, quite simply, bigotry.

Second, the fact that restricted club members cannot join "minority" clubs begs the question. It must be remembered that social clubs such as the Westview or The Big Five were formed by minorities as a backlash response to the discrimination suffered. Moreover, if such minority clubs are also restricted, it may well be equally inappropriate and unfair.

But comparing restricted social clubs with such organizations as B'nai B'rith, the Knights of Columbus or the German American Club (as the Metro Commission did) is like comparing apples and oranges. B'nai B'rith, the Knights of Columbus and the German American Club are examples of organizations chartered specifically to foster, protect and defend a particular religion or national origin and perhaps to preserve the charitable, educational, and cultural values of that heritage. They are secondarily social; they are primary and without pretense religious and culturally based clubs.

Restricted country clubs and luncheon clubs, on the other hand, are purportedly social. They have no expressed allegiance to a particular nationality, race or religion. They claim to be places of pure recreation and relaxation. Yet, on the basis of some misguided sense of greater worth or higher structure, they deny membership systematically, without exception and without consideration of an individual's talents, abilities and achievements to those who are not white, Anglo-Saxon and Protestant. The effect of such action is clearly to cast aspersion upon the worthiness of minority citizens. If this is not fundamentally unfair, I cannot think of what is.

Whether the aspersion cast by such discrimination is truly intended by club members is not the issue. The fact remains that the perception of aspersion and its impact are there. In Miami, which prides itself on ethnic diversity and its long sought-after goal of becoming a world-class city, we cannot afford even the perception of prejudice.

Yet for the past 60 years Miami has been a leader in the number of restricted clubs in existence in its geographic area and the number of prominent community members who frequent such clubs. These numbers have contributed in no small part to the pervasive but perhaps unexpressed undercurrent among the excluded groups, that Miami, in this area, at least, is still "small time" and biased. It is imperative in order to defeat this image that we take the initiative to make Miami an open city. If for no other reason than responsible leadership the businessmen and women, the civic leaders of this community, must act to open these restricted clubs and relieve the anxiety created in part by these bastions of discrimination that demean large segments of the community for no reason other than apparent prejudice or ignorance or both.

Surely those denied access to private clubs will continue to succeed as they have in the past by finding other means of economic opportunity, advancement and development. But change is in the wind. Rep. Sam Gejdenson, D-Conn., has this session introduced HR Bill 875, which tracks language of the ABA resolution. He is optimistic he will gain substantial support. That many be, but I believe it would be better to avoid official persuasion imposed by law. I believe it would be better to open our hearts and minds as my colleagues did in the ABA.

I recall immediately before a vote by the House of Delegates on the private clubs resolution, attorney Randolph Thrower, former commissioner of Internal Revenue under President Nixon, made an impassioned, eloquent speech in its favor. He said that he could not sleep that previous night when he seriously thought about the fact that his own daughter, who was a wife, mother and lawyer, could possibly be denied membership in a restricted club where he himself had developed so many personal and business relationships.

When Miamians come to recognize that to discriminate devalues ourselves and our community, when we recognize that it is to our advantage to break the blindness of bias and introduce, promote and welcome our Hispanic, black, women, Jewish and other minority community members into our private clubs and into the mainstream of life, our own lives will be the richer for it. And discriminatory clubs will become a thing of the past—relics of a small tourist town. In the end I believe, like the American Bar Association, Miami, as a world-class city, its citizens and leaders alike, will do the right thing.●

THE ETHIOPIAN GOVERNMENT: MARXISM-LENINISM AT WORK

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. MICHEL. Mr. Speaker, I recently came across an editorial from America magazine that raises important questions about aid to Ethiopia. How many Americans know that the Communist Government of Ethiopia exacts "an exorbitant entry-port fee on each ton of grain donated by other countries to relieve its people?" The Communists are exploiting one of the worst tragedies in human history. Tons of grain are rotting in Ethiopian ports. But we have gone on to other things. We forget. That is exactly what Communists have known about the West since 1917. We forget. But they never do.

At this point I insert in the RECORD, "Of Many Things" from America, June 1, 1985.

OF MANY THINGS

Jonathan Swift once said that "I never wonder to see men wicked, but I often wonder to see then not ashamed." Recently Swift's sentiments were my own as I read an excellent series of reports from Ethiopia by David K. Willis in The Christian Science Monitor. A new world will have to be invented: "tragedy," "venality," "villainy," "heartlessness" are all inadequate, even in combination.

The Ethiopian Government estimates that the number of starving is 10 million, and yet the backlog of wheat at Assab alone, the port on the Red Sea, has soared to 85,000 tons, enough to feed 5 million Ethiopians for a month. The United Nations computes that 60 percent of the arriving food has yet to be distributed, and by early June the backlog is likely to be 111,000 tons. Meanwhile, innumerable bags of food rot at the dockside in the 100 degree sun or have been washed away by recent torrential rainfalls.

India and the countries of the West have been generous in providing enough food, but the problem is that of moving it inside the country. The main port, Assab, has no railroad, and so the usual transportation is by truck. But trucks are in short supply, despite the Government's promise to offer an added 150 military trucks for famine purposes. United Nations figures indicate that in April 50,314 tons arrived by ship, but on any given day there were only 70 trucks available to carry away 1,570 tons a day.

Those enthralled with Marxist ideals had best look elsewhere than at Ethiopia. The Government is military, Marxist and impoverished, but its impoverishment is not merely material. On the contrary. In fact, the Government is making an estimated $28 million a year by exacting an exorbitant entry-port fee on each ton of grain donated by other countries to relieve its people. For example, since December the United States alone has sent 400,000 tons of grain, on which it had to pay an entry-port fee of $5.04 million. Unloading fees are also incongruously high. The captain of a 16,500-ton cargo vessel carrying a gift of wheat from the Greek Government had to pay a fee of $61,000 to unload his cargo. Furthermore, the Government has fixed the exchange rate for their currency (the birr) at two birrs to the dollar. That makes Ethiopian money stronger than the Swiss franc and the Deutsch mark.

The Soviets are the Ethiopian Government's strongest ally, and with friends like that . . . For them, too, Marxist ideology is superseded by the crass capitalist's impulse toward profit. Moscow insists that each of the hundreds of military trucks (not for famine use) be handled by a Soviet driver, a Soviet co-driver and a Soviet mechanic. Needless to add, Moscow also insists their per diem expenses and their diesel fuel costs (considerable since Soviet trucks get less than four miles to the gallon) must be paid for by the Ethiopians. Eyewitnesses have also testified that Soviet transport planes take off from the port of Assab to Asmara with a light load of grain and return heavily loaded with a precious commodity from an Asmara factory: a washing detergent called Omo. Cleanliness is indeed next to godliness.

The cold war inevitably intrudes even into a country crushed by heat and hunger. No U.S. military forces are allowed into the country, but the Ethiopian Government reluctantly accepted British and West German air force planes and crews. But West German planes are forbidden to fly to certain areas in the east and so they must offload grain to East German planes to prevent Western crews from observing Soviet military installations in the Ogaden region near the disputed Somali border.

As Gloucester put it in "King Lear": "Tis the times' plague, when madmen lead the blind."●

THE "JUSTICE" DEPARTMENT

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. HUBBARD. Mr. Speaker, more and more Americans are becoming

aware that the U.S. Justice Department is the most politically conscious, politically active agency in our Federal Government.

Persistent criticism continues to flare almost daily on Capitol Hill regarding the Justice Department's decision not to prosecute individuals in E.F. Hutton & Co.'s $4.35 billion bank fraud, check-kiting case.

I have said repeatedly that the agreement not to try to send individuals from E.F. Hutton to jail was a "travesty" and an "incredibly negligent, political judgment."

One of the most frequently cited reasons given by the Justice Department in defense of its decision not to pursue criminal charges against individuals has been a lack of evidence against top management.

At the June 19, 1985, hearing before the House Judiciary Subcommittee on Crime, it was revealed that a memorandum was addressed to the president and three other senior executives of E.F. Hutton in November 1981, advising those executives of the "aggressive overdraft" practices and the resulting extraordinary amount of interest income reaped from the scheme of floating checks for as many as 4 days. The memorandum was from a Hutton operations analyst.

At the June 19, 1985, congressional hearing, Robert M. Fomon, chairman and chief executive officer of E.F. Hutton Group, Inc., acknowledged that bonuses were awarded to high-performance regional branch managers of E.F. Hutton. Remember, however, one of the Justice Department's excuses for not charging individuals was the lack of evidence against individuals, and, hence only the corporation was fined for the crime.

The following appeared in the May 16, 1985, edition of the New York Times as one of the several reasons given by the Justice Department in defense of its decision not to prosecute E.F. Hutton officials:

> The individuals whom the prosecutors had enough evidence to indict were mid-level executives who had not profited directly and could say they were acting within the law.

In light of Mr. Fomon's testimony of June 19, it is questionable how the Justice Department would not characterize these bonuses as "direct profits" to mid-level executives.

Only those of us who are familiar with the political conscience of the Justice Department can understand how it could rationalize that there was a lack of evidence against any individuals in its decision not to prosecute individuals in the $4.35 billion bank fraud and check-kiting scheme of E.F. Hutton which affected some 400 banks across America.

Read, if you will, the following article entitled "Hutton's Top Managers Knew About Check-Kiting, Lawmaker Charges," from the American Banker of yesterday, June 20.

[From the American Banker, June 20, 1985]

HUTTON'S TOP MANAGERS KNEW ABOUT CHECK-KITING, LAWMAKER CHARGES

(By Bartlett Naylor)

WASHINGTON.—High-level managers at E.F. Hutton & Co. were aware of and even encouraged the brokerage house's $10 billion check-kiting and overdraft scheme, according to Rep. William Hughes, D-N.J., who released documents at a hearing on Wednesday before his House Judiciary subcommittee on crime.

But four top Hutton officials, who appeared before the subcommittee under subpoena, denied that any individuals knowingly constructed the scheme.

Subcommittee chairman Hughes said the hearing would be the first in a series on white-collar crime that could include an investigation of bank money laundering.

At Wednesday's hearing, subcommittee members focused much of their questioning on Thomas Morley, a Hutton senior vice president viewed by some congressional committee staff members as a central figure in the firm's cash management practices.

Hutton pleaded guilty on May 2 to 2,000 counts of federal mail and wire fraud. The firm was sentenced to pay $2 million in fines and required to reimburse the government $750,000 for its three-year investigation.

No individuals were indicted in the case, a fact that has prompted anger among some members of Congress.

In Wednesday's hearing, Mr. Hughes revealed several memos he said show that high-level Hutton officials were involved.

In one memo, written in November 1981 by Linda Curtiss, a Hutton operations analyst, to four senior executives and read into the hearing record on Wednesday, the "aggressive overdraft" practice is identified and even highlighted as contributing to Hutton profits.

"The central region engaged in aggressive overdrafting of the bank accounts of several offices. These offices received as much as four days' float on their receipts. This aggressive overdrafting resulted in two offices [in Washington and northern Virginia] contributing nearly 51% of this region's interest income earned on overdrafting," the memo said.

"Moreover, when interest earned on overdrafting was examined relative to interest-sensitive revenues for these offices, the results were astounding."

Later in the memo, Ms. Curtiss notes that "interest profits contributed over 70% of net profit for the retail firm in 1981."

The memo was addressed to George Ball, at the time the president of the brokerage firm, and three other senior Hutton officials. Mr. Ball, now president and chief executive of Prudential-Bache Securities Inc., could not be reached immediately for comment.

The memo was sent months before a grand jury investigation was launched in the spring of 1982. Hutton chairman Robert Fomon said he and other high level company executives first became aware of the scheme when that investigation was launched.

Under questioning Wednesday, Mr. Fomon acknowledged that the memo's tone commended the "aggressive overdrafting" practice.

Two other letters, not immediately made public, show that branch managers seemed aware of the questionable nature of the cash management practices, a subcommittee attorney said outside the hearing room. In one, a manager of one branch wrote to his counterpart at another branch warning him that the scheme could "get them all in trouble," according to the attorney.

In reply, the second branch manager chastised his colleague, telling him to "grow up" and face modern times, the attorney said. The letter said the cash management practices were part of policy sponsored by Mr. Morley, then a vice president, according to the staff attorney.

Mr. Morley repeatedly denied knowledge of the scheme at the hearing.

"Hutton defrauded banks of hundreds of millions of dollars and falsified thousands of payment checks," said Rep. Edward F. Feighan, D-Ohio, a member of the subcommittee. "If a private person were to engage in this type of activity, he or she would be jailed."

Mr. Fomon maintained in an interview that the documents cited by subcommittee chairman Hughes did not show high level culpability. He also said he did not find the tone of the subcommittee hearing aggressive or inappropriate.

In his testimony, Mr. Fomon explained that the company "didn't have sufficient control" to discover the scheme. When the scheme was finally uncovered, he said, he was "amazed" at how his employees had "violated" company policies of "acting fairly."

In opening the hearing, Mr. Hughes said he is concerned about the "perception that the Justice Department intends to proceed only against the corporate defendant, . . . with individuals . . . protected from prosecution."

Subcommittee leaders do not intend to recommend that individuals such as Mr. Morley be prosecuted, Rep. Bruce Morrison, D-Conn., said in an interview. "I think Justice has given immunity to a lot of these guys. But there could be state prosecutions."

Today, Hutton executives will face officials of the Connecticut Banking Department who are thinking of banning the company from operating in the state. Under Connecticut law, the banking commissioner can suspend or revoke the registration of a broker that has been convicted of a felony.

Florida and West Virginia are among other states considering similar actions against the company.●

MILITARY FAMILY ACT A START, BUT NOT A PANACEA

HON. DAN COATS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. COATS. Mr. Speaker, today the House agreed to the Military Family Act sponsored by Mrs. PAT SCHROEDER. While I applaud the provisions that are designed to assist in the coordination of programs, services, and research concerning military families, we must not conclude from the approval of this measure today that all the problems of military families have been solved. It is critical that we take a comprehensive look at military fami-

lies to assess what these families truly need.

There is substantial body of literature that shows that military families' needs go beyond more programs and go beyond facilities. Their needs all too often rest on resources that the Federal Government can't supply—namely, time and availability of family members. Family members need time and attention, and to the extent that the base commanders recognize this need, readiness, productivity, and morale are more likely to be ensured.

As the ranking Republican member of the Select Committee on Children, Youth, and Families, I have worked closely with all the branches of the military. I am convinced that more research is needed to not only coordinate research as the Military Family Act states, but to conduct research that is not focused simply on program needs but on the needs of the families. There is not enough information of the needs to establish different kinds of programs nor is there data which would demonstrate what works best. Clearly, there is no data base that allows for comparison of military families with civilian families. We do not know if there is more child abuse in the military as compared with the civilian population. We do not know about teen suicide, missing children, runaway children or spouse abuse in the military.

Also, it is not clear how military families fare in attempting to access civilian services. The Military Family Act is a start, but it does not solve all of the issues and, hopefully, this will be recognized by all of us in the House who care about military families.●

OPERATION YOUTH

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. GRADISON. Mr. Speaker, I would like to take this opportunity to recognize an outstanding program which has been operating in my district for 35 years—Operation Youth. Operation Youth is a week-long conference during which young men and women learn about our Government. This nationally recognized summer program has won 28 awards from the Freedoms Foundation at Valley Forge. It uniquely combines learning and activity to give students a greater understanding of the American way of life.

This year's conference was held June 8-15 at Xavier University in Cincinnati. More than 100 area high school students participated. The theme this year was "America's Basic Freedoms—Let us Preserve Them." The program featured presentations by leaders from the areas of government, education and law on topics such as "Freedom and Economics," and "The Future of the American Political System." Forums were then set up for the students to discuss these topics and other current issues. The students formed political parties and elected officials to a mock municipal government.

Mr. Speaker, I am extremely proud to recognize those who were elected to office as well as those who participated in other aspects of this program.

They are as follows:

Mayor: Joe Roesel of St. Henry High School; vice mayor: Angela Joseph of Lima Central Catholic High School; city manager: Bob Hunt of Lima Central Catholic High School; clerk of council: Andy Dorr of Roger Bacon High School; and city council members: Mary Kay Compton of Deer Park High School, Matt Iacobucci of Elder High School, Jeff Foltz of Elder High School, Tom McCormick of Northwest High School, Lisa Wenz of Mother of Mercy High School, Jim Ringler of St. Peters High School, and Jeff Strasser of Moeller High School.

Also participating in the conference were:

Lisa Askern, Beverly Ball, Holly Bauer, Patrick Becus, Jenny Bennett, Tim Bley, Donna Bloemer, Thomas W. Book, Rick Born, Donald Braun, Charles Butcher, Bryan Byerman, Julie Cancasci, and James A. Carsey.

Rick Carty, Kimberly L. Clark, Chris Coleman, Shannon Conklin, Robert L. Davis, Jr., Joseph G. Driehaus, Teresa Duncan, Steve M. Eiting, Jenny Foster, Mindy Fox, and Tony France.

Karen Fu, Julian L Gaitley, Jeff Gels, Amy George, Mark A. Goins, Kim Groeschen, Mary Groth, Ronald Hausfeld, Tricia Hausman, Daniel Heck, Carol Ann Henry, Terry Herman, Christine Hess, Sean Hodges, and Eric Irwin.

Leslie Jagoditz, Oliver A. Jawwaad, Jr., Thomas Kahle, Susan Klein, Mary Ann Knoop, Kristen Kohlbrand, Brian Kreinbrink, Laura Krommer, Jeffrey Krusling, Connie Lambert, Denise Lane, Missy Lauer, Micheal Leik, and Kate MacKinnon.

Julie Mann, Nicole M. McClain, Megan M. McKenna, Michael McKenna, Katy Meinhardt, Jeff S. Miller, Missy Morgan, Robert D. Morrison, Kim Moyer, Melissa A. Mullenix, Ron Murphy, Scott Murray, Bill Neyer, Colleen O'Conner, and Laura L. Ollier.

Tina Overbey, Lori Overturf, Greg Pax, Brian Poe, David A. Poe, Richard M. Prior, Renee Rayburn, Joel Reginelli, Misti Riggenbach, Rebecca A. Robinson, and Becky Ross.

Elizabeth M. Ryland, John D. Schacht, Tammy Severt, Patrick D. Shea, Stephanie Spangler, Angela Stout, Nancy S. Thiele, Sharon Vandon Bosch, Lena E. Wagner, Herb Weigel, Sean D. Wells, and Chris Wilson.

I would especially like to honor William E. Smith, director of Operation Youth, and Professor of accounting and finance at Xavier University. His dedication in ensuring the success of the programs has been unsurpassed. His efforts, as well as those of the staff, enabled over 100 young citizens to gain new insight into the workings of democracy. The staff included:

Mr. Michael A. York, program director; Ms. Marsha Telles, chief-of-staff; senior staff members; Brenda Green, Denise Heckman, W. Timothy Kelly and Michael Vorbroker; and junior staff members: Michael Davis, Kim Grote, Michael Hughes, Roger Jones, Michele Spaeth, and M. Michelle Wermes.

Mr. Speaker, I am happy to pay tribute to this outstanding and worthwhile program.●

PRESIDENT HURTING STATE AND LOCAL GOVERNMENTS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. GARCIA. Mr. Speaker, a June 17, 1985, article in the National Association of Counties' magazine, County News, clearly expresses the damage that the President's tax proposal would cause to State and local governments. The nondeductibility of State and local taxes would lead to a drop of municipal credit ratings and a general immigration of affluent families from high-tax States to low-tax States. This would leave the less mobile low and moderate income families with greater burdens and fewer resources. Also, as CRS has reported, for every dollar of revenue generated by this repeal of deductibility, State and local governments would be forced to cut their local services by 47 cents. That is almost half! We must not allow this to happen. I hope my fellow colleagues will join me in opposing these measures and preventing the President from doing untold damage to our State and local governments. As the article says, this proposal is not fair in the area of State and local taxes. I hope my colleagues and I can come up with a fair proposal.

I respectfully submit the following article to the RECORD:

[From the National Association of Counties, County News, June 17, 1985]

DEDUCTIBILITY PROPOSAL IS UNFAIR AND ILL ADVISED

When it comes to the treatment of state and local governments, there are two words that describe the President's proposal for revamping the nation's tax code: unfair and ill advised.

It is unfair because it fails to take into account the revival of the President's New Federalism initiative, which, when coupled

with the deficit cuts proposed for fiscal 1986 and beyond, will shift greater and greater financial responsibilities to local governments and to local taxpayers.

First the President says, in effect, "We can no longer afford to continue financing state and local governments at such high levels."

We can accept that—and county governments have endorsed freezes, which amount to cuts, in almost all federal programs.

But then the President adds, "We're also going to make it more difficult for state and local governments to raise money they will need to meet these extra responsibilities: We're going to charge people a tax on a tax by eliminating deductibility of state and local taxes on federal income tax forms."

That's why it's unfair.

But it's also ill advised because it will have serious and perhaps unanticipated effects on the abilities of local governments to finance their operations.

Take, for example, the impact it will have on housing values.

Let's say a $100,000 house has an annual property tax of $1,500. Taxpayers in the 40 percent backet would save $600 annually by using the existing deduction. The loss of the deduction will eliminate those savings, and could reduce the market value of the home to $95,000.

What does this mean for counties at reassessment time? Not only will the loss of deductibility make it harder for counties to raise taxes, it will reduce the tax base, generating less revenue from the same rate.

In some counties that could mean that a typical homeowner will end up paying more money to the local government for less service—or more money still for the same level of service as under the existing tax code.

Some other problems that could result from elimination of deductibility:

Essential services most important to families could be undermined. There would be less county money available for public education, public safety and infrastructure. And these reductions would come at a time when even the federal government is calling for improvements in the quality of education, when the public is demanding higher levels of police protection and when the nations' infrastructure is in an all-time state of disrepair.

In addition, the Congressional Research Service estimates that for every dollar of revenue generated by the repeal of deductibility, state and local governments would be forced to cut back on local services by 47 cents. That would translate to a $19 billion reduction in education and other basic services by 1990.

Reduced ability to raise taxes would cause sharp downgradings of municipal credit ratings, hence higher costs at a time when the need to borrow may be greater.

Businesses and more affluent families from high-tax states would migrate to low-tax states, leaving the less-mobile low and moderate income families and disadvantaged persons with greater burdens and fewer resources.

In sum, the President's proposal on state and local taxes, if adopted, would wreak havoc on state and local governments.

The answer: It must not be adopted.

NACo policy has long called for revisions in the nations system for collecting income taxes. But the basis of that policy has been to replace the old system with one that is fair and fully considered. At least in the area of deductibility, the President's proposal is neither.●

COMMEMORATING THE OBSERVANCE OF BERKSHIRE WEEK AT THE MASSACHUSETTS STATE HOUSE IN BOSTON

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. CONTE. Mr. Speaker, I rise today in proud recognition of the fourth annual Berkshire Week, a celebration of Massachusetts' Berkshire County, to be observed the week of June 23 at the State House in Boston.

Many of my colleagues in the House might have chanced to see the travel section of the June 16 Washington Post, in which was featured this incredibly beautiful, yet versatile corner of our country.

Berkshire County constitutes the western most portion of the Commonwealth. Its rolling hills and spacious valleys stretch from the Connecticut River Valley, west to New York State; from the Litchfield Hills in the northwest corner of Connecticut, north to Vermont's majestic Green Mountains.

This year's celebration will focus on the history of the county, as well as its many parks and its long tradition as a home to the arts. To accentuate these themes, the celebration will include exhibits from the renowned performing arts centers at Tanglewood and Jacob's Pillow, the Sterling and Francine Clark Art Institute, the urban Heritage State Park in North Adams, and the Berkshire County Historical Society.

The history of the Berkshires is a long and rich one. It began in 1692, when a small group of Dutch farmers from the Hudson River Valley migrated east to settle the region, which they promptly described as a hideous, howling wilderness. The brutal winter of 1776 did nothing to dispel this view of the Berkshires as Gen. Henry Knox struggled over the hills enroute to Dorchester to deliver to General Washington 78 British cannons captured at Fort Ticonderoga.

By the late 19th century, the image of the Berkshires had changed considerably. This once howling wilderness had become the American Lake District, inspiring the writings of Bryant, Longfellow, Holmes, Hawthorne, Melville, Wharton, and St. Vincent-Millay. More recently, these hills and valleys have inspired the respective works of Norman Rockwell, Serge Koussevitzky, Stefan Lorant, and William Shirer. Just what it is that attracts such great talents to the Berkshires is perhaps best summed up in the explanation that art is an extension of nature.

Today, much of the simplicity of the Berkshire's earlier history goes on. In fact, there are some areas in the county where one can easily imagine that one is still in an era gone by. But, this is not to say that time has passed over the Berkshires; though the towns still spill over with Yankee tradition, the cities of Pittsfield and North Adams reflect the pleasures and the problems of all the Northeast's urban areas.

Mr. Speaker, I applaud this celebration of my beloved Berkshires, and I welcome the opportunity it gives me to, if you will, blow my own horn. The Berkshires are my home, and like the rest of the Commonwealth to which they belong, make up what one author called, a remarkable civilization at once dying and being born anew. I invite my colleagues to come north sometime and see why.

Thank you, Mr. Speaker.●

IN SUPPORT OF CLEAN COAL AND H.R. 2754

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. SHARP. Mr. Speaker, last week I joined my colleague from Pennsylvania in introducing the Clean Coal Technology Authorization Act of 1985, H.R. 2754, as a means of eliminating the two primary barriers to expanded domestic coal use.

Our Nation has about 300 years of coal reserves at present consumption rates and although increased coal use has been a major feature of our energy policies in the last decade, we could still significantly increase its use.

The Fossil and Synthetic Fuels Subcommittee is holding a series of hearings on barriers to expanding the utilization of this vast resource base. We also released last week a staff report on this subject. It is clear from what we have heard so far that environmental barriers are the major constraint to the increased use of coal.

We have heard testimony which indicates that emerging clean coal technologies hold the key to unlocking the full potential of these reserves. However, the introduction of these technologies in the electric utility sector, the sector currently consuming more than 80 percent of the coal consumed domestically, is hindered due to the regulatory environment in which utilities operate.

These utilities find it nearly impossible to assume the costs and the risks involved in the first-of-a-kind demonstration of these technologies at or near commercial scale.

The Department of Energy has had a policy of funding projects only up to the proof-of-concept scale. This policy has been viewed by the Congress and the industry as the second major road-

block to the commercialization of emerging clean coal technologies.

Last year the Congress recognized these two problems and, in section 321 of the continuing resolution, created the Clean Coal Technology Reserve. The Reserve was authorized at $750 million, using money rescinded from the Synthetic Fuels Corporation.

The administration continues to be reluctant to request an appropriation for the program and has complained about the lack of guidance Congress has provided as to the criteria to be used to select projects.

The bill introduced by Mr. WALGREN addresses environmental obstacles to coal use and the difficulty of funding risky technologies, and it provides the guidance that the administration has claimed it lacks.

The congressional desire to accelerate the commercialization of clean coal technologies, combined with the administration's delay in making any contribution to the debate on project selection criteria, has created pressure to fund the program on a project-by-project basis.

We believe that this bill provides a preferable approach to congressional project selection. However, if this approach fails, line-item funding of projects would be preferable to no action on these technologies.

H.R. 2754 provides that total funding supplied by the U.S. Government shall not exceed 50 percent of the aggregate cost of all projects funded under this program.

This not only increases the impact of Federal dollars, but it also will guarantee that market forces play the leading role in selecting which technologies are closest to being ready for the marketplace. At the same time it ensures that the industry will bear a fair share of the risk.

However, more important to the program's implementation is the fact that this bill provides clear guidance on the selection criteria to choose projects necessary to achieve the goal of using domestic coal in an environmentally sound manner.

This makes good sense for the health of domestic coal and related industries directly in terms of jobs and economic stability. By decreasing our dependence on foreign sources of fossil fuels, it also indirectly strengthens the domestic economy.

Finally, I would like to commend my colleague from Pennsylvania, Mr. WALGREN, for his leadership on this issue. The nucleus of ideas for this program came out of a field hearing of the Fossil and Synthetic Fuels Subcommittee which he chaired in Pittsburgh in December 1983.

The Walgren amendment to the Department of Energy Authorization Act of 1984, adopted by the Energy and Commerce Committee in April 1984, became the first outline of the type of Clean Coal Program later established in the continuing resolution.

Those of us who are eager to expand the use of coal in an environmentally acceptable manner are grateful for his leadership and his hard work on this issue.●

A TIME OF CRISIS

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. TALLON. Mr. Speaker, the bombing of our Embassy in Beirut occurred after the seizure of our Embassy in Iran. After the destruction of the Beirut Embassy, there were numerous reports of continued security lapses at American embassies in nations where we had every reason to expect terrorist violence directed against American embassies.

We must move expeditiously to address not only the problem of security at international airports but also the problem of danger posed to Americans in the various areas where lax security invites terrorists to seize, torture, and murder innocent victims to fulfill their fanatical aims. As policymakers, we should be able to tell our constituents that we have made every effort to ensure their safety at home and abroad.

This is certainly a time of crisis when all Americans must stand together in support of our President. But, Mr. Speaker, it is also imperative that we act immediately to curb the possibility of a repeat of recent incidences where American citizens have been taken hostage by terrorists.●

"ST. MARY'S ON THE HILL" CELEBRATES CENTENNIAL

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. KANJORSKI. Mr. Speaker, I would like to bring to your attention an event of great importance to the city and people of Wilkes-Barre. St. Mary's Church of the Maternity, on Park Avenue, is celebrating its centennial this year.

It was 100 years ago that a group of individuals in the Wilkes-Barre area decided to band together to establish a Polish-speaking parish. Until then, Polish-speaking Catholics had to travel to Nanticoke to hear the word of God in their own language. At that time, there were no streetcars, or any other public transportation between the two cities, so they had to walk the distance on Sundays and holidays. With the influx of immigrants to work in the coal mines, the need for establishing a parish closer to the Polish-speaking communities in this area became greater.

In 1884, the first meeting was called by the founders of the parish. In 1885 the group celebrated Mass in the German School on the corners of South and Canal Streets. The enthusiasm shown for a new parish led the founders to purchase a lot between Park Avenue and Hancock Street, where they erected a small wooden building to serve as their church.

By 1886, the need for more room led to the construction of a second church facing Park Avenue. The original building came to be used for a school. The parish had grown from 80 families to over 300 families in just a few short years, but it continued to use these same facilities until the late 1950's. In 1961, the parish chose to build a new church rather than pay for the massive modernization needed to rehabilitate the older building.

In 1923, the parish built a school on the parish grounds. Marymount School, an elementary and high school, was known throughout the area for its academic and extracurricular activities. Marymount closed in 1971—as did many small Catholic schools in the area—but soon became part of a new school complex, Bishop Hoban High School.

St. Mary's on the Hill, as it is affectionately called, should be rightfully proud that during this, its centennial celebration, it remains close to the hearts of so many people in the Wilkes-Barre area. Mr. Speaker, I am pleased to bring the happy news of this centennial to your attention.●

DISASTROUS TORNADOES HIT FOURTH DISTRICT

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. KOLTER. Mr. Speaker, it seems that the tornadoes which hit my district on May 31 of this year have caused more damage than was immediately visible to the eye. I have recently learned that many of the individuals in my district, who have already lost their jobs, will now be losing their Federal supplemental unemployment compensation because of the tornadoes.

Many of the thousands of people in my district who are unemployed are also in the Pennsylvania National Guard. When the Governor called out the National Guard to assist the local governments and to help clear the rubble and aid the hurt and the homeless, they dutifully answered the call and pitched in to help their neighbors in a time of trouble. Now, those people will lose current and future Federal

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unemployment benefits, because they worked 1 week in the National Guard.

I have directed my staff to work with the office of the legislative counsel to draft a bill that would restore benefits to those individuals who answered the call of their friends and neighbors in need. I do not believe that the law was meant to punish these people. I am asking my colleagues to join me in righting this wrong.●

NATIONAL POW RECOGNITION DAY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 1985

● Mr. DORNAN of California. Mr. Chairman, I am happy to join in recognizing the need to set aside a day in recognition of our American prisoners and missing. I have joined in the observation of every such day since the first one was held at the National Cathedral in 1979. Each year that passes without a resolution of the question of the fate of those missing in Indochina makes such an observance that much more painful, and that much more necessary.

I have worked on this issue for almost 20 years, now, both in private life as a radio-television personage and in this body, where I am proud to serve. I worked to protect American prisoners in Vietnam and Laos by publicizing their situation, and to support their cause.

I have never in my 20 years been so proud of an American President as I am of President Ronald Reagan's attitude, efforts, and accomplishments toward gaining an accounting of our American prisoners and missing in Southeast Asia. I know how frustrating it is for those whose husbands, brothers, fathers, and sons are still missing, or worse yet, prisoners who were never returned. Yet at this time when frustration seems to mount, we need more than ever to be united and patient as we work together toward that goal—a complete accounting for those gone on and the return of those who may still be alive.

Abraham Lincoln noted that a house divided cannot stand. So it will be with our efforts to gain that accounting. Let us put aside our conspiracy theories, and our personal and petty rivalries, and our irritation at what is at bottom the fault of the Vietnamese for not being forthcoming. They beat us before because we allowed ourselves to be impatient, and because we allowed our impatience to divide us. I ask all those who are working so hard to attain this goal we all share: let us work together, and not become divided.

This President will deliver if we give him the chance. I ask all those who are working on this to join me in supporting his efforts at this time.●