HOUSE OF RESPRESENTATIVES—*Thursday, June 27, 1985*

The House met at 10 a.m.

The Reverend Dr. Ronald F. Christian, assistant to the bishop, American Lutheran Church, Fairfax, VA, offered the following prayer:

O God, Eternal Father:

We begin this day with a word to the Giver of Life before we speak our own words.

We pause to listen in the quiet of a moment before we become so distracted with our activities that there is no time to hear.

We stop to give thanks so we can move on with gratitude.

Gracious God:

Deal kindly with our citizens in hostile situations;

Comfort the bereaved in their loss;

Confirm the faith of the doubting; and

Restore the zeal of the fainthearted.

O God, help us, in whatever our lot, to know that success is not final, and failure is not fatal, but courage counts!

Grant to us all, neither too much success, nor too great a failure, but rather courage in all seasons.

Amen.

THE JOURNAL

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

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

MESSAGE FROM THE SENATE

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

H.R. 2475. An act to amend the Internal Revenue Code of 1954 to simplify the imputed interest rules of sections 1274 and 483, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2475) "An act to amend the Internal Revenue Code of 1954 to simplify the imputed interest rules of sections 1274 and 483, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PACKWOOD, Mr. ROTH, Mr. CHAFEE, Mr. HEINZ, Mr. DURENBERGER, Mr. LONG, Mr. BENTSEN, Mr. MATSUNAGA, and Mr. MOYNIHAN to be the conferees on the part of the Senate.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 2800. An act to provide authorization of appropriations for activities under the Land Remote-Sensing Commercialization Act of 1984.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1699. An act to extend title I and part B of title II of the Energy Policy and Conservation Act, and for other purposes.

PERMISSION FOR SUBCOMMITTEE ON GOVERNMENT ACTIVITIES AND TRANSPORTATION OF THE COMMITTEE ON GOVERNMENT OPERATIONS TO SIT TODAY DURING THE 5-MINUTE RULE

Mrs. COLLINS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Government Activities and Transportation of the Committee on Government Operations be permitted to sit and receive testimony while the House is proceeding under the 5-minute rule today, June 27, 1985.

The SPEAKER. Is there objection to the request of the gentlewoman from Illinois?

Mr. ROTH. Mr. Speaker, reserving the right to object, has this been cleared with the minority?

Mrs. COLLINS. Mr. Speaker, if the gentleman will yield, yes, it has been OK'd by the minority.

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

The SPEAKER. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will announce that we are suspending the 1-minutes today.

PERMISSION FOR COMMITTEE ON FOREIGN AFFAIRS TO HAVE UNTIL 5 P.M., MONDAY, JULY 1, 1985, TO FILE REPORT ON HOUSE JOINT RESOLUTION 187, APPROVING COMPACT OF FREE ASSOCIATION BETWEEN THE UNITED STATES AND GOVERNMENTS OF THE MARSHALL ISLANDS AND THE FEDERATED STATES OF MICRONESIA

Mr. BONKER. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs have until 5 p.m., Monday, July 1, 1985, to file a report on the joint resolution (H.J. Res. 187) approving the Compact of Free Association between the United States and the Governments of the Marshall Islands and the Federated States of Micronesia.

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

There was no objection.

CONFERENCE REPORT ON S. 883, EXPORT ADMINISTRATION ACT OF 1979 EXTENSION

Mr. BONKER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the Senate bill (S. 883) to extend the Export Administration Act of 1979.

The Clerk read the title of the Senate bill.

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

There was no objection.

Mr. BONKER. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of Tuesday, June 25, 1985, at page H4905.)

Mr. BONKER (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

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

There was no objection.

The SPEAKER. The gentleman from Washington [Mr. BONKER] will

☐ 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.

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be recognized for 30 minutes and the gentleman from Wisconsin [Mr. ROTH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Washington [Mr. BONKER].

Mr. BONKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. BONKER. Mr. Speaker, I am pleased to bring before the House today the conference report on S. 883, the Export Administration Amendments Act of 1985. This legislation is the result of more than 2½ years of deliberations by both the House and the Senate, including 7 months in conference during the 98th Congress. The House bill, H.R. 1786, is a modified version of the legislation which the House passed last October, but died in the final hours of the session. This conference report on S. 883 is basically the text of H.R. 786, with only a few modifications.

The Export Administration Act is a critical piece of legislation that authorizes the President to control exports for national security, foreign policy, and short supply purposes in order to ensure the proper and effective control of goods and technology that could ultimately flow into the hands of adversarial countries.

Mr. Speaker, I am going to forgo a lengthy statement summarizing the complex provisions and extensive consideration of this legislation. This House on several occasions has taken up and debated extensively the Export Administration Act.

Although differences continue to exist between the House and Senate on interpretations of specific provisions, we have finally produced as a result of intensive negotiations over the past few months, a compromise package, one that I believe is proudly supported by all the principals, and one that I believe we can send to the President with every confidence that he will sign it into law.

Mr. Speaker, with House passage of this conference report, the reauthorization of the Export Administration of 1979 is complete for 4 more years. While these amendments constitute significant change to more effectively protect the national security and reduce unnecessary restrictions on U.S. exporters, these efforts fall short of the larger goal of fundamental reform of U.S. export control policy. To this end, I will continue my efforts to develop a more rational and efficient export control system. The Subcommittee on International Economic Policy and Trade of the Committee on Foreign Affairs intends to conduct very close oversight of the implementation of the Export Administration Amendments Act of 1985, and in particular, of activities of the agencies involved in implementing the act.

I note for the record a recent example of the questionable efforts by executive branch agencies in enforcing the act, which this reauthorization legislation seeks to eliminate. Within recent weeks the U.S. Customs Service has sent letters to several exporters stating the following:

As you may be aware, the U.S. Customs Service has the responsibility for the enforcement of the export control laws governed by the U.S. Department of Commerce and the U.S. Department of State and do so under the Operation Exodus Program. We are aware your firm has exported licenseable merchandise in the past and has had or still has an export distribution license issued by the U.S. Department of Commerce. In connection with this, we have instituted an Export Examination Program as part of Exodus which will initially concentrate on firms such as you which have or have had distribution licenses. The possibility for abuses of the distribution license is cause for great concern to the U.S. Customs Service and has led to the institution of this examination program.

Mr. Speaker, the conference report and accompanying statement of managers clearly delineates the responsibilities of both the Commerce Department and Customs Service in enforcing this Act, and reaffirms that the Department of Commerce has primary responsibility for licensing and domestic enforcement of the Act. It is certainly my intention, and I believe that of the other conferees on this bill, that such duplicative efforts as this example of the Customs' attempts to audit distribution licenses cease.

Mr. Speaker, just briefly, I wish to remind my colleagues that the Export Administration Amendments Act of 1985 contains a number of important reforms that will help to eliminate many of the unnecessary controls on the export of U.S. technology. In the conference report on S. 883, we maintain the Defense Department role in reviewing licenses for shipments of technology to controlled countries and maintain the existing system with respect to shipments of technology to Free World countries. Indeed, we have taken a number of steps to remove many of the unnecessary license requirements on technology shipments to Cocom countries. We have addressed the issue of foreign availability so that our exporters will not be denied market access when other countries are not adhering to similar requirements. We have strengthened the enforcement authority of the Commerce Department to enable the Commerce Department to effectively carry out its authority in this law.

Mr. Speaker, with respect to the foreign policy section of the conference report before us, our intent was to place into law a so-called contract sanctity provision which would in effect remove the President's authority to terminate contracts for foreign policy reasons in the future. We need not debate this extensively because Congress has spoken very clearly. We do maintain a so-called breach-of-peace provision to give the President some authority in extraordinary cases. Mr. Speaker, there are a number of other major reforms in this conference report that have been debated and agreed to by a majority on both sides of the aisle.

In conclusion, I would like to commend the members of the subcommittee, notably the ranking majority member, the gentleman from Wisconsin [Mr. ROTH], for his patient and painstaking work over the course of the last 3 years in the formulation of this legislation. He has been extremely cooperative and has mastered very complex sections of the legislation. In addition, I would like to commend my colleagues, the gentleman from California [Mr. ZSCHAU], the gentleman from Nebraska [Mr. BEREUTER], and the gentleman from California [Mr. BERMAN] for their invaluable contributions to this product that we now bring to the floor.

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Mr. ROTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to take this opportunity to commend the gentleman from Washington [Mr. BONKER] for the superb job that he has done. I have said on this floor often that his knowledge is without equal in the House when it comes to the Export Administration Act, and I mean that sincerely.

I also want to thank the staff for the fine job they have done.

Two days ago the House and the Senate conferees on the Export Administration Amendments Act of 1985 pleased everyone by completing action on this bill—an effort which started more than 2 years ago.

Today we bring before the House the conference report on the Export Administration Act. It truly represents a bipartisan effort, as our chairman has mentioned, to bring our export control laws in line with the realities of the 1980's.

While action has essentially been completed on this legislation, I think we want to abbreviate our remarks somewhat today because of the legislation that is following this particular act.

In my judgment, many of the new provisions have been sorely needed.

For example, we now provide for much stricter penalties for persons caught selling U.S. goods and technology to the Soviet bloc. The theft of American high technology by the Soviet bloc has cost the United States billions of dollars in additional defense spending. The Soviets have had a ready U.S. technology shopping center at their fingertips, open 24 hours a

day. And their shopping list is the size of the yellow pages.

We have all been outraged by the recent Walker case and the compromising of our national security. Unfortunately, there are persons in this country who put profit before country. For someone who is greedy, the temptation becomes all that much greater when the penalties consist of a mere slap on the wrist. The enforcement provisions in our new bill are a principal reason why we need not delay this legislation any longer.

This bill also requires a much more efficient and streamlined export licensing operation in our Government. It eliminates the need for some 40,000 to 50,000 export licenses. We have no business requiring our exporters to obtain licenses to sell low-technology items to our allies. The bill shifts our manpower resources at the export licensing stage to more carefully review U.S. overseas sales of high-technologies. With a limited staff, the Commerce Department now reviews about 125,000 licenses. The new law eliminates about 40 percent of the workload. This provision will enable Commerce's licensing officers to scrutinize more effectively high-technology trade flows and destinations and improve our ability to detect surreptitious transactions.

Also, the Commerce Department is now required to improve its turnaround time on license applications for high-technology sales to our allies. In today's era of computer and word processing technology, 15 days should be a sufficient amount of time to approve or deny a license.

The new law reflects a firm commitment by the Congress to close the U.S. high-technology supermarket to the Soviet Union. But commitment and implementation are not one and the same. We expect the administration to resolve internal disputes and to manage U.S. export controls in a responsible fashion. And, we expect our allies to be forthcoming in joining us in caulking our borders to prevent further high-technology leakages to the Soviet bloc.

Mr. Speaker, conference members and our staffs have put countless hours into fashioning this important piece of legislation. It represents a victory for the business community and a victory for safeguarding our Nation's critical technologies. I am proud to bring this bill before the House today and anticipate swift action by the Senate.

Mr. Speaker, I yield to the gentleman from California [Mr. LAGOMARSINO].

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

Mr. Speaker, I rise in strong support of this conference report and to commend the chairman, the gentleman from Washington [Mr. BONKER], and the ranking member, the gentleman from Wisconsin [Mr. ROTH], the other members of the committee, and particularly the staff, for doing a great job in a very difficult and controversial field.

The bill as now presented to the body does two things. It makes it easier and more efficient for exporters in this country and it does tighten up on critical technology possibly going to the Soviets.

So I commend the chairman and the ranking member and urge my colleagues to support the report.

Mr. ROTH. Mr. Chairman, I yield to my other colleague, the gentleman from California [Mr. ZSCHAU], who has done a great deal of work on this Act as well.

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

Mr. Speaker, I just want to rise in strong support and commend the gentleman from Washington [Mr. BONKER] and the gentleman from Wisconsin [Mr. ROTH] for their outstanding leadership as they shephered this bill through 2 years plus of negotiations within the House and then in a difficult conference with the other body.

Mr. Speaker, one of the most controversial issues in the Export Administration Act of 1985 was defining the authority of the Secretary of Defense in reviewing proposed exports of goods and technology to countries other than controlled countries.

The bill that passed the other body in the 98th Congress contained an amendment to section 10(g) of the act, which is the section that describes the authority given to the Department of Defense in reviewing export license applications. This amendment would have given broad, new authority to the Department of Defense to review proposed exports to countries other than controlled countries.

The House bill in the 98th Congress contained no amendment to section 10(g). On this issue, the House position prevailed and, as a result, the bill that is before us today, S. 883, contains no amendment to section 10(g).

I would like to remind my colleagues that in the debate on the House floor on April 16, 1985, concerning the bill H.R. 1786, it was made clear that the House interprets section 10(g) of the Export Administration Act as amended by the legislation before us as providing no authority to the Secretary of Defense for reviewing proposed exports to countries other than controlled countries. In other words, the Department of Defense review of proposed exports of goods and technology to countries other than controlled countries would be illegal under the Export Administration Act of 1985.

Mr. Speaker, the reason why the House has opposed expanding the review authority of the Secretary of Defense is that there is no evidence that the Department of Defense is able to identify potential sources of diversion better than the Department of Commerce. However, there is evidence that involving the DOD in the licensing process adds considerably to the delays our exporting companies experience in getting approval to make perfectly legal shipments.

It now appears that time is proving the House position right. In February 15, at the direction of the President, the Department of Defense began reviewing applications for exports of certain goods and technologies to certain destinations other than controlled countries. At a hearing held on April 23, 1985, before the Subcommittee on International Economic Policy and Trade both Acting Assistant Secretary of Commerce, William Archey and Assistant Secretary of Defense, Richard Perle, agreed that the Defense Department, after reviewing over 2,000 applications of proposed exports to countries other than controlled countries had not identified any potential sources of diversion that the Commerce Department had not already identified. Since the April hearing, the Defense Department has reviewed many more licenses in these catagories, and has yet to make any difference in the licensing process except for making it more difficult for U.S. exporters to make timely shipments to their customers in the world.

I look forward to working with the chairman of the subcommittee, Mr. BONKER, and the ranking member, Mr. ROTH, to ensure administration compliance with the provisions of the Export Administration Act of 1985.

Mr. ROTH. Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

Mr. BONKER. Mr. Speaker, I want to take this opportunity to commend the gentleman from Michigan [Mr. DINGELL], the chairman of the Energy and Commerce Committee, and the gentleman from New Jersey [Mr. RODINO], the chairman of the Judiciary Committee, for their cooperative efforts in conference and their support of the conference report that is before us.

I would also like to express my deepest appreciation to the chairman of the Foreign Affairs Committee, Mr. FASCELL, for this wise guidance and support through this marathon effort. Rarely has there been a full committee chairman more supportive of his subcommittee chairmen. I greatly value his leadership and contributions in our efforts to renew this vital legislation.

● Mr. RODINO. Mr. Speaker, the Committee on the Judiciary has long

been concerned about the critical importance of coordination of law enforcement powers in various agencies of the executive branch. Federal police powers must be exercised consistently and responsibly in order to ensure the most effective operation of law enforcement functions and to safeguard individual liberties.

As a conferee on this bill, I am pleased that the conferees agreed on the need for uniformity and coordination of Federal police powers. The conference report (sec. 113(b)(4)) requires that any new law enforcement authority of the Commerce Department be exercised only pursuant to guidelines approved by the Attorney General. The Attorney General, as the chief law enforcement officer of the Federal Government, must set the policies for implementation and execution of Federal law enforcement powers. Such coordination is essential to the efficient, fair, and sensible implementation of the law enforcement powers of the entire Federal law enforcement system. The statutory requirement of guidelines issued by the Attorney General is not extended to the Customs Service, since the law enforcement authority of the Customs Service is not new. However, it is intended that there be consultation between the Attorney General and the Secretary of the Treasury on the exercise of law enforcement authority under this act by the Customs Service. To the extent feasible, this consultation should produce guidelines for Customs Service enforcement consistent with those applicable to the Commerce Department.●

● Mr. BEREUTER. Mr. Speaker, I am pleased to support the conference report on S. 883, the Export Administration Amendments Act of 1985. This bill amends the 1979 Export Administration Act, and renews the export controls the administration has been operating under—the President's emergency powers since March 1984.

The bill provides for export facilitation provisions that will give encouragement and incentive to the agricultural sector of our country as well. The legislation will free many exports from licensing requirements and speed the paperwork for those that still need Commerce Department approval. Among the protections granted agricultural exports are:

Exemption from national security controls;

Protection of agricultural export contracts from short supply and foreign policy controls;

"Contract sanctity," protecting all U.S. export contracts from disruption from future foreign policy export controls, except for "breaches of the peace" and in declared national emergencies; and

Future agricultural export embargoes are subject to automatic termination unless approved by Congress in 60 days.

In addition, the bill provides a number of export controls for national security reasons and grants new enforcement powers to Commerce and Customs as well as stiffer penalties. Retained in the bill is the current Presidential authority granted the Defense Department to review licenses for proposed exports to potential adversary countries. Further authority is granted to deter imports from foreign violators of export controls if approved by allies. The bill also requires congressional approval of nuclear cooperation agreements that don't meet nuclear nonproliferation act criteria. The bill strikes the proper balance between restricting technology shipments for national security reasons and avoiding harm to U.S. exporters. More than $30 billion in technology shipments a year will be affected by the provisions of S. 883.

I want to congratulate the conferees on their excellent work in reaching agreement on this necessary legislation and bringing it swiftly to the House floor. I urge Members to support this conference bill. It reflects the will of the House in all its major provisions. The bill is expected to achieve swift Senate passage as well when that body acts today on the conference report. This legislation will allow us to bring to a close the necessary operation of export controls under the President's emergency powers, and will restore congressional authority in this important area of export facilitation and control. I especially want to congratulate our chairman, DON BONKER, and the ranking minority member, TOBY ROTH, for their superb work in advancing this legislation and the work of the conferees. I urge the House to support passage of the conference report on S. 883.●

● Mr. MICA. Mr. Speaker, I rise in support of the conference report on the Export Administration Act and urge its adoption. Over 2 years of hard work have gone into this effort, and the time has come to move forward.

When signed into law, the long-delayed reauthorization of the Export Administration Act will ease many of the licensing and procedural restrictions on shipping products overseas, and limit Presidential authority to levy trade embargoes for foreign policy purposes. Moreover, it is a critical step toward making better sense of what sensitive technology and goods, such as computers, should be withheld from unfriendly countries, and what should be freed of bureaucratic obstacles and redtape.

The need for such legislation is crystal clear. In past years, the Government has dramatically increased the administrative and competitive burden on exporters. Considering that one out of every six jobs in this country is export related, and that trade constitutes about 14 percent of our gross national product, that is a policy we can scarcely afford to continue.

More than 2 years ago, my colleagues and I on the House Trade Subcommittee drafted legislation revamping our Nation's high-technology export control law. Our goal was simple: To unleash the entrepreneurial ability of our high-tech community with a minimum of government interference—consistent, of course, with national security requirements.

That simple goal quickly became subject to complex negotiation. Bills on nuclear exports and trade with South Africa, and infighting between the Defense and Commerce Departments, stymied the proposal for 2 years. In long negotiating sessions between House and Senate conferees, however, we managed to compromise on these and other unrelated issues while keeping intact major new provisions for exporters.

Among these are comprehensive and bulk operating licenses for high-tech shipments abroad, instead of the present cumbersome and time-consuming process. Today, U.S. exporters face licensing delays of 4 to 6 months before shipping to Western trading partners. Their Japanese counterparts can be licensed in a month or less. The new EAA will significantly reduce this competitive disadvantage.

In addition, a large number of low-technology products, such as personal computers, will be exempt from Commerce Department licensing requirements when sent to Western allies.

Although the American business community can be encouraged by congressional action on EAA, we are still confronted with major trade problems.

For the first time since World War I, the United States has become a debtor nation. We now owe foreigners more than they owe us.

Moreover, our annual trade deficit for several years running has been more than $100 billion annually. By the end of the year, that figure may soar to $150 billion.

These are frightening statistics with clear implications for all Americans. According to the President's Commission on Industrial Competitiveness, lost sales to foreigners have slowed our economic growth by about one-third. That translates into more than 2 million lost jobs.

Even our once-dominant electronics industry is staring at a $12 billion deficit this year, a staggering about-face from a $7.4 billion surplus in 1980.

These are trends which, if not reversed, will mean even more lost jobs, a lower standard of living for all our citizens, and ultimately, a threat to our national security.

It was with these concerns in mind that a handful of the Nation's high-technology manufacturers and myself met with Secretary of State George Shultz last Tuesday. That Secretary Shultz took time to meet with us despite his intense involvement with the Beirut hostage crisis speaks to the immediacy of this problem.

The topic was a petition recently filed by the Semiconductor Industry Association over lack of access to Japanese markets. Not only has Japan set market barriers to such American products as baseball bats, but it now appears that the Japanese may be undercutting market access to semiconductor products. Executives from Harris Corp. of Melbourne and Motorola Semiconductor told the Secretary that the $36 billion trade deficit with the Japanese could be substantially reduced if free trade were a reality.

In a larger sense, our message to the Secretary was this: If our Government does not quickly move against the unfair trade practices of some of our competitors, the voice of reason will be drowned out by the voice of emotion.

Already in Congress, there are advocates of strong protectionist legislation. Although I oppose such measures in principle, it is critical that the Secretary be prepared to counsel President Reagan on the need to be responsive to the American business.

Without active administration assistance—not interventionism, but assistance—my colleagues and I will surely seek legislation that responds to this crisis. The American people will not sit idle while our economic base is undermined.

The most responsive act, however, that the President and Congress could undertake is balancing the Federal budget. It is estimated that the superstrong dollar, which from 1980 to 1984 climbed 58 percent against an index of 10 major currencies, accounts for up to 60 percent of our trade deficit.

It is encouraging to note that the House and Senate are now negotiating spending reductions totaling more than $50 billion. We have no choice but to be optimistic, because nothing less than our future as a nation is at stake.

Finally, I would like to recognize my colleagues for their outstanding contribution to the reauthorization of the EAA, particularly Chairman DON BONKER for his leadership, Chairman DANTE FASCELL for his guidance, Mr. ROTH for his diligence, Mr. ZSCHAU for his detailed knowledge, and Messrs. BERMAN and BEREUTER for their fine work.

In the other body, I want to thank Mr. HEINZ, with whom I work on a number of issues, for his intelligence and perseverance, and Chairman GARN, a tenacious advocate.●

● Mr. AUCOIN. Mr. Speaker, I rise in support of the conference report to renew the Export Administration Act. I also want to commend my friend and colleague from Washington, Congress man BONKER, for all the work he has done to shepherd this bill through the House and to a final resolution with the Senate.

This lislationis long overdue. U.S. businesses have been operating without firm Federal guidelines as to how the Government will treat shipments abroad since the 1979 Export Administration Act expired last year.

Now, with the new bill, we have an opportunity to not only bring some certainty to export control policy, but also some sanity. For the high-tech companies in my district, who are trying to win the race against foreign competitors, nothing could be more essential.

International competition in the high-technology industryis tremendous. To stay on top, our companies must remain on the cutting edge of technology and they must beat their foreign competitors to the market with a new product.

Unfortunately, some of our own laws have worked against them. Excessive licensing requirements and licensing delays have caused U.S. exporters to lose sales and to lose solid reputations as reliable suppliers. Some companies in my district have waited more than 1 year for approval of export licenses involving sales to our own allies. Their Japanese counterparts can be licensed in a month of less.

Provisions in this legislation that I worked for and strongly support will help change that. For instance, we streamline the cumbersome licensing process and provide comprehensive and bulk operating licenses for high-tech shipments abroad.

Another important feature of this bill allows a number of low-technology products, such as personal computers that contain microchips, to be exempt from certain export restrictions. While it is clear that we should withhold the export of critical military technologies to our adversaries, it is also clear that we need to make better sensse of what goods should be restricted, and what goods should be free from bureaucratic burdens and redtap.

With our trade deficit topping $120 billion, we cannot afford to throw away export opportunities. Isn't it about time that we establish an export control policy tht balances national security concerns with economic reality?

The legislation before use today takes a good first step in the direction. It will help unleash the ability of our high-tech community to compete in the international market without harming our national security.

This legislation is a victory for U.S. exporters and I am pleased to support the conference report.●

Mr. BONKER. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BONKER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

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

There was no objection.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1986

The SPEAKER. 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.

□ 1014

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. 1972) 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. RUSSO (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 Wednesday, June 26, 1985, title X was open to amendment for amendments printed in the CONGRESSIONAL RECORD and debate on title X and all amendments thereto had been limited to 2 p.m. on Thursday, June 27, 1985.

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

Mr. Chairman, I would like to supplement what the Chair has said.

The first order of business this morning will be the Foley amendment, as agreed upon yesterday. At the conclusion of the Foley amendment then we will return to the regular order and take up amendments printed in the RECORD.

At 2 o'clock the gentleman from California [Mr. DELLUMS] will be recognized to present his substitute bill. Following the conclusion of that action, we will then return to the regular order and consider other amendments that have been printed in the

RECORD, to the conclusion of the defense authorization bill.

I thank the Chair.

AMENDMENT OFFERED BY MR. FOLEY

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

The Clerk read as follows:

Amendment offered by Mr. FOLEY: At the end of title X, (page 200, after line 4) add the following new section:

LIMITATION ON INTRODUCTION OF ARMED FORCES INTO NICARAGUA FOR COMBAT

SEC. 1050. (a) Funds appropriated to the Department of Defense may not be obligated or expended for the purpose of introducing the United States Armed Forces into or over Nicaragua for combat.

(b) DEFINITION OF COMBAT.—As used in this section, the term "combat" means the introduction of United States Armed Forces for the purpose of delivering weapons fire upon an enemy.

(c) EXCEPTIONS TO LIMITATION.—This section does not apply with respect to an introduction of United States Armed Forces into or over Nicaragua for combat if—

(1) the Congress has declared war or enacted specific authorization for such introduction; or

(2) such introduction is necessary—

(A) to meet a clear and present danger of hostile attack upon the United States, its territories or possessions; or

(B) to meet a clear and present danger to, and to provide necessary protection for, the United States embassy; or

(C) to meet a clear and present danger to, and to provide necessary protection for and to evaluate, United States Government personnel or United States citizens.

(d) EXISTING REQUIREMENTS PRESERVED.—Nothing in this section shall invalidate any requirement of Public Law 93-148.

(e) TREATY AUTHORITY PRESERVED.—Nothing in this section shall invalidate any authority of the United States to act in accordance with the Organization of American States under the provisions of the Inter-American Treaty of Reciprocal Assistance.

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

Mr. FOLEY. Mr. Chairman, present law, as adopted in the Defense Authorization Act last year, provides that it is the sense of Congress that United States forces should not be introduced into or over Nicaragua or El Salvador for combat purposes, with the term combat purposes being identically to the language of this amendment.

In the amendment before us currently however, we have eliminated El Salvador, since there was no prospect or discussion of the introduction of American forces into that country and we have added specific reference to the Rio Treaty to ensure that there is no concern, that any of the provisions of the Rio Treaty could be affected by this amendment.

Its purpose is to put this House firmly on record in support of the statements that have been made consistently by the President of the United States and reiterated within recent days, that it is not the administration's policy or intention to introduce American forces into Nicaragua.

Indeed, in the debates that we have recently had on the so-called Michel amendment, its supporters on both sides of the aisle have repeatedly stated that its adoption would prevent the necessity of the introduction of American forces into Nicaragua.

The amendment before us now, however, fully preserves the authority of the President to act in any instance in which our national security, or that of our territories or possessions or to protect our citizens and our embassy in Nicaragua if they are threatened.

It is not designed to do more than underscore the policy of this Government as articulated with virtual unanimity in statements from the President, the Assistant to the President for Press, Mr. Speakes, who has made constant reference to this in recent days, the Secretary of State, and the Secretary of Defense. Yet it has been necessary for those reassurances to be given constantly and repeatedly because of newspaper and other media suggestions that preparations were being undertaken to provide for direct U.S. intervention.

□ 1020

Public opinion in every poll and in every survey of which I am aware overwhelmingly opposes the introduction of American troops into Nicaragua. The opposition they express is as high as any that I have seen on any foreign policy question.

Adoption of this amendment will preserve whatever essential, necessary protections are required under our Constitution and under our national security requirements, while at the same time underscoring and placing this Congress and this House firmly in support of the President's assurances that the policy of the United States is not to use the armed forces of the United States for direct military intervention in Nicaragua.

The amendment has been drafted to include those possible exceptions that could raise any question about our ability to meet contingencies that might arise and to provide for the authority of the President to act under existing treaties and authorities presently given by the United States or by the Congress.

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

Mr. FOLEY. I will be glad to yield to the gentleman from Oklahoma.

Mr. McCURDY. I thank the gentleman for yielding. As the gentleman knows, I have had some reservations with the amendment, and the gentleman has been very cooperative in trying to address some of the concerns that I have had.

One of the concerns I had with the original amendment was the absence of any provision regarding the Rio Treaty and our commitment to aid and assist our allies and neighbors in the region who might be attacked for some reason by Nicaragua or some other foreign power, and that the gentleman's amendment might, if it did not have that provision, might not be broad enough to cover that contingency.

The gentleman has inserted in his amendment, as I understand, a provision to cover that remote possibility that we might have to invoke the Rio Treaty and be involved. I appreciate the gentleman for clarifying that provision.

But I do have a concern as to when we were discussing and developing the policy on the amendment that was adopted recently, the Michel-McDade-McCurdy amendment on Nicaragua, that there were some provisions that were of concern in the debate as to the Hamilton-Barnes provision, and there had been numerous statements by Members on my side of the aisle that were opposing our amendment indicating that they were going to draw the line, the Congress had drawn the line at the introduction of offensive fighter aircraft.

The CHAIRMAN pro tempore (Mr. DURBIN). The time of the gentleman from Washington (Mr. FOLEY) has expired.

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

Mr. McCURDY. If the gentleman will continue to yield, the concern was, and I think statements were made that yes, the United States would believe that the introduction of Mig aircraft and fighter aircraft would be a threat to the United States, and that is something that the Congress of the United States would certainly be opposed to, and the President has freedom to act.

What I would like to find out from the author of this amendment is whether or not it is his opinion, for purposes of legislative history, that the interpretation that his amendment would allow the discretion for the President to act in the case of the introduction of offensive fighter aircraft into Nicaragua, specifically Mig aircraft, is something that his amendment would cover? In other words, does the President have to come to the Congress and ask us if we approve if they introduce Mig's into Nicaragua? Is that something that is covered in the gentleman's amendment?

Mr. FOLEY. I would say to the gentleman that it is the responsibility of the President of the United States to determine whether the introduction of a specific weapon into Nicaragua constitutes the threat of clear and present danger to the national security of the United States, its territories or possessions, under this amendment. He makes that judgment.

Mr. McCURDY. I thank the gentleman. So it is clear, then, that he believes that offensive fighter aircraft would be something?

Mr. FOLEY. The President would make that determination.

Mr. McCURDY. He could make that determination and would not have to "consult" with the Congress? The reason I raise this is that this is an item that has been raised continuously on this floor and in the press, and the United States has said consistently that the introduction of Mig's or fighter aircraft into Nicaragua is a very serious step and that we feel that is threatening, and we would not accept that. I wanted to enunciate or get that statement from the gentleman in the well.

I wanted to restate that even though I do have reservations about this action. Last year it ended up being a sense of the Congress, and I think this is generally a sense of the Congress. And if I had not received the President's letter only 2 or 3 weeks ago that indicated that the policy vis-a-vis Nicaragua is for a political settlement in the region, as it is in El Salvador, it is not a military solution, that we are not intending on introducing U.S. military forces into Nicaragua, and it is not our intention to overthrow the Government of Nicaragua, and that this has been a clear statement of policy by the administration, and I think supported by the Congress. I think we have had a broad, general bipartisan statement that that is indeed our policy.

Even though this may be redundant, and in my opinion maybe even unnecessary, I think if the gentleman's exceptions are stated as he has indicated, then perhaps there is no harm in the gentleman's amendment. I am not sure it is the best policy but I think as a sense of the Congress that if these statements are restated and they are a restatement of current American policy, then I would have less concern about the gentleman's amendment.

I yield back to the gentleman.

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

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

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding. I am concerned about Mig aircraft because following a conversation I had with the gentleman from Washington I did some research on the range of the Mig aircraft. And the critical section of the Foley amendment refers to clear and present danger to the United States, its allies or possessions.

In fact, neither a Mig 25 nor a Mig 29 could make a round-trip mission to the closest nation that would fit into that category, which would probably be Puerto Rico. They have approximately a 2,600-kilometer range.

So while it could be argued that a Mig aircraft, because of its limited range, could not affect the United States, it could clearly raise Cain with the neighbors, and I think since the gentleman has made it clear that he intends that the introduction of Mig aircraft into Nicaragua should be considered to be an exception, and to invalidate this, then let me ask the gentleman if he would accept an amendment that would state very plainly that the introduction of Mig aircraft would in fact be one of the conditions under which the President could act under the Foley amendment?

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

(By unanimous consent Mr. FOLEY was allowed to proceed for 5 additional minutes.)

Mr. FOLEY. Mr. Chairman, what I have stated and will repeat is that under this amendment it will be left to the President's discretion to determine what constitutes a threat to the United States or its territories and prossessions.

I do not want to make a judgment, nor do I think the gentleman should want to make a judgment for the President on each type of weapons system or military supply that might be provided to any country in Central America and specifically deal with that item by item.

I can, however, assure him that this is not designed to restrict the President's authority when he feels that there is a danger, a risk of hostile attack to the United States or its territories or possessions, nor does it restrict in any way our ability to act in accordance with the Rio Treaty. I think it covers all of those instances.

Mr. HUNTER. Would the gentleman accept an amendment on Mig aircraft because Mig aircraft cannot reach the United States or its allies or prossessions?

Mr. FOLEY. I will state for the record that that is a determination for the President.

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

Mr. FOLEY. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I thank the gentleman for yielding.

First I want to say that I feel somewhat reassured to have my friend from California remind us that the Migs that might come there would not threaten the United States itself. I think some rhetoric had been to the contrary, and I thank the gentleman for that reassurance. It may be the only one that I get this week, and I am grateful.

But beyond that, I think the amendment would be unwise as a general principle for this reason: There is a legal principle that when you include one you have excluded others.

□ 1030

It sounds more impressive in Latin but not when I say it. What you would do, if you began to single out particular instances when it would be OK, you would cast doubt on other instances which were not enumerated. That is a very important legal principle. Once you begin to enumerate certain exceptions you then cast doubt on other exceptions, and to back up what the gentleman from Washington has said, I have read, again in preparation for this debate, the court decisions on the subject: It is very clear what the Supreme Court has said. If this Congress says to the President, "You may act in case of a clear and present danger" the President's autonomy to define that would be overwhelming. It would be virtually unheard of for a court to intervene and say there was no clear and present danger. That is, it would not be a case where there would be a heavy burden at all on the President to meet it. So if you put this in the way the gentleman has drafted it you are not inviting the courts in fact to be the arbiters in this situation, because if you read the opinions you will find that it is virtually impossible for a court in this kind of a situation to intervene. You are giving the President the standard. The standard is set forth here.

If you then, having given the President the standards, begin to enumerate exceptions, you are then in a position where people could say, "O.K., he could go in if we do this, but it does not say he could go in if we do that." You would be inviting that kind of game-playing.

Mr. FOLEY. Reclaiming my time, I appreciate the statement of the gentleman from Massachusetts, because that is exactly my concern. I do not want to get into specific references to each individual type of military equipment because of the possible inference if something is not mentioned.

I want to give the President, and this amendment intends to give the President the broadest authority to protect the United States, its territories, and possessions, from hostile attack. It is not intended to be a restriction on his ability to do that. For that reason I do not want to try to envision all possible sources of threat and list them one by one in the amendment. That would be neither wise nor useful.

Mr. HUNTER. Mr. Chairman, will the gentleman yield with respect to the War Powers Act.

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

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I have read the gentleman's language with regard to the War Powers Act. I think there is some concern on this side of the aisle and

perhaps on the other side of the aisle with regard to his language. Because as we know it, the War Powers Act is subject to different interpretations. It has a number of requirements which are essentially reporting requirements that the President of the United States is obligated to meet upon the introduction of combat troops into a given area. It requires, for example, that he report within, I believe, 48 hours after the introduction of troops.

At that point the Congress has within 60 days, if they do not go ahead by declaring war, perhaps taking action as we did in Lebanon and extending the time, then the President has to take troops out. One interpretation has been given to the War Powers Act that implicitly the President then does have the right to utilize troops up to 60 days.

Now my problem—and I appreciate the gentleman putting the War Powers Act into this particular thing; but one problem that I have got with the language of the gentleman is that the gentleman's language says that nothing here shall invalidate the requirements under the War Powers Act.

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

(On request of Mr. HUNTER and by unanimous consent, Mr. FOLEY was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. Mr. Chairman, will the gentleman continue to yield?

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

Mr. HUNTER. I thank the gentleman for yielding.

So my point, Mr. Chairman, is this. I think this is the point the whole House is concerned about; we want to make sure that the War Powers Act and any rights flowing from the War Powers Act to the President of the United States are not invalidated if in fact there are rights.

Mr. FOLEY. Would the gentleman feel better if the word were "provisions" rather than "requirements"?

Mr. HUNTER. Absolutely.

Mr. FOLEY. Mr. Chairman, I ask unanimous consent that the word "requirement" in section (d) of the amendment now pending be stricken and for that the word "provision" be substituted.

The CHAIRMAN pro tempore. Is there objection to the modification offered by the gentleman from Washington?

There was no objection.

Mr. HUNTER. Mr. Chairman, will the gentleman yield for another problem that I have with another particular section?

Mr. FOLEY. I am trying to help the gentleman as much as I can.

Mr. HUNTER. I appreciate that. Mr. Chairman, I appreciate the gentleman's accommodation. I think that helps a number of Members.

Mr. Chairman, with regard to the Rio Treaty, the gentleman's language talks about the United States acting under the Rio Treaty in accord with the Organization of American States. I think if you look at the Rio Treaty, it is evident that all Members, upon one state being attacked, for example, Honduras, have a right to act unilaterally, to choose their own course of action until the organ of consultation meets.

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

(On request of Mr. HUNTER and by unanimous consent, Mr. FOLEY was allowed to proceed for 2 additional minutes.

Mr. HUNTER. Mr. Chairman, will the gentleman continue to yield?

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

Mr. HUNTER. I thank the gentleman.

Mr. Chairman, one problem that I have with the language, and I think Mr. BROWN would perhaps like to speak to this point also, it is that the United States under some interpretations does have the right to act.

Mr. FOLEY. May I make another suggestion to the gentleman that might be helpful to him in the interest of cooperation and conciliation? This amendment has bipartisan sponsorship and I would like to have bipartisan support for it in its action.

Mr. Chairman, would it be helpful to the gentleman [Mr. HUNTER] if section (e) were revised to say, "Nothing in this section shall invalidate any authority of the United States to act in accordance with the provisions of the Inter-American Treaty of Reciprocal Assistance"?

Mr. HUNTER. That would make it better with regard to the particular provision, and I appreciate it.

Mr. FOLEY. If the gentleman has any language to suggest to make it clearer that anything we can do under the Rio Treaty now we can also do under this amendment, I would be glad to have his language.

Mr. Chairman, I ask unanimous consent that section (e) be revised to read as follows in the amendment: "Treaty authority preserved. Nothing in this section shall invalidate any authority of the United States to act in accordance with the provisions of the Inter-American Treaty of Reciprocal Assistance."

The CHAIRMAN pro tempore. Is there objection to the modification offered by the gentleman from Washington?

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment offered by Mr. FOLEY, as modified: At the end of title X (page 200, after line 4) add the following new section:

LIMITATION ON INTRODUCTION OF ARMED FORCES INTO NICARAGUA FOR COMBAT

SEC. 1050. (a) Funds appropriated to the Department of Defense may not be obligated or expended for the purpose of introducing the United States Armed Forces into or over Nicaragua for combat.

(b) DEFINITION OF COMBAT.—As used in this section, the term "combat" means the introduction of United States Armed Forces for the purpose of delivering weapons fire upon an enemy.

(c) EXCEPTIONS TO LIMITATION.—This section does not apply with respect to an introduction of United States Armed Forces into or over Nicaragua for combat if—

(1) the Congress has declared war or enacted specific authorization for such introduction; or

(2) such introduction is necessary—

(A) to meet a clear and present danger of hostile attack upon the United States, its territories or possessions; or

(B) to meet a clear and present danger to, and to provide necessary protection for, the United States embassy; or

(C) to meet a clear and present danger to, and to provide necessary protection for and to evacuate, United States Government personnel or United States citizens.

(d) EXISTING REQUIREMENTS PRESERVED.—Nothing in this section shall invalidate any provision of Public Law 93-148.

(e) TREATY AUTHORITY PRESERVED.—Nothing in this section shall invalidate any authority of the United States to act in accordance with the provisions of the Inter-American Treaty of Reciprocal Assistance.

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

Mr. FOLEY. I yield to the gentleman.

Mr. HUNTER. I thank the gentleman for yielding.

Another concern that I think many Members of this side of the aisle have and perhaps Members of the other side of the aisle is the fact that it calls for action, if members of the U.S. Embassy are attacked or are in danger, it calls for the right of the American President to evacuate them. It does not allow for American action in the event of a taking of hostages who are not American citizens. For example, let me give an example: For example, an El Al airliner coming from Israel to Miami is hijacked in Managua. If there are no American citizens aboard the United States basically has to accede to the sanctuary that would then be created under the Foley amendment in Managua.

If we found, for example, that the base camp of the terrorists who killed the marines in El Salvador existed in Managua, if, for example, you had citizens, leading citizens or citizens who make up part of the governments of Nicaragua's neighbors, for example Honduras or Costa Rica, should be kidnaped by organizations based in Nicaragua, there is no provision in the Foley amendment to allow for us to take action and help our friends.

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

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

Mr. Chairman, I rise in opposition to this amendment. First, however, I would like to commend the gentleman from Washington [Mr. FOLEY] for modifying his amendment especially as it pertains to El Salvador. For the life of me, I cannot understand why we continue to shoot ourselves in the foot.

The Communist guerrillas in El Salvador and the Communist regime in Nicaragua hold this House in contempt. We are a toothless lion, whose demise has already been decreed by the implacable march of Marxist-Leninist history.

Four marines are dead—killed the week that consideration of the Defense authorization was scheduled to be concluded, and the week the foreign affairs bill should have been called up. This is no mere coincidence.

No one in this Chamber can fail to recognize the callous attempt to manipulate the House of Representatives, and to manipulate us with the blood and lives of our sons.

The brutal murder of our young marines—at this time and in this way—must provide the backdrop against which we debate this amendment. The bullets which killed our marines were likely provided by the Communists in Nicaragua. Pass this amendment or something like it, the Salvadoran Communists are saying, or we will continue to murder your young. Publicly kowtow to us; turn your back on your allies; handcuff yourself; or we will assassinate you, we will shoot your people.

Last year, Mr. Chairman, I supported the Foley amendment. I supported it on the basis that the Communist guerrillas in El Salvador and the Communist Sandinistas, along with the Cubans and the Soviets, needed time to be persuaded to come to the bargaining table, or to send their surrogates.

The Contadora process, I felt deserved a period during which it could demonstrate its utility and success.

The non-Communist survivors of the Communist front in El Salvador and the non-Communist survivors of the Sandinista movement needed time, I believed, to persuade their Communist associates.

Well, Mr. Chairman, the time has passed. The Communist answer to democracy in El Salvador is to kidnap the elected mayors. The Communist answer to the Contadora process and to reestablishment of democracy in Nicaragua is Ortega going to Moscow. And the Communist answer to our hope for freedom and representative democracy in Central America is the slaughter of our young men.

We have run out of time, Mr. Chairman. Nor is the lesson lost to others. On the other side of the world, American citizens are held hostage to the same disdain and contempt. The murderers know in their heart that we won't do anything. Because of our past performance they have concluded that they can terrorize our families, and intimidate our Nation with impunity.

The amendment before you, in the situation in which we find ourselves today, Mr. Chairman, ratifies our helplessness. It forms the basis for their contempt. It puts into law what the murderers are writing in blood. Enough, Mr. Chairman.

There has been enough compromising with murderers and terrorists. Let them know that they will have to pay for their actions. Let them know they will be held responsible and accountable, not to a marxist theory of history, but to an enraged American public.

Temporizing will produce no positive effect. The opportunity has been washed away in American blood.

Why in the name of common sense should this House provide a sanctuary to those who would deny freedom to their own citizens. Par Ciceno: How long will they continue to abuse our patience.

□ 1040

Mr. BROWN of Colorado. Mr. Chairman, I move to strike the last word.

I would like to address some inquiries to the distinguished gentleman from Washington, if he would be willing, with regard to his amendment.

I thank the gentleman. I might say that the changes that he agreed to earlier go a long way toward providing a good-faith effort to clarify the amendment and improve its impact.

I would address a concern to the gentleman: As the amendment stands now with the changes that the gentleman has agreed to, is it your feeling that if Nicaragua would invade one of its neighbors that the amendment would not prohibit immediate action on the part of the President in terms of using U.S. forces?

Mr. FOLEY. I cannot see that anything in this amendment would prohibit the President from protecting the countries with which we are joint signatories under the Rio Treaty. The neighbors of Nicaragua are signatories to the Rio Treaty, and the United States has authority to take action in those circumstances.

Mr. BROWN of Colorado. I thank the gentleman. That is my feeling.

Mr. ROEMER. Will the gentleman yield? Would the gentleman from Colorado yield on that point?

Mr. BROWN of Colorado. I yield to the gentleman.

Mr. ROEMER. I thank him for the time, and ask our colleague from Washington if he would consider in that litany of exemptions or exceptions the phrase "and allies" to make this point clear; that this is not removing us from Central America in terms of the protective umbrella we enjoy with our allies.

I think it is more than a symbolic gesture.

Mr. FOLEY. As I just said to the gentleman, I do not think the amendment has that reach. However, because the Rio Treaty has specifically been recognized in this amendment, any authority the President has under that treaty is obviously retained in this amendment. That is the basis on which we have always stated our intention to protect against intervention or aggression in the hemisphere.

Mr. ROEMER. I thank the gentleman. The gentleman answered the question to my satisfaction——

Mr. FOLEY. I tell the gentleman, I do not feel we ought to rewrite the Rio Treaty here; I do not think that is desirable.

What the Rio Treaty is is fully protected by this amendment; I have made that clear.

Mr. ROEMER. If the gentleman would yield further, I do not think that we should use the Rio Treaty either as cover or smoke in this operation this morning.

Mr. FOLEY. It is not designed to be either.

Mr. ROEMER. I ask the gentleman from Washington, could he allow in his amendment the words, "or our allies" in regard to our protective umbrella? I do not think that is too much to ask.

Mr. FOLEY. I assume that as the gentleman uses at our allies means those countries with whom we are associated in the Rio Treaty.

Mr. ROEMER. I am wondering if the gentleman would agree that the questions that come from the body in regard the effect of your amendment, either on the Rio Treaty or our relationship with our allies, need to be made crystal clear, and if there is a legitimate concern—and there is, I assure you—about the question of our allies, I am asking if the gentleman would accept language which would make clear in his amendment, not by some roundabout method, but directly about ally support.

Mr. FOLEY. I disagree with the gentleman; I think the amendment is clear.

Mr. BROWN of Colorado. I might say to the gentleman, the clarification that he had made earlier spoke directly to a point I had. I had drafted an amendment that strangely enough had the same language that you accepted, and I would like to commend the gentleman. I think that clarity is of great value to the body.

With regard to the point made by the gentleman from Massachusetts, I thought it was a very thoughtful point, and I think well made. Adding clarity to this amendment is certainly not a fruitless effort. I think there is

real value with regard to specific clarity, where that is possible.

Mr. SKELTON. Will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman.

Mr. SKELTON. I would like to address a question to the gentleman from Washington.

I mentioned this to the gentleman briefly before. One of the sections refers to the War Powers Act——

Mr. FOLEY. May I interrupt the gentleman to say that I intended to accept the gentleman's amendment which he first suggested to me, and I have already asked unanimous consent to substitue for the word "requirements" the word "provisions".

His suggestion has been adopted by the House.

Mr. SKELTON. It has been?

Mr. FOLEY. Yes.

Mr. SKELTON. Thank you.

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

Mr. Chairman, now having the time, I would like to address a question to the distinguished sponsor of the amendment, the gentleman from Washington.

It relates to the area inquired into by the gentleman from Louisiana [Mr. ROEMER]. That discussion related to whether or not the amendment as drafted allowed the appropriate latitude for us to come to the aid of an ally.

As I understand the response of the gentleman from Washington, it was to the effect that under the amendment as drafted, there are provisions that would allow us to take action, pursuant to the Rio Treaty, or the Inter-American Treaty of Reciprocal Assistance, and so forth.

My concern is that—I do not think it fully covers the concern of the gentleman from Louisiana, and my concern.

As I understand the gentleman from Washington's response, he is basically saying that if you go through the procedures involved in the Organization of American States to require certain actions and pass certain resolutions, your amendment is broad enough to allow us to take action on behalf of allies.

Suppose it is an ally, and the Organization of American States chooses not to take a position——

Mr. FOLEY. Let me respond to the gentleman. The reason I am concerned about accepting the statement of the gentleman from Louisiana, is that he used the word "allies." That is a changing definition, and it has to be based on some relationship to documentation, to treaties, to policies of the United States that have some reference other than just allies.

If I may, let me just remind the gentleman that article III of the Rio Treaty provides that an attack, an armed attack by any state against an American state shall be considered an attack against all the American states. Since this provision specifically allows the President of the United States to defend against any danger of hostile attack or attacks against the United States, obviously an armed attack against any American state would give authority for the President to act.

Mr. BATEMAN. Reclaiming my time, would the gentleman not agree that under the provisions of your amendment and if we write precisely the scenario that unfolded, I believe it was in October of 1983, with reference to Grenada, and the Caribbean Basin island nations called upon the United States to intervene because they felt that they were being threatened, would not, under this amendment, we be barred from taking any action?

□ 1050

Mr. FOLEY. Under this amendment, the so-called invasion of Grenada would be specifically protected and authorized for the protection of American citizens.

If the gentleman will remember, the first reason given by the President of the United States for intervention in Grenada was the protection and safe evacuation of American citizens in Grenada. That was clearly the principal reason that the operation was undertaken and would be fully protected in this amendment.

Mr. BATEMAN. I would agree with the gentleman that that was a principal reason for the American action in Grenada and a very appropriate action, I might add.

I might also, however, call to the gentleman's attention that it was not the only basis on which a President of the United States might have concluded in the interest of the United States that there should have been some military action.

Mr. FOLEY. If the President determines that there is a clear and present danger to the national security of the United States, or its territories or possessions, there is an exception in this amendment. If there is an invasion of any state in the Americas by any other state, under the Rio Treaty, there is an exception in this amendment. If it is a condition covered by the War Powers Act, there is an exception in this amendment. If there is an act of international terrorism, there is an exception in this amendment. However, because a random invasion of Nicaragua, for example, does not come under the protection of the United States or the Rio Treaty or the provisions of the War Powers Act, that would be prohibited.

Mr. BATEMAN. Reclaiming my time, the gentleman has just tried to reassure me, and substantially has, that he has sought to cover——

The CHAIRMAN pro tempore. The time of the gentleman from Virginia [Mr. BATEMAN] has expired.

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

Mr. BATEMAN. The gentleman has substantially reassured me that his efforts have been to cover all contingencies which need to be covered, and which I applaud.

I think, however, that presents something of a horns of a dilemma for the gentleman in the well, in that if in fact he has covered every contingency necessary to the protection of American foreign policy objectives, national security objectives and all of that has been accomplished, we do not any longer need the amendment.

On the other hand, it may be that, as some may interpret his amendment, there might be a scenario that he and I do not envision, which would not be covered by it, which would then make it mischievous, and if not mischievous, it becomes unnecessary.

I will be glad now to yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding.

Let me just make it clear that there are a lot of exceptions the War Powers Act and the Rio Treaty do not cover. Duarte's cabinet, under the Foley amendment, could be kidnaped and taken to Managua. That is not an attack on a neighbor, that is not something that would invoke the Rio Treaty. You could have hijackings of planes carrying allies of the United States. Essentially, they would find sanctuary in Managua. They could place Mig aircraft in Managua under the Foley amendment. There are holes in the Foley amendment you could drive trucks through. And the problem is we are not talking about sending messages to lawyers in the White House. We are talking about sending messages to Managua.

Now, if the effect of this amendment is to encourage Mr. Ortega to take Mig aircraft because he reads it as the United States not retaliating, then even if the lawyers in the White House say Mr. Reagan should have been able to respond to that, we will have essentially very much damaged ourselves.

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

Mr. BATEMAN. I yield to the gentleman from Louisiana.

Mr. ROEMER. My colleague, the gentleman from California, misunderstands the purpose of the amendment. The amendment is not against the Sandinistas in Nicaragua. It is against the President of the United States. The amendment is designed to cut foreign policy latitude.

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

(On request of Mr. HUNTER and by unanimous consent, Mr. BATEMAN was

allowed to proceed for 3 additional minutes.)

Mr. ROEMER. If the gentleman will yield further, my point, if I could amplify just for a second—and I thank my colleague for yielding—and it is no reflection on the integrity or the passions of the gentleman from Washington. They are well stated, well understood and deeply respected. But the purpose of this amendment is not to send a message to Managua. It is to send a message to the White House. And the point today is for us to decide: should that message be sent? And I think what the gentleman from Washington is doing is saying that micromanagement in the Pentagon is a bad idea. You heard that the last 2 days, didn't you? That was the word used, we are trying to micromanage the Pentagon when we tell them they have to get competitive bids, all that terrible stuff. But micromanagement of foreign policy, a place where you need deep-seated principles, a place where you need clear messages, a place where you need a platform from which you can build is not a bad idea.

I disagree with this amendment. I think it does a great deal of mischief, and I thank the gentleman for yielding.

Mr. BATEMAN. Mr. Chairman, let me conclude simply by saying that in the amendment, as I read it, while it speaks in terms of clear and present danger of hostile attacks upon the United States, et cetera, it does not speak in general terms of the national security of the United States which can be involved, other than through circumstances involving clear and present danger of hostile attack.

I commend the gentleman from Louisiana on this statement. I would say that it is precisely what this is all about. Do we need to send this message to 1600 Pennsylvania Avenue? I do not think we do. We are only sending the wrong message to Managua.

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

Mr. BATEMAN. I yield to the gentleman from Washington.

Mr. FOLEY. I would simply say to the gentleman that it is exactly the message that the President of the United States has been sending to the country. It is not a message that I am sending that is any different than the President is sending. He is saying it is our policy not to do this.

Mr. BATEMAN. Reclaiming my time, the gentleman has hit the vital point. It is the function and the prerogative of the President of the United States to send that message, not this Congress, not this Committee of the Whole, not 535 Members of the Congress of the United States.

Mr. FOLEY. My intention is to agree with the President.

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

Mr. Chairman, I rise in support of the Foley amendment to prohibit the introduction of U.S. troops into or over Nicaragua for combat unless authorized by the Congress. I am an original sponsor of this amendment, which is similar to one already approved by the House and included in the fiscal year 1985 Department of Defense authorization bill and the 1985 continuing resolution.

We are considering this amendment in the shadow of the House's recent vote to send $27 million in so-called humanitarian aid to the Nicaraguan Contras, a decision which is fundamentally flawed. This administration's Central America policy, especially with respect to Nicaragua, is dangerous, making passage of this amendment more important than ever. Relying too heavily on military solutions to the problems in Central America, the Reagan administration has sought at every opportunity funds to pursue its misguided policy. In doing so, it has neglected the root causes of the problems there and has done nothing to bring about peaceful change. Evidence of what makes the Reagan policy dangerous is abundant.

For example, in April 1983, we learned that U.S. personnel were being used to mine the harbors and territorial waters off Nicaragua and that the Secretary of State had placed this country above the law by withdrawing it from the jurisdiction of the International Court of Justice with respect to disputes with Central American nations. Last November, a storm of controversy was created by the administration over the alleged delivery of Migs to Nicaragua. There was no evidence that the Nicaraguans in fact received these planes or that they were planning to receive them. But because of scare tactics, the administration succeeded in creating unnecessary fear and tension in both Central America and the United States. U.S. warships have been stationed off the coast of Nicaragua. U.S. reconnaissance planes have overflown Nicaraguan territory. Three Americans have been killed along the Honduran-Nicaraguan border.

Mr. Chairman, let there be no question that the House's vote to give the Nicaraguan Contras $27 million in so-called humanitarian aid has opened the door to obtaining the direct military aid this administration desperately wants to fund the Contras. As reported in the New York Times on June 3, 1985, the President, in a classified report to Congress, said the use of American military force in Nicaragua "must realistically be recognized as an eventual option in the region, if other policy alternatives fail."

The amendment before us is designed to ensure Congress its rightful role in any decision to send U.S. troops to Nicaragua. It would prohibit the introduction of U.S. combat forces into or over that country unless Congress has declared war or specifically authorized such use of U.S. forces, or unless the introduction of such forces is necessary to meet a clear and present danger of hostile attack upon the United States, or to meet a clear and present danger to, and to provide essential and immediate evacuation of, citizens of the United States. The bill contains provisions for expedited congressional consideration of any resolution or bill introduced at the request of the President to send troops to Nicaragua.

Mr. Chairman, we all know the potentially tragic consequences if Congress is not vigilant in carrying out its responsibilities to this Nation. Congress has a constitutional role, and the responsibility to carry out that role, in deciding whether or not this country sends its troops into battle, and whether or not war is declared. This amendment would strengthen that role and our ability to carry out our responsibility.

I urge my colleagues to support it.

I think it is important to address some of these points that have been raised both by the gentleman from Virginia and the gentleman from Louisiana, because I do think that they go to the heart of the amendment that we are considering.

First of all, the gentleman from Louisiana indicated that in fact we are sending a message to the White House every bit as clearly as we are sending a message to Managua. And I think the gentleman is right. I think whatever side of the issue one may be on, one should emphasize the fact that in fact we are sending a message to the White House. That message is a clear and simple message that we take the President at his word. The President, time and again, has assured this country and has assured our friends and adversaries throughout the globe that our policy with regard to Nicaragua is not a policy involving the injection of American combat forces.

We are simply reaffirming that.

Second, the question or the concept or the phrase "micromanagement" has come up time and again within the last few minutes of this debate. Let us examine the meaning of the word "micromanagement" in the context of this amendment.

Is it, in fact, my colleagues, micromanagement to be talking about the issue of a declaration of war?

There was a time when it was well understood, and I believe it should be

reemphasized on the floor of this House in the course of this debate, that the issues of war and peace, the issue of the declaration of war, is a responsibility vested by the Constitution of the United States in the Congress of the United States.

Whether we are dealing with questions of procurement reform in the earlier sections of the defense bill or questions of other aspects of waste, fraud and abuse, or other questions in which the Congress has been accused, I think, unfairly—I agree with the gentleman from Louisiana that these accusations have been unfair in terms of the issue of micromanagement—on this issue, this is hardly micromanagement. This is reminding the President of the United States and reminding the American people that the Congress of the United States has the constitutional prerogative to make determinations of war and peace.

To call this issue, whether to inject combat forces in Nicaragua, micromanagement I think emphasizes appropriately the issue that we are talking about. This is not micromanagement. This is a fundamental constitutional prerogative of the Congress, and the amendment of the gentleman from Washington, which I am very pleased to support, is an amendment which is very simple. With all of the exceptions that the gentleman has agreed to that were requested from Members on both sides of the aisle, this is simply a statement which has been affirmed and reaffirmed on a bipartisan basis on the floor of this House on several occasions in the past, and that is, our policy in Managua is a policy of not injecting American combat forces in Nicaragua without first seeking a declaration of war from the U.S. Congress.

It is very simple, very clear. It is not micromanagement.

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

Mr. LEVINE of California. I yield to the gentleman from Louisiana.

Mr. ROEMER. I thank my colleague for yielding, and I appreciate his position and his statement thereon. I agree with almost everything. I would say, though, that the evidence given this morning in the well of accepting amendments left and right, unseen, just spoken through these invisible airwaves, shows the problem of what the gentleman rejects in this amendment—micromanagement.

□ 1100

We do not need this. I would contend with my colleague this is a step backward, not forward.

Mr. LEVINE of California. If I may reclaim my time, these were not a variety of causal amendments accepted willy-nilly back and forth. These were three, I believe, carefully thought out, well drafted, specific amendments simply reaffirming traditionally understood and accepted treaties and foreign policy principles.

With all due respect to my very distinguished colleague from Louisiana, these were not a variety of casual amendments. This is an amendment that does one very clear thing; it reaffirms that the policy that this President consistently has stated is our policy. It is a policy not to engage in war, not to engage American troops in combat in Nicaragua. It is a statement that unfortunately is necessary because of that fact that, while on the one hand, the President has repeatedly made this statement, as recently as several days ago, on the other hand, we see reports in the New York Times and other responsible media of this country to the effect that there are conflicting appearances.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. LEVINE] has expired.

(By unanimous consent, Mr. LEVINE of California was allowed to proceed for an additional 3 minutes.)

Mr. LEVINE of California. We do see that despite the President's repeated reassurances to the country, there are reports now with increasing frequency that contingency military plans are being laid. While the President in his public statements has been consistent, and all we are doing is holding him to his consistent statements, there has been quite a bit of ambiguity coming out of the White House in terms of what in fact our policy is.

Every opportunity that I have had as a member of the Foreign Affairs Committee to question and cross-examine members of the administration in public hearings and public testimony with regard to their intent on this issue, in every instance the Assistant Secretary of State of Latin America, for example, other administration officials, have essentially said, "We agree with the content of the Foley amendment; we agree that this is our policy. This is not our policy in terms of injecting American combat forces. We do not intend to do it. The President has said that." Yet, unfortunately, we read in public expositions of what are apparently classified reports that managed to get leaked out to the media that in fact we have been laying those contingency plans.

So this amendment becomes extremely critical on a fundamental issue in which Congress has the constitutional prerogative to act, and it is for that reason that I am pleased to stand up in support of the gentleman's amendment.

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

Mr. LEVINE of California. I yield to the gentleman.

Mr. WEBER. I thank the gentleman from California for yielding.

Mr. Chairman, I want to take issue with the first thing the gentleman said. I understand the gentleman's position, and I understand his sincerity, but he says that we take the President at his word. I have to say explicitly that if you are taking the President at his word, you do not come here today and try to lock that into legislation.

If we were taking the President at his word, as the gentleman indicated, you would do precisely the opposite: You would indeed take him at his word and not try to lock a position into law that denies the President any kind of flexibility. This, in my judgment, is an effort explicitly to say we do not take the President at his word.

Mr. LEVINE of California. If I may reclaim my time, I appreciate the point the gentleman makes. Unfortunately, there have been too many other statements or leaks from this administration that specifically undermine the President's expressed representation. Those statements have consistently left open not just the option, but the potential, perhaps the short-term potential, of actually injecting combat forces into the region. They require, in fact, that Congress simply reaffirm and underscore the position that the President has taken.

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

Mr. LEVINE of California. I yield to the gentleman.

Mr. FRANK. I thank the gentleman for yielding.

Mr. Chairman, I am constrained from discussing the degree to which we can all rely on the President's word because our friend from Pennsylvania reminded us that the rules forbid us to comment on certain aspects of a President's veracity.

I would like to deal with this phrase micromanagement. That has become the new refuge of obscuritists. If a proposal comes forward that you do not like, you do not debate it on the merits, you do not point out what is the matter with it, you denounce it as micromanagement. It is a substitute for a reasoned argument.

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

(On request of Mr. FRANK and by unanimous consent, Mr. LEVINE of California was allowed to proceed for 1 additional minute.)

Mr. LEVINE of California. I continue to yield to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman.

I have a question. Even if you want to use that phrase, I can understand people talking about micromanagement when we are in contracting specific at the Pentagon. We are talking war here. We are talking about whether or not we should invade a country and under what circumstances. That

would seem to me at least to be main frame management.

I guess I would have a question: If it is micromanagement when we are talking about the possibility of invading a country and people being killed because it has got 3 million people, at what population level does a country move out of the micromanagement category?

Here is the central question. The gentleman from Washington has said to protect our national security, to deal with invasion, to deal with the attacks on Americans and the American Embassy, to exercise our rights under the Rio Treaty, which can be unilaterally exercised under the Rio Treaty, we can go in. But some of us fear that for ideological reasons, for political reasons, there might be a temptation to have an invasion and we want to say that is not legitimate.

The gentleman from Virginia said for foreign policy reasons we have to be able to go to war. Well, some of us feel national security is a legitimate reason to start killing people, but a foreign policy advantage is not, and that is what that amendment is about.

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

Mr. LEVINE of California. Mr. Chairman, I ask unanimous consent that I have 5 additional minutes.

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

Mr. HUNTER. Mr. Chairman, reserving the right to object, let me say to my friends on the other side of the aisle you have had a lot of time now, and you have spent most of the time attempting to make your points. We have a number of Members who wish to speak on this side of the aisle.

Could the gentleman take maybe 1 or 2 additional minutes and wrap up and allow people like Mr. HYDE and Mr. CONTE to speak?

Mr. LEVINE of California. That is fine.

Mr. HUNTER. Mr. Chairman, I withdraw my reservation of objection.

Mr. LEVINE of California. Mr. Chairman, I ask unanimous consent that I be allowed 2 additional minutes.

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

There was no objection.

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

Mr. LEVINE OF California. I yield to the gentleman.

Mr. FOLEY. Mr. Chairman, very briefly, I would just like to read article III of the Rio Treaty so it is clear and on the record what it provides in terms of an immediate response in the event of an attack by any state against any other state in the Americas:

The high contracting parties agree that an armed attack by any state against an American state shall be considered as an attack on the American states and consequently each one of said contracting parites undertakes to assist in the meeting of an attack as inherent right of individual or collective defense.

On the request of a state or states directly attacked and until the decision of the organ of consultation of the Inter-American system, each one of the members of the contracting parties may take immediate measures which it may individually take in fulfillment of the obligation.

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

Mr. LEVINE of California. I yield to the gentleman.

I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman from California [Mr. LEVINE] stated the constitutional issue very clearly. It appears to me, and I regretfully make this observation, that our colleagues on the other side of the aisle are trying to preside over the giving away of constitutional powers that we are supposed to have here in the name of the people.

We are supposed to make those decisions as to whether or not we are going to go to war to send American troops to Nicaragua or wherever, here in the House of Representatives and in the Senate of the United States. For our colleagues to say that somehow or another this interferes with the foreign policy of the United States is nonsense. I think that the Foley amendment is right on target, and I hope that it wins once again by an immense majority.

It is essential that the Foley amendment be adopted as part of this bill. Signals have already been sent that an undeclared war by the United States against Nicaragua has been seriously considered by President Reagan and our military leaders.

The statements have been clear and unequivocal. Recently, a high ranking unidentified Pentagon official even predicted the amount of time it would take to conquer Managua and then the entire country of Nicaragua.

The President himself, in a classified communication somehow leaked to the New York Times, stated that if the Contras are not successful, American troops might well have to be used.

Mr. Chairman, this is a decision that the Constitution requires must be made by the people acting through their elected representative in Congress.

It is nonsense to say that the Foley amendment would violate the Constitution, by usurping the President's power as Commander in Chief.

Although, the President is designated this power by the Constitution, it must be exercised pursuant to other clauses in the Constitution, inserted there carefully by our founders to ensure that they were not creating a monarch.

Under the Constitution, it is Congress who is vested with war-related powers, including the power:

To declare war;

To raise and support armies;

To provide and maintain a Navy;

To provide for the common defense;

To define and punish offenses against the Law of Nations (and more specifically for this amendment); and

To provide for the calling forth of the militia to execute the laws of the Union, suppress Insurrections, and repeal Invasions.

Under this same Constitution, the President is vested, not with independent authority such as a sovereign or king, but with the "executive power" of the United States. He has the duty to "take care that the Laws be faithfully executed," and he is the Commander in Chief of our Armed Forces.

In providing for a strong Commander in Chief, the Framers of our Constitution were clearly seeking such strength once war had been declared, but not providing to one person the power to engage the United States in war. On questions dealing with the allocation of war-making powers, James Madison had this to say:

". . . The power to declare war, including the power to judge the causes of war is fully vested in the legislature . . . the executive has no right, in any case to decide the question whether there is or is not cause for declaring war . . . the right of convening and informing Congress, whenever such a questions seems to call for a decision, is all the right which the Constitution has deemed requisite and proper . . ."

The Constitution is explicit, and the history of the Constitutional Convention and the Federalist Papers make it clear; Congress alone is authorized to decide when and if we shall go to war, unless the United States is actually attacked.

The earliest Supreme Court recognized Congress' sole warmaking powers. Chief Justice John Marshall, in Talbot versus Seeman, ruled:

The whole powers of war being by the Constitution of the United States vested in Congress, the acts of that body alone must be resorted to as our guide. . . .

This exclusive congressional responsibility was observed quite faithfully by all the Presidents of the 17th and 18th centuries. President Jefferson even requested and got congressional permission before attacking the Barbary pirates. However, in the 20th century Congress began to abrogate its warmaking powers to the President.

There is no assurance of wisdom if the Constitution is respected and Congress decides by a majority vote, after public debate and deliberation, when and if the United States should go to war. But that is the process established by those who formed the foun-

dations upon which our great democracy is built.

Our founders never intended that the warmaking powers should rest in one person's hands. They were firm in their belief, enshrined in the Constitution, that war is far too awesome a decision for any one person to make. We must remember the words of President James Monroe more than 100 years ago when addressing this problem: "The Executive has no right to compromise the nation in any questions of war."

The Foley amendment provides a constitutionally sound balance of warmaking powers. It ensures that the legislature retains its control over decisions dealing with questions of war and peace as mandated by the Constitution, while allowing President Reagan the power to act in certain emergency situations. In the words of Alexander Hamilton, the warmaking power "is the peculiar and exclusive province of Congress."

Mr. CONTE. Mr. Chairman I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, as a sponsor of this important amendment, I rise to urge its adoption by my colleagues.

In the troubled region of Central America, there is currently no greater source of public concern than Nicaragua. Despite administration assurances that there are no plans, nor does it intend, to use U.S. troops in Nicaragua, anxiety about the potential use of U.S. forces in that country continues. Sixty-seven percent of those responding to a January 1985 ABC News/Washington Post survey indicated that they fear more extensive U.S. military involvement in Central America over the next 4 years. With respect to Nicaragua, where the potential for U.S. military intervention seems greatest, 76 percent of those interviewed in a March 1985 Harris survey said they oppose a U.S. invasion of Nicaragua.

The Foley-Conte amendment addresses these concerns. It would prevent the introduction of U.S. troops for combat purposes into or over Nicaragua unless Congress has declared war or authorized the introduction, or there is a "clear and present danger" of hostile attack to the United States, its Embassy, U.S. Government personnel, or our citizens. Although the administration has been clear in suggesting that it has no plans to use troops in Nicaragua, it has been less clear in setting forth those reasons that it believes would justify a U.S. intervention.

The Foley-Conte amendment, in its simplest restatement, sets forth those conditions that, we believe, would justify a U.S. military response.

I believe there is considerable public concern that U.S. troops will be committed in Nicaragua for reasons other than those permitted under the amendment, and, for that reason, the Foley-Conte sends forth a very strong and important message. It articulates a policy of military restraint with respect to our dealings with Nicaragua and, by so doing, encourages diplomatic initiatives and political solutions as the means for resolving any differences between our countries that do not threaten our security or American lives.

What this amendment does is straightforward enough; but I would like to underscore two things this amendment does not do.

First, the Foley-Conte amendment does not undermine the President's constitutional authority as Commander in Chief. In today's high-tech society, the word "blitzkreig" has been given new meaning. The President needs flexibility as Commander in Chief to respond immediately in certain circumstances to protect American security and lives. The Foley-Conte amendment is consistent with that principle.

The unilateral introduction of U.S. troops into Nicaragua by the President would be permitted if he determines that there is a clear and present danger to the United States, its possessions, or territories, the U.S. Embassy in Nicaragua, or to U.S. Government personnel or citizens.

That determination would be made by the President in his capacity as Commander in Chief and no congressional action would be required.

As this body knows, the sea of responsibility between the President's authority as Commander in Chief and the Congress' constitutional authority to declare war is largely in uncharted waters. I believe that this amendment, however, charts a sound course concerning the exercise of those responsibilities with respect to Nicaragua.

Second, this amendment does not repeal the War Powers Act or negate our responsibilities under the Rio Treaty. In fact, the amendment specifically notes that none of the amendment's provisions shall invalidate any requirement or obligation of the statute or Treaty. What the amendment does is refine application of the War Powers Act to one country—Nicaragua—for the 1 year duration of the DOD authorization.

The public debate that has ensued since 1979 has made each of us keenly aware of the players and circumstances surrounding the Sandanista revolution in Nicaragua. Given that heightened awareness, I believe that the Members of this body can make an informed judgment as to those situations where U.S. force in Nicaragua would be appropriate, and I believe this amendment contains responsible choices in that regard.

Mr. Chairman, I believe this amendment represents good policy. The administration has repeatedly assured us that military options in Nicaragua are not under consideration. Most recently, in a letter to the gentleman from Oklahoma [Mr. McCURDY] just prior to the vote last month on Contra aid, the President reasserted that he seeks "political, and not military, solutions" in Nicaragua. This amendment is consistent with those policy objectives.

Virtually all military experts agree that U.S. military intervention in Nicaragua would cost thousands of Nicaraguan and American lives.

□ 1110

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts [Mr. CONTE] has expired.

(By unanimous consent, Mr. CONTE was allowed to proceed for 1 additional minute.)

Mr. CONTE. Mr. Chairman, this amendment would send forth a strong message to those who fear U.S. military intervention in Nicaragua for inappropriate reasons—that, except under limited circumstances, U.S. troops will not be committed to a potentially bloody and costly quagmire in Nicaragua without prior congressional authorization. It is consistent with our constitutional obligations and in line with sound U.S. policy toward Nicaragua over the next year.

A very similar amendment was adopted by this body as part of last year's DOD authorization on a 341 to 64 vote, and I urge my colleagues to support the amendment to this year's authorization as well.

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

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

Mr. HOPKINS. I would be delighted to yield to my colleague, the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, stripped of all of the camouflage about this piece of legislation, there is no question that it is a raw political statement designed to cripple and embarrass the President at a particularly outrageous time when we are under siege around the world by state-sponsored terrorists.

The beneficiary? The commandantes. Nicaragua, which is a haven for some of the most active terrorists in the world, the PLO, the Red Brigades, the Libyans. The bodies are barely cold of the four marines who were assassinated, who were murdered by the FMLN, the Communist guerrillas in El Salvador who are controlled and supported and subsidized by the Nicaraguans. Nine civilians murdered, two of them Americans.

What is our response to Mr. Ortega? Sanctuary, immunity. This amendment, and make no mistake about it, gives legislative expression to one of the most intemperate, blindly partisan statements I have ever heard in my life, and that is the statement of a very prominent Democratic leader that Ronald Reagan will not be happy until he has our boys fighting in Nicaragua.

That statement is utterly outrageous. That is the kindest thing I can say about it. But I suggest to my colleagues there are radical forces in the world right now, as we speak, who hate us and who hate our values, but instead of unity, instead of bipartisanship, instead of cooperation, we get confrontation. Instead of statesmanship, we get one upsmanship from the other party.

What a moment in history to provide immunity to Daniel Ortega. The very threat of military action is a deterrent. Let us remove that. Let us tie the President's hands. Instead of adding to the headache of Mr. Ortega and his commandantes, you want to give him anxiety relief; you want to give him therapy; you want to give his headache some Excedrin.

There is so much wrong with this incoherent fuzzing up of our foreign policy just to make a political statement, and I would never accuse the gentleman of Washington of hurling a cheap shot. I would never do that. I would characterize this as an inexpensive volley, but not a cheap shot. This has so many constitutional infirmities it would take even the gentleman from Massachusetts, with his superior legal knowledge, a long time just to go through them, and he is a quick study.

Let me suggest to you this is an effort to amend by statute the Constitution, to divest the President of his title, of his office as Commander in Chief, and to make him Commander in Chief emeritus.

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

Mr. HYDE. I really do not have the time.

Mr. FRANK. Mr. Chairman, will the gentleman from Kentucky yield?

Mr. HOPKINS. No, I do not yield at this time. Let the gentleman finish his statement.

Mr. HYDE. This piece of legislation, to use a euphemism, ignores the distinction which our Founding Fathers made as long ago as 1787 between declaring war and making war, and if the President is Commander in Chief, he must have the inherent powers of that office to carry out his duties.

I know there is a school of thought right out of the ACLU, signed by one of the great jurists of all time, Morton Halperin. You remember him. He is Daniel Ellsberg's friend. He says the President does not have this power. Well, let me cite my lawyer, Dean Acheson. You remember Dean Acheson. Let me tell you what he said when Harry Truman sent the troops into Korea without congressional approval, and I quote:

> There has never been any serious doubt in the sense of nonpolitically inspired doubt, of the President's constitutional authority to do what he did.

And then Mr. Acheson testified before Congress shortly thereafter in 1951.

□ 1120

The CHAIRMAN pro tempore. The time of the gentleman from Kentucky [Mr. HOPKINS] has expired.

(By unanimous consent, Mr. HOPKINS was allowed to proceed for 5 additional minutes.)

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

Mr. HOPKINS. I yield further to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I quote:

> Not only has the President the authority to use the Armed Forces in carrying out the broad foreign policy of the United States implementing treaties, but it is equally clear that this authority may not be interfered with by the Congress in the exercise of powers which it has under the Constitution.

So the President as Commander in Chief has an inherent power to carry out his duties, and we cannot divest him of those without amending the Constitution.

This legislation does more than make a partisan political statement. It weakens the institution of the Presidency. It is inflexible. It put our Commander in Chief in a straitjacket, ties him up in chains, and puts him in a locked trunk and drops it in the water.

The gentleman has said that he has finessed the War Powers Act and he has finessed the Organization of American States Treaty. Well, the President's inherent powers ought not to require him to have his legal counsel make an interpretation of who and what is an ally under present circumstances. The world changes. Signatories to treaties, some can be friends, some can be allies. The President has to be able to respond as Commander in Chief, and one of the terminal flaws of this legislation is that it ignores our allies. Oh, as an afterthough, in Foley III—this is the third version this time around in the current series—as an afterthought, he cranks in the Organization of American States, recognizing that our allies ought to be able to look to us at a moment of truth. And so with a little convoluted reasoning out of the State Department, one might find that the President has the power to act if, for example, Honduras is invaded.

But we do not need institutional conflict at a time when unity and cooperation is so essential.

A good foreign policy is one that controls events, not simply reacts to events. But this legislation, if you read what it says—and you do not have to go evaluate the convoluted interpretations that it has received here today—does not even permit us to react to events.

Are we ready to tell the world today that our response to Nicaragua, to subversion, to revolution, to terror around the world is to take the President and say, "You may not use our troops when in your judgment as Commander in Chief you should"?

This is "Target Reagan." The Reagan-haters have dreamed this up, and this is a raw political target arrow aimed at Ronald Reagan. I say, do it some other time, folks, but not today when around the world there is hatred and vilification directed against us and what we stand for. You know, he is your President, too, as well as mine.

This legislation is a message of appeasement, of temporizing, of isolation, and of weakness, and it is the politics of confrontation. I think we deserve better, I think our allies deserve better, and I think Americans deserve better. You may be paranoid about the President, but I do not think the American people are.

I hope that this amendment, no matter how they try to sanitize it, goes down to resounding defeat.

Mr. Chairman, I thank the gentleman for yielding.

Mr. HOPKINS. Mr. Chairman, I thank the gentleman from Illinois [Mr. HYDE] for his statement, and I now yield to a member of the committee, the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. Mr. Chairman, I thank the gentleman for yielding.

The gentleman from Illinois [Mr. HYDE] mentioned Dean Acheson. I think the amendment that we are debating today has a bit of similarity, and a rather dangerous similarity, with a position that Mr. Acheson took as U.S. Secretary of State. Secretary Acheson had publicly stated that South Korea was not within the area of U.S. interests in Asia. That, of course, led to the Soviet invasion of South Korea and brought on the Korean war.

What we are likely to be doing with the legislation that the gentleman from Washington [Mr. FOLEY] has proposed is announcing to the world that we are not going to do anything to prevent the kind of Soviet infiltration, Soviet establishments, Soviet arms, Soviet funds, and Soviet type of government that is going on today in Nicaragua. I think we would be making the same serious, grave, and dangerous mistake that Secretary Acheson made when he left Korea outside of the area of American concerns in the Far East.

AMENDMENT OFFERED BY MR. HUNTER TO THE AMENDMENT OFFERED BY MR. FOLEY, AS MODIFIED

Mr. HUNTER. Mr. Chairman, I offer an amendment to the amendment, as modified.

The Clerk read as follows:

Amendment offered by Mr. HUNTER to the amendment offered by Mr. FOLEY, as modified: At the end of that proposed Section 1050 add the following new subsection:

"(f) EXPIRATION UPON ESCALATION.—This section shall not apply when Mig aircraft, or aircraft of similar design and capability, is introduced into Nicaragua."

Mr. HUNTER. Mr. Chairman, what horrendous timing we have exercised and the gentleman from Washington [Mr. FOLEY] has exercised in bringing the Foley amendment before this House and before the world and before Nicaragua today. We talk about message-sending and we talk about the subtle changes that we can make in legislation that will clean it up to the point where our lawyers are satisfied. The gentleman from Washington [Mr. FOLEY] went through a long dialog with the gentleman from Oklahoma [Mr. MCCURDY] explaining that probably the President could consider that Mig aircraft would fit the language of the gentleman from Washington [Mr. FOLEY], but the gentleman's language says nothing about a clear and present danger to the nations of Central America; it only says something and provides an exception for a clear and present danger to the United States of America, and we know that Mig aircraft cannot reach the United States of America. They cannot carry enough fuel. The range of a Mig-23 is about 2,600 kilometers.

From the easternmost tip of Nicaragua to the westernmost tip of Puerto Rico, which fits under the possessions-and-territories exception, it is approximately 3,600 kilometers. So Mig aircraft cannot reach the United States or its possessions and territories, but they certainly can raise the devil with our allies.

The gentleman from Washington [Mr. FOLEY] implied that we could clean up the language in this thing by making a few changes here and there and that will satisfy the lawyers. The people it will not satisfy live in Nicaragua. They do not catch the subtleties of our message-sending. Let us give the best example. A great deal of rhetoric came from this side about how Mr. Ortega now really had the message in the first vote that we took on Contra funding. We said, "Boy, he has got the message now. He knows he has got to straighten his act up."

The day the vote was over, he left for Moscow. So he had not caught any of the rhetoric from our friends on the right side of the aisle, and some of them on the left side of the aisle. He had not caught any of the rhetoric about how this was his chance to shape up. All he knew was that Congress had handed him a gift, and he took off to make the most of it in Moscow.

Now, under Foley language, make no mistake, Mig aircraft can now be stationed in that 10,000-foot runway which is already being constructed with jet revetments north of Managua.

This is the worst of message-sending that we could possibly engage in at this time, because it is a clear message to Managua that they can go ahead, they can make that move, and they can take that Mig aircraft in, and under our bill as they see it, not as our lawyers see it everything is going to be OK.

Let me just talk about something else that was brought up last night in a special order discussion that I think is very important to every Member of this House. This is a time when America's back is against the wall. Around the world America is being threatened. There are hijackings, there was the blowing up of the Indian airliner almost immediately after the taking of our hostages, and there was the killing of our marines in El Salvador. Historically when that happens, Americans come together, and this Congress comes together with the President, whether he is a Democrat or a Republican, and they respond by giving him trust, because he is the one man who is elected by all of us, by all Americans. We give him more leniency and more authority than he had before; we trust him and come together with him. But what has been our historically inconsistent reaction today?

When America's back is against the wall and the President is being increasingly pressured by the situations around the world and they are trampling the American flag in Beirut and they are killing Americans in El Salvador as they are sitting in cafes, what do we say to our President? We are saying to him, "We don't trust you," and we are sending another message, another erroneous message, to Managua.

This Foley amendment is shot full of holes. Under this amendment an airliner coming from Israel to Miami could be hijacked, and if it had Israeli citizens on board, we could not act. The entire Duarte cabinet could be kidnapped and taken to Nicaragua and we could not act because the situation does not fit under the American citizens exception.

This thing has got holes in it that you could drive a truck through. But let me say to the Members that I think the threat that is most important at this time and the message that I see Managua taking out of this debate and out of the Foley language is that they could go ahead and fill those jet revetments with Mig aircraft.

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

Mr. HUNTER. I yield to the gentleman from Minnesota.

□ 1130

Mr. WEBER. Mr. Chairman, I thank the gentleman from California for yielding.

As I understand, the gentleman's amendment deals only with Migs, is that correct?

Mr. HUNTER. That is right, Migs or any other aircraft of a similar capability.

Mr. WEBER. I would like to discuss that, if the gentleman would, just a little bit further.

Is there any conceivable reason why the Nicaraguan Government, the Sandinistas——

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. HUNTER] has expired.

Mr. WEBER. Mr. Chairman, I ask unanimous consent that the gentleman may have 3 additional minutes

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

Mr. COLEMAN of Texas. Reserving the right to object, Mr. Chairman, I am going to use the same statement that the gentleman from California used about a half an hour ago or an hour ago. There are Members who have been seeking recognition who are not members of the committee, who have been standing for 1 hour; so I would ask the gentleman if there is any way that he could get unanimous consent for just a few minutes, so that we could preserve some time.

Mr. HUNTER. We will try to make it as short as possible.

I yield to my friend.

Mr. COLEMAN of Texas. Could I ask the Chair about the request. It was for how much time?

The CHAIRMAN pro tempore. The gentleman is asking for 3 additional minutes.

Mr. COLEMAN of Texas. For 3 additional minutes? Then I will not object at this time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Minnesota [Mr. WEBER] that the gentleman from California [Mr. HUNTER] be allowed to proceed for an additional 3 minutes.

There was no objection.

Mr. HUNTER. I yield to the gentleman from Minnesota [Mr. WEBER].

Mr. WEBER. Mr. Chairman, I thank the gentleman for yielding and I thank our colleague on the other side of the aisle for not objecting.

I just want to make clear, is there any conceivable reason why the Nicaraguan Sandinista government would want to use Mig jets internally in their fight against the Contra resistance forces? In the gentleman's opinion, is there any reason why they would?

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Mr. HUNTER. They could utilize the Mig aircraft against the Contra forces.

Mr. WEBER. But is it not true, if the gentleman will yield further, that the HIND helicopters that they already have are far more effective weapons against those Contra forces and if, indeed, Mig aircraft were introduced into Nicaragua, it is highly unlikely that the primary purpose for using those aircraft would be internally to the country, that the purpose would almost have to be to project power for some reason beyond the borders of Nicaragua?

Mr. HUNTER. That is true. The Mig aircraft are most ideally suited for missions that would involve air strikes in neighboring countries.

Mr. WEBER. So the purpose of the gentleman's amendment is to permit the President to respond in the event that a weapon is introduced which clearly would not be primarily used within the nation of Nicaragua, but which would have as its intent to project power beyond the borders of Nicaragua in a hostile action against the United States or its allies in the region?

Mr. HUNTER. The gentleman is absolutely correct. It could have a devastating effect on institutions and the infrastructure of the neighbors of Nicaragua.

Mr. WEBER. Mr. Chairman, I thank the gentleman for yielding.

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

Mr. Chairman, we have been going now since 10 o'clock. Might I inquire of the Chair, we see a number of Members who are rising to speak. Perhaps if we had an indication of how many Members are seeking time, we have some 60 amendments left on this bill and we have a time limit at 2 o'clock. Perhaps if we could get an indication of how many Members desire recognition we could have an agreement as to a limitation of time here.

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

Mr. McCURDY. Yes, I yield to my friend, the gentleman from Wyoming.

Mr. CHENEY. Mr. Chairman, last night when the subject came up, we worked out very carefully a unanimous consent agreement with the chairman of the Armed Services Committee that we would go in at 10 o'clock this morning. We would take the Foley amendment up first. We would operate under the 5-minute rule. At 2 o'clock we would stop all debate on title X of the bill and after that we would have 1 hour on the Dellums bill and then we would go back under the 5-minute rule, 5 and 5, on whatever amendments were left.

Mr. Chairman, I think on this side of the aisle we would feel that that commitment was not being kept if we were now to undo that agreement that we entered into last night.

Mr. McCURDY. Mr. Chairman, if the gentleman will yield, I understand the gentleman's statement. I was again just trying to get an indication of where we are. I am not trying to undo the agreement, but if at all possible I would urge some restraint and not have Members speaking three and four times on this one issue.

With that, I would not ask unanimous consent for a time limit, but I would urge Members to try to move as quickly as possible and not take the full time.

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

Mr. Chairman, the possibility that U.S. troops may become directly involved in the conflict in Nicaragua is cause for profound concern. Unless Nicaragua poses a direct threat to this country or its citizens, any such involvement would be a practical and ethical mistake of catastrophic proportions.

Mr. Chairman, for several years I sat on the House Intelligence Committee, and I watched this country drift toward direct involvement in the Nicaraguan conflict. But that final, fatal, rash step need not be taken. The administration says that step will not be taken. Congress must say too that, except in the direst circumstances, that step will not be taken.

For this reason, I rise today to speak strongly in favor of the Foley amendment. The Foley amendment is itself a simple affirmation of fundamental constitutional prerogative. It is also a statement of our concern about the possible escalation of the Nicaraguan conflict to include U.S. involvement. It is a statement of our steadfast opposition to any step that would unnecessarily endanger the lives of American servicemen. The House of Representatives must make its position clear on this issue.

These statements are not repudiations of the Nicaragua policy of the current administration. In approving the Foley amendment, Congress is also reaffirming statements that have been made by this administration, such as the statement made by Larry Speakes on June 5 that "the President has no plans to use U.S. military forces in Central America," and that "to raise the specter of direct U.S. involvement is wrong, wrong, wrong." President Reagan's Nicaragua policy does not, and should not, depend on the possible introduction of U.S. troops into Nicaragua.

So to support the Foley amendment is to support the current policy of the administration. To oppose the Foley amendment is to support the possibility that the President could, in the absence of a national emergency, send troops into Nicaragua itself without the advice and consent of the U.S. Congress.

One conclusion that I think can be safely gleaned from our Vietnam experience is that it is difficult to wage an unpopular war. The citizens of this country will not support a sustained conflict in Central America using U.S. troops without the prior consent of the elected representatives of the American people. The House of Representatives must now take this simple step to avert the dangerous possibility that such a rash step could be taken, a possibility that should not even be contemplated.

I am not a supporter of the President's Nicaragua policy. I do not think that we should be playing any role in the conflict inside that country. But Congress has chosen to allow some U.S. role in Nicaragua. But it has not endorsed any direct U.S. involvement in that conflict. We must be clear on this issue. We must uphold our constitutional obligations. We must prevent rashness. We must approve the Foley amendment.

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

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

Mr. McKINNEY. Mr. Chairman, I support and agree with the philosophy of the gentleman from California [Mr. HUNTER]. There should be some understanding in this amendment that if weapons which can only be used for extra-territorial uses are brought into Nicaragua that we should, in fact, be able to react. Other than that, I have to say that I very strongly support the efforts of the gentleman from Massachusetts [Mr. CONTE] and the gentleman from Washington [Mr. FOLEY], because what we are really trying to do is neutralize the Sandinistas. We can neither neutralize the Sandinistas nor can we back the Contadora policy and the Contradora effort toward peace if in fact we do not have the support of the American people.

The American people, Mr. Chairman, I would suggest are concerned. They do not know whether we are going to make the mistake—and that is the best way to call it, the mistake—and, if they historically look back at the U.S. involvement with Nicaragua, they have good reason to believe we will. We are neither strangers to the shores of Nicaragua, nor are we strangers to the streets of Managua. We have been there many times before as the hand maiden of the United Fruit Co.

It seems to me that if we are going to get the American people to be willing to give the type of economic aid that is going to have to be given to the Contadora nations and to Nicaragua to neutralize the cry and howl of Mr.

Ortega, that we first have to assure the American people that we will not take a military adventure in Nicaragua.

□ 1140

It is a difficult decision for this group to make, and I do not like to limit any President because his duty is to be Commander in Chief and his responsibility is to protect this Nation. But I still think that we, as the House of Representatives, have to let the American people know that we are not going to send their kids into Nicaragua, that we are not going to have another Vietnam, because, quite frankly, you and I know that military intervention in Nicaragua would prove nothing and we would win nothing.

In fact, the chances are that we would probably grind on for years and years and years and never get anywhere.

Therefore, I think that we should support Conte-Foley, and I think we ought to say to the American people we will not take troops into Nicaragua. We should reaffirm, as we did for the first time on June 12 that we fully support the Contadora process. Those are the nations that are concerned, those are the nations that speak the language, those are not the big boys on the Hill, and they have the most to lose. They know what the Sandinista government is; they know what Mr. Ortega is, and they will, with our support, I think limit the problems that he causes.

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

Mr. McKINNEY. I will be happy to yield to the gentleman from Missouri.

Mr. SKELTON. I thank the gentleman for yielding.

I understand the gentleman does support the amendment of the gentleman from California regarding the Mig's and like aircraft; is that correct?

Mr. McKINNEY. I do.

Mr. SKELTON. May I ask you, sir, would you support a parallel amendment protecting American lives subject to terrorist kidnapers and the like?

Mr. McKINNEY. I would do that anywhere in the world, and I think we all agree that our ability to act in such situations should not be compromised.

Mr. SKELTON. Should I offer one, and it is out of order now, the Parliamentarian tells me, but should I offer one, would the gentleman be in a position to support that?

Mr. McKINNEY. Let me say to the gentleman that I strongly support the Conte-Foley amendment. But there are problems with it. We live in very strange world. I think international terrorism, such as the situtation with flight 847, at the present moment has to be reacted to in Chicago or Managua or anywhere else. But if we cannot react to it, we had better make sure that we do not make that an excuse for military intervention. We are not going to militarily intervene and attack Lebanon. There are some of us that wish we could, I think, but we are not going to do it.

But, sure, this amendment probably should be refined. There are obvious American interests that this Congress, this President, any President, will never compromise. But we really have to convince the people in my district, and across the Nation, that we are not just sort of slowly floating down the old river into another Vietnam.

You know, as great as we are, if there ever was a fish out of water, it is an American soldier in a jungle. As a great statesman once said, we should keep our military forces out of the jungles and the deserts. For we do not do well there.

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

Mr. Chairman, this House has struggled time and time again with the question of U.S. policy toward Central America. The debate has been emotional and this body has been bitterly divided.

In the past few months, I have talked with many Members from both sides of the aisle. And I have sensed in each Member a genuine soul-searching, a sincere desire to become informed about the realities of Central America, and a profound effort to find a policy that will effectively embody the principles and interests of this country. This has been a difficult issue for all of us.

Many different views have emerged. The majority of the House has at times seemed to speak with conflicting voices. In recent months, we have seen this body completely reverse itself on the question of direct aid to the Contras. And no one would be so hasty as to predict that the debate on this issue is over.

But, in spite of the diversity and divisiveness of opinion in this body, there is one common theme that we hear over and over again from each Member who has struggled with this issue—the growing concern about the possible introduction of U.S. troops in Nicaragua, and the desire to avoid greater U.S. involvement in an escalating war in the region.

This is the issue on which there is genuine agreement in Congress. It is the basis of the consensus we all recognize must be the foundation of any foreign policy. It reflects the most deeply felt concerns of the American people. And it is the issue we address today in the Foley-Conte amendment.

There can be no doubt that congressional concern on this score is well-founded.

We have been given conflicting signals from the administration on this issue. We have been reassured by the President that the United States does not seek a military solution in Nicaragua.

Yet, a recent series of New York Times articles documented the detailed preparations that have been made over the last 2 years for an invasion of Nicaragua—including extensive war games, the vast expansion of intelligence facilities, and the construction of airfields in Honduras that can handle any plane the U.S. military owns.

We have been told that senior intelligence officials believe that an invasion of Nicaragua would be as easy as "falling off a log." And, according to recent press accounts, the President himself has certified that the use of U.S. military forces in Nicaragua "must realistically be recognized as an eventual option in the region, if all other policy alternatives fail."

The shadow of Vietnam has hung over every debate on U.S. policy in Central America. We can all remember the years when America found itself sliding, bit by bit, into a full scale war in Southeast Asia. That war cost 58,000 American lives and lasted over a decade, but no President—either Democrat or Republican—came to Congress for the constitutionally required declaration of war.

The Foley-Conte amendment builds on the lessons we have learned from our recent history of military involvement overseas. It is intended to clarify, in a situation that is increasingly clouded with confusion and fraught with tension, the responsibility of Congress in declaring war.

It will not prevent the President from protecting American lives or property; nor will it prevent the United States from coming to the aid of our allies should they request such emergency assistance.

The Foley-Conte amendment ensures that American troops will not be sent into combat in or over Nicaragua unless they can be guaranteed the full support of the American people, and the clear consent of this Congress.

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

Mr. Chairman, I rise in opposition to the Foley amendment but in favor of the Hunter amendment. If we adopt the Foley amendment we will effectively be nullifying our recent passage of the McCurdy-McDade-Michel amendment that we have recently passed.

The argument before us today is the same one we rejected week before last; namely, that the Americans are the bad guys in Central America, are the warmongers who want to send troops and planes to Nicaragua. We are not and we do not.

If anyone should be considering legislation that limits the introduction of combat forces into a specfic country, it is the Sandinista government in Nicaragua. They are the ones who continue to violate their neighbors' borders. They are the ones who have shelled Honduran villages and gunned down Costa Rican policemen.

With that in mind, Mr. Chairman, I would ask my colleagues to consider this question: If you are not inclined or reject the Foley amendment because it unilaterally ties one hand behind our back, will you not at least defer its consideration until the Sandinistas place identical limits on their own military actions?

□ 1150

It simply defies common sense for us to place limits on something that we are not even doing when they refuse to place limits on something that they are doing.

There are many other reasons to oppose this amendment, in addition to the conflicting signals that it will send since we passed humanitarian aid to the Contras.

In the first place, while its author may protest to the contrary, it really denies in many ways not foreseen to us, denies to our allies in Central America any possibility of U.S. military assistance which we would be obligated to provide under the Rio Treaty of 1947 in the event of an armed attack by Nicaragua against their neighbors.

The Foley amendment also infringes upon the constitutional prerogatives of the President to enter into treaties and of the Senate to ratify them. Paragraph (e) of this amendment is not the controlling paragraph. Paragraph (a) is controlling the amendment. And of course it follows the title, "Limitation of introduction of Armed Forces into Nicaragua for combat." That, in effect is the essence of the amendment.

Hence the amendment also directly conflicts with both the War Powers Act and the Cuban resolution (Public Law 87-733). In the latter, Congress recognized our Nation's obligations under the Rio Treaty and resolved "to prevent by whatever means may be necessary, including the use of arms," the extension of Communist subversion in this hemisphere. When this resolution was passed in 1962, Congress also reaffirmed the Monroe Doctrine to show our national resolve against a very real threat. The threat today is no less real, yet we seem to be flirting with a total about-face in the Foley amendment by saying Communists have a free hand in Central America, but we do not. Worse, in an action that betrays the argument that the amendment is merely a reassertion of lofty constitutional principles, namely the war powers of Congress, the amendment singles out one country, Nicaragua. Why? Because we wisely have contingency plans concerning Nicaragua, the same type of contingency plans we have or should have for every other part of the world. If this amendment has merit for one country it has merit for all, or else it has merit for none at all.

Mr. Chairman, I appreciated the letter I received from the ACLU in support of this amendment warning me of the administration's policy of confrontation with the Sandinista government. But whatever it is that the American Civil Liberties Union has to do with U.S. foreign policy, I must respectfully disagree with their position. No one wants to invade Nicaragua, but neither should we want to rule out any option in our foreign relations. We also do not want to encourage Mr. Ortega and company to think of our carrot and stick diplomacy as all carrot and no stick. He must not be encouraged to be even more violent toward his neighbors. But I am afraid that that is what the Foley amendment does.

Mr. Chairman, we have a role in foreign policy, but it is secondary to the President's role. Our Nation must speak to other nations with one voice, not 535 voices. Congress has its strengths, but foreign policy is frankly not among them. I hope my colleagues will carefully consider these words from the former chairman of the Senate Committee on Armed Services, John Tower of Texas, who retired at the end of the last Congress and serves now as a U.S. arms control negotiator in Geneva.

Senator Tower says:

> After 23 years in the Senate, I am convinced that the Congress lacks the structure, the sophistication, and the vision to play a consistent and constructive role in the formulation and implementation of foreign policy. Within the last decade, there has been a diffusion of congressional power and authority with the demise of the seniority system. The executive branch has found its ability to maintain a sustained and credible foreign policy undermined by the requirement of negotiating with disparate power centers on Capitol Hill.

He said that on May 10, 1984, at the ABA conference.

The CHAIRMAN pro tempore. The time of the gentleman from Louisiana [Mr. LIVINGSTON] has expired.

Mr. LIVINGSTON. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 2 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Louisiana [Mr. LIVINGSTON]?

Mr. COLEMAN of Texas. Mr. Chairman, reserving the right to object, will the gentleman be able to finish in 2 minutes?

Mr. LIVINGSTON. I can assure the gentleman that I will finish within 2 minutes.

Mr. COLEMAN of Texas. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Louisiana [Mr. LIVINGSTON]?

There was no objection.

The CHAIRMAN pro tempore. The gentleman is recognized for an additional 2 minutes.

Mr. LIVINGSTON. Mr. Chairman, the author of the Foley amendment has reentered the same amendment that he entered and was passed last year, but because the American people have begun to become aware of the true nature of the Communist government of Nicaragua, he has now accepted the provisions of the OAS Charter, the Rio Treaty, the War Powers Act, the various other provisions which may bring reason to an unreasonable amendment. But you cannot make a silk purse out of a sow's ear, and this one still has the sow yelling "oink."

Mr. Chairman, let's defeat this amendment and keep the positive, bipartisan momentum we began week before last. The President's foreign policy is working in Central America, and he deserves our support, not another barricade.

I urge the defeat of the Foley amendment.

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

Mr. LIVINGSTON. I yield to the gentleman from Illinois [Mr. DURBIN], who was on his feet first.

Mr. DURBIN. I thank the gentleman for yielding.

Mr. Chairman, will the gentleman from Louisiana indicate to me what aspect of the Foley amendment contradicts the stated policy of the administration toward Nicaragua?

Mr. LIVINGSTON. I think the arguments that have been put forth here are quite clear that the Foley amendment seeks to cut back on the ability of the President of the United States to introduce troops into Nicaragua under any circumstances. That is the underlying concept of the Foley amendment. There is no possibility of this Congress to foresee the contingencies that may arise in the future when such a necessity might come about. The Foley amendment is just too overly broad. There is just no way to foresee all that could happen.

Mr. DURBIN. But is the gentleman aware of any particular direction or goal of this administration relative to military interdiction in Nicaragua that is contradicted by the Foley amendment?

Mr. LIVINGSTON. The introduction of Mig's into Nicaragua could be such a case.

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

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

Mr. DORNAN of California. I thank the gentleman for yielding.

Mr. Chairman, I have a point of clarification because the gentleman serves ably on the Intelligence Committee.

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

Mr. Chairman, I rise as a co-sponsor of the Foley-Conte amendment, in support of the amendment. This amendment, my colleagues, is a real test of our constitutional responsibility and also a test of whether we mean what we say. It is a test of whether the Congress means what it said when it passed the Foley amendment last year; it is a test of whether the House means what it said when it passed the Michel amendment a few days ago; it is a test of whether the President means what he says when he speaks about U.S. policy in Central America.

Most of all, it is a test of whether this Nation is truly serious about pursuing a course of peace as our first option in Central America. Is this necessary? You bet it is necessary, because there is a great deal of confusion about what our policy is in Central America.

One day we talk war, the next day we talk peace; one day we talk about helping the Contras, the next day we talk about using the Contadora process; one day we talk about overthrowing the government, the next day we talk about negotiating with the government.

But in all of that there has been one clear, consistent theme that has been repeated over and over and over again, and it is that the United States would not send United States Armed Forces into Nicaragua for combat purposes. That has been stated by Mr. MICHEL, Mr. BROOMFIELD, Mr. MCDADE, Mr. MCCURDY, Senator DOLE, by the President of the United States, over and over again.

Are all those statements just so many words? Is it not just as important to our national security to stand by our word as it is to defend ourselves? Clearly, our word has not been given on this issue over and over and over again.

So what we have here, my colleagues, is an amendment that is basically a restatement of that commitment. It was a commitment that we passed overwhelmingly in the defense authorization bill last year. It has been referred to time and time and time again in debate as a prohibition against random use of United States forces in that part of the world. All we are asking in this amendment is to restate that commitment again.

□ 1200

We will not unilaterally, that we will not unilaterally without clear and just cause, send our troops into Nicaragua.

This amendment clearly provides for protection against all other circumstances involving clear and present danger to this country. It allows the President a full option to look at issues, whether they are Migs or any other, whether it is terrorism or whether it is any other issue, that he feels represents a clear and present danger to our security.

So it protects that option, but it also makes clear that the use of force will not be our first option in dealing with Central America.

So I think that this amendment represents indeed a test for this House, a test of whether we mean what we say and we say what we mean.

I urge the adoption of the Foley amendment.

Mr. MICHEL. Mr. Chairman, I move to strike the requisite number of words for the purpose of inquiring of the Chair if it might not be appropriate at this juncture to dispose of the Hunter amendment to the Foley amendment.

The CHAIRMAN pro tempore. The Chair will put the question on the Hunter amendment if there are no further Members who wish to speak on the Hunter amendment.

The question is on the amendment offered by the gentleman from California [Mr. HUNTER] to the amendment offered by the gentleman from Washington [Mr. FOLEY] as modified.

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WEBER. Mr. Chairman, I demand a recorded vote.

The vote was taken by electronic device, and there were—ayes 377, noes 45, not voting 11, as follows:

[Roll No. 201]

AYES—377

Ackerman
Akaka
Alexander
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Barnard
Barnes
Bartlett
Barton
Bateman
Bates
Bennett
Bentley
Bereuter
Berman
Bevill
Biaggi
Biliraki
Bliley
Boehlert
Boggs
Boland
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Byron
Callahan
Campbell
Carney
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Coleman (MO)
Coleman (TX)
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de la Garza
DeLay
Derrick
DeWine
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Donnelly
Dorgan (ND)
Dornan (CA)
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Edwards (OK)
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Evans (IA)
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Florio
Foglietta
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Ford (MI)
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Franklin
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Frost
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Gaydos
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Gingrich
Glickman
Goodling
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Gregg
Grotberg
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hansen
Hartnett
Hatcher
Hendon
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Hiler
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Hopkins
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Howard
Hoyer
Hubbard
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Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lagomarsino
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Leach (IA)
Leath (TX)
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Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
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Lowery (CA)
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MacKay
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McKernan
McKinney
McMillan
Meyers
Mica
Michel
Mikulski
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Monson
Montgomery
Moody
Moore
Moorhead
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
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Olin
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Oxley
Packard
Parris
Pashayan
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Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Ray
Regula
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Richardson
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Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Rudd
Russo
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Seiberling
Sensenbrenner
Sharp
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Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NH)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Strang
Stratton
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weber

Whitehurst	Wolf	Yatron
Whitley	Wolpe	Young (AK)
Whittaker	Wortley	Young (FL)
Whitten	Wright	Young (MO)
Wirth	Wyden	Zschau
Wise	Wylie	

NOES—45

Addabbo	Hawkins	Sabo
Anderson	Hayes	Savage
Bedell	Kastenmeier	Scheuer
Beilenson	Leland	Schumer
Clay	Lowry (WA)	Stark
Conyers	Markey	Stokes
Crockett	McHugh	Studds
Dellums	Miller (CA)	Torres
Dymally	Mitchell	Towns
Edwards (CA)	Morrison (CT)	Waxman
Evans (IL)	Oberstar	Weaver
Ford (TN)	Panetta	Weiss
Frank	Rangel	Wheat
Garcia	Rodino	Williams
Gonzalez	Roybal	Yates

NOT VOTING—11

Brown (CA)	Holt	Luken
Fish	Huckaby	Owens
Hefner	Kramer	Wilson
Heftel	Loeffler	

□ 1220

Messrs. WILLIAMS, RANGEL, LOWRY of Washington, TOWNS, and McHUGH changed their votes from "aye" to "no."

Mr. GEJDENSON changed his vote from "no" to "aye."

So the amendment to the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SKELTON TO THE AMENDMENT OFFERED BY MR. FOLEY AS MODIFIED, AS AMENDED

Mr. SKELTON. Mr. Chairman, I offer an amendment to the amendment, as modified, as amended.

The Clerk read as follows:

Amendment offered by Mr. SKELTON to the amendment offered by Mr. FOLEY, as modified, as amended: In the new section 1050 proposed to be added by the amendment, strike out the period at the end of subparagraph (C) and in lieu thereof insert "; or"; and add the following new subparagraph:

"(D) to respond to hijacking, kidnapping, or other acts of terrorism involving citizens of the United States or citizens of any ally of the United States."

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, I was just wondering, the chairman of the full committee is not here, but I was wondering if we could get some sort of a feel or inkling if not agreement. The Armed Services Committee has finished its part of the Defense authorization bill. Everything else we are debating now or will debate are tack-on amendments that the Members wish to add.

I know that we are approaching a weekend, the Members are anxious to get out of here. I know that the time has been set for 2 o'clock and we will cease debate and then have an hour of debate by the gentleman from California. Then we will consider each amendment for go into the 10 minutes. But there are 50 amendments already printed in the RECORD.

I really do not think we are accomplishing a great deal in terms of changing Members' minds on the Nicaraguan issue. Mr. Chairman, could I get some indication of how many people have amendments that they would like to offer to the Nicaraguan question?

Mr. SKELTON. Mr. Chairman, in response to the gentleman, I yield to the gentleman from Virginia [Mr. DANIEL].

Mr. DANIEL. I thank the gentleman for yielding.

Mr. Chairman, just about 20 minutes ago we talked to the leadership on the other side of the aisle, and we understand there are several more amendments. For that reason, we decided not to request a time limit.

Mr. DICKINSON. If the gentleman would yield, I was not trying to forestall debate; I was trying to get a feel for it. I did not know that the gentleman had that understanding.

Mr. DANIEL. If the gentleman would yield, I would say that on this side we are perfectly willing to cease debate any time the gentleman wishes.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. SKELTON. Mr. Chairman, before I discuss the amendment before us, I would be remiss if I did not say to the gentleman from Washington that I appreciate him correcting the one item regarding the War Powers Act. To not have done so would have brought innumerable confusion at the least, and a number of lawsuits at the worst. So I think he did the right thing and I appreciate him accepting that suggestion that was made earlier today.

This particular amendment, Mr. Chairman, very simply authorizes the President to do what he has the power to do at the present time: To response to terrorism in the nature of hijacking, kidnaping or other similar acts. These are days of terrorism, Mr. Chairman, and it is something we cannot push under the rug or under the table.

We do not wish to have Nicaragua established in this hemisphere as a safe haven or as a sanctuary, and this amendment of mine does solve that problem. I might point out that history is replete, to mention ancient history, American ancient history, the situation of the Barbary Pirates, the Boxer Rebellion, all of those give certainly precedent to this body and to the President in taking care of not just our allies but our own citizens who might be in peril or in danger.

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

Mr. SKELTON. I yield to the gentleman.

Mr. VOLKMER. I thank the gentleman.

Mr. Chairman, I just want to clarify something in the amendment because I read the Foley, and it does make the provision, and I basically have no objections to the amendment. But the Foley amendment does provide in subparagraph c, it provides for protection for and to evacuate U.S. Government personnel or U.S. citizens. So the gentleman is just specifically providing for a specific instance to do that. I understand that.

But I also want to clarify for the RECORD that in the event that a Shiite group or any other group would hijack an American plane and take it to Managua, that your amendment does not mean, hopefully I assume it does not mean, that that would mean that we could introduce American military forces into Nicaragua for the purpose of overthrowing the Sandinista regime just because somebody else took a hijacked airplane into Managua.

Mr. SKELTON. That is not what my amendment states. Very clearly it says to respond to hijacking, kidnaping, or other acts of terrorism and the like.

Mr. VOLKMER. If the gentleman would yield, in other words, it would be just for the purpose of evacuating those people and getting our people our of there; is that correct?

Mr. SKELTON. It is clear English as to what it says; to respond to, and it is limited to the words of the amendment.

□ 1230

Mr. McCAIN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Missouri [Mr. SKELTON].

I think it is important the President have the ability to retaliate or to take such actions so as to ensure the safety of the lives of Americans wherever they are threatened throughout this world.

Last Wednesday four young marines died, two civilians, in a terrorist attack for which the FMLN took credit. A New York Times story yesterday stated, and I quote:

Guerrilla leaders have issued a warning that the killing of four U.S. marines in a sidewalk cafe last Wednesday was "only a beginning," and promised to carry the war "to Yankee aggressors wherever they are in El Salvador.

The June 19 attack, in which 9 other people died and 15 were wounded, "constitutes a just action in legitimate defense of our people and our sovereignty," the five top military leaders of the Farabundo Marti National Liberation Front said in a communique read over the clandestine guerrilla radio Monday night.

Who are these people, Mr. Chairman? I will tell you who they are. It is the group that Mr. Jose Napoleon Duarte describes on June 1, 1985, in his address to the National Assembly, and I quote:

On repeated occasions, we have denounced that Nicaragua is the haven for Salvadoran subversion. Extremist leftist groups are trained here. Logistic aid for the

Salvadoran guerrillas is coming from Nicaragua.

Nicaragua is the center of the operation where terrorist actions against El Salvador are planned, decided and ordered. Nicaragua is a cancer in Central America.

Those are the words of Jose Napoleon Duarte.

Recently some Salvadoran Marxist guerrilla, documents were captured, and I quote to my colleagues from one of the memos so there will be no doubt as to the close alignment, in fact embedded relationship, between the FSLN, the Sandinistas, and the FMLN, who claim credit for the attack that killed four young marines and two innocent American civilians.

From the captured documents:

We repeat the importance that we attach to showing our peoples and the world that the FSLN (Sandinistas) and FMLN (Salvadoran guerrillas) are indissolubly united in defending revolutionary conquests and resolved to expand them, even when that means direct confrontation with imperialism.

What is the Foley amendment without the amendment offered by the gentleman from Missouri [Mr. SKELTON]? It should be called a sanctuary amendment because, indeed, that is indeed what it is. It would provide sanctuary for the Nicaraguans to continue to train, arm, equip, and supply efforts to overthrow its neighbors and we will send a message to them, with passage of the Foley amendment without the perfecting amendment offered by Mr. SKELTON, that it is acceptable to the people of the United States.

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

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

Mr. KEMP. I thank my friend, the gentleman from Arizona, for yielding.

Mr. Chairman, I just wanted to congratulate the gentleman on his statement and to remind our colleagues about what he has quoted from President Duarte: that it is very clear that the support for the Communist guerrillas in El Salvador is coming from Nicaragua. But that is the same thing that Monge has said about Costa Rica, the same thing that the President of Honduras, Suazo, has said about Honduras, that the source of the problem is Nicaragua.

Really, I support the Skelton amendment, but I think that this debate really points up the fallacy behind the Foley amendment. It is predicated upon the assumption that we are going to turn our backs on what is happening in Nicaragua and its neighboring states.

The Foley amendment is conceptually flawed, and this amendment will not cure that fatal flaw.

I urge that the Skelton amendment be passed, but for people to reconsider the whole predicate upon which the Foley amendment rests, because it really says, as the gentleman from Arizona pointed out so articulately, that we are going to leave Nicaragua as a haven for terrorists, subversies, and hostile forces.

For the record, I would like to enumerate some of my objections to the Foley amendment.

The Foley amendment is unconstitutional. In effect, it says that the President shall retain his authority as Commander in Chief in all places throughout the word except Nicaragua. As a strong advocate of the War Powers Resolution, Senator TOM EAGLETON, has written: "No one branch of Government may push the exercise of its constitutional authority to the limit where it effectively preempts another branch from exercising its own powers." This Congress has ample control over any U.S. military action anywhere in the world through the war powers—including powers of the purse—granted under the Constitution. Unconstitutional amendments such as this do not serve the interests of the country.

The Foley amendment is contrary to the obligations of the United States under international law. Under the Rio Treaty and the Charter of the Organization of American States, the United States is under a solemn obligation to the signatory states to come to their assistance in the event of an attack. Collective security pacts of this nature have been the foundation of the maintenance of peace in the latter half of this decade. For the Congress to enact laws abrogating our treaty obligations would unravel the basis of Western alliance networks.

The Foley amendment would send a tragically wrong political signal. Our allies in Central America look to the United States for their security against Nicaragua's military might. The potential for any negotiated settlement depends on Nicaragua's perception that the stakes of continuing aggression and subversion are too high. If the Congress undercuts the President's ability to act in Central America, then the Congress will be weakening the influence of the United States, frightening our allies, and encouraging the enemies of democracy and peace.

With the continuing hostage crisis in Beirut, the President must have congressional support in the full range of his ability to meet the national security needs of the United States and the American people. How can we curtail the President's authority to use military force at the very time that he is confronting terrorists holding Americans hostage? If the free world is to come to grips with international terrorism, we will have to treat this as a collective security concern. Terrorist training camps are not just in the Middle East. There are some operating in this hemisphere, dedicated to the destabilization of Central America and beyond. This is the wrong time to exempt any country, anywhere, from the threat of military action.

This amendment is an example of classic isolationism, and a very bad precedent for a nation that is seen as the leader of the free world. Freedom is not served by weakening the Presidency of the United States.

Mr. McCAIN. Mr. Chairman, if I might reclaim my time, the reality of this situation, and we will hear in response by opponents of this amendment that somehow this amendment will give the President a license to become militarily involved in Nicaragua. It does nothing of the sort. What it does is allow the President to respond anywhere in the world, as the majority of the American people are now requesting that he do, because of the dramatic and tragic rise of terrorist acts that have taken place throughout this world in an effort to bring acts of terrorism to a halt.

If, however, the Skelton amendment is voted down, the fact is that we will say, "We will not allow it in other parts of the world. We will not allow it in Beirut. We will not allow it in Teheran." But we will allow acts of terror orchestrated from Managua.

The time has come for the United States to take the responsibility to respond to the deaths of innocent young men such as those 19- and 20-year-old marines. They were not military advisers, colleagues; they were simply men who were on duty guarding our Embassy who were want only slaughtered in an act of terrorism.

It is time that the United States of America and our President, with the consent of Congress, be allowed to respond. With the adoption of the Skelton amendment, we will achieve this desirable goal.

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

Mr. Chairman, I just received a letter the other day from Edgar Chamorro, whom most of us know as a former member of the FDN, or the Contra Directorate, until he abandoned that effort last year. I would like to read a couple of excerpts from his letter, which bear upon the debate today.

I am afraid that now that Congress has approved "humanitarian aid" for the Contras that it will become a green light for more pain and more abuses, the inevitable tragedies of war. I am saddened by the consequences in Nicaraguan lives and tears.

I do expect that you and your other colleagues will keep an eye on any misuse of the present policy to enact legislation to prevent more atrocities and more human abuses. I am hopeful that U.S. foreign policy in my country should not jump from benign neglect to reckless action.

I believe that your country can export more than money to a Contra. Your democratic values, ideals, moral principles, which should be guidelines for fighting other ideologies or Sandinista threats of destabilization, rather than a policy of inflicting pain to set an example for other countries not. The U.S. does need to imitate the revolutionaries in Nicaragua.

I know that Members have honest and sincere differences of opinion on this issue, but this man, who is a Nicaraguan and who has been one of the Contras, is saying something important to us that is relevant in this debate today. He is asking us to look to the principles embodied in our Constitution and the War Powers Act, which retain for the Congress a major role in foreign policy and a say in the decisions of the President to make war on countries that threaten our national security.

I do not agree that the United States is threatened by Nicaragua, and I hope that the House would support the Foley amendment, and preserve our Constitutional prerogatives, and not abandon the responsibility that the Constitution grants to Congress. Abandoning that responsibility would give to the President a blank check and say to him that Congress does not need to be consulted on such matters as taking military action which he judges to be needed, in Nicaragua and in Central America.

It is especially important that we adopt the Foley-Conte amendment because the Senate has rejected a similar proposition. It now falls on our shoulders to preserve those values and those cherished principles that other people around the world admire and respect as a guide for their future. We must maintain the principles to which others aspire.

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

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

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I can appreciate, as I think every American can, the idea that we can wage competition in this world with the Communists through our ideals and our values. Our problem has been that in Cambodia, in Vietnam, in Cuba, whenever our naked ideals come up against Soviet tanks, generally the Soviet tanks prevail, and I think that is the flaw.

Mr. ALEXANDER. Mr. Chairman, reclaiming my time, I wish I had the opportunity to debate this point with the gentleman because it is rare that we come to grips and join in an issue, but I think the issue is joined by the remarks the gentleman has made. The fact is that we as a nation have not learned how to deal with client states of the Soviet Union and that force has not rewarded our efforts.

All of the money and power and force that we have expended in Central America and in Nicaragua have not produced the results that were intended, and in fact, the effort has been counterproductive. We are imposing our will upon those people through the use of force when by allowing our ideals to be an example to them and encouraging support for democratic institutions, we would be nourishing true democracy in that country.

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

Mr. ALEXANDER. I am glad to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

Could the gentleman cite to me cases in which clients of the Soviet Union have been retrieved to the democratic side, to the West, if you will, in the past 20 or 30 years?

Mr. ALEXANDER. Well, I will cite the best example, if you will, the People's Republic of China, that turned abruptly to the West in 1978, abandoning strict Communist doctrine.

I am giving the gentleman the best example. China is turning away from the Soviet Union. As a former client state of the Soviet Union, China is embracing capitalistic ideas. China did not abandon communism as a philosophy, but it is reaching out for Western ideas, for capitalism, to adopt capitalistic methods in order to make its own nation a productive nation rather than a nation of distribution.

Mr. HUNTER. Is the gentleman arguing that China has become a democracy?

Mr. ALEXANDER. No; I am not, but democracy is possible in China because of the policies of this Nation encouraged them by our example rather than threatening them with our guns.

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

Mr. Chairman, I rise in support of the Skelton amendment and in opposition to the Foley amendment.

Mr. Chairman, I have an amendment at the desk that certainly would be guilty of the charge I have made often in this House of micromanagement, and as much respect as I have for the gentleman from Massachusetts on issues of war and peace being mainframe management, when we get into discussing individual weapons systems being introduced onto the continent of North America, we are really on shaky ground.

For example, let me read my amendment to you. I hope I do not have to introduce this. I hope we are putting together an amendment that is all-inclusive, that either eliminates the Foley amendment altogether or brings us to the point where we realize that the distinguished gentleman from Washington has picked a disastrous period in American and world history to cripple the President of the United States. My amendment changes Mr. HUNTER's letter (f) to (g), and it says this:

Expiration upon Escalation—This section shall not apply when more than 12 Mi-24D HIND helicopters are introduced into Nicaragua.

I would change it before I submitted it to this body to six helicopters because I just called for a less speculative and more accurate intelligence update, and it appears that there may be only six.

A few months ago, together with the gentleman from Minnesota [Mr. WEBER], I physically saw three brand new shiny Soviet Airwolf flying tanks, the Mi-24D helicopter. I know someone sarcastically would want to call this the Rambo amendment, but that cartoon world of Rambo where one man alone starts blowing Soviet gunships of the capability of the HIND out of the air is just what that movie is—sheer unadulterated wild fiction.

If anybody knows anything about tactical air in this House—and there are distinguished Members on both sides of the aisle that do—they know that Mig-21's have no capability but annoyance—we learned that in Vietnam with some of our expensive jet fighters—as opposed to a gunship with the capability of a HIND. Not only is the HIND similar to our Apache or two Cobras strapped side by side, but it can carry a light-infantry squad so they can put men on the ground for a cleanup operation after they have torn up freedom fighters, Contras, or whatever you want to call them.

The introduction of one HIND into Nicaragua is five times more serious than the introduction of any Mig-21 or Mig-25, which is an air-superiority interceptor.

Are we going to start putting in perfecting amendments to Mr. HUNTER's amendment—thank God that did not happen—to say that what we are talking about is Mig-23's but not the interceptor type that Castro got away with putting in, because under President Kennedy everything involved only nuclear IRBM missiles? Are we going to say they have to be the sloped-nose type of fighter-bomber, the air-to-ground version? Or are we going to start refining it down to Mig-27's, Mig-29's, and Mig-31's?

This is micromanagement. This amendment is just as the gentleman from Arizona called it, the sanctuary amendment. The last time the word, sanctuary, was used so extensively, day on end in this body was over the poor nation of Cambodia. It is not called a sanctuary anymore; it is called the killing fields.

This amendment is no trust in the President amendment. Let us not be cute and say that we are trying to lock him into his own words or we are talk-

ing about Larry Speakes' June 5 speech. What we are saying is that we do not trust the President.

And I could understand that. I could accept an intellectual argument from the gentleman from Massachusetts because, after all, Franklin Delano Roosevelt said we were only going to stay as the arsenal of democracy. Lyndon Baines Johnson as our incumbent President beat the pants off my candidate, BARRY GOLDWATER, Sr., by saying he was not going to escalate the war in Vietnam and put any more troops in. I can understand a lack of trust, but step forward and say that. Do not be sarcastic and say that you are trying to help the President state his own position.

Look at what happened. Here is why I say that what the distinguished gentleman from Washington did is disastrous.

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

Mr. DORNAN of California. Let me get this one statement out, and then I will yield.

What did the guerrillas say in El Salvador? They said, "The first American marines have begun to fall." They gloated. They said, "The marines killed in the Zona Rosa were not innocent; no Yankee invader is free of guilt."

This is raw hatred down there. Many of you held up the Newsweek magazine that showed the alleged—and, by the way, I accept them, but they are alleged—photographs of the execution of a stool-pigeon in the field by the Contras. They held it up wildly in the other body. Has anybody yet held up this picture of this American marine with open gaping wounds in his chest, Imagine his mother looking at this, with his eyeglasses by his side. One of these marines was there with his girlfriend. They were not on duty; they were off duty. But they are part of our Embassy, and that is already exempted in El Salvador under the Foley amendment.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. DORNAN] has expired.

(By unanimous consent, Mr. DORNAN of California was allowed to proceed for 1 additional minute.)

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

Mr. DORNAN of California. I yield to my distinguished friend, the gentleman from Pennsylvania.

Mr. RITTER. Mr. Chairman, I thank the gentleman for yielding.

I just want to go back to the Hunter amendment. The Hunter amendment talks about Mig aircraft.

Mr. DORNAN of California. Generically.

Mr. RITTER. Yes; generically. Or aircraft similar to that. But let's face it. The existing HIND D, the Mi-24, HIND helicopters, are far, far more capable of destroying any resistance movement as they exist inside Nicaragua. The HIND helicopters have been active in Afghanistan, and we have seen that they are very effective against guerrilla forces; they can destroy whole villages and the people in them; destroy cattle; in terms of guerrilla war, they destroy the sea in which the fish swim.

Mr. DORNAN of California. Mr. Chairman, may I reclaim my time to make one point?

Mr. RITTER. Yes.

Mr. DORNAN of California. They operate barely at the edge of the envelope of their altitude capability. They have to fly low through some of the valleys because of the extreme altitudes in Afghanistan, enabling the Mujahedeen freedom fighters to fire down on them.

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

Mr. DORNAN of California. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 1 additional minute.

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

Mr. BRYANT. Mr. Chairman, reserving the right to object, there have been a number of times when we have asked for additional time. I have put Members on notice that we could go on and on with each speaker and there may be an objection. There are other speakers who desire to talk, and the time is only until 2, as I understand it.

I will not object to 1 additional minute in this instance, but I would ask the Members to try to conserve the time so we could all have a chance to address the issue.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

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

Mr. DORNAN of California. I yield again to the gentleman from Pennsylvania.

Mr. RITTER. Mr. Chairman, the Mi-24 HIND D is a flying tank. It can fire rockets, it can fire machine guns, and it can drop bombs. If the Soviets put in additional Mi-24 HIND D's, this is far more dangerous to our security and to the security of our Central American allies and neighbors than fixed wing Mig's. Yet no amendment says anything about this, and even if we had an amendment to limit Mi-24 HIND D's in Nicaragua, they could substitute 40 or 50 other helicopters of other makes or other fixed wing aircraft that are not covered by the Hunter amendment. That would deeply endanger any resistance movement and the immediate neighbors of Nicaragua far more than the longer range, higher speed Mig aircraft.

□ 1250

Mr. DORNAN of California. Mr. Chairman, let me reclaim my time to make the point and show why it is micromanagement. If you were a field commander on either side in Nicaragua, you would rather have 40 Mi-8's than four HIND's. We are into foolish micromanagement.

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

Mr. Chairman, I find the amendment offered by the thoughtful gentleman from Missouri a good one and I intend to support it.

I voted against the last amendment, the one on Migs, and I want to thank my friend, the gentleman from California, for supplying the rationale for my vote against it. The gentleman probably should have checked with his other friend from California so he could have offered the right plane amendment instead of the wrong one.

I want to say to the gentleman that I am not in favor of micromanagement and that is why I voted against the amendment.

In fact, the amendment offered by the gentleman from Washington says that if the President finds a clear and present danger to the security of the United States or a violation of the Rio Treaty through an attack on someone else, and now with an amendment dealing with terrorism, he can respond.

What we are dealing with here are not small questions. It is not micromanagement.

We have two fundamental questions. One is central and constitutional. Does the fact that the President, as the Commander in Chief, mean that he can order American combat troops into action? Can he order young Americans to begin the process of killing and being killed anytime, anywhere, anyplace?

The arguments of those opposing the underlying Foley amendment have been essentially that.

That is not a constitutionally compelled result. To recognize the power of the President as the Commander in Chief is to recognize that when American forces are committed, he has ultimate command.

We have a constitutional question here. May the Congress of the United States, the elective Representatives of the President, say to the President that there are circumstances in which we do not want troops to be committed?

The gentleman from Illinois, I regret to say he is not here now and I regret that, because I usually respect him, I am sorry that he can think of no other reason that Members would oppose or-

dering young Americans to kill or be killed than partisanship.

The amendment offered by the gentleman from Washington says that if our national security is at stake, if there is a clear and present danger, the President will decide, and the courts have been clear, that would be a Presidential decision unchallengeable in court.

If our treaty allies are involved, we can go in.

What we have said is that we do not want the President of the United States making war for ideological reasons, for political reasons.

People say, "Do you trust the President or do you not trust the President?" Sometimes I do and sometimes I do not, but that is not the question.

The question is under the Constitution of the United States does this body have the right to say in advance that here are circumstances in which we do not want people to be shooting and be shot at.

There are times in a dangerous world when you have to resort to force of arms to protect yourself. The gentleman from Washington has quite sensibly enumerated them.

The argument that it is somehow micromanagement to say to the President, we know, the President has said that he does not like the fact there is a lack of democracy in Nicaragua; neither do I. I also do not like the lack of democracy in South Africa and some other places and the People's Republic of China. The President is a great friend of the People's Republic of China, that Communist regime. They are apparently not a threat, and I agree with him. There is no automotivity to the threat. What we have said is that if there is a threat to our national security, that the President decides he can go in there; but we have also said that we have reason to fear that this President, given some of the statements he has made, "Cry uncle," he is going to keep going until they cry uncle. Given the futility we think with the current policy with the Contras, he might be tempted to launch an invasion.

If Members think it is legitimate for the President to order an invasion, not because of a threat to our national security and not because of terrorism and not because of a threat to our allies, they have a right to vote against this.

Those of us who are afraid that the President will abusively for political or ideological reasons order people in, we want to vote for it.

The gentleman from California mentioned, and I appreciate it, President Roosevelt, President Johnson. Who is kidding whom? Presidents sometimes make mistakes. Presidents sometimes act from bad motives. Presidents are human beings.

I am surprised that it would be considered a constitutional question for Members of the Congress of the United States, solemnly assembled, after debate, to say that in these circumstances, do not go to war. That in no way impinges upon the responsibility of the Commander in Chief. Being Commander in Chief means that once the shots are fired, the President is in command.

This says that if there is a clear and present danger, the President goes in and the courts would clearly defer.

Then the question is, Are we afraid this President might decide to invade Nicaragua? Yes; I am afraid that he might, for reasons not necessarily related to our national security.

We had the Migs. The gentleman from California said these Migs are not a threat to the United States. They cannot reach the United States. They cannot reach Puerto Rico, except a very little bit, and that is why I voted against that amendment.

The question is, many of us fear that the President is opposing Nicaragua's Government for reasons other than national security and we think it is entirely constitutional to say that is not grounds for debate, and if some gentlemen think otherwise, they can vote otherwise.

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

Mr. Chairman, I yield to the gentlewoman from Maryland.

Mrs. BYRON. Mr. Chairman, let me ask my distinguished colleague, the gentleman from New York, to join me in a very brief colloquy on the subject of the bomber force study directed in committee report 99-81 that accompanies H.R. 1872.

Mr. STRATTON. Mr. Chairman, I would be happy to join my distinguished colleague in connection with the bomber force study that was directed by committee report 99-81, accompanying H.R. 1872.

Mrs. BYRON. Mr. Chairman, let me ask my colleague from New York, What was the philosophy supporting this study?

Mr. STRATTON. As we say quite clearly in the opening paragraphs of the section that addresses our bomber force study, much has changed since the decision was made to build 100 B-1 bombers and a roughly similar number of advanced technology bombers, or ATB's. These changes in the strategic environment demand that we do take a new look at the air-breathing leg of the strategic triad to see if those requirements have changed.

Mrs. BYRON. Mr. Chairman, let me ask the gentleman, a decision was made 4 years ago in regard to the number of aircraft. With things changing as quickly and dramatically as they are, should this study be structured in the same manner?

Mr. STRATTON. Well, I certainly think we should look at it again. It is our intention that all aspects of the bomber modernization study of 1981 be reexamined and that the Department of Defense fully justify the findings and recommendations that arise out of this reexamination on the basis of logic and common sense.

Mrs. BYRON. Well, it bothers me that the Department of Defense possibly assumes that we have a prejudged position within this committee as to the outcome of the study. I think the study group must justify any portion of the bomber decisions made 4 years ago. Is that correct?

Mr. STRATTON. Well, we certainly do not want a study that is tainted from the start by directions from Congress or any other quarter to support a particular set of prejudices.

We do not want a rehash of positions taken years ago when circumstances were significantly different.

Mrs. BYRON. Well, are we basically questioning the concept of the "two-bomber program"?

Mr. STRATTON. I think what we are really doing is calling into question what impact recent events have had on the 1981 proposals for the bomber force and how the 1981 proposals fit into the realities of 1985. At that time we had a lot of B-1's under construction. The ATB was largely a gleam in somebody's eye. But now we find that both these bombers are nearing completion at almost the same time.

Mrs. BYRON. Well, is there a possibility that the study could now change the mix of the bomber force?

Mr. STRATTON. I think that is entirely possible. If the study group finds that a different mix is required, they should clearly state the differences and provide justification for those changes. This study could call for more or fewer of either bomber or for a higher aggregate number of both bombers, but again, whatever the recommendations, there has got to be a solid justification and whatever the recommendation is, there must be a full debate on the proposed bomber force, because obviously a good deal of money would have to be spent if we are going to continue both those lines into the future.

Mr. Chairman, I want to express my appreciation to the gentlewoman from Maryland for raising this point, because I think Congress ought to be aware of it in connection with this legislation.

Mrs. BYRON. Mr. Chairman, I thank my distinguished colleague from New York.

Mr. JEFFORDS. Mr. Chairman, I move to strike the requisite number of words. I rise in favor of the Foley amendment.

Mr. Chairman, I rise in support of the Foley-Conte amendment prohibiting

the introduction of troops into Nicaragua without the prior approval of Congress unless such introduction is necessary to meet a clear and present danger to the United States or the U.S. Embassy in Nicaragua. I believe that this is a sound amendment, and in concert with the stated policy of the administration.

There are two important aspects of this debate: what instruments should we use to implement a sound policy toward Central America, and what are the distinctions between the role of the President and the role of Congress in foreign policy. Regardless of one's position on the second question, I believe that all members should support this amendment in answer to the first.

At this time, the majority of Americans would not support U.S. troop involvement in a war in Central America. Nor does careful evaluation of our policy options and goals in the region substantiate a reliance upon the use or threat of use of military force by the United States. The President has clearly stated that he has no intention of sending our troops into action against Nicaragua unless a direct threat to the United States should develop. This action does nothing to hamper the President's authority in that eventuality. Rather, it ensures that Congress would be involved in any policy decision to attack Nicaragua in the absence of such a military threat.

In conclusion, let me urge my colleagues to support this amendment. I strongly believe that we must be willing and ready to use only those instruments of foreign policy in Central America which will bring about the desired results: stability, democracy and economic growth in the region. Therefore, we must put the President's assurances into law and state publicly that this body will have a part in any such radical change in U.S. policy toward Central America.

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

Mr. Chairman, I want to address the Foley amendment itself and discuss some of the background as to how we got where we are.

Last year when the first Foley amendment was introduced, it was done in order to reconfirm in this body the position which had been expressed by the President and by the administration, that in fact he and it did not intend or want or would have American military forces introduced into Central America.

□ 1300

The Foley amendment also was intended to demonstrate to the American people that the Congress was listening carefully to the position expressed by the people in every survey and poll taken, that they did not want direct American military involvement in Central America. On the basis of those positions this body by an overwhelming vote supported and adopted the Foley amendment last year.

Now we are back here and because of the passage of time and other events that have taken place, we have witnessed in some of the debate today by those who oppose the Foley amendment as originally conceived, as a restatement of stated American policy, an engagement in every kind of character assassination, guilt by association, distortion, misstatements, misrepresentation to suggest that the Foley amendment does everything other than that which the Foley amendment intended to achieve. The adoption of the language of the Hunter amendment flies in the face of what the original intent of the Foley amendment was.

What in fact the Foley amendment has been amended into is a blueprint for becoming involved militarily in Central America by the United States of America. It seems to me that is a very wrong direction for this House to be going and I would like to think that upon review of where we have come from, where we started out, that perhaps the distinguished gentleman from Washington [Mr. FOLEY] who offered the amendment would review his thinking and perhaps withdraw the amendment.

It seems to me that we would be in a much stronger position simply by relying on the Constitution of the United States, which says very clearly that before the United States of America, except in specified circumstances, can go to war it needs the declaration of war by the Congress of the United States.

Now, one final word. There have been suggestions that the Members of this body are not macho enough and that they are trying to hamstring the President. I suspect that they are of the same types of people who have been berating the President and the Secretary of State for not being aggressive, more belligerent in their efforts to deal with the current hostage crisis. I simply want to say that I, who have been a frequent critic of the President, in foreign policy matters especially, want to commend him for the statesmanship and responsibility with which he has addressed the problem which engages the lives of American citizens.

The Foley amendment as originally conceived was in that same pattern, and I would have thought that the Members of the President's own party would have seen that the Foley amendment was supportive of administration policy.

As an initiator of the Foley amendment I regrettably must conclude that its original thrust has been undermined and undercut. Should the President decide sometime in the future to introduce American combat forces "into or over Nicaragua" he will point to the Foley amendment as his authorization. That was exactly the opposite of the original aim of the Foley amendment and I therefore intend to vote against it.

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

Mr. Chairman, I do not want to foreclose any debate on the Foley amendment but I think probably we have exhausted as much time as we need on the Skelton amendment. At this time I would move a vote on the Skelton amendment.

The CHAIRMAN pro tempore. Are there Members seeking recognition on the Skelton amendment?

Mr. DICKINSON. Mr. Chairman, I call for a vote on the Skelton amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Missouri [Mr. SKELTON] to the amendment offered by the gentleman from Washington [Mr. FOLEY], as modified, as amended.

The amendment to the amendment, as modified, as amended, was agreed to.

Mr. DOWNEY of New York. Mr. Chairman, I move to strike the requisite number of words and rise in support of the Foley amendment.

Mr. Chairman, a great American lawyer, Clarence Darrow, once said that the only thing we learn from history is that we learn nothing from it. And with our involvement in Central America, that quote is especially appropriate.

Let us review the last two times that the United States of America has sent forces to Central America, because there might be some lesson in their involvement that could be applied to today's debate.

In 1909 the United States was deeply concerned with a Nicaraguan dictator by the name of José Santos Zelaya.

We were concerned about him because he was openly nationalistic and we thought a threat to American economic interests. And over a 2-year period between 1909 and 1911 we did enough to undermine the Zelayan government so that we were able to put in someone of our own choosing, a fellow by the name of Adolfo Diaz.

Unfortunately, Diaz by 1911 was so hated in his own country because of his association with us that we had to introduce American marines to protect him.

American marines stayed in Nicaragua from 1911 through 1925. In 1925 we left, but very briefly. We then allowed the process to continue in Nicaragua on its own, and between 1925 and 1926 the Government of Nicara-

gua tended to be Bolshevik—that was the term we used. It was actually a lot closer to the Mexican Government of the time. I guess we were worried about creeping Mexicanism in Nicaragua. We came back in 1926 with American marines and stayed there through 1933, for 7 more years.

We then left Nicaragua with the Somoza family, which the Kissinger Committee report has appropriately termed a kleptocracy. We are now debating not so much whether or not we are involved or should be involved, we are clearly involved and we will stay involved, but we are debating the question of whether or not it is appropriate for the American military to become directly involved once again.

The sad truth of Nicaragua and all of Central America is that when we decide to intervene militarily, we may for a short period of time cosmetically solve the problem that exists as we perceive it. But we provide no long-term, lasting stability to the region.

There are not, lamentably, enough military solutions to the problems of Nicaragua, the government of the Sandinistas, or the problem of the surrounding countries. There is, however, a political possibility, and what the Foley amendment seeks to do is to say to the rest of the world that we still have faith, maybe some of us more than others, in the political process; that we believe that inevitable revolutions are not the course of history or need not be in Central America, but that the way to go is to use other nations in the region to help us understand the problem and to help us solve the problem. It is in the finest of American traditions, most recently spelled out by Caspar Weinberger, to not use force as an extension of American policy unless the policy is clear, unless the people support the policy, and unless the use of force can be terminated quickly and favorably to our benefit.

I think that if we apply Mr. Weinberger's criteria of when to use force and when not to use force, then Nicaragua does not apply under any circumstances.

So if you are interested in allowing the forces of diplomacy to move ahead, if you are concerned that you see history repeating itself here again on this floor, you will support the Foley amendment, you will eschew the use of force, and you will recognize there is no lasting nor permanent peace before the barrel of a gun in Central America.

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

Mr. DOWNEY of New York. I am happy to yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Chairman, the debate on our Nicaragua policy cannot be allowed to end. Even though the advocates of military force won the vote June 12 on so-called humanitarian aid, we simply must not permit further expansion of our military involvement in Central America.

The amendment which prevailed on June 12 was quite similar to the Gulf of Tonkin resolution. A President wanted to make war on a small country and did not want to come right out and say it because Members of Congress were reluctant to be on record as voting for war. But the result—in both the Gulf of Tonkin resolution and the Reagan administration Nicaragua resolution—is the same. The Congress permitted a President to make war.

Now we must vote today to prohibit U.S. troops from involvement in the war the President wants. We cannot let the vote on June 12 become a watershed vote. If we let the June 12 vote stand without troop prohibitions we will cross over the great divide that separates democracy from Government by Presidential fiat. This President, to get his way, was willing to say anything and agree to anything—the words did not matter—so long as the June 12 vote favored his resolution. His side won. He can now do as he pleases if we do not approve the amendment today which prohibits the President from sending our troops to make war on the Government of Nicaragus.

The reason for this administration's war policy is that a Communist government in Nicaragua is to them not only intolerable but represents a foothold in the Western Hemisphere by the Soviet Union. It is obvious that the Reagan administration would also adamantly oppose any other nation in the region installing a Communist government or coming under the influence of the Soviet Union. None of us—those who favor and those of us who oppose the Reagan administration policy—want that to happen. But a war policy against Nicaragua is exactly the policy that would lead to the spread of communism throughout Latin America.

It is abundantly clear that most Latin peoples in the Western Hemisphere do not like the idea of U.S. interference in the internal affairs of any of their nations. Particularly are great numbers of the people of the region susceptible to Yankee hating formented by cries of imperialism and domination. Certainly Latin American politicians who do not like the United States will take advantage of this strong sentiment to obtain office by becoming anti-U.S. demagogs. Such politicians include the very Communists the Reagan administration seeks to bar from power. A United States war policy in Nicaragua will help bring these elements to power, the very situation the Reagan administration—as well as the rest of us—hope to prevent.

As one who strongly opposes this administration's policy toward Nicaragua and who voted against the administration amendment on June 12, I believe the administration is acting against its own objectives. But if a war policy in Nicaragua does bring in Communist governments elsewhere in Latin America, the Reagan politicians will be quick to blame those of us who fought their policy. I want to discredit that device before it is used. It is the Reagan administration which will be to blame for ushering in governments we do not like or want.

Further, it is the Reagan administration claim that Nicaragua has built up its military. I do not like that military buildup either. But Nicaragua is at war with the Contras—a force we are backing—and what country faced with an invading army would not build up its military? The Reagan administration cites as cause for further military involvement by the United States—the Nicaraguan military buildup—the very thing their own policy has created. And if there is further involvement by the Soviet Union in Nicaragua—again, something none of us want in the slightest degree—the administration will cite that as well, as reasons for our increased involvement.

The administration war policy is a policy that feeds on itself. It must be restricted—as it will be by the amendment we vote on today to prohibit our troops in Nicaragua. And the administration must not and should not blame those of us who are opposed to their war policy for any further Communist or Soviet gains in Latin America. Indeed, the blame lies with the administration itself for its reckless military policy that is sowing the seeds of Yankee hating and communism in our neighboring countries to the south.

□ 1310

AMENDMENT OFFERED BY MR. BURTON OF INDIANA TO THE AMENDMENT OFFERED BY MR. FOLEY, AS MODIFIED, AS AMENDED

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment to the amendment, as modified, as amended.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana to the amendment offered by Mr. FOLEY, as modified, as amended: In subsection (c) of the section proposed to be added to the bill by the amendment, strike out the period at the end of paragraph (2)(C) and insert in lieu thereof "; or", and after paragraph (2)(C) insert the following:

(3) the President determines that Nicaragua is supporting, directly or indirectly, military or paramilitary or terrorist operations in El Salvador, Honduras, or Costa Rica.

Mr. BURTON of Indiana. Mr. Chairman, I believe the Foley amendment as written indirectly will give aid and comfort to some of the enemies of the United States. I know it is not intended to do that but I believe it does. I think my amendment will help clarify where the President should have some

latitude in order to accomplish some things down there that need to be accomplished.

Just recently, as has been stated on this floor, four American marines were killed by terrorists in El Salvador, and two American civilians were killed.

If the Foley amendment is passed as written and we determine that the terrorist activity is originating in Nicaragua the President will have no option open to him to go in there and stop that.

Do you know, when we think back about Grenada, if the Foley amendment had been applied to that situation, we would not have been able to go in there to stop the Communist bloc from using that island for further Communist expansion in our hemisphere. Also there is some question as to whether or not we could have gone in to rescue our American citizens being held hostage.

Mr. FOLEY. Mr. Chairman, will the gentleman yield on that point?

Mr. BURTON of Indiana. I will in a moment. I know what your interpretation is of that and you are going to say that if we are going to evacuate American citizens we can go in. But I think we would have had real trouble had the Foley amendment been in effect at that time, going into Grenada.

I think there are situations which arise where the President needs to have some latitude and we do not know what all those situations may be. We know that the terrorist headquarters, the Communist guerrilla headquarters for the El Salvadoran guerrillas is in Managua. It is my belief that the Communists in Nicaragua are supplying the guerrillas in El Salvador. When I was in El Salvador in Chalatenango Province recently I saw weapons, Bulgarian hand grenades, Soviet mortars, all kinds of ammunition that did not grow out of the ground. It had to come through Nicaragua or Cuba.

Those weapons have been used by the Communist guerrillas in El Salvador to murder our marines and some of our civilians. As has been stated by the gentleman from Arizona earlier today, those people—the Communist guerrillas—have bragged about that and said that they intend to continue that type of activity.

The President is going to have to deal with that. We have terrorist activities going on around the world. We have terrorist activities in the Middle East, we have terrorist activities in Central America. To tie the President's hands in any way in my view is a terrible, terrible mistake. That is why I believe my amendment will help deal with that problem. This amendment says very clearly that if Nicaragua is supporting directly or indirectly military or paramilitary or terrorist operations in El Salvador, Honduras, or Costa Rica, the President will then not have his hands tied by the Foley amendment and will be able to take whatever action is necessary to eliminate that threat.

I think that the President ought to have this latitude.

You know, this amendment, if it is not properly amended will hamstring the President of the United States; it will demean him in the eyes of the people of this country because it questions severely his judgment, and it will also hamper his ability to lead this Nation.

Mr. FOLEY. Mr. Chairman, will the gentleman yield to me on that point?

Mr. BURTON of Indiana. Yes; I yield to the gentleman from Washington.

Mr. FOLEY. I thank the gentleman for yielding.

Mr. Chairman, I am really amazed that the gentleman would say that the words of the President of the United States which have been stated time and time again on the issue of Grenada as being required to protect the lives of American citizens did not justify our intervention there. The gentleman is apparently in disagreement with all of his colleagues in a bipartisan committee that was sent to Grenada and which I had the honor to cochair with Mr. MICHEL.

All of his colleagues on his side of the aisle and the overwhelming majority on ours felt that the President was acting correctly in protecting American lives, and justified.

Mr. BURTON of Indiana. Well, we all think he—the President—acted absolutely correctly.

Mr. FOLEY. Well, I do not see why the gentleman doubts that.

Mr. BURTON of Indiana. I don't; however, you were one of the opponents of that action initially. You made statements initially after the invasion took place opposing what the President did.

Mr. FOLEY. Excuse me?

Mr. BURTON of Indiana. As I recall, immediately after the action took place in Grenada, you were one of the people who were making statements opposing what the President had done.

Mr. FOLEY. The gentleman is not only incorrect, I would ask him, after he has corrected the record, to state it publicly. The only statements I have ever made with respect to Grenada were to support the President's action. The gentleman does me grave disservice based on inaccurate and incorrect information.

Mr. BURTON of Indiana. Mr. FOLEY, I will check the record. I was down there in Grenada when you were there. If I am in error, I will apologize.

Mr. FOLEY. The gentleman is in error.

Mr. BURTON of Indiana. I will check the record.

Mr. FOLEY. And I will expect that apology to be made in as public a way as the gentleman has made the accusation.

Mr. BURTON of Indiana. I will certainly do that if I am incorrect.

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

Mr. BURTON of Indiana. I will be happy to yield to my colleague from Illinois.

Mr. HYDE. Apropos the discussions, it is my understanding that one of his cosponsors, however, on the original Foley-1 of this current series, filed a bill of impeachment against the President following Grenada. So there is an admixture of feeling on that issue among the gentleman's cosponsors.

The CHAIRMAN pro tempore (Mr. RUSSO). The time of the gentleman from Indiana [Mr. BURTON] has expired.

(On request of Mr. FOLEY and by unanimous consent Mr. BURTON of Indiana was allowed to proceed for 1 additional minute.)

Mr. FOLEY. Mr. Chairman, will the gentleman continue to yield?

Mr. BURTON of Indiana. I yield to the gentleman from Washington.

Mr. FOLEY. I thank the gentleman for yielding.

Mr. Chairman, I hesitate to use the worlds red herring but a certain red herring has been drawn across this debate with the suggestion that somehow this amendment would have prevented the action in Grenada or that some of us are somehow—that I am involved in opposing the Grenada action. In fact, as people who are in this Chamber, including the leadership members on the other side know very well, and as I may be asked to call on them to verify the report of the committee that was appointed by the Speaker resolved by an overwhelming majority of both parties, to support the President's action in Grenada. I do not think that ought to be cited in a confusing and inaccurate way.

Mr. BURTON of Indiana. As I said before, I will check the record. If I find I am incorrect I will correct it.

Mr. FOLEY. The gentleman was in Grenada but he was not there at the appointment of his leader. There are people here in the Chamber, however, who were.

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

Mr. BURTON of Indiana. I yield to my colleague from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

I would like to certify that Mr. FOLEY was indeed an early and vocal supporter of the President's action in Grenada. In that position he stands in somewhat spendid isolation but nevertheless he was there and he was on the right side of that issue and I salute him.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana [Mr. BURTON] has expired.

(By unanimous consent Mr. BURTON of Indiana was allowed to proceed for 1 additional minute.)

Mr. BURTON of Indiana. That being the case, Mr. FOLEY, you have my apology.

Mr. FOLEY. I thank the gentleman.

Mr. BURTON of Indiana. I believe my perfecting amendment will add a great deal to this legislation. I hope my colleagues would seek to support it.

I would like to also state that I think the Foley amendment is misguided. The War Powers Act is enough. I think the President has the ability and the wisdom to deal with the problems in our hemisphere, and throughout the world, and we should have more trust and confidence in him.

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

Mr. BURTON of Indiana. I yield to the gentleman from New York.

Mr. STRATTON. I thank the gentleman for yielding.

Mr. Chairman, I do not support the Foley amendment in this instance, but as one member of the committee Mr. FOLEY led to Grenada and apparently the only one on the floor at the present time, I can very definitely attest that the gentleman from Washington not only supported the President after our committee had been briefed fully and walked around and visited the area of Grenada, he reported back to the Speaker in no uncertain terms that the overwhelming majority of that committee believed that the President had acted properly and as a result of Mr. FOLEY's report the Speaker changed his opinion and made a similar statement.

Mr. BURTON of Indiana. I thank the gentleman for that clarification.

Mr. Chairman, I yield back the balance of my time.

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

It is interesting to me, during the course of this debate, that many of my colleagues who suggest that they adhere to a conservative philosophy have come out in opposition to what I consider to be a very conservative point of view. In my view the Foley amendment is a conservative approach because it conserves the values and principles of the Constitution.

In the not too distant past I stood on this floor and listened while there were those on my side of the aisle who suggested there were ways, constitutional ways to allow the President to commit troops to Beirut, the Lebanon peacekeeping force, as it was then termed.

□ 1320

At the time, I expressed some regret that Congress was in many ways forfeiting its right to play a role in the debate as to whether or not those troops should be committed.

After the tragedy involving the marines in Beirut, we withdrew the troops. Those of us in Congress who had misgivings from the outset believe that perhaps Congress should have been more assertive when the decision was made in terms of committing troops. But that is history.

I would think today that the Foley amendment gives us again that constitutional opportunity, an opportunity under a Constitution which we have sworn to uphold, and one which we should follow.

To forfeit that responsibility, to say to the President that he has carte blanche, and there will be no fetters on his decisionmaking ability in this regard, I do not believe is consistent with the letter or spirit of the Constitution.

Let me add, too, that I have listened closely to the debate, and particularly the comments by the gentleman from California [Mr. DORNAN] and the comments by the gentleman from Indiana [Mr. BURTON]. I find an interesting thread that runs through their suggested amendments.

The thread is this: There should be a condition precedent, some sort of condition, which having been breached the President can then send American troops and invade Nicaragua.

In both instances, both speakers have suggested that that condition has already been met. Listening closely to what Mr. DORNAN said, he believes the presence of six Soviet HIND helicopters is sufficient grounds for the President of the United States—it has been amended to seven?—seven Soviet HIND helicopters, is sufficient grounds for the President of the United States to commit troops in Nicaragua.

In Mr. BURTON's amendment, he suggests that the involvement of Nicaragua in the problems of El Salvador gives the President all the justification he needs to invade. In other words, they have said the condition has been met.

For some of the President's most loyal supporters on that side of the aisle, there would be no objection at this point if the United States invaded Nicaragua.

Now I find that interesting as a conclusion, because the administration has stated just the opposite: They have told us during the course of the debate on the McCurdy amendment, for example, they have no intention of invading Nicaragua.

Now how do we reconcile the statements from the President's most loyal supporters that we are in a position to invade, with the stated policy of the administration?

When I asked the gentleman from Louisiana earlier whether or not there was any aspect of the Foley amendment which contradicted the administration's stated policy in Nicaragua, his answer was in the negative; he did not know of any, and I do not know of any.

So I have to wonder as I listen to the debate whether or not the gentlemen on that side of the aisle believe we have reached a point where we should invade, and perhaps the Foley amendment is an obstacle they do not want in their path.

Mr. HYDE. Will the gentleman yield?

Mr. DURBIN. I yield to the gentleman.

Mr. HYDE. I thank my friend for yielding. In listening carefully to his well reasoned statement I have difficulty following some of its logic.

The gentleman seems to be saying that people on this side of the aisle have found justification for an invasion. I do not think anybody wants to invade Nicaragua. In fact, if we will only aid the Contras, we do not have to go near Nicaragua; they will do the fighting.

The point is, the President ought to have the option based on a whole series of considerations that in his judgment, military effort is required, but to foreclose that option on a country-specific basis is to usurp the position of Commander in Chief and to do the very thing that Senator Fulbright, in a very wise statement once said:

> The entrusting of the conduct of war ought not to be left to a collection of parochial legislators, as this very debate so well illustrates, it should be left where the Constitution places it, with the Chief Executive.

Mr. DURBIN. If I might reclaim my time, under the Constitution, as I read it, we have a responsibility in this decision. For decades, Congress has forfeited that responsibility under both Republican and Democratic administrations.

Loyal to our Presidents, we have allowed the creation of a war in Korea, in Vietnam, interdictions in certain areas, and stood back mute, watching the consequences.

What Mr. FOLEY is suggesting in his amendment is that Congress will assert, as I understand it, its constitutional responsibility, which appears to me to be a very conservative approach to a document which we all respect.

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

Mr. FRANK. Will the gentleman yield?

Mr. DURBIN. I yield to the gentleman.

Mr. FRANK. I think that the gentleman has done us a service on two grounds. First, we now have what I think, from our friend from Illinois—he is the one who wants to amend the

Constitution; he wants effectively to knock out of it the power of Congress to declare war.

Because Congress—that is not the representative body of the American people; that is a bunch of parochial legislators.

What the gentleman from Illinois' argument comes down to is a denigration, indeed a denial of the capacity of the elected Representatives in Congress to have any major role in when and whether American forces are committed.

The Commander in Chief's power, once they are committed by our constitutional processes, no one is impinging on.

Second, the gentleman from Illinois says, if we would only aid the Contras we would not have to invade. That is why we are so nervous: No one has argued, from the administration or elsewhere, that the Contras with the level of aid proposed, or twice it or three times it, are going to overthrow that government, and that is precisely the problem we have:

You commit yourselves to the overthrow of the Nicaraguan Government for both internal and external reasons, and then we are afraid what will follow.

The central point is that the gentleman from Illinois objects not to the Foley amendment but to the power that the Constitution gives Congress to declare war, because why would you give that to so many parochial legislators who are not to be trusted?

Mr. McHUGH. Mr. Chairman, I rise in opposition to the Burton amendment and in support of the Foley amendment.

The Burton amendment amounts to an invitation to the President to go to war in Nicaragua. Basically, what the Burton amendment says is that if the Nicaraguans are supporting directly or indirectly people who have killed or terrorized American citizens, the President has authority to commit American troops to combat in Nicaragua without consultation with or the approval of Congress.

The President has said many times that Nicaragua is supporting the guerrillas in El Salvador, and some of those guerrillas in El Salvador have just recently killed American citizens there.

The condition precedent established by the Burton amendment has therefor been met. By passing such an amendment, Congress would be saying to the President, "Anytime, you wish, you have our blessing to directly involve United States forces in combat in Nicaragua." We would have effectively transformed the Foley amendment into a declaration of war; and in that event many of us who support the Foley amendment would be compelled to vote against it.

So let us recognize the Burton amendment for what it is; it is a killer amendment. It is, in effect, a congressional authorization for war against Nicaragua, or at least an invitation by Congress to the President to involve United States combat troops directly in Nicaragua. The Burton amendment should be rejected.

I would now like to speak in favor of the Foley amendment. As others have said, this amendment simply confirms what the President himself has said is his policy, that is, that he has no intention of introducing United States combat troops in Nicaragua.

He has tried to reassure the American people a number of times on this issue, and this amendment would do the same thing in legislative form.

Now some people might well ask, why is the amendment necessary? The amendment is necessary because there are significant doubts about what the policy of the administration is, and one need only review some recent articles and statements by the administration to understand why there is some doubt and confusion notwithstanding the President's statements.

For example, on May 24, 1985, there was a page one story in the New York Times headlined: "Shultz in Warning on Combat Troops for Latin Region," referring in the story to comments by the Secretary of State to the effect that U.S. military intervention is an option.

In the New York Times edition of June 4, 1985, on page 1, there appeared a long story entitled, "Nicaragua and the U.S. Options: An Invasion Is Openly Discussed," referring to administration sources who have talked about the possibility of an invasion.

There have been a series of media reports referring, with apparent accuracy, to comments by administration officials which suggest the possibility of an invasion of Nicaragua.

Therefore, notwithstanding the President's statements, there is confusion and there is doubt. The Foley amendment would restate legislatively what the President himself has said to reassure the American people, and for that reason I have great difficulty understanding why the Foley amendment has generated such opposition from the Republican side of the aisle.

As has been pointed out, the President has considerable discretion under the Foley amendment to meet emergency circumstances. The amendment does not prevent the President from acting to meet a clear and present danger to the security of the United States, to its territories, to its possessions, to its citizens, or to its embassy in Nicaragua.

This amendment does not preclude reconaissance or overflights of Nicaragua: it does not preclude the placement of United States naval vessels offshore; it does not restrict United States military exercises in *Honduras*; it does not prevent United States forces from training the military forces of El Salvador, Honduras, or Costa Rica, or from coming to the defense of those countries if they are invaded.

So it is a very limited amendment; it is a very modest amendment. It is an amendment designed to reassure people in the same way the President has tried to do, unsuccessfully thus far, that our government will not precipitously use American combat forces in Nicaragua.

□ 1330

If the President chooses, for whatever reasons, to undertake a major commitment of forces or to initiate a war in Nicaragua, that is so fundamental a decision that we should participate as Representatives of the American people in such a decision. That would be our responsibility under the Constitution, a fundamental point that others have effectively made.

I urge the adoption of the Foley amendment.

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

Mr. Chairman, I was just wondering whether we could get an agreement just to vote on this particular amendment, the Burton amendment. Would anyone object to a vote on it now?

Mr. FRANK. Mr. Chairman, I object.

Mr. DICKINSON. The gentleman from Massachusetts objects.

Mr. HYDE. Mr. Chairman, would the gentleman yield?

Mr. DICKINSON. I yield to my friend, the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, I just want to clarify a remark that was made by my good friend from Massachusetts that somehow I wanted to divest Congress of its constitutional power to declare war. I hope nothing I have said remotely indicates that. There is much literature on the subject of the difference between the power of Congress to declare war, which is a specific and limited grant by the framers of our Constitution and the power of the President as Commander in Chief, which is a general grant by our Founding Fathers to the President. The power to declare war is a formal act. Only the Congress can do that. But there are other forms of belligerency and combat than a declared war. In fact, the number of times war has been declared you can count on the fingers of one hand, whereas there have been over 200 combat occurrences where troops have been involved without a declaration of war. It is the inherent powers of the President as Commander in Chief that are at issue here, not

the specific constitutional power of Congress to declare war.

There is a difference. Consequences flow from that difference. This bill seeks to obliterate that difference.

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

Mr. HYDE. I do not have the time.

Mr. FRANK. Mr. Chairman, will the gentleman who has the time yield?

Mr. DICKINSON. I have the time, and I do not yield.

I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. My colleague named DURBIN, just put on his turban, and rubbed his small crystal ball; I rise in offense, to my own defense, for invasion I've put out no call.

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

Mr. Chairman, this is a fundamental issue that we are facing here today in Congress and, despite all of the arguments that we hear on the side of the opponents of this amendment, we are fundamentally talking about the rights of Congress here. We are talking about whether we are in on the takeoff as well as on the landing. Yes, we can be consulted after the fact in any of the military incursions that are potentially capable of being enacted by the President down in this particular area of the world; but I think that we have a real serious concern that Congress in fact has allowed its powers to be abdicated over the past 20 or 25 years without our full involvement in very fundamental issues that go to the very core of what role we are supposed to play constitutionally in serving as a check and balance upon the Executive power of committing American young men to combat situations.

In 1966 they brought John Waden home in a casket to Malden, MA. Now, John Waden was a young man who went to high school with me. But he was that kind, you know that kid in the neighborhood who is always Bat Man, who is always Zorro, who is always Errol Flynn, the one kid in 20 whom no one can ever lay a glove on, whom you can never touch, who is always a leader. Well, John Waden volunteered to go to Vietnam. And he came home in a closed casket in November 1966, the kid who lived three doors away from me, a corporal. And I went to that wake, a sophomore in college, and I went around to every single adult at that wake and I asked each one of them, "Why is John Waden dead? Why are we in Vietnam?" And there was not one single adult who knew why John Waden was dead. There was not a single person who could explain that policy. There had yet to be one single vote in Congress on why we had boys over there in Vietnam. We have an obligation to every mother and every father and to every young man in this country that Congress will discharge its responsibility before we send young boys down into this country. And we just cannot turn a blind eye and build in exceptions while pretending that all of the aid that we give to the Contras is fine and dandy and fully able to discharge all of our responsibilities while building in exceptions that allow the President to in fact engage in policies that run totally contrary to the policies of having the Contras in fact take care of their own problems in that region.

We sent people into Grenada, yes. We were able to notify 5,000 troops, we were able to tell plenty of colonels and generals. Did we have enough time to call TIP O'NEILL and HOWARD BAKER and bring them over 3 and 4 days in advance? Somehow that escaped the attention of the Executive, of the Pentagon. We not only do not have time to consult Congress, we do not even have time to consult the leadership of Congress when there are 5,000 people in this country who know that we are about to engage in a military activity.

What we are saying here to the President is, before you start charging up San Juan Hill, how about stopping off at Capitol Hill first, how about giving the people of this country and their elected Representatives a little bit of notice so that we might have a little discussion before we might in fact cross a tripwire that engages us in situations that does not have just one of my constituents who was killed in El Salvador last week, but has dozens of my constituents involved in that kind of maiming and killing, without any full notification given to the body which is supposed to serve as a check upon that use of military power in this country.

That is all the Foley amendment is all about. And what the gentleman from Indiana and the gentleman from California, and others, are trying to do is drill in the exceptions that make it possible for the President to have the blank check to commit the troops that in fact might cross that line and begin that conflict down in that region without the full participation of all of the Members of this body.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I will be glad to yield to the maker of the amendment.

Mr. BURTON of Indiana. As I recall, the Speaker of the House and the minority leader were called to the White House before the invasion of Grenada. There was a stopoff to the leadership of this building before the invasion took place. Am I not correct?

Mr. MARKEY. That is not my knowledge. My knowledge is that there was no consultation.

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

Mr. MARKEY. I yield to the gentleman from Illinois.

Mr. HYDE. There was a consultation, and I will concede to the gentleman there was not a lot of time in between the act of invasion and the consultation, but indeed there was, before the invasion, there was a consultation with Mr. O'NEILL and Mr. Baker.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts has expired.

(On request of Mr. BONIOR of Michigan and by unanimous consent, Mr. MARKEY was allowed to proceed for 2 additional minutes.)

Mr. MARKEY. I yield to the gentleman from Michigan.

Mr. BONIOR of Michigan. Mr. Chairman, the fact of the matter is they were consulted. As I recall, it was in the middle of the night and the planes were revved up and the troops were there. That is hardly consultation at all. It was such "an open debate" that is fact the American public was barred from it because you could not get decent press coverage, television coverage. So do not give us this malarkey about the American people and the Congress being informed.

The point that the gentleman makes is right on target. You people do not have the guts, you do not have the nerve to take responsibility for what the Constitution has given you. You have given it up. And you gave it up in 1960's and you got us involved in Vietnam, and you caused a situation with which this country regrets today, and that is what is involved here.

Mr. GINGRICH. Mr. Chairman, I move to take the gentleman's words down.

Mr. BONIOR of Michigan. I yield back.

Mr. MARKEY. Mr. Chairman, I reclaim my time.

Mr. GINGRICH. Mr. Chairman, I move to take the gentleman's words down.

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

□ 1340

Mr. GINGRICH. Mr. Chairman, I have been informed that since it was a generic rather than a personal allegation, it is not against the rules.

Mr. Chairman, I withdraw my request.

The CHAIRMAN pro tempore. The gentleman from Massachusetts [Mr. MARKEY] has 1 minute remaining.

Mr. MARKEY. Mr. Chairman, the point is, as the Speaker of the House said on the day of the Grenada invasion, that he was informed but he was not consulted. That he was brought over and given the information the night before the invasion as to what in fact would be occurring the next morning. But there was no consultation; there was plenty of time because 2 and 3 days before, the U.S. military

had been informed. But not, in fact, the civilian government, which is supposed to be the ultimate decisionmaking power in terms of the commitment of American forces.

We are ultimately in Central America, in Nicaragua, going to follow the same course as we did in the 1960's, if we do not exercise our own powers. We are going to antagonize, we are going to Vietnamize, and ultimately, we are going to communize that country because we are not ultimately going to exercise the kind of judgment and the kind of restraint which will allow us to reach a peaceful resolution of this question. This amendment is just one more attempt to drill that loophole in that will make it possible for that commitment of American forces that will have us cross that line and charge up that hill, and ultimately wind up in that conflict. It is inevitable.

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

Mr. Chairman, I think that the basic points being made by our friends on this side of the aisle are legitimate and deserve being addressed. I think they reflect probably the fundamental difference in the viewpoint of the bipartisan majority that from Harry Truman to Lyndon Johnson attempted to stop communism on this planet. And the fragmentation of that majority. I want to walk through what I think are the six key, legitimate questions that are being raised in the Foley amendment.

First of all, my distinguished colleague from Massachusetts talked about John Waden coming home, and it is a fair thing to talk about. Young men died in Vietnam; young men have died since; young men died this last week in their country's uniform in El Salvador. They died this last week in their country's uniform in Lebanon.

Another gentleman said, and I think he frankly overstretched himself because of the emotionalism of the topic in suggesting that Congress for 40 years permitted violence. It is clearly not Congress that permits violence any more than it is the police that permit muggings. The question really is this: Are there times when Congress should be consulted? Yes. Was, in the case of the John Waden who was killed and came home in 1966, the Congress consulted? Endlessly.

This Congress in every way appropriated the money, raised the forces, passed the Gulf of Tonkin resolution; did everything it had to do to make Vietnam a legal, constitutional activity. There was endless consultation on Vietnam.

Was the John Waden killed without the American people supporting the war? Not historically. Historically, there was overwhelming support for the war when the war began in Vietnam. Historically, Gene McCarthy got more votes in New Hampshire from hawks who thought he was related to Joseph McCarthy and who wanted to end the war by bombing Hanoi, then he got, that is true, technically. You can laugh at it; that is technically the truth. I can understand why you reject reality; that happens every day on this floor.

I can show you the polling data from 1968. That happens to technically be historically true. I do not blame you for rejecting the truth any more than sometimes your majority leader does. But the fact is it is technically true.

Now, let me carry the Members a stage further. Did Congress permit violence in Korea? Absolutely. Instead of telling the South Koreans "Go ahead and be enslaved," we said "resist." Did Congress permit violence in other places? Are we permitting violence in El Salvador? Absolutely.

We have permitted violence in El Salvador because we say, "Why do you not resist communism?" Do we permit violence in the Middle East? Of course, we tell Israel, "Do not allow yourself to go out of existence." Again and again this Congress permits violence.

Last week, there were two acts of violence against uniformed American people. The people my friend from Massachusetts called John Waden. Did the Congress permit that violence? Of course; we established the Marine Corps; we established the Navy. We allowed them to go out of the country. They were doing terribly vicious military things. One was riding on an airplane as part of an underwater construction team. Four of them were sitting unarmed in a cafe having a drink. That is the kind of violence we create.

What happened? People who hate America killed them. Now what are we going to do today in response to the fact that our children get killed while serving in uniform. We are going to pass an amendment that says we will show you terrorists; we will further cripple the American executive branch. We will show you how tough we are; we will further weaken the case.

One of the gentlemen earlier referred specifically to Korea as an example, and he is right. If Harry Truman had had this kind of Congress and he had those kind of amendments, it is very likely he would not have instantaneously and aggressively reacted, and before my friend leaps to his feet, let me suggest to him that Harry Truman was frequently willing to do things that challenged the Congress directly, particularly when he thought it required overt action on the part of the Presidential leadership. The President was willing to take on this Congress and to go to the American people and I would suggest to you that it was at that time, of course, Republicans who were isolationist. It required courage for the Vandenbergs to form a bipartisan majority in favor of stopping communism. It required courage to create a bipartisan effort that recognized that violence in this world is created by the people who hate America; it is not created by the American Congress.

Let me say finally, my most deeply troubling problem with my friend, who I think sincerely worry about the American executive branch, let me assure you, as a conservative, I agree with you. I do not particularly want a strong or troublesome executive.

The question is, How do you define aggression? As someone was trying to say earlier, is aggression only Mig's? Or is it the HIND helicopter?

The CHAIRMAN pro tempore. The time of the gentleman from Georgia [Mr. GINGRICH] has expired.

(On request of Mr. FRANK and by unanimous consent, Mr. GINGRICH was allowed to proceed for 2 additional minutes.)

Mr. GINGRICH. Mr. Chairman, do we define aggression only if it is uniformed troops marching across the Nicaraguan border? Or is aggression occurring if there are guerrillas coming across the Nicaraguan border?

Why are we children about this? We keep making up definitions our enemies can use. Ultimately you are going to have to trust somebody. Now, either you are going to trust Ortega not to initiate action on his schedule, to his advantage, when he wants to, or you are going to have to trust the President of the United States.

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

Mr. GINGRICH. I yield to the gentleman.

Mr. FRANK. In the first place, the Korean analogy is simply an apposite. If there were an armed invasion of Nicaragua or any of its allies or any of the countries nearby; not its allies; or any of its neighbors, under the Foley amendment as presented today, it would have obviously been met. There is no question about that.

Second, I have to say I take exception to this suggestion that somehow the Foley amendment is in some way responsible for the fact that Americans have been killed or wounded or hurt elsewhere.

Mr. GINGRICH. I have not said that.

Mr. FRANK. It is Ronald Reagan as President who presided when people were run out of Lebanon on the beaches. It was Ronald Reagan who was not responding here. Ronald Reagan was not responding there.

The Foley amendment has nothing to do with the impotence that has been Ronald Reagan's policy for 2 years.

Mr. GINGRICH. I take back my time to make two quick points and

then I will yield to my friend from Connecticut again.

One, the Korean analogy is exactly correct, because right now, Nicaragua is waging three wars in Central America. Right now there are guerrilla movements in Nicaragua which are waging war in El Salvador, Guatemala, and Honduras, but because we define war in our terms, they get away with it.

Second, I would say to the gentleman, it is outrageous for the gentleman to suggest that Ronald Reagan is responsible because an American sailor is killed by thugs in Lebanon.

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

Mr. GINGRICH. I yield to the gentleman.

Mr. WEBER. I thank the gentleman for yielding.

It is the gentleman from Illinois [Mr. DURBIN] that made the Korean analogy just a few minutes ago on this floor.

Mr. GINGRICH. Mr. Chairman, I yield back the balance of my time.

□ 1350

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

Mr. Chairman, there have been a number of eloquent statements made on the floor about the constitutional basis for this Congress' action, and the right of the President to take action. But what we address here is more than simply a debate between the executive and the legislative branches of Government.

In examining how things have changed in the modern era, the rapid escalation of technology and the shortened response time, it becomes more important than ever that we consult the American people before the executive or the Congress leads this country into a battle.

What the Foley amendment simply does is guarantee that before this country decides on a military course of action that the American people be consulted. Anything less than that will lead us into the kind of engagement that will create a void between this country, its people, and its leaders.

If you examine the Foley language, you will note that it does provide the President the ability to respond to emergencies. In the event of emergencies in which quick action is needed, the Foley amendment clearly gives the President the prerogative to take action. If we accept the amendment offered by the gentleman from Indiana [Mr. BURTON] we will nullify everything that is accomplished by the Foley amendment. It simply provides the safeguards that I believe are necessary to provide the time for the American people to enter into the dialog about the policy we have in Central America.

The framers of the Constitution, in all their wisdom, chose not simply to set the executive branch against the legislative branch in an adversarial relationship, but in fact, tried to establish a relationship that provides for a process of consultation, that not only brings the elected political leaders into the decisionmaking process but also allows for the American people to participate in the decisions on foreign policy.

It was Lincoln who said something to the effect that if a leader gets too far out in front of the people that he would find himself without anybody following him. If this body does not understand the divisive nature of the crisis in Central America, if anyone here believes that either the Congress or the President ought to move forward without popular American support, then I believe we have not learned the lessons of the last several decades of crisis we have had in our foreign policy engagements.

A President had better be ready with the kinds of reasons that he can go to the American people with and that he can come before the Congress before he takes American soldiers into combat.

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

Mr. GEJDENSON. I would be happy to yield to my friend, the gentleman from Illinois.

Mr. DURBIN. I thank the gentleman for yielding.

Mr. Chairman, I thank the gentleman for his statement, and I believe it is on point. The statement made earlier by the gentleman from Georgia suggests that when we appropriate funds for any type of military engagement around the world that Congress is giving tacit approval to a decision by the administration to send American troops. Examples were given by the gentleman from Georgia of all the history of the United States where Congress has indirectly, at least, supported such an effort.

But what I suggest is a point made by the gentleman from Connecticut as one that should be before the body today. Are we going to back into this situation in Central America? By the logic of the gentleman from Georgia, there is a suggestion that sending humanitarian assistance to the Contras, which the House voted to do several weeks ago, somehow opens the door for the President to commit troops to that country. I think that is not what Congress was about several weeks ago, nor is it consistent with the Constitution.

Mr. Chairman, I congratulate the gentleman on his remarks and I think they are very pertinent to the discussion.

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

Mr. GEJDENSON. I will not yield on that. I am almost out of time, and the gentleman from Georgia is a very articulate Member of this body and has had an amply amount of time already.

Mr. GINGRICH. The gentleman referred to my comments.

Mr. GEJDENSON. I would simply like to finish my statement by saying this: When we focus on the Constitution, when we focus on the particular amendments that talk about the relationship between the executive and the legislative branch, it is vital to understand what the intent was. It was not simply an adversarial relationship. What was envisioned was the kind of consultation that would bring a unified country into a military engagement and not a fractured country, a country where we entered conflict without censuring.

The Foley amendment, unamended, as it exists now, will provide for that kind of opportunity.

Mr. FOLEY. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment offered by the gentleman from Indiana [Mr. BURTON].

Mr. Chairman, I have sought today, despite some suggestions to the contrary, to give every reasonable opportunity that the President would conceivably need to meet emergency conditions, to protect the United States, its territories and possessions, to protect American allies under the Rio Treaty, to protect against aggression, to protect against terrorist actions, to ensure the War Powers Act was preserved in every instance, including those which send a heavy warning that we are not going to tolerate the introduction of high-performance aircraft.

Time and time again I have sought to keep this debate from being characterized as one in which the security of the United States or its allies, or its commitments, would be somehow, by the adoption of this amendment, prevented in their effectiveness. The gentleman from Indiana [Mr. BURTON], of course, knows the administration has already found that there are groups in Nicaragua that are supporting insurgencies in El Salvador and Honduras. That is already a finding.

The gentleman's amendment is tantamount to authorizing immediate use of military force in Nicaragua, without the consent of Congress. That is what his amendment is tantamount to doing.

Everybody in this Chamber knows that the conditions which the gentleman from Indiana has put in his amendment have already been stated by this administration and by the President time and time again, and indeed, I do not even personally quar-

rel that they are true. "Indirectly or directly" is very broad language.

So the amendment offered by the gentleman from Indiana [Mr. BURTON], if adopted, radically changes this proposal. It changes it into a direct invitation to use American military force in Nicaragua. I do not think the American people believe that the President of the United States wants now to use direct military force in Nicaragua. He said he does not. I do not think the American people believe that it is a good and wise policy for us to directly involve ourselves, American forces, in Nicaragua without so much as a consultation or permission or approval of this Congress.

That is all we are talking about here. We are not saying that it can never be done. We are just saying that in conditions of emergency, to respond to terrorism, to respond to aggression, to respond to assaults on our Embassy, to respond to attacks on our citizens, to respond to those conditions which threaten our security, in those cases where there may not be time the President can act. If it is a deliberate effort to use American force in Nicaragua without the necessity of emergency action, he ought to refer to Congress.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Indiana at this point.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Chairman, the gentleman said in his comments just now that he acknowledges that there are groups in Nicaragua that are supporting the Communist guerrillas in El Salvador.

Mr. FOLEY. Yes. I think there are groups in Canada that are doing the same thing. They do not have the support of the Canadian Government, but they exist.

Mr. BURTON of Indiana. Would the gentleman care to elaborate on what groups without governmental support in Nicaragua would be supporting the Communist guerrillas in El Salvador?

Mr. FOLEY. I think it is pretty well documented.

Mr. BURTON of Indiana. What groups?

Mr. FOLEY. As far as I am aware, there have been reports, and I think the gentleman does not disagree with this, that there have been instances where the Nicaraguan Government has provided materiel that has gone to groups in El Salvador.

Mr. BURTON of Indiana. All right, and those are the groups who killed our Marines just last week.

Mr. FOLEY. If the President, has, without the burden of this amendment decided not to use military force in Nicaragua, and says he does not want to even after that terrible tragedy happened in El Salvador, then I see no reason for us to second guess the President on that issue.

Mr. BURTON of Indiana. And we should not tie his hands, either.

The CHAIRMAN pro tempore. The time of the gentleman from Washington [Mr. FOLEY] has expired.

Mr. FOLEY. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

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

Mr. HOPKINS. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

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

The CHAIRMAN pro tempore. The Chair recognizes the gentleman for 1 minute.

Mr. HOPKINS. Mr. Chairman, I yield the remaining time to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. I thank the gentleman for yielding.

Mr. Chairman, in 1 minute let me say to our distinguished colleague that there are two things Members of this House should consider. This is not a symbolic, Rotary Club resolution. This is an act of law. If what this House intends is that the Congress should be consulted, then we should pass an amendment that says the President shall consult in secret with the Speaker and the minority leader and the majority leader and the minority leader of the Senate.

□ 1400

But let me suggest to the gentleman from Washington that had Jimmy Carter said the week before Desert 1, "No, I will not rule out a raid" and "No, I will not rule out anything," and had the press then promptly had nine articles saying, "What are we going to do?" I think it is very foolish for this House that is about to go off for 10 days and about to go off for a month in August, in a world of terrorists, to adopt an amendment which would become law and which would bind the President and require him to call a special session of Congress in a crisis.

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

Mr. GINGRICH. I will not yield to the gentleman, who in fact, I think did not understand my earlier statements. I will be glad to speak with the gentleman in private later.

This is an act of law. This is not a good-government amendment. If you want the President to consult, pass a law that says he has to consult with the Speaker, the majority leader, the minority leader, the majority leader of the Senate, and the minority leader of the Senate.

● Mr. SHUMWAY. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Washington [Mr. FOLEY]. I am not a warmonger; I certainly have no desire to see the introduction of U.S. troops into Nicaragua, but it seems to me that Mr. FOLEY's proposal to prohibit the introduction of U.S. combat troops in Nicaragua directly violates a fundamental principle upon which this Government is founded—the separation of powers.

We have, in our great democratic Nation, three distinct branches of government led by an individual whom we call the President and Commander in Chief. The system created by our Founding Fathers clearly placed responsibility for the defense of the Nation in the hands of the Commander in Chief, and yet we in Congress today want to arrogate for ourselves this critical constitutional authority. If we claim for ourselves the right to legislate national defense strategy, we might as well take on the responsibilities of the judiciary as well. Who, Mr. Chairman, would seriously suggest that we in Congress prescribe the decisions of the Supreme Court? Why, then, should we seriously consider commandeering the responsibilities of the Commander in Chief in the way the Foley amendment suggests?

I find this amendment objectionable not only because it would breach the constitutional separation of powers but also because it allows us as lawmakers, who possess little or, at best, incomplete information, to determine national security policy. Surely the intervention of congressional foreign policy czars into the management of our Armed Forces movements is not a reasonable or responsible way to ensure the safety of the United States and its citizens.

Mr. Chairman, I urge my colleagues to firmly oppose the Foley amendment.●

● Mr. GILMAN. Mr. Chairman, I rise is support of the Foley-Conte amendment, prohibiting the introduction of U.S. combat forces in Nicaragua except in the case of specific congressional authorization, declared war, or to meet a clear and present danger.

I want to take this opportunity to thank both the distinguished majority whip, the gentleman from Washington [Mr. FOLEY], and the gentleman from Massachusetts [Mr. CONTE], for their diligence in bringing this amendment before us today. I would suggest to my fellow colleagues that the gentlemen's partnership in this effort is illustrative of a consensus which exists in the U.S. Congress and throughout this great Nation, that U.S. military involvement in Central America is contrary to our Nation's interest in that region.

The Foley-Conte amendment is significiant as much for what it does prescribe as for what it does not. This amendment does clarify what Con-

gress considers to be justifiable reasons for the United States to resort to military involvement in Nicaragua and in doing so, reaffirms the President's authority as Commander in Chief of the U.S. Armed Forces. In accordance with the U.S. Constitution, the Foley-Conte amendment does allow the President to make a determination that a clear and present danger exists and does not diminish the President's authority in this area. In the event of a hostile attack on the U.S. Embassy or to personnel or citizens of the U.S. Government the President would be able to respond in a manner which he deems appropriate. In the same fashion, Congress would also retain the power to authorize the movement of U.S. military personnel into Nicaragua. This amendment does not repeal either the War Powers Act of the Rio Treaty.

As a cosponsor of the original legislation H.R. 1835 from which the amendment was drawn, I urge my colleagues to offer their strong support. As you may recall this body adopted similar language during consideration of last year's defense authorization by an overwhelming margin of 341 to 67. In these violent and confusing times I believe it is vital that Congress safeguard against the capricious use of military force. Accordingly, I urge my colleagues to support the Foley-Conte amendment.●

● Mr. RICHARDSON. Mr. Chairman, until the McDade-Michel-McCurdy bipartisan amendment, I voted against any form of direct aid to the Nicaraguan resistance forces. It was time to show that, while we want to promote democratic reform and a negotiated solution to conflicts in the area, we will continue to apply pressure on the Nicaraguan Government on both the economic and military fronts.

This does not mean, however, that this House has written a blank check for making war. My vote for the bipartisan amendment is fully consistent with my strong support for the Foley amendment. This House ought to maintain a posture of utmost restraint when it comes to introducing U.S. combat troops into Nicaragua. The Foley amendment does this while continuing to honor all provisions of the Inter-American Treaty of Reciprocal Assistance. I urge this House to send a clear message to the American people—our intention is not to escalate U.S. intervention toward an invasion and a full-scale war, but to pressure for compromise and diplomatic solutions to problems in our hemisphere. The Foley amendment does not rule out military intervention if this is necessary to meet a clear and present danger of hostile attack upon the United States, to provide protection for U.S. Embassy personnel or to protect and evacuate U.S. Government personnel or citizens. The amendment also states, as I said before, that none of its provisions invalidate any authority of the United States to act in accordance with the OAS under any of our treaties.

I know that some of my colleagues will argue that this will tie the hands of the President. Well the administration has made it very clear to me that its strategy in the region is to achieve the very goals we sought in the bipartisan amendment. And the Foley amendment makes congressional intent crystal clear. I urge my colleagues to show a strong bipartisan majority in favor of the Foley amendment.●

● Mr. FISH. Mr. Chairmam, I support the Foley-Conte amendment. There has been much debate and concern over what the President's intentions are with regard to Nicaragua. There should be none. The President has made clear, many times, that it is not his intention to seek the military overthrow of the Sandinista government. Earlier this month, in a letter written to one of the cosponsors of the Michel-McDade humanitarian aid package, the President stated unequivocally that his "administration is determined to pursue political, not military solutions in Central America."

We are attempting today, with this amendment, to codify the clear purpose of the President, the Congress, and the American people—that the United States will not be an aggressor in this region. It reaffirms our commitment to a peaceful resolution of the conflict.

This amendment does not restrict the powers of the President to meet the defense needs of our country. It defines the parameters upon which the United States might take up arms. It establishes a procedure for the commitment of troops, while allowing the President the freedom to respond in an emergency. The amendment in no way limits the President's authority to respond to a clear and present danger to our national security or the security of American citizens and Embassy personnel.

I urge my colleagues to join the President in affirming our commitment to a peaceful resolution to the Nicaraguan conflict by supporting the Foley-Conte amendment.●

The CHAIRMAN pro tempore (Mr. RUSSO). The time of the gentleman from Kentucky [Mr. HOPKINS] has expired. All time has expired.

The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON] to the amendment offered by the gentleman from Washington [Mr. FOLEY], as modified, as amended.

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 186, noes 235, not voting 12, as follows:

[Roll No. 202]

AYES—186

Archer	Gordon	Nielson
Armey	Gradison	O'Brien
Badham	Gregg	Packard
Barnard	Grotberg	Parris
Bartlett	Hall, Ralph	Pashayan
Barton	Hammerschmidt	Porter
Bateman	Hansen	Quillen
Bentley	Hartnett	Ray
Bevill	Hatcher	Regula
Bilirakis	Heftel	Rinaldo
Bliley	Hendon	Ritter
Boulter	Hiler	Roberts
Breaux	Hillis	Robinson
Broomfield	Hopkins	Roemer
Brown (CO)	Hubbard	Rogers
Broyhill	Hunter	Roth
Burton (IN)	Hutto	Rowland (GA)
Bustamante	Hyde	Rudd
Callahan	Ireland	Saxton
Campbell	Jenkins	Schaefer
Carney	Kasich	Schuette
Chandler	Kemp	Schulze
Chappell	Kindness	Sensenbrenner
Chappie	Kolbe	Shaw
Cheney	Kramer	Shelby
Coats	Lagomarsino	Shumway
Cobey	Latta	Shuster
Coble	Leath (TX)	Siljander
Coleman (MO)	Lent	Skeen
Combest	Lewis (CA)	Skelton
Coughlin	Lewis (FL)	Slaughter
Courter	Lightfoot	Smith (NE)
Craig	Livingston	Smith (NH)
Crane	Lloyd	Smith, Denny
Dannemeyer	Lott	Smith, Robert
Darden	Lowery (CA)	Snyder
Daub	Lujan	Solomon
Davis	Lungren	Spence
DeLay	Mack	Stangeland
DeWine	Madigan	Stenholm
Dickinson	Marlenee	Strang
DioGuardi	Martin (IL)	Stratton
Dornan (CA)	Martin (NY)	Stump
Dreier	McCain	Sundquist
Duncan	McCandless	Sweeney
Eckert (NY)	McCollum	Swindall
Edwards (OK)	McEwen	Tauzin
Emerson	McGrath	Taylor
English	McMillan	Thomas (CA)
Erdreich	Meyers	Thomas (GA)
Fawell	Michel	Valentine
Fiedler	Miller (OH)	Vander Jagt
Fields	Molinari	Vucanovich
Flippo	Monson	Walker
Franklin	Montgomery	Weber
Frenzel	Moore	Whitehurst
Frost	Moorhead	Whittaker
Gallo	Morrison (WA)	Wolf
Gaydos	Murtha	Wortley
Gekas	Myers	Wylie
Gilman	Nelson	Young (AK)
Gingrich	Nichols	Zschau

NOES—235

Ackerman	Biaggi	Coelho
Addabbo	Boehlert	Coleman (TX)
Akaka	Boggs	Collins
Alexander	Boland	Conte
Anderson	Boner (TN)	Conyers
Andrews	Bonior (MI)	Cooper
Annunzio	Borski	Coyne
Anthony	Bosco	Crockett
Applegate	Boucher	Daniel
Aspin	Boxer	Daschle
Atkins	Brooks	de la Garza
AuCoin	Bruce	Dellums
Barnes	Bryant	Dicks
Bates	Burton (CA)	Dingell
Bedell	Byron	Dixon
Beilenson	Carper	Donnelly
Bennett	Carr	Dorgan (ND)
Bereuter	Clay	Dowdy
Berman	Clinger	Downey

Durbin
Dwyer
Dymally
Dyson
Early
Edgar
Edwards (CA)
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Fuqua
Garcia
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Goodling
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hawkins
Hayes
Henry
Hertel
Horton
Howard
Hoyer
Hughes
Jacobs
Jeffords
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lipinski
Long
Lowry (WA)
Lundine
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McHugh
McKernan
McKinney
Mica
Mikulski
Miller (CA)
Miller (WA)
Mineta
Mitchell
Moakley
Mollohan
Moody
Morrison (CT)
Mrazek
Murphy
Natcher
Neal
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Oxley
Panetta
Pease
Penny
Pepper
Perkins
Petri
Pickle
Price
Pursell
Rahall
Rangel
Reid
Richardson
Ridge
Rodino
Roe
Rose
Rostenkowski
Roukema
Rowland (CT)
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Sharp
Sikorski
Sisisky
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tallon
Tauke
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (FL)
Young (MO)

NOT VOTING—12

Bonker
Brown (CA)
Derrick
Eckart (OH)
Fish
Hefner
Holt
Huckaby
Loeffler
Luken
Owens
Wilson

Messrs. ASPIN, SAVAGE, and MITCHELL changed their votes from "aye" to "no."

Mrs. LLOYD changed her vote from "no" to "aye."

So the amendment to the amendment, as modified, as amended, was rejected.

The result of the vote was announced as above recorded.

□ 1420

AMENDMENT OFFERED BY MR. HUNTER TO THE AMENDMENT OFFERED BY MR. FOLEY, AS MODIFIED, AS AMENDED

Mr. HUNTER. Mr. Chairman, I offer an amendment to the amendment, as modified, as amended.

The Clerk read as follows:

Amendment offered by Mr. HUNTER to the amendment offered by Mr. FOLEY, as modified, as amended: In the new section 1050 proposed to be inserted by the amendment, strike out subsection (c) and insert in lieu thereof the following:

"(c) EXCEPTIONS TO LIMITATION.—This section does not apply with respect to an introduction of United States Armed Forces into or over Nicaragua for combat if—

"(1) the Congress has declared war or enacted specific authorization for such introduction; or

"(2) such introduction is necessary—

"(A) to meet a clear and present danger of hostile attack upon the United States, its territories or possessions or its allies; or

"(B) to meet a clear and present danger to, and to provide necessary protection for, the United States embassy;

"(C) to meet a clear and present danger to, and to provide necessary protection for and to evacuate, United States Government personnel or United States citizens; or

"(D) to respond to hijacking, kidnaping, or other acts of terrorism involving citizens of the United States or citizens of any ally of the United States.

"(d) EXISTING PROVISIONS PRESERVED.—Nothing in this section shall invalidate any provision of Public Law 93-148.

"(e) TREATY AUTHORITY PRESERVED.—Nothing in this section shall invalidate any authority of the United States to act under the provisions of the Inter-American Treaty of Reciprocal Assistance.

"(f) EXPIRATION UPON ESCALATION.—This section shall not apply when Mig aircraft, or other aircraft of similar design or capability, or nuclear missiles or any other nuclear weapons are introduced into Nicaragua.".

Mr. HUNTER [during the reading]. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

Mr. WALKER. Mr. Chairman, I have privileged motion.

The CHAIRMAN pro tempore. The Chair did not hear the gentleman's request.

Mr. WALKER. Mr. Chairman, I have privileged motion.

Mr. FOLEY. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. HUNTER] be permitted 1 minute to explain his amendment, without debate.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California [Mr. HUNTER] to dispense with reading of the amendment?

Mr. VOLKMER. Mr. Chairman, reserving the right to object, I merely take this time in order to take this reservation go give the gentleman from Washington [Mr. FOLEY] an opportunity to ask questions of the gentleman from California.

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

Mr. VOLKMER. I yield to the gentleman from Washington.

Mr. FOLEY. If I understand the gentleman from California's amendment, it is a restatement of the Foley amendment together with all of those amendments that have been adopted by the committee up to this point; is that correct?

Mr. HUNTER. Mr. Chairman, would the gentleman yield so that I may respond to the gentleman?

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

Mr. HUNTER. I thank the gentleman for yielding.

It includes the amendments that have been adopted with regard to terrorism, with regard to Mig aircraft being installed.

It adds an amendment with regard to nuclear weapons, and it also adds the word "allies" saying that we can meet a clear and present danger of hostile attack upon ourselves, our territories, our possessions, or our allies.

With those exceptions, it is a restatement of the amendments that have been passed during the past 4 hours debate.

Mr. VOLKMER. Mr. Chairman, I withdraw my reservation of objection.

Mr. FOLEY. Mr. Chairman, I ask unanimous consent that the amendment be reread.

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

There was no objection.

The CHAIRMAN pro tempore. The Clerk will reread the amendment.

The Clerk reread the amendment offered by Mr. HUNTER to the amendment offered by Mr. FOLEY, as modified, as amended.

Mr. FOLEY [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 Washington?

There was no objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Washington [Mr. FOLEY] that the gentleman from California [Mr. HUNTER] have 1 minute to explain his amendment?

There was no objection.

Mr. HUNTER. I thank the gentleman.

Mr. Chairman, very simply, this amendment lays out the amendments that passed earlier, during the 4-hour debate with regard to the President's right to react and to respond to terrorism, with regard to the United States' right to respond to the introduction of Mig aircraft into Nicaragua and with regard to the right to act under the full authority vested in the President by the Rio Treaty and by the War Powers Act. And, also, with regard to the right to respond to the introduction of nuclear weapons into Nicaragua.

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

Mr. HUNTER. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Chairman, I see nothing in this amendment that I have any objection to, and I urge its adoption in an effort to try and reach some conclusion.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. HUNTER] to the amendment offered by the gentleman from Washington [Mr. FOLEY], as modified, as amended.

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. HUNTER. Mr. Chairman, I ask for a recorded vote.

The CHAIRMAN. The Chair will count those standing.

An insufficient number has arisen.

The Chair will state to the gentleman from California [Mr. HUNTER] that the Chair counted immediately after the request was made. There were 19 Members standing immediately after the request was made.

A recorded vote was refused.

Mr. HUNTER. Mr. Chairman, I ask for a division.

The CHAIRMAN pro tempore. For what purpose does the gentleman from California [Mr. HUNTER] rise?

Mr. HUNTER. Mr. Chairman, I ask for a division.

Mr. Chairman, I withdraw my request.

So the amendment to the amendment as modified, as amended was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Washington [Mr. FOLEY], as modified, as amended.

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRANK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. The Chair would ask the Members of the House to add dignity to the proceedings. There are people watching the proceedings. We do not need to act as children in the House of Representatives.

The vote was taken by electronic device, and there were—ayes 312, noes 111, not voting 10, as follows:

[Roll No. 203]

AYES—312

Ackerman
Addabbo
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
Barnes
Barton
Bates
Bedell
Bereuter
Berman
Bevill
Biaggi
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Brooks
Broomfield
Brown (CO)
Bruce
Bryant
Burton (CA)
Byron
Callahan
Carper
Chandler
Chappie
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dyson
Early
Eckart (OH)
Edgar
Edwards (OK)
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Fiedler
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frenzel
Fuqua
Gallo
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hamilton
Hatcher
Hawkins
Heftel
Hendon
Henry
Hertel
Hiler
Hillis
Horton
Howard
Hoyer
Hughes
Hutto
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Lloyd
Long
Lowery (CA)
Lowry (WA)
Lundine
MacKay
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McGrath
McHugh
McKernan
McKinney
Meyers
Mica
Mikulski
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Moody
Moore
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Natcher
Neal
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Rahall
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Sabo
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Sikorski
Siljander
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stokes
Strang
Studds
Swift
Swindall
Synar
Tallon
Tauke
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weaver
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (AK)
Young (MO)
Zschau

NOES—111

Armey
AuCoin
Badham
Barnard
Bartlett
Bateman
Beilenson
Bennett
Bentley
Bilirakis
Bliley
Boulter
Broyhill
Burton (IN)
Bustamante
Campbell
Carney
Chappell
Cheney
Clay
Cobey
Coble
Combest
Crane
Daniel
DeLay
Dellums
DeWine
Dickinson
Dornan (CA)
Dreier
Dymally
Eckert (NY)
Edwards (CA)
Emerson
Fawell
Fields
Franklin
Frost
Gekas
Gingrich
Grotberg
Hall, Ralph
Hammerschmidt
Hansen
Hartnett
Hayes
Hopkins
Hubbard
Hunter
Hyde
Ireland
Kastenmeier
Kemp
Kindness
Kolbe
Latta
Leath (TX)
Leland
Livingston
Lott
Lujan
Lungren
Mack
Marlenee
McCain
McCandless
McCollum
McEwen
McMillan
Michel
Monson
Montgomery
Moorhead
Myers
Nelson
Nielson
O'Brien
Oxley
Packard
Quillen
Rangel
Ritter
Roemer
Roybal
Rudd
Savage
Schaefer
Shumway
Shuster
Skeen
Slaughter
Smith (NH)
Smith, Denny
Spence
Stenholm
Stratton
Stump
Sundquist
Sweeney
Tauzin
Taylor
Thomas (CA)
Towns
Valentine
Vucanovich
Walker
Weber
Weiss
Yates
Young (FL)

NOT VOTING—10

Brown (CA)
Carr
Fish
Hefner
Holt
Huckaby
Loeffler
Luken
Owens
Wilson

□ 1440

Messrs. RANGEL, ROEMER, HANSEN, CHAPPELL, LELAND, THOMAS of California, and BENNETT changed their votes from "aye" to "no."

So the amendment, as modified, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

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

Amendment in the nature of a substitute offered by Mr. DELLUMS:

—Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to authorize appropriations for the Department of Defense for fiscal year 1986 at levels consistent with a strong national defense and a sound national economy;

(2) to minimize the risk of nuclear confrontation;

(3) to eliminate areas of waste and abuse in the budget of the Department of Defense for fiscal year 1985;

(4) to provide for improved military personnel policies designed to enhance readiness and morale; and

(5) to make other improvements in the management of the Department of Defense.

TITLE I—PROCUREMENT

SEC. 101. AUTHORIZATION OF APPROPRIATIONS, ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1986 for procurement of aircraft, missiles, weapons and tracked combat vehicles, ammunition, and for other procurement for the Army as follows:

For aircraft, $2,516,200,000.

For missiles, $1,141,200,000.

For weapons and tracked combat vehicles, $2,469,700,000.

For ammunition, $2,338,900,000.

For other procurement, $4,743,200,000.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS, NAVY AND MARINE CORPS.

Funds are hereby authorized to be appropriated for fiscal year 1986 for procurement of aircraft, weapons (including missiles and torpedoes), naval vessels, and for other procurement for the Navy and Marine Corps as follows:

For aircraft, $7,889,600,000.

For weapons (including missiles and torpedoes), $3,542,100,000.

For naval vessels, $4,817,300,000.

For other procurement, $5,266,300,000.

For procurement for the Marine Corps (including missiles, tracked combat vehicles, and other weapons), $1,674,700,000.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1986 for procurement of aircraft and missiles and for other procurment for the Air Force as follows:

For aircraft, $13,570,800,000.

For missiles, $5,763,600,000.

For other procurement, $8,165,000,000.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal year 1986 for procurement by defense agencies in the amount of $500,000,000.

SEC. 105. LIMITATION ON ARMY PROCUREMENT.

None of the funds appropriated pursuant to authorizations of appropriations in this title may be obligated or expended for the Pershing II missile program.

SEC. 106. LIMITATIONS ON NAVY PROCUREMENT.

None of the funds appropriated pursuant to authorizations of appropriations in this title may be obligated or expended for the sea-launched cruise missile program.

SEC. 107. LIMITATIONS ON AIR FORCE PROCUREMENT.

None of the funds appropriated pursuant to authorizations of appropriations in this title may be obligated or expended for—

(1) the MX missile program;

(2) the ground-launched cruise missile program;

(3) the B-1B bomber program; or

(4) antisatellite weapons.

SEC. 108. PROHIBITION OF ACQUISITION OF BINARY CHEMICAL WEAPONS.

None of the funds appropriated pursuant to an authorization of appropriations in section 101 may be obligated or expended to purchase binary chemical weapons.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) Funds are hereby authorized to be appropriated for fiscal year 1986 for the use of the Armed Forces for research, development, test, and evaluation in amounts as follows:

For the Army, $4,546,700,000.

For the Navy (including the Marine Corps), $7,252,400,000.

For the Air Force, $11,748,200,000.

For the Defense Agencies, $4,135,300,000.

(b) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1986 such additional sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a).

SEC. 202. LIMITATION ON FUNDS FOR THE ARMY.

None of the funds appropriated pursuant to an authorization of appropriations in section 201 may be obligated or expended for—

(1) the Pershing II missile program; or

(2) the ballistic missile defense program.

SEC. 203. LIMITATIONS ON FUNDS FOR THE NAVY.

None of the amount appropriated pursuant to the authorization in section 201 for the Navy may be used for—

(1) the Trident II missile program; or

(2) the sea-launched cruise missile program.

SEC. 204. LIMITATIONS ON FUNDS FOR THE AIR FORCE.

None of the amount appropriated pursuant to the authorization in section 201 for the Air Force may be used for—

(1) the MX missile program;

(2) the ground-launched cruise missile program;

(3) the B-1B bomber program; or

(4) antisatellite weapons.

SEC. 205. LIMITATIONS ON FUNDS FOR THE DEFENSE AGENCIES.

None of the amount appropriated pursuant to the authorization in section 201 for the Defense Agencies may be used for antisatellite weapons.

SEC. 206. PROHIBITION OF DEVELOPMENT OF BINARY CHEMICAL WEAPONS.

None of the funds appropriated pursuant to an authorization of appropriations in section 201 may be obligated or expended for research, development, test, or evaluation of binary chemical weapons.

TITLE III—OPERATION AND MAINTENANCE

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) Funds are hereby authorized to be appropriated for fiscal year 1986 for the military functions of the Department of Defense for operation and maintenance in the amount of $78,272,000,000.

(b) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1986 such additional sums as may be necessary—

(1) for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in such subsection;

(2) for unbudgeted increases in fuel costs; and

(3) for increases as the result of inflation in the cost of activities authorized by subsection (a).

SEC. 302. ELIMINATION OF NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE.

None of the funds appropriated pursuant to an authorization of appropriations in section 301 may be obligated or expended for the National Board for the Promotion of Rifle Practice.

TITLE IV—WORKING CAPITAL FUNDS

SEC. 401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1986 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for providing capital for working capital funds, in the amount of $1,860,000,000.

TITLE V—ACTIVE FORCES

SEC. 501. ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1986, as follows:

(1) The Army, 751,300.

(2) The Navy, 541,050.

(3) The Marine Corps, 192,500.

(4) The Air Force, 565,800.

TITLE VI—RESERVE FORCES

SEC. 601. AUTHORIZATION OF AVERAGE STRENGTHS FOR SELECTED RESERVE.

(a) For fiscal year 1986 the Selected Reserved 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, 398,010.

(2) The Army Reserve, 291,900.

(3) The Naval Reserve, 94,000.

(4) The Marine Corps Reserve, 41,900.

(5) The Air National Guard of the United States, 108,700.

(6) The Air Force Reserve, 63,736.

(7) The Coast Guard Reserve, 10,700.

(b) 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 day (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. 602. AUTHORIZATION OF END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) 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 full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 19,750.

(2) The Army Reserve, 10,700.

(3) The Naval Reserve, 11,680.

(4) The Marine Corps Reserve, 1,475.

(5) The Air National Guard of the United States, 6,815.

(6) The Air Force Reserve, 545.

(b) 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. 603. INCRERASE IN NUMBER OF CERTAIN PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS.

(a) The table in section 517(b) of title 10, United States Code, is amended to appear as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9	517	175	80	9
E-8	2,296	381	358	74".

(b) The table in section 524(a) of such title is amended to appear as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or lieutenant commander	2,476	875	476	100
Lieutenant colonel or commander	1,240	520	318	60
Colonel or Navy captain	360	177	189	25".

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1985.

TITLE VII—CIVILIAN PERSONNEL

SEC. 701. AUTHORIZATION OF END STRENGTH.

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.

TITLE VIII—MILITARY TRAINING STUDENT LOADS

SEC. 801. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) For fiscal year 1986, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 57,990.

(2) The Navy, 65,130.

(3) The Marine Corps, 18,300.

(4) The Air Force, 46,300.

(5) The Army National Guard of the United States, 7,500.

(6) The Army Reserve, 8,500.

(7) The Naval Reserve, 1,050.

(8) The Marine Corps Reserve, 2,840.

(9) The Air National Guard of the United States, 2,380.

(10) The Air Force Reserve, 1,405.

(b) 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 manpower strengths authorized in titles V and VI of this Act. 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.

The CHAIRMAN pro tempore. Pursuant to House Resolution 169, the amendment in the nature of a substitute is considered as having been read.

The gentleman from California [Mr. DELLUMS] will be recognized for 30 minutes and the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 30 minutes in opposition.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, we are now in the waning hours of a very important debate on the national defense of this country. I have offered an amendment in the nature of a substitute to the entire bill offered by my distinguished colleagues on both sides of the aisle on the Armed Services Committee.

I would like to begin by saying to my colleagues that I do not offer this alternative amendment with a view toward trying to obtain a vote an hour or so from now; I do not offer this alternative to polarize this body, but rather Mr. Chairman, Members of the Committee, I offer this alternative to challenge my colleagues to begin to think anew and to think in very different and creative ways about how we approach the matter of our national security and our national defense.

Mr. Chairman, I would like to begin the discussion by first pointing out what I believe to be wrong with the process by which we assess our national security needs. Let us look at the process, Mr. Chairman.

As I said, I would like to begin by exploring what I believe to be what is wrong with the debate that has occurred over the last several days.

Begin by taking a look at the process itself. The first assertion that I would make is that my colleagues, the majority of my colleagues, tend to opt out of this debate. Why do they opt out? Several reasons.

No. 1, Mr. Chairman, I think that most of my colleagues in this body opt out of this debate because there is literally no political benefit in participating in this discussion or this debate.

Why are there no political benefits? Because many of my colleagues are driven by the fear that their constituency fears the Soviets, fears that the Russians are coming, fears communism, and for them to risk political currency by participating in this debate, and making certain kinds of statements on the floor opened themselves up to the criticism that in some way they are soft on defense, which then equals soft on communism, which then equals un-American.

So many of my colleagues simply opt out because they do not want to have anything to do with putting themselves in that vulnerable position, and I think that there are many bright and intelligent people here whose points of view and thoughts and ideas we desperately need to hear, but who walk away from this discussion and this debate.

We tend to have 20 or 30 Members on this side of the aisle on the high side; 20 or 30 Members on the other side of the aisle on the high side; and so this group of Members tend to do all of the discussing and all of the debating; 370 to 400 of my colleagues tend to walk away from this debate.

The second reason why I think many Members do not debate on the military bill is because we tend to raise the level of the discussion to a rather pseudo-intellectual or pseudo-technological approach to these weapons systems: How much explosive power, how much accuracy, how much range, et cetera.

□ 1450

So many of my colleagues dazzle many of my other colleagues with the level of their technological expertise; so many Members, not wanting to be embarrassed on the microphone, embarrassed by the cameras, choose to walk away from the discussion, again losing very important knowledge and very important political consideration and political concern.

There is not one of us in this body who campaigned to come to this body who did not in the course of their campaigning discuss matters of national security, the military budget, and foreign policy. Yet when they come to this body, they walk away from this debate. They only come back in on the floor when we tend to vote.

So I think we have to look at the process that forces many of our colleagues to opt out and to walk away from this debate.

No. 2, we now have listed in the RECORD over the past couple of weeks in excess of 150 amendments. To have over 150 amendments on this bill ought to say something to us. I am not certain what it says, but it certainly must say something loudly. Perhaps it says that Members in this body do not feel that they are represented on the Armed Services Committee. And there are amendments that range the full scale of seriousness. But 150 amendments say something that is flawed about this process, that challenges my colleagues, again, to participate in this piecemeal fashion.

I would like at this point to make a significant call to all of my colleagues in this body, all 434 Members, to significantly participate in this debate, because no matter what committee on which you serve, no matter what your interest, if you want to have funds to engage in the programs that you see important, you must come to this debate. This is the largest single authorization and appropriation that we discuss in any year. So whether you are interested in education or whether you are interested in the arts of whether you are interested in energy, or whatever, dealing with illiteracy, dealing with unemployment, with poverty, with child development, with mental health, whatever concerns you have, that concern must force you to come into this debate, and I make a call that all of you must participate. And I am frustrated and alarmed at the fact that the majority of my colleagues tend to opt out.

Again, why do some people opt out? Fear, incredible fear. Many of my colleagues have allowed themselves to be totally paralyzed by the fear that in some way they will be subject to name calling, as Members get on the floor,

"You rightwing," "you leftist," "you liberals," "you progressive," "you peaceniks," and so many people do not want to come into the well to expose themselves of that kind of criticism and that kind of challenge. But I would suggest that fear should not paralyze us from participating in this process. To not participate diminishes oneself, diminishes one's constituency, and, as I said before, paralyzes and diminishes the very process by which we ought to arrive at problem solving.

If there is partisan debate and partisan discussion, let that take place in campaigns. When the campaigns are over, the political focus must then shift to one of how we govern this Nation, and we need everyone's participation.

There is also another reason why this process is flawed. We tend to start in this debate from the premise that America is a weak, defenseless Nation. We tend to talk about missiles, not whether we add 500 missiles to the 26,500 missiles we have; we tend to debate whether it is zero missiles versus 500 missiles, or whether it is zero tanks versus 1,000 tanks, zero planes versus 1,000 planes. But we all know that is an absurdity. Instead of our looking at the reality that we are indeed the most powerful Nation militarily that has ever emerged in the history of this planet, we tend to come into this debate in just the reverse fashion, and I think that distorts the process, because we bang the table, "We need 500 missiles," and we give the impression that we are starting with zero missiles or that we are starting with zero tanks or zero planes or zero other things.

So we paralyze the process with this kind of incredible distortion, and we all know the reality. This debate tends to occur on the margins. It is 500 missiles versus 26,500. It is 1,000 tanks versus 80,000 tanks. It is 500 planes versus many, many planes.

Let us look at another factor that flaws the process. In the past, our debate on the military budget has tended to focus on numbers. My distinguished colleagues have allowed themselves to be reduced to auctioneers, as I have said before, "Can I hear it for 10 percent real growth? Can I hear it for 7 percent real growth?" And if you are a moderate liberal, you go for 5 percent real growth. If you are a far-out liberal, you go for 3 percent real growth. If you are way off the planet, you go for zero growth. So we tend to be auctioneers here. We talk about dollars; we talk about money; but rarely do we engage each other in the basic policy questions that must be asked.

The committee, for example, upon which I serve, with all due respect to my colleagues, we rarely hear opposing points of view, we rarely hear constructive alternatives from the broader community, scientists and philosophers and community people who have a different positive and constructive view of what our national security problems are, our national security needs are, what our foreign policy ought to be, what an intelligent military budget ought to be. We rarely hear from them. We tend to hear one point of view because we are in the business of bureaucratically moving a bill to the floor of Congress, hurrying up to get through 150 amendments so we can all breathe a sigh of relief and say, "We have now passed the DOD authorization bill for fiscal year 1986; let us get on with the next item." But rarely do we engage each other.

My distinguished colleague, the gentleman from Wisconsin, the chairman of the committee, offered an amendment, the largest single cut in this budget, $10 billion. The Armed Services Committee worked its will. We brought a bill, but it was out of sync with the budget that this House developed, so we had to reduce by $10 billion. The gentleman from Wisconsin brought an amendment to reduce the budget by $10 billion, and it passed in a matter of moments. I doubt very seriously if a handful of my colleagues on the floor other than the Armed Services Committee members even understood what the $10 billion cut does.

I would suggest to you in no uncertain terms that all of the other machinations we have entered into since my colleague offered the $10 billion amendment have not in their totality equaled that amendment. So we nickeled and dimed our way to this moment, without asking an important basic philosophical or policy question whatsoever.

I think for all these reasons that this is flawed. Let us look, for example, at the House-Senate budget conference at this very moment. They are not only tied up on the issue of the cost-of-living adjustments in Social Security, but the House has taken a zero growth position on the military budget. The Senate has taken a 3 percent real growth position on the military budget. And the House and the Senate cannot quite come together, but neither side has asked: What are the policy differences in 3 percent no growth, zero growth, and 3 percent real growth?

We are auctioning numbers. Three percent appears to be responsible; zero growth appears to be irresponsible; and vice versa. And the accusations fly like arrows in the sky. But we rarely challenge each other as to the policy implications and the policy consideration that make these differences.

So I am saying to my colleagues that I believe that this process is very significantly flawed by virtue of the basic questions that are not asked.

Mr. LEWIS of California. Mr. Chairman, will my colleague yield?

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

□ 1500

Mr. LEWIS of California. I thank the gentleman for yielding.

I have been listening to the gentleman and I appreciate his points, and he has attracted the attention of a Member that does not serve on the committee, and I really do believe I should participate in this debate.

I rise to ask some questions regarding what the gentleman's substitute would do.

Mr. DELLUMS. If I might take back my time for a moment, I am going to make that statement.

Mr. LEWIS of California. I would like to raise some very specific questions if you would. I will not take much of your time. I know you do have an hour, but just a moment.

Mr. DELLUMS. If I might reclaim my time. I want to engage the gentleman, if the gentleman would permit me, I have sat here.

Mr. LEWIS of California. You have asked me to participate and I just would like to ask some questions.

Mr. DELLUMS. I want you to participate. Just allow me to make my statement on which the budget is based, and then let us have at it.

Mr. LEWIS of California. I do not mean to be contentious; I think I know where the gentleman comes from. I am looking at your amendment, and I think I know where the gentleman comes from, and you are asking for things like—cannot even believe it.

Under the Army, for aircraft, you are asking for $2,516,000,000 of aircraft. You are asking for missiles, $1,141,000,000 for missiles. For weapons, you are asking for $2,469,000,000. I can believe the gentleman is asking for that kind of money. After all, I know that you are opposed, it seems to me that you are for peace; why would you be asking for those missiles?

Mr. DELLUMS. I think the gentleman is asking me a great question. I appreciate that question because for 14½ years we tried to struggle here, and a number of our colleagues have taken a very distorted view. What this gentleman's position is this: We ought to spend whatever is necessary for the defense of this country. What this gentleman disagrees with is what the committee and the President perceives as the national security needs. We ought to spend whatever is necessary. Let me just add one comment.

Mr. LEWIS of California. In the aircraft, $13 billion.

The CHAIRMAN pro tempore. The Chair would state the time is under the control of the gentleman from California [Mr. DELLUMS].

Mr. LEWIS of California. I appreciate the gentleman's courtesy.

Mr. DELLUMS. I will just say, let us in the comity of the House, not step on each other's lines.

I yield to the gentleman.

Mr. LEWIS of California. I am astonished, I must say. The gentleman from California is a friend, I have known him for years.

I see in the Air Force he is asking for $13 billion-plus for aircraft. The gentleman is for peace. Why do we need all those aircraft.

Mr. DELLUMS. Let me just answer the gentleman. I hope the gentleman is asking the question in good faith. What this gentleman is trying to do, if the gentleman is asking do you have to come in with a zero military budget to be for peace, this gentleman is not irrational.

Interesting thing is that what we have tried to do is to offer a military budget within the framework of the reality of what has transpired in this body. For example, this particular alternative, interestingly enough, is $9 billion above the fiscal year 1985 figure for what reason? Because we have engaged in prior year authorizations that forced the figure up. This gentleman is not an irrational person.

What I am saying is, let us begin the process of looking at basic policy considerations. The reason why I wanted the gentleman to ask me that question in a few moments is because I wanted to lay the basic policy issues and questions that must be raised and against that backdrop, develop a military budget.

We have raised a number of questions and we have developed a military budget. That budget is a responsible budget that we have tried to develop. One does not have to be for peace and call for a zero military budget. We understand the real world.

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

Mr. DELLUMS. I yield to the gentleman.

Mr. ROEMER. I thank my colleague. I appreciate his opening statement and I want to share with him two feelings: Time is finite: we do not have a lot of it. Second, the process is flawed.

I will remain and listen to the gentleman's presentation. I respect him that much. I would ask that he hold to his own outline, though. In your opening statement you said that there are basic, fundamental, and philosophical questions about defense that ought to be raised and are not raised. I would like to ask the gentleman to raise them and show us how his substitute fits those questions.

Mr. DELLUMS. All right. That is why I was asking my colleague to withdraw for a moment.

I yield to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Frankly, I had planned to go elsewhere; a place where you and I would have preferred to be. Nonetheless, having said that, I intend to stay. I would raise the same question that my colleague, Mr. ROEMER just raised. The reason for addressing the numbers is by way of laying the foundation to discuss those philosophical differences that are fundamental.

Mr. DELLUMS. This gentleman just wanted to do it in the reverse, because again I think we are trapped in the numbers and I am trying to break us out, and I appreciate my colleague.

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

Mr. DELLUMS. I yield to the gentleman.

Mr. AUCOIN. I thank the gentleman for yielding. Although I do not agree with the gentleman on every amendment the gentleman offers, I appreciate very much the work the gentleman from California put in on this bill as a member of the House Armed Services Committee each and every year.

I do not know why the other gentleman from California would be surprised that the gentleman from California has moneys in his substitute for defense. For aircraft, for other kinds of weapons. Why would he be amazed that the gentleman would have moneys even millions of dollars, in his substitute for defense? For weapons that would provide for defense?

The only reason that I could think of that anyone would be amazed is if one thinks that those of us who have been critical of certain aspects——

The CHAIRMAN pro tempore. The gentleman will suspend.

The Chair would state that we are under controlled time. The Chair advises the gentleman from California that he has consumed 20 of the 30 minutes allotted to him under the rule.

The gentleman from Wisconsin has 30 minutes under the rule as well.

Mr. DELLUMS. Mr. Chairman, I continue to yield to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. The only reason that I can see is that somehow there is a notion that if anyone such as the gentleman from California takes the well and criticizes some aspect of a weapons spending idea proposed by those in the administration or downtown that therefore he is against all defense. I do not believe the gentleman is against defense. I believe he wants a sound defense. The point he is getting at is that there are certain principles that ought to govern this debate, and they have been absent in the debate that has been taking place over the last several days.

We debate numbers, levels, kick things around one way or the other, willy-nilly, and never do you hear the real philosophy of counterforce, countervalue, these kinds of concepts which really represent life and death, war and peace.

I compliment the gentleman from California, and no one should be amazed at all that the gentleman provides funds for this country's defense.

Mr. DELLUMS. I thank my colleague for his remarks and I yield to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. I thank my friend for yielding, and I want to commend the gentleman for taking the well on such a very important issue.

I have always given credit to you, Mr. DELLUMS, for raising the awareness factor among all of us here in the Congress of the United States relative to good and meaningful debate. I think your initiatives have been outstanding; I want all my colleagues to know that that is how I feel about you.

Mr. DELLUMS. Thank you.

Mr. MAVROULES. Mr. ROEMER suggested to you that you give to us your philosophy which I certainly agree with, but I wonder if you might touch upon one other thing, and I think you are keying in on it, and you and I have discussed this a number of times.

I think we are deliberating under a paranoia system. You know, you build, I build; I build, you build. Really, when we have all these books that come out and tell about all the military, Soviet military power, naturally people want to react to that. I just wonder, Mr. DELLUMS, if you can touch upon that as to why we do not get all the information, you and I and Members of Congress, relative to the qualitative aspects of our military, which is very difficult to receive, so that we can make an honest comparison.

Mr. DELLUMS. I thank my colleague, and in the course of my remarks I will try to touch upon that.

Let me go back now to the outline that this gentleman tried to lay out earlier. What kinds of questions should we be asking? For example, what is the role of nuclear weapons in our lives? A very basic and straightforward question.

□ 1510

If the strategy is one of deterrence, and that is that we should never unleash the terror and the incredible death and destruction that is the reality of nuclear warfare, then that leads us in another direction.

So we must ask ourselves, as Members of Congress and as American people, what is the role of nuclear weapons in our lives? I choose to believe that it is never to use them. I choose to believe that anyone who thinks we can fight and survive and win a nuclear war is living in an absurd world, and if one can come to that, we can begin to walk away from certain weapons that lead us flawlessly

and consistently toward a war-fighting capability.

Question: Can we think of nuclear weapons in the same way that we think of conventional weaponry? I have quoted Lord Mountbatten many times on this floor, who said before he died that the one incredible reality of nuclear weapons is that they cannot be counted as military weapons because they can never be used because of their awesome capacity to destroy life. He further pointed out that the danger that imperils life on this planet is in the illusion that they can be used.

If you agree with that answer that we cannot count nuclear weapons in the same way we count conventional forces, then my question is: Why are we developing nuclear weapons with greater capacity to destroy, that blur the distinction between conventional and nuclear weapons that make nuclear war more possible?

Another policy question: Because we tend to talk about modernizing, because we live in a world where things become obsolete, have we ever asked the question among ourselves does certain levels of modernization of our nuclear capability take us beyond the bounds of arms control? Stated a different way, are we developing such exotic levels of nuclear technology that they create such extraordinary problems of verification that you pull the very rug out from under the arms control process that many of us in this body embrace?

Does certain deployment of nuclear weapons increase the danger? We have not really focused on these questions. In the D-5 debate, for example, the issue of war-fighting capability came up, but only in the narrow confines of debating that particular weapon system, but we never stepped back to look at whether or not we want to pursue a policy of nuclear war-fighting or continue to pursue a policy of deterrence, or whether the decision we make on D-5 or MX or whatever begins to radically alter that posture.

Another question: Is the cold war, for example, an appropriate backdrop for our national security needs, our foreign policy, our military budget? Is it enough to say the Soviets are there, we are here, and the rest of the world is terrain against which we act out this elaborate superpower struggle? Is it enough to say, "The Russians are coming," to move in this direction? Is it enough to say if the Soviets want to dive off of an economic cliff that we have to dive off that cliff with them?

Is it enough to allow the cold war to masquerade as our foreign policy? Is it enough to focus on the East-West dimensions of our struggle to the virtual exclusion of the North-South dimension?

There is poverty and hunger and human misery in the world. I just heard last night on a television program that tens of millions of people will die in the Sudan in the next year and we are focusing on the East-West struggle, and there is pain and human misery in the world.

Is our policy of containment that we started with in the 1940's appropriate as we evolve through the decade of the 1980's, or do we have to expand our parameters, expand the parameters of the discussion, expand the parameters of the debate?

With respect to the policy objectives that underlie this budget alternative, we said that the debate on military spending should not focus simply on the numbers but upon what our national security needs are all about. We believe that focusing on the numbers is an incorrect focus. Defense spending must be analyzed in terms of our foreign and military objectives. If increased spending is necessary to ensure national security, then let us have the sufficient amount of moneys to make sure that our national security is preserved.

But we strongly disagree with what some Members believe is our national security needs, and what a sufficient military budget really is. The national security role of the United States must be to exert international leadership to bring the world closer to peace. Military tensions must be eased. Détente must be revived and the threat of nuclear war has to be reduced. Arms escalation is not the future for ourselves and our children and our children's children. Bringing the world within the confines of arms control is appropriate.

What are the major themes of this proposal, I would say to my colleagues? To lessen the threat of nuclear war through support of arms control initiatives leading to major weapons elimination. You can ask yourself what are the destabilizing nuclear weapons? What are the first-strike nuclear weapons in this budget? What are the weapons that take us closer to the brink of thermonuclear disaster? You can cut those weapons out. You can reduce the military budget.

What is an appropriate foreign policy role? Again, it is the cold war? Is an interventionist foreign policy appropriate as we, as we vow through the 1980's? Is intervening in Third World countries an appropriate role for such a magnificent, wealthy, and power nation as the United States? Should we be intervening militarily in Third World countries where the real problems are poverty and hunger and disease and starvation and death and pain and stench? Are we now trying to take the East-West struggle into areas of poverty and human misery? Is an interventionist foreign policy appropriate?

If it is not, then why should we have the rapid deployment force? As one of the Presidential candidates said, it is not rapid, it is not deployable, and it is not a force. We already have a rapid deployment force. It is called the Marine Corps. Why do we need an additional one? Why do we need to expand our carrier task force to 15, with all of the accompanying ships and planes and personnel and billions of dollars that escalate in that regard when one of our Navy officers indicated to me, commanders, that if the United States and the Soviet Union went to war in the Atlantic, the life span of an aircraft carrier will be 5 minutes?

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. DELLUMS] has expired.

Mr. ASPIN. I yield 10 additional minutes to the gentleman from California.

Mr. DELLUMS. I thank the gentleman for yielding this additional time to me.

Mr. Chairman, we are talking about billions of dollars building more carriers and more planes and more escort ships. If it is a noninterventionist foreign policy that we seek, then we do not need the rapid deployment force. We do not need to expand in this area. You can reduce our military budget in that respect.

Let us look at our role in Europe and Asia. How many times have we on this floor raised the question of whether or not 35 to 45 percent of our total military budget is devoted to a NATO scenario; 35 to 45 percent of our national budget? But we have never, ever, debated on the floor of this Congress what our role in NATO is all about.

What should be our role in NATO? Is the concept of NATO obsolete? What are the real threats? Do we really need to continue to beef up our conventional forces when almost half of our military budget is already directed toward NATO, but we tend to do it, saying we reduce the nuclear threshold by expanding our conventional capability rather than looking at what the threat is and what our policy ought to be.

Fifteen to twenty percent of this budget is directed toward Asia. Why do we have so many troops in South Korea? We need to look at that. We need to look at that in very clear and unequivocal terms, not against a paralyzing, paranoid fear of us versus the Soviets, but what our real national security needs and implications are.

So those of us who raise these issues should not have to be challenged as in some way un-American or some kind of peacenik, which means that is a bad word. I think being for peace is a fantastic word. I think being for the preservation of life on this planet is an incredible concept. But when you stand up on the floor of this Congress and assert these points of view on the military budget, in some kind of way you

are soft on defense or you are soft on communism.

□ 1520

This is an absurdity. We have to take ourselves beyond this kind of pedestrian and mundane and earthbound discussion and begin to challenge each other intellectually on a much higher order of magnitude.

I would say to my colleagues, in addition, that we have discussed ideas to seriously redirect the procurement activities and to reduce waste, fraud, and abuse. Well, over the last 2 days we engaged in an incredible debate in that regard. But think about it. I am very pleased that we have engaged in a number of reforms, but we must understand that we all know it is much safer to talk about waste, fraud, and abuse than it is to take on a weapons system or to challenge a policy in a foreign country.

Our constituents can understand a $400 ashtray, a $600 toilet, a $1,000 wrench, a $2 bolt, and a $1 nut, so Members can get up and show that they challenge the Pentagon, they engaged in some reform, because this does not require them to step out there politically, and thus it is safe. But I am happy that we have at least engaged in that because the American people are being ripped off by waste, fraud, and abuse, and we need to do that. But I think we have to go beyond just challenging procurement policies. The real waste and abuse in the military budget is not just the procurement policies, it is the waste that flows from weapons systems that we do not need.

For example, we just started down the road toward the development of star wars. In the not too distant future we will spend somewhere in the neighborhood of $70 billion of American taxpayer funds. Here is the question: Just stop for a moment and allow your mind to flow easy. What could we do in this country over the next several years with $70 billion?

I would say to my colleagues, the gentleman from Louisiana, that for the school he wants to build for those children who are in jeopardy in his congressional district, he could build thousands of them. To my colleagues who want to build homes for the homeless, to my colleagues who want to deal with mental health, think about all the incredible poetry that flows from the use of $70 billion.

But what are we going to do with it? We are going to put it in space. We are going to give it to somebody to do research and development to give us some false sense of security so that in some way we can defend ourselves from the onslaught of thermonuclear war.

I am saying to my colleagues that these are the kinds of questions that must be raised. It is not just reform in the procedures; it is having the courage to approach these weapons systems within the framework of broad policy.

I would say to my colleagues on this side of the aisle, the Democrats, that it is not enough to be the flip side of the same coin of the opposition party. What makes our political process healthy, what keeps us honest, is when there are competing points of view, when there are competitive ideas, not when we are all walking lockstep in the same perspective. That is what happened in Germany in the 1930's. What we are talking about here is competing ideas, fresh, new thoughts, and we must have the courage as Democrats to say: If you believe in escalation, we want arms control; if you want big military budgets, we want to get a handle on it. It is not enough to say, let us challenge communism at $290 billion as opposed to $310 billion. What I am saying is, let us begin to rethink how we approach the world. The world is becoming a very dangerous place.

Finally, the best defense for the United States in the nuclear age is constructive arms negotiation free of ideological posturing that will enable both sides to move to significant arms reduction rather than escalating to new levels of overkill and nuclear insanity. The current arms talks at Geneva, in my humble opinion, are little more than bargaining chips and false rationales for a new round of U.S. weapons escalation to include MX, Midgetman, and various other components of SDI.

In concluding, I would make this final statement. What kind of world, I would ask my colleagues on both sides of the aisle, do we want? Here is the basic question, I say to my colleagues, that must be asked. What kind of a world do we want for ourselves and our children? What kind of world do we see for tomorrow? Many of us are preoccupied with the world we see today. I am more concerned about the world I will never see, the world of tomorrow, the world of the future, the world of my children and the world of my children's children. And if you ask yourselves, what kind of world do we really want to shape for our children? Then it seems to me it flows logically that we must begin to address this military budget in a very different way. We know what we have, and it seems to me that in many instances we should indeed be ashamed to what we have wrought in the name of national security.

I have already talked about what the human spirit and the human mind can accomplish if we have the audacity to think beyond the immediacy, think beyond allowing ourselves to be polarized and paralyzed.

If there is a collective national commitment to the peaceful pursuit of making a better world, many, many things are possible. It staggers the imagination to consider the alternatives.

Do not be reluctant, I say to my colleagues, to have the United States share some of the blame and some of the shame along with the Soviets. The Kremlin leaders are not exactly the good guys in the prolongation and the intensification of the cold war, make no mistake about that. But we must reaffirm again that we share the same planet, and the best way to defeat an idea with which we disagree is with a better idea, not with a bigger bomb. If we disagree with the Soviets, if we disagree with communism, let us not challenge it with a bigger bomb. Let us challenge it with a magnificent idea.

Democratic freedoms and democratic principles are extraordinary ideas. The people who sat down as the founding persons of this country laid down an incredible set of ideas. Let us export that. Let us compete with ideas. If we want to compete over who is the greatest superpower, let us compete over who can best address human misery in our respective countries and throughout the Third World.

Mr. Chairman, it is even more important today that we remember the words of Martin Luther King: "We are all citizens of humanity, not only citizens of the United States. Let us learn to live together so that at least we can all avoid the failure of perishing together."

That is my challenge. I am simply saying that once we develop the capacity to destroy life with nuclear weapons, everything changes but the way we think, and I continue to bang my head and walk out in front of this freight train, trying to say to my colleagues, "Let's change the way we think."

Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, will my colleague yield?

The CHAIRMAN pro tempore. The gentleman from Wisconsin is recognized.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield, then?

Mr. ASPIN. Mr. Chairman, there are a couple more minutes left. Let me yield to the gentleman and then let the gentleman yield.

Mr. DELLUMS. Mr. Chairman, I was going to yield to the gentleman from California.

Mr. ASPIN. All right.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman.

I appreciate my colleague's yielding, and let me say that my friend and I do not have to discuss here our friendship. Your ability to articulate your position, your intellect, and your sincerity and capacity to communicate

your view, these are unequaled in the House, in my view.

Mr. DELLUMS. I thank the gentleman.

Mr. LEWIS of California. But I think it is important for those of us who lie on the other side of this question to lay the foundation as we go forward in this discussion to recognize that your substitute does reflect the view of many of those in the House, not necessarily yours, but the view of many others in the House who essentially tend to oppose almost everything America would do in terms of going forward in a strong way in our national defense.

Your substitute would eliminate the MX?

Mr. DELLUMS. Yes.

Mr. LEWIS of California. It would eliminate the B-1?

Mr. DELLUMS. Yes.

Mr. LEWIS of California. It would eliminate ASAT?

Mr. DELLUMS. Thank God.

Mr. LEWIS of California. It would eliminate Pershing II?

Mr. DELLUMS. Yes.

Mr. LEWIS of California. It would eliminate Trident II?

Mr. DELLUMS. Yes.

Mr. LEWIS of California. It would eliminate the small missile?

Mr. DELLUMS. Yes.

Mr. LEWIS of California. It would take $35 billion in procurement and would eliminate $6.5 billion in research and development.

Now, beyond that, your amendment would even eliminate the funding for the National Board for Rifle Practice.

I submit to my colleague that the Soviets are the bad guys on the block, and unfortunately we have got to recognize that as we go forward in this debate.

Mr. Chairman, I appreciate my colleague's yielding.

Mr. DELLUMS. Mr. Chairman, let me respond to my colleague.

This gentleman opposes the MX, the B-1, the Trident, the Pershing, and all these absurd brand-new weapons, including star wars. But what are we left with? We are left with over 10,000 strategic nuclear weapons, over 15,000 tactical nuclear weapons, 2.2 million men and women under arms, and an incredible number of tanks, bombs, planes, and other weapons of destruction, and here in a multilateral fashion we need to negotiate to back away from the brink of disaster.

This gentleman is not a unilateralist. What this gentleman is saying is, let us not go forward in such a fashion that we threaten our future and we threaten the process of negotiation. Let us create an environment in an atmosphere that allows us to come together to resolve our differences short of insanity and the cruelty of nuclear war.

Mr. LEWIS of California. Mr. Chairman, if my colleague will yield for just a moment, I would submit further that we are left with citizens of our own country held hostage in a foreign country because people perceive us as being unwilling to do little or nothing.

□ 1530

Mr. DELLUMS. Mr. Chairman, if I may respond to that, the fact that we have 40-some-odd out of our American people now presently being held hostage points to the reality that all this big nuclear muscle does nothing when you come down to people challenging on the ground.

Why are we now developing all these nuclear weapons that threaten the future and why do we not begin to create an environment within which we move beyond war and violence?

Let me just finally say to my colleague, I think that terrorism is the result of the mentality of violence and the mentality of war. I think we as major superpowers, the United States and the Soviet Union, we have a responsibility to try to begin to project the notion that a bigger bullet, a bigger rifle, a bigger bomb, a bigger gun and a hasty resolve to violence is not the way, that the answer to preservation of life and sanity on this planet is in achieving some process of peace. If we can begin to say that out around the country, then people would not begin to use terror and violence as a way of solving problems; but if there is no other mechanism, people resort to that madness.

I reject it. I reject it whether it is terrorism on one person, 400 people or whether it is dropping a nuclear bomb to destroy all life on the planet.

Mr. Chairman, I thank my colleague for his generosity.

Mr. ASPIN. Mr. Chairman, I yield 5 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I certainly want to congratulate the gentleman from California [Mr. DELLUMS] on a very eloquent speech. There is nothing I hate more than having to follow the gentleman to the well, because I always feel totally tongue-tied listening to him.

The gentleman from California was posing a question that we really need to reflect upon and actually it was actually the same question that ex-Secretary of Defense Melvin Laird asked in November 1980 in the Washington Post. He said that the worst thing that we could do as a nation would be to go on a defense spending binge that would create economic havoc at home, confusion abroad, and that could not be dealt with wisely by the Pentagon. This was his warning. His warning was, "Do a buildup but don't do a binge."

Here we are today saying, what have we done? Have we done a buildup or have we done a binge. If we have done a buildup, was it the right kind of buildup?

He also pointed out that during the fifties in the post-Sputnik hysteria, we only increased defense spending 10 percent a year in real growth, because at that time it was felt that was all that could be absorbed efficiently.

Now, we have had 4 years of Reagan defense budgets to use to measure results. We now see that we have had $330 billion in that 4 years in real growth in defense.

Now, the question is, what does "real growth" mean? Does that mean real growth in real defense strength? Absolutely not. It is real growth in money, money only. That is what the real growth is in.

The question is, what did we get for that huge increase?

Now, the gentleman from California points out that we bought heavily into strategic weapons systems. The Democratic Study Group points out that since 1980 there has been a 1,400 percent increase in spending in the defense budget area in strategic weapons, that is, nuclear.

So how do we get that money? Where does it come from? We squeezed it out of a lot of things that this President ran on and was upset about pre-1980, and that was our lack of conventional buildup of defense. We are not building up conventionally as rapidly as we were under the Carter years, and that may come as a shock to people; but I ask you just to look at the Defense Department's own charts. It is really quite amazing.

When you look at our tactical aircraft in the last 3 years of the Carter administration, we were buying 227 a year.

What are we buying now? About 172 a year. That is a 24-percent drop.

Now, what have we done conventionally? I think the same gap is there as when Reagan came in but it may be bigger. And what are we doing? Because of this gap we are relying more and more on a nuclear response, whether it is a nuclear backpack, ammunition shelves, big bombs and little bombs and many bombs.

What we are saying is that we are not prepared to meet the Russians conventionally head-on, and if anything goes wrong, and we are attacked we are the ones that are going to have to be prepared to do the irrational act; that is, push the nuclear button.

Somebody like the Russians may decide to play poker with us just to see if we will really be that irrational and go nuclear. I think that is one of the things the gentleman from California is posing to us.

How have we spent the money? What have we purchased? What does real growth mean? Is what we have, what we really want? Does it create a

more secure America? Are there other things that we should have been doing? Have we done enough to try to get our allies to pull their oar?

Well, I do not think we have done enough to get our allies to pull their oar, let us face it. They are all backing off agreements that we had before. They are doing less than they were several years ago.

But the nuclear weighting of what we have spent in buying the MX, in buying B-1 bombers that really cannot penetrate, for they are obsolete manned bombers, and buying anything on that order that is nuclear while continuing not to add new troops, not to add new tanks. We wait 42 years for a tank and we pay much more and it is much worse than what we have with the maintenance, everything else. That is the kind of thing we should talk about.

I think the question from the gentleman on the other side of the aisle to the gentleman from California reflects why it is so hard to get a focus on these questions; if you stand up and ask a question, someone says, "Aha, you're for unilateral disarmament. You're a wimp. I'm a Rambo. You're supposed to come down and be Rambo 24 hours a day."

That means you do not ask what the money is going to be spent for. You do not ask what you are going to get for the money. You do not ask if there is value received. You just vote for the money because that's what it takes to be macho.

Well, that is not our job. Our job is to do oversight, set policy and ask tough questions. I think the gentleman from California has pointed that out very well and I congratulate the gentleman on his amendment.

Mr. ASPIN. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I thank the gentleman for yielding and I apologize for breaking into the train of this debate.

Mr. Chairman, I would like to take this opportunity to commend the chairman, Mr. ASPIN, for his leadership in addressing the very serious problem of the cleanup of hazardous wastes from our military installations.

The Department of Defense estimates that roughly 800 out of several thousand military hazardous waste sites will eventually need some cleanup work to protect the public health and environment.

As you are aware, Mr. Chairman, I have introduced H.R. 1940, the Defense Environmental Restoration Act of 1985, to help accelerate the cleanup of toxics from our military bases and strengthen the procedures to ensure that the public health and environment are protected.

Mr. Chairman, I applaud your willingness to explore the proposed changes embodied in H.R. 1940. And on behalf of the more than 70 cosponsors of my bill, I thank you for your leadership on this issue.

I am particularly grateful for the chairman's willingness to establish a special task force to formally consider my bill and other proposals to improve the military cleanup program. I understand that the committee wishes to devote more time to consider the many issues involved in solving this complicated problem.

Is this an accurate assessment of the chairman's position?

Mr. ASPIN. Yes, it is an accurate assessment.

On the recommendation of the gentleman from Virginia [Mr. DANIEL], who chairs the Readiness Subcommittee, and the gentleman from California, [Mr. DELLUMS], who chairs the Installations and Facilities Subcommittee, both of whom have held hearings on this subject, we have all agreed to establish a special task force to fully and completely assess the proposed changes in the procedures, pace and scope of the DOD cleanup program outlined in H.R. 1940.

On the basis of the hearings held by Mr. DANIEL and Mr. DELLUMS, it has become apparent that the consideration of H.R. 1940 and other proposals to expedite the cleanup of hazardous waste dumps will require a careful and coordinated approach that will permit a detailed review of all of the policy and technical issues involved.

In addition, I am confident that the formation of a task force will ultimately expedite the committee's consideration of the gentleman's thoughtful and important legislative proposal.

Mr. FAZIO. I thank the chairman for his kind remarks and his personal assurances of the committee's intent. I fully endorse this approach. And, as a result, I have agreed not to offer my proposal as an amendment to the defense authorization bill. I will do whatever I can to support the committee in this effort and to encourage this very careful and deliberative process to go forward.

I would just like to also take this opportunity, Mr. Chairman, to extend a special thanks to Mr. DANIEL and Mr. DELLUMS and their staffs. Mr. DANIEL and Mr. DELLUMS have been particularly supportive and cooperative throughout this process. I look forward to working with them and the other members of the committee in the future on this issue to ensure that the defense hazardous waste sites are cleaned up in a timely fashion and the public health and the environment are protected from the improper disposal of military hazardous wastes.

Mr. Chairman, I apologize for interjecting into this debate, but I wanted to do so while the gentleman from California [Mr. DELLUMS] was here and to express my thanks to him.

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

Mr. FAZIO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to commend my colleague, the gentleman from California [Mr. FAZIO], who has worked diligently on this issue.

I have a tremendous problem with toxic wastes out at the Fort Lewis-McChord Air Force Base. I have had great help from Chairman DELLUMS, Chairman HEFNER, and other members of the committee. This is a problem we are going to have to address. I am glad the chairman is showing real leadership on this issue.

Mr. ASPIN. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [Mr. GINGRICH], followed by whatever time I have remaining to the gentleman from California [Mr. DYMALLY].

Mr. GINGRICH. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I rise in part because I listened earlier to my colleague, the gentleman from California, as he began his debate. It seems to me he made a very important and very legitimate point, and that is that he consistently, I think, more than any other Member of the House, at least is one of the most active Members of the House in trying to raise a set of issues of principle that come much closer to what I think the Congress ought to be about. And I think it deserves a framing that is responsible and that is not just a process of seeing who can score debating points off whom.

□ 1540

There is a very venerable tradition of debate over how to deal with a dangerous world.

I hear my friend from California and many of his colleagues uttering a cry of warning, and I want to honor that cry of warning for a minute. The gentleman knows full well that I am far more conservative, and I am not at all likely to vote for his substitute, but I think the point, if I hear you and your friends, is that there is a kind of a virus of madness which afflicts the human race, that the terrorists who carefully plot how to kidnap a plane and brutally beat to death, or beat and then shoot an American sailor is in a way related to the nation which plots the potential for global holocaust, that there is a virus of evil combined with power which is in some ways at the heart of all of us.

I as a historian I guess am struck first of all by the parallel, and I do not mean this ideologically but it happens to be a parallel to Jean Jaures, who is the great French socialist leader before World War I who went across Europe and begged Europeans not to

fight World War I, and pleaded for some form of disarmament. And you can look back at that period and say he was wrong and he misunderstood the nature of imperial Germany, and he misunderstood the problems. But you have to look at the human cost of World War I and wonder was he totally wrong. Had he really missed the point all that much more than the militarists and the people who prepared for World War I?

Someone has said that our tragedy as a generation is that we are trapped between Auschwitz and Hiroshima, we are trapped between the atom bomb on the one hand and the gas camps and the concentration camps on the other, and that we could solve either one. If there was not the evil that led to tyranny we could give up the bomb. If there was not the bomb we could somehow focus on solving the problems of the evil that leads to tyranny.

I would say to all of my colleagues on behalf of the underlying philosophical and psychological positions of my colleague, that there is a great strain of truth to say to all of us that we may be, we may be leaving the generation that found safety through armed, organized effort in entering two generations of terror through armed, organized effort, that the capacity to steal an airplane is trivial compared to the capacity to steal a tactical bomb; that the capacity to steal a tactical nuclear bomb is trivial compared to the capacity of the long-term terrorist groups, two, three, four generations of terrorism who send their brightest children on a grant to Harvard and MIT to return, to be biochemists who invent the biological weapons of the 21st century.

There is a peculiar arrogance of great powers to believe that only they can find methods of violence.

I also want to say in closing that I happen to be reading, because I always get out of this period of time to understand this period of time, and happen to be reading to understand the Middle East, a book by Ray Irwin called "Diplomatic Relations With the Barbary Powers, 1776–1816," a 1931 book. It is useful to get all of the way in it. Do not read a pro-Vietnam historian and an anti-Vietnam historian. This guy, of course, was shaped by the Depression and World War I. It is fascinating because the U.S. Congress, from the time we were founded, argued about the question of how to get, how to deal with piracy and terrorism in North Africa. Should we bribe the pirates, or should we build a navy, and should we build a big navy or a little one? Should we bribe the Europeans to build a navy?

And there were people like my good friend who said military force will not work, let us find a diplomatic solution. And there are people closer to me who said that the diplomatic solution will not work so let's build a navy.

I simply want to assure my colleague that first I think your cry from the heart is fundamentally right, even if your solution is one that I would not vote for. We are in trouble as a species.

Second, I think you stand in a very long tradition of a dialog in this country and in this body about how to deal with a dangerous world. And I want to thank you for the passion and the eloquence and the commitment you make to this kind of an effort.

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

Mr. GINGRICH. I would be glad to yield to the gentleman from California.

The CHAIRMAN pro tempore. The time of the gentleman from Georgia [Mr. GINGRICH] has expired.

The gentleman from Wisconsin [Mr. ASPIN] has yielded the remaining 3 minutes in general debate to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Chairman, let me first strongly protest with all of the protest that is possible in a human being the short time allotted to those of us who wish to support the Dellums amendment. I am one of those who exercise a great deal of discretion and do not indulge in irrelevant and unnecessary debate. But there are some issues that are very important to us and this is one and, Mr. Chairman, I just want to say if I cannot be given more than 3 minutes there is no need for me to continue.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield to me briefly?

Mr. DYMALLY. I yield to my colleague, the gentleman from California.

Mr. DELLUMS. I might say to my colleague, as I understand the parliamentary situation, the gentleman from California's alternative was provided in the rule with 1 hour general debate. At the end of that 1 hour general debate, my distinguished colleague, and any other Member of Congress, can seek recognition to strike the requisite number of words under the 5-minute rule, and theoretically my colleague could speak for whatever time that the body would allow.

Mr. DYMALLY. Therefore, Mr. Chairman, I move to strike the last word.

Mr. DELLUMS. If the gentleman would yield briefly, the gentleman has to finish his 3 minutes, and then the hour of general debate would be up and the gentleman could seek recognition to strike the requisite number of words, as I understand it.

Is that correct, Mr. Chairman?

The CHAIRMAN pro tempore. The Chair would note that the gentleman from California is correct in his statement. The gentleman from California [Mr. DYMALLY] has 1½ minutes remaining yielded to him in general debate.

Mr. DYMALLY. Mr. Chairman, I rise in support of the Dellums amendment. I have been bothered for some time by the sense of priorities that is reflected in our Federal budget. For five budgets now I have sat here and listened to my colleagues happily singing the virtues of increased military spending. And in those same 5 years I have listened to another statistical litany. That litany amounts to a blues song for the American people. It is a song of pain, a song of the decline of a great people.

Our farmers cannot afford to grow our food, and the President's response was to veto a modest effort to help. Our children and many of our adults can't read and write. But we pay our teachers $12,000 a year and justify this disgrace with the refrain that it's a local, not a Federal problem. Our women are raising their children alone, and they are raising them in poverty. And this Congress and this President have not begun to address this multigenerational tragedy of American life. Our so-called Equal Employment Opportunity Commission tells us they can find no basis in law to justify pursuing the concept of equal pay for comparable work. And so our women will continue to hold jobs for which they will be paid only enough to raise the children of America in an atmosphere of deprivation, want, and despair. The aged of America plead with us on a daily basis not to cut their Social Security and Medicare. But we tell them this is an era in which we lawmakers must be fiscally responsible. And everyone has to suffer a little to relieve the burden of the deficit. They write back their quietly accusatory letters saying, "What of General Dynamics?"

We have a reply, however. It is that we must provide certain privileges to the rich and to the corporations they control because feeding their wealth will produce more wealth. And that's good for America, we say. But the aged suspect corporate wealth is not going to pay their medical bill anytime soon, and the bellies of the children of our working single mothers are no more full as a result of this solace we bring them.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. DYMALLY] under the rule relating to general debate has expired.

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

The CHAIRMAN pro tempore. The gentleman from California [Mr. DYMALLY] is recognized for 5 minutes.

Mr. DYMALLY. Mr. Chairman, I can understand our tendency to want to sing a happy song after hearing so much of the blues. I can understand how we turn to the song with the

snappy, abbreviated beat, the one with the MX and the B-1, the SDI and the ASAT. The refrain of that song is, "We are invincible!" But even as I listen to that stirring march and see in my mind's eye the 25,000 nuclear warheads that the song says guarantee that invincibility, the shadow of doubt begins to darken the image.

In its place, I see an American passenger plane shimmering in the heat of a Lebanese afternoon. And I wonder, "Where are its passengers?"

Try as I might to keep it out, the thought that our 25,000 nuclear warheads are useless against our enemies keeps playing back again and again in my mind. Little by little, the happy song goes flat. And I have to ask, "Aren't our priorities misplaced?" Isn't it more important here, now, today to listen to the song in our souls, to listen to the blues, real as they are? After 25 years in politics, I have no illusions about the direction this Congress will take. I will vote for the Dellums amendment. Most of you won't. But wouldn't it be something if we could reroute those misplaced billions and bring decency to our farmers, raise our single mothers out of poverty, teach our children to read, relieve the anxiety of our aged, and nourish our babies?

Mr. Chairman, it is with a sense of great pride and satisfaction I join with and urge strong support for the amendment sponsored by my friend and chairman, Mr DELLUMS, the gentleman from California.

□ 1550

The CHAIRMAN pro tempore. For what purpose does the gentleman from Wisconsin rise?

Mr. ASPIN. Mr. Chairman, I would like to try to get a time limit on this amendment.

I believe Mr. HAYES would like to speak for 5 minutes, Mr. MORRISON of Connecticut for 5 minutes, and then we have a couple of 1-minutes over here.

Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto finish in 15 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin that all debate on this amendment and all amendments thereto end in 15 minutes?

Without objection, the request of the gentleman from Wisconsin [Mr. ASPIN] is granted.

There was no objection.

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

Mr. Chairman, I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, there may be other votes this evening including the vote of final passage of the defense authorization bill.

Due to a previously planned engagement, some members of the House Ways and Means Oversight Subcommittee will depart this evening for Fresno, CA, to tour and inspect the IRS facility there. It is necessary to depart this evening in order to meet tomorrow's schedule. Therefore, I may miss other votes this evening.

If I were here, Mr. Chairman, I would vote "aye" on final passage of H.R. 1872, the fiscal year 1986 defense authorization bill. Also I would support the Morrison amendment and I certainly would oppose the Dellums amendment.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I would like to engage my colleague from California [Mr. DELLUMS], for whom I have an enormous respect. I want to say that although I cannot support his amendment, I can support his concept that this Congress needs to deal with the overriding issues that the gentleman so eloquently presented today in the House of Representatives. That is why I hope the chairman, Mr. ASPIN, and his panel on policy questions, will engage these issues. In my own view we spend too much time looking at individual weapons systems and talking about 3-percent increases, and we do not spend enough time looking at overall NATO strategy, East-West relations, and many of the other things the gentleman has described here today.

Just a few years ago the gentleman talked about synergism and nobody paid any attention. Today synergism is a policy we rely on in this country with respect to strategic weapons.

So I urge my colleagues to listen to the gentleman from California, who is a voice of reason on defense issues in my view.

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

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

Mr. DELLUMS. I thank the chairman for yielding.

I thank my colleague from Washington. It is only this gentleman's purpose to stimulate that kind of debate. I am not interested in having a vote on the amendment in order to polarize the body. I am trying to focus attention on the very issues my colleague enunciated. I thank him for understanding exactly what the purpose of my presentation was.

Mr. DICKS. Mr. Chairman, the other morning when Carl Sagan was talking about the snowball theory and how we had to have a new mental approach, a new psychology, a new way of looking at these issues, I thought of my friend who is a social psychologist, as I recall, trying to present that new approach to the House of Representatives and the people of this country. I think people are starting to listen to the gentleman from California in a more profound way.

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

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

Mr. WEAVER. I thank the chairman for yielding.

Mr. Chairman, I rise in strong support of the substitute offered by the gentleman from California, congratulate him on offering to the House a sensible military budget. Without question he gives us a strong, vital military; it does take away those weapons of destabilization that actually endanger our security but maintains a strong defense of this Nation in a troubled world.

Mr. Chairman, I thank the gentleman [Mr. DELLUMS] for what he has done for us.

Mr. ASPIN. Mr. Chairman, I yield back the balance of my time.

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

You know, it takes courage for the gentleman from California to have stood up in this well and presented to us a different approach in terms of the sense of direction that we are going on the military budget.

I noticed an article that I picked up in one of the newspapers the other day that said our Nation cannot be the world's policeman.

Forty years ago a Presidential candidate by the name of Robert Taft who ran on the other party ticket warned the United States against taking on the role of world policeman.

He cautioned that the American people do not want to rule the world. We are not equipped to do it. We may think we are better than other people, more competent to rule, but will they think so? He answered his own question by saying no.

Now we find ourselves continually being confronted with the issue of trying to decide, and this is in effect what the gentleman is saying, whether we are going to have butter or guns.

I have to reflect at least what people who are, who say, who are part of my district, realizing this is a problem not just the concern of the First District of Illinois, this is not just a problem of the U.S.A., it is a world problem, to begin to approach this problem of trying to have and cement peace. I have to reflect on the fact that 16 percent of the people in my First Congressional District are out of work with no prospect for a job, many of them; 60 percent of the black youth in my district, which is 95-percent black, have no jobs in sight. They cannot have them so long as we continue to spend the kind of money we spend in our military.

Now, I understood the gentleman from California to say very clearly he was for security; he is willing to spend x number of dollars for security purposes; but if I had to sum up the total significant meaning of his entire statement, his approach lessens the threat of a nuclear war, yet builds what I consider to be a stronger national defense. He talks about the conversion from a military economy to an economy where we begin to spend money on people where it is needed, which is the greatest kind of security we can have. Whether we are going to have money to educate our kids, whether we are going to deprive kids in the Head Start Program of lunches, and we know some of them in my district do not get lunch until they go to school, and when you cut that out or reduce the amount of money for it, I think this is exactly what he is talking about.

Now the policy of nonintervention-ism, not being in a position where we are concerned of looking over our backs at the Soviet Union and its Communist states. One of the best ways to fight communism is to begin to do something about the human misery which people are suffering from in some of these Third World countries and in Central America. Until we take that kind of posture we are going to find ourselves in a position where we are viewed as the most hated country today in the world. And those of us who are part of this lawmaking body are becoming hostages to what I consider to be fear.

□ 1600

If we begin to take a position on that which we know to be right, and this I want to thank the brother from California for having done, to prick our consciousness to take a new approach, a new look.

I know it is not going to pass, but let us be in a position where we take a new insight, a look in a different direction.

Mr. MORRISON of Connecticut. Mr. Chairman, I take time to speak on an amendment which will be offered, which I will be offering, during the 5-minute rule limitation which will follow the vote on the Dellums amendment.

Since time will be limited then, I wish to take a little extra time now to describe to the body exactly what that amendment involves.

In the pending bill, as presented by the Committee on Armed Services, there is an entitlement provision which automatically and without further action beyond this legislation, in appropriation or otherwise or any executive action, will raise the pay of military personnel 3 percent as of January 1, 1986.

The Senate has included a similar provision, which differs only in that it is effective on October 1, 1985.

My amendment would replace this provision with current law. Current law provides that pay increases for the civilian employees of the Federal Government and the military personnel are linked together. An increase to one group goes to the other at the same percentage rate.

I believe that this provision of linkage is fair. I believe that when we are going to be raising the pay of people in the service of the Government, we should treat people equally across the Government.

This is not an attack on those who believe that pay ought to be increased. On the other hand, it is a statement that when we increase pay we should do it equitably, we should to it equally.

It is a simple amendment, and it poses the choice: Do we wish to single out one group of Federal employees and mandate an increase or do we wish to treat them equitably?

I yield now to the gentleman from New York.

Mr. SCHUMER. I thank the gentleman from Connecticut for yielding, and I rise in support of the amendment which he will be offering shortly.

As a member of the Budget Committee, I can assure this body that we worked long and hard on this issue, and wanted to be fair and equitable above all.

The conclusion we came to was that there ought not to be an increase for military or civilian pay, and that, most important of all, the two ought to be treated the same, and we explicitly wrote that into the budget provisions.

If we are to pass this budget as is, which goes against the budget that this House passed by a large margin, we will be beginning the process of unraveling the budget, because, while certainly this committee has stayed within the overall ceiling, they have violated the equity framework which we have built into the budget.

Should this budget pass, should this bill pass without the Morrison amendment, what very well may happen is that then the Post Office and Civil Service Committee will decide that they have to raise the pay for their members to keep Federal law in parity, and they will not be able to find the savings, their budget not being as large, and the budget will indeed be broken.

Therefore I would commend the gentleman for introducing this amendment; it is not fair, it is not right to say that military people get the pay raise; civilian people do not. Both work hard for this country, and to pass this amendment will be doing both the budget and the country a service.

Mr. MORRISON of Connecticut. I yield to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, is the bottom line here that if we vote for the Morrison amendment it is going to undercut the chance to give the military a 3-percent pay raise?

Mr. MORRISON of Connecticut. The bottom line is that the decision will still be left to the House to make a decision for——

Mr. DICKS. On the appropriations bills.

Mr. MORRISON of Connecticut. All Federal employees and military employees would have to be treated the same; it would be all or nothing on any increase. That is the bottom line.

Mr. DICKS. There used to be a coupling on these two issues.

Mr. MORRISON of Connecticut. There is a coupling.

Mr. DICKS. If you raised one, you had to raise the other.

Mr. MORRISON of Connecticut. That is correct, and they are coupled in current law, and this amendment would recouple them. The coupling is undone by the bill pending.

I yield to the gentleman from Minnesota.

Mr. PENNY. I thank the gentleman for yielding, and I rise to support his amendment.

Clearly, we have serious budget problems facing our country today. The budget conference committee will continue the process of trying to work out an agreement between the House and the Senate.

What we are trying to say with this amendment is that whatever treatment that budget conference reaches on Federal employee pay will apply to all Federal employees, civilian and military. That is the policy we have had in place with budgets in previous sessions, and that is the policy that ought to continue on into the future. Equal treatment for all Federal employees.

Mr. DELLUMS. Mr. Chairman, aside from providing a couple of my colleagues an opportunity to discuss their amendments that they would not otherwise have an opportunity to discuss, I would like to now return to the item that stimulated this debate, and that is the Dellums amendment in the nature of a substitute to the committee bill, the Department of Defense authorization for 1986.

As I stated earlier, it is not this gentleman's intention to seek a record vote. I did not offer the amendment because I wanted to try to gain total agreement among my colleagues. It is not important that the majority of this body agree with the gentleman's solution.

What the gentleman was attempting to do was to stimulate discussion and to stimulate debate, Mr. Chairman, to force us to begin to look with a different point of view, a different frame of

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mind, to begin to frame the issues in a broader context.

It is my hope that we have done that. I would like to say to my colleague from Georgia, I thank you for your kind and generous remarks. It is not important that you and I agree. In fact, our respective constituents sent us here to disagree.

What this colleague was simply trying to suggest is that we establish an intelligent framework in which that disagreement can go forward in the name of better governing this Nation, and that is what this gentleman was trying to be about.

It is my hope that this debate stimulates further discussion when the appropriations bill comes to the floor, that new and intelligent questions would be raised.

With the fiscal year 1987 authorization bill, new and intelligent questions will be raised.

It is my hope that this debate stimulates the American people to among themselves begin to raise these important and fundamental and very basic questions. It is my hope that they will begin to aggressively raise these questions with you, my distinguished colleagues, challenging you to begin to think in a very new way.

This is one tiny little planet; it is interrelated and interdependent. It seems to me that the legacy that we must leave for our children and our children's children is a world free from the insanity of war, free from the cruelty and the absurdity of thermonuclear annihilation, and free from the notion that we must continue to distort our national priorities in such fashion that it renders us impotent in attempting to address the human misery of our people into various forms within which it is visited upon them.

Mr. Chairman, I thank you very much for your generosity, and my colleagues for their participation.

● Mr. FAUNTROY. Mr. Chairman, I rise in support of the substitute offered by my distinguished colleague, Congressman RONALD V. DELLUMS.

Unfortunately, debate on defense authorization in recent years has focused on the total amount of military spending and the rate of real growth in defense spending. The substitute offered by Congressman DELLUMS is based on a different and correct strategic standard. That standard is that our defense expenditures must be in accord with foreign and military objectives that provide a defense for our Nation, but not for world domination.

The Dellums substitute imposes a "freeze minus" concept in our defense authorizations. Under this substitute the authorization for fiscal year 1986 would be frozen at the fiscal year 1985 level. In fiscal years 1987 and 1988 the fiscal year 1986 level would be maintained in real terms.

The objectives of this substitute are worthy, reasonable, and compatible with the national security:

First, to lessen the threat of nuclear war through support of a nuclear freeze and other arms control initiatives leading to major weapons reductions.

The Dellums substitute would eliminate destabilizing weapons systems which threaten rather than enhance our national security. Dangerous weapons such as the MX; the Trident II, Pershing II, and cruise missiles; and the expensive B-1 bomber would be eliminated.

Second, a noninterventionist conventional nonnuclear national security policy.

The Dellums substitute incorporates the principle that the purpose of U.S. defense policy is to defend U.S. security interests, and not to intervene militarily in, and against, Third World countries. It therefore would freeze and then gradually reduce the number of aircraft carrier battle groups from the present 13 to 10. This substitute also rejects the buildup of the Rapid Deployment Force, eliminating all funding for this program.

Third, a reduced U.S. military role in Europe and Asia.

Given the unlikely possibility of a prolonged land war in Europe and Asia, the standing army is reduced from 16 divisions to 13 divisions by fiscal year 1988.

Fourth, a redirection of procurement policies to reduce waste, fraud, abuse, and massive cost overruns.

This substitute call for cuts in weapons systems which are redundant, ordered in larger than necessary quantities, have serious cost overruns, or are simply too expensive for their military purpose.

If you want a defense authorization that pulls us back from the edge of the abyss of nuclear war, vote for this substitute, it is protective of our planet.

If you want a defense authorization that pulls our Nation away from interventionist policies that fuel violence around the world and hamper our ability to meet the acute human needs which are the underlying causes of instability, then vote for this substitute.

If you are worried by our huge budget deficit and the neglect of human needs here at home, then vote for this substitute. It will effect $286 billion in budget authorization savings over the next 3 years.

If you want to address the fraud, waste, and the public welfare that major corporations have been involved with in our military budget, then vote for the Dellums substitute.

The substitute offered by Congressman DELLUMS provides the necessary funding for a strategically and economically sound defense policy.

I urge my colleagues to vote for the DELLUMS substitute.●

The CHAIRMAN pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. DELLUMS].

The amendment in the nature of a substitute was rejected.

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 TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this Act between any such authorizations (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $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, this really is just a technical amendment. We forgot to put it in the bill; it is an amendment that simply authorizes amounts previously appropriated for other purposes to be used to provide for military and civilian pay increases that have occurred during fiscal year 1985. It is something that the Appropriations Committee has done; we need to authorize it to make sure that it is all legal.

□ 1610

Mr. SPENCE. Mr. Chairman, we have examined the amendment and we find no fault with it. We accept it.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Chairman, I offer an amendment that was printed in the RECORD at page H5011 on June 26, 1985.

The Clerk read as follows:

Amendment offered by Mr. BENNETT: At the end of title X (page 200, after line 4) insert the following new section:

SEC. 1050. RESTORATION OF MILITARY RETIREMENT FUNDING REDUCTION.

Section 661 shall not apply to payments of basic pay, or to payments into the Department of Defense Military Retirement Fund, for fiscal year 1986. The report required by section 662 need not be submitted.

Mr. BENNETT. Mr. Chairman, the poet Francis Quarles once wrote:

Our God and soldier we alike adore,
When at the brink of ruin, not before;
After deliverance, both alike requited,
Our God forgotten, and our soldiers slighted.

Cutting $4 billion from military retirement slights our soldiers. I have offered an amendment to strike from this bill the provisions that would cut $4 billion and require the Secretary of Defense to submit a proposal for changing the military retirement system to do this. I have received letters of support for my amendment from the various military branches as well as civilian groups such as the Reserve Officers Association, the Navy League, and the Non-Commissioned Officers Association.

In order to force the Secretary to submit the proposal, the provisions would impose a $4 billion cut on the total of two accounts: the payment into the military retirement fund and basic pay. Present law requires that the payment be made into the military retirement accrual fund to cover the future retirement costs of today's military personnel. Under the laws setting military pay and retirement, it would not be possible to make this payment into the retirement fund, so a new retirement system, requiring a smaller payment into the fund, would be needed.

If the first phase under this legislation is enacted, namely the provision of this bill that requires a $4 billion cut, and the second phase is not enacted, namely a revision of the retirement system to reduce the payment into the retirement fund, then $4 billion has to come out of the basic pay of people on active duty. This is a sad but not farfetched possibility to anyone who watches Congress and observes the slow pace of legislation in this body.

Retirement reform has been under study for at least a decade now in the House Armed Services Committee. In all this time, Congress has not acted on legislation to change the retirement system, because "if it ain't broke, you don't fix it." I find it difficult to see why the U.S. Congress would now put itself in a position of having to cut back on the basic pay of people on active duty simply because they are not able to come up with a new acceptable retirement program. No one wants to apply this cut to present retirees or people on active duty, but that could be the unhappy result of the current provisions in this bill.

Further, I feel this $4 billion cut is contrary to the responsibilities of the U.S. Congress. It is written in the U.S. Constitution, and I quote:

The Congress shall have power • • •
To make rules for the government and regulation of the land and naval forces.

Maintaining an army includes devising ways to pay our soldier and sailors, and providing for their retirement. Nowhere does it say in the Constitution that the Department of Defense is responsible for proposing how to compensate retired military persons. It is our responsibility and duty, and we should fulfill it.

Supposedly the rationale for this approach is to save money to balance the budget. Even if this were so, it is utterly wrong to turn the screws on our retired military, who have served this country well, and not address the real reason behind our present Federal deficit. I look at the 1981 tax cut, which was such a giveaway to the wealthy; I look at GE not paying any taxes, not a penny, on profits of $6.5 billion, and I am saddened that some of my colleagues can only think to take away retirement benefits from the military.

However, if the objective is to save money from military retirement, there are options which Congress could consider. There is the possibility of imposing a 7-percent contribution on wages toward retirement, similar to that imposed on civil service employees. This would raise $3.5 billion if applied to basic pay and allowances.

Actually, the real reason behind putting this $4 billion monkey on the back of the Department of Defense is to have the military retirement system revised in some ways in which Congress itself is not sure about. I asked Admiral Watkins, the Chief of Naval Operations, what he felt about this. He replied in a letter that, and I quote:

Those who don't understand that retirement is one part of a complex compensation system won't understand that changing one part of that system can have a major impact. Deferred compensation is a major part of many civilian plans. Certainly, those who deal in civilian salary and retirement programs would realize that a major change to either salary or retirement, or perhaps to other important parts of their benefit package, would make continued employment with the company either more- or less attractive. . . .

The question those who would change the system must ask themselves is equally basic. Are they willing to add compensation in some other area to offset the loss in retirement? If the answer is yes, we should embark on the work necessary to determine how best to do it. If the answer is no, we have another problem. How shall we deal with smaller numbers of individuals willing to volunteer for military service, and, of much more importance at this juncture, can we provide adequate manpower to achieve needed readiness levels with reduced numbers of career personnel?

You will note Admiral Watkins feels that if revisions are to be undertaken, we must have a thoughtful, careful approach to determine the impact on retention and recruiting. Randomly cutting retirement without considering any corresponding increase in other compensation will inevitably result in less people joining the military, and less people staying in for a career. A young man or woman with a family and 6 years of service, who has just been transferred to a remote base away from all civilian comforts, will obviously be more willing to make sacrifices if he can see a light at the end of 20 years service than if that light has been dimmed. I ask my colleagues to consider this for a moment before they cast a vote which could deprive our military of the people needed to defend our country.

If adequate pensions are such an evil thing, why do we have similar retirement systems for firefighters and police officers? These occupations require youth and physical vigor and demand a certain degree of personal sacrifice. The analogy is not complete, though, because a person in the military is not only put in greater danger of injury or death, but is expected to take function under very dangerous and difficult circumstances, including taking the lives of the enemy. It seems to me this is just another example of the sad way the military is too often treated and looked at in our country. We are safe, free, and secure because the Armed Forces are eternally vigilant. Watching the castigation of these fine individuals brings to mind the following lines penned by Rudyard Kipling, who expresses his thoughts far better than I:

For it's Tommy this, an' Tommy that, an' "Chuck him out, the brute!"
But it's "Savior of 'is country" when the guns begin to shoot;

We can do far better than shouting "Chuck him out, the brute!" I urge you to vote for my amendment and restore fairness to military retirement.

Mr. ASPIN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we did do something with the military retirement, but we are doing it in a fair way. We are grandfathering everybody who is retired and everybody who is in the service, and we are doing it in a way that brings the Pentagon into the process of determining how we are going to change the retirement.

Mr. Chairman, I will yield to the gentleman from Mississippi [Mr. MONTGOMERY] and then to the gentleman from Texas [Mr. SWEENEY].

Mr. MONTGOMERY. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the Bennett amendment, and I want to point out that the Bennett amendment adds back $4 billion to the retirement program which this committee took out, and we thought we took a reasonable approach. So you would actually put this bill $4 billion over the budget recommendation if you adopt the Bennett amendment.

We instructed the Defense Department, in taking this $4 billion cut, that they not take it out of those already retired, that you do not change the military retiree program and that those on active duty, that they not be affected and their retirement programs would continue with no change.

But we did say in 1986 the Defense Department would have to make changes in the retirement system of those people coming into the service, we were told almost $4 billion could be saved by extending the time of service from 20 years on retirement to 30 years on retirement. I would like to point out to the committee that only 18 percent of those in the military actually hold down combat slots or would be put in combat. So it would not hurt if you had to extend in some cases, that these Americans serving in the military would have to serve for 30 years instead of 20 years. It is a reasonable approach. We are not hurting those already retired, we are not hurting those on active duty now. I certainly hope the amendment will be defeated.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from Texas [Mr. SWEENEY].

Mr. SWEENEY. I thank the gentleman for yielding.

Mr. Chairman, it is with a great deal of reluctance that I rise in opposition to the amendment offered by the gentleman from Florida, reluctance because of his stature and achievement not only as a Member of this House and as the chairman of the very important Seapower Subcommittee, but also as the recipient of the Silver Star, the Bronze Star, the Combat Infantry Badge, the Philippine Legion of Honor; he has truly proven his merit and his contribution as a member of the committee and as a member of our armed services.

However, my admiration and respect for the gentleman, great as it is, is not enough to allow me to suppress my commitment to supporting the bill that my committee and subcommittee has reported. We owe it to ourselves, Mr. Chairman, we owe it to veterans, we owe it to the American taxpayer to do two things that this bill seeks to do: First of all, to restructure a flawed retirement system that has not been substantially changed since the early 1900's; second of all, to put to rest the uncertainty about our military retirement system, a military retirement system which hundreds of thousands of veterans depend upon.

If we do not force this change, it will in turn force current retirees and current enlistees to live with the kind of uncertainty, the kind of confusion that this House has given them in the past: half COLA's, rounding off to the lowest dollar for retired pay and even tinkering with the method of calculation for the retired pay.

This bill takes a bold step in the direction of forcing change at the Pentagon. It does not request change, because we have seen that that approach has not worked in the past. The Fifth Quadrennial Review just sent up a recent report but did not send with it any formal legislative proposal. In the bill, we are forcing the Pentagon to become involved so that we can benefit from the use of their computer models, their staff, their future force projections; to evaluate the effect a change will have upon the military when we bring in the new weapon systems and indeed all of the data and statistics that they bring to bear to allow us to consider this bill in our committee.

So I rise in opposition to the amendment offered by the gentleman from Florida [Mr. BENNETT].

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from Indiana [Mr. HILLIS], the ranking minority member.

Mr. HILLIS. Mr. Chairman, I rise in support of the amendment of the gentleman from Florida [Mr. BENNETT] to restore the $4 billion cut from the military personnel account. In addition to the reduction in funds authorized for military personnel, the committee directed the Department of Defense to submit a plan to save that amount by revising the nondisability retirement system for future entrants.

Let me say that I am not opposed to changing the system—so long as the changes made are cost effective and do not cause irreparable damage to recruiting and retention. I do not, however, like the uncertainty created by the committee's action and believe that, notwithstanding the "grandfathering" provisions included, it will create a great deal of unnecessary malaise among our men and women in uniform. They are understandably worried about what may happen to their pay and other benefits if Congress and the Pentagon fail to achieve a timely resolution of the retirement issue.

With the outstanding recruiting and retention results achieved in the past few years, it is all too easy to forget the dark days of the late 1970's when recruit quality was at a record low. The Chief of Naval Operations decried the hemorrhage of talent as midcareer petty officers left the Navy in droves to seek higher paying jobs in the private sector. My colleagues will recall that several Navy ships were tied up at the dock because there were not enough skilled personnel to operate them safely at sea.

The Armed Services Committee has conducted several series of hearings on retirement. We have a good idea of what the major issues are, and I believe any changes to the retirement system should be worked out through the committee process before actual costs are made in military personnel funding.

I, therefore, urge my colleagues to support the Bennett amendment.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from Virginia [Mr. BATEMAN].

● Mr. BATEMAN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida [Mr. BENNETT]. I do so, however, with some reservations.

I commend the gentleman's efforts to restore the $4 billion cut from the military retirement accrual account budget request. I was very troubled by the decision of the subcommittee and the full committee to reduce the authorization level for military personnel by $4 billion in order to force the Department of Defense to submit a proposal to restructure the military retirement system. Although I am not opposed to consideration of alternatives to the current system, I do not like the uncertainty attached to this provision of the committee approved bill. I do not agree that such a significant reduction in the retirement accrual account is advisable before the committee has received a detailed proposal as to what effect such a reduction would have on the retention and recruitment of qualified personnel to serve in the Armed Forces, let alone those currently receiving their hard earned retirement for years of service to our country. Although the bill as reported out of committee provides that any new plan "grandfather" all current recipients of military retirement and all members of the Armed Forces serving up to the date of any legislative changes, it remains to be seen whether or not any Department of Defense proposal submitted would avoid counterproductive affects on retention and recruitment. I would prefer a middle ground between the terms of the bill and Mr. BENNETT's amendment. I believe the proposal I offered in the subcommittee was reasoned and such a middle ground position. My amendment would, like Mr. BENNETT's proposal, have also restored the $4 billion to the military retirement accrual account, but would have required the Department of Defense to prepare a study such as the one I have just described. It would have

deauthorized the $4 billion only if Congress in fact enacted a change in the retirement system.

The current retirement system is not perfect, and I don't expect we can develop one that is. It must not be assumed we can now devise a more cost effective, yet better program than the one we have now. I think the House should direct the Defense Department to propose a new system which would, if enacted, reduce the retirement accrual account, with the least or no negative impact on recruitment and retention. We should not in my view reduce the budget authority before we have even seen a proposed modification. I support the gentleman's amendment because it does not require precipitous action forcing changes in the military retirement system, without knowing what changes or what effect they might have. With adoption of the Bennett amendment, this House may still proceed to mandate proposals for changes in the retirement system which it could then pass if found to have merit.●

● Mrs. HOLT. Mr. Chairman, I support the Bennett amendment to restore the $4 billion cut the committee made from the retirement accrual account.

I would like to remind my colleagues of a vote they cast last week on another amendment to this authorization bill. I am referring to a previous amendment which would have authorized $2 billion for unspecified conventional forces to be determined by the individual services. We defeated that amendment because, as many members so ably pointed out, it surrendered our legitimate policymaking and oversight functions.

We should defeat the committee's proposal to cut $4 billion from the retirement account without specifying how for exact same reasons. If we support the $4 billion cut, we are saying Congress can't possibly make this sort of difficult decision, but we should leave it to the Defense Department. This strikes me as rather curious since the thrust of nearly every other amendment has been to create greater oversight authority for Congress and give the Defense Department less latitude in how they conduct their business.

I think the committee's approach is quite irresponsible. We are making this cut without any attention to its consequences. With the shrinking manpower pool we face reduction in benefits at this time would seem questionable if we hope to maintain the high quality we presently have in the All-Volunteer Force. The committee has for years searched for responsible ways to reduce the cost of retirement without real success. Now, we are going to pass the buck. Why? Because we in Congress could not find a better system.

So, instead we have picked a nice round number out of the air and given up our responsibility to determine who should suffer a reduction in the retirement. I would urge my colleagues to adopt the Bennett amendment and restore full funding for retirement until and unless Congress exercises its proper role and determines the shape of the next military retirement system.●

□ 1620

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

The amendment was rejected.

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

Mr. Chairman, as I understand it, we are going to rise now and have the vote on the adjournment resolution, and then we will reconvene and consider other amendments when we get back into the Committee of the Whole.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. RUSSO, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1872) to authorize appropriations for fiscal year 1986 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for fiscal year for the Armed Forces, and for other purposes, had come to no resolution thereon.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one if its clerks, announced that the Senate agrees to the amendment of the House with an amendment to a bill of the Senate of the following title:

S. 822. An act 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.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 883) "An act to extend the Export Administration Act of 1979."

The message also announced that the Senate has passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 54. Concurrent resolution providing for an additional adjournment of the Congress from June 27 or 28, 1985, to July 8, 1985.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE CONGRESS FROM JUNE 27 OR 28, 1985 TO JULY 8, 1985

The SPEAKER laid before the House the Senate concurrent resolution (S. Con. Res. 54) providing for a conditional adjournment of the Congress from June 27 or 28, 1985 to July 8, 1985.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 54

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Thursday, June 27, 1985, or Friday, June 28, 1985, pursuant to a motion made by the Majority Leader in accordance with this resolution, and that when the House adjourns on Thursday, June 27, 1985, or Friday, June 28, 1985, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, they stand adjourned until 12 o'clock noon on Monday, July 8, 1985, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1986

The SPEAKER. 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.

□ 1624

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. RUSSO, 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 earlier today, title X was open to amendment for amendments printed

in the CONGRESSIONAL RECORD, and all time for debate had expired.

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. SCHROEDER: Page 200, after line 4, add the following new section:

SEC. 1050. EXERCISE OF CERTAIN AUTHORITIES RELATING TO CIVILIAN EMPLOYEES OF DEPARTMENT OF DEFENSE.

For purposes of civilian employees of the Department of Defense, the Secretary of Defense shall exercise the following authorities:

(1) Authorities assigned to the Director of the Office of Personnel Management under section 5.2(a) of Executive Order Number 10577 (5 U.S.C. 3301 note), relating to investigation of the suitability of applicants.

(2) Authorities assigned to the Office of Personnel Management under Executive Order Number 10450 (5 U.S.C. 7311 note), relating to security requirements for Federal employees.

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, this is basically a very simple amendment. We passed this last year, it fell out in conference, but I think it is even more important after the security violations that have occurred that we pass this this year.

What my amendment does is transfer the policy-making decisions on what goes into a security clearance from the Office of Personnel Management to the Department of Defense for Department of Defense employees. Let me say, first of all, my amendment has absolutely no personnel impact because the Department of Defense already does the individual investigations. They are already doing the investigations; it is just the Office of Personnel Management has set the policy for them.

I feel that the Department of Defense is much better qualified to decide policy on national security, therefore, that is why I am offering this amendment.

The Office of Personnel Management last year showed that it did not really understand its authority and abused it. We had to relieve DOD from compliance in the bill last year so that they did not have to follow OPM's rules. What OPM tried to do is have people with secret clearances get a stronger and tougher investigation than those with top secret clearances which made absolutely no sense. This showed that OPM did not have a grip on what was supposed to be done.

The passage of the amendment also will help the Department of Defense to implement much more rapidly most of the Roth recommendations that have been proposed to deal with security. The real reason to pass this amendment is that it puts the responsibility for DOD employees where it belongs. All future security policy issues in the Defense Department should be made there since they understand security best.

Mr. Speaker, I think this is a very simple amendment; I certainly hope we adopt it. With that, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BLAZ

Mr. BLAZ. Mr. Chairman, I offer aT amendment.

The Clerk read as follows:

Amendment offered by Mr. BLAZ: At the end of title X (page 200, after line 4 add the following new section:

SEC. . REPEAL OF LIMITATION ON TRANSPORTATION OF CERTAIN MOTOR VEHICLES THROUGH GUAM.

Section 652 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2550), is repealed.

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

Mr. BLAZ. Mr. Chairman, my amendment is designed to complete unfinished business from the last Defense Authorization Act. That particular Act has a provision that would terminate the entitlement of men and women of the Armed Forces now serving in Japan from shipping their vehicles from the American Territory of Guam.

In a Department of Defense study directed by the U.S. Congress, there is a conclusion reached that we should retain the American Territory of Guam as a port for shipping, and that we should preserve this entitlement. My amendment is designed to implement the Department of Defense study.

Support of my amendment would provide the following: It provides equity in the system, and they would make it possible for members of the Armed Forces, whether they are serving in Germany or Japan or in Britain, for that matter, to have the same entitlements.

My amendment serves a national constituency. I am not speaking here on behalf of the Territory of Guam as much as I am speaking on behalf of my former comrades, the men and women of the Armed Forces of the United States. My amendment would be a symbol of appreciation to the men and women of the Armed Forces for the services they render, and all you have to do is look at the papers and see the extent of their service to the United States.

I am certain that the opposition will bring out the fact that this could be viewed as a subsidy. If a person is entitled to ship a car to and from an area, and he is denied that privilege, but he is then extended to ship it one way, I can make a good case to prove that it is a savings instead of a subsidy.

□ 1630

There is also a question of the numbers involved being a threat to the U.S. auto industry. The numbers involved in this case are no more than 1,200 in the last 3 years. The numbers are controlled by the number of replacements that go to the Far East and only certain people are eligible. When you bounce a number 1,200 against expected 2 million or so more that will be imported into the country, the numbers become almost insignificant.

I should mention that thousands of the 2 million are being imported every year by the U.S. automakers themselves.

There is also an admonition that we should buy American-made cars. Let me say to my colleagues that we should give the servicemen overseas the choice.

Before I came here, I was down in the garage and I saw in the garage in this House a magnificient exhibition of the benefits of free trade. Just a few days ago, there was an item in the paper that showed that the U.S. Navy awarded a contract to a firm in Communist China to do construction work on Guam. I rushed to the Defense Authorization Act. There is no prohibition to use defense dollars to pay Communist Chinese.

If my amendment is not accepted, we will end up with the very, very unusual situation of no defense dollars for the American serviceman to ship his car, yet defense dollars for the Communist Chinese building things on Guam.

Finally, I want to say that as we secure for the July 4 weekend you will have the situation where for the last 2 weeks we have been talking about billions and billions of dollars for defense. Unless my amendment is approved, we will have the situation of not a penny for the privilege of sending a car home from my region.

Mr. Chairman, this is my first opportunity to offer an amendment on the floor. I take great pride in the fact that this is an important issue affecting your constituents and my territory.

I rise as a retired general in the U.S. Marine Corps, a veteran of 30 years of service in defense of the rights of our fighting men and women and as a Guamanian. This Defense bill as it stands will deny an American sailor

stationed in Japan or Okinawa the right to buy a car in an American territory from an American, financed by an American bank, insured by an American company and shipped on an American vessel manned by American merchant seamen at the end of his tour of duty.

Ordinarily, a serviceman assigned overseas ships his car over to his new duty station as part of his household goods. The Government ships the car over and back in recognition of the unavoidable hardship which would otherwise arise. The Government of Japan, however, will not permit the shipment of American cars to Japan and Okinawa. Similarly, the United States will not permit the shipment here of Japanese cars made for the Japanese domestic market. To remedy this problem the Department of Defense has for many years allowed servicemen to buy cars on Guam at the end of their tour of duty and ship them home. The serviceman must otherwise sell his car in the States and buy another car in Japan. At the end of his tour he must then sell that new car and buy yet another car upon his return to the States.

Sadly, the bill before us today fails to preserve this wise policy. My amendment to this bill will amend section 652 of the Defense Authorization Act of 1985 to spare the dedicated serviceman stationed in Japan or Okinawa the unavoidable and costly purchase and sale of three cars every time his country calls upon him to serve in Asia.

This bill is fundamentally flawed. It rewards servicemen serving in Europe and punishes servicemen stationed in the Far East. While a serviceman in Germany can buy a BMW and ship it home at the Government's expense the serviceman in Japan cannot do likewise. Under no set of criteria is this result rational or beneficial.

First, the alternate port status of Guam saves our constituents money. It costs the U.S. taxpayer far less to ship a soldier's car once from Guam than it costs to ship a soldier's car to and from Europe.

Second, the number of cars sold to servicemen on Guam can never, by any stretch of the imagination, constitute a threat to the welfare of the American automobile makers. Only 1,200 cars are bought and shipped from Guam each year. At best these members of the Armed Services save $2,000 to $3,000 which is barely enough to compensate them for the losses they suffer in selling their stateside car and their car in Japan. This is a drop in the bucket of imports. You can't even find a bucket small enough to show the drop.

Third, if we want to limit the flood of Japanese imports into this country start with the biggest importers of Japanese cars. Two of the three largest American automobile manufacturers now import hundreds of thousands of Japanese cars for sale through their dealerships. In fact, all of the engines made for the best-selling car which brought one of the American automakers back from economic oblivion is made by Mitsubishi and bears the label "Made in Japan."

Is Guam such a threat to the U.S. automakers that they must block the sale of twelve hundred vehicles a year while the American auto industry itself imports millions of cars and parts from Japanese automakers? The answer is clearly "No". A very real threat, however, is posed by this bill to those men and women who put their lives on the line every day in our defense.

Fourth, the move to end Guam's status as an alternate port began at a time when it appeared necessary to help the U.S. automakers. There was a quota on the import of Japanese cars. An argument could and was indeed made that cars shipped from Guam were avoiding the quota.

But there is no quota now. By all accounts the American auto industry has recovered and is again recording profits. The elimination of the twelve hundred car sales on Guam will not affect the health of American automakers.

Fifth, this bill ignores a Department of Defense study ordered by the Defense Appropriation Act of 1985. That law directed the Department of Defense to study the impact of the provision that would end the purchase of cars on Guam by servicemen stationed in Japan and Okinawa. The Defense study is now complete. That report observed that the adverse impact on the morale of our Japan-based military personnel and on the Territory of Guam would be significant. The report concludes:

REINSTATE GUAM AS AN ALTERNATE PORT WITH NO LIMITATIONS OTHER THAN THOSE IMPOSED BY DOD

The message can be no clearer. The agency charged with the welfare of our fighting forces agrees with me.

I am not speaking solely on behalf of my territory. I am speaking primarily on behalf of the Armed Forces of the United States of which I was a member of three decades. What am I to say to the officers and men with whom I fought when they ask me, "General Blaz, are you going to let this happen to me?" I will not let these men down who are keeping the watch in Asia. My amendment should be passed out of an abundance of gratitude and common sense.

Finally, on behalf of my constituents on Guam I urge you to adopt my amendment. According to the Department of Defense study, ending the car sales on Guam will mean a cut of at least eight percent in auto sales. That adds up to a loss of about $10 million in gross sales, and that means as significant loss of tax receipts and jobs.

That may not seem like a lot to us and it is really not very much when compared to the $180 million we pay each year to the Philippines for use of our bases there. Still, on Guam the loss will be felt deeply in the American automobile retail business which is the very industry which this ineffective bill is attempting ostensibly to save. This bill illogically tells the loyal Guamanians that they must help the U.S. auto industry by sacrificing their own American automobile industry.

I'm not asking for a handout. I'm simply saying give us a chance to develop our economy and build our territory through private enterprise. I'm saying give us a chance because, to be frank, Federal regulations are strangling our efforts at economic development.

In the last few years we on Guam have lost a watch factory due to Federal constraints. We have lost an oil refinery because we could not compete with cheaper products from foreign refineries. Because of Federal regulations never intended for us, we are unable to fish commercially in our waters. Now we are on the verge of losing a garment industry because of more Federal constraints.

Yet, just this week, on Tuesday, the Washington Times reported that the U.S. Navy has awarded a Guam construction project to a contractor from Peking. Our island contractors will lose jobs because of this. Incredibly, there is no law prohibiting the awarding of contracts to the Peoples Republic of China over American contractors on Guam.

This bill does not express concern with the fact that we are losing hundreds of thousands and even millions of dollars to Peking at the expense of American contractors on Guam. It does not concern itself with the jobs it will eliminate in the American dealerships on Guam. It does, however, express concern over the fact that an American Sailor, Soldier, Airman or Marine, not from my district but from your districts, is buying a car from an American dealer in an American territory. This bill without my amendment will do more harm than good.

I have one last point I want to make. As you know, although my identification card says I am a member of Congress, the fact remains that some Congressmen are different from other Congressmen. I am a delegate and, therefore, I cannot vote on the floor. So the record will never show how I stand on this issue. You as voting members do have the privilege of indicating how you stand.

I accept the burden to present the plight of the servicemen to you. I now ask you to accept the burden to cast your votes for my amendment. This amendment is for the Americans serving us in harm's way in the strategically important Far East. It is for members of our all-volunteer forces who were promised a fair deal in return for their sacrifice and dedication. It is for young Americans from all of our districts to whom we owe a great debt of gratitude.

The burden is on you.

As a postscript let me say that the newspapers have been replete recently with references to communist incursions into the Pacific region. Just yesterday an article appeared which details Soviet Pacific incursions. Guess what is sitting in the middle of this area which the Soviets have targeted for activity—the American Territory of Guam. We must send a clear signal of support today for American servicemen and for the Territory of Guam.

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

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

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, I just want to make sure I understand the amendment offered by the gentleman from Guam.

The gentleman represents Guam. Guam has a great many servicemen who could transit through there and are stationed there. Are you making any different arrangement for them or providing anything different for them than the servicemen in Europe?

Mr. BLAZ. Not at all, sir.

Mr. DICKINSON. Is the gentleman saying, then, that the servicemen who are stationed in the Orient, Japan, Korea, Guam, will be treated the same as those who are in Europe, under the gentleman's amendment?

Mr. BLAZ. If my amendment is accepted it will provide the same.

Mr. DICKINSON. And if your amendment is not accepted, then we are really differentiating between those servicemen stationed there and those stationed in Europe or elsewhere; is that right?

Mr. BLAZ. That is correct.

Mr. DICKINSON. The gentleman is saying that without his amendment, it is OK to buy a Mercedes, it is OK to buy a BMW, it is OK to buy a Porsche, but you cannot buy one from Japan without the gentleman's amendment; is that correct?

Mr. BLAZ. We need to have my amendment to extend the privilege equitably.

Mr. DICKINSON. I understand. They have the right now, and without the gentleman's amendment they will be denied the right?

Mr. BLAZ. Yes, sir. It will be terminated.

Mr. DICKINSON. And we are only talking about what, 1,200 cars a year, or how many?

Mr. BLAZ. That is all.

Mr. DICKINSON. I can understand "Buy American," but this is a tempest in a teapot. I would hope we would support the gentleman's amendment.

Mr. BLAZ. I thank the gentleman.

Mr. ASPIN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Guam.

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

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

Mr. DINGELL. I thank the gentleman for yielding.

Mr. Chairman, I have great respect and affection for the distinguished gentleman from Guam. He is a fine Member. He is likeable in the extreme. He offers, regrettably, a bad amendment.

What would the gentleman's amendment do? It would permit unlimited importation of Japanese automobiles into the United States, subsidized by the Federal Government. On a current cost basis, the Federal Government would pay the cost of importing some 2 million dollars' worth of travel to be paid on Japanese automobiles.

This amendment is opposed by the AFL-CIO, the UAW, the steel caucus. It is opposed by every Member who comes from an auto-producing area. It is an amendment which is subject to abuse. General officers go to Guam, or a high ranking officer goes to Guam, and could have a day or an hour as temporary duty and could procure for themselves then a Japanese automobile which would be shipped to this country.

It is unfair to the automobile dealers. It sets up a dealer in Guam who will be competing with American automobile dealers for the sale of Japanese automobiles inside the United States. It even sets up an unfair competition for the PX system, which permits Americans to buy, when they are in the military, motor vehicles through the PX system from Japanese manufacturers.

This system has grown, in a period of just a few years, from something on the order of 400 to something on the order of 1,300 cars. It will go to the point where, instead of spending $2 million to import Japanese automobiles and subsidize Japanese manufacturers in competition with U.S. manufacturers, U.S. dealers and the PX's of the Army, to the point where it will be a much larger sum.

The amendment should be rejected. I will point out that U.S. servicemen are being circularized to buy their cars and have them shipped at Government expense to the United States. I do not believe that this country should do that. I think it is wrong. I am quite content to see Guam be treated like any other part of the United States, but Guam has been designated an "alternate port." That is not being treated like any other part of the United States and it is, of course, regrettable that Guam would seek this special preference over other parts of the country.

It is also regrettable that Guam would be asking that the United States would be paying and subsidizing the shipment of cars purchased in Guam by persons who might or might not be assigned to Guam, who might or might not have been assigned to Japan from Guam to the United States, and that the United States would be paying the entire shipment costs thereof.

Obviously, this amendment would overturn an action taken during the previous Congess. It is unwise, and I urge my colleagues to reject the amendment.

● Mr. KILDEE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Guam. If passed, this amendment would again put the U.S. Government in the business of subsidizing the sale of Japanese cars in the United States.

Prior to the adoption of last year's Defense Department Authorization Act, the Department of Defense had operated a program to provide to U.S. military and civilian personnel the benefit of taxpayer-subsidized transportation for one privately owned vehicle from an overseas station to a port in the continental United States. Unfortunately, in the Far East, particularly Japan and Okinawa, this program was contorted into a lucrative scheme that encouraged service personnel to purchase brandnew Japanese-made vehicles and have them shipped to the United States at taxpayers' expense. Under this scheme, the service personnel never drove or even saw the car they purchased until their arrival back in the United States. According to the Department of Defense, some service personnel saved as much as $7,200 on the purchase of a Japanese-made vehicle through Guam.

Last year, in Public Law 98-525, the fiscal year 1985 Department of Defense Authorization Act, Congress provided for a phased reduction in the shipment of new Japanese cars through Guam by military personnel at taxpayer expense. It is this provision which the Blaz amendment seeks to eliminate.

Millions of Americans have a difficult time understanding why the Department of Defense should be encouraging our service personnel to purchase Japanese cars. The price advantage already is considerable without adding free transportation. For too long, taxpayers have been footing this expense, which should be borne by the ultimate purchasers or the manufacturers themselves.

U.S. service personnel purchasing American-made cars for delivery to them upon their return to the United States receive no taxpayer provided subsidization for their purchase. We should not be encouraging the purchase of Japanese vehicles over comparable American-made vehicles by footing the bill for transportation.

Because the voluntary agreement was allowed to lapse, more and more Japanese cars are entering the United States. In fact, our trade deficit with Japan soared to $3.68 billion in May alone, primarily because of increased auto shipments. Surely we should not further encourage imports of these vehicles by agreeing to ship them for free.

The United States has a multibillion-dollar trade deficit with Japan. As Japanese auto imports flow into this country, American jobs are lost. The U.S. Government should in no way be in the business of encouraging the purchase of Japanese vehicles and promoting unemployment, particularly while expending U.S. tax dollars in the

process. I urge my colleagues to vote against this amendment, which would revive a program the Congress agreed last year to put to an end.●

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

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BLAZ. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 139; noes 272, not voting 22, as follows:

[Roll No. 204]

AYES—139

Archer
Armey
Badham
Bartlett
Barton
Bateman
Bates
Bennett
Bentley
Biliraki
Brown (CA)
Callahan
Campbell
Carney
Chandler
Chappie
Cheney
Clinger
Coats
Cobey
Combest
Courter
Craig
Daniel
Dannemeyer
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Eckert (NY)
Edwards (OK)
Fawell
Fiedler
Fields
Franklin
Frenzel
Gallo
Gekas
Gibbons
Gilman
Gingrich
Gradison
Green
Gregg
Grotberg
Gunderson
Hall, Ralph
Hammerschmidt
Hansen
Hartnett
Hendon
Hiler
Hillis
Hutto
Hyde
Ireland
Jeffords
Kasich
Kemp
Kolbe
LaFalce
Lagomarsino
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lott
Lowery (CA)
Lujan
Lungren
Marlenee
Martin (NY)
Mavroules
Mazzoli
McCain
McCandless
McCollum
McDade
McEwen
McGrath
McKernan
McMillan
Meyers
Michel
Miller (WA)
Molinari
Monson
Montgomery
Moore
Moorhead
Morrison (WA)
Myers
Nielson
Packard
Panetta
Parris
Pashayan
Porter
Regula
Roberts
Rowland (CT)
Saxton
Schaefer
Schneider
Schroeder
Sensenbrenner
Shumway
Shuster
Skeen
Slaughter
Smith (NE)
Smith (NH)
Smith (NJ)
Smith, Robert
Snowe
Solomon
Spence
Stangeland
Strang
Stump
Sundquist
Sweeney
Swindall
Tauke
Taylor
Vucanovich
Walker
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Whitehurst
Whittaker
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Wylie
Young (AK)
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Zschau

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Ackerman
Addabbo
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Barnes
Bedell
Beilenson
Bereuter
Berman
Bevill
Biaggi
Biley
Boehlert
Boggs
Boland
Boner (TN)
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Breaux
Brooks
Broomfield
Brown (CO)
Broyhill
Bruce
Bryant
Burton (CA)
Burton (IN)
Bustamante
Byron
Carper
Chappell
Clay
Coble
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
Darden
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Edgar
Edwards (CA)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Gordon
Gray (IL)
Gray (PA)
Guarini
Hall (OH)
Hamilton
Hatcher
Hawkins
Hayes
Henry
Hertel
Hopkins
Horton
Howard
Hoyer
Hubbard
Hughes
Hunter
Jacobs
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kildee
Kindness
Kleczka
Kolter
Kostmayer
Kramer
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lloyd
Long
Lowry (WA)
Lundine
Mack
MacKay
Madigan
Manton
Markey
Martin (IL)
Matsui
McCloskey
McCurdy
McHugh
McKinney
Mica
Mikulski
Miller (CA)
Miller (OH)
Mineta
Mitchell
Moakley
Mollohan
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Oxley
Pease
Penny
Pepper
Perkins
Petri
Price
Pursell
Quillen
Rahall
Rangel
Ray
Reid
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (GA)
Russo
Sabo
Savage
Scheuer
Schuette
Schulze
Schumer
Seiberling
Sharp
Shaw
Shelby
Sikorski
Siljander
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Snyder
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams
Wise
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Young (MO)

NOT VOTING—22

Bonior (MI)
Carr
Coelho
Crane
Fish
Goodling
Hefner
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Holt
Huckaby
Loeffler
Luken
Martinez
Owens
Pickle
Roybal
Rudd
Smith, Denny
Thomas (CA)
Valentine
Wilson
Wirth

□ 1659

Messrs. LATTA, BOEHLERT, COUGHLIN, NELSON of Florida, SCHEUER, and O'BRIEN changed their votes from "aye" to "no."

Mr. RALPH M. HALL and Mr. LENT changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DANIEL

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

The Clerk read as follows:

Amendment offered by Mr. DANIEL: Page 200, after line 4, add the following new section:

SEC. 1050. READINESS OF SPECIAL OPERATIONS FORCES.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the first duty of the Government is to provide for the peace, safety, and security of the citizens of the United States;

(2) the incidence of terrorist, guerilla, and other violent threats to citizens and property of the United States has rapidly increased;

(3) the special operations forces of the Armed Forces provide the United States with immediate and primary capability to respond to terrorism; and

(4) the special operation forces are the military mainstay of the United States for the purposes of nation-building and training friendly foreign forces in order to preclude deployment or combat involving the conventional or strategic forces of the United States.

(b) SENSE OF THE CONGRESS.—In view of the findings in subsection (a), it is the sense of the Congress that—

(1) the revitalization of the capability of the special operations forces of the Armed Forces should be pursued as a matter of the highest priority;

(2) personnel and other resource allocations should reflect the priority referred to in paragraph (1);

(3) the political and military sensitivity and the importance to national security of the special operations forces require that the Office of the Secretary of Defense should increase its management supervision of such forces to a level sufficient for direct, continuous, and intensive control of all aspects of the special operations mission area;

(4) the joint command and control of the special operations forces should be restructured to permit direct and immediate access by the President and Secretary of Defense; and

(5) the commanders-in-chief of the unified commands should have available, within their operational areas of responsibility, sufficient special operations assets to execute the operations plans for which they are responsible or to support additional contingency operations directed from the national level.

Mr. DANIEL (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. DANIEL. Mr. Chairman, this is a sense-of-Congress resolution that provides for the enhancement of our readiness of Special Operations Forces. I don't believe that any of us in this Chamber will ever forget the morning when we awoke to watch the pictures on international television of the wreckage of our aircraft on the Desert in Iran, and had to deal with the wreckage of our hopes of being

able to recover the American hostages in Tehran.

Exhaustive inquiries into the reasons for the events at Desert 1 were conducted, and the commission chaired by Admiral Holloway identified numerous deficiencies in our ability to direct and support our Special Operations Forces. This incident, and the report, led to an implacable determination on the part of both the committee and DOD that never again would we be caught by a situation for which we could plan and equip our Special Operations Forces in advance.

For the last 3 years, the Readiness Subcommittee, and more recently the special operations panel chaired by my very able colleague from Florida, Mr. HUTTO, has provided intensive oversight over the readiness of our Special Operations Forces and the execution of the service master plans for their revitalization. There has been enormous progress in this area, Mr. Chairman—but the recent events of the hijacking of the TWA flight to Beirut have served to demonstrate just how quickly an emergency can arise, and how complex a process it is to deal with at extreme distances. Most importantly, it has served to remind us that preparation for this kind of crisis response has to have been made before a terrorist or other incident erupts. We have seen that the revitalization of our Special Operations Forces, begun 5 years ago and scheduled to be completed in 1990, has to be accelerated. It has to be given a higher priority in our defense planning and resources. We have to be ready in all respects before this kind of situation arises.

We have a counterterrorist capability in our Armed Forces that is second to none. Man for man, our Special Operations Forces are as good or better than any in the world. But we have to speed up our efforts to support them, and equip them, and be able to effectively command and control them if they have to be used.

The indications from Beirut today are cautiously optimistic, and it appears that we are lucky in this instance and will not be forced to use a military operation. And all of us pray that the situation holds, and that the Americans can be restored to their families without the necessity of the use of force. But the next time—and in this chaotic world there is every chance that there may be a next time—we may not be so lucky.

Later in this Congress, the special operations panel will be presenting a voluminous report on our Special Operations Forces. But in the interim, improvements and the rapid correction of remaining deficiencies in command and control, equipment and planning cannot wait for reports or hearings or "business-as-usual." The amendment before you expresses this, calling for a more rapid revitalization of our Special Operations Forces, and making an expression of the sense of Congress that the process which began in the aftermath of Desert 1 be completed expeditiously. Specific steps which need to be taken are discussed, but not in detail because of the current emergency. We must never relax in our vigilance and our preparedness and must be completely prepared to protect our citizens. There are over 3 million of us abroad on any given day, Mr. Chairman—and every one of us is a potential target.

I urge the committee's support for this amendment. Just as in the case of our Strategic Forces, or our conventional forces, we pray that we will never have to use our Special Operations Forces. But, if we do—and that could occur any time, any place, anywhere in the world, we must be ready. Special operations is a risky business, Mr. Chairman, a very, very dangerous and complex business. And we owe the men who have volunteered to undertake that risk on behalf of all of us the priority and the support necessary to minimize that risk and maximize our chance for success. And we owe that to them today.

Hopefully the amendment will be approved.

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

Mr. DANIEL. I yield to the gentleman from Virginia.

Mr. WHITEHURST. Mr. Chairman, I rise in support of the gentleman's amendment and urge its adoption.

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

Mr. DANIEL. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I rise in support of the gentleman's amendment.

Mr. Chairman, the United States is at war. The United States has been the prime target of terrorism in both the Eastern and Western Hemispheres: over 50 percent of all terrorist attacks since 1974 have been directed against Americans. In 1983 alone, 274 American citizens were killed by terrorist groups. With these striking facts in mind, we must realize that our present definition of warfare is out of date if it does not include terrorism as an option used by some groups and/or nations. It is time to act.

Terrorism requires a shock element in order to draw attention to the particular cause of the group. Bombs, armed assault, arson, kidnaping and hijacking shock the sensibilities of civilized people and are therefore used effectively by terrorists.

To illustrate the scope of the atrocities happening worldwide, the following 1983 figures show the parameters of the problem. Geographically: 37.2 percent of all incidents occurred in Western Europe, 25.6 percent in Latin America, 22.8 percent in the Middle East, and North Africa, 7.8 percent in the Asia-Pacific region, 3.4 percent in Africa, 2.4 percent in North America, and 0.8 percent in Eastern Europe and the Soviet Union. Of those attacked, diplomatic and government personnel of the United States and other countries accounted for 48 percent of all terrorist victims in 1983, military personnel accounted for 18.4 percent, and business executives for 14 percent. The remainder were private citizens. Showing the methodology worldwide: bombings accounted for 49.5 percent, armed attacks 15.2 percent, arson 14.3 percent, kidnapings 7.7 percent, barricades with hostages 2.4 percent, barricades without hostages 1.7 percent, and hijackings 1.7 percent, the remaining incidents did not fall into these categories.

The undertaking of activities such as these requires a great deal of financial and logistical support. During the late 1960's and early 1970's, most terrorist groups had to support their activities through bank robberies, kidnapings and raids on governmental caches. Recent trends show that state-sponsorship of terrorist activities is growing with more serious consequences. These countries put resources in the hands of the terrorists: money, sophisticated munitions, intelligence, and technical expertise. State-sponsorship tends to make the terrorist activities eight times more lethal and give a wider range to their operations. Countries that have consistently supported terrorists have been Russia, Cuba, Iran, Libya, Syria, and the People's Democratic Republic of Yemen. The Soviet Union provides heavy financial, educational, and material support for countries that sponsor international terrorism.

Training camps in the Soviet Union itself, Eastern Europe, Cuba, and various Middle Eastern states, have provided terrorists with techniques of guerrilla warfare and other skills that are useful. Some of these skills include the use of explosives, mining techniques, commando field tactics, urban guerrilla tactics, and the use of shoulder-fired rockets. Some groups that have benefited from Soviet training and supplies have been the Italian "Red Brigade," over a thousand Palestinians, Turkish leftists, and possibly the Basque ETA and the terrorist wing of the Irish Republican Army. Also, the Soviets provide arms to Libya knowing full well that some of these weapons will fall into the hands of such hardcore terrorist groups along the line of German Red Army

(successors to the Baader-Meinhof group) and the Japanese Red Army.

Effective defense against terrorism will require worldwide political, economic, and military coordination. Foreign aid offered to specific countries to develop and maintain state of art technology, intelligence gathering capabilities, and internal security forces is a fundamental first step to denying terrorism the center stage for its criminal acts. To bolster the intelligence gathering capabilities of the CIA, we have to loosen the shackles fastened during the seventies that prevent the covert and preemptive actions needed to combat terrorism. We should place armed sky marshals on international flights to circumvent escalation of hostage taking before the plane touches back down on the runway. Also, the selective implementation of preemptive/retaliatory strikes should be used to send the message home to potential hostage takers that we will not stand for transgressions against any U.S. citizens or property. Also media self-restraint is essential to minimizing the inadvertent complicity of the media in encouraging the success of terrorism while still protecting the media's role as provider of information to the public.

The United States has to take the lead and face the increase in international terror. We must come to terms with this problem with a coherent policy, though this will be achieved only through the coming of terms with many hard decisions. As Secretary Shultz said on October 26, 1984, "we must be willing to use military force" to combat international terrorism.

The public must understand *before the fact* (emphasis in the speech) that there is potential for loss of life of some of our fighting men and the loss of life of some innocent people.

Mr. SWEENEY. Mr. Chairman, the House Armed Services' Readiness Subcommittee formed the Special Operations Panel last year in the second session of the 98th Congress. The panel's establishment followed oversight hearings by the full subcommittee on the readiness of our Special Operations Forces in the 97th Congress, and reflected congressional commitment that the readiness of our Special Operations Forces was a matter of the highest national priority.

In the aftermath of Vietnam and Watergate, our Special Operations Forces and intelligence capabilities were not only allowed to deteriorate, but were actively dismantled: dismantled by the Carter administration with the acquiescence of our military leadership. The debacle in Iran, the hostage rescue attempt that failed miserably—leaving not only the blood and bodies of eight of our young men, but the honor and prestige of our Nation in the desert—showed just how far our counterterrorist capability had declined.

It was with great foresight that my colleague from Virginia, Mr. DANIEL, began to work very diligently 3 years ago to turn this situation around. While the Reagan administration has been supportive of his efforts, the credit for the revival of our special operations capability belongs to the Readiness Subcommittee he chairs.

Our Special Operations Forces are the finest in the world. We have made significant progress in the last couple of years during a time when not only the American public, secure in their freedom, have turned their attention to other matters, but when some of our highest military leadership has become complacent toward the terrorist threat. This complacency in our military leaders is inexcusable. Faced with a growing threat from terrorist acts, the American people will no longer accept a "business as usual" approach to the revitalizing of our Special Operations Forces.

For the first time, terrorist acts are being focused on American citizens. No longer can Americans expect to be exempt from terrorist attacks. In fact we are seeing what may be the beginning of a migration of terrorist activity, that could include attacks even on our shores, against innocent and unexpecting Americans.

Our only hope in averting such attacks is to immediately and finally, complete the revitalization of our Special Operations Forces. Only by effective intelligence and strong counterterrorist activities can we prevent, stop, or retaliate against terrorists. I commend the gentleman for his amendment and I look forward to working with him on the Special Operations Panel to close the remaining gaps in our counterterror capabilities.

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

The amendment 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 part C of title X (page 176, after line 8) insert the following new section:

SEC. 1025. REPORT ON COMPETITION PROCEDURES UNDER SECTION 8(a) SET-ASIDE PROGRAM.

(a) REQUIREMENT FOR REPORT.—The Secretary of Defense and the Administrator of the Small Business Administration shall submit to the Committees on Armed Services and on Small Business of the Senate and House of Representatives a joint report on the feasibility of providing for the use of competitive procedures for contracts awarded by the Department of Defense under the set-aside program of the Small Business Administration under section 8(a) of the Small Business Act.

(b) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act.

Mrs. BYRON (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.

Mrs. BYRON. Mr. Chairman, this is an amendment dealing with the Small Business Administration, requesting a report required to be submitted not later than 180 days after the date of enactment.

I have discussed this with the chairman of the Small Business Committee and he has no objection to it from his aspect.

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. ROBINSON

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

The Clerk read as follows:

Amendment offered by Mr. ROBINSON: At the end of title X (page 200, after line 4), insert the following new section:

SEC. 1050. AUTHORIZATION FOR SPECIAL OPERATIONS WEAPONS FOR THE NAVY.

The Secretary of the Navy is authorized to obligate $2,300,000 for the acquisition of convertible special application sniper weapons from amounts appropriated for weapons procurement for the Navy for fiscal year 1986. Such authorization shall be considered to be included within the authorization for weapons procurement for the Navy under subsection (c)(1) of the section in this title relating to authorization for additional procurement for conventional forces.

Mr. ROBINSON (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 Arkansas?

There was no objection.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DYSON

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

The Clerk read as follows:

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

SEC. 1050. ANNUAL REPORT ON COST SAVINGS UNDER CONTRACTING OUT PROCEDURES.

(a) REPORT.—Not later than April 15 of each year, the Secretary of Defense shall submit to Congress a report describing the experience of the Department of Defense since January 1, 1981, with conversion to contractor operation of commercial or in-

dustrial type functions of the Department of Defense which previously had been performed by Department of Defense civilian or military personnel.

(b) MATTERS TO BE INCLUDED.—(1) Each report under subsection (a) shall include with respect to each function of the Department of Defense converted to contractor operation since January 1, 1981—

(A) the estimated cost (as of the date of the award of the contract) of performance of the function by the Government,

(B) the contractor's estimated cost of performance of the function in the bid of the contractor,

(C) the actual cost (as of the end of the contract or the date of the report) of contractor operation of such function, and

(D) the savings (shown in dollars and as a percentage) for the operation of such function since conversion to contractor performance.

(2) Each such report shall also show—

(A) the average savings (shown in dollars and as a percentage) of all functions converted to contractor performance since January 1, 1981, as projected at the time of contracting and as realized at the end of the contract or the date of the report;

(B) the dollar amount and percentage of such contracts awarded to small businesses; and

(C) the number of Federal employees whose employment by the Government was terminated as a result of conversion of such functions to contractor performance.

(c) REVISION OF COST DIFFERENTIAL.—In performing any cost comparison under OMB Circular A-76, the Secretary of Defense shall use a cost differential factor of 15 percent rather than the percentage specified in such circular.

Mr. DYSON (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. DYSON. Mr. Chairman, the amendment I am offering this afternoon has two objectives: One, it would establish a requirement for annual reports to the Congress regarding the actual cost savings achieved through contracting-out of services within the Department of Defense; and two, it would establish a higher and more conservative standard for converting in-house services to the private sector.

The purposes of my amendment are straightforward. First, by requiring annual reports to the Congress concerning the relative effectiveness of contracting-out in the Department, we will be in a much better position to evaluate this program over the next several years.

Our experience with contracting-out in DOD over the last several years has been mixed at best. The most recent evidence we have that may be used to evaluate this program is an April 15, 1985, GAO report. The audit covered 20 functions converted to contractor operation between 1978 and 1981.

The major conclusions from this cost data are: First, overall estimated savings of nearly $14 million was reduced to about $2 million; and second, the estimated savings of 42 percent was reduced to 7 percent over the 3-year period, equaling 2.3 percent per year.

To address this concern, the second part of my amendment would increase the cost-differential used for converting in-house functions to the private sector from the current 10-percent level to 15 percent. This is the same threshold used by the Veterans' Administration.

With 115,000 civil service jobs under review for possible conversion by fiscal year 1988, I strongly recommend this more conservative approach to spending taxpayer's dollars. I urge the adoption of my amendment.

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

Mr. DYSON. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, we have looked at the amendment. We believe the amendment is a good one and urge its adoption.

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

The amendment was agreed to.

□ 1700

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 X (page 200, after line 4) insert the following new section:

SEC. 1050. CAPITAL PUNISHMENT UNDER UCMJ FOR ESPIONAGE.

(a) IN GENERAL.—Chapter 47 of title 10, the United States Code (the Uniform Code of Military Justice), is amended by inserting after section 906 (article 106) the following new section (article):

"§ 906a. Art. 106a. Espionage

"(a)(1) Any person subject to this chapter who, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to communicate, deliver or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by death or other such punishment as a court martial may direct.

"(2) The sentence of death may not be imposed for an offense under paragraph (1) unless the members of the court martial further find that the offense directly concerned—

"(A) nuclear weaponry, military spacecraft or satellites, early warning systems, or other means of defense or retaliation against large-scale attack;

"(B) war plans;

"(C) communications intelligence or crpyotographic information; or

"(D) any other major weapons system or major element of defense strategy.

"(b) Any person subject to this chapter who, in time of war, with intent that the same shall be communicated to the enemy, collects, records, publishes, or communicates, or attempts to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the Armed Forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense, which might be useful to the enemy, shall be punished by death or other such punishment as a court martial may direct.

"(c) Except as set forth in this section, sentencing under this section shall be determined pursuant to procedures set forth in the Manual for Courts-Martial. The members shall consider all relevant matters presented in aggravation and extenuation and mitigation. The members shall return special findings identifying any mitigating factors and any aggravating factors set forth in subsection (d) or (e) that are found to exist. If one of the aggravating factors set forth in subsection (e) is found to exist, a special finding identifying any other aggravating factor may be returned. A finding of such a factor by the members shall be made by unanimous vote. If no aggravating factor set forth in subsection (e) is found to exist, the members shall impose a sentence, other than death, authorized by law. If one or more of the aggravating factors set forth in subsection (e) is found to exist, the members shall then consider whether the aggravating factor or factors found to exist sufficiently outweighs any mitigating factor or factors found to exist, or in the absence of mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death. Based upon this consideration, the members by unanimous vote shall return a finding as to whether a sentence of death is justified. Upon a finding that a sentence of death is justified, the members shall sentence the accused to death. Otherwise the members shall impose a sentence, other than death, authorized by law.

"(d) In determining whether a sentence of death is to be imposed on the accused, the following mitigating factors shall be considered but are not exclusive:

"(1) The accused was less than 18 years of age at the time of the offense.

"(2) the accused's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to the charge.

"(3) The accused was under unusual and substantial duress, although not such duress as constitutes a defense to the charge.

"(4) The accused is punishable as a principal (as defined in section 877 of this title) in the offense, which was committed by another, but his participation was relatively minor, although not so minor as to constitute a defense to the charge.

"(5) Any other factor the President may set forth in regulations prescribed under section 836 of this title (article 36).

"(e) If the accused is found guilty of an offense under this section, the following aggravating factors shall be considered but are not exclusive:

"(1) The accused has been convicted of another offense involving espionage or treason for which either a sentence of life imprisonment or death was authorized by statute.

"(2) In the commission of the offense the accused knowingly created a grave risk of substantial danger to the national security.

"(3) In the commission of the offense the accused knowingly created a grave risk of death to another person.

"(4) Any other factor the President may set forth in regulations prescribed under section 836 of this title (article 36).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter X of such chapter is amended by inserting after the item relating to section 906 (article 106) the following new item:

"906a. Art. 106a. Espionage.".

Mr. McCOLLUM (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. McCOLLUM. Mr. Chairman, I think this is a very important amendment.

Mr. Chairman, the amendment I am offering would create a peacetime espionage offense within the Uniform Code of Military Justice and sets forth constitutionally valid guidelines for the imposition of the death penalty under certain circumstances. This offense will apply only to military personnel.

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

Mr. McCOLLUM. I yield very briefly to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, we will accept the amendment unless the gentleman wants to make a speech.

Mr. McCOLLUM. I would like to explain it if I could.

At the present time, espionage is not specifically covered in the Uniform Code of Military Justice. Active duty and retired military personnel are court-martialed for peacetime espionage and the Federal civilian statute on espionage must be used, and the maximum sentence is 10 years confinement.

Although retired WO John Walker, Jr., could have been tried and recalled under military law, he is being tried under civilian law where he could receive a life imprisonment sentence, but not the death penalty because it is constitutionally invalid, as it now stands, in all but one Federal criminal statute.

My amendment engraves the civilian espionage statute into the Uniform Code of Military Justice, and establishes restrictions limiting the imposition of the death penalty in peacetime only to espionage cases involving serious breaches of national security.

The amendment also creates a broader war time espionage crime for military personnel to which the limiting restrictions do not apply.

The amendment provides for consideration by court-martial of mitigating or aggravating factors before the imposition of the death penalty as required by the Supreme Court for constitutional validity. It does not affect any existing death penalty provision under the Unform Code of Military Justice, or the existing death penalty sentencing procedure promulgated by the President in the manual for court-martials to set the death penalty for espionage crimes.

What this amendment does very simply is put a new crime of espionage for peacetime in the Uniform Code of Military Justice that a John Walker could have been tried under had it existed, and it reinstates the death penalty for this particular crime.

We have only voted in this Congress one time on the death penalty since the Supreme Court in 1972 ruled it unconstitutional. In that one instance in 1974 we created an air piracy-air hijacking offense and put the death penalty into it.

Thirty States have revised their constitution or revised their statutes on the death penalty to allow for constitutional death penalties. The Federal Government has not done so.

This is an opportunity not only to rectify an egregious problem, but it is an opportunity to reinstate the death penalty in this case. I can think of nothing that has more drastically demonstrated the need to rectify the laws regarding this matter than the Walker espionage case.

Mr. Chairman, under my amendment, any person subject to the UCMJ who, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to communicate, deliver or transmit to any foreign government, or to any faction or party or military or naval force within a foreign country or to any representative of such country, any specified document or information related to national defense would be guilty of an offense under the UCMJ and subject to punishment by death or such other punishment as a cout-martial may direct. In addition, any person subject to the UCMJ who, in time of war, with intent that the same shall be communicated to the enemy, collects, records, publishers or communicates, or attempts to elicit any information specified concerning war plans and national defense would be guilty of an offense under the UCMJ punishable by death or such other punishment as a court-martial may direct. The amendment does not eliminate or change in any way any presently existing offense under the UCMJ. The language for this new espionage offense is patterned after the espionage offense in the Criminal Code (18 U.S.C. 794).

If convicted of peacetime espionage under this amendment, the death sentence may only be imposed if the members of the court-martial find that the offense directly concerned: (a) nuclear weaponary, military spacecraft or satellites, early warning systems, or other means of defense of retaliation against large-scale attacks; (b) war plans; (c) communications intelligence or cryptographic information; or (d) any other major weapons system or major element of defense strategy. These restrictions would not apply to wartime espionage, and are taken from the Department of Justice Criminal Code death penalty proposals (S. 239, H.R. 343). These limits are the product of discussions with Members of Congress and the administration over the last several years.

Furthermore, under my amendment, the death penalty could be imposed only after the members of the court-martial consider all of the mitigating and aggravating factors as required by the Supreme Court. As you know, the Supreme Court required the jury to concentrate on specific factors relating to the sentence of death in an effort to ensure more consistent and fair results. *Furman* v. *Georgia*, 408 U.S. 238 (1972).

On July 2, 1976, the Court upheld the Georgia, Texas, and Florida statutes and struck the North Carolina and Louisiana statutes. From these and subsequent cases, a pattern of general rules has developed. First, the sentencers' attention should be drawn to particular circumstances, and this can be done by reference to aggravating and mitigating factors. The discretion of the sentencer must be controlled by clear and convincing standards, and the sentencer must have all relevant evidence provided under the Rules of Evidence. The Court requires an established standard of review and prohibits a mandatory sentence of death. All mitigating factors must be presented.

In response to these decisions, the Department of Justice has carefully perfected over the last several years a death penalty proposal to the Criminal Code (S. 239, H.R. 343). My amendment relies on the heart of this proposal. Specifically, my amendment requires the members of the court-martial to find at least one aggravating factor. The members must then determine whether the aggravating factor(s) sufficiently outweigh(s) any mitigating factors found to exist or, if none exist, whether the factors themselves are sufficient to justify a sen-

tence of death. If the members unanimously determine that the aggravating factors are sufficient, death is to be imposed. If not, another sentence, as provided by the manual, must be determined, and this decision need not be unanimous.

The amendment does not limit what mitigating or aggravating factors might be brought to the attention of the members of the court-martial, but it does set forth some factors of both kinds that might be considered and incorporates any additional factors that the President might set forth in the Manual for Courts-Martial.

Mr. Chairman, I have read all of the relevant Supreme Court decisions, and I am confident that the requirements of the Court are satisfied by this amendment.

Since the Supreme Court declared the death penalty statutes of the Federal Government and most States unconstitutional a number of years ago, Congress has only voted once to provide a constitutionally valid death penalty for any Federal offense and that was in the case of air piracy back in 1974. 49 U.S.C. 1472(i). My amendment will give Members not only an opportunity to correct the UCMJ by adding a peacetime espionage statute, but also to vote on a constitutionally valid death penalty for espionage. Nowhere is this more needed than in the case of active duty personnel in our Armed Forces and those who leave by retiring after having committed the espionage on active duty.

A recent decision of the Court of Military Appeals [CMA] ruled that the death penalty under the UCMJ was unconstitutional without specific guidelines for members of the court-martial to consider mitigating and aggravating factors. *United States* v. *Mathews*, 16 M.J. 354 (CMA, 1983). CMA also ruled that constitutionally valid guidelines could be promulgated either by Congress or by the President under the Manual for Courts-Martial. Subsequently, the President issued orders setting forth guidelines for existing capital offenses under the UCMJ (Executive Order 12473) and two death penalty cases are now beginning the appellate process to test these guidelines. My amendment does not invade the guidelines system already established, but it does not set forth clear congressional guidelines for capital punishment in the case of the newly created espionage offenses and assures that regardless of the ultimate determination of the Supreme Court in the pending cases the death penalty for espionage under the UCMJ will be constitutionally valid. Because I believe in the consistency and the other benefits provided by the guidelines system already established in the UCMJ, this amendment incorporates any factors set forth under the Executive Order 12473 and relies to a large extent on the procedures now employed under the Manual for Courts-Martial.

Thus, my amendment is designed to supplement, not replace, the executive guidelines and is not a legislative statement as to the validity of the executive authority to issue these factors in response to the 13 existing death penalties under the UCMJ.

I urge your support for the McCollum amendment and your vote against any weakening substitute or amendments thereto that may be proposed.

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

Mr. McCOLLUM. I am delighted to yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, I simply rise to second the proposition by the gentleman from Florida. This can be constituted as a first step toward bringing about the capital punishment mandate for all espionage, both civilian and military yet to come, but for this moment the first step is adequate, and I thank the gentleman.

Mr. McCOLLUM. I thank the gentleman very much for that comment.

It is very important that we have it in the espionage area. We have already debated the Walker case a number of times.

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

Mr. McCOLLUM. I will be glad to yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, we have looked at the amendment and we think the amendment should be approved.

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

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. McCOLLUM. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was agreed to.

Mr. BROOKS. Mr. Chairman, last Friday Mr. NICHOLS offered an amendment to the DOD authorization bill which made several changes to current procurement law. Unfortunately, I was out of town on urgent business which precluded me from being here during the adoption of this measure. Mr. NICHOLS has been gracious enough to allow me a few minutes to express my support for the amendment.

For the most part, the provisions that were adopted make technical and clarifying changes to the Competition in Contracting Act of 1984. There are two provisions, however, which I believe deserve some discussion. The first of these addresses a problem that the Government Operations Committee found in the General Services Administration's [GSA] regulations implementing the Competition Act. GSA had written its regulations to make it acceptable for agencies to conduct "sole-make and model" computer procurements without having to justify the acquisitions as noncompetitive. This is ridiculous since it flies in the face of what the Congress intended when it passed the Competition Act. Clearly, when an agency is so restrictive in defining its requirements that only the product of one manufacturer is acceptable, that procurement cannot be considered fully competitive. It should be noted that DOD's implementing regulations require these types of procurements be fully justified and approved as noncompetitive acquisitions.

The second provision deals with changes made to the NATO Mutual Support Act. The amendment allows U.S. forces in Europe to acquire logistics support, supplies, and services from governments of NATO countries without having to use full and open competition. I was originally skeptical of this provision on the basis that DOD would somehow interpret this as an authorization to award sole-source contracts overseas to foreign suppliers. However, Mr. NICHOLS has made clear that this is not the case, and as such I remove my reservations about this provision.

In closing, I would like to commend the gentleman from Alabama for his work on this amendment. As chairman of the Government Operations Committee, I have had the opportunity to work with Mr. NICHOLS on a number of procurement measures. While I have found him to be almost as hard to convince as I am, he has always been willing and able to tackle head on the tough procurement issues facing Congress. Certainly, reforming DOD procurement will not be an easy task and cannot be accomplished solely during the authorization process. To be successful, Congress must be keep the heat on DOD all year long with constant oversight and thorough investigation. I believe that Mr. NICHOLS has done a commendable job in this area and I look forward to working with him on these issues in the future.

AMENDMENT OFFERED BY MR. AU COIN

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

The Clerk read as follws:

Amendment offered by Mr. AUCOIN: At the end of title X add the following new section:

SEC. 1050. REDUCTION IN SERURITY CLEARANCE BACKLOG.

(a) FINDING.—The Congress finds that there are many persons with a security clearance at a level of top secret or above who have not been investigated for more than five years as a result of delays in the program of the Department of Defense for periodic reinvestigations of persons with clearances at such a level.

(b) REQUIRED REDUCTION IN CLEARANCE BACKLOG.—The Secretary of Defense shall take such action as necessary to achieve a reduction of 25 percent in the backlog under such periodic reinvestigation program by the end of fiscal year 1986.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1986 for operation and maintenance of defense agencies $25,000,000 for the purposes of this section. Such authorization is in addition to any other authroization provided by this Act.

(d) REPORT.—If the Secretary determines that there are insufficient funds available to the Secretary to carry out subsection (b) the Secretary shall report to Congress by April 1, 1986, on the level of funding required to enable the Secretary to carry out that subsection. Such a report shall include a description of any resources and requirements necessary to accomplish the remaining reduction under subsection (b) and to eliminate an additional 25 percent of the backlog in the periodic reinvestigation program during fiscal year 1987.

Mr. AUCOIN (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. AUCOIN. Mr. Chairman, Tom O'Brien, the Director of the Defense Investigative Service, said in testimony in April dealing with the problem of spies within the Armed Services:

In almost all instances in which cleared people have been found guilty of espionage, it is subsequently determined that they were not involved with foreign intelligence at the time they were initially investigated and cleared. Rather, their involvement in espionage developed after the initial investigation and clearance and after they were established in position of trust.

As a result, Mr. Chairman, we have developed a program of reinvestigation. This does not involve polygraphs. The reinvestigation consists of national security checks by the FBI, local agency checks, credit checks and so forth.

We now have a backlog of over 3,000 cases. This amendment authorizes a reduction of 25 percent of that backlog and provides the funds to do it.

Today, the backlog in periodic reinvestigations required every 5 years for those holding top secret and higher security clearances is seriously backlogged.

Two hundred and seventy nine thousand individuals have not been reinvestigated in the required 5 years. You know, some experts have said we're 17 years behind. What's really incredible is that John Walker had a top secret clearance for 15 years, and was never reinvestigated.

These people have access to the most critically sensitive information involving the national security of this country.

It is absolutely critical that there be regular periodic reinvestigations for personnel with top secret and even more sensitive clearances.

Timely reinvestigation ought to be as important, and as high a priority as initial clearance.

Instead, it's been relegated to the back recesses of getting the job done.

Secretary Lehman's view of what damage John Walker and company have wrought is that it is indeed, very serious.

Serious compromises in naval communications and other sensitive areas have taken place.

This man, his son, his family, were able to completely confound our current system. And it's absolutely inexcusable.

The head of the Defense Investigative Service has told us: "We just don't have the resources."

Well, Mr. Chairman, this amendment is an effort to do just that. Make a start of giving our dedicated investigators the tools they need to carry out their mission. I don't know if it's enough. But it's a start. And I can't think of many more cost-effective measures we could take.

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

Mr. AUCOIN. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, we have looked at this amendment. We believe it is a good amendment and urge the adoption of the amendment.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MARKEY

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

The Clerk read as follows:

Amendment offered by Mr. MARKEY: Insert the following new section at the end of title X (page 200, after line 4):

SEC. 1050. PROHIBITION OF PRODUCTION OF THE 155-MILLIMETER ARTILLERY-FIRED, ATOMIC PROJECTILE.

(a) LIMITATION OF FUNDS AUTHORIZED FOR FISCAL YEAR 1986.—None of the funds appropriated pursuant to the authorizations of appropriations in this or any other Act may be used for the production of the 155-millimeter artillery-fired, atomic projectile (W-82).

(b) REPEAL OF PRIOR AUTHORIZATION.—Section 1635 of the Department of Energy National Security and Military Applications of Nucelar Energy Authorization Act of 1985 (title XVI of Public Law 98-525) is repealed.

(c) LIMITS ON THE PRODUCTION OF 8-INCH ARTILLERY-FIRED ATOMIC PROJECTILES.—The total number of 8-inch artillery-fired atomic projectiles (W-79) produced may not exceed the number allocated for such projectiles in the plan submitted to the Committees on Armed Services of the Senate and House of Representatives on February 4, 1985, by the Secretary of Defense pursuant to the requirement of subsection (c) of section 1635 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1985, as in effect on such date.

(d) CONDITIONS APPLIED TO THE MANUFACTURE OF 8-INCH ARTILLERY-FIRED ATOMIC PROJECTILES.—In the case of the 8-inch artillery-fired projectile (W-79), the following conditions shall be complied with:

(1) No such warhead produced after the date of enactment of this Act may be produced in the enhanced-radiation version.

(2) No activity may be undertaken with respect to research, development, testing, evaluation, or production of a component or module which could be inserted into the W-79 warhead to give it an enhanced radiation capability.

(3) In producing such warheads, special emphasis shall be placed upon improvements in the safety, security, range and survivability of such warheads.

(4) Replacement of obsolete artillery-fired atomic projectiles now in Europe shall be carried out within the nuclear stockpile limits agreed to by NATO Defense Ministers at Montebello, Canada, in October 1983, which required the withdrawal of 1,400 tactical nuclear warheads from the European stockpile in addition to the 1,000 warheads withdrawn in 1980.

Mr. MARKEY (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 Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Chairman, the amendment which I am offering does three things.

Just so you can understand and get the framework of what we are talking about as we discuss the intercontinental missiles as part of this debate, or the missiles that are based on submarines that are 3,000, 4,000, and 5,000 miles away from their target, or as we discuss the intermediate weapons over a base in the European theater, what many people fail to realize is that we also have weapons that are nuclear tipped weapons, nuclear weapons fired 9 and 18 miles away, fired out of howitzers over the European theater. All of the command and control built into the Strategic Air Command, and the red phones, and all of those kinds of controls do not really apply in the same way when you talk about nuclear weapons that are just put into howitzers.

Let me just tell you what this amendment does. First, it repeals last year's Nunn-Johnson amendment which authorized funds for the construction of facilities to produce a 155-millimeter nuclear artillery shell and provided up to $1.1 billion to produce up to 925 of both the 155-millimeter and 8-inch nuclear shells.

Second, it establishes a permanent prohibition on production of the W-82 shell.

And, third, it reenacts a strengthened version of the same basic limitations which last year's Nunn-Johnson amendment placed on production of the 8-inch W-79 warhead. These re-

strictions reduce the number of 8-inch shells that can be produced and bans production of a neutron bomb version of the shell.

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These restrictions reduce the number of 8-inch shells that can be produced. My amendment would strengthen the Nunn-Johnson prohibition of enhanced radiation by prohibiting development of components which could transform the W-79 to a neutron bomb.

I am offering the amendment today because I see absolutely no reason why the United States should be producing a second new nuclear artillery shell, and I have a number of specific objections to proceeding with the W-82. Spending billions of dollars to replace the existing nuclear artillery shells with brandnew shells makes little sense. We should be using this money to make improvements in our conventional forces. Otherwise, we have these nuclear artillery facilities out in the middle of a battlefield that serve as the tripwire that can escalate a conventional war into a nuclear war without the kind of command and control and political participation by our political leaders that has to be the necessary precondition to any triggering of any nuclear shot by the U.S. Government

The short-range nuclear shell, such as the W-82, dangerously lowers the nuclear threshold and increases the prospects that some day the United States might in fact engage in first use or early use of nuclear weapons without the proper political decisionmaking process having transpired before a military decision is in fact made. A nuclear weapon with the short range of a W-82, about 19 miles, seems to me to be as much of a burden as it is an asset. We would be much better off without it because it puts too much pressure on the battlefield commander to have a use-it, or lose-it mentality at the time the battle is taking place.

I believe this is an important amendment. I hope this House can see its way toward approving it. I think it makes up in fact at least as dangerous as it is more dependent upon the strategic and intermediate weapons controls which we have rather than battlefield commands which can unfortunately slip out of control because of the tension and the pressure of the moment.

Mr. WEISS. Mr. Chairman, I commend the gentleman from Massachusetts for drawing attention to this important issue. With all the debate over strategic missiles like the MX or D-5, we often lose sight of the fact that short-range weapons constitute a large portion of our nuclear stockpile.

Before the House accedes to the Pentagon's request for a new nuclear artillery shell, we should examine carefully the role of this weapon system in our defense policy. The W82 highlights many of the problems that are shared by all short-range nuclear weapons. We have neither a workable political policy nor a credible military strategy governing their use.

The United States has always insisted that nuclear weapons be kept under civilian control. The authority to begin a nuclear war is so awesome a responsibility that it must never be delegated to even the finest military commanders in the field. When we try to apply this principle to nuclear artillery shells, however, we find that the constantly shifting nature of battlefield conditions makes it impossible to do so. Tanks, troops, and other targets may be moving so quickly that, by the time the release is granted, they are no longer in range.

In fact, the movement of opposing forces could be so rapid that our nuclear weapons were suddenly in danger of being overrun. To avoid a situation like this, we would probably have to allow our field commanders to use their nuclear weapons if they were in danger of losing them.

This fundamental incompatibility between our longstanding policy of civilian control and the realities of the nuclear battlefield is a source of concern to both our adversaries and our allies. Knowing that we cannot effectively control the use of nuclear artillery shells, the forces of the Warsaw Pact would probably preemptively attack as soon as these weapons were removed from their storage depots and dispersed in the field.

For our allies, this prospect is one of the many disquieting features of battlefield nuclear weapons. Contrary to some reports, the other NATO countries have not pledged to accept deployment of the W82. While they have agreed to consider modernization of NATO's short-range nuclear forces, they have made it quite clear that no decision has been made about any particular system. As Britain's Minister of Defense said in February, "We shall have to discuss which of the remaining capabilities have to be modernized. That is obviously a dual decision."

At present, the United States has no effective means of controlling the use of nuclear artillery shells. They divert resources from our conventional forces, make our allies uneasy, and pose a threat to our own troops. We should delete the funds for the W82 from the defense authorization for fiscal 1986.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. FAZIO AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. MARKEY

Mr. FAZIO. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. FAZIO as a substitute for the amendment offered by Mr. MARKEY: Insert the following new section at the end of title X (page 200, after line 4):

SEC. 1050. ONE YEAR PROHIBITION ON USE OF FUNDS WITH RESPECT TO THE 155-MILLIMETER ARTILLERY-FIRED, ATOMIC PROJECTILE.

(a) LIMITATION OF FUNDS AUTHORIZED FOR FISCAL YEAR 1986.—None of the funds appropriated pursuant to the authorizations of appropriations in this or any other Act may be obligated or expended for the production of the 155-millimeter artillery-fired, atomic projectile (W-82).

(b) LIMITATION OF PRIOR AUTHORIZATION.—None of the funds appropriated for fiscal year 1986 pursuant to the authorizations of appropriations in section 1635 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1985 (title XVI of Public Law 98-525) may be obligated or expended during fiscal year 1986.

(c) COMMISSION ON BATTLEFIELD NUCLEAR WEAPONS.—(1) The Congress finds that—

(A) the deployment of battlefield nuclear weapons such as artillery shells constitutes a potentially fateful link between local crises and general nuclear war:

(B) the usefulness and merits of battlefield nuclear weapons are subjects of considerable debate among arms specialists;

(C) the North Atlantic Treaty Organization (hereinafter in this subsection referred to as the "NATO") has initiated measures to—

(i) reduce reliance on weapons systems which create pressures for the early first use of nuclear weapons; and

(ii) increase reliance on conventional forces;

(D) member nations of the NATO have not approved deployment of the 155-millimeter artillery-fired atomic projectile, and construction of facilities to produce the weapons has not begun;

(E) the Congress has not debated the proper function, if any, of battlefield nuclear weapons since they became part of our nuclear stockpile; and

(F) the enormous significance of the small nuclear artillery shell has remained obscure.

(2) There is hereby established a commission to be known as the Advisory Commission on Battlefield Nuclear Weapons (hereinafter in this subsection referred to as the "Commission").

(3) The commission shall—

(A) examine—

(i) whether nuclear artillery shells remain appropriate and necessary for the implementation of the NATO's flexible response strategy, and whether modernization of nuclear artillery is consistent with efforts to reduce dependence on early use of nuclear weapons and raises the nuclear threshold;

(ii) the adequacy of measures to ensure constant control of battlefield nuclear weapons by civilian political authorities, including the ability of such authorities to maintain this control while battlefield nuclear weapons are in use;

(iii) whether the defense needs of the member nations of the NATO required the construction and deployment of two kinds of similar nuclear battlefield weapons, the 155-millimeter artillery-fired atomic projectile (W-82) and the 8-inch artillery-fired atomic projectiles (W-79);

(iv) whether modern conventional weapons could substitute for one or both kinds of battlefield nuclear artillery presently deployed with the NATO forces;

(v) the extent to which member nations of the NATO who are to deploy any new 155-millimeter artillery-fired atomic projectiles have officially agreed to deploy the shells, including a description of any steps remaining to be taken before entry by those allies into Programs of Cooperation with the United States for the deployment of the weapon; and

(vi) the purposes and uses proposed for battlefield nuclear artillery in theaters in the world other than the European theater;

(B) consult with experts representing diverse views on issues related to nuclear arms control, including persons representing the public and private sectors; and

(C) submit the reports referred to in paragraph (11).

(3) Members shall be appointed to the Commission within 30 days after the date of the enactment of this Act. The Commission shall be composed of the following:

(A) Seven members appointed by the speaker of the House of Representatives.

(B) Seven members appointed by the majority leader of the Senate.

Of the members appointed under subparagraphs (A) and (B), not more than three shall be officers or employees of the United States and not more than five shall be of the same political party.

(4) Any vacancy on the Commission shall be filled in the manner in which the original appointment was made.

(5) The Commission shall appoint a chairman from among its members.

(6)(A) Members of the Commission who are not officers or employees of the United States shall receive compensation at the daily equivalent of the rate of pay payable for grade GS-14 of the General Schedule for each day while performing duties of the Committee.

(B) Members of the Commission who are officers or employees of the United States may not receive compensation for their service on the Commission but shall be reimbursed for reasonable expenses for travel related to the duties of the Commission for which they would not otherwise receive reimbursement or any other payment.

(7) The Commission shall appoint and fix the pay of a director and staff of two persons to assist the Commission in carrying out its duties.

(8)(A) The Commission shall first meet within 15 days after the date on which members are first appointed to the Commission and shall meet thereafter at the call of the chairman or a majority of the members.

(B) Nine members of the Commission shall constitute a quorum for all purposes, except that a lesser number may hold meetings and hearings.

(9) The Commission may, for the purpose of carrying out this subsection, take such testimony and receive such evidence as the Commission considers appropriate.

(10) The Commission may secure directly from any department or agency of the United States any information necessary to enable it to carry out this subsection. Upon the request of the chairman, the head of any such department or agency shall furnish the information to the Commission.

(11) The Commission shall submit reports to the President and to the Congress not later than March 1, 1986, containing the findings, conclusions, and recommendations of the Commission with respect to the issues referred to in paragraph (3)(A). Any dissenting or supplemental views of members of the Commission shall also be included in the reports.

(12) There are hereby authorized to be appropriated for fiscal year 1986 such sums as may be required to carry out this subsection.

(13) The Commission shall cease to exist on September 30, 1986.

Mr. FAZIO (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. FAZIO. Mr. Chairman, I would like to set the scene for a second because I know things are hectic here on the floor at this time. It is not unusual that this kind of issue be debated in last minute short-term time segments. It is a tragedy, because what we are attempting to discuss at this point is whether or not we are going to move forward this year to modernize our tactical nuclear shells, in this case the 155-millimeter shell, and make a decision, a fateful one that will continue to have very close point of contact for nuclear confrontation in Europe, on the battlefield where commanders are forced to make decisions; some have termed use it or lose it and perhaps kickoff—and know we do not like to contemplate this, but it cannot be ignored—the possibility of a nuclear conflagration that will at some point involve nuclear weapons with greater megatonnage, ultimately World War III. My amendment in the nature of a substitute acknowledges that it is difficult to say, "No," today as Mr. MARKEY's amendment were to have us do to the development of this shell. It is, after all, a departure from post-World War II allied history if we were to do that. What I am asking us to do is adopt a 1-year delay which will create the opportunity for committees of jurisdiction to have hearings and, more importantly, the creation of a commission made up of people appointed by the Senate and House leadership, who are experts in this area to give us the best advice they possibly can about what should be the future of nuclear weapons in a tactical battlefield environment.

My argument is that there are better alternatives available to us that allow our command and control structure, going all the way to the Office of the Presidency or Prime Minister, to make the decision as to whether or not we are going to use nuclear weapons in this kind of environment.

We can use Lance missiles, we can use tactical aircraft; there are better alternatives, I believe. I am not asking Members today to accept my premise. I am asking us to for once before we embark on a new building that will allow us to modernize this weapon and, in effect, commit ourselves to another 20 years of its deployment, to step aside and look at the issue of how we can step back from the nuclear threshold, how we can have better control over the decision to employ nuclear weapons in a battle.

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

Mr. FAZIO. I will be happy to yield to my friend from Washington.

Mr. DICKS. Mr. Chairman, I rise in support of the gentleman's amendment, but I want to make it clear that under any scenario the President of the United States has to make a decision before any of these systems can be used; is that correct?

Mr. FAZIO. The gentleman is correct in general. The problem is that once the decision has been made to deploy a nuclear shell, ultimately with all the turmoil of the battlefield, you must find the battlefield commander making judgment calls, making decisions that I think are best handled further up the line of command. I do not think the system is workable. It is one of the reasons I am concerned about moving forward with this. I believe in reality this is a paper tiger. This is not a real deterrent. In many ways we will shrink from the use of these weapons anyway. We simply are fooling ourselves into thinking that perhaps we have a system.

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

Mr. FAZIO. I yield to the gentleman from Florida, the chairman of the Committee on Foreign Affairs.

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the gentleman's amendment for the very reasons that he suggests.

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

Mr. FAZIO. I yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman on his amendment, which I think is a middle road which makes sense for the premises that he has stated during his presentation.

Mr. Chairman, I support the amendment of the gentleman and urge its adoption.

Mr. FAZIO. I appreciate the comments of the gentleman from Maryland.

I might point out that our NATO allies have not agreed to this acceptance of this process of modernization. We do have existing weapons available. I think it would not be an immediate reduction in our deterrent capability if we took a 1-year delay to study the issue for once, because it does, I think, contain within it the beginnings of a nuclear confrontation that none of us want.

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

Mr. Chairman, I rise in opposition to the amendment and the amendment to the amendment.

Mr. Chairman, this particular nuclear round for the 155-millimeter howitzer is the basic tactical nuclear deterrent that is part of our NATO alliance. The commander of NATO forces, General Rogers, has pointed out that the 155 is the only weapon that has major acceptance within the NATO organization. Our allies have the 155, and Americans have the 155 and the basic nuclear deterrent that the NATO forces are relying on is the round that is currently under production, a new round to modernize our nuclear deterrent in NATO. In fact, the whole opposition on the part of our allies of the strategic defense initiative has been based on the fear that we are not going to be able to have any nuclear deterrent, if the SDI is approved.

What the gentleman from Massachusetts [Mr. MARKEY] is proposing in his amendment and in the amendment of the gentleman from California [Mr. FAZIO] are: The Markey amendment would eliminate any modernization for our nuclear deterrent in NATO. The Fazio amendment would make us wait a whole year in order to simply study the question. A study won't help us to deter a Soviet invasion force.

□ 1720

We do not need another study group; we do not need a commission; we need something that is going to deter the Soviet Union and make it perfectly clear to the Soviets but also our allies that we do have a nuclear deterrent.

I think these are dangerous amendments and I would yield to the gentleman from Oklahoma.

Mr. McCURDY. I thank the gentleman for yielding and I rise in strong opposition to the Markey amendment and the substitute by my friend from California [Mr. FAZIO].

I am very disappointed in this amendment because I believe at first blush it might be tempting to a lot of Members, because you have the concern for the "use it or lose it" analogy, but I believe that these concerns are wholly unfounded or ill-founded.

First of all, the President of the United States has the sole authority to authorize their use. Second, there are longstanding agreed procedures that the allies must have full participation in that decision; and third, this "use it or lose it" concern applies that somehow we have wild and uncontrolled officers in charge of the nuclear weapons.

This could not be farther from the truth. Fourth, these weapons have security devices called permissive action links, or PAL; these devices essentially lock the weapon up until a release code is received from higher commanders.

The old system that we are trying to replace did not have these security devices in it, and the reason for the modernization is to prevent terrorist actions as to these artillery weapons, and make them more secure, and less of a threat.

So I would urge my colleagues to think and look beyond the initial impression of this amendment. This is a very serious, permanent change in law which is going to affect our deterrent posture in Europe.

I would urge voting down both the Markey amendment and the substitute by the gentleman from California.

Mr. STRATTON. I yield to the gentleman from California [Mr. BADHAM], a senior member of the North Atlantic Assembly, to discuss what the impact would be with NATO.

Mr. BADHAM. I thank the gentleman, the distinguished chairman, for yielding.

PARLIAMENTARY INQUIRY

Mr. BADHAM. Mr. Chariman, at this time, I would ask a parliamentary inquiry of the Chair.

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

Mr. BADHAM. My inquiry is that since there were two offerings, an amendment and an amendment to the amendment in the form of a substitute, would the opposition now be exercising its prerogative in using 10 minutes in opposition to both?

The CHAIRMAN pro tempore. That is correct, except that the gentleman from New York rose in opposition to the Markey amendment. There would be 5 minutes of debate left in opposition to the Fazio substitute.

Mr. BADHAM. Then if I, at this time, ask to speak in opposition to the Markey amendment, would that be in order and could be time used consecutively?

The CHAIRMAN pro tempore. The gentleman from New York rose in opposition to the Markey amendment.

Mr. STRATTON. Mr. Chariman, I rose in opposition to both amendments, both the Markey amendment and the Fazio amendment.

The CHAIRMAN pro tempore. The Chair will state that the gentleman can only rise in opposition to one amendment as a time, and when he rose, the Chair understood him to rise first in opposition to the Markey amendment. That leaves only 5 minutes in opposition to the Fazio substitute amendment.

Any Member wishing to rise in opposition to the Fazio substitute amendment may, and a member of the committee is recognized before other Members.

Mr. BADHAM. I thank the Chair for responding, and I thank the gentleman from New York [Mr. STRATTON], the distinguished chairman for yielding me this time.

The CHAIRMAN pro tempore. The time of the gentleman from New York has expired.

Mr. BADHAM. Mr. Chairman, I rise in opposition to the Fazio amendment.

The CHAIRMAN pro tempore. The gentleman from California [Mr. BADHAM] is recognized for 5 minutes.

Mr. BADHAM. I thank the gentleman.

I would just say in opposition to this and the other amendment that the Fazio amendment, however well-intended, is mislabeled. It is not a 1-year prohibition for a study. It would be permanent law; it would prohibit last year's money and all prior year funds from any act for the development, deployment, or procurement of these weapons systems—which are newer, which are more modern, and which are safer.

They have greater range. The one that is deployed in Europe now facing the nuclear tactical shells possessed and deployed by the Soviet Union in Europe, this one, the one that we have now, is obsolete, it is ineffective against tank formations; it has no modern safety features, and is equally as dangerous to our people as it is to any potential enemy.

The new one has a better security lock, and is safer for our own troops. NATO, in the high-level group report to NATO nuclear force requirements, agrees, programs, and puts the new shells under development, at present, that this would prohibit into the nuclear battle planning of NATO.

NATO therefore has accepted this round, is expecting this round, and with about half the production to replace all of the present stocks in Europe, this would be the way to go because we would be replacing obsolete, dangerous nuclear rounds with NATO agreement, with NATO support, with a new, modern round which would require fewer rounds of very effective, twice the range, safer, and more secure.

The unfortunate red herring about "use them or lose them" when referring to this round is absolutely incorrect, and I think the Members know this, and if they do not, they certainly should.

The fact simply remains that the President must give the order; it must go down the chain. We do not have uniformed officers in Europe that run amuck and do not do things without direct orders. If they did not have a direct order, they could not utilize.

If they were dispersed in a way that they could not go up the chain of command, they could not use the weapons; and they know that, and the training of the finest, best-trained officers in the world today are not going to run

amuck with this kind of a weapons system.

I yield to the gentleman from New York.

Mr. STRATTON. I appreciate the gentleman's remarks, and I think this is no time, considering our problems in NATO, for us to wipe out the NATO nuclear deterrent. I think this would be a very bad signal for us to send to our NATO allies, as we wind up the vote on this 1986 armed services authorization bill.

Mr. FAZIO. Would the gentleman yield for a point of clarification?

Mr. STRATTON. Be glad to.

The CHAIRMAN pro tempore. The gentleman from California will suspend.

The gentleman from New York does not have the time. The gentleman from California controls the time.

Mr. FAZIO. Will the gentleman from California yield?

Mr. BADHAM. I yield to the gentleman.

Mr. FAZIO. First of all, I would like to reiterate—I hope there is no confusion. My amendment as a substitute is a 1-year delay. At the end of that time, the authorization takes effect again. There is no permanent law that would put an end to the deployment of the 155, should we not make some other decision during the next fiscal year.

Second, Michael Hazeltine, on behalf of the British Government—NATO governments in general have not signed off on the deployment of this weapon. The record is clear on that.

I am sure our Government has some future hope that they would; they have not done so at the present time, leading even more, I think, to the conclusion that a 1-year delay to look at this very basic and fundamental decision in some other environment in 10 minutes at the end of an armed services authorization bill is not unwarranted.

Mr. STRATTON. Would the gentleman yield to me?

Mr. BADHAM. I will yield to the gentleman from New York.

Mr. STRATTON. This says, none of the funds appropriated pursuant to authorizations or appropriations in this or any other act may be obligated or expended——

Mr. FAZIO. This is the 1986 authorization. We are not talking about extending.

Mr. STRATTON. That is not just a 1 year—I ask that we vote down the Fazio amendment substitute to the Markey amendment.

Mr. BADHAM. Reclaiming my time, I would just say that what the gentleman from New York says is true; that this limits and prohibits funds from this act and any other previous act.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. FAZIO] as a substitute for the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

The amendment offered as a substitute for the amendment was rejected.

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

The amendment was rejected.

□ 1730

AMENDMENT OFFERED BY MR. DICKS

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

The Clerk read as follows:

Amendment offered by Mr. DICKS: At the end of title X, (page 200, after line 4) add the following new section:

SEC. 1050 SHOULD-COST ANALYSIS.

(a) REPORT ON ANNUAL PLAN.—The Secretary of Defense shall submit to Congress an annual report setting forth the Secretary's plan for the performance during the next fiscal year of cost analyses of contractors for major defense acquisition programs for the purpose of determining how much the production of such systems should cost. Such report shall describe—

(1) which covered systems the Secretary plans to apply such an analysis to; and

(2) which covered systems the Secretary does not plan to apply such an analysis to and, in each such case, the reasons for not applying such an analysis.

(b) COVERED SYSTEMS.—For the purposes of subsection (a), a system under a major defense acquisition program shall be considered to be a covered system if—

(1) a production contract for the system is to be awarded during the year following the next fiscal year using procedures other than full and open competition;

(2) initial production of the system has already taken place;

(3) the current plans of the Department of Defense include production of substantial quantities of identical items in fiscal years beyond the next fiscal year;

(4) the work to be performed under the contract is sufficiently defined to permit an effective analysis of what production of the system by the contractor should cost; and

(5) major changes in the program are unlikely.

(c) SUBMITTAL OF REPORT.—The report required by subsection (a) shall be submitted to the Committees on Armed Services of the Senate and the House of Representatives not later than the date on which the Budget for the next fiscal year is submitted each year.

(d) DEFINITION.—The term "major defense acquisition program" means a program for which a Selected Acquisition Report is required to be submitted under section 139a of title 10, United States Code.

Mr. DICKS (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 Washington?

There was no objection.

The CHAIRMAN pro tempore. The Chair would ask the gentleman has this amendment been printed in the RECORD?

Mr. DICKS. Yes, Mr. Chairman. It was printed in the RECORD of June 26, 1985, at page H5012.

The CHAIRMAN pro tempore. The gentleman from Washington is recognized for 5 minutes in support of his amendment.

Mr. DICKS. Mr. Chairman, this amendment requires the Secretary of Defense to submit a plan annually to Congress for the performance of should-cost analyses.

Should-cost analyses are a technique used to evaluate ongoing production programs in which the contract is awarded under less than full and open competition. The Government sends in a team of industrial engineering and cost analysis specialists to evaluate the contractor and to identify inefficiencies in management and operation, and to assess the impact of such inefficiencies.

It gives the Government the information it needs to refute contractor assertions that costs cannot be reduced, and thus assists Government negotiators in arriving at the best price for Government and motivates the contractor to reduce labor hours, overhead, et cetera.

Should-costs provide a valid and significant return on investment; but, because of the expertise and resources needed to accomplish them, they should be used selectively.

This proposal allows DOD to utilize its resources where they will provide the most significant return, but ensure that Congress has adequate oversight in its use.

The Defense Department should use the information gathered under the Boxer amendment when doing should-cost analysis.

Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. ASPIN], the distinguished chairman of the Committee on Armed Services.

Mr. ASPIN. Mr. Chairman, let me ask the gentleman from Washington, this is the version of the amendment in the bill that requires the report; is that correct?

Mr. DICKS. Yes; that is correct.

Mr. ASPIN. Mr. Chairman, I would advise the Members of the House that we have no objection to this amendment.

Mr. DICKS. Mr. Chairman, I yield to my friend, the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, we accept the amendment.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CHAPPELL

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

The Clerk read as follows:

Amendment offered by Mr. CHAPPELL: At the end of title X (page 200, after line 4) insert the following new section:

SEC. 1050. ACQUISITION OF ANTISUBMARINE WARFARE TRAINING SYSTEMS.

Of the amount appropriated for the Navy pursuant to the authorization for the Navy in section 201, $6,800,000 shall be available only for acquisition of three service test models of the LAMPS MK-1 antisubmarine warfare shipboard training systems for the Naval Reserve.

The CHAIRMAN pro tempore. The Chair would inquire, has the gentleman's amendment been printed in the RECORD?

Mr CHAPPELL. Yes, it was, Mr. Chairman.

Mr. Chairman, I have checked this amendment with both sides, and I believe it is acceptable; but what it simply does is give us an opportunity to perfect a system for upgrading the training of our Reserve fleet forces. It is a small amount, $6.8 million. But we simply want to take advantage of the cruise time going out to the operation area and back for simulator training purposes. It doubles the opportunity for training on board before arrival at the operating areas.

It provides realistic training for shipboard operators on the LAMPS MK-1 (SQR-17A) shipboard processor, the SQR-18 Tactas [tactical towed array sonar] and the SQS-26 CX hull-mounted sonar. Helicopter sonarmen can also realize training benefit by working with their shipboard colleagues.

I urge adoption of the amendment.

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

Mr. CHAPPELL. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, we have examined the amendment, and we believe it is a good one. We hope the amendment will be accepted.

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

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

Mr. DICKINSON. Does this have anything to do with the Enforcer?

Mr. CHAPPELL. No, it does not.

Mr. DICKINSON. There is no money in here for the Enforcer?

Mr. CHAPPELL. No, but I would be glad to put it in.

Mr. DICKINSON. Mr. Chairman, we have no problem with the amendment.

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

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 167, after line 10, insert the following new section:

SEC. 1005. AUTHORIZATION OF TRANSFERS FOR FISCAL YEAR 1985 PAY SUPPLEMENTAL.

There is authorized to be transferred to, and merged with, amounts appropriated to the Department of Defense for operation and maintenance and for military personnel for fiscal year 1985 such sums as may be necessary to provide for civilian and military pay raises provided by law. Such amounts shall be derived from amounts previously appropriated to the Department of Defense remaining available for obligation and no longer required for the purposes for which they were originally provided. Transfers authorized by this section may be made only to the extent provided in appropriation Acts.

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, it is getting late. This is the technical amendment that I thought we got approval for when we began this some time ago. We have passed one technical amendment twice rather than two different technical amendments.

Mr. Chairman, this is an amendment that authorizes appropriations for the use of transferring supplemental money to the pay raise for 1985. We thought we passed that a couple hours ago. The wrong amendment was at the desk. I would like to ask that the amendment be approved at this time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA

Mr. DORGAN of North Dakota. Mr. Chairman, I offer an amendment.

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 North Dakota?

There was no objection.

The text of the amendment is as follows:

Amendment offered by Mr. DORGAN of North Dakota: In the section proposed to be inserted by the amendment, strike out all after "SEC. 1024." and insert in lieu thereof the following:

REPORT ON EFFORTS TO INCREASE DEFENSE CONTRACT AWARDS TO INDIAN-OWNED BUSINESSES

(a) SECRETARY OF DEFENSE REPORT.—The Secretary of Defense shall transmit to the Congress a report on the efforts by the Department of Defense during fiscal years 1984 and 1985 to increase contract awards to Indian-owned businesses in accordance with the memorandum of understanding between the Department of Defense and the Small Business Administration of September 29, 1983. Such report shall include, to the maximum extent practicable, any data regarding the number and value of prime contracts awarded by the department during such fiscal years to such businesses.

(b) DEADLINE FOR REPORT.—Such report shall be transmitted by March 31, 1986.

(c) DEFINITION.—For the purposes of this section, the term "Indian-owned business" means a firm owned and controlled by American Indians, including a tribally owned for-profit entity.

The CHAIRMAN pro tempore. The Chair would inquire, has the gentleman's amendment been printed in the RECORD?

Mr. DORGAN of North Dakota. Yes, Mr. Chairman, it has.

The CHAIRMAN pro tempore. The gentleman from North Dakota is recognized for 5 minutes in support of his amendment.

Mr. DORGAN of North Dakota. Mr. Chairman, increasing the amount of defense contracting by Indian and tribal businesses is a policy goal toward which Congress and the Pentagon should strive.

A growing number of Indian reservations have made investments in modern plants and equipment which enable tribal businesses to draw upon the same advanced technology that one might find in Silicon Valley or other defense contract centers. Furthermore, the rising number of Indian graduates from vocational and technical programs offers the skilled labor needed for sophisticated manufacturing.

In North Dakota, for example, the Devils Lake Sioux Manufacturing Co. uses custom-built cutting equipment, a two-story, multistation machine, and state-of-the-art weaving machines in producing high quality camouflage netting and military helmets. The Turtle Mountain Manufacturing Co. draws upon a skilled labor pool, computerized assembly, and rigorous quality control in manufacturing top-notch, heavy-duty military trailers for the Army. Both Indian firms have won contract renewals because of their first-rate products, timely completion, and manufacturing prowess.

In these cases, the armed services have benefited from competitive costs, high-quality products, and extensive cooperation on the part of tribal and business officials.

But the benefits have also flowed to Indian tribes, Indian business managers, and Indian employees. One tribal chairman told me that no other single Federal action has done more to instill pride and self-sufficiency on the reservation than the successful completion of defense contracts by the tribal manufacturing plant.

Defense contracting also bolsters local economies with the highest unemployment rates in the Nation. Annual unemployment rates on Indian reservations average about 40 percent nationwide, with seasonal unemployment ranging from 50 to 80 percent.

Clearly, any regular, well-paid jobs will inject needed capital into struggling tribal economies. Naturally, the spillover impact on other Indian businesses from recycled defense contract payrolls helps engender reservation-wide growth.

It's my view that increasing defense contracts with qualified Indian businesses can help improve defense contracting and move Indian reservations toward greater self-sufficiency and economic growth. these are both goals which deserve the careful attention in Congress.

In order to advance these objectives, Congress needs a base of information to better design programs to increase Indian defense contracts. Requests that I have made in recent weeks to the Defense Department, the Small Business Administration, the Bureau of Indian Affairs, and the Federal Procurement Data Center all show that no Federal agency has hard data on the volume and number of defense contracts with tribal and Indian businesses. Nor have any provided Congress with a focused report on steps being taken to increase the level of Indian defense contracts.

Consequently, I am offering an amendment to the Defense authorization bill—H.R. 1872—which requires the Secretary of Defense to report to Congress on recent progress in increasing Indian defense contracts under terms of a 1983 memorandum of understanding between the Pentagon and SBA. The report would also provide data on the volume of Indian defense contracts in 1984 and 1985.

This report will help us shape policies to boost Indian defense contracting and the quality of defense procurement. I welcome the support of my colleagues for this amendment and for a longer term policy which enjoys the support of both the National Tribal Chairmen's Association and the National Congress of American Indians.

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

Mr. DORGAN of North Dakota. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, we have looked at the amendment. The amendment is a good amendment. We think it ought to be approved.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from North Dakota [Mr. DORGAN].

The amendment was agreed to.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. KAPTUR: At the end of part C of title X (page 176, after line 8 insert the following new section:

SEC. 1024. REPORT ON UNITED STATES DEFENSE EXPENDITURES IN THE FAR EAST.

(a) IN GENERAL.—The Secretary of Defense shall submit to Congress a report concerning ways the United States may further its national security interests in the Far East.

(b) MATTERS TO BE INCLUDED.—Such report shall include—

(1) the plans of the Department of Defense in the current five-year defense plan for defense expenditures for each fiscal year covered by the plan to be made in support of United States security interests in the Far East and, of such planned expenditures in each such fiscal year, how much is attributable to projected increases in defense outlays for that fiscal year;

(2) the projections for national defense expenditures by Japan for each such fiscal year; and

(3) the effect increases in national defense expenditures by Japan would have on United States defense expenditures in support of United States security interests in the Far East.

(c) 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.

The CHAIRMAN pro tempore. The Chair would inquire, has the gentlewoman's amendment been printed in the RECORD?

Ms. KAPTUR. Yes; Mr. Chairman, it has.

Mr. Chairman, this amendment regards U.S. security interests in the Far East.

The defense of Japan and the Pacific region has been a vital part of U.S. defense strategy since the end of World War II. Yet political and economic situation facing our bilateral relations has clearly changed, however, since this policy was adopted when Japan was "completely disarmed and demilitarized" 40 years ago!

In fact, Japan's military expenditures have not risen in accordance with their international obligations and agreements. Military spending accounts for more than 6 percent of GNP in the United States and less than 1 percent of GNP in Japan. According to the Congressional Research Service, this is the result of a Japanese Government decision in 1976 to hold military spending to less that 1 percent of the GNP. The Japanese spent less than 1 percent of their GNP on defense in 1980; 1 percent in 1981; 1 percent in 1982; 0.978 percent in 1983; 0.99 percent in 1984 and expect to spend 0.997 percent in 1985. I think it is fair to ask what is going to cause this situation to change?

It has been the policy of the United States to encourage Japan to make steady and significant progress in its self-defense capabilities. However, while our merchandise trade deficit with Japan continues to grow, Japanese defense expenditures do not. Quite frankly, in view of the alarming trade deficit with the United States—$37 billion, last year—and lack of progress on the part of Japan in meeting its own defense goals, the United States should encourage Japan to increase its defense spending in real terms and as a percentage of GNP. The Japanese Government can then spend less on subsidizing products which are then dumped on American shores, thereby putting Americans out of work and driving up the trade deficit.

Japan has consistently pledged to strengthen its military capabilities in order to develop a self-defense capability. But, like the problem of reducing their trade barriers to U.S.-made products, Japan talks a lot about it but there is no real action. The Japanese Defense Agency has stated that Japan must increase defense spending by 7 to 9 percent in real terms over the coming years in order to meet the goals of their 5-year defense plan. However, real growth has never hit even 7 percent in the past 5 years. Real growth in 1980 was 2 percent; it was 3.9 percent in 1981; 4.6 percent in 1982; 4.3 percent in 1983; 4.8 percent in 1984 and is projected at 5.4 percent for 1985.

It is time for Japan to start paying their fair share of their own defense. And it is my hope that the Secretary in his report will provide the Congress and the administration with a number of ways in which the Japanese can be encouraged to increase their defense spending.

Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, we have looked at the amendment. The amendment is a good amendment, and we urge adoption of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Ohio [Ms. KAPTUR].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MORRISON OF CONNECTICUT

Mr. MORRISON of Connecticut. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MORRISON of Connecticut: Page 200, after line 4, add the following new section:

SEC. 1050. LINKAGE OF MILITARY TO CIVIL SERVICE PAY ADJUSTMENT.

(a) APPLICATION OF SECTION 601(b).—Section 601(b) of this Act shall apply in accordance with this section.

(b) EFFECTIVE DATE.—If an adjustment is made in the rates of basic pay under the General Schedule of compensation for Federal employees and such adjustment is to become effective during fiscal year 1986 on a day other than the day specified in subsection (b) of section 601 of this Act, the adjustment under such subsection (b) in compensation for members of the uniformed services shall become effective on the first day of the first pay period that begins on or after the effective date of the adjustment in the rates of basic pay under the General Schedule.

(c) PERCENTAGE ADJUSTMENT.—If an adjustment in the rates of basic pay under the General Schedule of compensation for Federal employees takes effect during fiscal year 1986 and such adjustment provides for

a different overall percentage change in rates of basic pay than the percentage specified in subsection (b) of section 601 of this Act, the adjustment under such subsection (b) in compensation for members of the uniformed services shall be equal to the overall percentage change in rates of basic pay under the General Schedule.

(d) CIRCUMSTANCES FOR MAINTAINING CURRENT RATES OF PAY.—If an adjustment in the rates of basic pay under the General Schedule of compensation for Federal employees does not take effect during fiscal year 1986, an adjustment under section 601(b) of this Act in compensation for members of the uniformed services shall not take effect.

Mr. MORRISON of Connecticut (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 Connecticut?

There was no objection.

The CHAIRMAN pro tempore. The Chair would inquire, has the gentleman's amendment been printed in the RECORD?

Mr. MORRISON of Connectiuct. Yes; Mr. Chairman, it has.

The CHAIRMAN pro tempore. The gentleman from Connecticut [Mr. MORRISON] is recognized for 5 minutes in support of his amendment.

Mr. MORRISON of Connecticut. Mr. Chairman, I know it is late. I will try to make the explanation to this amendment brief. It is very simple. In the bill before us, there is a 3-percent pay raise mandated in entitlement as of January 1, 1986, for military personnel. In the underlying existing law, pay increases for the military and for civilian employees of the Government are linked together. They come together or not at all. This removes that linkage. My amendment restores the linkage, and the basis of this amendment and the idea behind it is that these ideas should be linked, that the pay increase should be linked, that we should not this year be giving a pay increase to one group of Federal employees and denying it to another. If there is to be a pay increase, it ought to be equally shared. If there is not to be a pay increase, the lack of pay increase should be equitable across the board.

The other body has already included in their bill an automatic 3-percent pay increase for the military on October 1, 1985. If this amendment is not adopted, we can be sure there will be a military pay increase somewhere between October 1 and January 1 of 3 percent, and there will be no linkage. This will be an opportunity to say that military and civilian employees should be treated the same during this year.

□ 1740

This does not bar an increase, nor does it mandate an increase. The amendment leaves that question open, but it says that civilian and military employees will be treated the same.

I yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentleman for yielding.

Mr. Chairman, I congratulate the gentleman on his amendment. I would call to the attention of the House what this amendment says is that our employees will be treated equally whether they wear a uniform or whether they wear a suit and tie or whether they wear a blue collar. All our employees will be treated equally.

In 1974 we adopted an amendment to which this amendment speaks, which said that the military would be treated equally with the civilians. Why? Because the perception of those who support the military was that the military were not being treated fairly and they should be piggy-backed on the civilian employee raises.

Now the situation has changed. Now the situation is we have an administration that says we ought to give all the money to the military, and we are not protecting the civilian employees. That ought to be the policy of this Congress.

I suggest strongly that this amendment be adopted so that we will treat all people who work for the United States of America, for this Government, equally and fairly. I urge the adoption of the amendment.

Mr. MORRISON of Connecticut. I yield to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the remarks of the gentleman from Maryland. There was a period in the mid-1970's where it was very clear that we were not adequately paying our military personnel. I give credit to this administration, to this Congress because together we have had several years of major pay increases for our military personnel. We recovered; we came back to a point where we were able to retain people who we had paid a great deal to train for military personnel roles.

Today, they are in some close proximity in terms of the kind of increases they have had in the last 15 years. We would be doing a terrible thing if we broke that linkage. We should continue to pay people equitable; we should pay them the same thing.

Mr. MORRISON of Connecticut. Mr. Chairman, let me just address two of the opponents' arguments that are going to be made in responding. That we need this increase for the special recruitment needs of the military. It is equally true of the civilian force. The needs are not addressed by a 3-percent across-the-board. If there are special recruitment needs, they should be addressed specifically where they are in the force; where people are underpaid.

In the last 5 years, the military forces have gotten larger increases in all the years but one; except for 1 year, they have gotten a larger increase than the civilian force. You can vote for this amendment if you think there ought to be a freeze, and you can vote for this amendment if you think there ought to be a pay increase. Either way, if you think people should be treated equitable and the same, you should vote for this amendment.

Mr. Chairman, I yield to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I rise in strong support of this amendment. People who work in our national defense facilities all over this country have seen their pay eroded by 21 percent while we give very substantial raises to the military. We are going to lose those people; we are not going to have those people working on the nuclear reactors and nuclear ships. Let us be fair to our civilian Defense Department employees.

Mr. MORRISON of Connecticut. I thank the gentleman from Washington. The purpose of this amendment is not to favor one group of employees, not to cause a detriment to one group. It is to treat all Federal employees equally.

Mr. ASPIN. Mr. Chairman, I rise in strong opposition to the amendment.

Mr. Chairman, this is really one of the all-time dumb ideas. We have gotten a position now where we have built up the Armed Forces of this country in the early 1980's by separating this issue of how much we pay civilians versus how much we pay military. During the period of comparability, we ended up by the end of the 1970's in which we could not recruit a quality or quantity of people for the volunteer Army.

There is no sense to link the military pay with the civilian pay. In the military you are recruiting mainly 18-year-olds. In the civilian, you are recruiting people of all ages. In the military, you are recruiting people for many moves; you are not doing that in the civilian. In the military you are recruiting people who have more danger. You are not doing that in the civilian.

These are different jobs, different issues, different things. We should not have comparability. We should not have equal raises for the two for the civilians and for the military. We had a disaster when we had them connected in the 1970's. We have had a much better military when we deconnected them, decoupled them in the early 1980's.

Mr. Chairman, I yield to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I also rise in strong opposition to the amendment. The work is not the same. The two should not be coupled

at all. When we are talking about the civil service workers, we have lines now, people want civil service jobs. I will be glad to send some of my people up here if you have civil service jobs available.

But we are getting a shortage in the military; we cannot get young, 18-year-old men into the military because we are cutting down on the retirement, and also the manpower pool is shrinking up. It is a real problem and I hope this amendment is defeated.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, there is no comparability between the two. How many people in civil service go to sea? How many people in the civil service go on a Trident submarine under the sea for 60 days at a time? How many of them are getting remote tours where they are not with their families? How many people get hazardous duty service except the military?

There is no comparability. Let the civilians through the processes here get whatever pay raise they are entitled to, but do not be piggy-backing on the backs of the military who have been underpaid, have been underpaid until just recently, and now you want to couple up again. It is a bad idea; we ought to turn it down out of hand.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from Indiana [Mr. HILLIS].

Mr. HILLIS. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the amendment of the gentleman from Connecticut [Mr. MORRISON] to strike the provision of the committee bill delinking military and civilian pay during fiscal year 1986.

I sincerely hope that we have learned the lesson of the late 1970's that adequate pay is very important to recruiting and retaining a high quality force. I urge my colleagues to think back to the press report 5 years ago of Navy ships unable to go to sea because of manning deficiencies. Only slightly more than half of Army recruits were high school graduates. On the retention side, competition from more lucrative jobs in the civilian sector was luring away the most highly trained mid-grade personnel, both officer and enlisted. One alarmed service official characterized the loss of skilled people to private industry as a "hemorrhage of talent."

Congress responded swiftly and forcefully by enacting a series of compensation initiatives in 1980 and 1981. The results were dramatic since that time. In fiscal year 1984, 91 percent of Army non-prior-service accessions were high school graduates; 90 percent were in the top three mental categories. The quality of enlisted recruits was higher than ever achieved in the days of the draft.

While we can perhaps pat ourselves ever so gently on the back for Congress' role in this turnaround, we would become ill-advised to be complacent. The record of success is still extraordinarily fragile and could all too easily be shattered. The issue before the House is not civilian pay. It is the need to ensure that military personnel receive a pay raise at least adequate to remain competitive with the private sector. Otherwise, we will surely have to pay the piper later.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. I thank the gentleman for yielding.

Mr. Chairman, I too agree; I think it is a terrible amendment. Sometimes we have to stop and think this was the body that wanted a volunteer force, and the volunteer force is now in effect and it is working, and it is working very effectively. These are the kind of initiatives that we have got to be taking as an armed services group to guarantee that and to improve the quality of life. I strongly urge the House Members here to vote against this amendment.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from Washington [Mr. LOWRY].

Mr. LOWRY of Washington. I thank the gentleman.

Mr. Chairman, this is the first time I have ever been against a Morrison amendment on the floor. I want to have the best possible defense we can have, to me that means we cut the nukes and have better personnel. I think armed services ought to be able to give us the best possible defense. So I am in opposition, for the first time I think, to a Morrison amendment on the floor.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from California [Mr. BADHAM].

Mr. BADHAM. I thank the gentleman for yielding.

Mr. Chairman, this amendment would not treat everybody alike. That is bunk and I hope the gentleman from Maryland who made the allusion to the fact that this is treating everybody alike has forgotten just last week that we approved a rather cushy labor contract for the GPO, Government Printing Office employees, that goes way above any other raise that is even being considered by any other outfit in this Government this year.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I might say that this amendment does cause me a great deal of concern and it bothers me because we are comparing apples and oranges. On the one hand, you have a recruitment for people to serve a lifetime working for the Federal Government as a civilian employee. On the other hand, you have someone to serve 3 to 4 years. Sometimes, only a small percentage in the military. It is comparing two different aspects of employment. I have to oppose this.

Mr. ASPIN. Mr. Chairman, just to wrap up. We are bringing this budget in under the budget resolution. It ought to be our decision as to whether bringing it within that budget resolution we spend a little more on pay and a little bit less on military equipment. Or whether we spend more on military equipment and less on pay.

We are abiding by the budget resolution on the dollars.

● Mr. FORD of Michigan. Mr. Chairman, I want the record to show that I wholeheartedly support the amendment offered by my colleague from Connecticut [Mr. MORRISON] that would prohibit unequal treatment between the military and the civilian work force in terms of a pay increase in fiscal year 1986.

Under existing law, the military is entitled to the same pay raise granted to civilian employees. This year's House Budget Resolution assumes there will be no civilian or military pay increase.

Section 601 of the Department of Defense bill before us, however, breaks the linkage between the military and the civilian work force by granting a 3-percent increase to the military, across the board, effective January 1, 1986.

Certainly a strong argument can be made in favor of a pay hike for the military. That, however, is not the issue here. The issue, instead, is one of fairness.

And, from any angle you view the proposal to untie these two pay systems, it is patently unfair.

The justification for freezing civilian pay—rather than cutting it by 5 percent as the President proposed—is the horrendous economic dilemma we face as a result of 5 years of gargantuan budget deficits. This year alone the deficit will reach $200 billion.

Civilian workers, in effect, are being asked to make sacrifices to help pay for the fiscal crisis thrust upon us by tax cuts for the rich. Just as in the case of their military counterparts, a very strong argument can be made for a pay increase for civilian workers, who have been asked to shoulder more than their share of budget cuts for the past 5 years.

Frankly, I think it is wrong that either group should have to take what amounts to a pay cut because their earnings will not be allowed to keep pace with inflation.

But I do not believe one group should be treated differently than the other. Where is the justice in that? ●

● Ms. OAKAR. Mr. Chairman, I rise in support of the amendment to H.R. 1872 offered by my colleague, Mr. MORRISON of Connecticut.

This past February, Mr. Speaker, my subcommittee on Compensation and Employee Benefits of the House Post Office and Civil Service Committee held an oversight briefing on the President's fiscal year 1986 budget proposals affecting Federal employees. As we all know, the President recommended a 3-percent pay raise for military personnel while seeking a 5-percent pay cut for civilian employees.

I was particularly disturbed by the proposal to reduce civilian employees' pay for many reasons.

Studies conducted by the President's Advisory Committee on Federal Pay, and by the Hay Associates for the Post Office and Civil Service Committee, demonstrated that Federal wages lag behind the private sector between 10 and 20 percent. This has caused serious problems in recruiting and retaining employees in scores of Federal agencies. Based on these circumstances, my subcommittee and the full Post Office and Civil Service Committee recommended a pay increase in 1986 for Federal employees. Unfortunately, this recommendation was not adopted by the House Budget Committee, which approved a pay freeze for civilian employees and military personnel.

Mr. Chairman, it is grossly unfair to single out Federal workers for a pay freeze, while military personnel and other workers receive a pay raise. I believe that both Federal employees and military personnel should receive a pay raise.

In reviewing the history of wage increases in the Federal Government for the past 15 years, I was particularly struck by the fact that wages for white-collar workers have risen by 221 percent, while military pay has grown by 306 percent, and wages in the private sector have increased by 290 percent. In comparison to the military and the private sector, Federal white-collar wages have fallen substantially behind, despite the clear intention of the Federal Wage Comparability Act of 1970 that General Schedule pay remain comparable to wages in the private sector.

Mr. Chairman, it is also important to note that, during this same period, the Consumer Price Index has increased by 306 percent. Since 1970, Federal white-collar workers have seen their standard of living steadily decline. despite the reduction in the rate of inflation for the past few years.

Both military and General Schedule personnel are Federal employees, Mr. Speaker. It is incumbent upon the U.S. Congress to ensure fairness and equity in compensation for both military and General Schedule employees.

This amendment would guarantee that military personnel would receive the same pay raise as employees. I think this is a very fair amendment and I ask for the support of all my colleagues today.●

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

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MORRISON of Connecticut. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 122, noes 281, answered "present" 1, not voting 29, as follows:

[Roll No. 205]

AYES—122

Ackerman
Alexander
Anderson
Applegate
Barnes
Bateman
Bentley
Bliley
Bonior (MI)
Borski
Bosco
Boucher
Boxer
Brown (CA)
Brown (CO)
Bruce
Burton (CA)
Carper
Chandler
Clay
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
Daub
Dicks
Dingell
Dorgan (ND)
Durbin
Dymally
Dyson
Edwards (CA)
Fascell
Fazio
Florio
Ford (MI)
Ford (TN)
Garcia
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Gray (PA)
Green
Gunderson
Hall, Ralph
Henry
Howard
Hoyer
Hughes
Hutto
Johnson
Jones (NC)
Kaptur
Kastenmeier
Kennelly
Kildee
Kramer
Leach (IA)
Leland
Levine (CA)
Lewis (CA)
MacKay
Madigan
Manton
Matsui
McCloskey
McHugh
McKinney
Mikulski
Miller (CA)
Mollohan
Moody
Morrison (CT)
Natcher
Nowak
Oakar
Oberstar
Obey
Parris
Pashayan
Penny
Pepper
Perkins
Porter
Pursell
Rahall
Reid
Rinaldo
Rodino
Roe
Russo
Saxton
Scheuer
Schumer
Sisisky
Solarz
St Germain
Staggers
Stokes
Synar
Tallon
Tauke
Towns
Traficant
Udall
Vento
Walgren
Waxman
Weaver
Wheat
Whitley
Williams
Wirth
Wise
Wolf
Wolpe
Wyden
Yates

NOES—281

Addabbo
Akaka
Andrews
Annunzio
Anthony
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Barnard
Bartlett
Barton
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bevill
Biaggi
Biliraki
Boehlert
Boggs
Boland
Boner (TN)
Bonker
Boulter
Breaux
Brooks
Broomfield
Broyhill
Bryant
Burton (IN)
Bustamante
Byron
Callahan
Campbell
Carney
Chappell
Chappie
Cheney
Clinger
Coats
Cobey
Coble
Coleman (MO)
Combest
Conte
Coughlin
Courter
Craig
Crane
Daniel
Dannemeyer
Darden
Daschle
Davis
de la Garza
DeLay
Derrick
DeWine
Dickinson
DioGuardi
Dixon
Donnelly
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Dwyer
Early
Eckart (OH)
Edgar
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fawell
Feighan
Fiedler
Fields
Flippo
Foley
Fowler
Franklin
Frenzel
Frost
Fuqua
Gallo
Gaydos
Gekas
Gibbons
Gingrich
Glickman
Gradison
Gray (IL)
Gregg
Grotberg
Guarini
Hamilton
Hammerschmidt
Hansen
Hartnett
Hatcher
Hendon
Hertel
Hiler
Hillis
Hopkins
Hubbard
Huckaby
Hunter
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Jones (OK)
Jones (TN)
Kanjorski
Kasich
Kemp
Kindness
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lagomarsino
Lantos
Latta
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lott
Lowery (CA)
Lowry (WA)
Lujan
Lundine
Lungren
Mack
Markey
Marlenee
Martin (IL)
Martin (NY)
Mavroules
Mazzoli
McCain
McCandless
McCollum
McCurdy
McDade
McEwen
McGrath
McKernan
McMillan
Meyers
Mica
Michel
Miller (OH)
Miller (WA)
Mineta
Mitchell
Moakley
Molinari
Monson
Montgomery
Moore
Moorhead
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Neal
Nelson
Nichols
Nielson
O'Brien
Olin
Ortiz
Oxley
Packard
Panetta
Pease
Petri
Price
Quillen
Rangel
Ray
Regula
Richardson
Ridge
Ritter
Roberts
Robinson
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Sabo
Schaefer
Schneider
Schroeder
Schuette
Schulze
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NH)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Solomon
Spence
Spratt
Stallings
Stangeland
Stark
Stenholm
Strang
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Visclosky
Volkmer
Vucanovich
Walker
Watkins
Weiss
Whitehurst
Whittaker
Whitten
Wortley
Wright
Wylie
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

ANSWERED "PRESENT"—1

Dellums

NOT VOTING—29

Carr
Coelho
Eckert (NY)
Fish
Foglietta
Frank
Goodling
Hall (OH)
Hawkins
Hayes
Hefner
Heftel
Holt
Horton
Loeffler
Luken
Martinez
Owens
Pickle
Roybal
Rudd
Savage
Smith, Denny
Thomas (CA)
Traxler
Valentine
Vander Jagt
Weber
Wilson

□ 1800

Messrs. VOLKMER, BEILENSON, and SLATTERY changed their votes from "aye" to "no."

Messrs. SAXTON, HUGHES, BATEMAN, RALPH M. HALL, STOKES, ANDERSON, RAHALL, APPLEGATE, WIRTH, WYDEN, DAUB, WILLIAMS, WOLPE, PASHAYAN, MADIGAN, RUSSO, WHITLEY, and ST GERMAIN changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1810

AMENDMENT OFFERED BY MR. RICHARDSON

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

The Clerk read as follows:

Amendment offered by Mr. RICHARDSON: At the end of title X (page 200, after line 4), add the following new section:

SEC. 1050. PROHIBITING THE DEPARTMENT OF DEFENSE AND THE CENTRAL INTELLIGENCE AGENCY FROM PROVIDING ASSISTANCE TO THE NICARAGUAN RESISTANCE FORCES.

None of the funds appropriated pursuant to the authorizations of appropriations in this Act may be obligated or expended by the Department of Defense or the Central Intelligence Agency to provide any humanitarian assistance to the Nicaraguan resistance forces.

Mr. RICHARDSON. Mr. Chairman, I offer this amendment simply to clarify the intent of the House on the issue of humanitarian aid to the Nicaraguan resistance forces. I supported the bipartisan McDade-McCurdy-Michel amendment to the supplemental appropriation as a way of promoting a negotiated settlement to conflicts in the region. Support for humanitarian aid to the Contras and economic sanctions keeps pressure on the Sandinistas to negotiate, implement democratic reforms, and restrain their forces from incursions into neighboring countries.

With this amendment, we send a clear message to the conference committee that the DOD and the CIA should not be involved in providing humanitarian aid to the Contras. I have contacted AID and they have informed me that AID has other sources of transportation besides the Department of Defense. This amendment does not take any teeth out of the bipartisan amendment, it clarifies our intent.

I know that some of my colleagues may argue that the conference report on the defense authorization for fiscal year 1984 already prohibits the DOD from providing humanitarian aid in such instances. But I must point out that was not a multiyear provision; it applies only to fiscal year 1985. Some might wonder why I did not wait till the intelligence authorization comes to the floor. Well, the main point is not to wait until after the conference committee works on the bipartisan amendment. Another point of clarification is that this amendment does not refer to any other than humanitarian aid. It does not refer at all to sharing intelligence, a debate which came up during the debate on the McDade-McCurdy-Michel amendment. And this amendment does not refer to funds other than those appropriated under this act.

I urge my colleagues to send a strong signal to the conference committee and the American people, that our intention, whether we supported the bipartisan amendment or not, is not to involve the CIA and DOD in humanitarian assistance to the Contras.

First, the bipartisan amendment, McCurdy-McDade-Michel, contains a provision for humanitarian aid to the Nicaraguan resistance forces which excludes the provision of funds for this purpose to the DOD or CIA.

Second, this House can send a clear signal to the American people and to the conference committee that we are opposed to any DOD or CIA involvement in the humanitarian assistance transport or distribution.

Third, humanitarian assistance to military forces is prohibited during fiscal year 1985 by last year's conference report on DOD authorization. Section 1540(d), of Public Law 98-525. This prohibition applies only to fiscal year 1985. My amendment does not exclude humanitarian aid to military forces. It does say that such aid cannot be handled by the DOD or CIA. Thus, it extends only part of the fiscal year 1985 prohibition.

Fourth, thus both the House and the other body accepted a much stronger prohibition of humanitarian aid. The internationally recognized definition of "humanitarian" excludes such aid to military forces and for political purposes. We have redefined "humanitarian" in order to provide such aid to the Nicaraguan resistance forces. Let us not further redefine "humanitarian" to include the distribution of such aid by U.S. Department of Defense or CIA personnel.

Fifth, this amendment does not tie anyone's hands. After some consultation with my colleagues on the Armed Services Committee, the term "other" was stricken from the amendment. This means that my amendment would not prohibit the DOD or CIA from other activities besides the provision of humanitarian aid. Thus, sharing intelligence is not banned by my amendment, although I do support the Boland amendment and will support it when we have the opportunity to vote on it again.

Sixth, one of the leaders of the FDN has stated that he will use this "humanitarian aid" in order to buy weapons. Imagine such statements being made after the DOD trucks deliver supplies. We want to keep a distance between the DOD and the Contra forces.

Seventh, if we fail to make our message clear, it will be difficult for us to ever use the term "humanitarian assistance" again, when aiding resistance forces.

Eighth, AID has sufficient resources to transport and distribute the humanitarian assistance. I have been informed by an AID official that AID does have the ability to transport these goods. I understand that some Members were preoccupied about this. I want to point out that the bipartisan amendment would contain the same problem. The language there also excludes the DOD and CIA from receiving funds for humanitarian assistance.

Ninth, I voted for the humanitarian assistance to the Contras. And I urge my colleagues, whether you supported the bipartisan amendment or not, to send a clear message on the sort of contact with the Contras that is appropriate when it comes to DOD and CIA.

Tenth, this amendment asks for less than what the DOD conference report mandated in 1984 and only clarifies our intent in 1985.

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

Mr. RICHARDSON. I yield to the gentleman from Virginia.

Mr. DANIEL. Mr. Chairman, we have examined the amendment and have no objection on this side.

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

Mr. RICHARDSON. I yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, I just want to commend the gentleman for working to improve the amendment. I appreciate the gentleman's efforts to try to develop a bipartisan policy as to Nicaragua.

I recommend and agree with the chairman in accepting the amendment.

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

Mr. RICHARDSON. I yield to the gentleman from New Jersey.

Mr. COURTER. Mr. Chairman, will the gentleman explain, is this an amendment that was, in fact, printed in the RECORD, or has this been modified?

Mr. RICHARDSON. This amendment was printed in yesterday's RECORD in its corrective form. It underwent one revision to accommodate some of the interests of the minority and it is so reflected in the RECORD of yesterday.

Mr. COURTER. The gentleman is saying the minority has looked it over and agreed to it?

Mr. RICHARDSON. Yes.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. COURTER

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

The Clerk read as follows:

Amendment offered by Mr. COURTER: At the end of part C of title X (page 176, after line 8) insert the following new section:

SEC. 1024. ANNUAL REPORT ON SOVIET COMPLIANCE WITH ARMS CONTROL COMMITMENTS.

Not later than December 1, 1985, and not later than December 1 of each year thereafter, the President shall submit to the Congress a report containing an update (since the most recent report to the Congress on the subject) of the President's findings regarding the Soviet Union's compliance with its arms control commitments, together with such additional information regarding the Soviet Union's compliance with its arms control commitments as may be necessary to keep the Congress currently informed on such matter. The President shall submit classified and unclassified versions of such report to the Congress each year.

Mr. COURTER (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 Jersey?

Mr. DICKS. Mr. Chairman, reserving the right to object, first of all, I would like to reserve a point of order against this amendment.

Mr. Chairman, I yield to the gentleman from New Jersey to explain what this amendment is.

Mr. COURTER. Mr. Chairman, I would be happy to very briefly explain what the amendment calls for.

The amendment calls for the President of the United States to file an annual updated report on Soviet compliance practices with arms control agreements.

As the gentleman from Washington knows, we have had I believe two reports on Soviet violations, or alleged violations. This basically requires an update of that each December of each year.

The point of the amendment is the fact that we should know, the public should know about the Soviet compliance practices and arms control agreements.

The idea is that if the Soviets are not complying, then the American people are being deceived. My amendment says that the American people, frankly, should know about it. That is the thrust of the amendment.

POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentleman from Washington [Mr. DICKS] insist on his point of order?

Mr. DICKS. Yes, Mr. Chairman, I insist on my point of order.

Mr. Chairman, I think this amendment is not germane to this particular piece of legislation and falls within the purview of the Foreign Affairs Committee.

Therefore, I would make my point of order and ask that it be sustained.

Mr. COURTER. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN pro tempore. The gentleman from New Jersey [Mr. COURTER] may be heard on the point of order.

Mr. COURTER. There was, Mr. Chairman, an amendment by the gentleman from Pennsylvania [Mr. FOGLIETTA] that was passed by this body. That amendment was concerning strategic defense initiatives. The last couple lines of that amendment, which is now part of the bill that we are considering says: "in a manner inconsistent with the Limited Test Ban Treaty, the Threshold Test Ban Treaty, the Outer Space Treaty, or the ABM Treaty."

Therefore, since the bill has been opened up with regard to treaties, I think that my amendment is valid and no point of order lies.

Mr. DICKS. Mr. Chairman, could I be heard further?

The CHAIRMAN pro tempore. The gentleman may be heard.

Mr. DICKS. Mr. Chairman, I would think that under the Foglietta amendment—Mr. Chairman, I think I would just let the Chair rule on this.

The CHAIRMAN pro tempore. The Chair is prepared to rule.

The Chair will state that the gentleman's amendment directs that the President make findings on the Soviet Union's compliance with its arms control commitments. That is not within the jurisdiction of the Armed Services Committee. It is solely within the jurisdiction of the Foreign Affairs Committee, and the Chair sustains the point of order of the gentleman from Washington.

PARLIAMENTARY INQUIRIES

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

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

□ 1820

Mr. COURTER. Mr. Chairman, the parliamentary inquiry is concerning my argument. My argument was, I recognize the fact that there has been no language in the bill with respect to arms control agreement.

Mr. DICKS. Regular order. I think the Chair has made a ruling.

The CHAIRMAN pro tempore. The Chair will entertain a parliamentary inquiry from the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. I thank the Chair.

The parliamentary inquiry is whether this has been now broadened to include arms control agreements because an amendment has been adopted that in fact refers to arms control agreements, thus making my amendment permissible.

The CHAIRMAN pro tempore. The Chair will advise the gentleman from New Jersey [Mr. COURTER] that the Foglietta amendment to title II did not legislate on another country's commitment to its treaties; it merely made a linkage between funding for certain weapons systems in space in a manner consistent with U.S. treaty obligations and, therefore, the Chair felt that the Courter amendment did not deal with the issues within the jurisdiction of the Armed Services Committee and sustained the point of order.

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

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

Mr. WALKER. Mr. Chairman, as the Chair knows, the bill was broadened to include areas within the jurisdiction of the Foreign Affairs Committee several amendments ago when we had an amendment passed relating to Afghanistan. Given the fact that the bill has already been broadened, would that not also play a role in making the gentleman's particular amendment germane?

The CHAIRMAN pro tempore. The Chair will state to the gentleman from Pennsylvania [Mr. WALKER] the Chair is not aware of the fact that title X of the bill has been broadened to such an extent. That amendment referred to Defense Department equipment and its availability to Afghan refugees.

Mr. WALKER. Parliamentary inquiry, Mr. Chairman.

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

Mr. WALKER. I think the fact is that that is indeed the case.

Mr. AuCOIN. Point of order, Mr. Chairman. Regular order.

The CHAIRMAN pro tempore. The Chair has already stated that in his opinion the Chair feels the bill has not been broadened to that extent.

AMENDMENT OFFERED BY MR. MARKEY

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

The Clerk read as follows:

Amendment offered by Mr. MARKEY: Add the following new section at the end of title X (page 200, after line 4):

SEC. 1050. RESTRICTION OF FUNDING FOR MX MISSILE WARHEAD.

None of the funds appropriated pursuant to an authorization provided in this or any other Act for national security programs may be obligated or expended for the production of more than 425 W87 warheads for the MX missile program.

Mr. MARKEY (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 Massachusetts?

Mr. BADHAM. Mr. Chairman, reserving the right to object, might I ask

the gentleman from Massachusetts, who I understand has a series of amendments, if the gentleman is intending to offer those at this time.

Mr. MARKEY. If the gentleman will yield, the answer is yes.

Mr. BADHAM. In series?

Mr. MARKEY. I intend to offer them in series. There are five amendments where we have worked out an agreement with the minority and the other Members.

Mr. BADHAM. Further reserving the right to object, if the gentleman would make a unanimous-consent request to that view, I believe this side would not object.

Mr. MARKEY. A unanimous-consent request to the effect they be considered in sequence or en bloc?

Mr. BADHAM. Not en bloc, but in series.

Mr. MARKEY. In series. I would not object to that.

Mr. BADHAM. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts to dispense with the reading of the amendment?

There was no objection.

Mr. MARKEY. Mr. Chairman, my amendment at the desk is on the MX warhead. It is an amendment to limit the production of MX warheads to a level consistent with the deployment of 40 MX missiles and it is one that I think is consistent with the intention of the original limitations which were placed upon the MX earlier in this debate.

I am willing to accept the substitute to be offered by the gentleman from New York [Mr. STRATTON], a member of the committee.

With that, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. STRATTON AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. MARKEY

Mr. STRATTON. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. STRATTON as a substitute for the amendment offered by Mr. MARKEY: Title X, page 200, after line 4:

"SEC. 1050. RESTRICTION ON FUNDING FOR MX MISSILE WARHEAD.

"None of the funds appropriated pursuant to an authorization provided in this Act or any other Act may be obligated or expended for the production of W-87 warheads for the MX missile program in excess of the numbers of warheads required to arm the number of such missiles authorized by the Congress to be deployed and determined by the President to be necessary for quality assurance and reliability testing."

The CHAIRMAN pro tempore. The Chair would ask the gentleman from New York [Mr. STRATTON] has this amendment been printed in the RECORD?

Mr. STRATTON. Mr. Chairman, the substitute was not printed in the RECORD.

The CHAIRMAN pro tempore. The substitute amendment offered by the gentleman from New York is not printed in the RECORD?

Mr. STRATTON. That is my understanding, Mr. Chairman.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. STRATTON] as a substitute for the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

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 Massachusetts [Mr. MARKEY], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. MARKEY

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

The Clerk read as follows:

Amendment offered by Mr. MARKEY: Add the following new section at the end of title X (page 200, after line 4):

SEC. 1050. RESTRICTION ON FUNDING FOR STANDARD MISSILE-2.

(a) IN GENERAL.—None of the funds authorized to be appropriated in this Act shall be obligated or expended for research, development, testing, evaluation, or procurement associated with a nuclear variant of the Standard Missile-2(N) (SM-2(N)), the W81 warhead for the Standard Missile-2(N), or any other nuclear warhead for the Standard Missile-2(N).

(b) REPORT.—Not later than February 15, 1986, the Secretary of the Navy shall submit a report to Congress, in both classified and unclassified form, which includes the following information:

(1) A description of the circumstances under which the SM-2(N) would be utilized and an assessment of likely enemy response (including countermeasures).

(2) A description of the release procedures and circumstances under which release would be authorized for employment of the SM-2(N).

(3) An analysis of conventional alternatives to the SM-2(N), including any necessary modification to the SM-2(N), including any necessary modification to the SM-2 or alternative to the Standard missile or warhead and the associated costs of those alternatives.

(4) A summary of all studies previously conducted analyzing the impact of the use of a nuclear naval surface-to-air missile on United States Navy vessels and their equipment.

(5) A list of all ships of the United States which would receive the SM-2(N) if it were procured.

(6) The number of additional conventional armed missiles which could be carried by ships of the United States Navy if the SM-2(N) were not deployed and the impact of fleet air defense from that reduced conventional load.

(7) Any plans or programs for the development of a nuclear armed surface-to-air or air-to-air missile for fleet defense other than the SM-2(N).

Mr. MARKEY (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 Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Chairman, this is an amendment to prohibit research, development, testing and production of the nuclear version of the Standard Missile-2 warhead. It is a more expensive amendment than the gentleman from New York [Mr. STRATTON] is going to offer, but the gentleman from New York's amendment is something which I can accept to my amendment, so I yield back the balance of my time, expecting a substitute by the gentleman from New York.

AMENDMENT OFFERED BY MR. STRATTON AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. MARKEY

Mr. STRATTON. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. STRATTON as a substitute for the amendment offered by Mr. MARKEY:

EMPLOYMENT OF THE STANDARD MISSILE (SM-2(N))

SEC. 1050. Except for the studies and report required by this section, none of the funds authorized to be appropriated by this Act shall be expended for research, development, test or procurement associated with a nuclear variant of the Standard Missile (SM-2(N)) or any associated nuclear warhead until 30 calendar days after the Secretary of the Navy submits to the Senate and House Armed Services Committees a report which includes the following information:

(1) a description of the circumstances under which the SM-2(N) would be utilized, and an assessment of likely enemy response (including countermeasures);

(2) a description of the release procedures and circumstances under which release would be authorized for employment of the SM-2(N);

(3) an analysis of conventional alternatives to the SM-2(N), including any necessary modification to the SM-2 or alternative to the Standard Missile or warhead, and the associated costs of those alternatives;

(4) a summary of all studies previously conducted analyzing the impact of the use of nuclear naval surface-to-air missiles on our own vessels and electronics;

(5) a list of all United States ships which may receive the SM-2(N);

(6) the number of additional conventional armed missiles which could be carried by United States ships if the SM-2(N) were not deployed and the impact on fleet air defense from that reduced conventional load;

(7) any plans or programs for the development of a nuclear naval surface-to-air or air-to-air missile for fleet defense other than the SM-2(N).

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, the Markey amendment would have constituted an absolute ban on one of the major missiles of the U.S. Navy, the Standard Missile-2.

The substitute amendment would simply provide the information that the Markey amendment is seeking, and it does it without completely disrupting the program for a full year. Therefore I would urge the adoption of the substitute.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. STRATTON] as a substitute for the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

The amendment offered as a substiute for the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. MARKEY

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

The Clerk read as follows:

Amendment offered by Mr. MARKEY: Add the following new section at the end of title IX (page 200 after line 4):

SEC. 935. PROHIBITION ON FUNDING FOR SMALL ATOMIC DEMOLITION MUNITION.

None of the fund appropriated pursuant to an authorization provided in this title may be obligated or expended for any development engineering, or full scale development, or production engineering, or production carried out with respect to the small atomic demolition munition (SADM).

□ 1830

Mr. MARKEY (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. The Chair will inquire, is the gentleman offering an amendment to title IX?

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

The CHAIRMAN pro tempore. The gentleman from New York will suspend.

The Clerk will report the Markey amendment.

The Clerk read as follows:

Amendment offered by Mr. MARKEY: Add the following new section at the end of title IX (page 166 after line 2):

SEC. 935. PROHIBITION ON FUNDING FOR SMALL ATOMIC DEMOLITION MUNITION.

None of the funds appropriated pursuant to an authorization provided in this title may be obligated or expended for any activity carried out——

The CHAIRMAN pro tempore. The Clerk will suspend.

The Chair has been informed that there is a title X amendment, not a title IX amendment placed in the RECORD.

For what purpose does the gentleman from Alabama rise?

Mr. DICKINSON. Mr. Chairman, while they are searching for the amendment, I would ask unanimous consent to proceed out of order for 1 minute.

(By unanimous consent Mr. DICKINSON was allowed to speak out of order.)

SEQUENTIAL NUMBERING OF SERIES OF AMENDMENTS

Mr. DICKINSON. Mr. Chairman, I have alluded to this earlier, and today I have written to the chairman of the Committee on House Administration asking the chairman if it is within the purview of the Committee on House Administration to require that all amendments in the future that are filed for floor action be numbered sequentially and that such number be assigned to the Member himself, as well as to the amendment so that it could be referred to.

I think this is a commonsense matter. I do not know why we did not do it years ago.

I would hope that the chairman, Mr. ANNUNZIO, and the Committee on House Administration would act favorably on it.

I thought I would bring it up at this time, because this is an example of why we should do it.

The CHAIRMAN pro tempore. The Clerk will report the Markey amendment.

The Clerk read as follows:

Amendment offered by Mr. MARKEY: Add the following new section at the end of title X (page 200, after line 4):

SEC. 1050. PROHIBITION ON FUNDING FOR SMALL ATOMIC DEMOLITION MUNITION.

None of the funds appropriated pursuant to an authorization provided in this title may be obligated or expended for any activity carried out with respect to the small atomic demolition munition [SADM].

Mr. MARKEY (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 Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Chairman, this is an amendment that prohibits the research, development and testing and production of new small atomic demolition munitions, that is the nuclear backpacks carried into the battlefield over in western Europe.

There is an amendment, offered as a substitute, by the gentleman from New York which I think makes it possible for both of us to live with the piece of legislation.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. STRATTON AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. MARKEY

Mr. STRATTON. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. STRATTON as a substitute for the amendment offered by Mr. MARKEY: Add the following new section at the end of title X (page 200, after line 4):

SEC. 1050. PROHIBITION ON FUNDING FOR SMALL ATOMIC DEMOLITION MUNITION.

None of the fund appropriated pursuant to an authorization provided in this title may be obligated or expended for any development engineering, or full scale development, or production engineering, or production carried out with respect to the small atomic demolition munition (SADM).

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, the substitute amendment makes it clear that there is no provision for funds for development, engineering, for full scale development or production engineering, and therefore, there is no particular problem with the atomic demolition munition since it is not going to be put into action or engineering.

Mr. Chairman, I ask that the substitute be approved.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. STRATTON] as a substitute for the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

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 Massachusetts [Mr. MARKEY], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. MARKEY

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

The Clerk read as follows:

Amendment offered by Mr. MARKEY: Insert the following new section at the end of title X (page 200, after line 4):

SEC. 1050. REPORT ON FUTURE REQUIREMENTS FOR WEAPONS-USEABLE NUCLEAR MATERIALS.

(a) IN GENERAL.—Not later than February 1, 1985, the President shall submit a report to the Congress (in both classified and unclassified form) describing in detail the nature of the military requirements which would justify—

(1) resuming production of highly enriched uranium for weapons purposes; and

(2) transferring plutonium from nonmilitary uses to military uses by enriching it for use in the weapons program.

(b) ADDITIONAL SPECIFIC CONTENTS.—The report should also—

(1) address the feasibility of establishing a reasonable schedule for weapons production by utilizing retirements of the W-31, W-33, B-53, and W-53 nuclear weapons as a source of oralloy and plutonium for new weapons;

(2) examine the option of meeting additional military needs for plutonium through blending of fuel-grade with super-grade stocks; and

(3) explore the impact of special isotope separation technology and other weapons-useable material production initiatives on the potential for further nuclear proliferation.

Mr. MARKEY (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 Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Chairman, this is an amendment requiring the administration to submit a report of the military requirement which would justify resuming production of highly enriched uranium for weapon purposes and conversion from nonmilitary to military uses.

The gentleman from New York [Mr. STRATTON] has a substitute which is in fact acceptable to me.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. STRATTON AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. MARKEY

Mr. STRATTON. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. STRATTON as a substitute for the amendment offered by Mr. MARKEY:

"SEC. 1050. REPORT ON REQUIREMENTS FOR SPECIAL NUCLEAR MATERIALS.

"(a) Not later than March 1, 1986, the Secretary of Defense and the Secretary of Energy, after consultation with the Joint Chiefs of Staff and the Director of the Arms Control and Disarmament Agency, shall submit a report to the Committees on Armed Services of the Senate and House of Representatives detailing the military requirements for special nuclear materials through fiscal year 1991. The report shall include findings and recommendations concerning—(1) requirements for production of plutonium, highly enriched uranium, and other special nuclear materials; and (2) the recovery of special nuclear materials for military uses that have been transferred from military uses to civilian research and development uses.

"(b) The report should also—(1) address the availability of special nuclear materials to be derived from the retirement of existing nuclear weapons; (2) address the feasibility of meeting military needs for special nuclear materials through the blending of high grade and low grade materials stocks; (3) assess the impact of new materials separation, purification, and production technologies on nuclear proliferation; and (4) contain the views of the Joint Chiefs of Staff and the Director of the Arms Control and Disarmament Agency."

Mr. STRATTON (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 New York?

There was no objection.

Mr. STRATTON. Mr. Chairman, the substitute amendment would make a number of changes in the amendment offered by the gentleman from Massachusetts. Primarily instead of requiring the President to make a full interagency report it requires a nonclassified report and it would be, the Markey amendment would require an unclassified report of a very sensitive subject. Under the substitute the Secretary of Defense and the Secretary of Energy would make the report and a classified report would be required.

Mr. Chairman, I urge approval of the substitute since obviously these matters are highly classified. In this espionage environment we do not want to let out any more of our secrets than we can help.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. STRATTON] as a substitute for the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

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 Massachusetts [Mr. MARKEY] as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. MARKEY

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

The Clerk read as follows:

Amendment offered 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.

Mr. MARKEY (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 Massachusetts?

Mr. HARTNETT. Mr. Chairman, I object. I want the amendment read.

The CHAIRMAN pro tempore. Objection is heard.

The Clerk will resume the reading of the amendment.

The Clerk concluded the reading of the amendment.

The CHAIRMAN pro tempore. The Chair will inquire, is the gentleman's amendment printed in the RECORD?

Mr. MARKEY. My amendment is printed in the RECORD, Mr. Chairman.

Mr. Chairman, I would like to state that the purpose of this amendment is to create a buffer zone, in which American combat troops will not be permitted without notification to the Congress.

The intention here is clearly not to cross a trip wire which would engage us in a broader conflict in that region inadvertently. My amendment is something which I support and believe should be put in place.

The gentleman from Virginia [Mr. DANIEL] has a substitute which I think is something that has already been agreed to by the minority and satisfies all parties.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. DANIEL AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. MARKEY

Mr. DANIEL. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. DANIEL as a substitute for the amendment offered by Mr. MARKEY: Insert the following new section at the end of title III (page 38, after line 10):

SEC. 308. SAFEGUARDS AGAINST HOSTILE CONFRONTATION IN HONDURAS.

(a) LIMITATION.—To preclude inadvertent involvement by United States military personnel in hostile military, paramilitary, or terrorist incidents in Honduras, no funds appropriated pursuant to the authorizations made by this title may be obligated or expended for activities by United States military personnel within any land area of Honduras unless the Secretary of Defense certifies to the Committees on Armed Services of the Senate and the House of Representatives that reasonable and prudent safeguards necessary to prevent such involvement are being implemented.

(b) NATURE OF SAFEGUARDS.—The certification made by the Secretary under subsection (a) shall include at least a statement that the Commander-in-Chief of the United States Southern Command has instituted an operating procedure for all military personnel under such Commander's operational control that includes—

(1) establishment of a sufficient land-and-air operations buffer zone between the land borders of Nicaragua and United States military personnel deployed in Honduras;

(2) procedures which would require approval by such Commander-in-Chief before entry of United States military personnel would be authorized within the buffer zone; and

(3) provisions for explaining such safeguards to all United States military personnel prior to their deployment within Honduras.

(c) NOTIFICATION TO CONGRESS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives the text of the directive or other document establishing the safeguards referred to in subsection (b). The Secretary shall also transmit to such Committees any subsequent substantive change in such safeguards.

(d) REPORTING REQUIREMENT.—(1) The Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives prior to any involvement by United States military personnel in any significant activity that requires approval under subsection (b)(2), or tactical maneuver within 15 nautical miles of the land border of Honduras and Nicaragua.

(2) (A) The Secretary of Defense shall submit a report to the Committees referred to in paragraph (1) in the case of the occurrence of any incident described in subsection (a) within 7 days of being informed of such incident.

(B) The report referred to in subparagraph (A) shall include descriptions of the cause, extent, and results of such activity.

Mr. DANIEL (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. DANIEL. Mr. Chairman, this amendment, this substitute maintains the intent of the gentleman from Massachusetts [Mr. MARKEY], but it strikes the arbitrary distance.

□ 1840

If the gentleman is willing to accept that, then this gentleman has no objection to the amendment.

Mr. BADHAM. Would the gentleman from Virginia yield?

Mr. DANIEL. Of course.

Mr. BADHAM. I do not have a copy of the substitute over here.

In the gentleman's opinion——

Mr. DANIEL. Is the gentleman from Wyoming on the floor?

Mr. BADHAM. I beg your pardon?

Mr. DANIEL. He is familiar with this substitute, and to my understanding has agreed.

Mr. BADHAM. I would just ask the gentleman, in the gentleman's view, the gentleman who I respect to the utmost.

Is the gentleman of the opinion that your substitute would not really amend the War Powers Act or amend what the President is doing now with the commitment of troops, and what the agreements are between us and our allies in the Central American area?

Mr. DANIEL. It is my understanding that this amendment has been approved by the State Department.

Mr. BADHAM. I thank the gentleman for his excellent answer.

Mr. HARTNETT. Mr. Chairman, I rise in opposition to the substitute.

The CHAIRMAN pro tempore. The gentleman from South Carolina is recognized for 5 minutes in opposition to the Markey amendment.

Mr. HARTNETT. Mr. Chairman, I will not take the full 5 minutes. I know the hour is late and many airplanes are scheduled to leave on fact-finding trips and just to take us home for what I hope will be a very enjoyable and festivious Fourth of July for this country or ours; but I do to some degree have some concern as to whether or not it might be.

I do not know whether it is just untimely that we should be debating this Department of Defense Authorization Act now, when America is literally under fire from many, many sections; it is certainly under siege by terrorists all across the world.

All we are doing, Mr. Chairman, is sending signals of weakness, lack of resolve, as to how we as a Nation might respond. The unity which has been expressed before here in the Halls of this House of Representatives in years past is certainly wantonly lacking now, and I think the actions of this Congress are very untimely.

I do not know whether the leadership that I have seen somewhat of a lack of on the Committee on Armed Services here during this week of debate is caving in because of the lateness of the hour or because of the fact that they are afraid to lose the vote, but I see a definite caving in of leadership on behalf of the Armed Services Committee to noncontroversial amendments that are being here on the 59th minute of the 11th hour.

This Member is concerned, Mr. Chairman, that the Committee on Armed Services and those of us who are concerned with our national security and with the image that we are projecting around the world is seriously being jeopardized here on the floor, and this Member rises in opposition to the substitute amendment and to the amendment, and I understand you cannot rise to oppose both at one time, but I will try to let them ride in tandem, to the substitute amendment offered by the gentleman from Virginia to the amendment offered by the gentleman from Massachusetts, and I urge my colleagues to vote against it.

We have already done, I think irreparable damage to any hope that we might have of letting Nicaragua know that they might have something to fear from the United States about passage of the Foley amendment.

I urge the Members, please do not adopt even another amendment that in my opinion does exactly the same thing as the Foley amendment. You can say you watered it down and you can weaken it to where it is acceptable, but this type of amendment will never be acceptable to this Member, and I hope that my colleagues in the House will vote it down.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Virginia [Mr. DANIEL] as a substitute for the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

The question was taken; and on a division (demanded by Mr. HARTNETT) there were—ayes, 26, noes, 25.

RECORDED VOTE

Mr. HARTNETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 320, noes 69, not voting 44, as follows:

[Roll No. 206]

AYES—320

Ackerman	Coleman (TX)	Gephardt
Addabbo	Collins	Gibbons
Akaka	Conte	Gilman
Alexander	Conyers	Glickman
Anderson	Cooper	Gonzalez
Andrews	Coughlin	Gordon
Annunzio	Courter	Gradison
Anthony	Coyne	Gray (IL)
Applegate	Crockett	Green
Aspin	Daniel	Gregg
Atkins	Darden	Guarini
AuCoin	Daschle	Gunderson
Barnard	Daub	Hall, Ralph
Barnes	Davis	Hamilton
Bartlett	de la Garza	Hammerschmidt
Bateman	Dellums	Hatcher
Bates	Derrick	Hendon
Bedell	Dicks	Henry
Beilenson	Dingell	Hertel
Bennett	DioGuardi	Hopkins
Bentley	Dixon	Howard
Bereuter	Donnelly	Hoyer
Berman	Dorgan (ND)	Hubbard
Biaggi	Dornan (CA)	Huckaby
Bliley	Downey	Hughes
Boehlert	Duncan	Hutto
Boggs	Durbin	Hyde
Boland	Dwyer	Ireland
Boner (TN)	Dymally	Jacobs
Bonior (MI)	Dyson	Jeffords
Bonker	Eckart (OH)	Johnson
Borski	Edgar	Jones (NC)
Bosco	Edwards (CA)	Jones (OK)
Boucher	Edwards (OK)	Kanjorski
Boxer	Emerson	Kaptur
Breaux	English	Kasich
Brooks	Evans (IA)	Kastenmeier
Broomfield	Evans (IL)	Kemp
Brown (CA)	Fascell	Kennelly
Brown (CO)	Fawell	Kildee
Broyhill	Fazio	Kindness
Bruce	Feighan	Kleczka
Bryant	Fiedler	Kolbe
Burton (CA)	Florio	Kolter
Bustamante	Foley	Kostmayer
Campbell	Ford (MI)	Kramer
Carper	Ford (TN)	LaFalce
Chandler	Fowler	Lagomarsino
Chappell	Frank	Lantos
Chappie	Frenzel	Latta
Cheney	Frost	Leach (IA)
Clay	Fuqua	Leath (TX)
Clinger	Garcia	Lehman (CA)
Cobey	Gaydos	Lehman (FL)
Coleman (MO)	Gejdenson	Leland

Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowry (WA)
Lundine
Lungren
MacKay
Manton
Markey
Martin (IL)
Matsui
Mavroules
Mazzoli
McCain
McCloskey
McCurdy
McEwen
McGrath
McHugh
McKernan
McKinney
McMillan
Meyers
Mikulski
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moore
Morrison (CT)
Murphy
Murtha
Natcher
Neal
Nelson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Petri
Porter
Price
Pursell
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Roberts
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Sabo
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schumer
Seiberling
Sharp
Shumway
Sikorski
Siljander
Sisisky
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Snowe
Snyder
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Strang
Studds
Stump
Sweeney
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Udall
Vander Jagt
Visclosky
Volkmer
Watkins
Weaver
Weiss
Wheat
Whitley
Whittaker
Whitten
Williams
Wirth
Wise
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (MO)
Zschau

NOES—69

Archer
Armey
Badham
Barton
Bevill
Bilirakis
Boulter
Burton (IN)
Byron
Callahan
Carney
Coats
Coble
Combest
Crane
Dannemeyer
DeLay
DeWine
Dickinson
Dreier
Erdreich
Fields
Flippo
Franklin
Gallo
Gekas
Grotberg
Hansen
Hartnett
Hiler
Hillis
Hunter
Jenkins
Lott
Lujan
Mack
Madigan
Marlenee
McCandless
McCollum
Mica
Michel
Monson
Moody
Moorhead
Morrison (WA)
Myers
Nichols
Nielson
Quillen
Ritter
Robinson
Schulze
Sensenbrenner
Shaw
Shelby
Shuster
Skeen
Smith (NE)
Smith (NH)
Smith, Robert
Stratton
Sundquist
Swindall
Vento
Vucanovich
Walgren
Walker
Whitehurst

NOT VOTING—44

Carr
Coelho
Craig
Dowdy
Early
Eckert (NY)
Fish
Foglietta
Gingrich
Goodling
Gray (PA)
Hall (OH)
Hawkins
Hayes
Hefner
Heftel
Holt
Horton
Jones (TN)
Loeffler
Luken
Martin (NY)
Martinez
McDade
Mitchell
Mrazek
Ortiz
Owens
Pickle
Roybal
Rudd
Savage
Schaefer
Smith (NJ)
Smith, Denny
Solomon
Thomas (CA)
Traxler
Valentine
Waxman
Weber
Wilson
Wolf
Young (FL)

□ 1900

Mr. SHUSTER, Mrs. SMITH of Nebraska, Mr. SKEEN, and Mr. WALGREN changed their votes from "aye" to "no."

Messrs. HUTTO, BARNARD, SILJANDER, ZSCHAU, and McEWEN changed their votes from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

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

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 172, noes 217, not voting 44, as follows:

[Roll No. 207]

AYES—172

Ackerman
Addabbo
Akaka
Alexander
Anderson
Applegate
Aspin
Atkins
AuCoin
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Biaggi
Boehlert
Boggs
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brooks
Brown (CA)
Bruce
Bryant
Burton (CA)
Bustamante
Carper
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
Daniel
de la Garza
Dellums
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Eckart (OH)
Edgar
Edwards (CA)
Evans (IL)
Fascell
Fazio
Feighan
Florio
Foley
Ford (MI)
Ford (TN)
Frank
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gonzalez
Gradison
Gray (PA)
Green
Guarini
Hamilton
Hertel
Howard
Hoyer
Hughes
Jacobs
Jeffords
Jones (OK)
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Long
Lowry (WA)
MacKay
Manton
Markey
Matsui
Mavroules
McCloskey
McHugh
McKinney
Mikulski
Miller (CA)
Mineta
Mitchell
Moakley
Mollohan
Moody
Morrison (CT)
Murphy
Murtha
Neal
Nowak
Oakar
Oberstar
Obey
Ortiz
Panetta
Pease
Penny
Pepper
Perkins
Price
Rahall
Rangel
Richardson
Rodino
Roe
Rostenkowski
Roukema
Russo
Sabo
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Sharp
Sikorski
Skelton
Smith (FL)
Solarz
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Torres
Torricelli
Towns
Traficant
Udall
Visclosky
Walgren
Weaver
Weiss
Wheat
Williams
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)

NOES—217

Andrews
Annunzio
Anthony
Archer
Armey
Badham
Barnard
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boner (TN)
Boulter
Breaux
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Callahan
Campbell
Carney
Chandler
Chappell
Chappie
Cheney
Clinger
Coats
Cobey
Coble
Coleman (MO)
Combest
Courter
Craig
Crane
Dannemeyer
Darden
Daschle
Daub
Davis
DeLay
Derrick
DeWine
Dickinson
Dicks
DioGuardi
Dornan (CA)
Dreier
Duncan
Dyson
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Fawell
Fiedler
Fields
Fowler
Franklin
Frenzel
Frost
Fuqua
Gallo
Gekas
Gilman
Glickman
Gordon
Gregg
Grotberg
Gunderson
Hall, Ralph
Hammerschmidt
Hansen
Hartnett
Hatcher
Hendon
Henry
Hiler
Hillis
Hopkins
Hubbard
Huckaby
Hunter
Hutto
Hyde
Ireland
Jenkins
Johnson
Jones (NC)
Kasich
Kemp
Kindness
Kolbe
Kramer
LaFalce
Lagomarsino
Latta
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Lundine
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Mazzoli
McCain
McCandless
McCollum
McCurdy
McDade
McEwen
McGrath
McKernan
McMillan
Meyers
Mica
Michel
Miller (OH)
Miller (WA)
Molinari
Monson
Montgomery
Moore
Moorhead
Morrison (WA)
Myers
Natcher
Nelson
Nichols
Nielson
O'Brien
Olin
Oxley
Packard
Parris
Pashayan
Petri
Porter
Pursell
Quillen
Ray
Regula
Reid
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Rose
Roth
Rowland (CT)
Rowland (GA)
Saxton
Schuette
Schulze
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Slattery
Slaughter
Smith (IA)
Smith (NE)
Smith (NH)
Smith, Robert
Snowe
Snyder
Spence
Spratt
Stallings
Stangeland
Stenholm
Strang
Stratton
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Vander Jagt
Volkmer
Vucanovich
Walker
Watkins
Whitehurst
Whitley
Whittaker
Whitten
Wortley
Wylie
Young (AK)
Zschau

NOT VOTING—44

Boland
Carr
Clay
Coelho
Dowdy
Early
Eckert (NY)
Fish
Flippo
Foglietta
Gingrich
Goodling
Gray (IL)
Hall (OH)
Hawkins
Hayes
Hefner
Heftel
Holt
Horton
Jones (TN)
Loeffler
Luken
Martin (NY)
Martinez
Mrazek
Owens
Pickle
Roybal
Rudd
Savage
Schaefer
Smith (NJ)
Smith, Denny
Solomon
Thomas (CA)
Traxler
Valentine
Vento
Waxman
Weber
Wilson
Wolf
Young (FL)

□ 1920

The Clerk announced the following pair:

On this vote:

Mr. Mrazek for, with Mr. Solomon against.

Mr. BENNETT and Mr. WRIGHT changed their votes from "no" to "aye."

So the amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore [Mr. RUSSO]. For what purpose does the gentleman from South Carolina rise?

Mr. HARTNETT. Mr. Chairman, I ask unanimous consent to speak out of order for 30 seconds.

The CHAIRMAN pro tempore. Without objection, the gentleman from South Carolina [Mr. HARTNETT] is recognized for 30 seconds.

There was no objection.

Mr. HARTNETT. I thank the Chair, and I thank my colleagues for giving me the 30 seconds.

The purpose for my requesting to speak out of order for 30 seconds is to apologize to my colleague, the gentleman from Virginia, Mr. DAN DANIEL. In the heat of my remarks, I am afraid Mr. DANIEL took my remarks personally.

I have said on more than one occasion that in my opinion, as corny as this might sound, DAN DANIEL is every bit as great a statesman as any of the Founding Fathers that set this Nation in motion some 208 years ago.

To Mr. DANIEL, I would tell you, sir, that I apologize. You have demonstrated, along with my colleague, the gentleman from Alabama [Mr. DICKINSON], great leadership here during this week of debate, and if you have taken anything personally, Mr. DANIEL, to you, sir, I would like to apologize and tell you that I certainly did not intend to do anything to hurt your feelings.

But you and I both wanted to accomplish the same end and kill a bad amendment. Perhaps my methods were not to your pleasure, and I apologize for that, sir.

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

Mr. HARTNETT. Yes; I yield to the gentleman from Virginia.

Mr. DANIEL. This gentleman from Virginia accepts the apology.

Mr. HARTNETT. Mr. Chairman, I thank the gentleman.

REQUEST FOR POINT OF PERSONAL PRIVILEGE

Mr. MARKEY. Mr. Chairman, I rise to a point of personal privilege.

The CHAIRMAN pro tempore. The Chair will state that the gentleman cannot raise a point of personal privilege in the Committee of the Whole.

AMENDMENT OFFERED BY MR. CONYERS

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

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

The Clerk read as follows:

Amendment offered by Mr. CONYERS: Page 200, after line 4, add the following new section:

SEC. 1050. PROHIBITION ON DEFENSE CONTRACTORS ALLOWING PARTICIPATION OF CERTAIN PERSONS WITH RESPECT TO DEFENSE CONTRACTS.

(a) CRIMINAL PENALTY.—It shall be unlawful for any defense contractor to knowingly and willingly permit any convicted employee to perform any service for such contractor (including service on the board of directors of such contractor) in connection with a defense contract. Any defense contractor who violates this subsection shall be fined not more than $500,000.

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

(1) The term "defense contractor" means any prime contractor or subcontractor who performs any service or provides any item in connection with any contract with the Department of Defense.

(2) The term "convicted employee" means an officer or employee of a defense contractor who is convicted of fraud or any other felony arising out of a contract with the Department of Defense.

Mr. CONYERS (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.

The CHAIRMAN pro tempore. The Chair will inquire, has the gentleman's amendment been printed in the RECORD?

Mr. CONYERS. Yes, it has, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Michigan [Mr. CONYERS] is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, the hour is late, and I want to tell the Members that this amends the amendment offered by the gentleman from North Dakota [Mr. DORGAN] with reference to debarment of officers or employees of defense contractors by merely adding a criminal penalty to the defense contractor who knowingly and willingly permits a convicted employee to perform any such service. It would allow fines up to $500,000 for each infraction.

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

Mr. CONYERS. I yield to my colleague, the gentleman from Alabama.

Mr. NICHOLS. Mr. Chairman, I say to the gentleman and the Members of the Committee that we have examined the amendment. The gentleman from Michigan has deleted a portion that we thought was objectionable, and we accept the amendment on this side.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment which has been printed in the RECORD.

The Clerk read as follows:

Amendment offered by Mr. OBEY: At the end of title X (page 200, after line 4) add the following new section:

SEC. 1050. LIMITATION ON SELECTIVE SERVICE REGISTRATION.

Section 3 of the Military Selective Service Act (50 U.S.C. App. 453) is amended by adding at the end thereof the following new subsection:

"(c) No person under the age of 21 may be required to register under the provisions of this Act.".

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes in support of his amendment.

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

Mr. OBEY. I yield to the gentleman from Minnesota.

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

● Mr. OBERSTAR. Mr. Chairman, these are dangerous times. This evening we will vote on the largest defense budget in the history of this Nation. As a Member of Congress who has consistently opposed President Reagan's vast and, in many proven respects, wasteful military buildup, I am deeply saddened by this appalling prospect of a $300 billion defense budget. If we pass this bill in its present form, I fear that we will be taking another step toward dooming our Nation and its children to a troubled future of continuing, virtually uncontrollable weapons spending.

In 1981, this House voted to spend $159 billion on defense. Today we are being asked to approve a defense budget of almost $303 billion, an increase of nearly 50 percent in just 5 years. To those of us who have so vigorously opposed President Reagan's vast, and in many respects, wasteful military buildup, the need to question whether those funds are being used wisely, or for some systems, whether those funds are needed at all.

The administration's proposal contains funding requests for binary chemical weapons, increased funding for the MX missile and Trident II submarine, the B-1 bomber, and research and development money for the President's star wars program, to name but a few of its most troubling provisions.

The MX is the most wasteful major arms program in our military program. Despite documented evidence of its ineffectiveness against the Soviet systems it is designed to destroy, the Reagan administration continues to promote the MX as a so-called bargaining chip in negotiations with the

Soviets. Some $20 billion have been spent on the MX since its inception, $16.7 billion of that amount since 1981. This expenditure has not succeeded in buying increased security for our Nation, but it has resulted in a heightening of tensions between the United States and our allies. We have little to show for our investment in the MX missile, apart from the many badly drained domestic programs and an addition to our growing, multibillion dollar budget deficit.

During debate on this defense authorization bill, Congress considered freezing MX funding at the fiscal year 1985 level, which would have saved $2.6 billion in fiscal year 1986. It would have made more sense to cancel the program outright, leaving us with 1,000 Minuteman missiles until they are replaced with the mobile Midgetman in the 1990's. I shared in the disappointment of my colleagues who joined me in voting to deny funds for the MX missile.

This body must recognize that the Nation cannot afford the MX missile. We will be no stronger with this weapon and the Soviet Union will not gain an upper hand if we scrap the MX. Rather, the United States will be the winner if this funding is denied—we will have more funds to commit to the strengthening of our domestic economy, to the resolution of social problems and needs, and to deficit reduction.

This bill also provides for the first phases of a $3 billion program for some of the most pernicious and uncontrollable weapons known—nerve gas weapons. Even though the United States has maintained a moratorium on production of chemical weapons since 1969 and there are no compelling reasons for resuming production, this administration once again wants these weapons as a symbol of "national resolve."

These weapons have never been field-tested because they have failed 8 out of 10 of their laboratory tests; they have been rejected by our closest allies in Europe, where they would most likely be used; they would kill huge numbers of civilians while leaving protected enemy soldiers unharmed; and they would serve as a catalyst to a potential chemical arms race.

Perhaps more importantly, by funding these weapons we have surrendered the moral high ground that should characterize our national defense policy. I hope and pray this body has enough common sense to reconsider its decision to fund the Bigeye bomb and reject this hideous program for what it is: immoral, unnecessary, destabilizing and dangerous.

The strategic defense initiative funding request is further indication of the administration's blatant disregard for the peace process, and for our Nation's biggest enemy: the $200 billion deficit. The administration would nearly double star wars spending next year, from $1.4 to $2.5 billion. Many of the activities included in the star wars package would potentially violate the 1972 ABM Treaty, one of the most important arms agreements we have with the Soviets.

Rather than create an impenetrable nuclear umbrella as proponents contend, this program will actually prompt the Soviets to develop more accurate and sophisticated weaponry to restore the nuclear balance. Because the SDI is plagued by extraordinary technical problems, notably its predicted inability to shoot down a significant percentage of incoming missiles and to account for Soviet submarine and air-launched weapons, this program must be stopped before it becomes another destabilizing factor in the equation of nuclear terror.

Today's vote will be an historic one. By acceding to this administration's demands for the MX, chemical weapons, and the star wars program, we have begun the slide down a very dangerous and slippery slope from which we may never recover. We must recognize that funding these weapons mortgages our future, diverts resources from vital nonmilitary uses, and further erodes our true national security, which should be measured, not in terms of hi-tech weaponry and huge deficits, but in the genius of our citizens, the sweat of our laborers and the hopes of our children.●

Mr. OBEY. Mr. Chairman, I beg the indulgence of the House for a very short time. I will not push this amendment to a rollcall vote tonight. I will try to withdraw it at the end of my remarks.

I am simply offering the amendment to gain an opportunity to make a point and hope that a few Members will listen and understand the logic behind my concern.

This amendment, very simply, says that no person under the age of 21 may be required to register under the provisions of the Selective Service registration law now on the books.

I know that a lot of Members might say, "What on Earth is an amendment like that doing on this bill?" Well, it is very simple. Two events converged to lead me to offer the amendment.

No. 1, last year Congress said, in its wisdom, that it intended to cut highway aid to various States throughout the Union that did not have a drinking age of 21. That was the first event.

The second event was that last week a young marine from my hometown was one of the four marines who were assassinated by the terrorists in El Salvador. He would have been 21 2 days after that assassination attempt. What the practical effect of Congress' act meant is that he was considered by the Congress to be too young to drink in Wisconsin but not too young to fight and die in El Salvador, and I frankly think that that position is wrong on two counts.

No. 1, I think it is wrong in simple sociological terms. I think it is rather ridiculous to suggest to someone who is mature enough to hold a position as a marine guard at a U.S. embassy, "You are not old enough to go home and have a drink in the privacy of your own home or to have a drink somewhere in your own community, but you are old enough to engage in a job which is that responsible."

Second, I think it is wrong on traffic safety grounds. I would point out that there are eight States in the Union which did have a 21 drinking age and which have a kid-gloves law in terms of the treatment of drunk drivers. There are eight States in the Union which have a 21 drinking age, but their treatment of drunk drivers is much more lenient than in States like my own which have drinking ages which are lower than 21. I think that is wrong. I do not think that is going to save lives.

In fact, if you want to take a look at the facts, females between the ages of 18 and 21 have a safer driving record and they engage in less drunk driving than males between the ages of 21 and 45. So if we were going to discriminate on the basis of age to save lives, we would theoretically prohibit any male between the ages of 21 and 45 from driving or from drinking, one of the two. I think that is about as ridiculous as the position the Congress has put the country in and put my own State in now. I make the point simply because I recognize that the House is in no mood to consider this issue tonight. But I do intend to offer this proposal and similar proposals on the appropriation bill as it comes before the House, and I simply use this device to alert the House to my intention.

Having done that, Mr. Chairman, I ask unanimous consent to withdraw the amendment in the interest of saving the House some time.

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

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

Mr. LEWIS of California. Mr. Chairman, I rise in support of the committee bill and to call this body's attention to committee report language that raises objections to Defense Department actions regarding CHAMPUS.

Last year DOD, for reasons that still remain questionable and unclear, decided on its own to disregard medical practices approved by the Department of Health and Human Services, the Public Health Service, Blue Cross, Aetna, and most commercial insurance

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carriers, and to establish regulations that prohibit CHAMPUS patients from selecting "aversion therapy" as a method of treating their alcoholism.

The aversion therapy treatment is widely accepted in my State of California and has been used in many hospital-based treatment centers in the United States for the past 50 years. The Defense Department, in justifying its change in policy, states that "aversion therapy is investigational and not supported by scientific data."

In fact, there is no paucity of scientific date as claimed by the Defense Department. A 1980 Public Health Service report cites 120 reports of emetine aversion. It also found that "* * * emetic therapy has been applied in at least 75 settings in the United States and numerous foreign countries." The report further states that "* * * available evidence thus far suggests that emetine aversion appears to be useful * * * in alcoholism treatment."

Another report, issued by Congress' Office of Technical Assessment, in referring to all methods of treating alcoholism, stated that "treatment is better than no treatment, but that methodological problems render it difficult to conclude that any specific treatment—including aversion therapy—is more effective than any other." The report continued, "What is also clear is that further research must be conducted to test competing claims * * * a Federal role seems needed to develop such research * * *"

It appears that the Department of Defense has decided to reject certain treatments on their own, without consulting with the Federal Government's primary health management department, the Congress of the United States which wrote the law providing the health benefits under CHAMPUS, or any of the scientific reports.

During the past year, two physicians whose combined experience in treating alcoholism using the aversion therapy method covers more than 50 years, met with CHAMPUS and DOD officials in an effort to solve this problem. They were unsuccessful because neither DOD or CHAMPUS were familiar with the specialized treatment required to cure alcoholism.

Dr. Eck G. Prud'homme, one of the Nation's formost practicing physicians in the field of alcoholism stated the problem in this manner:

> No real progress can be made in improving the treatment of this devastating and extremely costly illness until scientifically acceptable studies have been made which determine the comparative safety and efficacy of all the modalities now being used in its treatment. No such study has yet been made, none are now being done and so far as can be ascertained none are contemplated. It is imperative that this intolerable situation be changed. Our three hospitals stand and have stood ready to participate fully. Already we have spent hundreds of thousands of dollars in the independent scientific documentation of the outcome of treatment of our patients. We can do no more without the active participation of other hospitals and facilities.
>
> The magnitude and difficulty of the studies required as well as the magnitude of the need make it clear that as OTA found . . . "a Federal role seems needed." Therefore we strongly urge that a controlled double blind study of all treatment modalities be mandated and that pending its conclusion all established treatment modalities which have been found to be safe and efficacious by standards less rigorous than "controlled double blind experiments" continue to be covered by Federal agencies such as CHAMPUS.

I would urge the Defense Department to strongly support the recommendations by Schick Shadel, rather than make unilateral decisions on their own. If the committee's report language is not sufficient to convince the Defense Department to change its policy, I, like many of my other colleagues, will support amendment legislation to clarify the existing intent of congressional policy.

Mr. WEISS. Mr. Chairman, I intend to vote against H.R. 1872, the Department of Defense authorization bill for fiscal 1986. Despite a number of changes made by the House, this bill continues to reflect the administration's myopic and misguided approach to our national security needs.

After spending over a trillion dollars on the military during the last 5 years, the President requested $313.7 billion for the Pentagon in the coming fiscal year. This represented an increase of 10 percent over the amount that was appropriated last year. Behind this continued surge in military spending lies a fundamental misunderstanding of the requirements of national defense.

The President seems to believe that national security can be very simply obtained. In his view, increasing the defense budget will automatically make us more secure. By concentrating his attention on the size of our nuclear arsenal, he overlooks the fact that America's greatest strength is our people. If we fail to invest in this, our most precious resource, there is no army, no missile, no space weapon that will protect us. Our country's strength is not determined solely by the adequacy of our Armed Forces; it also depends on the quality of our educational system, the effectiveness of our health care, and the vitality of our economy.

By equating security with weaponry, the President would also commit us to an unbridled arms race in the heavens and on Earth. The Star Wars Program will not make nuclear weapons "impotent and obsolete," as President Reagan has promised. Instead it will erode the 1972 Antiballistic Missile Treaty and may well destroy the chances for success at the bargaining table in Geneva. Faced with the possibility of a space-based defense of the United States, the Soviets will build more nuclear weapons, not less. They will also develop defenses of their own, to which we will have to respond by increasing our nuclear arsenal.

In fact, the administration is already expanding our nuclear forces with dangerously destablishing missiles like the MX and D-5 or Trident II. By threatening the Soviets with a disarming first strike, these weapons will encourage them to launch on warning, or even to launch a preemptive strike of their own. Although we already have more than enough nuclear weapons to deter a Soviet attack, the warped logic of the arms race says that "it's never enough to have enough."

By identifying excessive military spending with increased national security, the administration has also created a climate in which waste, fraud, and abuse can flourish. The $400 hammers and $7,000 coffee pots about which we have heard so much are not isolated excesses. They are the natural consequence of the administration's conviction that, when it comes to the Pentagon budget, more is always better.

A small but significant example of wasteful defense spending was recently brought to my attention by a constituent, who received an unsolicited recruiting brochure from the Army. Although well past the usual age for military service, she was invited to fill out a card requesting further information. In return, she was promised a free U.S. Army digital wristwatch. Can a nation which is reducing student aid, slashing food and nutrition programs, and threatening to cut benefits for the elderly afford frivolous giveaways like this?

During its extensive consideration of H.R. 1872, the House has made several important and useful changes. It has reduced the authorization level to the amount appropriated last year. The President's $3.7 billion request for the star wars program was cut back to $2.5 billion, and deployment of the MX has been permanently capped at 40. Defense contractors will no longer be free to seek reimbursement for unnecessary and irrelevant expenses, and stiff penalties have been approved for firms that submit fraudulent claims. The moratorium on the testing of antisatellite weapons has been extended. I hope that these provisions will be retained when the bill goes to conference.

Despite these improvements, however, H.R. 1872 fails to reject the distorted sense of our national security needs that lay behind the President's original request. The reduced authorization still greatly exceeds our country's means and needs. The star wars program contains projects that will unleash a costly arms race in space and bring the United States into violation

of the Antiballistic Missile Treaty. Procurement of unnecessary first strike weapons like the D-5 missile continues, and battlefield nuclear weapons will still be produced. Reversing its previous stand against nerve gas, the House approved the production of chemical weapons. Unfortunately, these defects in the Defense authorization bill still overshadow the improvements that were made.

Mr. Chairman, the Constitution calls upon us to "provide for the common defense and promote the general welfare." I believe that these two tasks of government are inextricably intertwined. We cannot have a strong defense if our people are hungry, sick, homeless, or ill-educated. We cannot continue this senseless squandering of America's human and material resources. When the President submits a defense budget that reflects a balanced view of our Nation's needs, I will be ready to support it.

● Mr. BONKER. Mr. Chairman, I do not plan to support final passage of the defense authorization bill today because to support it would condone a misguided defense policy dedicated to achieving nuclear superiority at the expense of real progress in arms control and the social welfare of this Nation.

Many of my colleagues and I, over the past 5 years of debate on defense authorizations, have urged the administration to adopt a more balanced military policy and to exercise greater sensitivity and responsiveness to social needs. Yet, in debate, these arguments were blunted repeatedly by administration slogans calling for "closing windows of vulnerability," "bringing America back," and "bargaining chips."

As a result, Congress has gone along with 97 percent of the President's defense plan, increasing the military budget from $144 billion in 1980 to what will most certainly be near, if not greater than $300 billion this year. Much of this buildup has been dedicated to buying and developing new weapons. Spending on weapons procurement, research and development, and military construction has tripled from $52.7 billion in 1980 to the current administration request for $156.4 billion. At the same time that this buildup has gone on, our Nation's deficit has also tripled, rising from $73.8 billion in 1980 to $222 billion in 1985.

Recently, we've also seen clear evidence that this 5-year force feeding of Federal dollars has proven too much for even the Pentagon to digest and the result has been an outbreak in reports of defense contract abuse and overbilling. We now also have been able to measure the social costs of 5 years of cutting domestic programs to further the defense buildup—and they are devastating.

Unlike other Federal agencies which have had to survive enormous budget cuts, the Pentagon has had no incentive for efficiency and shown little concern about how their procurement dollars were being spent. Budgets have been so fat, that Secretary Weinberger recently revealed that he'd found $4 billion in unspent appropriations. The highly touted star wars program has only been able to use 3 percent of its fiscal year 1985 appropriations of $1.4 billion, yet its budget request this year is for $3.7 billion.

This massive growth of the Defense Department has not come without pain at home. While General Dynamics executives were cheerfully billing the Government for boarding their pets and paying for vacations, 20 million Americans were going hungry. The Pentagon was able to pay $7,600 for a coffeepot, $640 for a toilet seat, and $900 for an ashtray while the number of children living in poverty grew to 22 percent. The military has to spend over $821 million every day to use up its massive budget, yet the elderly, disabled, retirees, and welfare families with dependent children, who make up 75 percent of the lowest income households in this country, barely have enough money to figure a budget. We have spent $10 billion on the ill-conceived MX missile, yet over one-third of the people in the United States are living their lives unable to read.

More troubling has been our refusal to learn the lessons of history when we consider how best to provide for our Nation's defense. We continue to fall prey to the illusory goal of arms superiority at the expense of reducing aid to those in our country who most need Government assistance. Over and over, new weapons are proposed, developed, and deployed that are advertised as providing an insurmountable strategic advantage over our enemies. Once, long ago, it was gunpowder and the generation of weapons spawned by its discovery. Then we learned to split the atom, giving birth to a whole new family of ultimate weapons. Now we are crossing the threshold into a new level of escalation with the strategic defense initiative, designed to provide a shield from all incoming nuclear weapons, theoretically rendering the concept of mutally assured destruction as a nuclear defense policy obsolete.

That would be a great advancement if it were possible. But unfortunately, the proposed system has flaws, and as these flaws are uncovered, they will be exploited, for the problem we are faced with is not a lack of weapon strength, but a lack of trust and an unwillingness to achieve a lasting solution to the threat posed by nuclear weapons. What is happening as a result is a shameful auctioning of star wars development projects that promise big dollars to contractors and researchers at home and abroad, in exchange for development of a wide ranging constituency that will push for deployment of the project, regardless of its questionable contribution to our long-term security and its negative impact on the arms control negotiations in Geneva.

The time has come for Congress to lead the way toward a sounder use of Federal money. We must require the Pentagon to face the same tough standards of fiscal accountability that have been required of other Federal agencies. This means tighter procurement controls and may mean that the Pentagon will have to reconsider its weapons policy and discontinue funding for redundant or defective systems and divert their resources to formulating a more responsive and integrated policy for our Nation's defense. We must also decide that educating our children and ensuring proper health and nutrition is as vitial to the future of our country as extravagant weapon systems, for these systems, as they grow more complex, will be useless without trained manpower smart enough to operate them. Already the Pentagon has had to rewrite manuals for the B1-B bomber program to accommodate the 40 percent of recent military recruits who can only read between the fifth and eight grade levels.

We are a strong, powerful nation not just because we are able to build weapons of mass destruction. We are stong because of our commitment to freedom and because of the character of our poeple. We cannot hope to remain great by taking away hope and education from future generations, leaving them to suffer the indignations of poverty and the ignorance born of a lack of a good education.

Mr. Chairman, none of us here in this Chamber seek to weaken our Nation's defense. We argue passionately for what we believe will be best for this country. Yet I know that many equate dollars spent on the military with degree of protection. Certainly, however, billing abuses like babysitting a pet or paying country club dues and poorly conceived, overfunded weapon systems do little to enhance our Nation's security. For that reason, I believe we can consider ways to cut the defense budget without precluding the possibility that such cuts may actually improve our readiness and defense capabilities. We can make our Nation's defense stronger by making it leaner and more efficient. I look forward to continued efforts within the military to improve management and to break through the bureaucratic logjams that put interservice rivalries ahead of national purpose and also to further congressional initiatives to tighten accounting and contracting procedures.

I urge my colleagues, as we consider this authorization bill, to keep these concerns in mind. To look critically at the money we are about to grant the Department of Defense and ask how well it will be spent. Does it need to be spent? Is our security being enhanced, or could the money be better used for solving some of our domestic problems that have been swept under the rug by the President? To consider what policies will best lead us in a direction that will enable us to pass on a peaceful world to our children while allowing them to grow up healthy, educated, and safe.

In my opinion, this bill does not hold up to the test of these questions and for that reason, it is my intention to vote against final passage of this defense bill.●

● Mr. RICHARDSON. Mr. Chairman, I wish to commend the Armed Services Committee for supporting the concept of buyout. Section 932 of the defense authorization bill provides for a one-time payment of $41.1 million to Roane and Anderson Counties and the city of Oak Ridge, TN. This is much preferable to the yearly payments and increases the spirit of cooperation between the counties and the Department of Energy.

Section 932 also provides for a report to Congress by the Secretary of Energy on whether there is need for any further financial assistance payments to local government entities. I hope that the conference committee works out differences with the other body in favor of the buyout concept. I am aware that Los Alamos County is seeking the same sort of arrangement with the Department of Energy in fiscal year 1987 and that county officials are now completing a proposal to this effect. I think that this would be good for Los Alamos County and for the DOE and I trust that the subcommittee will act favorably on the buyout concept again next year.●

● Mr. RICHARDSON. Mr. Chairman, I rise in strong support of this amendment which would greatly improve the living conditions of military families. The establishment of an Office of Family Policy in the Office of the Secretary of Defense will help to improve all aspects of military family life including employment, food, housing, and recreation.

This amendment would require the Defense Department to make sure that spouses of military personnel be notified of any vacant position at military bases in the same area in which the service person is located. This will help families save on transportation costs and remain closer to their loved ones. It would set up at each military installation a youth sponsorship program to facilitate the integration of dependent children into new surrounding. This will help children adjust to what could be several moves during just a few years time. Enlisted personnel would no longer be charged for food at a cost higher than the price of the food and the DOD would pay for food prepared at overseas military child care facilities. Charges for parking facilities for house trailers and mobile homes at DOD parking lots would be decreased. The amendment would also address the housing problems of our service personnel and their families. These provisions are among the many improvements which military families deserve. This package will help us retain the most valuable resource for the national defense: Those who serve in the different Armed Forces.●

● Mr. WIRTH. Mr. Chairman, I rise in support of H.R. 1872 as amended.

I do so because I feel that, on the whole, H.R. 1872 represents a significant step toward a strong and sensible defense.

H.R. 1872 begins the essential task of reordering our defense priorities. The amended bill limits our expenditures on strategic nuclear weapons programs, and directs some of the savings from cuts in those programs to our conventional programs.

In particular, I am heartened by the House's cap on MX missile procurement at 40. Although I would have preferred the defunding of this program, I welcome the House's decision to cap production of this unnecessary and destabilizing missile system. We have signaled our opposition to further spending on expensive and dangerous weapons systems that drain resources away from the buildup of our conventional forces, which make up the primary barricade of deterrence.

The House fortified our conventional force structure by diverting savings from cuts in MX into the purchase of basic armaments and equipment. The amendment which I worked on with my colleagues Mr. FAZIO and Mr. DOWNEY assigns $1 billion to supplement our conventional staying power, especially in Europe. The Army will receive the largest share of this amount, reflecting their disproportionate requirement for increasing training and war reserve munitions stocks. The Navy is slated to receive substantial funding for the improvement of its sealift and support capabilities. The Air Force is also authorized to expand its war reserve stocks of air-to-air missiles and needed telecommunications equipment.

Altogether, this package meets the request of Gen. Bernard Rogers, Supreme Commander of Allied Forces in Europe, for readiness and sustainability improvements. This provision will add 7 additional days to our conventional war reserves, reserves which can be employed before NATO would have to resort to the use of nuclear weapons in combat with Warsaw Pact forces.

Conventional force improvements are not glamorous, but they have the vital advantage of providing real defense, real deterrence, and a raised nuclear threshold. I am gratified that the House approved this sensible measure.

Another important step which the House took in making our defense system more effective was real defense procurement reform. I say real, Mr. Chairman, because efforts in the past to change this system which provides us with $700 ashtrays and malfunctioning weapons have ignored the root of the problem. And that is the lack of competition for most Pentagon contracts.

As a member of the bipartisan Military Reform Caucus, I was pleased to support the dual sourcing amendment, which requires that at least 50 percent of all new defense contracts are subject to dual source requirements. By requiring contractors to compete for the largest share of future defense contracts, we will drive down the prices and improve the quality of our weapons and military equipment.

I see this amendment as the perfect complement to our efforts to improve conventional capabilities—how better to provide our troops with effective and plentiful basic weapons and munitions than by ensuring that our contracts are pressured by competition into offering these very items?

Two other procurement reform measures that were approved by the House are worth noting. One is locking the revolving door between the Pentagon and defense industries. For years, we have seen Pentagon supervisors of major defense projects—such as the DIVAD antiaircraft gun—eventually leave the service and immediately take jobs with the contractor they were supposed to be supervising. In some cases, they end up working for the contractor on the very programs they were supervising.

There is an obvious incentive for our procurement officers to turn a blind eye to contractors' inefficiencies, since those same contractors may be their employers. The Boxer-Bennett amendment, which prohibits procurement officers—for 2 years following their retirement from the service—from taking a job with the contractor they supervised, minimizes the potential conflict-of-interest that threatens the waste of the taxpayer's dollar and the effectiveness of our troops' equipment.

Second, the House passed a series of amendments increasing the criminal penalties against contractors who knowingly charge the Government for costs unrelated to their production agreements. Although we must take care to maintain our defense industrial base, we cannot let the contractors abuse a procurement system whose primary function is to give American

taxpayers effective defense equipment for their money.

What is remarkable about the improvements that the House has been able to bring about in procurement and strategic emphasis is that we have done it at reduced cost. This year, we have frozen the defense authorization level at the fiscal year 1985 level, with no adjustment for inflation.

We have been able to do this for several reasons. Two that I have named are cuts in strategic nuclear programs and improvements in our procurement system. Another reason is the Defense Department's huge backlog of unobligated funds, primarily due to overestimates in inflation. A recent Senate Budget Committee report determined that even a complete freeze on defense spending would allow the Pentagon to increase its spending by 4.1 percent. At a time of $200 billion deficits, there is no reason for the Pentagon to need more than 4.1 percent growth in its spending accounts.

Despite the fiscal and defense sensibility of H.R. 1872, I do have several concerns about the bill. First, I am extremely disappointed by the House's decision to allow the production of binary chemical weapons. The 2-year delay and the many conditions imposed on production do not allay my fears. We already have a substantial chemical weapon deterrent, and I will continue to oppose further efforts to permit the production of binary chemical weapons.

I am also dismayed by the refusal of my colleagues to impose strict limitations on research and development for the President's Strategic Defense Initiative. There is nothing wrong with funding for the basic research which will determine the viability of space-based ABM systems. But that research must stay at the project level to avoid the violation of the 1972 ABM Treaty which has served us well to date. I voted for the Mavroules amendment to freeze SDI funding at its fiscal year 1985 $1.4 billion level and include policy language to ensure that none of the research done on SDI breaches the spirit or the letter of the ABM Treaty. Although it was not adopted, I am pleased that my colleagues did include language in the bill which expresses the sense of the Congress that SDI research should not exceed the ABM Treaty's limits.

Irrespective of the decision to accelerate SDI research, I believe that the weaponization of space has been set back by the House's vote to continue the mutually verifiable moratorium on the testing on antisatellite weapons. I hope that the administration will heed the House's continued support for the moratorium, and use it as the basis for negotiating an agreement with the Soviets banning the use of ASAT's. A negotiated solution would be central to the protection of our space-based commercial and military assets, and ensure that our vital systems of arms control verification are not threatened.

I want to briefly mention two other concerns about H.R. 1872. First, the House did accelerate the research and development of one strategic missile—Midgetman. An amendment successfully offered by Mr. McCURDY gives Midgetman "brickbat"—or top priority—designation. I support continued research on Midgetman as a hedge against any technological breakthrough by the Soviet Union on small ICBM's. But I am opposed to giving Midgetman a high development priority, when we should concentrate on the basic armaments and equipment which, as I mentioned earlier, are the real source of defense and help us to raise the nuclear threshold in Europe and other regional "hot spots."

Second, I am very dismayed by the inclusion of the Walker amendment in the Defense Department authorization. This amendment, which grants the President explicit authority to militarily retaliate against terrorists who murder American military personnel, sets a dangerous precedent. We must combat terrorism, but not in an arbitrary fashion which excludes consultation with the legislative branch. The chairman of the Armed Services Committee is rightly incensed by Representative WALKER's casual inclusion of this far-reaching amendment in the Defense bill. I share Chairman ASPIN's view that it should be deleted in conference.

Clearly, I am deeply concerned about some of the provisions in H.R. 1872. But, on balance, I believe that the fiscal year 1986 Defense authorization bill is a good one.

It begins the important process of strengthening our conventional forces. It begins to reduce the emphasis on strategic nuclear weaponry. It substantially reforms our defense procurement system, ensuring the production of cheaper and better military equipment and weaponry for our soldiers.

The bill also contains my amendment to require the Defense Department to continue its study of the science and policy implications of the nuclear winter theory. In each of the next 5 years, the Pentagon must submit a report detailing its findings on these policy implications and how they might be incorporated into our strategic policy. I believe that my amendment will have the effect of accelerating our re-evaluation of our strategic nuclear posture and arms control policies, and urge that it be adopted in conference.

I am convinced that these developments and provisions will contribute to a stronger and more rational defense, and accordingly urge my colleagues to support H.R. 1872 as amended.●

● Mr. AUCOIN. Mr. Chairman, together with the gentleman from Washington [Mr. DICKS] I had planned to offer an amendment to deny funding for deployment of strategic weapons in excess of the principal SALT II limits. We would also have provided a mechanism whereby a request by the President for release of these funds would have been guaranteed speedy consideration by the Congress.

We had planned this amendment against the contingency that President Reagan would, in one way or another, decide to break out of SALT II. All indications were that the amendment would have passed. But I'm happy to say that contingency has not arisen. Since Mr. Reagan has decided to stay within SALT II, at least for the present, our amendment is unnecessary and we will not offer it.

I take this time now to review the situation and to explain our plans for the future.

It has always been my view that arms control is best conducted by the executive branch. The President has the flexibility and the negotiating authority Congress can never have. It is only when the Executive fails in its responsibility to effectively pursue arms control that Congress should step in and try to salvage the situation as best we can.

In most cases, the current administration has failed to pursue arms control with dedication and competence. So Congress has been compelled to step in and, with no cooperation from the Executive branch, to establish de facto control of antisatellite weapons—those very destabilizing devices that would bring the Soviets closer to nuclear first-strike capability. Most probably, we will find it necessary to broaden this precedent in the future.

I hope we will not find it necessary in the matter of SALT II. We should commend President Reagan for rising above his lifelong distrust of arms control and sticking with the treaty.

According to press reports, he made this decision against the advice of his staff, who all recommended violation in one form or another. For that, President Reagan deserves America's thanks.

As for the negative response of the Soviet Union, I must say it was exceptionally ill-mannered, inappropriate, and wrong. Here we have Ronald Reagan for once doing the right thing with arms control, and the knee-jerk response from the other side was as if he had done the wrong thing.

No doubt the Kremlin has its reflex ideologues. No doubt there is a Richard Perle-ski and a Pat Buchanan-ski within its walls. But if Mr. Gorbachev is as smart as he's supposed to be, he would have done better to rise above them.

Why did Mr. Reagan decide to abide by SALT II? We don't know.

Most probably the recent action of the Senate had something to do with it. So did the strongly expressed pro-SALT views of our NATO allies. But the real reason, the overriding reason, for remaining within SALT II is not political. It is military.

It is a fact that SALT II is a good treaty for the national security of America. If it were to go down the drain, two things would happen:

First, stability would decrease as first-strike capabilities would accelerate on both sides.

Second, the balance of strategic forces would tilt toward the Soviet Union. SALT II confines the Soviets far more than it confines us. From this it follows that abandonment of SALT II would help the Soviets more than it would help us.

It seems clear that, while a number of the Nation's top uniformed military people understand this, the administration's top civilian politically appointed officials do not. While some of them have come to support a facade of arms control for political image purposes, they neither understand nor support the use of arms control as a national security tool. There is among them not a single supporter of the nuclear freeze, the Comprehensive Test Ban Treaty, or SALT II.

Does President Reagan understand the military wisdom of SALT II? None of us here knows. It seems difficult to explain his action any other way. But he has not had a single good word to say about the treaty. He has made only the most temporary commitment to stay within it. As future Trident ships and B-52 cruise missile carriers are deployed, there is always the possibility that a future decision will go the wrong way.

If that happens, we will offer our amendment on the first available vehicle. There is no doubt in my mind that, if the Congress is forced to take a close look at the consequences of SALT II collapse, it will decide this is a road best not taken.●

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The CHAIRMAN pro tempore. Are there other amendments to title X? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. WRIGHT] having assumed the chair, Mr. RUSSO, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1872) to authorize appropriations for fiscal year 1986 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, pursuant to House Resolution 169, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. WALKER. Mr. Speaker, I demand a separate vote on the so-called McCollum amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: At the end of title X (page 200, after line 4) insert the following new section:

SEC. 1050. CAPITAL PUNISHMENT UNDER UCMJ FOR ESPIONAGE.

(a) IN GENERAL.—Chapter 47 of title 10, the United States Code (the Uniform Code of Military Justice), is amended by inserting after section 906 (article 106) the following new section (article):

"§ 906a. Art. 106a. Espionage

"(a)(1) Any person subject to this chapter who, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to communicate, deliver or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by death or other such punishment as a court martial may direct.

"(2) The sentence of death may not be imposed for an offense under paragraph (1) unless the members of the court martial further find that the offense directly concerned—

"(A) nuclear weaponry, military spacecraft or satellites, early warning systems, or other means of defense or retaliation against large-scale attack;

"(B) war plans;

"(C) communications intelligence or cryptographic information; or

"(D) any other major weapons system or major element of defense strategy.

"(b) Any person subject to this chapter who, in time of war, with intent that the same shall be communicated to the enemy, collects, records, publishes, or communicates, or attempts to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the Armed Forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense, which might be useful to the enemy, shall be punished by death or other such punishment as a court martial may direct.

"(c) Except as set forth in this section, sentencing under this section shall be determined pursuant to procedures set forth in the Manual for Courts-Martial. The members shall consider all relevant matters presented in aggravation and extenuation and mitigation. The members shall return special findings identifying any mitigating factors and any aggravating factors set forth in subsection (d) or (e) that are found to exist. If one of the aggravating factors set forth in subsection (e) is found to exist, a special finding identifying any other aggravating factor may be returned. A finding of such a factor by the members shall be made by unanimous vote. If no aggravating factor set forth in subsection (e) is found to exist, the members shall impose a sentence, other than death, authorized by law. If one or more of the aggravating factors set forth in subsection (e) is found to exist, the members shall then consider whether the aggravating factor or factors found to exist sufficiently outweighs any mitigating factor or factors found to exist, or in the absence of mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death. Based upon this consideration, the members by unanimous vote shall return a finding as to whether a sentence of death is justified. Upon a finding that a sentence of death is justified, the members shall sentence the accused to death. Otherwise the members shall impose a sentence, other than death, authorized by law.

"(d) In determining whether a sentence of death is to be imposed on the accused, the following mitigating factors shall be considered but are not exclusive:

"(1) The accused was less than 18 years of age at the time of the offense.

"(2) The accused's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to the charge.

"(3) The accused was under unusual and substantial duress, although not such duress as constitutes a defense to the charge.

"(4) The accused is punishable as a principal (as defined in section 877 of this title) in the offense, which was committed by another, but his participation was relatively minor, although not so minor as to constitute a defense to the charge.

"(5) Any other factor the President may set forth in regulations prescribed under section 836 of this title (article 36).

"(e) If the accused is found guilty of an offense under this section, the following aggravating factors shall be considered but are not exclusive:

"(1) The accused has been convicted of another offense involving espionage or treason for which either a sentence of life imprisonment or death was authorized by statute.

"(2) In the commission of the offense the accused knowingly created a grave risk of substantial danger to the national security.

"(3) In the commission of the offense the accused knowingly created a grave risk of death to another person.

"(4) Any other factor the President may set forth in regulations prescribed under section 836 of this title (article 36).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter X of such chapter is amended by inserting after the item relating to section 906 (article 106) the following new item:

"906a. Art. 106a. Espionage.".

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and on a division [demanded by Mr. WALKER] there were—yeas 104, nays 34.

Mr. WALKER. 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. The Chair will count. Two hundred and forty-eight Members are present, a quorum.

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

So the amendment was agreed to.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. COURTER

Mr. COURTER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. COURTER. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. COURTER moves to recommit the bill, H.R. 1872, to the Committee on Armed Services.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ASPIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 278, noes 106, not voting 49, as follows:

[Roll No. 208]

AYES—278

Addabbo
Akaka
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Barnes
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Borski
Bosco
Boucher
Breaux
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bruce
Bryant
Bustamante
Byron
Callahan
Carper
Chandler
Chappell
Clinger
Coble
Coleman (MO)
Coleman (TX)
Conte
Conyers
Cooper
Coughlin
Coyne
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
Derrick
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Dyson
Eckart (OH)
Edwards (OK)
Emerson
English
Erdreich
Evans (IL)
Fascell
Fawell
Fazio
Feighan
Florio
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Gregg
Grotberg
Guarini
Gunderson
Hall, Ralph
Hamilton
Hansen
Hatcher
Henry
Hillis
Hopkins
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kennelly
Kleczka
Kolbe
Kolter
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lipinski
Lloyd
Long
Lowry (WA)
Lujan
Lundine
Mack
MacKay
Manton
Marlenee
Martin (IL)
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McGrath
McHugh
McKernan
McMillan
Meyers
Mica
Mikulski
Miller (OH)
Miller (WA)
Moakley
Molinari
Mollohan
Monson
Montgomery
Moore
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Obey
Olin
Ortiz
Oxley
Panetta
Parris
Pease
Penny
Pepper
Perkins
Petri
Porter
Price
Pursell
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Robinson
Roe
Roemer
Rogers
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Sabo
Scheuer
Schuette
Schulze
Schumer
Sharp
Shaw
Shelby
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (NE)
Smith, Robert
Snowe
Snyder
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Stratton
Sweeney
Swift
Swindall
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Traficant
Udall
Vander Jagt
Visclosky
Volkmer
Watkins
Whitehurst
Whitley
Whitten
Williams
Wirth
Wise
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (MO)
Zschau

NOES—106

Ackerman
Bartlett
Barton
Bateman
Bedell
Bonior (MI)
Bonker
Boulter
Boxer
Burton (CA)
Campbell
Carney
Chappie
Cheney
Coats
Cobey
Collins
Combest
Courter
Craig
Crane
Crockett
DeLay
Dellums
DeWine
Dornan (CA)
Dreier
Dymally
Edgar
Edwards (CA)
Evans (IA)
Fiedler
Fields
Gallo
Garcia
Gekas
Hammerschmidt
Hartnett
Hendon
Hertel
Hiler
Hunter
Hyde
Ireland
Kastenmeier
Kemp
Kildee
Kindness
Kostmayer
LaFalce
Lagomarsino
Latta
Leach (IA)
Leland
Lewis (CA)
Lightfoot
Livingston
Lott
Lowery (CA)
Lungren
Markey
McCain
McCandless
McEwen
Michel
Miller (CA)
Mineta
Mitchell
Moody
Moorhead
Morrison (CT)
Oberstar
Packard
Pashayan
Quillen
Rahall
Rangel
Roberts
Rodino
Roth
Russo
Savage
Saxton
Schneider
Schroeder
Seiberling
Sensenbrenner
Shumway
Smith (NH)
Stark
Stokes
Strang
Studds
Stump
Sundquist
Tauke
Taylor
Towns
Vento
Vucanovich
Walgren
Walker
Weaver
Weiss
Wheat
Whittaker

NOT VOTING—49

Alexander
Barnard
Burton (IN)
Carr
Clay
Coelho
Dowdy
Early
Eckert (NY)
Fish
Flippo
Foglietta
Gingrich
Goodling
Hall (OH)
Hawkins
Hayes
Hefner
Heftel
Holt
Horton
Jacobs
Kramer
Loeffler
Luken
Madigan
Martin (NY)
Martinez
McKinney
Mrazek
Oakar
Owens
Pickle
Roybal
Rudd
Schaefer
Smith (IA)
Smith (NJ)
Smith, Denny
Solomon
Thomas (CA)
Traxler
Valentine
Waxman
Weber
Wilson
Wolf
Wright
Young (FL)

□ 1950

The Clerk announced the following pairs:

On this vote:

Mr. Carr for, with Mr. Roybal against.
Mr. Barnard for, with Mr. Owens against.
Mr. Pickle for, with Mr. Hayes against.
Mr. Alexander for, with Mr. Clay against.

Mr. TAUKE changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read. "A bill to authorize appropriations for military functions of the Department of Defense and to prescribe military personnel levels for the

Department of Defense for fiscal year 1986, to revise and improve military compensation programs, to authorize appropriations for fiscal year 1986 for national security programs of the Department of Energy, and for other purposes."

A motion to reconsider was laid on the table.

Mr. ASPIN. Mr. Speaker, pursuant to the provisons of the House Resolution 200, I call up from the Speaker's table the Senate bill (S. 1160) to authorize appropriations for the military functions for the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1986, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ASPIN moves to strike out all after the enacting clause of the Senate bill, S. 1160, and to insert in lieu thereof the provisions of the bill, H.R. 1872, as passed by the House, as follows:

SECTION 1. SHORT TITLE.

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

TITLE I—PROCUREMENT

SEC. 101. ARMY.

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

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

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

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

(4) For ammunition, $2,348,600,000.

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

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

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

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

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

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

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

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

(A) $52,600,000 shall be derived from amounts appropriated for fiscal year 1984 for procurement of weapons and tracked combat vehicles for the Army remaining available for obligation;

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

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

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

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

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

T-700 series engines.

Chassis for the M1A1 tank.

AGT 1500 turbine engine for the M1 tank.

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

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

Transmission system for the Bradley Fighting Vehicle.

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

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

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

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

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

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

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

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

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

SEC. 102. NAVY AND MARINE CORPS.

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

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

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

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

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

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

(2) For torpedo programs:

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

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

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

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

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

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

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

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

(3) For other weapons:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LHD-1 class amphibious assault ships.

MK-46 torpedoes and modification kits.

SEC. 103. AIR FORCE.

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

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

(2) For missiles, $7,842,700,000.

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 104. DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal year 1986 for the Defense Agencies in the amount of $1,382,000,000.

SEC. 105. NATO COOPERATIVE PROGRAMS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) The testing referred to in paragraph (1) shall be carried out in 5-ton trucks configured in the M939 validated technical data package of the Army and shall include tests to determine—

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

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

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

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

(c) NEW MULTIYEAR CONTRACT.—(1) Subject to paragraph (2), the Secretary of the Army shall take such action as is appropriate, consistent with the limitation set out in subsection (a), to award a multiyear contract for the procurement of 5-ton trucks not later than May 1, 1986. Such a contract shall be for a period of five fiscal years. A contract under this paragraph may only be entered into in accordance with section 2306(h) of title 10, United States Code.

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

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

SEC. 108. SALE OF L119 HOWITZERS OVERSEAS.

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

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

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

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

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

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

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

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

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

SEC. 111. REDUCTIONS IN AUTHORIZATIONS DUE TO SAVINGS FROM LOWER INFLATION AND PRIOR-YEAR COST SAVINGS.

(a) ARMY.—The amounts authorized in section 101(a) to be appropriated for the Army are reduced by the following amounts:

(1) For aircraft, $185,400,000.

(2) For missiles, $222,000,000.

(3) For weapons and tracked combat vehicles, $338,600,000.

(4) For ammunition, $323,300,000.

(5) For other procurement, $577,900,000.

(b) NAVY AND MARINE CORPS.—The amounts authorized in section 102 to be appropriated for the Navy and Marine Corps are reduced by the following amounts:

(1) For aircraft, Navy, $636,500,000.

(2) For weapons procurement, Navy, $316,600,000.

(3) For shipbuilding and conversion, Navy, $1,271,800,000.

(4) For other procurement, Navy, $662,800,000.

(5) For procurement, Marine Corps, $144,200,000.

(c) AIR FORCE.—The amounts authorized in section 103(a) to be appropriated for the Air Force are reduced by the following amounts:

(1) For aircraft, $1,955,300,000.

(2) For missiles, $473,100,000.

(3) For other procurement, $620,500,000.

(d) DEFENSE AGENCIES.—The amount authorized in section 104 to be appropriated for the Defense Agencies is reduced by $91,900,000.

(e) NATO COOPERATIVE PROGRAMS.—The amount authorized in section 105 to be appropriated for NATO cooperative defense programs is reduced by $7,100,000.

(f) FY86 PROGRAM REDUCTIONS TO BE FROM COST SAVINGS.—(1) Authorization reductions described in paragraph (2)—

(A) may not be derived through cancellation of any authorized program, stretchout of procurement under any authorized program, or any other change in an authorized program; but

(B) may be derived only through cost reductions under programs of the Department of Defense under this title that are achieved without a change in the quantity or quality of goods or services acquired by the Department, including—

(i) reductions due to the rate of inflation for fiscal year 1986 being lower than the rate assumed in the President's budget for fiscal year 1986; and

(ii) reductions due to the elimination of allowances for amounts for inflation for fiscal years after fiscal year 1986.

(2) Paragraph (1) applies to the following amounts under the reductions provided by this section in authorizations of appropriations:

(A) Aircraft, Army, $185,400,000.

(B) Missiles, Army, $197,000,000.

(C) Weapons and tracked combat vehicles, Army, $338,600,000.

(D) Ammunition, Army, $105,700,000.

(E) Other procurement, Army, $327,700,000.

(F) Aircraft, Navy, $554,400,000.

(G) Weapons, Navy, $301,600,000.

(H) Shipbuilding and conversion, Navy, $849,800,000.

(I) Other procurement, Navy, $396,300,000.

(J) Procurement, Marine Corps, $113,300,000.

(K) Aircraft, Air Force, $1,549,300,000.

(L) Missiles, Air Force, $442,100,000.

(M) Other Procurement, Air Force, $321,900,000.

(N) Defense Agencies, $52,900,000.

(O) NATO cooperative programs, $7,100,000.

(g) INTEGRATION WITH OTHER PROVISIONS OF ACT.—The reductions provided by this section in the authorizations of appropriations in this title—

(1) are in addition to any reduction in such authorizations provided in any other provision of this Act; and

(2) are provided notwithstanding any increase in such authorizations provided in any other provision of this Act.

SEC. 112. AUTHORIZATION OF ADDITIONAL TRANSFERS OF PRIOR-YEAR FUNDS.

(a) ARMY.—There are hereby authorized to be transferred to, and merged with, amounts appropriated for procurement for the Army pursuant to the authorizations of appropriations in section 101(a) the following amounts:

(1) MISSILES.—$25,000,000 for procurement of missiles, to be derived from amounts appropriated for fiscal year 1985 for procurement of missiles for the Army.

(2) AMMUNITION.—$111,900,000, for procurement of ammunition, to be derived from amounts appropriated for fiscal years 1984 and 1985 for procurement of ammunition for the Army, of which—

(A) $30,000,000 shall be derived from amounts appropriated for fiscal year 1984; and

(B) $81,900,000 shall be derived from amounts appropriated for fiscal year 1985.

(3) OTHER PROCUREMENT.—$218,200,000 for other procurement, to be derived from amounts appropriated for fiscal years 1984 and 1985 for other procurement for the Army, of which—

(A) $79,000,000 shall be derived from amounts appropriated for fiscal year 1984; and

(B) $139,200,000 shall be derived from amounts appropriated for fiscal year 1985.

(b) NAVY AND MARINE CORPS.—There are hereby authorized to be transferred to, and merged with, amounts appropriated for procurement for the Navy and Marine Corps pursuant to the authorizations of appropriations in section 102 the following amounts:

(1) AIRCRAFT.—$82,100,000 for procurement of aircraft for the Navy, to be derived from amounts appropriated for fiscal year 1985 for procurement of aircraft for the Navy.

(2) WEAPONS.—$15,000,000 for procurement of weapons for the Navy, to be derived from amounts appropriated for fiscal year 1985 for procurement of weapons for the Navy.

(3) SHIPBUILDING AND CONVERSION.—$422,000,000 for shipbuilding and conversion for the Navy, to be derived from amounts appropriated for fiscal years 1983, 1984, and 1985 for shipbuilding and conversion for the Navy, of which—

(A) $129,000,000 shall be derived from amounts appropriated for fiscal year 1983;

(B) $100,000,000 shall be derived from amounts appropriated for fiscal year 1984; and

(C) $193,000,000 shall be derived from amounts appropriated for fiscal year 1985.

(4) OTHER PROCUREMENT.—$221,000,000 for other procurement for the Navy, to be derived from amounts appropriated for fiscal years 1984 and 1985 for other procurement for the Navy, of which—

(A) $70,000,000 shall be derived from amounts appropriated for fiscal year 1984; and

(B) $151,000,000 shall be derived from amounts appropriated for fiscal year 1985.

(5) PROCUREMENT, MARINE CORPS.—$28,000,000 for procurement for the Marine Corps, to be derived from amounts appropriated for fiscal year 1985 for procurement for the Marine Corps.

(c) AIR FORCE.— There are hereby authorized to be transferred to, and merged with, amounts appropriated for procurement for the Air Force pursuant to the authorizations of appropriations in section 103(a) the following amounts:

(1) AIRCRAFT.—$406,000,000 for procurement of aircraft, to be derived from amounts appropriated for fiscal year 1985 for procurement of aircraft for the Air Force.

(2) MISSILES.—$31,000,000 for procurement of missiles to be derived from amounts appropriated for fiscal year 1985 for procurement of missiles for the Air Force.

(3) OTHER PROCUREMENT.—$282,000,000 for other procurement, to be derived from amounts appropriated for fiscal years 1984 and 1985 for other procurement for the Air Force, of which—

(A) $86,000,000 shall be derived from amounts appropriated for fiscal year 1984; and

(B) $196,000,000 shall be derived from amounts appropriated for fiscal year 1985.

(d) DEFENSE AGENCIES.—There is hereby authorized to be transferred to, and merged with, amounts appropriated for procurement for the Defense Agencies pursuant to the authorization of appropriations in section 104 the amount of $36,000,000, to be derived from amounts appropriated for fiscal years 1984 and 1985 for procurement for the Defense Agencies, of which—

(1) $15,000,000 shall be derived from amounts appropriated for fiscal year 1984; and

(2) $21,000,000 shall be derived from amounts appropriated for fiscal year 1985.

(e) AUTHORIZATION OF TRANSFERS SUBJECT TO PROVISIONS OF APPROPRIATIONS ACTS.—Transfers authorized by this section may be made only to the extent provided in appropriation Acts.

(f) SOURCE OF TRANSFERRED FUNDS.—(1) All amounts transferred under this section shall be derived from funds described in this section that remain available for obligation.

(2) Except as provided in paragraph (3), such funds—

(A) may not be derived through cancellation of any program, stretchout of procurement under any program, or any other program change; but

(B) may be derived only through cost reductions (including reductions due to rates of inflation being lower than rates assumed when such funds were budgeted) under programs for which such funds were authorized and appropriated that are achieved without a change in the quantity or quality of goods or services acquired by the Department of Defense.

(3) Funds for the transfer authorized by subsection (a)(2)(B) may be derived from the light-weight multipurpose weapon system, and funds for the transfer authorized by subsection (a)(3)(B) may be derived from the Single Channel Objective Tactical Terminal program.

SEC. 113. REPORT.

Before the Secretary of Defense may implement a program change under a reduction subject to section 111(f) or under a transfer under section 112, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the programs in which such reductions will be made in accordance with section 111(f) and the programs that are the source of the funds transferred under section 112.

SEC. 114. MX MISSILE PROGRAM.

(a) LIMITATION ON FISCAL YEAR 1986 PROCUREMENT FUNDS FOR THE MX MISSILE PROGRAM.—Of the funds appropriated or otherwise made available in an appropriation law for fiscal year 1986 for procurement of missiles for the Air Force, not more than $921,000,000 may be used for the MX missile program. Such funds may be used only for—

(1) the acquisition of not more than eight basing sets for the basing of MX missiles;

(2) the acquisition of systems support consistent with the deployment of not more than 40 MX missiles; and

(3) maintenance of the production base for the MX missile program.

(b) LIMITATION ON DEPLOYMENT OF MX MISSILES.—The number of MX missiles deployed at any time may not exceed 40.

(c) POLICY ON FUTURE MX MISSILE PROCUREMENT.—Funds appropriated or otherwise made available for fiscal years after fiscal year 1985 for procurement of missiles for the Air Force may not be used for procurement of MX missiles except for the acquisition of those additional missiles required for the operational test and evaluation program and the aging and surveillance program.

SEC. 115. A6 AIRCRAFT REWING PROGRAM.

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

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

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

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

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

SEC. 116. REQUIREMENTS WITH RESPECT TO THE BRADLEY FIGHTING VEHICLE.

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 117. CONDITION ON PROCUREMENT OF CERTAIN COMBAT VEHICLES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 118. ADVANCED TECHNOLOGY BOMBER.

(a) REPORT ON TOTAL PROGRAM COST.—Not later than February 1, 1986, the Secretary of Defense shall transmit to Congress a report setting forth the total program cost for the advanced technology program. The Secretary shall include in the report the Secretary's evaluation of the reliability of the cost estimates for the program.

(b) LIMITATION ON EXPENDITURE OF PROCUREMENT FUNDS.—No funds appropriated pursuant to the authorizations of appropriations in this title may be obligated or expended for the advanced technology bomber program until the report required by subsection (a) is transmitted to Congress.

SEC. 119. CONDITION ON SPENDING FUNDS FOR BINARY CHEMICAL MUNITIONS.

(a) IN GENERAL.—Except in accordance with subsection (b), none of the funds appropriated pursuant to authorizations of appropriations in this title may be used—

(1) for procurement or assembly of binary chemical munitions (or subcomponents of such munitions); or

(2) for establishment of production facilities necessary for procurement or assembly of binary chemical munitions (or subcomponents of such munitions).

(b) CONDITIONS.—The funds referred to in subsection (a) may be used for the procurement or assembly of complete binary chemical munitions after September 30, 1987, if—

(1) a mutually verifiable international agreement concerning binary and other similar chemical munitions has not been entered into by the United States by such date;

(2) the President transmits, after such date, a certification to the Congress that—

(A) the procurement and assembly of such complete weapons is necessitated by national security interests, including the interests of the members of North Atlantic Treaty Organization;

(B) performance specifications established by the Department of Defense and in effect on the date of enactment of this Act with respect to such munitions will be met or exceeded in the handling, storage, and other use of such munitions;

(C) applicable Federal safety requirements will be met or exceeded in the handling, storage, and other use of such munitions;

(D) the Secretary of Defense's plans (which shall accompany such certification) for destruction of existing chemical stocks is ready to be implemented; and

(E) the North Atlantic Council of the North Atlantic Treaty Organization (NATO) has formally agreed—

(i) that chemical munitions currently stored and deployed in NATO countries need to be modernized in order to serve as an adequate deterrent;

(ii) that such modernization should be effected by replacement of current chemical munitions with binary chemical munitions; and

(iii) that the European member nations of NATO where such chemical munitions are to be stored or deployed are willing to accept storage and deployment of binary chemical munitions within their territories;

(3) such procurement and assembly is carried out only after the end of the 60-day period beginning on the date such certification is received by the Congress;

(4) the Secretary of Defense's basing mode for such munitions in the United States is to be carried out in a manner which provides that the two components that constitute a binary munition are based in separate States; and

(5) the Secretary of Defense's plan for the transportation of such munitions in the United States is to be carried out in a manner which provides that the two components that constitute a binary munition are transported separately and by different means.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 1986 for the use of the Armed Forces for research, development, test, and evaluation in amounts as follows:

(1) For the Army, $4,882,675,000.

(2) For the Navy (including the Marine Corps), $9,833,206,000.

(3) For the Air Force, $13,301,210,000.

(4) For the Defense Agencies, $6,332,770,000 of which $93,500,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

(b) GENERAL AUTHORIZATION FOR CIVILIAN PAY CONTINGENCIES.—There are authorized to be appropriated for fiscal year 1986, in addition to the amounts authorized to be appropriated in subsection (a), such sums as may be necessary for unbudgeted amounts for salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a).

SEC. 202. LIMITATIONS ON FUNDS FOR THE ARMY.

Of the amount authorized in section 201 for the Army—

(1) $52,836,000 is available only for the Missile/Rocket Components program, of which $10,000,000 is available only for the development of the Fiber Optics Guided Missile and $10,000,000 is available only for development of the Hypervelocity Missile;

(2) $23,583,000 is available only for the Stinger missile program;

(3) $18,898,000 is available only for the M1 E1 Development program, of which $15,000,000 is available only for a fuel efficient modification for the AGT-1500 tank engine;

(4) $20,000,000 is available only for the development, test integration, and evaluation of the Hellfire Missile for the Blackhawk helicopter; and

(5) $40,000,000 is available only for the Remotely Piloted Vehicle programs, of which $20,000,000 is available only for the Pave Tiger system and $20,000,000 is available only for a classified system.

SEC. 203. LIMITATION ON FUNDS FOR THE NAVY (INCLUDING THE MARINE CORPS).

Of the amount authorized in section 201 for the Navy (including the Marine Corps)—

(1) $25,000,000 is available only for the Low-Cost Anti-Radiation Seeker program;

(2) $6,964,000 is available only for the Advanced Mine Development program;

(3) $60,000,000 is available only for Standard Missile Improvements, of which $12,815,000 is available only for the development of Standard Missile III for the Navy's outer air battle mission;

(4) $190,000,000 is available only for the SSN-21 Combat System Advanced and Engineering programs;

(5) $12,000,000 is available only for Battlegroup Quick Reaction Surveillance System program;

(6) $10,000,000 is available only for unique Wallops Island Test Range activity;

(7) $10,000,000 is available only for Skipper/Practice Bomb program;

(8) $1,500,000 is available only for classified sensor development program; and

(9) $2,500,000 is available only to establish a second source for the competitive procurement of the Navy Five-Inch and Army 155-Millimeter Guided Projectile systems.

SEC. 204. LIMITATION ON FUNDS FOR THE AIR FORCE.

Of the amount authorized in section 201 for the Air Force—

(1) $60,000,000 is available only for research, development, test, and evaluation for the Integrated Electronic Warfare/Communications (INEWS) and Navigation Identifications Avionics (ICNIA) systems;

(2) $30,000,000 is available only for the research, development, test, and evaluation to modify the F-4 aircraft to satisfy the Air Force defense mission;

(3) $19,570,000 is available only for a classified reconnaissance system;

(4) $223,776,000 is available only for the Very High Speed Integrated Circuits (VHSIC) program; and

(5) $774,500,000 is available only for research, development, test, and evaluation carried out with respect to the small mobile intercontinental ballistic missile system.

SEC. 205. LIMITATION ON FUNDS FOR THE DEFENSE AGENCIES.

Of the amount authorized in section 201 for the Defense Agencies—

(1) $2,500,000,000 is available for the Strategic Defense Initiatives, of which $12,500,000 is available only for the medical application of Free-Electron Lasers and associated material and physical science research;

(2) $150,000,000 is available only for the Common Joint Tactical Information Distribution System program;

(3) $200,000,000 is available only for the Joint Advanced Systems program;

(4) $181,250,000 is available only for the University Research Initiative program;

(5) $1,000,000 is available for use by the Defense Logistics Agency to conduct a demonstration of advance clothing manufacturing technology and to procure and field test military clothing produced using advanced manufacturing techniques; and

(6) $500,000 is available for use by the Defense Logistics Agency only for the Military Sewn Products Automation Program (MILSPA).

SEC. 206. HARM MISSILE PROGRAM.

(a) LIMITATION ON NAVY FUNDING.—Of the amount appropriated pursuant to the authorization in section 201 for the Navy (including the Marine Corps), $300,000,000 may not be obligated or expended until the Secretary of the Navy submits to Congress a certification described in subsection (c) or a report described in subsection (d).

(b) LIMITATION ON AIR FORCE FUNDING.—Of the amount appropriated pursuant to the authorization in section 201 for the Air Force, $150,000,000 may not be obligated or expended until the Secretary of the Air Force submits to Congress a certification described in subsection (c) or a report described in subsection (d).

(c) CERTIFICATION.—A certification under subsection (a) or (b) shall be in writing and shall include the Secretarys concerned certification of the following:

(1) That the test and evaluation of the High-Speed Anti-Radiation Missile (HARM) shows conclusively that the missile system meets all performance specifications and objectives delineated in the HARM weapon system specification—AS 3400 Revision A, dated August 6, 1982.

(2) That a current production missile has been disassembled and that there is complete correlation with such missile and the current technical-data package (including the engineering drawings and software) and that HARM production missiles are being constructed to these drawings.

(3) That the HARM missile system is capable of engaging the intended threat as approved by the Director of Central Intelligence.

(4) That the program to develop the HARM low-cost seeker is structured to meet an intended Initial Operational Capability (IOC) date of December 31, 1989.

(d) REPORT ON DEFICIENCIES.—(1) If the Secretary of the Navy cannot make a certification under subsection (c) because of deficiencies in the HARM system, then the Secretary may obligate and expend funds without regard to the limitation in subsection (a) after submitting to Congress a written report described in paragraph (3).

(2) If the Secretary of the Air Force cannot make a certification under subsection (c) because of deficiencies in the HARM system, then the Secretary may obligate and expend funds without regard to the limitation in subsection (b) after submitting to Congress a written report described in paragraph (3).

(3) A report under paragraph (1) or (2) shall provide—

(A) a detailed list of the deficiencies in the HARM system; and

(B) a plan to correct such deficiencies, including milestones and required levels of funding and a request to Congress to reprogram funds for this purpose.

(e) PROHIBITION ON EXPENDITURES TO CORRECT SPECIFIED DEFICIENCES.—The Secretary of the Navy and the Secretary of the Air Force may not obligate or expend any funds to correct deficiencies in the HARM system in order to meet the weapons system performance specifications described in subsection (c)(1).

SEC. 207. REDUCTIONS IN AUTHORIZATIONS DUE TO SAVINGS FROM LOWER INFLATION AND PRIOR-YEAR COST SAVINGS.

(a) REDUCTIONS IN AUTHORIZATIONS.—The amounts authorized in section 201 to be appropriated are reduced by the following amounts:

(1) For the Army, $89,000,000.

(2) For the Navy (including the Marine Corps), $194,000,000.

(3) For the Air Force, $270,000,000.

(4) For the Defense Agencies, $47,000,000.

(b) FY 86 PROGRAM REDUCTIONS TO BE FROM COST SAVINGS.—(1) Authorization reductions described in paragraph (2)—

(A) may not be derived through cancellation of any authorized program or any other change in an authorized program; but

(B) may be derived only through cost reductions (including reductions due to the rate of inflation being lower than the rate assumed in the President's budget for fiscal year 1986) under programs of the Department of Defense under this title that are achieved without a change in the quantity or quality of goods or services acquired by the Department.

(2) Paragraph (1) applies to the following amounts under the reductions provided by subsection (a) in authorizations of appropriations:

(A) For the Army, $4,000,000.

(B) For the Navy (including the Marine Corps), $11,000,000.

(C) For the Air Force, $14,000,000.

(c) INTEGRATION WITH OTHER PROVISIONS OF ACT.—The reductions provided by subsection (a) in the authorizations of appropriations in section 201—

(1) are in addition to any reduction in such authorizations provided in any other provision of this Act; and

(2) are provided notwithstanding any increase in such authorizations provided in any other provision of this Act.

SEC. 208. AUTHORIZATION OF TRANSFERS OF PRIOR-YEAR FUNDS.

(a) AUTHORIZED TRANSFERS.—There are hereby authorized to be transferred to, and merged with, amounts appropriated for research, development, test, and evaluation for the Armed Forces pursuant to the authorizations of appropriations in section 201 the following amounts:

(1) ARMY.—$85,000,000, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and evaluation for the Army.

(2) NAVY.—$183,000,000, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and evaluation for the Navy (including the Marine Corps).

(3) AIR FORCE.—$256,000,000, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and evaluation for the Air Force.

(4) DEFENSE AGENCIES.—$47,000,000, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and evaluation for the Defense Agencies.

(b) AUTHORIZATION OF TRANSFERS SUBJECT TO PROVISIONS OF APPROPRIATIONS ACTS.—Transfers authorized by subsection (a) may be made only to the extent provided in appropriation Acts.

SEC. 209. NATO COOPERATIVE RESEARCH AND DEVELOPMENT.

(a) The Congress hereby finds—

(1) that for more than a decade the member nations of the North Atlantic Treaty Organization (NATO) have provided in the aggregate significantly larger resources for defense purposes than have the member nations of the Warsaw Treaty Organization:

(2) that, despite this fact, the Warsaw Treaty Organization member nations have produced and deployed many more major combat items such as tanks, armored personnel carriers, artillery pieces and rocket launchers, armed helicopters, and tactical combat aircraft than have the member nations of NATO; and

(3) that a major reason for this discouraging performance by NATO is inadequate cooperation among NATO nations in research, development, and production of military end-items of equipment and munitions.

(b) The Congress, therefore, urges and requests the President, the Secretary of Defense, and the United States Representative to the North Atlantic Treaty Organization to pursue diligently opportunities for member nations of NATO to cooperate in research and development on defense equipment and munitions and in the production of defense equipment, including coproduction of conventional defense equipment by the United States and other member nations of NATO and production by United States contractors of conventional defense equipment designed and developed by other member nations of NATO.

(c)(1) Of the funds appropriated pursuant to the authorization in section 201(a) for research, development, test, and evaluation, the sum of $200,000,000 shall be available, in equal amounts, to the Army, Navy, Air Force, and Defense Agencies only for NATO cooperative research and development projects as provided in this section.

(2) As used in this section, the term "cooperative research and development project" means a project involving joint participation by the United States and one or more other member nations of NATO under a memorandum of understanding or other formal agreement to carry out a joint research and development program on conventional defense equipment and munitions, or to modify existing military equipment to meet United States military requirements.

(d) A memorandum of understanding or other formal agreement to conduct a cooperative research and development project may not be entered into unless the Secretary of Defense determines that the proposed project enhances the ongoing multinational effort to improve NATO's conventional defense capabilities through the application of emerging technology. The Secretary of Defense may not delegate the authority to make such determination except to the Deputy Secretary of Defense or the Director of Defense Research and Engineering.

(e) In order to assure substantial participation on the part of other member nations of NATO in approved cooperative research and development projects, funds made available under subsection (c) for such projects may not be used to procure equipment or services from any foreign government, foreign research organization, or any other foreign entity.

(f) The Secretary of Defense shall encourage other member nations of NATO to establish programs to the one provided for in this section.

(g)(1) In order to ensure that opportunities to conduct cooperative research and development projects are considered during the early decision points in the Department of Defense's formal development review process in connection with any planned project of the Department of Defense, the Director of Defense Research and Engineering shall prepare a formal arms cooperation opportunities document for review by the Defense Systems Acquisition Review Council at its formal meetings. The Director shall also prepare an arms cooperation opportunities document for reviews of new projects for which a Justification of Major Systems New Start document is prepared.

(2) The formal arms cooperation opportunities document referred to in paragraph (1) shall include the following:

(A) A statement indicating whether or not a project similar to the one under consideration by the Department of Defense is in development or production by one or more of the other NATO member nations.

(B) If a project similar to the one under consideration by the Department of Defense is in development by one or more other member nations of NATO, an assessment by the Director of Defense Research and Engineering as to whether that project could satisfy, or could be modified in scope so as to satisfy, the military requirements of the United States project under consideration by the Department of Defense.

(C) An assessment of the advantages and disadvantages with regard to program timing, developmental and life cycle costs, technology sharing, and Rationalization, Standardization, and Interoperability (RSI) of seeking to structure a cooperative development program with one or more other NATO member nations.

(D) The recommendation of the Director of Defense Research and Engineering as to whether the Department of Defense should explore the feasibility and desirability of a cooperative development program with one or more other member nations of NATO.

(h)(1) It is the sense of the Congress that the Department of Defense should perform more side-by-side testing of conventional defense equipment manufactured by the United States and other member nations of NATO and that such testing should be conducted at the late stage in the development process when there is usually only a single United States prime contractor.

(2) In addition to any funds appropriated for activities of the Director of Defense Test and Evaluation pursuant to section 201(a), $50,000,000 shall be available to the Director, from any other funds appropriated pursuant to an authorization in this division, to acquire items of the type specified in paragraph (2) manufactured by other member nations of NATO for side-by-side comparison testing with comparable items of United States manufacture.

(3) Items that may be acquired under paragraph (I) by the Director of Defense Test and Evaluation include, but are not limited to the following:

(A) Submunitions and dispensers.

(B) Anti-tank and anti-armor guided missiles.

(C) Mines, for both land and naval warfare.

(D) Runway-cratering devices.

(E) Torpedoes.

(F) Mortar systems.

(G) Light armored vehicles and major subsystems thereof.

(H) Utility vehicles.

(I) High-velocity anti-tank guns.

(J) Short-Range Air Defense Systems (SHORADS).

(K) Mobile air defense systems and components.

(4) The Director of Defense Test and Evaluation shall notify the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives of his intent to obligate funds under this subsection not less than 30 days before such funds are obligated.

(5) Not later than February 1, 1986, and annually thereafter, the Director of Defense Test and Evaluation shall provide to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives and report on the systems, subsystems, and munitions produced by other member nations of NATO that were evaluated during the previous fiscal year by the Director and on the obligation of any funds under this subsection during the preceding fiscal year.

SEC. 210. REPORT ON STRATEGIC DEFENSE INITIATIVE.

(a) At the time of submission to the Congress of the requests by the Department of Defense for fiscal year 1987 expenditures for the Strategic Defense Initiative, said Department shall inform Congress as to—

(1) what probable responses can be expected from potential enemies should the Strategic Defense Initiatives be carried out to procurement and deployment, such as what increase may be anticipated in offensive enemy weapons in an enemy's attempt to penetrate the defensive shield by increasing the numbers or qualities of its offensive weapons;

(2) what can be expected from potential enemies in the deployment of weapons not endangered by the Strategic Defense Initiative, such as cruise missiles and low trajectory submarine missiles;

(3) the degree of the dependency of success for the Strategic Defense Initiative upon a potential enemy's not deploying anti-satellite weapons;

(4) whether it would be in the best security interests of the United States to share our discoveries in the Strategic Defense Initiative studies with potential enemies as a way of discouraging their offensive weapons buildup, as has been suggested by the Administration; and

(5) the cost estimates for the research, development, test and evaluation for the proposed Strategic Defense Initiative; and the cost estimates for procurement and deployment, as early as possible but not later than the submission of the fiscal year 1988 Department of Defense budget request.

(b) Funds required for the conduct of subject studies shall be made available by the Strategic Defense Initiative Office.

SEC. 211. MAINTENANCE OF PRIORITY FOR SMALL MOBILE INTERCONTINENTAL BALLISTIC MISSILE PROGRAM.

The Secretary of Defense shall continue to carry out the program to develop a small mobile intercontinental ballistic missile, and to provide for the allocation of defense industrial resources for that program, in accordance with the priority for that program (known as "Brick-Bat") in effect on June 1, 1985, under the system provided by existing laws and regulations for determining relative program precedence for assignment of production resources.

SEC. 212. ALLIED COOPERATION UNDER SDI RESEARCH CONTRACTS.

(a) ENCOURAGEMENT OF JOINT VENTURES.—The President should, to the maximum extent feasible, seek the cooperation and participation of United States allies in the research and development of technologies that would assist in the Strategic Defense Initiative, taking into account the mutual security need to preserve the integrity and control of critical technologies. To this end, the Secretary of Defense should encourage joint ventures between United States firms and qualified private sector firms within the North Atlantic Treaty Organization, Japan, and Israel.

(b) SAFEGUARDS FOR CRITICAL TECHNOLOGIES.—The Secretary of Defense shall require that appropriate safeguards (as determined by the Secretary) to protect critical technologies from unauthorized transfer to nonalliance nations be agreed to by any firm participating in such a joint venture. In awarding contracts for research and development connected with the Strategic Defense Initiative, the Secretary shall give preference to ventures in which both parties agree to such safeguards.

(c) IMPLEMENTATION.—(1) The Secretary of Defense shall prescribe regulations to carry out the purpose of this section.

(2) The Secretary shall establish a monitoring committee to ensure that the purposes of this section and the safeguards required by this section are implemented.

(3) Paragraphs (1) and (2) may be carried out only after full consultations with the Secretary of State, the Assistant to the President for National Security Affairs, the President's Science Advisor, and such other officials as the President may designate.

SEC. 213. LIMITATION ON TESTING OF ANTI-SATELLITE WEAPONS.

(a) LIMITATION ON TESTING AGAINST OBJECTS IN SPACE.—The Secretary of Defense may not carry out a test of the Space Defense System (anti-satellite weapon) against an object in space until the President certifies to Congress that the Soviet Union has conducted, after the date of the enactment of this Act, a test against an object in space of a dedicated anti-satellite weapon. The prohibition in this section expires on October 1, 1986.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amount authorized to be appropriated for the Air Force in section 201(a)(3), there is authorized to be appropriated for the Air Force for fiscal year 1986 for research, development, test, and evaluation $20,000,000 to carry out the satellite survivability project of the Air Force Space Survivability Program.

(c) REPORT.—The Secretary of the Air Force shall transmit, not later than February 1, 1986, to the Committees on Armed Services of the Senate and the House of Representatives a report describing the development of long-term survivability criteria and research investment strategies to improve the survivability of satellites of the United States in view of the current and anticipated capability of the Soviet Union with respect to anti-satellite weapons.

SEC. 214. LIMITATION ON STRATEGIC DEFENSE INITIATIVE PROGRAMS.

None of the funds appropriated pursuant to authorizations of appropriations in this title or title IX for Strategic Defense Initiative programs may be used for advanced development, demonstration, test, or evaluation of the use of weapons powered by nuclear explosions in space in a manner inconsistent with any of the treaties known as the Limited Test Ban Treaty, the Threshold Test Ban Treaty, the Outer Space Treaty, or the Antiballistic Missile Treaty.

TITLE III—OPERATION AND MAINTENANCE

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 1986 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

For the Army, $19,455,530,000.

For the Navy, $25,056,000,000.

For the Marine Corps, $1,641,400,000.

For the Air Force, $20,300,900,000.

For the Defense Agencies, $7,825,500,000.

For the Army Reserve, $799,200,000.

For the Naval Reserve, $942,100,000.

For the Marine Corps Reserve, $61,500,000.

For the Air Force Reserve, $918,900,000.

For the Army National Guard, $1,654,100,000.

For the Air National Guard, $1,822,700,000.

For the National Board for the Promotion of Rifle Practice, $920,000.

For Defense Claims, $148,300,000.

For the Court of Military Appeals, $3,200,000.

(b) GENERAL AUTHORIZATION FOR CONTINGENCIES.—There are authorized to be appropriated for fiscal year 1986, in addition to the amounts authorized to be appropriated in subsection (a), such sums as may be necessary—

(1) for unbudgeted increases in fuel costs;

(2) for unbudgeted increases as a result of inflation in the cost of activities authorized by subsection (a); and

(3) for unbudgeted amounts for salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a).

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1986 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for providing capital for working capital funds in amounts as follows:

For the Army Stock Fund, $412,000,000.

For the Navy Stock Fund, $681,500,000.

For the Marine Corps Stock Fund, $42,700,000.

For the Air Force Stock Fund, $439,900,000.

For the Defense Stock Fund, $183,500,000.

SEC. 303. LIMITATION ON THE USE OF O&M FUNDS TO PURCHASE EXPENSE ITEMS.

Funds appropriated for fiscal year 1986 for operation and maintenance of the Department of Defense pursuant to the authorizations of appropriations in section 301 may not be used to purchase any item that is considered by the Department to be an expense item of equipment if the price of the item is $3,000 or more.

SEC. 304. ASSISTANCE FOR THE TENTH INTERNATIONAL PAN AMERICAN GAMES.

(a) AUTHORITY TO PROVIDE SUPPORT SERVICES.—The Secretary of Defense may—

(1) provide logistical support and personnel services to the Tenth Pan Am Games;

(2) lend and provide equipment in support of the Tenth Pan Am Games; and

(3) provide such other services in support of the Tenth Pan Am Games as the Secretary considers advisable.

(b) AUTHORIZATION OF APPROPRIATIONS; LIMITATION.—(1) There is authorized to be appropriated to the Secretary of Defense for fiscal 1986 an amount not to exceed $10,000,000 for the purpose of carrying out subsection (a).

(2) Except as provided in paragraph (3), funds may not be obligated for the purpose of carrying out subsection (a) unless specifically appropriated for such purpose.

(3) Paragraph (2) does not apply to funds used for pay and non-travel-related allowances for members of the Armed Forces (other than pay and allowances of members of the reserve components called or ordered to active duty to provide support for the Tenth Pan Am Games).

(4) The costs for pay and non-travel-related allowances of members of the Armed Forces (other than members of the reserve components called or ordered to active duty to provide support for the Tenth Pan Am Games) may not be charged to appropriations made pursuant to the authorization in paragraph (1).

(c) JUSTIFICATION FOR ASSISTANCE.—(1) Funds appropriated pursuant to the authorization in subsection (b) may not be obligated until—

(A) an entity is established to coordinate law enforcement activities at the Tenth Pan Am Games;

(B) that entity submits to the President a justification for the assistance described in subsection (a); and

(C) the President approves the justification.

(2) The justification under paragraph (1)(B) shall include—

(A) an explanation of the necessity for the requested support for security and medical services and for related equipment or other support; and

(B) a description of the operational responsibilities and financial limitations of each governmental agency represented on the coordinating entity.

(3) The justification shall be presented in such detail as the Secretary of Defense considers necessary.

(d) SUBMITTAL OF JUSTIFICATION TO CONGRESSIONAL COMMITTEES.—Upon approval by the President of the justification referred to in subsection (c), the Secretary of Defense shall submit a copy of such justification to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives.

(e) DEFINITION.—For the purposes of this section, the term "Tenth Pan Am Games" means the Tenth International Pan American Games, to be held at Indianapolis, Indiana, during the period beginning on August 7, 1987, and ending on August 23, 1987.

SEC. 305. CLARIFICATION OF DOD SUPPORT FOR CIVILIAN DRUG INTERDICTION.

(a) AVAILABILITY OF FUNDS FOR ELEMENTS ASSISTING CIVILIAN DRUG INTERDICTION.—From amounts appropriated for fiscal year 1986 pursuant to authorizations in section 301—

(1) such sums as necessary from amounts appropriated for the Air Force Reserve may be used for the establishment, operation, and maintenance of a Special Operations Wing of the Air Force Reserve from existing elements of the Air Force Reserve; and

(2) such sums as necessary are available for the operation of the Directorate of the Department of Defense Task Force on Drug Law Enforcement.

(b) REPORT ON PLANS TO ENHANCE COOPERATION WITH CIVILIAN DRUG ENFORCEMENT AGENCIES.—(1) The Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a report on the manner in which the Department of Defense plans to obligate funds for the purposes described in subsection (a). The report shall include a description of—

(A) actions or proposed actions to consolidate, in a Special Operations Wing of the Air Force Reserve, command and control of Air Force Special Operations aircraft (including such aircraft which were assigned to the Special Operations Wing of the regular Air Force on or before March 1, 1985) and in the case of any such aircraft which are not to be assigned to a Special Operation Wing of the Air Force Reserve, the disposition (or planned disposition) of those aircraft;

(B) actions and proposed actions to use rotary-wing and fixed-wing aircraft of the Department of Defense to furnish (commensurate with military readiness and the provisions of chapter 18 of title 10, United States Code) optimal support to civilian law enforcement agencies for the purpose of carrying out drug interdiction missions and other operational activities of such agencies relating to the enforcement of drug laws; and

(C) actions and proposed actions to promote dual use of Department of Defense aircraft and other Department of Defense resources available or to be made available to civilian law enforcement agencies (under the provisions of chapter 18 of title 10, United States Code) by providing for the use of such aircraft and resources by both a Special Operations Wing of the Air Force Reserve and such civilian agencies.

(2) The report under paragraph (1) shall be submitted not later than September 30, 1985, or the end of the 30-day period beginning on the date of the enactment of this Act, whichever is later.

SEC. 306. DONATIONS BY COMMISSARY STORES OF CERTAIN UNMARKETABLE FOOD.

(a) IN GENERAL.—Chapter 147 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2485. Commissary stores: donation of unmarketable food

"(a) The Secretary of a military department may donate commissary store food described in subsection (b) to authorized charitable nonprofit food banks.

"(b) Food that may be donated under this section is food of a commissary store—

"(1) that is—

"(A) unmarketable;

"(B) unsaleable; and

"(C) certified as edible by appropriate food inspection technicians; and

"(2) that would otherwise be destroyed as unusable.

"(c) A donation under this section shall take place at the site of the commissary that is donating the food.

"(d) A donation under this section may only be made to an entity that is authorized by the Secretary of Defense or the Secretary of Health and Human Services to receive donations under this section.

"(e) This section does not authorize any service (including transportation) to be provided in connection with a donation under this section.".

(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:

"2485. Commissary stores: donation of unmarketable food.".

SEC. 307. COMMISSARY AND EXCHANGE PRIVILEGES FOR SURVIVORS OF CERTAIN RESERVISTS.

(a) BENEFITS FOR CERTAIN DEPENDENTS.—The Secretary of Defense shall prescribe regulations to allow dependents of members of the uniformed services described in subsection (b) to use commissary and exchange stores on the same basis as dependents of members of the uniformed services who die while on active duty for a period of more than 30 days.

(b) COVERED DEPENDENTS.—A dependent referred to in subsection (a) is a dependent of a member of a uniformed service who died—

(1) while on active duty, active duty for training, or inactive duty training (regardless of the period of such duty); or

(B) while traveling to or from the place at which the member is to perform, or has performed, active duty, active duty for training, or inactive duty training (regardless of the period of such duty).

(c) DEFINITION.—For the purposes of this section, the term "uniformed services" has the meanings given such terms in section 101 of title 37, United States Code.

SEC. 308. REDUCTIONS IN AUTHORIZATIONS DUE TO SAVING FROM COST SAVINGS.

(a) REDUCTIONS IN AUTHORIZATIONS.—The amounts authorized in section 301 to be appropriated are reduced by the following amounts:

(1) For the Army, $282,700,000.

(2) For the Navy, $632,600,000.

(3) For the Marine Corps, $18,000,000.

(4) For the Air Force, $266,900,000.

(5) For the Defense Agencies, $244,000,000.

(6) For the Army Reserve, $19,100,000.

(7) For the Navy Reserve, $45,900,000.

(8) For the Marine Corps Reserve, $4,200,000.

(9) For the Air Force Reserve, $11,000,000.

(10) For the Army National Guard, $28,000,000.

(11) For the Air National Guard, $24,600,000.

(b) PROGRAM REDUCTIONS TO BE FROM COST SAVINGS.—Authorization reductions described in subsection (a) may be derived only through cost reductions (including reductions due to the rate of inflation being lower than the rate assumed in the President's budget for fiscal year 1986) under programs of the Department of Defense under this title that are achieved without a change in the quantity or quality of goods or services acquired by the Department.

(c) INTEGRATION WITH OTHER PROVISIONS OF ACT.—The reductions provided by subsection (a) in the authorizations of appropriations in section 301—

(1) are in addition to any reduction in such authorizations provided in any other provision of this Act; and

(2) are provided notwithstanding any increase in such authorizations provided in any other provision of this Act.

SEC. 309. 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, Sacramento, 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 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, Keyport, Washington.

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 Odgen, Odgen, 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.

Office of Distribution Services, Clearfield, Utah.

Office of Distribution Services, Philadelphia, Pennsylvania.

(c) MATTERS INCLUDED WITHIN SPECIFIED FUNCTIONS.—The functions described in subsection (b) include—

(1) the facilities and equipment at the activities listed in that subsection; and

(2) the Government personnel who manage and perform the work at those activities.

(d) EXCLUSION OF CERTAIN FUNCTIONS.—Subsection (b) does not include any function that on the date of the enactment of this Act—

(1) is being performed under contract by non-Government personnel; or

(2) has been announced to Congress for review for conversion to performance by non-Government personnel under Office of Management and Budget Circular A-76.

(e) DEFINITION.—For the purposes of this section, the term "mission-essential material" means all material which is authorized and available to combat, combat support, combat service support, and combat readiness training forces to accomplish their assigned mission.

(f) TECHNICAL AMENDMENT.—Section 308(b)(4) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2515), is amended by striking out "30-day period" and inserting in lieu thereof "20-day period".

SEC. 310. 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.

SEC. 311. 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.—(1) 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) EFFECTIVE DATE.—This section shall take effect on October 1, 1985.

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.

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.

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 the following new item:

"1128. Prisoner of war medal: award.".

SEC. 534. 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) and (2).".

SEC. 535. 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).".

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:

"(1) 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 ACCESSION 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.

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".

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 regula-

tions 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.

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 accordance 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.".

SEC. 656. ADVISORY PANEL.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish and appoint, within 180 days after the date of enactment of this Act (but not before October 1, 1985), an Advisory Panel on Medical Aspects of Casualty Resolution (hereafter in this section referred to as the "advisory panel"). The advisory panel shall study the procedures used by the military departments for medical casualty investigations relating to members of an armed force who die or are seriously injured while on active duty.

(b) MEMBERS.—The advisory panel shall be composed of eight members, as follows:

(1) three practitioners of medicine who are recognized experts in the investigation of causes of deaths and are not otherwise employed by the Federal Government;

(2) the Director of the Armed Forces Institute of Pathology;

(3) two individuals, not otherwise employed by the Federal Government, qualified to represent the interests and concerns of families of members of the armed forces; and

(4) two individuals who are civilian or military employees of the Department of Defense, or of an armed force, whose principal duties as employees are related to the investigation of military casualties or liaison with families of such casualties.

(c) CHAIRMAN.—The Secretary shall designate one of the members of the advisory panel as Chairman.

(d) DUTIES.—The advisory panel shall study and investigate, and make recommendations to the Secretary of Defense with respect to, the following:

(1) The need, and appropriate standards, for uniform policies of the military departments with respect to autopsies of members of the armed forces who die while on active duty, taking into account religious sensibilities of members and their families.

(2) The need, and appropriate standards, for a policy of the Department of Defense with respect to independent review of autopsies, and other aspects of medical casualty investigations, conducted by the armed forces, including the appropriate role of the Armed Forces Institute of Pathology.

(3) Appropriate policies and procedures for retaining, in safekeeping, all medical investigative materials (including photographs, specimens, slide and other records of any autopsy), and, to the extent not inconsistent with national security, making such materials available to survivors of members of the armed forces who die while on active duty.

(4) The desirability of establishing an independent board of medical examination in the Department of Defense which consists of 5 or more practitioners of medicine who are recognized experts in the investigation of causes of death and the primary function of which would be to advise the Secretary of Defense on the operation of the Armed Forces Institute of Pathology and on the reliability and independence of the Institute's investigations of military casualties.

(e) EXPENSES.—Expenses incurred by the advisory panel may be paid out of funds appropriated to the Department of Defense for operation and maintenance for any fiscal year after fiscal year 1985, including per diem and reimbursement for travel expenses of members of the advisory panel who are not otherwise employed by the Federal government to attend meetings.

(f) REPORT.—(1) The advisory panel shall submit a report to the Secretary of Defense within one year after the appointment of its members.

(2) Within 180 days thereafter, the Secretary shall forward the report to the Congress accompanied by—

(A) the Secretary's evaluation of the advisory panel's report;

(B) an analysis and description of all actions taken by the Department of Defense and the military departments to implement any recommendation of such panel; and

(C) the Secretary's recommendations with respect to any legislation needed to implement any such recommendation.

SEC. 657. 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 jurisdiction 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.

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. 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 ANNUNITY 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 (c) 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 month by 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(l)(1) of such Act (42 U.S.C. 410(l)(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(l)(1) of the Social Security Act (42 U.S.C. 410(l)(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 pro-

vided 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 children 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 the subsection is computed under section 1451(c) of this title.".

(b) EFFECTIVE DATE OF AUTHORITY.—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, 1938, 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) or (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 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 increase by the overall percentage of such increased 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) 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 prescribed by paragraph (1) shall be increased by an amount prescribed under regulations of the Secretary of Defense as long as there is both an eligible former spouse and a dependent child.".

(c) 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 REDUNDED SBP DEFUCTIONS IN INSTALLMENTS.

(i) by striking out section 678 and inserting in lieu thereof the following:

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 Deparment of Defense Military Retirement Fund. Any other amount repaid under this paragraph shall be deposited into the Treasury as miscellaneous receipts.".

SEC. 678. EFFECTIVE DATE OF DIC OFFSET.

Section 1450(c) of title 10, United States Code, is amended by adding at the end thereof the following new sentence: "Any reduction in an annuity under this section required by the preceding sentence shall be effective on the date of the commencement of the period of payment of such compensation under title 38.".

SEC. 679. TECHNICAL AMENDMENTS TO SBP STATUTE.

Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(1) Section 1447 is amended by adding at the end thereof the following new paragraphs:

"(11) 'Retired pay' includes retainer pay.

"(12) 'Standard annuity' means an annuity provided by virtue of eligibility under section 1448(a)(1)(A) of this title.

"(13) 'Reserve-component annuity' means an annuity provided by virtue of eligibility under section 1448(a)(1)(B) of this title.".

(2) Section 1447(2)(C) is amended—

(A) by striking out "an annuity by virtue of eligibility under section 1448(a)(1)(A) of this title" in subclause (i) and inserting in lieu thereof "a standard annuity"; and

(B) by striking out "an annuity by virtue of eligibility under section 1448(a)(1)(B) of this title" in subclause (ii) and inserting in lieu thereof "a reserve-component annuity".

(3) Paragraphs (1) and (2) of section 1448(b) are each amended by striking out "an annuity under this paragraph by virtue of eligibility under subsection (a)(1)(B)" and inserting in lieu thereof "a reserve-component annuity".

(4) Section 1450(b) is amended by striking out "under this section" and inserting in lieu thereof "under the Plan".

(5) Section 1450(j) is amended by striking out "any person providing an annuity by virtue of eligibility under section 1448(a)(1)(B) of this title" and inserting in lieu thereof "a person providing a reserve-component annuity".

(6) Section 1450(1) is amended—

(A) by striking out "the plan" both places it appears in the first sentence of paragraph (1) and inserting in lieu thereof "the Plan"; and

(B) by striking out "the provision of" in paragraph (2).

(7) Section 1452(c) is amended—

(A) by striking out "the annuity by virtue of eligibility under section 1448(a)(1)(A) of this title" and inserting in lieu thereof "a standard annuity"; and

(B) by striking out "the annuity by virtue of eligibility under section 1448(a)(1)(B) of this title" and inserting in lieu thereof "a reserve-component annuity";

(8)(A) The following sections are each amended by striking out "or retainer" each place it appears: 1448(a)(1)(A), 1448(a)(2)(A), 1448(b)(3)(B), 1450(d), 1450(e), 1450(l)(1), 1450(l)(3)(A)(i), 1452.

(B) The heading for section 1452, and the item relating to that section in the table of sections at the beginning of such subchapter, are each amended by striking out the penultimate and antepenultimate words.

Subpart 2—Provisions Relating to Rights for Spouses and Former Spouses

SEC. 681. SPOUSAL CONCURRENCE FOR ELECTIONS.

(a) CONCURRENCE FOR SBP COVERAGE.—Section 1448(a) of title 10, United States Code, is amended—

(1) by inserting "(with his spouse's concurrence, if required under paragraph (3))" in paragraph (2)(A) after "unless he elects"; and

(2) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3)(A) A married person who is eligible to provide a standard annuity may not without the concurrence of the person's spouse elect—

"(i) not to participate in the Plan;

"(ii) to provide an annuity for the person's spouse at less than the maximum level; or

"(iii) to provide an annuity for a dependent child but not for the person's spouse.

"(B) A married person who elects to provide a reserve-component annuity may not without the concurrence of the person's spouse elect—

"(i) to provide an annuity for the person's spouse at less than the maximum level; or

"(ii) to provide an annuity for a dependent child but not for the person's spouse.

"(C) A person may make an election described in subparagraph (A) or (B) without the concurrence of the person's spouse if the person establishes to the satisfaction of the Secretary concerned—

"(i) that the spouse's whereabouts cannot be determined; or

"(ii) that, due to exceptional circumstances, requiring the person to seek the spouse's consent would otherwise be inappropriate.

"(D) This paragraph does not affect any right or obligation to elect to provide an annuity for a former spouse (or for a former spouse and dependent child) under subsection (b)(2).

"(E) If a married person who is eligible to provide a standard annuity elects to provide an annuity for a former spouse (or for a former spouse and dependent child) under subsection (b)(2), that person's spouse shall be notified of that election.".

(b) CONCURRENCE FOR ELECTION OF COVERAGE AT LESS THAN MAXIMUM AMOUNT.—Section 1447(2)(C) of such title is amended by inserting "(with the concurrence of the person's spouse, if required under section 1448(a)(3) of this title)" after "designated by the person".

SEC. 682. CLARIFICATION OF STATUS OF SPOUSAL AGREEMENTS.

Section 1450(f)(3) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting "or has been filed with the court of appropriate jurisdiction in accordance with applicable State law" after "by a court order"; and

(B) by inserting "or receives a statement from the clerk of the court (or other appropriate official) that such agreement has been filed with the court in accordance with applicable State law" before the period; and

(2) in subparagraphs (B) and (C), by inserting "or filing" after "court order".

SEC. 683. NOTICE OF ELECTIONS AVAILABLE.

Section 1455 of title 10, United States Code, is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) provide that before the date the member becomes entitled to retired pay—

"(A) if the member is married, the member and the member's spouse shall be informed of the elections available under section 1448(a) of this title and the effects of such elections; and

"(B) if the notification referred to in section 1448(a)(3)(E) of this title is required, any former spouse of the member shall be informed of the elections available and the effects of such elections; and

"(2) establish procedures for depositing the amounts referred to in sections 1448(g), 1450(k)(2), and 1452(d) of this title.".

Subpart 3—Effective Date

SEC. 690. EFFECTIVE DATE.

(a) EFFECTIVE DATE.—Except as otherwise provided in this part, the amendments made by this part shall take effect on the later of—

(1) October 1, 1985; and

(2) the first day of the first month beginning more than 90 days after the date of the enactment of this Act.

(b) PROSPECTIVE BENEFITS ONLY.—No benefits shall accrue to any person by virtue of the enactment of this part for any period before the effective date under subsection (a).

PART G—MISCELLANEOUS

SEC. 695. 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. 696. 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. 697. 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. 698. 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. 699. 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.

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.

TITLE VIII—PROCUREMENT POLICY REFORM AND OTHER PROCUREMENT MATTERS

SEC. 801. ALLOWABLE COSTS.

(a) REGULATION OF ALLOWABLE COSTS PAYABLE TO DEFENSE CONTRACTORS.—(1) Chapter 137 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2324. Allowable costs under defense contracts

"(a)(1) The Secretary of Defense shall require that a covered contract provide that if the contractor submits to the Department of Defense a proposal for settlement of indirect costs incurred by the contractor for any period after such costs have been accrued and if that proposal includes the submission of an indirect cost that has been expressly specified by statute or regulation as being unallowable—

"(A) that cost shall be disallowed; and

"(B) the contractor shall pay to the United States an amount equal to the greater of $10,000 or—

"(i) the amount of the disallowed cost, plus interest; or

"(ii) if the cost is of a type that has been finally determined, before the submission of such proposal, to be expressly unallowable to that contractor, an amount equal to twice the amount of the disallowed cost, plus interest.

"(2) An action by the Secretary under a contract provision required by paragraph (1) to disallow a cost and to require payment of a contractor—

"(A) shall be considered to be a final decision for purposes of section 6 of the Contracts Dispute Act of 1978 (41 U.S.C. 605); and

"(B) shall be appealable in the manner provided in section 7 of such Act (41 U.S.C. 606).

"(3) Interest under paragraph (1) shall be computed—

"(A) from the date on which the cost is questioned; and

"(B) at the applicable rate prescribed by the Secretary of the Treasury under section 6621 of the Internal Revenue Code of 1954.

"(4)(A) Whoever, having entered into a contract with the Department of Defense that includes terms for settlement of indirect costs, submits to the Department a proposal for settlement of such costs for any period after such costs have been accrued that includes a cost that is expressly specified by statute or regulation as being unallowable, knowing that such cost is unallowable, shall be imprisoned not more than 5 years, or fined not more than $250,000 in the case of an individual or $500,000 in case of a corporation.

"(b) The following costs are not allowable under a covered contract:

"(1) Costs of entertainment, including amusement, diversion, and social activities and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities).

"(2) Costs incurred to influence (directly or indirectly) congressional action on any legislation or appropriation matters pending before Congress or a State.

"(3) Costs incurred in defense of any civil or criminal fraud proceeding or similar proceeding (including filing of any false certification) brought by the United States where the contractor is found liable for fraud or has pleaded nolo contendere to a charge of fraud or similar proceeding (including filing of false certification).

"(4) Payments of fines and penalties resulting from violations of, or failure to comply with, Federal, State, local, or foreign laws and regulations, except when incurred as a result of compliance with specific terms and conditions of the contract or specific written instructions from the contracting officer authorizing in advance such payments in accordance with applicable regulations of the Secretary of Defense.

"(5) Costs of membership in any social, dining, or country club or organization.

"(6) Costs of alcoholic beverages.

"(7) Contributions or donations, regardless of the recipient.

"(8) Costs of advertising designed to promote the contractor or its products.

"(9) Costs of promotional items and memorabilia, including models, gifts, and souvenirs.

"(10) Other cost items identified by regulation which the Secretary of Defense shall prescribe by regulation under this section.

"(11) Except as provided in subsection (c), costs for travel by aircraft to the extent that such costs exceed the amount of the standard commercial fare for travel by common carrier between the points involved.

"(c)(1) Subsection (b)(10) does not apply if travel by common carrier at standard fare—

"(A) would require travel at unreasonable hours;

"(B) would excessively prolong travel;

"(C) would result in overall increased costs that would offset potential savings from travel at standard commercial fare; or

"(D) would not meet physical or medical needs of the person traveling.

"(2) Subsection (b)(10) does not apply to travel by aircraft other than a common carrier if—

"(A) travel by such aircraft is specifically required for contract performance or is otherwise specifically authorized under the contract;

"(B) travel by common carrier is impractical; and

"(C) the travel performed is for business purposes and requires the use of such aircraft.

"(3) Costs for air travel in excess of that allowed by subsection (b)(10) may only be allowed by reason of one of the exceptions contained in paragraph (1) or by reason of paragraph (2) if the exception is fully documented and justified, including, in the case of an exception under paragraph (2), full documentation of the use of the aircraft for business purposes.

"(d)(1) The Secretary of Defense shall prescribe regulations, consistent with the requirements of subsection (b), to establish criteria for the allowability of indirect contractor costs under Department of Defense contracts. Such regulations shall be prescribed as part of the Department of Defense supplement to the Federal Acquisition Regulation. In developing specific criteria for the allowability of such costs, the Secretary shall consider whether reimbursement of such costs by the United States is in the best interest of the United States and consistent with the requirements of subsection (b). Such regulations—

"(A) shall define and interpret in reasonable detail and specific terms those indirect costs, including the cost requirements of subsection (b), that are unallowable under contracts entered into by the Department of Defense; and

"(B) shall provide that specific costs unallowable under one cost principle shall not be allowable under any other cost principle.

"(2) The regulations under paragraph (1) shall, at a minimum, clarify the cost principles applicable to contractor costs of the following:

"(A) Air shows.

"(B) Advertising.

"(C) Recruitment.

"(D) Employee morale and welfare.

"(E) Actions to influence (directly or indirectly) executive branch action on regulatory and contract matters (other than costs incurred in regard to contract proposals pursuant to solicited or unsolicited bids).

"(F) Community relations.

"(G) Dining facilities.

"(H) Professional and consulting services, including legal services.

"(I) Compensation.

"(J) Selling and marketing.

"(K) Travel.

"(L) Public relations.

"(M) Hotel and meal expenses.

"(N) Membership in civic, community, and professional organizations.

"(3) Such regulations shall specify the circumstances under which clauses (A) and (B) of subsection (c)(1) may be applied.

"(4) Such regulations shall require that a contractor be required to provide current, accurate, and complete documentation to support the allowability of an indirect cost at the time a proposal for settlement of indirect costs is submitted to the Secretary. If such documentation is not sufficient to support the allowability of the cost, the cost shall be challenged by the Secretary, and it shall become expressly unallowable and is not subject to negotiation.

"(e)(1) The Secretary of Defense shall require that each indirect cost in the contractor's submission for final overhead settlement applied to covered contracts that is not specifically unallowable under law or regulation and that is challenged by the Secretary as being unallowable shall be considered for resolution as being allowable or unallowable separately from the resolution of other challenged costs. If such challenged cost cannot be resolved as being allowable or unallowable separately, then the settlement may include an aggregate amount for the settlement of all such challenged costs or a settlement of each such cost at less than the amount submitted if—

"(A) the contractor and the contracting officer cannot agree on the allowability of the cost under existing cost principles;

"(B) the contracting officer documents the reasons why an agreement cannot be reached; and

"(C) the contractor agrees in writing that costs of that type will not be submitted to the Department of Defense for payment as an allowable indirect cost in the future under that contract or any other contract of the contractor with the Secretary.

"(2) The Secretary of Defense shall provide that, to the maximum extent practicable, the defense contract auditor be present at any negotiation or meeting with the contractor regarding a determination of the allowability of indirect costs of the contractor.

"(f)(1) A contractor that submits a proposal for settlement of indirect costs applicable to a covered contract shall be required to certify that all indirect costs included in the proposal are allowable. Any such certification shall be in a form prescribed by the Secretary of Defense.

"(2) The Secretary of Defense or the Secretary of the military department concerned may, in an exceptional case, waive the requirement for certification under paragraph (1) in the case of any contract if the Secretary—

"(A) determines in such case that it would be in the interest of the United States to waive such certification; and

"(B) states in writing the reasons for that determination and makes such determination available to the public.

"(g) The Secretary of Defense shall provide that, in establishing the interim or provisional rates for payment of indirect costs to a defense contractor for which final settlement will be made at a later time, such rates shall be based upon accounts incurred by such contractor for indirect costs less any amount questioned by the agency with responsibility for audits of defense contracts.

"(h) In this section, 'covered contract' means a contract entered into by the Department of Defense for an amount more than $25,000—

"(1) that is flexibly priced; or

"(2) for which cost or pricing data is required under section 2306(f) of this title.".

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

"2324. Allowable costs under defense contracts.".

(b) REGULATIONS.—(1) Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe the regulations required by subsection (d) of section 2324 of title 10, United States Code, as added by subsection (a). Such regulations shall be published in accordance with section 22 of the Office of Federal Procurement Act (41 U.S.C. 418b).

(2) The Secretary shall review such regulations at least once every five years. The results of each such review shall be made public.

(c) APPLICABILITY TO SUBCONTRACTS.—The regulations of the Secretary of Defense required to be issued under subsection (b) shall require, to the maximum extent possible, that the provisions of section 2423 of title 10, United States Code, as added by subsection (a), shall apply to all subcontractors of any covered contract, as that term is defined in such section.

(d) EFFECTIVE DATE.—Section 2324 of title 10, United States Code, as added by subsection (a), shall apply only to contracts entered into on or after the date on which regulations are prescribed in accordance with subsection (b).

SEC. 802. PURPOSES.

The purposes of this title are—

(1) to ensure that items of indirect costs included by a contractor or a subcontractor of the Department of Defense in any contract awarded by the Secretary of Defense are monitored by the Secretary to prevent abuse and waste of Federal funds and to ensure that such costs do not include items of expenditures for reimbursement that are not reasonably related to the contract and subcontract; and

(2) to place the burden on the contractor (including the contractor's officers and employees) claiming reimbursement or payment for any indirect costs payable to such contractor under a defense contract or subcontract to show that such costs are reasonable and allowable and to ensure that all such requests are made in accordance with the amendments made by this title and other applicable provisions of law and regulations.

SEC. 803. SUBPOENAS OF DEFENSE CONTRACTOR RECORDS.

Section 2313 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) The Secretary of Defense may require by subpoena the production of any books, documents, papers, or records of a contractor that are needed by the Secretary for the purposes of subsection (a) or the purposes of section 2306(f) of this title.

"(2) Any such subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of an appropriate United States district court.

"(3)(A) Except as provided in subparagraph (B), the authority of the Secretary of Defense under this subsection may only be delegated to an officer of the Department of Defense appointed by the President, by and with the advice and consent of the Senate.

"(B) The authority of the Secretary of Defense under this subsection shall be delegated to the director of the Defense agency or other element of the Department of Defense that has responsibility for audits of defense contracts. Such authority may not be redelegated.".

SEC. 804. LIMITATION ON ASSIGNMENTS OF PRINCIPAL CONTRACTING OFFICERS.

(a) LIMIT ON TOURS OF DUTY AND REASSIGNMENTS.—The Secretary of Defense shall prescribe regulations—

(1) to limit to five years the maximum tour of duty for which an officer or employee under the jurisdiction of the Secretary may be assigned to represent the Department of Defense with a particular contractor as a principal contracting officer; and

(2) to provide that an officer or employee who has held a position as principal contracting officer with a contractor may not be reassigned to duty with that contractor for a period of five years after the end of the previous such assignment.

(b) WAIVER AUTHORITY.—The Secretary of Defense or the Secretary of the military department concerned may, in an exceptional case, waive the limitation in subsection (a) in the case of any officer or employee if the Secretary—

(1) determines that it would not be in the interest of the United States to apply such limitation in that case; and

(2) states in writing the reasons for that determination and makes that determination available to the public.

(c) DEFINITION.—For purposes of this section, the term "principal contracting officer" means—

(1) a principal corporate administrative contracting officer or deputy principal corporate administrative contracting officer; and

(2) a principal administrative contracting officer or deputy principal administrative contracting officer.

SEC. 805. 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.

SEC. 806. 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.

SEC. 807. REQUIREMENT OF MINIMUM PERCENTAGE OF COMPETITIVE PROCUREMENTS.

(a) IN GENERAL.—Section 2304 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(i)(1) The amount of competitive defense procurements made during a fiscal year (expressed in total dollar value of contracts entered into) may not be less than the amount equal to the product of—

"(A) the applicable percentage for that year (as defined in paragraph (3)); and

"(B) the amount of all applicable procurements made by the Department of Defense during that year (expressed in total dollar value of contracts entered into).

"(2)(A) If in any fiscal year the amount of competitive defense procurements is less than the amount required by paragraph (1) for that critical fiscal year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives, not later than 90 days after the end of that fiscal year, a report explaining why the Department was unable to meet the amount of competitive defense procurements required by paragraph (1) for that fiscal year.

"(B) Subparagraph (A) does not apply on or after the first day on which the total of the amounts of competitive defense procurements during and after such fiscal year is equal to or greater than the amount which is equal to the product of—

"(i) the applicable percentage for that fiscal year; and

"(ii) the total of the amounts of all applicable procurements made by the Department of Defense during and after that fiscal year.

"(3) In this subsection:

"(A) 'Applicable percentage', with respect to a fiscal year, means the lesser of—

"(i) 70 percent; or

"(ii) the sum of—

"(I) the total of the current amounts of all competitive procurements; and

"(II) the product of 5 percent and the number of fiscal years which will have elapsed at the end of that fiscal year since fiscal year 1985.

"(B) 'Competitive defense procurements' means procurements made by the Department of Defense to which this chapter applies that are made through the use of competitive procedures.

"(C) 'Applicable procurements' means procurements to which this chapter applies other than—

"(i) a procurement made through an agreement with another country;

"(ii) a procurement made through an agreement with another Federal agency;

"(iii) a transaction with an educational or nonprofit institution;

"(iv) a contract for the acquisition of utility services;

"(v) a procurement made under section 8(a) of the Small Business Act; and

"(vi) a purchase of brand-name items for resale.".

(b) EFFECTIVE DATE.—Subsection (i) of section 2304 of title 10, United States Code, as added by subsection (a), shall apply with respect to fiscal years after fiscal year 1985.

SEC. 808. REPORT ON SUSPENSION AND DEBARMENT OF DEFENSE CONTRACTORS.

(a) REQUIRED REPORT.—The Secretary of Defense shall submit to Congress a report on the policies prescribed and actions taken by the Secretary to implement the recommendations contained in the report of the Inspector General of the Department of Defense entitled "Review of Suspension and Debarment Activities Within the Department of Defense", dated May 1984.

(b) COOPERATION WITH THE OFFICE OF INSPECTOR GENERAL.—The report required by subsection (a) shall be prepared in cooperation with the Office of the Inspector General of the Department of Defense.

(c) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act.

SEC. 809. COMPLIANCE OFFICERS FOR DEBARRED OR SUSPENDED FIRMS.

The Secretary of Defense shall ensure that an independent compliance officer is assigned—

(1) to monitor the activities of a defense contractor that is debarred or suspended from being awarded contracts with the Department of Defense; and

(2) to report on any fraudulent or criminal activity by that contractor with respect to any defense contract.

SEC. 810. CONFLICT-OF-INTEREST IN DEFENSE PROCUREMENT.

(a) LIMITATIONS ON ACCEPTANCE OF COMPENSATION.—(1) An individual who is a former officer or employee of the Department of Defense, retired Member of Congress, or a former or retired member of the Armed Forces, retired Member of Congress, who during the two-year period preceding the individual's separation from service in the Department of Defense had significant responsibilities for a procurement function with respect to a contractor may not accept compensation from that contractor for a period of two years following the individual's separation from service in the Department of Defense or the Congress of the United States.

(2) Whoever knowingly violates paragraph (1) shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(3) An individual who knowingly offers or provides any compensation to an individual the acceptance of which is or would be in violation of paragraph (1) shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(b) LIMITATIONS ON CONTRACTORS.—(1) Each contract for procurement of goods or services entered into by the Department of Defense shall include a provision under which the contractor agrees not to provide compensation to an individual if the acceptance of such compensation by such individual would violate subsection (a)(1).

(2) Such a contract shall also provide that if the contractor knowingly violates a contract provision required by paragraph (1) the contractor shall pay to the United States, as liquidated damages under the contract, an amount equal to the greater of—

(A) $100,000; or

(B) three times the compensation paid by the contractor to the individual in violation of such contract provision.

(c) REPORTING OF EMPLOYMENT CONTRACTS.—If an officer or employee of the Department of Defense, or a member of the Armed Forces, having significant responsibilities for a procurement function with respect to a contractor contacts, or is contacted by, the contractor regarding future compensation of the officer, employee, or member by the contractor, the officer, employee, or member shall—

(1) promptly report the contact to the officer, employee, or member's supervisor and to the designated ethics official of the agency in which the officer, employee, or member is serving;

(2) promptly report (as part of the report under paragraph (1) or as a separate report) when contacts with the contractor concerning such compensation have been terminated without agreement or commitment to future compensation of the officer, employee, or member by the contractor; and

(3) disqualify himself from all participation in the performance of procurement functions relating to contracts with that contractor until a report described in paragraph (2) is made with respect to such contacts.

(d) NOTICE TO OFFICERS AND EMPLOYEES LEAVING DOD SERVICE.—(1) The Secretary of Defense shall give the notice described in paragraph (2) to each officer and employee of the Department of Defense and each member of the Armed Forces—

(A) who after the effective date of this section is separated from service in the Department of Defense; and

(B) who during the two-year period before that separation served in a position in the Department that included significant responsibility for a procurement function and that was identified by the Secretary of Defense under subsection (g)(1).

(2) A notice required by paragraph (1) shall provide the individual receiving the notice—

(A) a written explanation of the provisions of this section; and

(B) the name of each contractor from whom such individual is prohibited from accepting compensation under this section during the two-year period following such separation from service in the Department of Defense.

(e) CONTRACTOR REPORTS.—(1)(A) Each contractor subject to a contract term described in subsection (b) shall submit to the Secretary of Defense not later than April 1 of each year a report covering the previous calendar year. Each such report shall list the name of each individual (together with other information adequate for the Government to identify the individual) who is a former Department of Defense officer or employee, or a former or retired member of the Armed Forces, who—

(i) was provided compensation by that contractor during the preceding calendar year, if such compensation was provided within two years after such officer, employee, or member left service in the Department of Defense; and

(ii) had significant responsibilities for a procurement function during the individual's last two years of service in the Department of Defense.

(B) Each such listing shall—

(i) show each agency in which the individual was employed or served on active duty during the last two years of such individual's service in the Government;

(ii) show the individual's job titles during the last two years of such individual's service in the Government;

(iii) contain a full and complete description of the duties of the individual during the last two years of such service; and

(iv) contain a description of the duties (if any) that the individual is performing on behalf of the contractor.

(C) The first such report shall be submitted not later than April 1, 1987.

(2) The Secretary of Defense shall review each report under paragraph (1) to assess the report for accuracy and completeness and for the purpose of identifying possible violations of subsection (a) or (b) or paragraph (1). The Secretary shall report any such possible violation to the Attorney General.

(3) Whoever fails to file a report required by paragraph (1) shall be fined not more than $10,000.

(f) REVIEW BY DIRECTOR OF OFFICE OF GOVERNMENT ETHICS.—The Director of the Office of Government Ethics shall have access to the reports submitted under subsection (d)(1) and shall conduct an annual random review of the reports for violations of subsections (a), (b), and (d)(1). The Director shall submit a report to Congress not later than October 1 of each year on the operation of this section, including the findings of the Director based on the examination of reports for the preceding calendar year.

(g) COVERED PROCUREMENT FUNCTIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense—

(1) shall identify the procurement functions covered by this section and the organizational positions currently performing such functions; and

(2) shall provide a list of such functions and positions to Congress and to the Director of the Office of Government Ethics and publish such list in the Federal Register.

(h) EXCLUSION.—This section does not apply—

(1) to a contract for an amount less than $100,000; or

(2) to compensation of an individual by an entity that did not have a Department of Defense contract in excess of $100,000 at the time the individual had significant responsibilities for a significant procurement function with respect to a contract with that entity.

(i) ADVISORY OPINIONS FROM OFFICE OF GOVERNMENT ETHICS.—(1) An individual who is considering the propriety of accepting compensation that might place the individual in violation of subsection (a) may, before acceptance of such compensation, apply to the Director of the Office of Government Ethics for advice on the applicability of this section to the acceptance of such compensation.

(2) An application under paragraph (1) shall contain such information as the Director requires.

(j) WAIVER OF OTHERWISE APPLICABLE FINES UNDER TITLE 18.—The provisions of section 3623 of title 18, United States Code, shall not apply to maximum fines applicable under subsections (a)(2), (a)(3), and (d)(3).

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

(1) The term "compensation" includes any payment, gift, benefit, reward, favor, gratuity, or employment valued in excess of $100 at prevailing market price, provided directly, indirectly, or through a third party.

(2) The term "contractor" means any person, partnership, corporation, or agency (other than the Federal Government or the independent agencies thereof) that contracts to supply the Department of Defense with goods or services. Such term includes any parent, subsidiary, or affiliate thereof.

(3) The term "procurement function", with respect to a contract, means any acquisition action relating to the contract, including negotiating, awarding, administering, approving contract changes, costs analysis, quality assurance, operational and developmental testing, technical advice or recommendation, approval of payment, contractor selection, budgeting, auditing under the contract, or management of the procurement program.

(4) The term "Armed Forces" means the Army, Navy, Air Force, and Marine Corps and includes the Coast Guard when the Coast Guard is operating as a service in the Navy.

(l) SEPARATION OF MEMBERS OF ARMED FORCES.—For the purposes of this section, a member or former member of the Armed Forces shall be considered to have been separated from service in the Department of Defense upon such member's discharge or release from active duty.

(m) TRANSITION.—(1) This section—

(A) does not preclude the continuation of employment that began before the effective date of this section or the acceptance of compensation for such employment; and

(B) does not, except as provided in paragraph (2), apply to an individual whose service with the Department of Defense terminates before April 1, 1986.

(2) Paragraph (1)(B) does not preclude the application of this section to an individual with respect to service in the Department of Defense by such individual on or after April 1, 1986.

(n) EFFECTIVE DATE.—This section shall take effect on January 1, 1986.

SEC. 811. MULTIPLE SOURCES FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) IN GENERAL.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2305 the following new section:

"§ 2305a. Major programs: development of multiple sources

"(a)(1) The Secretary of Defense may not begin full-scale engineering development under a major program until—

"(A) the Secretary prepares a plan for competition under the program; and

"(B) the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report describing that plan.

"(2) Each contract for the development and acquisition of the system under the program, and each contract for the development and acquisition of a major subsystem under the program, shall be awarded in ac-

cordance with the plan prepared under paragraph (1).

"(3) The report required by paragraph (1)(B) shall be submitted not later than the submission of the budget materials the Secretary submits to Congress for the fiscal year for which the initial request is made for appropriations for full-scale engineering development of the program.

"(4) If the Secretary proposes to revise a competition plan prepared under paragraph (1) after the report on the plan is submitted under that paragraph, the Secretary shall submit to the committees a report describing the proposed revision. Such a revision may not be implemented until 60 days after the report on the revision is received by those committees.

"(b)(1) The Secretary shall include in the competition plan for a major program an estimate of whether market conditions for such system (and each such subsystem) exist such that the Secretary has a reasonable expectation that there will be competitive alternative sources of supply for the system (and each such subsystem) throughout the period from the beginning of full-scale engineering development through the end of production under the program.

"(2) If the Secretary's estimate under paragraph (1) that competitive alternative sources of supply will exist later proves incorrect in that fewer than two responsive proposals are received in reply to a request for proposals, the Secretary shall revise the competition plan in accordance with subsection (c)(1).

"(3) A contract for full-scale engineering development or product (including follow-on contracts) under a major program may not be entered into using procedures other than competitive procedures under the authority of clause (1) or clause (7) of section 2304(c) of this title.

"(c)(1) In preparing the portions of a plan that are required by subsection (b)—

"(A) if the Secretary determines that competitive alternative sources of supply with respect to the system (or a major subsystem of the system) would not otherwise be available throughout the full-scale engineering development of the system (or major subsystem), the Secretary shall provide in the plan for the award of contracts under the program so as to provide and maintain at least two sources of supply for full-scale engineering development; and

"(B) if the Secretary determines that competitive alternative sources of supply with respect to the system (or a major subsystem of the system) would not otherwise be available throughout the production of the system (or major subsystem), the Secretary shall provide in the plan for the award of contracts under the program so as to provide and maintain at least two sources of supply for production.

"(2) If a competition plan includes a provision required by paragraph (1)(B), the plan shall also provide that of the total dollar amount of contracts awarded for a fiscal year for production of the system (or major subsystem)—

"(A) the amount awarded to the contractor whose proposal was most advantageous to the United States shall be greater than the amount awarded any other contractor; and

"(B) the amount awarded any other contractor shall be sufficient to enable that contractor to compete effectively for the plurality of the next production contract for the system (or major subsystem).

"(3) The Secretary shall determine which proposals is most advantageous to the United States by considering price and other factors included in the solicitation for proposals for the contract.

"(4) The Secretary may waive provisions of a plan required by paragraph (1) if the Secretary determines that the proposal of the contractor submitting the proposal that is the second most advantageous to the United States is not within a competitive range (as determined by the Secretary) of the proposal that is the most advantageous to the United States.

"(5) In carrying out this subsection, the Secretary may provide that the requirements of a competition plan are satisfied even though the contractors do not develop or produce identical systems if the systems developed or produced serve similar functions and compete effectively with each other.

"(d)(1) In preparing a competition plan for a major program, the Secretary (subject to paragraph (4)) may waive the requirements of subsections (b) and (c) with respect to that program if the Secretary determines that the application of those subsections to that program—

"(A) would materially increase the total cost of the program; or

"(B) would unreasonably delay the completion of the total program.

"(2) If the Secretary grants a waiver under paragraph (1), the report submitted under subsection (a)(1) with respect to that program—

"(A) shall include notice that such waiver has been made; and

"(B) shall set forth the reasons for the waiver, together with supporting documentation of comparative cost and schedule estimates.

"(3) The exercise of the authority provided under paragraph (1) shall be made separately with respect to the application of subsections (b) and (c)—

"(A) to full-scale engineering development of the program; and

"(B) to production of the program.

"(4) The Secretary may not grant a waiver under paragraph (1) if the waiver would cause the total cost of either the major development programs or the major production programs for which all such waivers have been granted to exceed 50 percent of the total cost of all the major development programs or the major production programs, respectively, that enter full-scale engineering development after fiscal year 1986.

"(f) In this section:

"(1) 'Major program' means a major defense acquisition program, as such term is defined in section 139a(a) of this title.

"(2) 'Major subsystem', with respect to a major program, means a subsystem of the system developed under the program for which—

"(A) the amount for research, development, test, and evaluation is 10 percent or more of the amount specified in section 139a(a)(1)(B) of this title as the research, development, test, and evaluation funding criterion for identification of a major defense acquisition program; or

"(B) the amount for production is 10 percent or more of the amount specified in section 139a(a)(1)(B) of this title as the production funding criterion for identification of a major defense acquisition program.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2305 the following new item:

"2305a. Major programs: development of multiple sources.".

(b) EFFECTIVE DATE.—Section 2305a of title 10, United States Code, as added by subsection (a), shall apply with respect to major defense acquisition programs for which funds for full-scale engineering development are first provided for a fiscal year after fiscal year 1986.

SEC. 812. 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 (f) 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, material 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 use 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 systems 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 subparagraph (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 progresses 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 material 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 the enactment of this section.".

(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:

"2406. Cost and price management.".

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.

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.

(b) REGULATIONS.—The Secretary of Defense shall issue regulations to ensure that—

(1) notice of any vacant position in the Department of Defense is provided in a manner reasonably designed to reach spouses of members of the Armed Forces whose permanent duty stations are in the same geographical 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 geographical area as the permanent duty section 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 geographical 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. 1107. YOUTH SPONSORSHIP PROGRAM.

The Secretary of Defense shall provide for the establishment at each military installation of a youth sponsorship program to facilitate the integration of dependent children of members of the Armed Forces into new surroundings when relocation to that military installation is a result of a permanent change of station. Such a program shall provide for involvement of dependent children of members stationed at the military installation.

SEC. 1008. STUDENT TRAVEL WITHIN THE UNITED STATES.

Funds available to the Department of Defense for the travel and transportation of dependent students of military personnel stationed overseas may be obligated for transportation allowances for travel within or between the contiguous United States.

SEC. 1009. RELOCATION AND HOUSING.

(a) RELOCATION ASSISTANCE.—The Secretary of Defense may, subject to available appropriations, enter into contracts with firms which provide assistance to individuals relocating from one geographic area to another to provide such assistance to members of the uniformed services and members of their families.

(b) AMORTIZATION PERIOD FOR PARKING FACILITIES FOR HOUSE TRAILERS AND MOBILE HOMES.—Subsection (k) of section 403 of title 37, United States Code, is amended by striking out "15-year period" and inserting in lieu thereof "25-year period".

(c) COST OF UNACCOMPANIED PERSONNEL HOUSING FOR MEMBERS OF UNIFORMED SERVICE.—Section 5911 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) A member of the uniformed service on a permanent change of duty station or temporary duty orders and occupying unaccompanied personnel housing—

"(1) is exempt from the requirement of subsection (c) to pay a rental rate or charge based on the reasonable value of the quarters and facilities provided; and

"(2) shall pay such lesser rate or charge as the Secretary of Defense establishes by regulation.".

SEC. 1010. FOOD PROGRAMS.

(a) FOOD COSTS FOR CERTAIN ENLISTED MEMBERS.—Section 1011 of title 37, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) Enlisted members in pay grades E-1, E-2, E-3, and E-4, and members of their immediate families, may not be charged for meals sold at messes in excess of a level sufficient to cover food costs.".

(b) REIMBURSEMENT FOR FOOD AT CHILD CARE FACILITIES OVERSEAS.—The Secretary of Defense shall provide payments, from appropriated funds, to military child care facilities overseas for reimbursement of the costs of food and food preparation. The amounts of such payments shall be determined in the same manner as payments provided by the Secretary of Agriculture for reimbursement to child care facilities in the United States under section 17 of the National School Lunch Act (42 U.S.C. 1766).

(c) REPORT ON ISSUING FOOD STAMPS COUPONS TO OVERSEAS HOUSEHOLDS OF MEMBERS STATIONED OUTSIDE THE UNITED STATES.—The Secretary of Defense shall submit a report to Congress not later than December 31, 1985, on the feasibility of having the Department issue food stamp coupons to overseas households of members stationed outside the United States. The report shall include—

(1) an estimate of the cost of providing the coupons; and

(2) legislative and administrative recommendations for providing for the issuance of the coupons.

SEC. 1011. REPORTING OF CHILD ABUSE.

(a) IN GENERAL.—The Secretary of Defense shall request each State to provide for the reporting to the Secretary of any report the State receives of known or suspected instances of child abuse and neglect in which the person having care of the child is a member of the Armed Forces (or the spouse of the member).

(b) DEFINITION.—For purposes of this section the term "child abuse and neglect" shall have the same meaning as provided in section 3(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102).

SEC. 1012. MISCELLANEOUS REPORTING REQUIREMENTS.

(a) HOUSING AVAILABILITY.—(1) Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the availability and affordability of off-base housing for members of the Armed Forces and their families.

(2) The report shall—

(A) examine the availability of affordable housing for each pay grade and for all geographic areas within the United States and for appropriate overseas locations; and

(B) examine the relocation assistance provided by the Department of Defense incident to a permanent change of station by a member of the Armed 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 subject 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.

TITLE XI—GENERAL PROVISIONS

PART A—FINANCIAL MATTERS

SEC. 1101. 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.

SEC. 1102. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—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 purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $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.

SEC. 1103. 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).

SEC. 1104. 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.

SEC. 1105. REPORT ON BUDGETING FOR INFLATION.

(a) REPORT ON SAVINGS FROM LOWER INFLATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing an explanation of what the Department of Defense does in any fiscal year with funds that are not expended as a result of a decrease in the anticipated rate of inflation during that year.

(b) PROPOSALS FOR NEW BUDGET SYSTEM FOR INFLATION ALLOWANCE.—The Secretary shall include in the report under subsection (a) a proposal, or alternative proposals, for a budget system under which—

(1) funds that are appropriated to the Department of Defense for any fiscal year for procurement or for research, development, test, and evaluation would be appropriated to the Department without the addition of an amount for anticipated inflation during such fiscal year; and

(2) requests would be made to Congress at the end of the fiscal year for any additional funds made necessary by reason of inflation during the fiscal year.

(c) RECOMMENDATIONS.—The Secretary shall include in such report—

(1) the Secretary's recommendations for procedures that would effectively implement a proposal submitted under subsection (b); and

(2) a discussion of the advantages and disadvantages of instituting such a proposal, together with any other comments and recommendations that the Secretary considers appropriate.

SEC. 1106. AUTHORIZATION OF APPROPRIATIONS FOR TRANSPORTATION OF NONLETHAL ASSISTANCE TO AFGHAN REFUGEES.

There is hereby authorized to be appropriated to the Department of Defense for fiscal year 1986 the sum of $10,000,000 for transportation of nonlethal assistance to persons displaced or who are refugees because of the invasion of Afghanistan by the Soviet Union, as authorized in title III.

SEC. 1107. REPORT OF UNOBLIGATED BALANCES.

(a) REQUIRED REPORTS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives reports containing an estimate of the amount of funds in each appropriation account of the Department of Defense that at the time of the report—

(1) is available for obligation; and

(2) is in excess of the amount needed to carry out the programs for which the funds were appropriated.

(b) MATTERS TO BE INCLUDED.—Each estimate under subsection (a) shall include amounts attributable to—

(1) inflation savings;

(2) foreign currency savings;

(3) excess working capital fund cash; and

(4) all other savings.

(c) UNAFFECTED INCREASES.—The report shall also identify unanticipated cost increases resulting from adverse economic trends.

(d) SUBMISSION OF REPORT.—The reports shall be submitted to Congress each year with the President's budget for the next fiscal year, with the April Budget Update, and with the Mid-session Budget Review. However, the first such report shall be submitted not later than 30 days after the date of the enactment of this Act.

SEC. 1108. AUTHORIZATION OF TRANSFERS FOR FY85 PAY SUPPLEMENTAL.

There is authorized to be transferred to, and merged with, amounts appropriated to the Department of Defense for operation and maintenance and for military personnel for fiscal year 1985 such sums as may be necessary to provide for civilian and military pay raises provided by law. Such amounts shall be derived from amounts previously appropriated to the Department of Defense remaining available for obligation and no longer required for the purposes for which they were originally provided. Transfers authorized by this section may be made only to the extent provided in appropriation Acts.

PART B—DEFENSE MANAGEMENT

SEC. 1111. ANNUAL SELECTED ACQUISITION REPORTS.

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 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 Acquisition 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—

"(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;

"(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; and

"(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 to 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).

"(4) Selected Acquisition Reports for the first quarter of a fiscal year shall be known as comprehensive annual Selected Acquisition Reports.".

SEC. 1112. 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. 1113. 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. 1114. 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. 1115. 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 chemcial 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.

SEC. 1116. 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 to 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 computer 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 this 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.

SEC. 1117. DATES FOR INITIAL OPERATIONAL CAPABILITY FOR AIR FORCE SHUTTLE OPERATIONS AND PLANNING COMPLEX.

(a) PRIORITY FOR ACHIEVING SPECIFIED IOC'S.—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.

SEC. 1118. 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.

SEC. 1119. LIMITATIONS ON PROGRESS PAYMENTS.

(a) PROGRESS PAYMENTS TO BE BASED ON ACTUAL PROGRESS.—The Secretary of Defense shall require that progress payments under a defense contract that provides for such payments shall be made only—

(1) after the work (including work in progress) for which payment is made is accomplished, as determined by the Secretary; and

(2) in accordance with a schedule of payments commensurate with the estimated cost of accomplished work of acceptable quality.

(b) REQUIREMENT THAT TERMS BE MADE DEFINITE.—Progress payments referred to in subsection (a) may not be made for more than 80 percent of the work accomplished under a defense contract so long as the Secretary of Defense has not made the contractual terms, specifications, and price definite.

(c) WAIVER OF SMALL PURCHASES.—This section does not apply to contracts for amounts less than the threshold for small purchases applicable under section 2304(g)(2) of title 10, United States Code.

(d) EFFECTIVE DATE.—This section shall apply only to contracts entered into, extended, or substantially altered after the end of the 180-day period beginning on the date of the enactment of this Act.

SEC. 1120. SDI OVERSIGHT COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is hereby established a commission to be known as the "Congressional Commission on Strategic Defense". The Commission shall monitor the progress of programs of the Department of Defense known as the Strategic Defense Initiative (hereinafter in this section referred to as "SDI") and particularly shall—

(1) study the feasibility and technology of SDI programs;

(2) review the spending and contractual patterns of SDI programs;

(3) review strategic defense programs of the Soviet Union; and the Soviet response to SDI; and

(4) study the effect of the SDI programs on military doctrine and stability and on arms control and other international agreements.

(b) MEMBERSHIP.—(1) The Commission shall be composed of eight members appointed for the life of the Commission. The members of the Commission shall be appointed as follows:

(A) Two members shall be appointed by the Speaker of the House of Representatives.

(B) Two members shall be appointed by the Minority Leader of the House of Representatives.

(C) Two members shall be appointed by the Majority Leader of the Senate.

(D) Two members shall be appointed by the Minority Leader of the Senate.

(2) Members of the Commission shall be appointed based upon recognized expertise in matters relating to the Strategic Defense Initiative, including expertise in the fields of defense policy, defense technology, and arms control, and shall be selected from among persons who are particularly qualified by reason of training, experience, and knowledge for services on the Commission. No officer or employee of the United States, including a Member of Congress, may be a member of the Commission.

(3) In the event of a vacancy in the Commission, the vacancy shall be filled in the same manner as the original appointment.

(c) CHAIRMAN.—The members of the Commission shall select one of the members of the Commission to be the chairman of the Commission.

(d) SUPPORT SERVICES.—The Commission shall receive necessary support services, including staff, from the Comptroller General of the United States and the Director of the Congressional Office of Technology Assessment.

(e) REPORTS.—(1) The Commission shall submit to Congress an annual report and such other reports as it considers appropriate. Each report by the Commission shall be submitted in both a classified and unclassified form.

(2) The Commission shall submit to Congress such reports as it considers appropriate on any report to Congress by the Secretary of Defense concerning the Strategic Defense Initiative.

(3) Reports to Congress by the Commission shall be submitted without intervening review or approval within the Executive branch.

(f) TERMINATION OF COMMISSION.—The Commission shall cease to exist on October 1, 1990.

SEC. 1121. TWO-YEAR EXTENSION OF PROHIBITION ON CONTRACTS FOR THE PERFORMANCE OF FIREFIGHTING AND SECURITY FUNCTIONS.

(a) EXTENSION OF PROHIBITION.—Section 1221(a) of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 691), is amended by striking out "October 1, 1985" and inserting in lieu thereof "October 1, 1987".

(b) REPORT.—(1) The Secretary of Defense shall submit to Congress a written report containing—

(A) an assessment of the special needs of the Department of Defense with respect to firefighting and base security; and

(B) an assessment of how those needs are met by both Federal employees and contract personnel.

(2) The report shall be prepared in consultation with the Administrator of the United States Fire Administration of the Federal Emergency Management Agency and shall include the comments of the Administrator on the report.

(3) The report shall be submitted not later than March 1, 1986.

PART C—MISCELLANEOUS REPORTING REQUIREMENTS

SEC. 1121. 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. 1122. 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. 1123. 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.

SEC. 1124. 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 United States-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.

SEC. 1125. REPORT CONCERNING THE TESTING OF CHEMICAL WARFARE AGENTS.

The Secretary of Defense shall, within 90 days after the date of enactment of this Act, transmit a report to the Armed Services Committees of the Senate and House of Representatives describing the following matters concerning the testing of diluted or undiluted chemical warfare agents:

(1) the criteria and process used for selecting sites for such testing;

(2) the nature and extent of any consultation carried out with State and local officials before the site for such testing is selected;

(3) the consideration that is given to the proximity of residential dwelling units, schools, child care centers, nursing homes, hospitals, or other health care facilities to the testing site;

(4) whether an environmental impact statement should be required prior to the approval of a contract for such testing;

(5) any costs that may have to be incurred by the Federal Government to assist companies that carry out such testing to relocate to more isolated areas;

(6) the degree to which the Secretary estimates that such testing will increase or decrease;

(7) any recurring problems associated with such testing or the site selection process for such testing; and

(8) any changes in site selection process that are to be implemented by the Secretary or for which legislative action is necessary.

SEC. 1126. 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.

SEC. 1127. 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 specialty mix necessary to meet wartime medical manpower requirements; and

(D) redirecting graduate medical education programs to provide training in critical combat specialties.

(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.

SEC. 1128. 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;

(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; and

(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.

SEC. 1129. REPORT ON RETENTION OF BASIC POINT DEFENSE MISSILE SYSTEM.

(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 removal of the Basic Point Defense Missile System for naval amphibious vessels.

(b) REPLACEMENT OF THE BASIC POINT DEFENSE MISSILE SYSTEM.—(1) The report shall consider the current plans to replace the Basic Point Defense Missile System on amphibious vessels with the Close in Weapon System.

(2) The report shall include an assessment of the effectiveness of the anti-air warfare capabilities of amphibious vessels. This assessment shall be used by the Secretary of the Navy in considering augmenting rather than replacing the Basic Point Defense Missile System on amphibious vessels with the Close in Weapon System.

(c) LIMITATIONS ON REMOVAL OF BASIC POINT DEFENSE MISSILE SYSTEM.—The Secretary of the Navy may not remove the Basic Point Defense Missile System from amphibious vessels until the report is submitted.

SEC. 1130. ANNUAL REPORT ON NUCLEAR WINTER FINDINGS AND POLICY IMPLICATIONS.

(a) CONTINUED PARTICIPATION IN INTERAGENCY STUDIES.—Notwithstanding any limitation in any other provision of this Act, the Secretary of Defense, in accordance with section 1107(a) of the Department of Defense Authorization Act, 1985 (Public Law 98-525), shall participate in any comprehensive interagency study conducted on the atmospheric, climatic, environmental, and biological consequences of nuclear war and the implications that such consequences have for the nuclear weapons strategy and policy, the arms control policy, and the civil defense policy of the United States.

(b) ANNUAL REPORT ON NUCLEAR WINTER FINDINGS.—(1) Not later than March 1, 1986, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an unclassified report suitable for release to the public, together with classified addenda (if required), concerning the subject described in subsection (a). The Secretary shall include in such report the following:

(A) A detailed review and assessment of the findings in the current body of domestic and international scientific literature on the atmospheric, climatic, environmental, and biological consequences of nuclear explosions and nuclear exchanges.

(B) A thorough evaluation of the implications that such findings have on—

(i) the nuclear weapons policy of the United States, especially with regard to strategy, targeting, planning, command, control, procurement, and deployment;

(ii) the nuclear arms control policy of the United States; and

(iii) the civil defense policy of the United States.

(C) A discussion of the manner in which the results of such evaluation of policy implications will be incorporated into the nuclear weapons, arms control, and civil defense policies of the United States.

(D) An analysis of the extent to which current scientific findings on the consequences of nuclear explosions are being studied, disseminated, and used in the Soviet Union.

(2) Not later than March 1st of 1987, 1988, 1989, and 1990, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives an unclassified report suitable for release to the public, together with classified addenda (if required), containing—

(A) a detailed update of the items contained in the report described in paragraph (1), taking into account any scientific studies and findings made by other agencies within the Federal Government or entities outside the Federal Government; and

(B) the results of any study in which the Secretary has been participating under subsection (a).

SEC. 1131. REPORT ON RETIREMENT BENEFITS OF PHILIPPINE SCOUTS.

(a) IN GENERAL.—The Secretary of the Army (hereinafter in this section referred to as the "Secretary") shall conduct a study of—

(1) the disparity between the pay received by members of the Philippine Scouts who served during World War II and the pay received by other members of the United States Army during such war who had grades and lengths of service that correspond to the grades and lengths of service of such members of the Philippine Scouts; and

(2) the effect of this disparity on the retirement benefits of such members of the Philippine Scouts and their survivors.

(b) PARTICULAR SUBJECTS OF THE STUDY.—In carrying out such study, the Secretary shall—

(1) compile a list of all persons who served as members of the Philippine Scouts during the period beginning December 7, 1941, and ending December 31, 1946;

(2) compile a list of persons described in paragraph (1) who are alive on the date of enactment of this Act;

(3) determine the amount of basic pay each person described in paragraph (2) received for services rendered as a member of the Philippine Scouts during the period described in such paragraph and compare it to the amount of basic pay each such person would have received as a member of the Philippine Scouts during that period if the rates of basic pay during such period for the Philippine Scouts had been the same as the rates of basic pay for other members of the United States Army with corresponding grades and length of service during such period;

(4) determine the amount of retired pay that each person described in paragraph (2) is entitled to receive as retired pay from the Army as a result of service rendered as a Philippine Scout and compare it to the amount such person would receive with respect to periods beginning after the date of enactment of this Act if the rate of basic pay payable to such person during the period described in paragraph (1) had been the rate of basic pay payable to any other member of the United States Army with the corresponding grade and length of service during such period; and

(5) determine possible options, and the costs of each, for recalculating the retirement pay of persons described in paragraph (2), including survivor benefits, in order to remedy the disparity in pay received by such persons during their service as Philippine Scouts.

(c) REPORT.—(1) The Secretary shall transmit, within one year after the date of enactment of this Act, to the Armed Services Committees of the Senate and House of Representatives a report containing the findings and conclusions of the Secretary with respect to each of the matters described in paragraphs (1) through (5) of subsection (b).

(2) If the Secretary determines that—

(A) the documents necessary to compile the lists and make the determinations under subsection (b) are not attainable through reasonable efforts; or

(B) the cost of compiling such lists and making such determinations is excessive,

the Secretary shall make a report as soon as practicable to such Committees with a justification of such determination.

(3) If a report is made to the Committees under paragraph (2), the report to such Committees under paragraph (1) shall be based on the best information that can be reasonably obtained without excessive costs.

SEC. 1132. REPORT CONCERNING ABILITY OF UNITED STATES INDUSTRIES TO SERVE UNITED STATES DEFENSE NEEDS.

(a) IN GENERAL.—The Secretary of Defense shall submit to the Congress a report with respect to—

(1) the effect on industries of the United States—

(A) of the record trade deficits experienced by the United States in recent years, and the record trade deficit projected for the United States in 1985; and

(B) of the present status of the United States as a net debtor nation;

(2) the ability of such industries to meet the production needs of the Department of Defense; and

(3) the ability of the United States to provide for the defense of itself and its allies.

(b) SPECIFIC REQUIREMENT.—The report required by subsection (a) shall include recommendations for actions to ensure that the industries of the United States are capable of meeting the production needs of the Department of Defense in any time of national emergency.

(c) SUBMISSION OF REPORT.—The report required by subsection (a) shall be submitted on or before November 1, 1985.

SEC. 1133. REPORT ON COMPETITION PROCEDURES UNDER SECTION 8(a) SET-ASIDE PROGRAM.

(a) REQUIREMENT FOR REPORT.—The Secretary of Defense and the Administrator of the Small Business Administration shall submit to the Committees on Armed Services and on Small Business of the Senate and House of Representatives a joint report on the feasibility of providing for the use of competitive procedures for contracts awarded by the Department of Defense under the set-aside program of the Small Business Administration under section 8(a) of the Small Business Act.

(b) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act.

SEC. 1134. REPORT ON EFFORTS TO INCREASE DEFENSE CONTRACT AWARDS TO INDIAN-OWNED BUSINESSES.

(a) SECRETARY OF DEFENSE REPORT.—The Secretary of Defense shall transmit to the Congress a report on the efforts by the Department of Defense during fiscal years 1984 and 1985 to increase contract awards to Indian-owned businesses in accordance with the memorandum of understanding between the Department of Defense and the Small Business Administration of September 29, 1983. Such report shall include, to the maximum extent practicable, any data regarding the number and value of prime contracts awarded by the department during such fiscal years to such businesses.

(b) DEADLINE FOR REPORT.—Such report shall be transmitted by March 31, 1986.

(c) DEFINITION.—For the purposes of this section, the term "Indian-owned business" means a firm owned and controlled by American Indians, including a tribally owned for-profit entity.

SEC. 1135. REPORT ON UNITED STATES DEFENSE EXPENDITURES IN THE FAR EAST.

(a) IN GENERAL.—The Secretary of Defense shall submit to Congress a report concerning ways the United States may further its national security interests in the Far East.

(b) MATTERS TO BE INCLUDED.—Such report shall include—

(1) the plans of the Department of Defense in the current five-year defense plan for defense expenditures for each fiscal year covered by the plan to be made in support of United States security interests in the Far East and, of such planned expenditures in each such fiscal year, how much is attributable to projected increases in defense outlays for that fiscal year;

(2) the projections for national defense expenditures by Japan for each such fiscal year; and

(3) the effect increases in national defense expenditures by Japan would have on United States defense expenditures in support of United States security interests in the Far East.

(c) 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.

PART D—TECHNICAL AND CLERICAL AMENDMENTS

SEC. 1141. 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. 1142. 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) 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) 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. 1143. 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 chapter 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—STRATEGIC DEFENSE INITIATIVE COMMISSION

SEC. 1151. PURPOSE.

The purpose of this part is to establish a commission on the strategic defense initiative which will assist the United States—

(1) to more definitively delineate the President's objectives for the Strategic Defensive Initiative program, as expressed in his March 23, 1983, speech on that program; and

(2) to revalidate the content of the Strategic Defense Initiative program by determining if its research programs are meeting the objectives set forth by the President.

SEC. 1152. ESTABLISHMENT.

Not later than 30 days after the enactment of this Act, the President shall establish a Strategic Defense Initiative Commission (hereafter in this part referred to as the "Commission").

SEC. 1153. DUTIES.

The duties of the Commission shall be—

(1) to identify those elements of the Strategic Defense Initiative program which can demonstrate the Strategic Defense Initiative's technical feasibility, to determine the timetable for the demonstrations occurring, and to project the costs of those demonstrations;

(2) to determine if the creation of an organizational and administrative project office within the Strategic Defense Initiative Organization (SDIO) of the Department of Defense would provide for better program management to enhance the program's efficiency;

(3) to set milestones for the program; and

(4) to develop a transition plan which provides for a stable incorporation of strategic defense systems into our national security posture in the future.

SEC. 1154. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—(1) The Commission shall be composed of five members appointed by the President. The members shall be selected from among individuals from Federal, State, and local governments, industry, business, academia, the military, and the general population who, by reason of their background, education, training, or experience, possess expertise in national security, scientific and technological pursuits, or the use and implication of the use of such pursuits.

(2) An individual serving in one of the following positions may not be a member of the Commission;

(A) A position in Schedule C of subpart C of part 213 of title 5, Code of Federal Regulations.

(B) A position filled by noncareer executive assignment under subpart F of part 305 of title 5, Code of Federal Regulations.

(C) A position in the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code, other than a career Executive Schedule position.

(b) VACANCY.—A vacancy in the commission shall be filled in the manner in which the original appointment was made. Appointments may be made under this section without regard to section 5311(b) of title 5, United States Code.

(c) CONTINUATION OF MEMBERSHIP.—If any member of the Commission begins service in a position described in subsection (a)(2), that member may continue as a member of the Commission for not longer than the seven-day period beginning on the date that member begins such service.

(d) TERMS.—Members shall be appointed for the life of the Commission.

(e) BASIC PAY.—(1) Members of the Commission shall each be paid at a rate not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

(2) Members of the Commission who are full-time employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(f) CHAIRMAN.—The Chairman and Vice Chairman of the Commission shall be designated by the President.

(g) MEETINGS.—The Commission shall meet at the call of the Chairman.

SEC. 1155. STAFF OF COMMISSION.

The Commission shall appoint and fix the compensation of such personnel as it deems advisable, except that rates for individuals may not exceed the daily equivalent of the maximum annual rate of basic pay payable for GS-15 of the General Schedule. The Chairman of the Commission shall be responsible for—

(1) the assignment of duties and responsibilities and the supervision of such personnel; and

(2) the use and expenditure of funds available to the Commission.

SEC. 1156. POWERS OF COMMISSION.

(a) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this part. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(b) ADMINISTRATOR SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

SEC. 1157. REPORT.

Not later than six months after the date of the enactment of this Act, the Commission shall submit, in both a classified and an unclassified manner, to the President and to each House of the Congress a report of its findings. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

SEC. 1158. TERMINATION.

The Commission shall cease to exist upon the submission of its final report pursuant to section 1157.

PART F—MISCELLANEOUS

SEC. 1161. 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. 1162. 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. 1163. 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. 1164. 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. 1165. 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.

(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.

SEC. 1166. 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. 1167. 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. 1168. 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. 1169. 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.

SEC. 1170. 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.

SEC. 1171. 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, 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).".

(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 justification 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. 1172. 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.—The 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 therof "Federal agency".

SEC. 1173. 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.

SEC. 1174. 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.

SEC. 1175. 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.

SEC. 1176. 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.

SEC. 1177. 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 States 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 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.".

SEC. 1178. 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 three hundred 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 thel Chairman and ranking minority member of either the Committee on Armed Services of the Senate or of 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 AMEMDMENTS.—(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.

SEC. 1179. 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 Apirl 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).

SEC. 1180. PROVISIONS 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.".

SEC. 1181. 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.

SEC. 1182. PROHIBITION ON OFFICERS OR EMPLOYEES OF DEFENSE CONTRACTORS INDICTED FOR, OR CONVICTED OF, CONTRACT-RELATED FELONIES.

An officer or employee of a defense contractor who is under indictment for fraud or any other felony arising out of a contract with the Department of Defense shall be personally suspended from working on or supervising a defense contract. Such individual, if convicted, shall be prohibited from contracting for, or employment with, the Department of Defense for a period of not

less than one year or more than five years from the date of the conviction.

SEC. 1183. CEILING ON FUNDS FOR CONTRACTING-OUT.

None of the funds authorized for appropriation or otherwise made available by this act shall be used to increase the dollar expenditures to contract out for services, as governed by Office of Management and Budget Circular A-76, beyond the level of expenditures for such payments in fiscal year 1985, except those expenditures necessary to meet wage rate increases required by the Service Contract Act and those expenditures necessary to initiate new contracts for services legally binding on September 30, 1985.

SEC. 1184. AUTHORIZATION FOR ADDITIONAL PROCUREMENT FOR CONVENTIONAL FORCES.

(a) FINDING AND PURPOSE.—The Congress finds that the United States should place greater emphasis on the improvement of the capabilities of United States conventional forces and that such an improvement would reduce the threat of nuclear war. Accordingly, this section provides additional authorization of appropriations for programs to improve conventional readiness capabilities of the Armed Forces.

(b) ARMY.—The amounts authorized to be appropriated in section 101 for the Army are increased by the following amounts:

(1) For weapons and tracked combat vehicles, $20,000,000.

(2) For ammunition, $474,100,000.

(3) For other procurement, $126,600,000, of which—

(A) $50,000,000 is for tactical and support vehicles;

(B) $41,100,000 is for communications and electronics; and

(C) $35,500,000 is for other support equipment.

(c) NAVY AND MARINE CORPS.—The amounts authorized to be appropriated in section 102 for the Navy and Marine Corps are increased by the following amounts:

(1) For weapons procurement, Navy, $142,500,000.

(2) For shipbuilding and conversion, $25,000,000.

(3) For other procurement, Navy, $62,500,000, of which—

(A) $15,000,000 is available only for the ship support equipment program; and

(B) $47,500,000 is available for aviation support equipment.

(4) For Marine Corps procurement, $99,300,000.

(d) AIR FORCE.—The amounts authorized to be appropriated in section 103 for the Air Force are increased by the following amounts:

(1) For missiles, $38,000,000.

(2) For other procurement, $12,000,000.

(e) INTEGRATION WITH OTHER PROVISIONS OF ACT.—The increases provided by this section in the authorizations of appropriations in title I—

(1) are in addition to any increase in such authorizations provided in any other provision of this Act; and

(2) are provided notwithstanding any reduction in such authorizations provided in any other provision of this Act.

(f) ARMY PROGRAMS.—The additional authorizations provided by subsection (b) for the Army are available for Army programs as follows:

(1) The additional authorization for weapons and tracked combat vehicles is for initial spares for tracked combat vehicles.

(2) From the additional authorization for ammunition, Army, additional ammunition is authorized in quantities and amounts as follows:

(A) For training ammunition shortfalls:

Cartridge 5.56 blank for squad automatic weapon, 3,278,000 units and $800,000.

Cartridge 7.62 training linked, 1,730,000 units and $600,000.

Cartridge 7.62 ball linked, 2,839,000 units and $800,000.

Cartridge caliber .50 4 ball 1 tracer, 1,197,000 units and $1,700,000.

Cartridge caliber .50 ball linked, 1,174,000 units and $1,400,000.

Cartridge caliber .50 4 ball 1 tracer, 6,281,000 units and $8,100,000.

Cartridge 30-millimeter target practice-tracer, 488,000 units and $5,500,000.

Cartridge 105-millimeter target practice-tracer, 125,000 units and $19,800,000.

Cartridge 105-millimeter discarding sabot-target practice M724, 84,000 units and $16,800,000.

Cartridge 120-millimeter training M865, 28,000 units and $17,000,000.

(B) For war reserve shortfalls:

Projectile 8-inch high explosive improved conventional munition, 117,000 units and $100,000,000.

Charge propelling white bag 188, 129,000 units and $28,200,000.

Projectile 155-millimeter high explosive improved conventional munition, 121,000 units and $51,700,000.

Projectile 155-millimeter remote, anti-armor mines M741, 29,000 units and $50,000,000.

Projectile 155-millimeter area denial artillery munition M731, 4,000 units and $17,600,000.

Fuze mechanical time M577, 517,000 units and $35,600,000.

Charge propelling 155-millimeter, green bag M3A1, 111,000 units and $6,200,000.

Charge propelling 155-millimeter, white bag M4A2, 115,000 units and $8,900,000.

Ground improved mine scatter system, anti-tank mine M75, 84,000 units and $16,800,000.

Cartridge 40-millimeter high velocity, high explosive, dual purpose M430, 1,440,000 units and $17,000,000.

Projectile 8-inch rocket assisted projectile, 14,000 units and $17,900,000.

120-millimeter cartridge armor piercing fin stabilized discarding sabot with tracer ME829, 25,000 units and $43,900,000.

120-millimeter cartridge high explosive, anti-tank, multipurpose with tracer M830, 3,000 units and $7,800,000.

(3) From the authorization for other procurement, Army, additional items are authorized in quantities and amounts as follows:

For five-ton trucks, 477 units and $50,000,000.

For utility landing craft, 7 units and $33,000,000.

For other support equipment spares, $2,500,000.

For Vinson, 6,558 units and $27,800,000.

For security voice improvement equipment, 286 units and $10,000,000.

For communications and electronics spares, $3,300,000.

(g) NAVY PROGRAMS.—The additional authorizations provided by subsection (c) for the Navy are available for Navy programs as follows:

(1) From the authorization for weapons procurement, Navy, additional items are authorized in quantities and amounts as follows:

For Sidearm, 717 units and $59,500,000.

For AIM-9 L/M Sidewinder, 630 units and $40,000,000.

For drones and decoys, $15,000,000.

For aerial targets, $28,000,000.

(2) From the authorization for shipbuilding and conversion, two ships are authorized for strategic sealift in the amount of $25,000,000.

(3) From the authorization for other procurement, Navy, additional items are authorized in quantities and amounts as follows:

For Skipper, 500 units and $12,500,000.

For low cost sonobouy, 150,000 units and $35,000,000.

For sealift support, 15,000,000, of which—

$3,000,000 is for modular causeway; and

$12,000,000 is for seasheds.

(h) MARINE CORPS PROGRAMS.—The additional authorization provided in subsection (c) for the Marine Corps is available for Marine Corps programs in quantities and amounts as follows:

For projectile 155-millimeter high explosive improved conventional munition (dual purpose) M483, 124,261 units and $50,000,000.

For M198 Howitzer, medium, towed 155-millimeter, 94 units and $45,000,000.

For Armored Vehicle Launched Bridge (AVLB), 8 units and $4,300,000.

(i) AIR FORCE PROGRAMS.—The additional authorizations provided in subsection (d) for the Air Force are available for Air Force programs as follows:

(1) From the authorization for missiles for the Air Force, 702,000 units and $38,000,000 are authorized for the AIM-9 L/M Sidewinder program.

(2) From the authorization for other procurement, Air Force, $12,000,000 is authorized for electronics and telecommunications.

SEC. 1185. CONTRACTING REQUIREMENTS.

(a) Except where compelling national security considerations require otherwise, not less than 10 percent of the amounts appropriated pursuant to authorizations made by titles I, II, and IX shall be expended for contracts entered into with small business concerns owned and controlled by socially and economically disadvantaged individuals (as defined by section 8 of the Small Business Act and regulations issued under such section), historically Black colleges and universities, and minority institutions (as defined by the Secretary of Education pursuant to the General Education Provisions Act): *Provided, however,* That whenever the Secretary of Defense or the Secretary of Energy proposes to waive the preceding requirements, the Congress must first be notified in writing including the justification therefor.

(b) The Secretary of Defense and the Secretary of Energy shall submit semiannual reports to the Congress on their compliance with the requirements in subsection (a) with a full explanation for any failure to comply with the requirements and a plan to remedy such failure. The first such reports shall be submitted to the Congress not later than May 1, 1986.

SEC. 1186. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

(a) IN GENERAL.—(1) Notwithstanding any other provision of law, the Secretary of Defense (hereinafter in this section referred to as the "Secretary") shall, in accordance with the provisions of this section, carry out the destruction of the United States' stockpile of lethal chemical agents and munitions that exists on the date of the enactment of this Act.

(2) Such destruction shall be carried out in conjunction with the acquisition of binary chemical weapons for use by the Armed Forces.

(b) DATE FOR COMPLETION.—(1) Except as provided by paragraphs (2) and (3), the destruction of such stockpile shall be completed by September 30, 1994.

(2) If a treaty banning the possession of chemical agents and munitions is ratified by the United States, the date for completing the destruction of the United States' stockpile of such agents and munitions shall be the date established by such treaty.

(3)(A) In the event of a declaration of war by the Congress or of a national emergency by the President or the Congress or if the Secretary of Defense determines that there has been a significant delay in the acquisition of an adequate number of binary chemical weapons to meet the requirements of the Armed Forces (as defined by the Joint Chiefs of Staff as of September 30, 1985), the Secretary may defer, beyond September 30, 1994, the destruction of not more than 10 percent of the stockpile described in subsection (a)(1).

(B) The Secretary shall transmit written notice to the Congress of any deferral made under subparagraph (A) within 30 days after the date on which the determination to defer is made or by August 31, 1994, whichever is earlier.

(c) ENVIRONMENTAL PROTECTION AND USE OF FACILITIES.—(1) In carrying out the requirement of subsection (a)(1), the Secretary shall provide for—

(A) maximum protection for the environment, the general public, and the personnel who are involved in such destruction; and

(B) adequate and safe facilities designed solely for the destruction of lethal chemical agents and munitions.

(2) Facilities constructed to carry out this section may not be used for any purpose other than the destruction of lethal chemical weapons and munitions, and when no longer needed to carry out this section, such facilities shall be cleaned, dismantled, and disposed of in accordance with applicable laws and regulations.

(d) PLAN.—(1) The Secretary shall develop a comprehensive plan to carry out this section.

(2) In developing such plan, the Secretary shall consult with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency.

(3) The Secretary shall transmit a copy of such plan to the Congress by March 15, 1986.

(4) Such plan shall provide—

(A) an evaluation of the comparison of onsite destruction, regional destruction centers, and a national destruction site both inside and outside of the United States;

(B) for technological advances in techniques used to destroy chemical munitions;

(C) for the maintenance of a permanent, written record of the destruction of lethal chemical agents and munitions carried out under this section; and

(D) a description of—

(i) the methods and facilities to be used in the destruction of agents and munitions under this section;

(ii) the schedule for carrying out this section; and

(iii) the management organization established under subsection (e).

(e) MANAGEMENT ORGANIZATION.—(1) In carrying out this section, the Secretary shall provide for the establishment, by May 1, 1986, of a management organization within the Department of the Army.

(2) Such organization shall be responsible for management of the destruction of agents and munitions under this section.

(3) The Secretary shall designate a general officer as the director of the management organization established under paragraph (1). Such officer shall have—

(A) experience in the acquisition, storage, and destruction of chemical agents and munitions;

(B) training in chemical warfare defense operations; and

(C) outstanding qualifications regarding safety in handling chemical agents and munitions.

(f) IDENTIFICATION OF FUNDS.—Funds for carrying out this section shall be set forth in the budget of the Department of Defense for any fiscal year as a separate account. Such funds shall not be included in the budget accounts for any military department. Funds for military construction projects necessary to carry out this section may be set out in the annual military construction budget separately from other funds for such project.

(g) ANNUAL REPORT.—(1) Except as provided by paragraph (4), the Secretary shall transmit, by December 15 of each year, a report to the Congress on the activities carried out under this section during the fiscal year ending on September 30 of the calendar year in which the report is to be made.

(2) The first such report shall be transmitted by December 15, 1985, and shall contain—

(A) an accounting of the United States' stockpile of lethal chemical agents and munitions on the date of the enactment of this Act; and

(B) a schedule of the activities planned to be carried out under this section during fiscal year 1986.

(3) Each report other than the first one shall contain—

(A) a site-by-site description of the construction, equipment, operation, and dismantling of facilities (during the fiscal year for which the report is made) used to carry out the destruction of agents and munitions under this section, including any accidents or other unplanned occurrences associated with such construction and operation; and

(B) an accounting of all funds expended (during such fiscal year) for activities carried out under this section, with a separate accounting for amounts expended for—

(i) the construction of and equipment for facilities used for the destruction of agents and munitions;

(ii) the operation of such facilities;

(iii) the dismantling or other closure of such facilities;

(iv) research and development; and

(v) program management.

(4) The Secretary shall transmit the final report under this subsection not later than 120 days following the completion of activities under this section.

(h) PROHIBITION ON ACQUIRING CERTAIN LETHAL CHEMICAL AGENTS AND MUNITIONS.—(1) Except as provided in paragraph (2), no agency of the Federal Government may, after the date of the enactment of this Act, develop or acquire lethal chemical agents or munitions other than those designed so that—

(A) the lethal agent is generated only after launch or firing; and

(B) there is no need to destroy the lethal agent in order to render the munition permanently inoperative.

(2) An agency of the Federal Government may acquire lethal chemical agents and munitions other than those described in paragraph (1) if they are acquired for the sole purpose of protecting the national security through intelligence analysis or through research, evaluation, or testing of such agents or munitions. Any agent or munition acquired under this paragraph may be used only for the purpose described in the preceding sentence.

(i) RENOUNCING FIRST USE OF CHEMICAL AGENTS AND MUNITIONS.—It is the sense of Congress that the President should publicly reaffirm the position of the United States renouncing the first use of chemical agents and munitions under any circumstances.

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

(1) The term "chemical agent and munition" means an agent or munition that, through its chemical properties, produces lethal or other damaging effects on human beings, except that such term does not include riot control agents, chemical herbicides, smoke and other obscuration materials.

(2) The term "lethal chemical agent and munition" means a chemical agent or munition that is designed to cause death, through its chemical properties, to human beings in field concentrations.

(3) The term "destruction" means, with respect to chemical munitions or agents—

(A) the demolishment of such munitions or agents by incineration or by any other means; or

(B) the dismantling or other disposal of such munitions or agents so as to make them useless for military purposes and harmless to human beings under normal circumstances.

(k) EFFECTIVE DATE.—The provisions of this section shall take effect on October 1, 1985.

SEC. 1187. DRUG-INTERDICTION ASSISTANCE TO CIVILIAN LAW ENFORCEMENT OFFICIALS.

(a) IN GENERAL.—Section 374 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The Secretary of Defense, upon request from the head of a Federal agency with jurisdiction to enforce the Controlled Substances Act (21 U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), may assign members of the armed forces under the Secretary's jurisdiction to assist drug enforcement officials of such agency in drug searches, seizures, or arrests outside the land area of the United States (or of any territory or possession of the United States) if—

"(1) that assistance will not adversely affect the military preparedness of the United States;

"(2) the Attorney General verifies that the drug enforcement operation may not succeed without assistance by members of the armed forces; and

"(3) Federal drug enforcement officials maintain ultimate control over the activities and direction of any drug enforcement operation.".

(b) CONFORMING AMENDMENT.—Section 375 of such title is amended by inserting "(other than under section 374(d))" after "under this chapter".

SEC. 1188. COMPENSATION FOR MILITARY PERSONNEL AND MEMBERS OF THEIR FAMILIES WHO ARE VICTIMS OF TERRORISM.

(a) AUTHORITY TO MAKE PAYMENT.—If an individual who is a member of the Armed

Forces or a family member of a member of the Armed Forces is a victim of a hostile action directed against the United States, the President may make a cash payment under this section to that individual and to any family member of that individual (including the member of the Armed Forces).

(b) MATTERS FOR WHICH PAYMENTS MAY BE MADE.—A payment authorized by subsection (a) may include—

(1) expenses for medical and health care and other expenses related to such care to the extent that such care—

(A) is incident to the hostile action; and

(B) is not covered by any Government medical or health program or by insurance; and

(2) an amount based on the nature of the hostile action and the effect of the hostile action on the individual, taking into consideration the treatment received by the individual, the duration of the individual's captivity (if any), and any other factor that the President considers appropriate.

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

(1) The term "hostile action" includes terrorist actions, wherever they occur, and includes captivity and physical violence. Such term does not include actions by enemy forces during the time of war in a theatre of war.

(2) The term "family member" has the meaning given that term in section 101(3) of the Hostage Relief Act of 1980 (5 U.S.C. 5561 note).

SEC. 1189. PROVISION OF HOME HEALTH CARE.

Home health care may be provided to a chronically ill dependent of an active duty member of the uniformed services, provided that such care is medically necessary or appropriate; cost effective; and the beneficiary is not covered for such care under any other public or private health insurance plan.

SEC. 1190. 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 September 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.

SEC. 1191. STUDY OF MEASURES TO ENHANCE CRISIS STABILITY AND CONTROL.

(a) The Secretary of Defense shall conduct a detailed and complete study and evaluation of additional measures which both enhance the security of the United States and reduce the likelihood of nuclear weapons use by contributing to crisis stability and/or crisis control capabilities, including specific consideration of the following measures:

(1) Increased redundancy of direct communications link circuits, including the creation of new survivable circuts and terminals, located outside the national capitals which have access to the command and control system of the country in which they are located.

(2) Establishment of redundant, survivable direct communications links between and among all nuclear-armed states.

(3) Conclusion of an agreement creating "non-target" sanctuaries only for certain direct communications link circuits to enhance survivability of communications.

(4) Creation in advance of standard operating procedures for communicating, and possibly cooperating, with the Soviet Union and other states in the event of nuclear attacks by third parties on either the United States or Soviet Union.

(5) Addition to the Incidents At Sea agreement of a prohibition on the "locking on" of fire control radars on ships and planes of the other side, an agreement on the separation of naval forces during specified periods of crisis, and other such measures relevant to the Incidents At Sea agreement.

(6) Placement by the United States and the Soviet Union of unmanned launch sensors in the land-based missile fields of both countries.

(7) Establishment of anti-submarine operations free zones designed to enhance the security of ballistic missile submarines.

(8) Installation of permissive action links aboard the ballistic missile submarines of the United States, which might possibly be activated or deactivated at various levels of alert, and encouragement of the Soviet Union to do the same.

(9) Establishment of training programs for National Command Authority officials to familiarize them with alert procedures, communications capabilities, nuclear weapons release authority procedures, and the crisis control and stability implications thereof.

(10) Include in standard operating procedure the relocation in a crisis of a National Command Authority official outside Washington, D.C. to a secure location with access to the strategic command and control system, and announce the institution of this procedure to relevant foreign governments.

(b) The Secretary of Defense shall submit a report of the study and evaluation under subsection (a) to the Committees on Armed Services and Foreign Relations of the Senate and the Committee on Armed Services and Foreign Affairs of the House of Representatives by January 1, 1986. Such report should be available in both a classified, if necessary, and unclassified format.

SEC. 1192. SENSE OF THE CONGRESS CONCERNING ESTABLISHMENT OF TRAVEL OFFICES OR ACQUISITION OF TRAVEL SERVICES.

It is the sense of the Congress that the Secretary of each military department should provide, in the establishment of travel offices or the acquisition of travel services for official travel, for free and open competition among commercial travel agencies, scheduled airline traffic offices (SATOs), and other entities which provide such services.

SEC. 1193. ENCOURAGEMENT OF TECHNOLOGY TRANSFER.

(a) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by adding the following new section at the end thereof:

"§ 2362. Encouragement of technology transfer

"(a) The Secretary of Defense shall encourage, to the extent consistent with national security objectives, the transfer of technology between laboratories and research centers of the Department of Defense and other Federal agencies, State and local governments, colleges and universities, and private persons in cases that are likely to result in the maximum domestic use of such technology.

"(b) The Secretary shall examine and implement methods, in addition to the encouragement referred to in subsection (a), that are consistent with national security objectives and will enable Department of Defense personnel to promote technology transfer in cases referred to in subsection (a)."

(b) REPORT.—(1) The Secretary of Defense shall, not later than April 1, 1986, transmit a report to the Congress concerning the implementation of the amendment made by subsection (a).

(2) Such report shall contain—

(A) an analysis of the funding in the Department of Defense budget request for fiscal year 1987 that is allocated to domestic technology transfers by laboratories and research centers within the Department of Defense;

(B) an assessment of the safeguards necessary to protect national security objectives in any domestic technology transfer by the Department of Defense;

(C) guidelines to ensure that such transfer of technology results in benefits primarily to persons in the United States rather than competitors in other countries or competitors controlled by entities in other countries; and

(D) any legal or other problems concerning such technology transfer that would require legislation to resolve.

(c) TECHNICAL AMENDMENTS.—The table of sections for such chapter is amended by adding the following new item at the end thereof:

"2362. Encouragement of technology transfer.".

SEC. 1194. STUDY BY SECRETARY OF DEFENSE.

The Secretary of Defense shall make a study of the desirability of reinstating the death penalty as an alternative penalty for persons convicted of espionage relating to the national defense, and report to the Congress the results of such study, together with any related recommendations for legislation, not later than the thirtieth day beginning after the date of the enactment of this Act.

SEC. 1195. REPORT ON ESTABLISHING NEEDS-BASED SURVIVOR BENEFIT ANNUITY PROGRAM FOR SURVIVING SPOUSES OF CERTAIN RETIRED RESERVISTS.

(a) REQUIREMENT FOR REPORT.—The Secretary of Defense shall submit to Congress a plan for establishing a needs-based survivor annuity program for surviving spouses of members of the uniformed services who—

(1) died prior to September 30, 1978; and

(2) at the time of death would have been eligible for retired pay under chapter 67 of title 10, United States Code, but for the fact they were under 60 years of age.

(b) SCOPE OF PLAN.—The plan shall take into consideration the surviving spouse's income for purposes of determining eligibility under the plan. In developing the plan, the Secretary of Defense should analyze a variety of options, including a plan similar to the Minimum Income Widows Program established pursuant to Public Law 92-425 and provide an accounting of the number of potential beneficiaries and the projected cost.

(c) DEADLINE FOR REPORT.—The report required by this section shall be submitted no later than December 31, 1985.

SEC. 1196. AWARDS FOR COST SAVINGS DISCLOSURES.

(a) AWARDS TO CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.—(1) The Inspector General of the Department of Defense may pay a cash award to any civilian employee of the Department whose disclosure of fraud, waste, or mismanagement to such Inspector General has resulted in cost savings

for the Department. The amount of any award under this paragraph may not exceed whichever of the following amounts is less:

(A) $25,000.

(B) An amount that the Inspector General determines to be equal to one percent of the cost savings of the Department attributable to the disclosure, including cost savings projected for fiscal years following the fiscal year in which the disclosure was made.

(2) No award may be paid under paragraph (1)—

(A) before October 1, 1985; or

(B) after September 30, 1988.

(3)(A) The Inspector General shall submit to the Congress a report with respect to the effectiveness of the awards provision in this subsection, including the recommendations of the Inspector General—

(i) as to whether the awards provision should be continued after September 30, 1988; and

(ii) if the provision is continued, whether any modification in the provision is appropriate.

(B) The report referred to in subparagraph (A) shall be submitted on or before March 16, 1988.

(b) AWARDS TO MEMBERS OF THE ARMED FORCES.—(1) Section 1124 of title 10, United States Code, is amended in subsections (a), (b), (c), and (f) by inserting "disclosure," before "suggestion".

(2) Such section is amended by adding at the end thereof the following new subsection:

"(i)(1) No award with respect to a disclosure may be paid under this section—

"(A) before October 1, 1985; or

"(B) after September 30, 1988.

"(2)(A) The Secretary of Defense, after consultation with the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall submit to the Congress a report with respect to the effectiveness of the provision in this section for awards for disclosures, including the recommendations of the Secretary—

"(i) as to whether the provision should be continued after September 30, 1988; and

"(ii) if the provision is continued, whether any modification in the provision is appropriate.

"(B) The report referred to in subparagraph (A) shall be submitted on or before March 16, 1988.".

(c) CONFORMING AMENDMENTS.—(1) The heading of section 1124 of title 10, United States Code, is amended to read as follows:

"§ 1124. Cash awards for disclosures, suggestions, inventions or scientific achievements".

(2) The item relating to such section in the table of sections at the beginning of chapter 57 of such title is amended to read as follows:

"1124. Cash awards for disclosures, suggestions, inventions, or scientific achievements.".

At end to title X (page 200, after line 4) add the following new section:

SEC. 1197. AMERICAN STAGE EQUIPMENT FOR U.S. PATRIOTIC EVENTS.

That it is the sense of the Congress that performing groups in the armed forces of the United States should use domestically manufactured entertainment support items, such as pianos and organs, sound and lighting equipment, and other items essential for quality entertainment, at patriotic and ceremonial events in the Capitol Building, on the Capitol Grounds, and at all Federal buildings, unless there is no domestically manufactured item of comparable quality and price.

SEC. 1198. AIRCRAFT FUEL CONSERVATION PROGRAM AND REPORT.

(a) ESTABLISHMENT OF PROBLEM.—(1) The Secretary of Defense shall establish a fuel conservation program for the purpose of reducing the use of fuel by military aircraft during takeoffs and other situations in which the Secretary determines that use of fuel may be reduced without lowering the safety standards officially in use by military aircraft personnel on the date of the enactment of this Act.

(2) The program referred to in paragraph (1) shall be established and implemented before the expiration of the 90-day period following the date of the enactment of this Act.

(b) SUBMISSION OF REPORT.—The Secretary of Defense shall submit to the Congress a report with respect to the program referred to in subsection (a) before the expiration of the 90-day period following the date of the enactment of this Act.

SEC. 1199. LIMITED COUNTERINTELLIGENCE POLYGRAPH PROGRAM.

(a) The Secretary of Defense is authorized and directed to institute a program of counterintelligence polygraph examinations for military, civilian, and contractor personnel of the Department of Defense, military departments, and the armed forces whose duties involve access to classified information.

(b) The program instituted pursuant to subsection (a) shall provide that, in the case of such individuals whose duties involve access to classified information within special access programs established pursuant to section 4.2(a) of Executive Order 12356, a counterintelligence polygraph examination shall be required prior to granting access to such information and aperiodically thereafter at random while such individuals have access to such information.

(c) In the case of individuals whose duties involve access to classified information other than that information covered in subsection (b) of this section, a counterintelligence polygraph examination may be required prior to granting access to such information and aperiodically thereafter at random while such individuals have access to such information.

(d) A counterintelligence polygraph examination conducted pursuant to this section shall be limited to technical questions necessary to the polygraph technique and questions directly related to espionage, sabotage, terrorism and unauthorized disclosures of classified information.

(e) The authority of the Secretary of Defense under this section to provide for the use of polygraph examinations shall be in addition to any other authority the Secretary possesses on the date of enactment of this Act to provide for such examinations under applicable laws and regulations.

SEC. 1200. LIMITATION ON INTRODUCTION OF ARMED FORCES INTO NICARAGUA FOR COMBAT.

(a) Funds appropriated to the Department of Defense may not be obligated or expended for the purpose of introducing the United States Armed Forces into or over Nicaragua for combat.

(b) DEFINITION OF COMBAT.—As used in this section, the term "combat" means the introduction of United States Armed Forces for the purpose of delivering weapons fire upon an enemy.

(c) EXCEPTIONS TO LIMITATION.—This section does not apply with respect to an introduction of United States Armed Forces into or over Nicaragua for combat if—

(1) the Congress has declared war or enacted specific authorization for such introduction; or

(2) such introduction is necessary—

(A) to meet a clear and present danger of hostile attack upon the United States, its territories or possessions or its allies; or

(B) to meet a clear and present danger to, and to provide necessary protection for, the United States Embassy; or

(C) to meet a clear and present danger to, and to provide necessary protection for and to evacuate, United States Government personnel or United States citizens; or

(D) to respond to hijacking, kidnapping, or other acts of terrorism involving citizens of the United States or citizens of any ally of the United States.

(d) EXISTING PROVISIONS PRESERVED.—Nothing in this section shall invalidate any provision of Public Law 93-148.

(e) TREATY AUTHORITY PRESERVED.—Nothing in this section shall invalidate any authority of the United States to act under the provisions of the Inter-American Treaty of Reciprocal Assistance.

(f) EXPIRATION UPON ESCALATION.—This section shall not apply when MIG aircraft, or other aircraft of similar design or capability, or nuclear missiles or any other nuclear weapons are introduced into Nicaragua.

SEC. 1201. EXERCISE OF CERTAIN AUTHORITIES RELATING TO CIVILIAN EMPLOYEES OF DEPARTMENT OF DEFENSE.

For purposes of civilian employees of the Department of Defense, the Secretary of Defense shall exercise the following authorities:

(1) Authorities assigned to the Director of the Office of Personnel Management under section 5.2(a) of Executive Order Number 10577 (5 U.S.C. 3301 note), relating to investigation of the suitability of applicants.

(2) Authorities assigned to the Office of Personnel Management under Executive Order Number 10450 (5 U.S.C. 7311 note), relating to security requirements for Federal employees.

SEC. 1202. READINESS OF SPECIAL OPERATIONS FORCES.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the first duty of the Government is to provide for the peace, safety, and security of the citizens of the United States;

(2) the incidence of terrorist, guerrilla, and other violent threats to citizens and property of the United States has rapidly increased;

(3) the special operations forces of the Armed Forces provide the United States with immediate and primary capability to respond to terrorism; and

(4) the special operations forces are the military mainstay of the United States for the purposes of nation-building and training friendly foreign forces in order to preclude deployment or combat involving the conventional or strategic forces of the United States.

(b) SENSE OF THE CONGRESS.—In view of the findings in subsection (a), it is the sense of the Congress that—

(1) the revitalization of the capability of the special operations forces of the Armed Forces should be pursued as a matter of the highest priority;

(2) personnel and other resource allocations should reflect the priority referred to in paragraph (1);

(3) the political and military sensitivity and the importance to national security of the special operations forces require that the Office of the Secretary of Defense should increase its management supervision of such forces to a level sufficient for direct, continuous, and intensive control of all aspects of the special operations mission area;

(4) the joint command and control of the special operations forces should be restructured to permit direct and immediate access by the President and Secretary of Defense; and

(5) the commanders-in-chief of the unified commands should have available, within their operational areas of responsibility, sufficient special operations assets to execute the operations plans for which they are responsible or to support additional contingency operations directed from the national level.

SEC. 1203. AUTHORIZATION FOR SPECIAL OPERATIONS WEAPONS FOR THE NAVY.

The Secretary of the Navy is authorized to obligate $2,300,000 for the acquisition of convertible special application sniper weapons from amounts appropriated for weapons procurement for the Navy for fiscal year 1986. Such authorization shall be considered to be included within the authorization for weapons procurement for the Navy under subsection (c)(1) of the section in this title relating to authorization for additional procurement for conventional forces.

SEC. 1204. ANNUAL REPORT ON COST SAVINGS UNDER CONTRACTING OUT PROCEDURES.

(a) REPORT.—Not later than April 15 of each year, the Secretary of Defense shall submit to Congress a report describing the experience of the Department of Defense since January 1, 1981, with conversion to contractor operation of commercial or industrial type functions of the Department of Defense which previously had been performed by Department of Defense civilian or military personnel.

(b) MATTERS TO BE INCLUDED.—(1) Each report under subsection (a) shall include with respect to each function of the Department of Defense converted to contractor operation since January 1, 1981—

(A) the estimated cost (as of the date of the award of the contract) of performance of the function by the Government,

(B) the contractor's estimated cost of performance of the function in the bid of the contractor,

(C) the actual cost (as of the end of the contract or the date of the report) of contractor operation of such function, and

(D) the savings (shown in dollars and as a percentage) for the operation of such function since conversion to contractor performance.

(2) Each such report shall also show—

(A) the average savings (shown in dollars and as a percentage) of all functions converted to contractor performance since January 1, 1981, as projected at the time of contracting and as realized at the end of the contract or the date of the report;

(B) the dollar amount and percentage of such contracts awarded to small businesses; and

(C) the number of Federal employees whose employment by the Government was terminated as a result of conversion of such functions to contractor performance.

(c) REVISION OF COST DIFFERENTIAL.—In performing any cost comparison under OMB Circular A-76, the Secretary of Defense shall use a cost differential factor of 15 percent rather than the percentage specified in such circular.

SEC. 1205. CAPITAL PUNISHMENT UNDER UCMJ FOR ESPIONAGE.

(a) IN GENERAL.—Chapter 47 of title 10, the United States Code (the Uniform Code of Military Justice), is amended by inserting after section 906 (article 106) the following new section (article):

"§ 906a. Art. 106a. Espionage

"(a)(1) Any person subject to this chapter who, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to communicate, deliver or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, note, instrument, applicance, or information relating to the national defense, shall be punished by death or other such punishment as a court martial may direct.

"(2) The sentence of death may not be imposed for an offense under paragraph (1) unless the members of the court martial further find that the offense directly concerned—

"(A) nuclear weaponry, military spacecraft or satellites, early warning systems, or other means of defense or retaliation against large-scale attack;

"(B) war plans;

"(C) communications intelligence or cryptographic information; or

"(D) any other major weapons system or major element of defense strategy.

"(b) Any person subject to this chapter who, in time of war, with intent that the same shall be communicated to the enemy, collects, records, publishes, or communicates, or attempts to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the Armed Forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense, which might be useful to the enemy, shall be punished by death or other such punishment as a court martial may direct.

"(c) Except as set forth in this section, sentencing under this section shall be determined pursuant to procedures set forth in the Manual for Courts-Martial. The members shall consider all relevant matters presented in aggravation and extenuation and mitigation. The members shall return special findings indentifying any mitigating factors and any aggravating factors set forth in subsection (d) or (e) that are found to exist. If one of the aggravating factors set forth in subsection (e) is found to exist, a special finding identifying any other aggravating factor may be returned. A finding of such a factor by the members shall be made by unanimous vote. If no aggravating factor set forth in subsection (e) is found to exist, the members shall impose a sentence, other than death, authorized by law. If one or more of the aggravating factors set forth in subsection (e) is found to exist, the members shall then consider whether the aggravating factor or factors found to exist sufficiently outweighs any mitigating factor or factors found to exist, or in the absence of mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death. Based upon this consideration, the members by unanimous vote shall return a finding as to whether a sentence of death is justified. Upon a finding that a sentence of death is justified, the members shall sentence the accused to death. Otherwise the members shall impose a sentence, other than death, authorized be law.

"(d) In determining whether a sentence of death is to be imposed on the accused, the following mitigating factors shall be considered but are not exclusive:

"(1) The accused was less than 18 years of age at the time of the offense.

"(2) The accused's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to the charge.

"(3) The accused was under unusual and substantial duress, although not such duress as constitutes a defense to the charge.

"(4) The accused is punishable as a principal (as defined in section 877 of this title) in the offense, which was committed by another, but his participation was relatively minor, although not so minor as to constitute a defense to the charge.

"(5) Any other factor the President may set forth in regulations prescribed under section 836 of this title (article 36).

"(e) If the accused is found guilty of an offense under this section, the following aggravating factors shall be considered but are not exclusive:

"(1) The accused has been convicted of another offense involving espionage or treason for which either a sentence of life imprisonment or death was authorized by statute.

"(2) In the commission of the offense the accused knowingly created a grave risk of substantial danger to the national security.

"(3) In the commission of the offense the accused knowingly created a grave risk of death to another person.

"(4) Any other factor the President may set forth in regulations prescribed under section 836 of this title (article 36).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter x of such chapter is amended by inserting after the item relating to section 906 (article 106) the following new item:

"906a. Art. 106a. Espionage.".

SEC. 1206. REDUCTION IN SECURITY CLEARANCE BACKLOG.

(a) FINDING.—The Congress finds that there are many persons with a security clearance at a level of top secret or above who have not been investigated for more than five years as a result of delays in the program of the Department of Defense for periodic reinvestigations of persons with clearances at such a level.

(b) REQUIRED REDUCTION IN CLEARANCE BACKLOG.—The Secretary of Defense shall take such action as necessary to achieve a reduction of 25 percent in the backlog under such periodic reinvestigation program by the end of fiscal year 1986.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1986 for operation and maintenance of defense agencies $25,000,000 for the purposes of this section. Such authorization is in addition to any other authorization provided by this Act.

(d) REPORT.—If the Secretary determines that there are insufficient funds available to the Secretary to carry out subsection (b), the Secretary shall report to Congress by April 1, 1986, on the level of funding required to enable the Secretary to carry out that subsection. Such a report shall include a description of any resources and requirements necessary to accomplish the remaining reduction under subsection (b) and to eliminate an additional 25 percent of the backlog in the periodic reinvestigation program during fiscal year 1987.

SEC. 1207. SHOULD-COST ANALYSIS.

(a) REPORT ON ANNUAL PLAN.—The Secretary of Defense shall submit to Congress an annual report setting forth the Secretary's plan for the performance during the next fiscal year of cost analyses of contractors for major defense acquisition programs for the purpose of determining how much the production of such systems should cost. Such report shall describe—

(1) which covered systems the Secretary plans to apply such an analysis to; and

(2) which covered systems the Secretary does not plan to apply such an analysis to and, in each such case, the reasons for not applying such an analysis.

(b) COVERED SYSTEMS.—For the purposes of subsection (a), a system under a major defense acquisition program shall be considered to be a covered system if—

(1) a production contract for the system is to be awarded during the year following the next fiscal year using procedures other than full and open competition;

(2) initial production of the system has already taken place;

(3) the current plans for the Department of Defense include production of substantial quantities of identical or similar items in fiscal years beyond the next fiscal year;

(4) the work to be performed under the contract is sufficiently defined to permit an effective analysis of what production of the system by the contractor should cost; and

(5) major changes in the program are unlikely.

(c) SUBMITTAL OF REPORT.—The report required by subsection (a) shall be submitted to the Committees on Armed Services of the Senate and the House of Representatives not later than the date on which the budget for the next fiscal year is submitted each year.

(d) DEFINITION.—The term "major defense acquisition program" means a program for which a Selected Acquisition Report is required to be submitted under section 139a of title 10, United States Code.

SEC. 1208. ACQUISITION OF ANTI-SUBMARINE WARFARE TRAINING SYSTEMS.

Of the amount appropriated for the Navy pursuant to the authorzation for the Navy in section 201, $6,800,000 shall be available only for acquisition of three service test models of the LAMPS MK-1 anti-submarine warfare shipboard training systems for the Naval Reserve.

SEC. 1209. PROHIBITING THE DEPARTMENT OF DEFENSE AND THE CENTRAL INTELLIGENCE AGENCY FROM PROVIDING ASSISTANCE TO THE NICARAGUAN RESISTANCE FORCES.

None of the funds appropriated pursuant to the authorizations of appropriations in this Act may be obligated or expended by the Department of Defense or the Central Intelligence Agency to provide any humanitarian assistance to the Nicaraguan resistance forces.

SEC. 1210. RESTRICTION ON FUNDING FOR MX MISSILE WARHEAD.

None of the funds appropriated pursuant to an authorization provided in this Act or any other Act may be obligated or expended for the production of W-87 warheads for the MX missile program in excess of the numbers of warheads required to arm the number of such missiles authorized by the Congress to be deployed and determined by the President to be necessary for quality assurance and reliability testing.

SEC. 1211. EMPLOYMENT OF THE STANDARD MISSILE (SM-2(N)).

Except for the studies and report required by this section, none of the funds authorized to be appropriated by this Act shall be expended for research, development, test or procurement associated with a nuclear variant of the Standard Missile (SM-2(N)) or any associated nuclear warhead until 30 calendar days after the Secretary of the Navy submits to the Senate and House Armed Services Committees a report which includes the following information—

(1) a description of the circumstances under which the SM-2(N) would be utilized, and an assessment of likely enemy response (including countermeasures);

(2) a description of the release procedures and circumstances under which release would be authorized for employment of the SM-2(N);

(3) an analysis of conventional alternatives to the SM-2(N), including any necessary modifications to the SM-2 or alternative to the Standard Missile or warhead, and the associated costs of those alternatives;

(4) a summary of all studies previously conducted analyzing the impact of the use of nuclear naval surface-to-air missiles on our own vessels and electronics;

(5) a list of all United States ships which may receive the SM-2(N);

(6) the number of additional conventional armed missiles which could be carried by United States ships if the SM-2(N) were not deployed and the impact on fleet air defense from that reduced conventional load; and

(7) any plans or programs for the development of a nuclear naval surface-to-air or air-to-air missile for fleet defense other than the SM-2(N).

SEC. 1212. PROHIBITION ON FUNDING FOR SMALL ATOMIC DEMOLITION MUNITION.

None of the fund appropriated pursuant to an authorization provided in this title may be obligated or expended for any development engineering, or full scale development, or production engineering, or production carried out with respect to the small atomic demolition munition (SADM).

SEC. 1218. REPORT ON REQUIREMENTS FOR SPECIAL NUCLEAR MATERIALS.

(a) Not later than March 1, 1986, the Secretary of Defense and the Secretary of Energy, after consultation with the Joint Chiefs of Staff and the Director of the Arms Control and Disarmament Agency, shall submit a report to the Committees on Armed Services of the Senate and House of Representatives detailing the military requirements for special nuclear materials through fiscal year 1991. The report shall include findings and recommendations concerning—

(1) requirements for production of plutonium, highly enriched uranium, and other special nuclear materials; and

(2) the recovery of special nuclear materials for military uses that have been transferred from military uses to civilian research and development uses.

(b) The report should also—

(1) address the availability of special nuclear materials to be derived from the retirement of existing nuclear weapons;

(2) address the feasibility of meeting military needs for special nuclear materials through the blending of high grade and low grade materials stocks;

(3) assess the impact of new materials separation, purification, and production technologies on nuclear proliferation; and

(4) contain the views of the Joint Chiefs of Staff and the Director of the Arms Control and Disarmament Agency.

SEC. 1214. PROHIBITION ON DEFENSE CONTRACTORS ALLOWING PARTICIPATION OF CERTAIN PERSONS WITH RESPECT TO DEFENSE CONTRACTS.

(a) CRIMINAL PENALTY.—It shall be unlawful for any defense contractor to knowingly and willingly permit any convicted employee to perform any service for such contractor (including service on the board of directors of such contractor) in connection with a defense contract. Any defense contractor who violates this subsection shall be fined not more than $500,000.

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

(1) The term "defense contractor" means any prime contractor or subcontractor who performs any service or provides any item in connection with any contract with the Department of Defense.

(2) The term "convicted employee" means an officer or employee of a defense contractor who is convicted of fraud or any other felony arising out of a contract with the Department of Defense.

Amend the title so as to read: "An Act to authorize appropriations for military functions of the Department of Defense and to prescribe military personnel levels for the Department of Defense for fiscal year 1986, to revise and improve military compensation programs, to authorize appropriations for fiscal year 1986 for national security programs of the Department of Energy, and for other purposes.".

Attest:

Clerk.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to authorize appropriations for military functions of the Department of Defense and to prescribe military personnel levels for the Department of Defense for fiscal year 1986, to revise and improve military compensation programs, to authorize appropriations for fiscal year 1986 for national security programs of the Department of Energy, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 1872) was laid on the table.

AUTHORIZING THE CLERK TO MAKE CERTAIN CORRECTIONS IN ENGROSSMENT OF H.R. 1872

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that in the engrossment of the House amendment to the Senate bill, S. 1160, the Clerk be authorized to make such technical cor-

rections, including title and section numbers, punctuation, and cross-references, as may be necessary to reflect the action of the House in amending the bill H.R. 1872.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that in the engrossment of such amendments, the Clerk be authorized and directed to make certain corrections which are at the desk.

The Clerk read the corrections as follows:

Corrections to the amendment of the House to the text of the bill:

Insert the following heading at the beginning of section 209:

SEC. 209. NATO COOPERATIVE RESEARCH AND DEVELOPMENT.

Insert the following heading at the beginning of section 210:

SEC. 210. REPORT ON STRATEGIC DEFENSE INITIATIVE.

In section 213, insert the following at the beginning of the text of the section: "(a) LIMITATION ON TESTING AGAINST OBJECTS IN SPACE.—".

In the section of title III relating to specification of core-logistics functions subject to contracting-out limitation, strike out "section 308(b)(4)" in subsection (f) and insert in lieu thereof "section 307(b)(4)".

In the section of title X relating to authorization for additional procurement for conventional forces, strike out "702,000 units" in subsction (i)(1) and insert in lieu thereof "702 units".

Mr. ASPIN (during the reading). Mr. Speaker, I ask unanimous consent that the corrections be considered as read and printed in the RECORD.

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

There was no objection.

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

There was no objection.

GENERAL LEAVE

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and 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.

THE INEQUITY OF PROCUREMENT PROCEDURES AS PRACTICED BY DOD

Mr. FORD of Tennessee. Mr. Speaker, as part of the defense authorization, this body approved language which would strengthen the existing defense related industrial capacity while developing new defense related industrial capacity in the minority private sector. The language provides that not less than 10 percent of the amounts appropriated pursuant to titles I, II, and IX of the bill be expended for contracts entered into with small business concerns owned and controlled by socially and economically disadvantaged individuals, historic black colleges and universities, and other minority institutions.

There are a number of reasons that such a set-aside was long overdue. While we spend billions of dollars on defense to secure our Nation abroad, we have done little by anything to improve the living conditions for many of our less fortunate here at home. While unemployment hovers around 7 percent nationally, black unemployment holds at 20 percent. This type of statistic is morally offending. The set-aside is extremely worthwhile, because as we spend to improve the Nation's defenses, we also work to lower that 20-percent figure.

Mr. Speaker, 1984 found socially and economically disadvantaged businesses receiving only a 2.2-percent share of the total defense procurement contracts awarded. Black colleges and other minority institutions received less than 1 percent of moneys awarded for research, development, training, and equipment. By providing a set-aside for black colleges and minority intitutions, we insure that these institutions receive their fair share of research money. Detractors have pointed out that the DOD is currently unable to find 10-percent qualified minority business to contract out to. While I do not believe such contentions, this set-aside will alleviate that argument. Such a set-aside will provide many men and women with the high-tech training that will become invaluable in their future, and America's future. The set-aside is not a hand out, but an investment in America's present and future security.

Finally, I believe that such a set-aside will improve competition in the defense industry. The set-aside will bring more companies into the defense market, and, in time, will improve the quality and price of defense hardware. With reports of toilet seats, hammers, and coffee makers costing the taxpayers hundreds and thousands of dollars, all Members can appreciate an increase in quality of products at a fair cost. Presently, I am working on introducing a perfecting bill, so that in time, this kind of language would no longer be needed.

With almost 27 percent of the Armed Forces made up of minorities, the DOD has not even contracted out 1 percent of research money, and just over 2 percent of defense procurement money. I stress upon these figures once again because they point out the obvious need of set-aside. I have always stood for fairness in my 10 years of serving the people of the Ninth District of Tennessee, and I commend my colleagues for realizing the inequity of procurement procedures as practiced by the DOD.

CONFERENCE REPORT ON H.R. 1617, NATIONAL BUREAU OF STANDARDS AUTHORIZATIONS, FISCAL YEAR 1986

Mr. FUQUA submitted the following conference report and statement on the bill (H.R. 1617), to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1986 and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 99-187)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1617) to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1986, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "National Bureau of Standards Authorization Act for Fiscal Year 1986".

AUTHORIZATION FOR PROGRAM ACTIVITIES

SEC. 2. (a) There are authorized to be appropriated to the Secretary of Commerce (hereinafter referred to as the "Secretary") for fiscal year 1986, to carry out activities performced by the National Bureau of Standards, the sums set forth in the following line items:

(1) Measurement Research and Standards, $36,843,000.

(2) Materials Science and Engineering, $21,943,000.

(3) Engineering Measurements and Standards, $33,555,000.

(4) Computer Science and Technology, $9,657,000.

(5) Center for Fire Research, $5,827,000.

(6) Technical Competence Fund, $8,481,000.

(7) Central Technical Support, $8,179,000.

(b) Notwithstanding any other provision of this or any other Act for fiscal year 1986—

(1) of the total of the amounts authorized under paragraphs (1), (2), (3), and (6) of subsection (a), $2,000,000 is authorized only for steel technology;

(2) of the total amount authorized under paragraph (3) of subsection (a), $3,895,000 is authorized only for the Center for Building Technology, and $50,000 is authorized only for the purpose of assisting the creation and maintenance of data bases on structural failures; and

(3) of the total of the amounts authorized under paragraphs (1), (2), (7), and (8) of subsection (a), $2,575,000 is authorized for transfer to the Working Capital Fund.

(c)(1) Funds may be transferred among the line items listed in subsection (a) so long as the net funds transferred to or from any line item do not exceed 10 percent of the amount authorized for that line item in such subsection.

(2) In addition, the Secretary may propose transfers to or from any line item exceeding 10 percent of the amount authorized for that line item in subsection (a); but a full and complete explanation of any such proposed transfer and the reason therefor must be transmitted in writing to the Speaker of the House of Representatives, the President of the Senate, and the appropriate authorizing committees of the House of Representatives and the Senate, and the proposed transfer may be made only when 30 calendar days have passed after the transmission of such written explanation.

(3) No transfer described in paragraph (1) or (2) may have the effect of reducing the amount available for any of the particular purposes set forth in subsection (b) below the applicable dollar amount specified in that subsection; and none of the funds transferred under either such paragraph may be used for the construction of the Cold Neutron Source Facility.

(d) The National Bureau of Standards shall seek reimbursements of not less than $500,000 from other Federal agencies to expand its efforts in support of basic scientific research on the atmospheric, climatic, and environmental consequences of nuclear explosions and nuclear exchanges.

AUTHORIZATION FOR EXPENSES OUTSIDE THE UNITED STATES

SEC. 3. In addition to the sums authorized in section 2, there are authorized to be appropriated to the Secretary for fiscal year 1986 such sums as may be necessary for expenses of the National Bureau of Standards incurred outside the United States, to be paid for in foreign currencies that the Secretary of the Treasury determines to be excess to the normal requirements of the United States.

AUTHORIZATION FOR SALARY ADJUSTMENTS

SEC. 4. In addition to the sums authorized in the preceding provisions of this Act, there are authorized to be appropriated to the Secretary for fiscal year 1986 such additional sums as may be necessary to restore the salary, pay, retirement, and other employee benefits of the National Bureau of Standards to the levels in effect at the end of fiscal year 1985 and to make any adjustments in the Bureau's salary, pay, retirement, and other employee benefits which may be provided for by law.

COST RECOVERY AUTHORITY

SEC. 5. (a) Section 12(f) of the Act of March 3, 1901 (15 U.S.C. 278b(f)), is amended—

(1) by striking out "first"; and

(2) by inserting immediately before the period at the end thereof the following: ", and to ensure the availability of working capital necessary to replace equipment and inventories".

(b) Fees for calibration services, standard reference materials, and other comparable services provided by the National Bureau of Standards shall be at least sufficient to meet the requirements set forth in the amendments made by subsection (a), and any funds recovered in excess of such requirements shall be returned to the Treasury of the United States.

(c) The amendments made by subsection (a) (and the provisions of subsection (b)) shall be effective October 1, 1984.

COMPENSATION OF DIRECTOR

SEC. 6. (a) Section 5 of the Act of March 3, 1901 (15 U.S.C. 274), is amended—

(1) by striking out "He" at the beginning of the second, third, and fourth sentences and inserting in lieu thereof "The Director"; and

(2) by adding at the end thereof the following new sentence: "The Director shall be compensated at the rate now or hereafter in effect for Level IV of the Executive Schedule under section 5315 of title 5, United States Code.".

(b)(1) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new item: "Director, National Bureau of Standards, Department of Commerce.".

(2) Section 5316 of title 5, United States Code, is amended by striking out "Director, National Bureau of Standards, Department of Commerce.".

(c) The amendments made by this section shall be effective October 1, 1985.

STRUCTURAL FAILURES

SEC. 7. The National Bureau of Standards, on its own initiative but only after consultation with local authorities, may initiate and conduct investigations to determine the causes of structural failures in structures which are used or occupied by the general public. No part of any report resulting from such investigation shall be admitted as evidence or used in any suit or action for damages arising out of any matter mentioned in such report.

SCIENTIFIC POSITIONS

SEC. 8. In order to maintain a highly qualified scientific staff at the National Bureau of Standards, a goal of 20 positions is established for the Senior Scientists Program at the National Bureau of Standards.

OFFICE OF PRODUCTIVITY, TECHNOLOGY, AND INNOVATION

SEC. 9. In addition to the sums authorized in the preceding provisions of this Act, there is authorized to be appropriated to the Secretary for fiscal year 1986 the sum of $2,715,000 for the activities of the Office of Productivity, Technology, and Innovation.

NATIONAL TECHNICAL INFORMATION SERVICE

SEC. 10. In addition to the sums authorized in the preceding provisions of this Act, there is authorized to be appropriated to the Secretary for fiscal year 1986 the sum of $537,000 for the patent licensing activities of the National Technical Information Service.

AVAILABILITY OF APPROPRIATIONS

SEC. 11. Appropriations made under authority provided in this Act shall remain available for obligation, for expenditure, or for obligation and expenditure for such periods as may be specified in the Acts making such appropriations.

COST REDUCTION REPORT

SEC. 12. Within 90 days after the enactment of this Act, the Director of the National Bureau of Standards shall review the recommendations of the President's Private Sector Survey on Cost Control and such other recommendations as may be included in the Office of Management and Budget report entitled "Management of the United States Government—1986", and shall submit a report to the Speaker of the House of Representatives, the President of the Senate, and the appropriate committees of the House and Senate on the implementation status of each such recommendation which affects the National Bureau of Standards and which is within the authority and control of the Director.

And the Senate agree to the same.

DON FUQUA,
DOUG WALGREN,
STAN LUNDINE,
MANUEL LUJAN, Jr.,
SHERWOOD BOEHLERT,
Managers on the Part of the House.

JOHN DANFORTH,
SLADE GORTON,
BARRY GOLDWATER,
FRITZ HOLLINGS,
DON RIEGLE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1617) to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1986, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The following section-by-section analysis explains actions of the managers in the conference report to accompany H.R. 1617.

Section 1. The title of the bill is the same in both the House and Senate versions and therefore is not in conference.

Section 2(a). The House authorized a total of $124,485,000 for all programs of the National Bureau of Standards which receive direct appropriations. This is the exact dollar amount of the FY 1985 appropriations. The Senate set the NBS FY 1986 authorization level at the FY 1985 authorization level of $130,256,000. The Senate recedes to the House with regard to total authorization and accepts an FY 1986 budget freeze at the FY 1985 appropriation levels.

The conferees agreed to the following allocations within the budget totals.

(1) The conferees recommend that $1.44 million be spent on biotechnology instead of the $1 million recommended by the House and the $3.0 million recommended by the Senate. The conferees agree with the views on biotechnology contained in House Report 99-43. While recognizing the importance of establishing a biotechnology capacity in NBS, it is felt that the program can benefit from further planning before being fully funded. Biotechnology is funded within the measurement research and standards line item.

(2) The House authorization amount was accepted for the materials science and engineering line item including the $3 million the House recommended for the ceramics initiative.

(3) The House authorization amount was accepted for the engineering measurement and standards line item including $3,895,000 for the Center for Building Technology.

(4) The conferees allotted $9,657,000 to the computer science and technology line item rather than the House's $9,393,000 figure or the Senate's $10,000,000 freeze.

(5) The Center for Fire Research was at $5,827,000 in the versions passed by both House and Senate; therefore, is not in conference.

(6) The conferees accepted the House-passed levels of $8,481,000 for the Technical Competence Fund and $8,179,000 for Central Technical Support.

(7) The numbers contained in this section are based on acceptance of the President's deficit reduction programs, as qualified by Section 3, with the exception of the GS 11-15 Reduction of $480,000. This money was not removed from the budget because GS 11-15 grade levels at NBS are occupied by the entry level and midlevel scientists who are the heart of the NBS workforce. Given growing concerns over NBS's ability to attract the high caliber scientists and engineers necessary to carry out both its existing mission and the new initiatives being proposed, the conferees feel that even a 2 percent cut in GS 11-15 positions is unwarranted and could have a negative effect on the agency's ability to perform its mission. The Conferees also are concerned about the concentration of these cuts in the information dissemination and technology transfer aspects of the Bureau's mission and urge the NBS management to use all means at their disposal to keep up the two-way flow of information between NBS and the private sector.

(8) The Conferees feel that the NBS budget structure is unnecessarily complex and therefore ask that NBS consolidate or simplify its proposed budget presentation into four or five line items reflecting its organizational management. This presentation's format and dollar figures should be consistent with the proposed legislation accompanying it. In order for the Congress to fulfull its responsibilities, the Conferees ask that future NBS budget presentations include the history of the request to the Congress and the distribution of the staff among scientific, administrative, and technical support disciplines.

Section 2(b)(1). The conferees accept the steel research set-aside language of the House but reduce the dollar amount from $2,500,000 to $2,000,000, change the language from a floor to a directed authorization, and permit the funds to be allocated from within any of the centers except for ICST and the Technical Competence Fund. The Conferees desire that the steel initiative go forward on an expeditious timetable as called for in House Report 99-43, but do not wish to delay other high priority work in areas such as polymers and aluminum sensors by too narrowly constricting the base within which these funds may be found.

Section 2(b)(2). The conferees agreed to the House-passed earmarking of $3,895,000 for the Center for Building Technology and the Senate-passed earmarking of $50,000 for creation and maintenance of data bases on structural failures. This central data bank should help reduce the number of catastrophic structural failures in the future by making sure that architects and engineers have ready access to information on past building collapses and how to avoid the mistakes that caused them.

The House also agreed to drop its floor for robotics upon receipt from the Director of NBS of the following written assurance that the floor would not be necessary:

DEAR MR. WALGRENS AND MR. BOELERT: I am aware of your interest and that of other Members of the Subcommittee on Science, Research and Technology that the National Bureau of Standards conduct a strong program in robotics.

I want to assure you that based on our current understanding of a budget of approximately $124 million for NBS for FY 1986, the wishes of the Members of the Subcommittee, and the importance of the technical area, we forsee no difficulty in supporting robotics at the level of $3 million in FY 1986.

Sincerely,

ERNEST AMBLER, *Director.*

Section 2(b)(3). Although the conferees are deeply concerned about the overall adequacy of NBS equipment, most of the requested reductions in the Working Capital Fund for FY 1986 were accepted. The conferees expect NBS agressively to pursue alternate sources of capital equipment funding both by using the cost recovery authority of Section 4 and by accepting donations of equipment from private industry. The Conferees trust that the reduced request for capital equipment funds will be a one year phenomenon.

Section 2(c). The conferees accept the House's reprogramming language with the addition of a proviso to prohibit use of operating funds for construction of the cold neutron facility; the Senate had no comparable provision. The Conferees place extremely high priority on construction of the Cold Neutron Facility and urge the Administration to repropose it for the National Bureau of Standards. The Conferees are mindful that NBS is a small but essential agency that has suffered severe cuts in funding and manpower in recent years. Therefore, the conferees were unwilling to permit a new construction project, however worthy, to be funded by cutting back on ongoing NBS operations including the Center for Fire Research, the Center for Building Technology, and the Institute for Computer Sciences and Technology. The proviso is not meant to delay either insertion of the Cold Neutron Source into the research reactor or other work short of construction of the facility which will permit the construction to take place in an expeditious manner when construction funds are made available.

Section 2(d). The Senate accepts the House-passed provision requiring NBS to seek funds from other Federal agencies to expand its nuclear winter research. The conferees recognize NBS's unique capability in fire-related computer modelling and feel this research would be an appropriate use of the capability.

Section 3. The Conferees substituted such sums as are necessary for the specific dollar amounts for foreign currency in the House and Senate passed versions.

Section 4. The Senate agrees to the House provision which authorizes such sums as may be necessary to restore the salary, pay, retirement, and other employee benefits of the NBS to FY 1985 levels and to make any other adjustments in NBS's employee salaries and benefits as may be provided for by law. The pay levels assumed in the Section 2 authorization level are the same as in the President's budget as submitted. By adding this section, the conferees affirm that any decision to abrogate the 5% pay cut or to grant a cost of living adjustment for government employees must be decided on a government-wide basis rather than in individual authorization bills.

Section 5. The Conferees accept the Senate's cost recovery authority provision including its October 31, 1984 effective date. This non-controversial provision would have been put into effect on that date if the FY 1985 NBS authorization bill had not been vetoed.

Section 6. The Conferees accept the House language regarding compensation of the NBS Director. Except for the effective date, the House and Senate-passed provisions were substantially identical.

Section 7. The House conferees agree to accept the Senate-passed provision allowing NBS to initiate and conduct investigations to determine the causes of structural failures in structures which are used or occupied by the general public. As set forth in page 10 of Senate Report 99-31, the conferees feel that NBS's unique, objective perspective will help the building community better understand the causes of these failures and also that making the results of NBS's investigations available to state and local officials will aid in preventing recurrences of tragedies. As stated in the Senate report NBS's role is to be investigative rather than regulatory.

Section 8. The conferees accept the House provision setting a goal of 20 Senior Scientist positions at the National Bureau of Standards. This provision should aid NBS in attracting and maintaining a group of leading scientists at a time when NBS must provide standards leadership in an increasing number of disciplines. The conferees also expect the National Bureau of Standards to comment on its progress towards reaching this goal as part of its annual budget submission.

Section 9. The conferees accept the Senate provision dealing with the Office of Productivity, Technology, and Innovation (OPTI). This restores OPTI funding except for adjustment to reflect OPTI's contribution to the President's Deficit Reduction Program. Therefore, the conferees do not accept the proposed elimination of OPTI's and expect OPTI's major efforts including its small business division, its office of metric programs, and its efforts to encourage cooperation between government and industry to continue unabated. The cut in OPTI should be absorbed in administrative expenses.

Section 10. The Senate bill allowed the National Technical Information Service (NTIS) to obtain its printing services directly from commercial printers rather than from the Government Printing Office (GPO). The Conferees recognize that NTIS has experienced serious delays and added expenses over the last two years in the procurement of printing services from GPO. This situation has resulted in the loss of many hundreds of workdays over that time period. Typical examples of lost workdays reported to the Conferees include the following:

1. During the 12-month period from June 1, 1983, to May 31, 1984, the GPO-obtained printing contractor for the *Abstract Newsletters* (Eagle Press) printed 52 weekly print orders. Of those, 34 involved delayed shipments and 10 had quality defects. 214 workdays were lost because of lateness and reprints to make up shortages or to replace defective copies.

2. Poor quality control at the inception of a printing contract for *Tech Notes* in November 1984 led to defective print runs for the first three issues. Late delivery and reprinting caused a time loss of 35 workdays.

3. The GPO printer for the *Directory of Federal Technology Resources* used the wrong ink for the cover stock. The ink did not dry properly and the covers smeared. It took 54 workdays to correct the problem. The job was sent to Department of Commerce Office of Publications on October 14, 1984, for production. Usable stock was delivered on February 28, 1985.

The Conference Committee expects GPO, NTIS, and the Department of Commerce to work together over the coming year to resolve problems such as those described above. It is imperative that NTIS scientific and technical documents be made available

to the Service's customers in an expeditious manner both to ensure the timely transfer of technology to American industry and to prevent costly duplication of research efforts.

The Government Printing Office and NTIS are exploring ways to improve the quality and timeliness of GPO's services. For this reason, the Conference Committee has decided not to give NTIS the ability to use commercial printers. The Conference Committee does expect to see an improvement in the quality and timeliness of GPO's services to NTIS by next year, however. If GPO's services does not improve, a statutory change to allow NTIS to use commercial printers will be reconsidered.

The Senate also agrees to drop its provision allowing the NTIS to pay for inventories and capital equipment from sales revenues. The authorization level for NTIS was the same in the House and Senate-passed bills and is therefore not in conference.

Section 11. The Availability of Appropriations section was substantially the same in both Houses and therefore not in conference.

Section 12. The Senate accepts the House-passed requirement for a report on the implementation of the Grace Commission report with the added proviso that in addition to the persons listed in the House-passed version, the report also be submitted to the Secretary of the Senate.

DON FUQUA,
DOUG WALGREN,
STAN LUNDINE,
MANUEL LUJAN, Jr.,
SHERWOOD BOEHLERT,
Managers on the Part of the House.

JOHN DANFORTH,
SLADE GORTON
BARRY GOLDWATER,
FRITZ HOLLINGS,
DON RIEGLE,
Managers on the Part of the Senate.

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REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1048

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 1048.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

PERSONAL REQUEST

Mrs. BENTLEY. Mr. Speaker I wish to record an explanation on Rollcall No. 185, the Nichols amendment to the Defense Department authorization bill. My radio page malfunctioned, and I was unaware of a recorded vote on that matter. Had I been present, I would have voted "aye."

ENERGY POLICY AND CONSERVATION AMENDMENTS ACT OF 1985

Mr. SHARP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1699) entitled "An Act to extend title I and part B of title II of the Energy Policy and Conservation Act, and for the purposes," with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy Policy and Conservation Amendments Act of 1985".

TITLE I—AMENDMENTS TO THE ENERGY POLICY AND CONSERVATION ACT

SEC. 101. EXTENSION OF TITLE I OF THE ENERGY POLICY AND CONSERVATION ACT.

(a) GENERAL EXTENSION.—Title I of the Energy Policy and Conservation Act is amended by adding at the end thereof the following new part:

"PART C—EXPIRATION

"EXPIRATION

"SEC. 171. Except as otherwise provided in title I, all authority under any provision of title I (other than a provision of such title amending another law) and any rule, regulation, or order issued pursuant to such authority, shall expire at midnight, June 30, 1989, but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to midnight, June 30, 1989.".

(b) MATERIALS ALLOCATION.—Section 104(b)(1) of such Act is amended by striking out "December 31, 1984" and inserting in lieu thereof "June 30, 1989".

(c) CONFORMING AMENDMENT.—The table of contents for such Act is amended by adding after the item relating to section 167 the following new items:

"PART C—EXPIRATION

"Sec. 171. Expiration.".

SEC. 102. STRATEGIC PETROLEUM RESERVE AMENDMENTS.

(a) AMENDMENTS TO STRATEGIC PETROLEUM RESERVE PLAN.—Section 159(e) of the Energy Policy and Conservation Act is amended to read as follows:

"(e) Subject to section 161(g)(2), any amendment transmitted pursuant to subsection (d) may not become effective until 60 days after the date of such transmittal, except that such 60-day period shall not apply if the President determines that such amendment is required by a severe energy supply interruption or by obligations of the United States under the international energy program.".

(b) SUSPENSION OF PROVISIONS RELATING TO THE STRATEGIC PETROLEUM RESERVE.—Section 160(e) of such Act is amended—

(1) by inserting "and" at the end of clause (i) of paragraph (1)(B);

(2) by striking out clauses (ii) and (iii) of paragraph (1)(B) and inserting in lieu thereof the following:

"(ii) the President has transmitted such finding to the Congress.";

(3) by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2) the suspension of the application of subsections (c) and (d) under paragraph (1)(B) may become effective on the day the finding is transmitted to the Congress and shall terminate nine months thereafter or on such earlier date as is specified in such finding."; and

(4) by redesignating paragraph (4) as paragraph (3).

SEC. 103. STRATEGIC PETROLEUM RESERVE TEST DRAWDOWN AND DISTRIBUTION.

(a) DIRECTIVE TO CARRY OUT TEST DRAWDOWN.—Section 161 of the Energy Policy and Conservation Act is amended by adding the following new subsection at the end thereof:

"(g)(1) In order to evaluate the implementation of the Distribution Plan, the Secretary shall, commencing within 180 days after the date of the enactment of this subsection, carry out a test draw down and distribution under this subsection through the sale or exchange of approximately 1,100,000 barrels of crude oil from the Reserve. The requirement of this paragraph shall not apply if the President determines, within the 180-day period described in the preceding sentence, that implementation of the Distribution Plan is required by a severe energy supply interruption or by obligations of the United States under the international energy program.

"(2) The Secretary shall carry out such drawdown and distribution in accordance with the Distribution Plan and implementing regulations and contract provisions, modified as the Secretary considers appropriate taking into consideration the artificialities of a test and the absence of a severe energy supply interruption. To meet the requirements of subsections (d) and (e) of section 159, the Secretary shall transmit any such modification of the Plan, along with explanatory and supporting material, to both Houses of the Congress no later than 15 calendar days prior to the offering of any crude oil for sale under this subsection.

"(3) At least part of the crude oil that is sold or exchanged under this subsection shall be sold or exchanged to or with entities that are not part of the Federal Government.

"(4) The Secretary may not sell any crude oil under this subsection at a price less than that which the Secretary determines appropriate and, in no event, at a price less than 90 percent of the sales price, as estimated by the Secretary, of comparable crude oil being sold in the same area at the time the Secretary is offering crude oil for sale in such area under this subsection.

"(5) The Secretary may cancel any offer to sell or exchange crude oil as part of any drawdown and distribution under this subsection if the Secretary determines that there are insufficient acceptable offers to obtain such crude oil.

"(6)(A) The minimum required fill rate in effect for any fiscal year shall be reduced by the amount of any crude oil drawn down from the Reserve under this subsection during such fiscal year.

"(B) In the case of a sale of any crude oil under this subsection, the Secretary shall, to the extent funds are available in the SPR Petroleum Account as a result of such sale, acquire crude oil for the Reserve within the 12-month period beginning after the completion of the sale. Such acquisition shall be in addition to any acquisition of crude oil for the Reserve required as part of a fill rate established by any other provision of law.

"(7) Rules, regulations, or orders issued in order to carry out this subsection which have the applicability and effect of a rule as defined in section 551(4) of title 5, United States Code, shall not be subject to the requirements of subchapter II of chapter 5 of such title or to section 523 of this Act.

"(8) The Secretary shall transmit to both Houses of the Congress a detailed explanation of the draw down and distribution carried out under this subsection. Such explanation may be a part of any report made to the President and the Congress under section 165.".

"(b) CONFORMING AMENDMENTS.—(1) Section 160(d) of such Act is amended by adding the following new paragraph at the end thereof:

"(3) in determining the number of barrels of crude oil for purposes of subparagraph (A) of paragraph (1), any crude oil drawn down from the Reserve as a result of any drawdown and distribution carried out under section 161(g) and not replaced under section 161(g)(6)(B) shall be considered to be within the Reserve.".

(2) Section 161(b) of such Act is amended by striking out "in subsections (c) and (f)" and inserting in lieu thereof "in subsections (c), (f), and (g)".

(3) Section 167(b)(3) of such Act is amended by inserting ", including a drawdown and distribution carried out under subsection (g) of such section" after "section 161".

(4) Section 167(d) of such Act is amended by inserting ", including a drawdown and distribution carried out under subsection (g) of such section" after "section 161".

SEC. 104. EXTENSION OF PART B OF TITLE II OF THE ENERGY POLICY AND CONSERVATION ACT.

(a) GENERAL EXTENSION.—Title II of the Energy Policy and Conservation Act is amended by adding at the end thereof the following new part:

"PART D—EXPIRATION

"EXPIRATION

"SEC. 281. Except as otherwise provided in title II, all authority under any provision of title II (other than a provision of such title amending another law) and any rule, regulation, or order issued pursuant to such authority, shall expire at midnight, June 30, 1988, but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to midnight, June 30, 1988.".

(b) TERMINATION OF CERTAIN GENERAL EMERGENCY AUTHORITIES.—Part A of title II of such Act is amended by adding the following new section at the end thereof:

"TERMINATION DATE

"SEC. 204. Except as provided in section 203(f), authority to carry out the provisions of this part and any rule, regulation, or order issued pursuant to such part shall expire at midnight, June 30, 1985.".

(c) CONFORMING AMENDMENTS.—(1) The table of contents for such Act is amended—

(A) by adding after the item relating to section 203 the following new item:

"Sec. 204. Termination date.";

(B) by adding after the item relating to section 272 the following new items:

"PART D—EXPIRATION

"Sec. 281. Expiration."; and

(C) by striking out the item relating to section 531.

(2) Section 252 of such Act is amended by striking out subsection (j) and by redesignating subsections (k), (l), and (m), and all references thereto, as subsections (j), (k), and (l), respectively.

(3) Section 531 of such Act is hereby repealed.

(4) Section 252(d)(1) of such Act is amended by striking out "(f) or (k)" in the last sentence and inserting in lieu thereof "(f) or (j)".

SEC. 105. LIMITATION ON NEW PLANS OF ACTION.

Section 252 of the Energy Policy and Conservation Act, as amended by section 104(c)(2) of this Act, is amended by adding at the end thereof the following:

"(m)(1) With respect to any plan of action approved by the Attorney General after the date of enactment of the Energy Policy and Conservation Amendments Act of 1985—

"(A) the defenses under subsections (f) and (j) shall be applicable to Type 1 activities (as that term is defined in the International Energy Agency Emergency Management Manual, dated December 1982) only if—

"(i) the Secretary has transmitted such plan of action to the Congress; and

"(ii)(I) 90 calendar days of continuous session have elapsed since receipt by the Congress of such transmittal; or

"(II) within 90 calendar days of continuous session after receipt of such transmittal, either House of the Congress has disapproved a joint resolution of disapproval pursuant to subsection (n); and

"(B) such defenses shall not be applicable to Type 1 activities if there has been enacted, in accordance with subsection (n), a joint resolution of disapproval.

"(2) The Secretary may withdraw the plan of action at any time prior to adoption of a joint resolution described in subsection (n)(3) by either House of Congress.

"(3) For the purpose of this subsection—

"(A) continuity of session is broken only by an adjournment of the Congress sine die at the end of the second session of Congress; and

"(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the calendar-day period involved.

"(n)(1)(A) The application of defenses under subsections (f) and (j) for Type 1 activities with respect to any plan of action transmitted to Congress as described in subsection (m)(1)(A)(i) shall be disapproved if a joint resolution of disapproval has been enacted into law during the 90-day period of continuous session after which such transmission was received by the Congress. For the purpose of this subsection, the term 'joint resolution' means only a joint resolution of either House of the Congress as described in paragraph (3).

"(B) After receipt by the Congress of such plan of action, a joint resolution of disapproval may be introduced in either House of the Congress. Upon introduction in the Senate, the joint resolution shall be referred in the Senate immediately to the Committee on Energy and Natural Resources of the Senate.

"(2) This subsection is enacted by the Congress—

"(A) as an exercise of the rulemaking power of the Senate and as such it is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of resolutions described by paragraph (3); it supersedes only rules only to the extent that is inconsistent therewith; and

"(B) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

"(3) The joint resolution disapproving the transmission under subsection (m) shall read as follows after the resolving clauses: 'That the Congress of the United States disapproves the availability of the defenses pursuant to section 252 (f) and (j) of the Energy Policy and Conservation Act with respect to Type 1 activities under the plan of action submitted to the Congress by the Secretary of Energy on ——.', the blank space therein being filled with the date and year of receipt by the Congress of the plan of action transmitted as described in subsection (m).

"(4)(A) If the Committee on Energy and Natural Resources of the Senate has not reported a joint resolution referred to it under this subsection at the end of 20 calendar days of continuous session after its referral, it shall be in order to move either to discharge the committee from further consideration of such resolution or to discharge the committee from further consideration of any other joint resolution which has been referred to the committee with respect to such plan of action.

"(B) A motion to discharge shall be highly privileged (except that it may not be made after the Committee on Energy and Natural Resources has reported a joint resolution with respect to the plan of action), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the joint resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

"(C) If the motion to discharge is agreed to or disagreed, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other joint resolution with respect to the same transmission.

"(5)(A) When the Committee on Energy and Natural Resources of the Senate has reported or has been discharged from further consideration of a joint resolution, it shall be in order at any time thereafter within the 90-day period following receipt by the Congress of the plan of action (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of each joint resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider a vote by which the motion was agreed to or disagreed to.

"(B) Debate on the joint resolution shall be limited to not more than 10 hours and final action on the joint resolution shall occur immediately following conclusion of such debate. A motion further to limit debate shall not be debatable. A motion to recommit such a joint resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which such a joint resolution was agreed to or disagreed to.

"(6)(A) Motions to postpone made with respect to the discharge from committee or consideration of a joint resolution, shall be decided without debate.

"(B) Appeals from the decision of the Chair relating to the application of rules of the Senate to the procedures relating to a joint resolution shall be decided without debate.".

TITLE II—REPORTS CONCERNING COAL IMPORTS

SEC. 201. SHORT TITLE.

This title may be cited as the "National Coal Imports Reporting Act of 1985".

SEC. 202. REPORT CONCERNING REVIEW OF UNITED STATES COAL IMPORTS.

(a) IN GENERAL.—The Energy Information Administration shall issue a report quarterly, and provide an annual summary of the quarterly reports to the Congress, on the status of United States coal imports. Such quarterly reports may be published as a part of the Quarterly Coal Report published by the Energy Information Administration.

(b) CONTENTS.—Each report required by this section shall—

(1) include current and previous year data on the quantity, quality (including heating value, sulfur content, and ash content), and delivered price of all coals imported by domestic electric utility plants that imported more than 10,000 tons during the previous calendar year into the United States;

(2) identify the foreign nations exporting the coal, the domestic electric utility plants receiving coal from each exporting nation, the domestically produced coal supplied to such plants, and the domestic coal production, by State, displaced by the imported coal;

(3) identify (to the extent allowed under disclosure policy), at regional and State levels of aggregation, transportation modes and costs for delivery of imported coal from the exporting country port of origin to the point of consumption in the United States; and

(4) specifically highlight and analyze any significant trends of unusual variations in coal imports.

(c) DATE OF REPORTS.—The first report required by this section shall be submitted to Congress in March 1986. Subsequent reports shall be submitted within 90 days after the end of each quarter.

(d) LIMITATION.—Information and data required for the purpose of this section shall be subject to the law regarding the collection and disclosure of such data.

SEC. 203. ANALYSIS OF AND REPORT CONCERNING THE UNITED STATES COAL IMPORT MARKET.

(a) IN GENERAL.—The Secretary of Energy shall, through the Energy Information Administration, conduct a comprehensive analysis of the coal import market in the United States and report the findings of such analysis to the Committee on Energy and Natural Resources of the Senate and the appropriate committees of the House of Representatives, within nine months of the date of enactment of this Act.

(b) CONTENTS.—The report required by this section shall—

(1) contain a detailed analysis of potential domestic markets for foreign coals, by producing nation, between 1985 and 1995;

(2) identify potential domestic consuming sectors of imported coal and evaluate the magnitude of any potential economic disruptions for each impacted State, including analysis of direct and indirect employment impact in the domestic coal industry and resulting income loss to each States;

(3) identify domestically produced coal that potentially could be replaced by imported coal;

(4) identify contractual commitments of domestic utilities expiring between 1985 and 1995 and describe spot buying practices of domestic utilities, fuel cost patterns, plant modification costs required to burn foreign coals, proximity of navigable waters to utilities, demand for compliance coal, availability of less expensive purchased power from Canada, and State and local considerations;

(5) evaluate increased coal consumption by domestic electric utilities resulting from increased power sales and analyze the potential coal import market represented by this increased coal consumption, including consumption by existing coal-fired plants, new coal-fired plants projected up to the year 1995, and plants planning to convert coal by 1995;

(6) identify existing authorities available to the Federal Government relating to coal imports, assess the potential impact of exercising each of these authorities, and describe executive branch plans and strategies to address coal imports;

(7) identify and characterize the coal export policies of all major coal exporting nations, including the United States, Australia, Canada, Colombia, Poland, and South Africa, with specific analysis of—

(A) direct or indirect Government subsidies to coal exporters;

(B) health, safety, and environmental regulations imposed on each coal producer; and

(C) trade policies relating to coal exports;

(8) evaluate the excess capacity of foreign producers, potential development of new export-oriented coal mines in foreign nations, operating costs of foreign coal mines, capacity of ocean vessels to transport foreign coal, and constraints on importing coal into the United States because of port and harbor availability;

(9) identify specifically the participation of all United States corporations involved in mining and exporting coal from foreign nations; and

(10) identify the policies governing coal imports of all coal-importing industrialized nations (including the United States, Japan, and European nations) by considering such factors as import duties or tariffs, import quotas, and other governmental restrictions or trade policies impacting coal imports.

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

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

Mr. DANNEMEYER. Reserving the right to object, Mr. Speaker, I would like to ask, in connection with my reservation of my colleague, Mr. SHARP, if this is the bill that permits the extension of EPCA for an additional period of time?

Mr. SHARP. The gentleman is correct. A 4-year extension of EPCA, so we can continue to fill the strategic petroleum reserve. That is the central authority. It is supported by the administration, and has strong bipartisan support.

Mr. BROYHILL. Would the gentleman yield?

Mr. DANNEMEYER. I will be happy to yield.

Mr. BROYHILL. Would the gentleman tell me, now, does this include the 3-year extension of IEA as opposed to the Senate's 2 years?

Mr. SHARP. That is correct. The extension of the IEA authority will last for 3 years.

Mr. Speaker, this amendment adopts the House language, or the House position, on five of the eight points of disagreement between the Houses.

These five points are:

A 4-year extension of title I, the basic strategic petroleum reserve legislation.

A 4-year extension of the basic Defense Production Act "energy emergency" authorities.

Replacement of EPCA's unconstitutional "legislative vetoes" with advance Presidential notification to Congress.

Elimination of rarely used energy conservation contingency authority.

Requirement of a small "test drawdown" of the SPR, to verify the workability of our Nation's key defense against an oil disruption.

On two points, we agreed to the Senate language:

Requirement for a coal import study, analysis, and quarterly reports, by the Energy Information Administration.

Requirement for advance congressional review—and a chance for Congress to disapprove—any future decision by the Attorney General to "put on the shelf" a broad antitrust exemption the major oil companies could later use during an international oil disruption.

Both I and the gentleman from Oklahoma will have serious questions about any plan that so exempts: Voluntary commercial actions by the majors; at prevailing market prices; during an oil crisis; even though no one will have mandated these actions or approved them in advance.

But House review of such a plan will be subject to normal Rules Committee consideration—not expedited procedures.

On the final point, we compromised: The House extended the International Energy Agency authorities for 4 years, and the Senate, for 2. This amendment is a 3-year extension.

Mr. Speaker, I ask unanimous consent to insert in the RECORD a more detailed summary of the intent of this amendment.

SUMMARY OF PROVISIONS OF THE AMENDMENT

1. Senate language on 4-year extension of Title I (identical in effect to House language).

2. House language on extension of Defense Production Act 101(c) to June 30, 1989.

3. Modified House language on legislative reviews/vetoes: The House bill replaced two unconstitutional "legislative reviews" of Presidential decisions on SPR, with a simple requirement that the President give advance notification to Congress before making these two types of decisions. They are:

President's decision to amend the current SPR sales plan,

President's decision to stop filling SPR in a crisis, and continue pumping and selling NPR oil in a crisis.

House language is used for a new SPR plan, except notification must be 60 days in advance. In a crisis, the "60 day advance period" is eliminated.

House language is used for a SPR fill suspension, thus requiring simple notification.

4. House language on SPR test drawdown, with technical amendments.

5. Senate language on extension of Title II, and elimination of separate effective date in 252(j) for Sec. 252 (identical in effect to House language).

But the extension would be for a period of 3 years, not the 4 years set by the House bill, nor the 2 years set by the Senate bill.

6. House language terminating Part A of Title II (energy conservation contingency plans).

7. Modified Senate language limiting new IEA-related plans of action:

Only covers new plan approved by Attorney General, to extent it gives antitrust and breach of contract defenses to "Type 1" activities, i.e., voluntary actions that are neither mandated nor approved in advanced by the IEA.

Defenses are disapproved if Congress enacts joint resolution of disapproval within 90 legislative days.

J. Resolution is subject to expedited procedures in Senate, but no expedited procedures in House.

8. Senate language on coal import study, quarterly reports, and coal import market analysis.

PROVISIONS OF THE AMENDMENT

SECTION 1—SHORT TITLE

The amendment adopts the short title of the Senate bill: the Energy Policy and Conservation Amendments Act of 1985.

TITLE I—AMENDMENTS TO THE ENERGY POLICY AND CONSERVATION ACT

SECTION 101—EXTENSION OF TITLE I OF THE ENERGY POLICY AND CONSERVATION ACT

General extension

Both the Senate and House measures extended Title I of the Energy Policy and Conservation Act (EPCA) for four years until June 30, 1989 (Sec. 101(a)).

Materials allocation

The amendment adopts the House provision (Sec. 101(b) amending EPCA section 104(b)(1) to extend until June 30, 1989, the authority for materials allocation under section 101(c) of the Defense Production Act of 1950.

Conforming amendments

Conforming amendments are made to the EPCA Table of Contents, as in the Senate bill.

SECTION 102—STRATEGIC PETROLEUM RESERVE AMENDMENTS

Amendments to SPR plan

The amendment adopts, with an amendment, the House provision (Sec. 102(a)) regarding Congressional notification of any amendments to the Strategic Petroleum Reserve Plan (SPR Plan).

The amendment deletes the "one-House veto" Congressional review requirement set by EPCA section 160(e) for any amendments to the SPR Plan, and replaces it with an "advance Presidential notification" requirement and 60-day waiting period before any amendment becomes effective. The 60-day waiting period does not apply if the President determines that such amendment is required by the existence of a severe energy supply interruption or by obligations of the United States under the International Energy Program.

Suspension of SPR fill during an energy emergency

The amendment adopts the House provision (Sec. 102(b)) that deletes the "concurrent resolution" Congressional review requirement set by EPCA section 160(e) for any presidential decision during an energy emergency to stop filling the SPR and to continue selling Naval Petroleum Reserve (NPR) oil, and replace it with an advance Presidential notification requirement.

SECTION 103—SPR TEST DRAWDOWN AND DISTRIBUTION

Directive to carry out test drawdown

The amendment adopts, with clarifying amendments, the House provisions (Sec. 103(a)) that adds a new EPCA section 161(g) to require a test drawdown and sale of crude oil from the SPR.

The Secretary of Energy is required to carry out a limited test sale within 180 days of enactment. This mandatory test, which would involve approximately 1.1 million barrels of crude oil in the SPR, would be conducted in accordance with the SPR Distribution Plan. Proceeds from the test sale must be deposited in the SPR Distribution Plan. Proceeds from the test sale must be deposited in the SPR Petroleum (Acquisition) Account in the Treasury with a requirement for replacement of oil sold during the test—to the extent of test sale receipts—within 12 months of completion of the test sale.

Conforming amendments

The amendment adopts necessary conforming amendments. For example, a new section 160(d)(3) clarifies that if the SPR contains less than 500 million barrels, as a result of withdrawals for the purpose of the test sale, then the amount of oil withdrawn for the purpose of the test sale shall be considered to still be in the SPR; this will permit sales of Naval Petroleum Reserve oil to continue and not be barred under subsection 160(d), if, but for the test drawdown, there would be 500 million barrels in the SPR. If receipts from the test sale are insufficient to fully replace the withdrawn crude oil, then the amount not replaced would similarly be considered to still be in the SPR.

SECTION 104—EXTENSION OF PART B OF TITLE II OF THE ENERGY POLICY AND CONSERVATION ACT

General extension

The amendment extends Part B of Title II of the Energy Policy and Conservation Act for three years until June 30, 1988 (Sec. 104(a)).

Termination of certain general emergency authorities

The amendment adopts the House provision (Sec. 104(b)) which provides a specific termination date of June 30, 1985, for Part A of Title II. (The specific termination date of September 30, 1981, in EPCA section 203(f) for gasoline rationing authorities, is left undisturbed.)

SECTION 105—LIMITATION OF NEW PLANS OF ACTION

The amendment adopts, with clarifying amendments, the Senate provision (Sec. 105) that adds a new EPCA section 252(m) requiring the Secretary of Energy to notify the Congress in advance with respect to any plan of action approved by the Attorney General after the date of enactment of this Act under which the anti-trust and breach of contract defenses would be applicable to Type 1 activities (as that term is defined in the International Energy Agency Emergency Management Manual). In such instances, anti-trust defenses (under EPCA section 252(f)) and breach of contract defenses (under EPCA section 252(j)) proposed in such plan shall only be applicable to Type 1 activities if the Secretary has transmitted such plan of action to the Congress and a Congressional review period of 90 days of continuous session have elapsed without enactment of the joint resolution of disapproval, or a joint resolution of disapproval has been disapproved. Expedited procedures are provided for Senate, but not House, consideration of such a joint resolution.

TITLE II—REPORTS CONCERNING COAL IMPORTS

SECTION 201—SHORT TITLE

The amendment provides that Title II may be cited as the "National Coal Imports Reporting Act of 1985."

SECTION 202—REPORT CONCERNING REVIEW OF UNITED STATES COAL IMPORTS

The amendment adopts, with technical amendments, the Senate provision requiring the Energy Information Administration to issue quarterly reports, and provide an annual summary of such reports to the Congress (Sec. 202(a)). Details on the contents of such reports are specified in section 202(b).

SECTION 203—ANALYSIS OF AND REPORT CONCERNING UNITED STATES COAL IMPORT MARKET

The amendment adopts the Senate provision directing the Secretary of Energy, acting through the Energy Information Administration, to conduct a comprehensive analysis of coal import markets in the United States and report the findings to the Congress within nine months of enactment (Sec. 203(a)). Details on the content of such analysis are specified in section 203(b).

SPR

H.R. 1699 extends title I of the Energy Policy and Conservation Act which contains the basic authority to build, fill, maintain, and use the strategic petroleum reserve [SPR]. The extension is for 4 years, until June 30, 1989.

The SPR is a large stockpile of oil held in gulf coast storage sites, and now totals about 470 million barrels of oil—enough to replace all U.S. crude imports for nearly 5 months.

When we first began to develop the SPR, after the enactment of EPCA in 1975, the Nation was very vulnerable to an oil import disruption. Our vulnerability was clearly demonstrated when the gasoline lines and price hikes of 1979 took many by surprise. At that point, SPR held hardly any oil.

Now, the SPR gives us the means to replace oil lost in a disruption. Instead of merely allocating a shortage, we can prevent it—or at least greatly ease its impact on our economy. That is why continued authority to build and use the SPR, if necessary, enjoys wide support.

FILL RATE

There has been some debate about how fast SPR should be filled. The bill does not settle this issue. It does authorize a fill rate of up to 300,000 bar-

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rels per day. But separate legislation will set the specific rate for future years. I personally support a rate of only 50,000 barrels per day—less than one-third the current rate—because we face strong budget pressures. Indeed, the House budget resolution specifies a rate of 50,000 barrels per day.

But while we may disagree over the future fill rate, we all agree that we must maintain and be ready to use the oil we now have in SPR. The current glut will not last forever. Oil is a depleting resource. The Middle East remains unstable. And confident "predictions" of what will happen in the oil markets continue to turn out wrong.

IEA

H.R. 1699 also extends other "energy emergency" authorities in EPCA, including those in title II which allow U.S. participation in the International Energy Agency [IEA], for 3 years, until June 30, 1988.

The IEA is a group of oil importing nations, including the United States and its major allies, which have agreed to coordinate their responses to a future supply shortage in order to minimize its impact.

TEST DRAWDOWN

The bill also requires that the Department of Energy carry out a small "test sale" of SPR oil within 6 months.

This will test the complex mechanical and "paper" bidding and sales processes that must work rapidly in an oil disruption, if our $18 billion investment in SPR is to effectively protect consumers.

While there have been some tests to date of the SPR pumping machinery, and some simulated sales of SPR oil, current law bars any actual sale of SPR oil except in a crisis. H.R. 1699 removes this restriction, but only for a single, small test sale of about 1.1 million barrels—enough to test the five different SPR sites, and the actual bidding and purchasing process.

COSTS

CBO estimates the test drawdown will cost $400,000.

CBO estimates the cost of the IEA extension will be $164,000 for each of the next 3 years.

CBO estimates the cost of additional SPR site construction, in outlays, will be $770 million over the next 4 fiscal years. Cost of additional oil purchases for SPR, according to CBO, is $6.386 billion over the next 4 fiscal years.

The committee's estimate of oil purchase costs is much lower, $2.309 billion over the next 4 fiscal years, because the committee assumes a future SPR fill rate of only 50,000 barrels per day—less than a third as much as CBO assumes.

The gentleman from California has been very cooperative and supportive on these two measures. I appreciate his efforts to develop this bipartisan legislation.

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

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. LOTT. Mr. Speaker, I rise for the purpose of receiving the schedule for the balance of the day. A number of our Members are asking about that, and also for the schedule for the week upon our return from the Fourth of July district work period.

I would be glad to yield to the distinguished majority whip for the purpose of learning if there is any other business pending today, and of the schedule the week after we return.

Mr. FOLEY. Mr. Speaker, there is no further business today with the exception of the election of a Speaker pro tempore for the purpose of next week.

The schedule next week is, we will be in recess; the district work period will be in effect until Monday, July 8, at which time the House will meet at noon, and consider two bills under suspension of the rules. I am sorry; one bill currently scheduled under the suspension of the rules, H.R. 2401, the Field Office Closing Justification Act. Other suspensions may be announced later.

Mr. LOTT. Will the gentleman yield at that point?

Mr. FOLEY. Yes.

Mr. LOTT. The gentleman only has one suspension on for the Monday, July 8, and then other suspensions are likely to be announced. Do we have any idea how many?

Mr. FOLEY. Well, I do not at this time know the precise number, but the minority will of course be notified, and it is our intention to vote on Tuesday on any suspension on which rollcall votes are ordered.

So in no case will there be any recorded votes on the suspensions taken on Monday.

Mr. LOTT. As soon as the decision is made on those other suspensions, we would appreciate being notified.

Mr. FOLEY. Yes, I will undertake to see to it that will be done.

On Tuesday the House will meet at noon and 10 a.m. the balance of the week. First on Tuesday we will be taking any recorded votes ordered on the suspensions debated on Monday, July 8; and then we will take up H.R. 1555, the Foreign Assistance Authorization for fiscal year 1986, to complete consideration.

Next, H.R. 99, the American Conservation Corps Act, open rule, 1 hour of debate; and if time permits, H.R. 1383, the Agricultural Productivity Act, open rule, 1 hour of debate.

As always, conference reports may be brought up at any time, and further program may be announced at any time.

Mr. LOTT. I thank the gentleman.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS, AND TO APPOINT COMMISSIONS, BOARDS, AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Monday, July 8, 1985, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JULY 10, 1985

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order on calendar Wednesday, July 10, 1985, may be dispensed with.

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

There was no objection.

PERSONAL EXPLANATION

Ms. OAKAR. Mr. Speaker, I was detained for the final passage of the bill, H.R. 1872. Had I been present, I would have voted "aye."

EXTENDING TIME FOR CONDUCTING REFERENDUM WITH RESPECT TO NATIONAL MARKETING QUOTA FOR WHEAT

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 822) entitled "An Act 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" with the Senate amendment to the House amendment thereto, and agree to the Senate amendment to the House amendment.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendment, as follows:

In lieu of the matter proposed to be inserted by the amendment of the House of Representatives, insert: 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-one days after adjournment sine die of the first session of the Ninety-ninth Congress.".

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

Mr. WALKER. Reserving the right to object, Mr. Speaker, it is my understanding that we are now in round 3 of this bill in the House Chamber. Do I understand that in this particular instance now we are coming back to the discretionary language that the Senate had originally asked for?

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Speaker, the text has the basic structure; not the same number of days, but it is basically the original language of the Senate bill.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 27, 1985.

I hereby designate the Honorable Thomas S. Foley to act as Speaker pro tempore to sign enrolled bills and joint resolutions until July 8, 1985.

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

The Speaker pro tempore. Without objection, the designation is agreed to.

There was no objection.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO HAVE UNTIL TUESDAY, JULY 2, 1985 TO FILE REPORT ON H.R. 8, WATER QUALITY RENEWAL ACT OF 1985

Mr. BOSCO. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation may have until 5 p.m. Tuesday, July 2, 1985, to file a report on the bill, H.R. 8, the Water Quality Renewal Act of 1985.

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

Mr. NIELSON of Utah. Mr. Speaker, reserving the right to objection and I do not object, but I would ask has this been cleared with the minority?

Mr. BOSCO. Mr. Speaker, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentleman from California.

Mr. BOSCO. I thank the gentleman for yielding.

Yes, it has.

Mr. NIELSON of Utah. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. Bosco]?

There was no objection.

TRIBUTE TO WILLIAM R. DRIVER

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

Mr. JONES of Oklahoma. Mr. Speaker, yesterday was indeed a sad day when I learned of the death of my friend and fellow public servant, the Honorable William R. Driver.

Bill Driver was a very close friend. I came to know Bill when we served together in the Johnson administration. Although I came to respect and hold in high esteem many of President Johnson's appointments, I can truly say Bill was among the best, if not the best, official to serve in the Johnson administration.

Bill Driver began his 21-year career at the Veterans' Administration as a management analyst. His distinguished career at the agency earned him the honor of becoming the VA's first career Government employee to be appointed as its Administrator. As its head, Bill soon became known as one of the most dedicated, honest, and objective public officials in our Government. These qualities served him well in his years of leading the agency. No one ever doubted his resolve to advocate fully the causes of the VA constituency—our veterans, both pensioners and the disabled. But he also displayed an eternal sense of objectivity in balancing the interest of our Nation as a whole and the needs of his veterans in particular. Bill was a paragon among Government professionals. He was without peer in the class of honest public servants.

After leaving the Veterans' Administration in 1969, Bill, however, did not leave public service. Bill Driver was sworn in as Commissioner of the Social Security Administration on January 3, 1980. In his years at SSA, Bill again stressed what is perhaps best captured in his own words, "I intend to stress professionalism. I want to turn the organization loose to solve its problems." In these days of highly charged debates over the politicalization of the Social Security issue, we can find comfort in the words of Bill Driver. I hope his work, his ideals, his contributions will never be forgotten by those who follow his service in these two agencies.

Mr. Speaker, a very wise man departed from us yesterday. He will be sorely missed.

THE FORGOTTEN HOSTAGES: NO VISIT FROM THE RED CROSS

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

Mr. O'BRIEN. Mr. Speaker, the good news is: The International Committee of the Red Cross has visited the 40 Americans held hostage in Lebanon from the hijacking of TWA flight 847 13 days ago. The non-news is: There are seven other Americans held hostage in Lebanon for as long as 15 months who were not visited by the Red Cross this week.

The visit of the Red Cross to the 40 Americans from the TWA hijacking resulted in the prompt release of a hostage for medical reasons. Since the Red Cross has never been permitted to visit the seven other hostages, we don't know if any of them should be released for medical reasons.

The "Forgotten Seven" do not have a negotiator on their behalf.

The "Forgotten Seven" have had no press conferences.

The "Forgotten Seven" do not get interviewed for the American TV networks.

The families of the "Forgotten Seven" have only the sketchiest information on the health and well-being of these hostages. Some families have received threatening letters obviously written under extreme duress. The kidnapers of the "Forgotten Seven" have sent Polaroid photos of their hostages to a Beirut news organization.

Mr. Speaker, the "Forgotten Seven" hostages are:

William Buckley, 468 days held hostage, as of today.

Rev. Benjamin Weir, 415 days held hostage.

Father Lawerence Jenco, 170 days held hostage.

Terry Anderson, 103 days held hostage.

David P. Jacobsen, 30 days today.

Thomas Sutherland, 6 days longer than the TWA hostages.

Peter Kilburn, missing 206 days.

Mr. Speaker, 46 Americans are held hostage in Lebanon, not only the 39 remaining from the TWA hijacking. The "Forgotten Seven" includes a man

who has been held in Lebanon longer than the U.S. Embassy hostages were held in Iran.

It reminds me just of what E.B. White said in 1940:

"Whenever free men are in chains
We are threatened also
Whoever is fighting for liberty
Is defending America."

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TAIWAN

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

Mr. DYSON. Mr. Speaker, these are very difficult times for governments based on freedom and democracy. Terrorism and tyranny are on the march all over the globe.

As Israel is threatened on one side of the world, the Republic of China is threatened on the other. The brave people of Taiwan have pounded out on the anvil of freedom a steel determination to preserve their country in a free, democratic state. I know you share my deep concern over the recent pronouncements made by the Chinese Communist leader Hu Yaobang.

In what has been confirmed as an accurate statement made by Mr. Hu on May 31, the Communist leader boasted, "in 7 to 10 years we will have to use some force. We might consider a military attack against Taiwan."

Mr. Speaker, I know this alarms you as it alarms all of us in this Chamber. Such a vitriolic diatribe hardly squares with Peking's purported policy of peaceful reunification with Taiwan. Nor does this strident stance augur well for continued U.S. technical assistance to a Communist country who would use this very assistance to overthrow a true friend to the United States. Are we to dismiss these aggressive comments as political posturing?

Mr. Speaker, I think we dare not. If the Chinese Communist's policy toward the Republic of China is one of peace, let them declare that in public. Let them renounce once and for all the use of force against this tiny bastion of democratic freedom. I ask the Members of this great body to join my voice in strong condemnation of such unwise and unwarranted assaults on the principles of peaceful coexistence and self determination.

LEGISLATION INTRODUCED TO EXTEND TRAINING AND RELOCATION OF TRADE ADJUSTMENT ASSISTANCE PROGRAM

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

Mr. NIELSON of Utah. Mr. Speaker, I am introducing today, along with Congressman DAVIS, Congressman MONSON, Congressman MITCHELL, and Congresswoman KAPTUR, a bill that I believe is extremely important in view of the continued shutdowns and worker displacement in many of our basic industries.

Foreign imports are flooding the markets and our trade deficit is burgeoning. The steel and copper industries, among many others, continue to announce major shutdowns and layoffs of thousands of workers. It is easy to see why industries are demanding more quotas, subsidies, loan guarantees, bailouts, and other protective measures from Government. These protective measures only serve to reduce free international trade and this ends up costing everyone in the longrun.

I am convinced that the retraining of workers in trade sensitive industries is extremely important. It could be an effective instrument for facilitating economic adjustment and fending off new import barriers.

The Trade Adjustment Assistance Program is scheduled to terminate this year. This program contains Trade Readjustment [TRA] benefits that help those that have been laid off due to import pressures to be trained in other fields. The bill we are introducing today will extend the training and relocation allowances of the TAA Program for 3 more years. Funding would be limited to training and relocation allowances only and would not include the entitlement portions of the program. The bill would authorize $26 million for 1986 and the authorization will be reduced until it ends in 1989. I believe that this will allow for realistic retraining funding in the face of continued shutdowns in many major industries. A comprehensive overhaul of our Nation's retraining efforts is probably due, but in the meantime I believe we should ensure that the retraining programs in existence are sufficient to allow retraining and to ease protectionist pressures.

TEXTILE AND APPAREL WORKERS

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

Mr. DERRICK. Mr. Speaker, the President is protecting the U.S. noodle while telling the American textile worker, "Toodle!"

Within a few days of launching a campaign to kill a bill in Congress which would enforce U.S. laws—laws already on the books—to limit foreign textiles and apparel, President Reagan has slapped a 1,000-percent tariff increase on European noodles and pasta.

In my home State of South Carolina, 61 textile plants and 36 apparel plants have closed and 46,900 workers are jobless—this is just one State.

The textile and apparel people of this Nation have just begun a campaign to promote American textiles and clothing. This button I'm wearing says, "Crafted with pride in the U.S.A." I think it's just wonderful, Mr. President, that now your noodles can say, "Crafted in the U.S.A."

When you get through, there won't be any American textiles around to pin this button on.

I have nothing against U.S. noodles; I'm sure they're terrific. But I'm a lot more concerned about those people who used to be textile workers, who used to be taxpayers, who are now being halfway supported on unemployment compensation or whose unemployment has run out and who have no place to turn.

Ladies and gentleman, I give you the American noodle—more important to the President than 1.9 million textile and apparel workers.

GENERAL LEAVE

Mr. NIELSON of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from Massachusetts [Mr. CONTE].

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

There was no objection.

GENERAL LEAVE

Mr. DURBIN. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks and to include therein extraneous material on the subject of the special order speech today by the gentleman from Florida [Mr. PEPPER].

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

There was no objection.

LET'S CELEBRATE, AMERICA

(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, this week we observe and celebrate the birth, the strength, and the compassion of the greatest democracy in the history of the world.

The United States of America, despite its 209 years, is a young Nation—youthful by comparison to countries like England, Spain, France, Russia, China, Japan, Mexico, and others, which have national identities reaching hundreds of years farther back into history than ours. Yet remarkably, we have the oldest existing form of government in the world.

Every other nation on Earth has seen its government interrupted, overthrown, or radically changed, while our democracy—defined by the courage and hope of the Declaration of Independence and put into practice by the framework and freedoms of the Constitution—has persisted and grown stronger through the years.

Each time the strength of our Nation has been challenged, we have prevailed. Each time our form of government has been challenged, our forebearers' design has been sustained. And each time our commitment to freedom and justice for all has been challenged, we have grown better and stronger.

Although the parchment has grown yellow and the ink faded, the Declaration of Independence remains an awesome creation, unique in the history of the world. Viewing it in the National Archives in Washington, straining to read the words we have heard, read, and memorized, I am always struck by the fact that it not only unleashed a revolution of people yearning for freedom from an oppressive and distant government, but that it laid the foundation for the most remarkable Nation in world history.

We have been the most generous Nation on Earth. In 1983, our Government gave $8 billion—almost a third of the economic aid given by all the industrialized nations of the free world—to the developing nations to help meet their special needs. That same year, Americans gave $1.3 billion in private, voluntary contributions to developing nations. That is more than given by all other people in the world combined and was given even before the outpouring of private donations to feed the starving people of Ethiopia and other African nations began. And the National Bureau of Economic Research projects that Americans next year will give an amazing $65.66 billion to charitable causes at home and abroad.

We have been the bravest Nation on Earth. Although war is a last resort, we have not hesitated as a Nation to take up arms against a demented dictator like Hitler on another continent in a war far from home, from which we could have safely hidden, all to defend freedom-loving people against foreign aggression.

And we have come to demand, as we should, that our allies and friends throughout the world accord their citizens basic human freedom and dignity, as we do. We call attention to and work against the intolerable oppression that exists in the Soviet Union, in other nations, and in dictatorships in our own hemisphere.

As individuals and as a Nation, we have put our money where our mouth is and we have given action to our philosophic commitment to freedom, justice, and opportunity.

One of the glorious things about the United States of America is that we have become strong enough and mature enough to resist the taunts of those who are weaker and envious, yet determined enough to take action when toughness is called for.

George Washington prophetically noted that freedom, independence, and self-government throughout the world were "finally staked on the experiment entrusted to the hands of the American people."

For 209 years we have handled the experiment well. Let us celebrate America as we observe the Fourth of July, 1985.

UNITED STATES SHOULD AVOID MOVING AMERICAN HOSTAGES FROM BEIRUT TO SYRIA

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

Mr. SCHEUER. Mr. Speaker, I am offended that President Reagan and his advisers are considering an offer to move the 39 American hostages from Beirut to Syria.

The U.S. Government should avoid like the plague any such agreement.

After all, it's obvious to anyone who knows that situation in the Middle East that without Syria's cooperation there wouldn't be a single American held hostage in Lebanon.

Any support by the United States to move the hostages to Syria would have the effect of legitimizing terrorism, and give Syria undeserved dignity and credibility when they are the arch-fomenters of terrorism in the region.

We cannot and should not make any pacts with terrorists—and let there be no doubt about it—the Syrians are experts at terrorism.

How can we forget the Syrian hand in the 1983 bombing of the U.S. Marine barracks in Lebanon where more than 200 Americans were murdered in cold blood.

The brutality of the Syrian Government in recent years was evident the day 20,000 members of the Muslim Brotherhood—an opposition sect in Syria—were murdered in the village of Hamah.

At this very moment, some 10,000 Russian advisers are stationed in Syria.

Propaganda emanating from Syria and its President, Hafez Assad, is more vitriolic and more anti-American than the worst we have heard from experts at vilification like Khomeini and Qadhafi.

Mr. Speaker, we cannot reward the Syrians for their acts of terrorism.

We cannot allow the hostages to become political pawns in Syria's efforts to sway public perception in its favor.

The United States should not abandon its policy of ignoring the demands of terrorists.

And the Syrians are accomplices in this latest act of terrorism against Americans. Indeed, Israeli press is reporting that two of the hijackers were Syrian intelligence agents.

I hope and pray that the hostages are released soon, including those hostages who were removed earlier because of their Jewish-sounding names and including the seven Americans who were kidnaped before the TWA hijacking.

But any move to transfer the TWA hostages from Beirut to Syria is unacceptable and a shameful affront to the murder of the 200 U.S. marines.

I urge the administration to ignore the offers of the Syrians and work for the release of the hostages through appropriate, respectable, and credible channels.

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ORDER OF BUSINESS

The SPEAKER pro tempore. Without objection, the gentleman from Washington [Mr. FOLEY], will proceed first in the 5-minute special orders.

There was no objection.

SENATOR GARY HART'S "FOUNDATIONS FOR AN AMERICAN RENEWAL"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. FOLEY] is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I thank the Chair, and I thank my colleagues for their consideration.

Mr. Speaker, at the American University in Washington, DC, one of the young leaders of the Democratic Party delivered an address about the future of our party and our country.

In a speech he called "Foundations for an American Renewal," Colorado Senator GARY HART defined the course he believes that we must take—in economic and national security policy—if we are to master the dramatic changes that are shaping our workers, our foreign and domestic markets, and our status in the world.

I recently had the opportunity to read the text of Senator HART's American University address. I believe that our colleagues and the public will find it enlightening and useful.

Mr. Speaker, I ask unanimous consent that the entire text of Senator HART's speech be printed in the RECORD.

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

There was no objection.

FOUNDATION FOR AN AMERICAN RENEWAL

This spring we celebrated the fifty-second anniversary of the Democratic Party's emergence as the Party of Change. Five decades ago, America was locked in depression, and the policies of the day could not break its icy grip. But in just 100 days, Franklin Roosevelt chose bold, new, experimental courses, and launched America toward a rendezvous with destiny.

Fifty-two years later, the imperative of change is upon us once again. The choice, as before, is whether we will go forward or stand still. In 1933, standing still meant immediate decline and disaster. Today, our choice is more difficult. For now, standing still leaves us in a comfortable present—but adrift on dangerous seas, with no guiding vision for the future.

To set our own rendezvous with destiny, we must be willing to experiment again—to dare in the cause of moving forward. Only then will we be able to steer toward a future where change is not a threat but a challenge—a challenge to our highest ideals, and our grandest dreams.

America is a pathfinding nation—mapped by explorers, settled by pioneers—a population of dreamers, inventors, and leaders. Our very political system was an innovation. Washington and Jefferson called it an "experiment" in self-government. And they encouraged those who followed to adjust to changing times so that our nation could conquer new frontiers while preserving old values.

But, today, dramatic changes threaten to outrun all we value: our schools, our skills, our factories, our stature abroad, and our security at home. Like an earthquake, change is rearranging the landscape of our lives. Our store of scientific knowledge—acquired over millennia—will double before the end of the century. Over the next two decades, some 10 percent of our workers—in both manufacturing and services—will be displaced. The number of nations possessing nuclear weapons may climb from six to nearly 30 by the year 2000.

The issue is not whether we will cope with these changes. We have no choice. The only question is whether we will be the masters of change—or its servants.

We will not master change by binding ourselves to rigid orthodoxies—as too many political leaders now propose. The Administration in power today pursues an old, hidden agenda. Irresponsible tax policies and indiscriminate weapons purchases create monstrous deficits, which then become the excuse to reverse 50 years of social progress. They seek to cripple legitimate government action and shatter a bi-partisan consensus on social justice—to drown in red ink what they could never kill with votes.

At the same time, the Party of Progress, the Democratic Party, has come to worship the status quo. After 50 years of governance, we too often protect old programs rather than old ideals; focus more on the quantity of legislation than the quality of life; and attend more to factional views than national values. We have occasionally forgotten that some solutions do not flow from legislation, but from our commitment to such principles as excellence, justice, community, and courage.

Now the times demand a new course. But it is not enough simply to call for change. Progress demands that we explain what those changes are, and write a new agenda, committed to our oldest values and suited to a revolutionary time—a foundation for an American renewal. That foundation must support the two central aspects of our vision for tomorrow: an investment strategy in long-term economic growth and opportunity; and a new definition of national security.

First, investment in growth and opportunity. In this period of profound change, too many leaders have become wedded to traditional economic policies instead of creatively pursuing our economic values and goals. Let's recall those goals: to provide jobs that offer material rewards and personal fulfillment for all Americans able to work; to ensure that hard work yields a fair income not eroded by inflation; and to liberate the energy of our entrepreneurs.

These goals are the key to more than individual prosperity—they are the key to a just society. Social justice is inseparable from economic growth. No proposal to help the poor, to assist workers, to modernize industries, or to rebuild cities will finally succeed if our economy cannot generate the resources to fulfill a humane public agenda.

We will not achieve growth and opportunity merely by relying on the market, as this Republican Administration advocates. Markets can drive our economy, but they cannot calculate the national interest. By themselves, markets do not invest in the minds of our children or the roads of our communities. They do not care for the elderly confined to their beds. Markets do not rehire the steelworkers who have lost their jobs forever, nor do they protect our national security. Blind reliance on the market is merely a prejudice masquerading as an economic policy.

As the Republican economic motto is laissez-faire—to let happen, so the Democratic motto should be aidez-faire—to help make happen. Government cannot legislate intelligence, or inventions, or expanding markets. But it can help release and encourage the productive energy of our people.

In an era of transition, we will be either the agents of change—or its victims. To lead, to shape and fashion change, we must invest in our future—investment in productivity and competitiveness; investment in our nation's circulatory system—our roads, bridges, and ports; investment in basic industries; investment in innovation; investment, most of all, in our most vital asset—the human mind.

Investment in the human mind means education. A Chinese proverb tells us, "the schools of a nation are its future in miniature." But our future is at risk when our students study only one-third to one-half the math and science of their Japanese and Russian contemporaries. When we neglect the education of our young people—like those here today—we endanger your future contributions to our nation's prosperity—the boldness of your innovations, the quality of your work, and, most of all, your appreciation of life itself.

Investments in educational excellence will create new curricula to give America's children the skills of tomorrow—skills to operate sophisticated machine tools; to invent the next generation of computers; and to speak foreign languages in overseas markets. (1) And these investments will create the kind of partnerships among schools, industries, and government that have produced such new technology centers as Silicon Valley, Route 128, and Research Triangle Park. (2)

We must continually train America's workers. Eighty percent of our workers in the year 2000 are already in the workforce, so tomorrow's productivity depends on investment in training today. Firms should be encouraged to invest in workers' skills as well as in equipment. Workers must be encouraged to invest in their own retraining as well as their retirement. (3) And we should turn the unemployment compensation safety net into a springboard that helps the unemployed learn new skills or start their own businesses. (4)

We must invest in innovation. One of the great engines of innovation is the creative energy of new and small businesses. Small businesses produce 24 times as many innovations per research dollar as large businesses. And 60 percent of the innovation products of the past 15 years have been produced by firms with fewer than 100 employees.

We have a choice. We can watch giant firms devour smaller firms in a corporate feeding frenzy. Or we can encourage the broad business ownership that has produced such innovative products as the electronic calculator and the personal computer. We need public policies which help new businesses obtain capital for research and start-up costs, and which help direct some of the trillion dollars of pension funds into new ventures, so that enterprising Americans can turn their ideas into products, profits, and jobs. (5)

We must modernize our basic industries. Industrial modernization does not require a choice between traditional manufacturing and new technology industries; rather it requires a partnership. Every high-tech job creates some five to fifteen jobs in manufacturing and services. And basic manufacturing is the biggest single consumer of high-technology products.

America needs a national strategy to inspire the integration of these sectors and our transition into the post-industrial age. A progressive government can encourage and broker this process—not with new bureaucracies—but with leadership that brings labor, management, and capital together to create industrial modernization agreements or compacts. Under such compacts, labor would condition wage demands on profitability or productivity and would, in exchange, receive long-term job guarantees. Management would agree to those job guarantees in exchange for labor peace and a stable workforce. Management would also commit to direct investment in plant and equipment modernization and worker retraining in exchange for long-term lines of private credit. If necessary, the national government could guarantee that private credit, but only on the condition that it be productively invested. With leadership, but limited government involvement, we can make America stronger, more secure, and more competitive in the global market.

America must invest in our national circulatory system—our public infrastructure. The best-trained workers will not attract industries to a city if the port is closed. And the most innovative products will never reach their markets if bridges collapse.

As a nation we have systematically underinvested in these public facilities for a generation. The bad news is that it will cost billions of dollars to rebuild our public systems. The good news is this investment could create millions of jobs. The best news is that by uniting federal, state, and local governments, we can revitalize our economic circulatory system once again.(6)

Finally, we must invest in our ability to compete in international markets by increasing productivity and competitiveness. We must reduce the Reagan deficits that overvalue the dollar and keep our products from selling abroad. We should expand ex-

isting trade rules to include new technologies and services. And we must resist the fools-gold promise of protectionism, steering instead toward promotion, and a trade policy of "national treatment" that insists other nations treat American products as if they were produced in that nation.

A Democratic government must be a catalyst government that sparks the fires of change. We stand for trained minds, not idle workers; innovative products, not golden parachutes; tax fairness, not tax shelters; modern industries, not take-overs and bailouts; the national interest; not the special interest. The Democratic Party must reclaim its historic inheritance as the Party of economic change, growth, and opportunity for all. Aidez-faire, not laissez-faire—to make change happen for the benefit of all, not to let things happen for the benefit of the few.

The second element of a foundation for American renewal in this age of change is a new definition of national security. The Administration in power today seeks to base our security on two outdated notions: spending unlimited sums on military hardware, and attempting to regain nuclear superiority. Both are pure folly. In her recent book, the historian Barbara Tuchman writes that folly throughout the ages has had three elements: knowing a course to be foolish; having a more plausible alternative; and refusing to accept that alternative. History will judge the current Republican security policy as folly—but only if the Democratic Party offers the nation a more plausible alternative.

As with our economic agenda, the strength of our security policy must flow from our values. Because we value freedom, we must protect our allies from Soviet expansionism. Because we value democracy, we must not side with dictators against those who seek to cast off the yoke of tyranny. Because we value justice, we must resist the dark forces of terrorism, repression, and want. Because we value hope, we must lead the world to a halt in the nuclear arms race. Above all, we must understand that America's strongest weapon will always be—not missiles, tanks, or ships—but our moral force: our respect for human dignity, open societies, and genuine alliances. This weapon alone will always be invincible to our foes, and irresistible to our friends.

The Democratic Party has historically been dedicated to our national security. Two world wars, fought under Democratic Presidents, established America as the leader of the free world. Failed policies in Vietnam and elsewhere taught us we must exercise that leadership wisely. And the ominous threat of nuclear annihilation has impelled us to lead the world away from conflict, or there may be no world to lead.

Today, new forces confront our security, from the rise of nationalism, to radical religious fundamentalism, to the spread of nuclear weapons, to the accumulation of an explosive third-world debt. Unfortunately, the current Republican Administration views today's diverse world through an East-West ideological prism that obscures these historic changes. The Democratic Party—the Party of Change—must now create a new definition for national security in this era of global transformations.

The greatest challenge of all time is to prevent the use of nuclear weapons. Today, our global community lives with 50,000 nuclear warheads that threaten to plunge us into a nuclear winter where no human life could survive. Face to face with extinction, the true measure of security and patriotism is not how many more nuclear weapons we can acquire. Indeed, our security is betrayed by tired leaders who cling to this anachronistic view.

True security demands a tough, bold, and comprehensive agenda for preventing nuclear war. But it will not be enough to oppose nuclear weapons. A credible program for national security must be more sophisticated than slogans, and more constructive than protest rallies. It is our obligation to propose realistic and positive steps to create a safer world.

The first step must be to strengthen our conventional forces through military reform. These forces are the West's most important protection against nuclear war. The more capable these forces, the less likely we will ever have to resort to nuclear weapons.

Let's not be naive: we have responsibilities, and we have enemies. These realities require that our military forces be strong enough to re-enforce our friends and allies, to deter aggression, and to promote stability.

But today our military priorities are so distorted, we could well suffer a major defeat if challenged.

We have too few operational reserve divisions on NATO's central front to stop a major Warsaw Pact attack or launch a successful counter-thrust.

Our forces are poorly deployed—by placing most of our troops along a forward line in Europe, we have successfully imitated the disastrous Maginot Line of 1939.

We have a military top-heavy with brass—the ratio of senior officers to enlisted personnel has tripled since World War II.

We have a Navy based on a few carriers which are increasingly vulnerable targets for superior numbers of Soviet submarines.

We have too few planes to sustain prolonged air-to-air combat; too many soldiers who have never worked together as a unit; and too many lieutenants who have never studied military history.

These short-comings will not disappear simply by increasing the Pentagon's budget—as too many Republicans want to do—or by cutting it—as too many Democrats want to do. Spending more, or less, on a military that doesn't work only produces a bigger, or smaller, military that doesn't work.

The answer is military reform. (7) This is an historic challenge. No modern nation has comprehensively reformed its military institutions in the absence of a military defeat. All who are serious about preventing nuclear war should be serious about military reform. All who acknowledge there are legitimate and necessary uses for American military force should seek to make that force as effective as possible.

The first and most important reform is with people. People win wars; weapons don't. Enlisted personnel must develop unit cohesion by remaining with their units instead of being constantly rotated—because people who know each other fight better together. We need to train officers as battlefield commanders, through study of military history and tactics, and promote them for their leadership qualities, not business management and bureaucratic skills. We need to train troops in "free play" exercises, not rigidly scripted war games that more closely resemble ballet than battle. And we must provide adequate pay and benefits to retain the increasingly skilled career military personnel who sacrifice for our country in both wartime and peacetime.

The second reform relates to our doctrine and strategy. We prevailed in two world wars by overwhelming our opponents with superior numbers of manpower and equipment. The practice of wearing one's opponent down is called firepower and attrition. That will not work with the Soviet Union. The alternative in dealing with a possible opponent of that size is to outsmart and out-think him. That is called maneuver warfare. By training our forces in tactics of sudden change and unpredictable quickness, we can break the will and cohesiveness of our opponents, and save the lives of our troops.

The third reform is in hardware. We are currently the victims of technology. The cost of sophisticated technology is driving *down* the numbers of tanks, planes, and ships that even today's free-spending Pentagon can afford. But in combat, it is crucial to have effective weapons in large numbers. We must use our qualitative advantage in technology to produce larger numbers of less sophisticated weapons that work in the dust, heat, and confusion of combat—not just in the well-lit calm of the laboratory, or the slick photo layouts of defense contractors.

The Party that pioneered innovations in our social institutions must now pioneer reforms that will bring excellence to our military institutions. Military reform should be our alternative to the current folly of mindless build-up. It offers true security for our national interests. It can save us from massive budget deficits and bankruptcy. And it strengthens our conventional deterrent, so that we may reduce our dependence on nuclear weapons.

At the same time we reform our conventional forces, we must dramatically alter the focus of arms-reduction efforts. We should focus national policy on three areas: moratoria, verification, and non-proliferation.

Mutual moratoria are imperative to give negotiators what they need most—time: time to fashion deep and balanced arms reductions, and to prevent diplomacy from being outrun by technology. Moratoria can work. In 1963, President Kennedy, speaking at this University, broke a dangerous deadlock by challenging the Soviets to join in a temporary halt to atmospheric nuclear tests. They did, and within weeks we signed the Limited Nuclear Test Ban Treaty.

I want to see America recapture the hope and imagination President Kennedy brought to our world 22 years ago. Today, the United States should regain world leadership by challenging the Soviets again. In dramatic fashion, we should demonstrate our willingness to stop a mindless nuclear arms race by proposing moratoria on testing, on deployment of destabilizing land-based missiles, on anti-satellite weapons, and on offensive weapons in space. Only by breaking the technology-driven cycle of testing, production, deployment—then negotiation—will we ever achieve true stability and security.

But no agreement can go beyond our ability to verify it. We should also challenge the Soviets to join us in a Manhattan Project for Verification.(9) Like the pioneering effort that produced the first atom bomb, this Project can join the two largest scientific communities on earth to devise new ways to guarantee treaty compliance and prevent nuclear treachery. Scientific breakthroughs could broaden the horizon for arms reductions, and eliminate an easy objection of those who oppose all arms control.

In addition to this Project, we should also increase stability by establishing a joint crisis control center, staffed by senior military and diplomatic personnel from both nations. This center would allow cooperative analysis of threatening conduct on either side, to prevent nuclear catastrophe by mistake.

Finally, to prevent the use of nuclear weapons, we must stop the proliferation of nuclear materials and weapons technology to other nations. We should propose and lead an international freeze on the production of plutonium, to stop the trafficking in the key element most likely to be used by renegade nations or terrorist groups in building a nuclear device. The time to act and lead is now, for on the day a Khomeini or Qaddaffi unlocks the nuclear warchest, it will be far too late.(10)

In this, as in all aspects of our security policy, much more is at stake than our own security. We live in a world that has diminished in size as missiles have increased in speed, and as nations have increased in interdependence. The words spoken by President Kennedy at this University a generation ago still speak to us today: "in the final analysis, or most basic common link is that we all inhabit this small planet. We all breathe the same air. We all cherish our children's future. And we are all mortal."

I have advocated this new economic and security foundation not because it is easy, but because it is essential. It is essential if the Democratic Party is to reassert itself as a majority, and as the Party of Change. And it is essential to making our nation master of its own destiny in an unpredictable age.

In each American generation, our destiny has been steered by the couragerous few who looked to the future in order to serve and strengthen our country: Thomas Jefferson, when he spoke of a free and strong America down to "the thousandth generation"; Franklin Roosevelt, when he rallied a nation against its own immobilizing fear; Martin Luther King, when he branded his dream upon the conscience of our nation; and John F. Kennedy, when he came to American University to announce his Strategy for Peace, and his vision of hope.

Let us rediscover today their passion for progress. Let us rededicate ourselves to a true patriotism, founded on our highest values, equal to the challenge of change, thankful for the opportunities of a great nation, and determined to renew America's dreams.

APPENDIX; POLICIES FOR AN AMERICAN RENEWAL

Education

(1) Senator Hart is the principal Senate sponsor of the American Defense Education Act, a bill to provide incentives for elementary and secondary schools to improve, instruction and student achievement in mathematics, science, communications skills, foreign languages and technology. ADEA is a grant program for schools which agree to improve student achievement and professional instruction in these core areas.

The bill was developed to deal with six critically important and related challenges facing our society: lower achievement test scores by students; the diminishing numbers of students attracted to the hard sciences; the decline in the number of teachers being certified in math and science; the need for our society to invest in the education of tomorrow's workers, who will have to master the technology of the 1980s and 1990s; the relationship between the training they need to receive and our ability to stay competitive in foreign markets; and the increasing technological complexity of military equipment.

(2) Senator Hart has also introduced the High Technology Morrill Act, a bill to promote joint initiatives among private industry, educational institutions, and state government to strengthen science, engineering and technical education.

The Act establishes a Technology Trust Fund, financed by revenues from the sale and rental of energy and mineral resources, to provide matching grants to educational institutions participating in the joint initiatives. According to the Bureau of Labor Statistics, the demand for technically trained individuals is outstripping the numbers of scientists, engineers and technicians graduating from post-secondary institutions. By promoting partnerships among state government, educational institutions and industry, the High Technology Morrill Act builds upon the successes of Research Triangle Park, Silicon Valley and Route 128.

Worker retraining

The Department of Labor projects a shortage of 2.5 million skilled workers by 1990. As the shortage of skilled labor becomes more acute, the numbers of dislocated workers are increasing rapidly. A November 1984 Department of Labor study shows that 5.1 million long-term workers were displaced from their jobs between 1979-1984—because of plant closings or relocation, slack work, the elimination of positions or shifts. To respond to the related problems of skilled workers shortages and displaced workers, Senator Hart is working on a series of proposals.

(3) Senator Hart is the author of the National Individual Training Account Act of 1985. The Act is based on the G.I. Bill, a successful retraining program, and a savings and equity-based financing system analagous to the Individual Retirement Account. The legislation authorizes employers and employees to make annual, tax-deductible contributions to an interest-bearing savings account. Upon involuntary retirement, the participating workers is entitled to withdraw the funds, in the form of a tax-free voucher, to attend a certified worker retraining program of the worker's choice. The legislation has been endorsed by the Northeast-Midwest coalition, and several leading economists.

(4) Along with Congressman Ron Wyden, Senator Hart has developed the Self-Employment Opportunity Act of 1985. This legislation, which reforms the current unemployment compensation system, gives displaced workers a new option of using unemployment insurance benefits to defray the start-up costs of a small business.

Senator Hart has been joined by Senate Finance Committee Chairman Robert Packwood and Senator Lloyd Bentsen in requesting a Department of Labor study of additional unemployment compensation reforms including the use of such payments for education, retraining, or relocating unemployed workers.

Investing in innovation

(5) Senator Hart has introduced legislation, the National Entrepreneurship Act, which is designed to make risk and long-term capital available to new, young and small businesses. The bill removes impediments these firms face in securing funds from the capital markets by proposing four essential reforms.

The bill provides matching grants to States which establish pension fund clearinghouses to collect and disseminate information on new investment options to the managers of the funds. It calls for the creation of State Venture Capital Corporations to provide instruments such as royalty financing for growing businesses. The bill also establishes a secondary market in industrial mortgages, similar to the role which Fannie Mae plays in the housing market. Finally, to encourage new loans for growing businesses, the legislation creates a National Loan Loss Reserve Program.

Senator Hart, a Member of the Senate Budget Committee, has introduced this legislation with Congressman Charles Schumer, a member of the House Banking and Budget Committees.

Infrastructure

A study conducted for the Congressional Joint Economic Committee has found that, on a national basis, there will be a shortfall of investment in the nation's infrastructure amounting to $450 billion by the year 2000. Budgetary constraints, for the foreseeable future, will make expenditures of that magnitude extremely difficult.

(6) Senator Hart has introduced the National Infrastructure Act, legislation designed to increase Federal outlays for investments in highways, bridges, transit systems, sewers, and water treatment facilities. The National Infrastructure Fund established by the bill would be financed at a rate of $3 billion a year for ten years. It would make 20-year, no-interest loans available to the States, which are to be rapid. The States in turn would set up infrastructure banks or revolving funds which will lend money to finance infrastructure construction and repair. Through this mechanism, the original $30 billion in loans will leverage $76 billion in new infrastructure spending over thirty year life of the program.

Military reform

(7) Senator Hart introduced the term "military reform" into the contemporary American defense debate in 1981 in a column in the Wall Street Journal. Later that year, he joined Cong. G. William Whitehurst of Virginia in founding the Congressional Military Reform Caucus, in which he continues to take an active part. In 1982, Senator Hart discussed in military reform terms his analysis of our defense problems in an article in the New York Times Sunday Magazine. He is currently coauthoring a book on military reform with William S. Lind, a well-known writer on military topics.

Moratoria resolution

(8) Senator Hart, along with Senator John Kerry, has introduced legislation (S. Res. 131) calling upon the President to propose to the Soviet Union a number of mutual and verifiable moratoria on the development and deployment of nuclear weapons. The moratoria proposals include a temporary halt on the flight testing of ballistic missiles and anti-satellite weapons, and an interim ban on underground testing of nuclear warheads. These initiatives are intended to serve as a catalyst to the on-going arms control negotiations in Geneva.

Verification

(9) There are three elements in Senator Hart's proposed joint U.S.-Soviet verification project.

First, creation of a joint U.S.-Soviet scientific effort to overcome technological constraints on verification; second, the pursuit of diplomatic efforts with the explicit pur-

pose of generating a series of confidence-building measures to improve prospects for verification and crisis control and monitoring center to help prevent accidental or unintentional nuclear war.

Non-proliferation

(10) Senator Hart will reintroduce this year two bills designed to address the issue of nuclear non-proliferation.

The Plutonium Freeze Resolution calls for a mutual verifiable freeze with the Soviet Union on the production of separated plutonium, and on the export of associated technologies. A freeze on plutonium would make a tangible contribution to preventing the spread of nuclear weapons to other nations or sub-national groups.

The Nuclear Explosives Control Act is a far ranging proposal aimed at strengthening the nuclear export policies of the United States. It will place strict controls on the transfer and reprocessing of all weapons—usable nuclear materials of U.S. origin, as well as on the export of sensitive nuclear technology.

Senator Hart has served on the Armed Services Committee since 1975. He is the ranking member of the Strategic Subcommittee.

THE VOTER INTEREST AND PARTICIPATION ACT OF 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. GROTBERG] is recognized for 5 minutes.

● Mr. GROTBERG. Mr. Speaker, today, I am introducing legislation which is by no means a cure-all for the controversial effects of the Federal election campaign laws enacted since 1971. This legislation, though, is a beginning in our attempt to reassert the role of the major political parties and individuals in the political process. Now, I am opposed to many of the remedies which some of our colleagues have proposed and introduced as legislation. These include limiting the ability of political action committees [PAC's] and other groups to contribute to candidates for Federal office. The growth of these PAC's is a direct result of the vacuum caused by laws enacted during the last decade which have reduced the influence of both the Democratic and Republican Parties to contribute and expend funds in behalf of candidates for the Congress. Likewise, individuals, who under the 1974 FECA amendments were prohibited from contributing more than $1,000 to any candidate for Federal office per election, have seen their ability to influence elections erode with the burgeoning inflation rates of the late 1970's and early 1980's. The $1,000 limit in 1974 translates into the $500 range today.

What my legislation would do is to encourage individual interest in the political process, and along with that, allow for the rebuilding of the political parties by giving them a greater part in the election of candidates to the House and Senate. This bill makes a number of changes in current law.

At this point, Mr. Speaker, I would like to include a section-by-section analysis of the bill and insert the text of it:

SECTION-BY-SECTION ANALYSIS

Section 1: Short Title—"Voter Interest and Participation Act of 1985."

Section 2: This section would permit the mailing of absentee ballots and voter information for any general or special election to prospective voters and the return of same without postage. A nearly identical bill relating to free postage for absentee ballots has been introduced by our colleague, the gentleman from Arizona [Mr. UDALL].

Section 3: This provision amends the Internal Revenue Code of 1954 by applying the appropriate tax rate, rather than the highest tax rate, on investment income of national, State, and local political party committees.

Section 4: This section increases the ability of individual to contribute to Federal candidates or their principal campaign committees from $1,000 to $3,000 per election. It also increases the amount that individuals and nonmulticandidate political committees can contribute in any calendar year, to national political party committees, from $20,000 to $40,000. Third, it increases from $5,000 to $10,000 the amount an individual can contribute to any other political committee—local or State political party committee or PAC—in any calendar year. Finally, the aggregate sum, in any calendar year, that individuals can contribute to all political party committees, candidates running for Federal office, and other political activities is doubled from $25,000 to $50,000.

Per part 4(c), one of the most important provisions of H.R. 2905 would eliminate all contribution and expenditure limitations by a political committee of a political party with respect to candidates running for the House or Senate in a general or special election. It would, though, continue to keep in place all disclosure requirements for the political parties.

Section 5: Sets effective dates in the bill.

H.R. 2905

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Voter Interest and Participation Act of 1985".

SEC. 2. POSTAGE FREE MAILING OF ABSENTEE BALLOTS FOR FEDERAL ELECTIONS.

(a) IN GENERAL.—Chapter 34 of title 39, United States Code, is amended by adding at the end the following new section:

"§ 3406. Mailing of absentee ballots for Federal elections

"(a) Except as provided in subsection (b) of this section—

"(1) absentee ballots for any Federal election, voting instructions for such ballots, and return envelopes for such ballots sent to voters by State or local election authorities; and

"(2) such absentee ballots returned by voters to State or local election authorities; may be mailed free of postage.

"(b) Any matter mailed under subsection (a) of this section shall bear the words 'Absentee Ballot—No Postage Necessary', or words to that effect specified by the Postal Service, in the upper right-hand corner of the address area.

"(c) This section shall not apply to mail matter transmitted under the Federal Voting Assistance Act of 1955 (42 U.S.C. 1973cc et seq.) or the Overseas Citizens Voting Rights act of 1975 (42 U.S.C. 1973dd et seq.).

"(d) As used in this section—

"(1) the term 'Federal election' means a general or special election held solely or in part for the purpose of electing any candidate for the office of President, Vice President, Presidential elector, Senator or Representative in, or Delegate or Resident Commissioner to, the Congress; and

"(2) the term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 34 of title 39, United States Code, is amended by inserting after the item relating to section 3405 the following new item:

"3406. Mailing of absentee ballots for Federal elections."

(c) TECHNICAL AMENDMENTS.—Section 2401(c) and section 3627 of title 39, United States Code, are each amended by striking out "3403-3405" each place it appears and inserting in lieu thereof "3403-3406".

SEC. 3. TAXATION OF POLITICAL PARTY COMMITTEES AT APPROPRIATE RATES.

(a) IN GENERAL.—Section 527(h)(1) of the Internal Revenue Code of 1954 is amended by inserting after "principal campaign committee" the followinig: "or a committee established and maintained by a political party".

(b) CONFORMING AMENDMENT.—The subsection heading for subsection (h) of section 527 of the Internal Revenue Code of 1954 is amended by inserting after "COMMITTEES" the following: "AND POLITICAL PARTY COMMITTEES".

SEC. 4. INCREASE IN CERTAIN LIMITATIONS ON CONTRIBUTIONS AND EXPENDITURES IN FEDERAL ELECTIONS.

(a) CONTRIBUTIONS BY PERSONS (OTHER THAN MULTICANDIDATE POLITICAL COMMITTEES) TO CANDIDATES AND POLITICAL COMMITTEES.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is ameded—

(1) in subparagraph (A), by striking out "$1,000" and inserting in lieu thereof "$3,000";

(2) in subparagraph (B), by striking out "$20,000" and inserting in lieu thereof "$40,000";

(3) in subparagraph (C), by striking out "$5,000" and inserting in lieu thereof "$10,000";

(d) CALENDAR YEAR LIMITATION ON CONTRIBUTIONS BY INDIVIDUALS.—The first sentence of section 315(a)(3) of such Act (2 U.S.C. 441a(a)(3)) is amended by striking out "$25,000" and inserting in lieu thereof "$50,000".

(c) CONTRIBUTIONS AND EXPENDITURES BY POLITICAL PARTY COMMITTEES IN GENERAL AND SPECIAL CONGRESSIONAL

ELECTIONS—Section 315 of such Act (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(i) Notwithstanding any other provision of this Act no limitation shall apply to contributions or expenditures by a political committee of a political party with respect to a general or special election for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.".

SEC. 5. EFFECTIVE DATES.

The amendments made—

(1) by section 2, section 4(a)(1), and section 4(c) shall apply to elections taking place after December 31, 1986;

(2) by sections 4(a)(2), 4(a)(3) and section 4(b) shall apply to calendar years beginning after December 31, 1985; and

(3) by section 3 shall apply to taxable years beginning after December 31, 1985.

Mr. Speaker, this bill's intent is to provide for more participation and interest in the electoral process. The Federal Government should be always mindful of ways to increase involvement, not reduce it. I believe that my bill will do just that and return the role of accountability in the political arena to the people and their primary vehicles of political policy, the major political party organizations. As a precinct committeeman for the past 15 years and one-time Republican county chairman of the largest county in my congressional district, I speak from experience when I say that the people, through their parties, make the wisest decisions for the future of our great Nation.

Finally, Mr. Speaker, I would like to include in the RECORD at this time, an editorial from the Washington Post of April 18, 1985, which speaks to this important issue. I commend it to your attention and that of our colleagues:

[From the Washington Post, Apr. 18, 1985]

SPENDING LESS ON CAMPAIGNS

No, it's not a misprint. For the first time since 1972, when the federal campaign laws started keeping accurate track of these things, campaign spending by congressional candidates was down from one two-year period to the next. Major party candidates spent $165 million on the 1984 elections, down from $174.5 million in the preceding two-year cycle. The drop is all the more startling because it comes after years of hefty, far-above-inflation increases in campaign spending. Why the change? And what does it mean?

One reason for the change may be that campaign spending has reached a level of diminishing returns. Money is not automatically convertible into votes, as shopping center heir Adam Levin of New Jersey could tell you: Mr. Levin spent some $2.3 million, most of it his own money, on a House race in 1982 and won just 43 percent of the vote. The lesson here was not lost on politicians around the nation, and it should be noted that 1984's biggest spender, New York Democrat Andrew Stein ($1.7 million), also lost. You can only spend so much on television (the stations typically limit the amount of time any candidate can buy), and you can only mail out so much literature. Campaign spending in House races took a big jump between the middle 1970s, when most candidates didn't buy TV time, and the early 1980s, when candidates in almost every seriously contested race did. But candidates haven't yet found a new medium into which to pour huge sums.

The other reason for the dropoff in spending on House races is that fewer of them were seriously contested in 1984 than in 1982 or other recent years. There were fewer close rates, fewer open seats, more unopposed members. Voters expressed higher levels of confidence in government in polls during the fall and returned to office a near-record number of incumbent congressmen in November.

Those still a bit weary of last fall's TV ads may hail the drop in spending on congressional races as a good thing. That's not so clear. Campaign contributions were way up and, as Common Cause points out, what rose most rapidly were PAC contributions to incumbent members—which may be investments in more than good government. And who, aside from incumbents weary of the travail of campaigning, believes that a decline in serious competition is a good thing? In an age when voters don't actively seek information about congressional candidates, effective campaigning requires money, and usually lots of it. When—if—Congress gets around to reforming the campaign laws, it needs not only to do something about the overly large sums of the wrong kind of money flowing to candidates; it also must make sure that enough of the right kind of money gets to candidates. Those who want to limit the amounts that PACs can contribute should be sure to insist as well on measures that will encourage and allow increased giving by individuals and the political parties.●

RECOGNITION AND APPRECIATION OF CONGRESSIONAL STAFF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. RAY] is recognized for 5 minutes.

Mr. RAY. Mr. Speaker, for several days we have participated in and observed hectic activity on the floor of the House of Representatives as we have debated, amended, and finally passed the fiscal year 1986 Defense bill.

This bill could not have been organized and completed without the capable and professional staff people that surrounded many of the Members on the floor of the House. Therefore, Mr. Speaker, I want to take a few minutes to pay tribute to those people who seemingly untiringly and unselfishly make it possible for the legislators of the Congress to serve our constituencies, enact legislation and work toward keeping America moving forward as a great country.

I, of course, speak of the dedicated staff people who work so diligently in our Washington and district offices.

I, myself, have served in the past as a staff person for several years and I am grateful that I have had the opportunity to work as the coworker to staff people and also now in my present capacity as a Member of Congress, supported by a team of excellent staff people. This experience makes me a better and more understanding Member and I consider it to be one of my most valuable assets.

I know from experience that to be successful, one must be surrounded by people who have the expertise which he or she does not possess.

There are staff people who no doubt have been able to accomplish great things for this country by combining their knowledge with the expertise of the elected Members.

An example of such a person is a member of my staff who has been a part of Capitol Hill since 1959—Mrs. Ruth Witte, who serves as district coordinator in my Washington office.

She first came to Capitol Hill in 1959 as a staff assistant to Congressman Leonard G. Wolf of Iowa.

During the years, she has served three other Congressmen and the Postmaster General.

She worked for my predecessor, Congressman Jack Brinkley, and rose in his organization to the top position of Administrative Assistant. During her 16 years with Congressman Brinkley, she came to know the Third District of Georgia like a native of the area. Her friends are as numerous there today as they are here in Washington.

Helping the people of Georgia has been Ruth's daily task for almost 19 years, and she has freely extended her aid and knowledge to our people. Each person she comes in contact with has received special treatment and their problem or concern has always gotten personal and prompt attention.

One of the smartest moves I made when I was elected to succeed Congressman Brinkley was to persuade Ruth to continue her career with me. Over the last 2 years, she has helped me put together my organization and has assisted in training much of my staff in her areas of expertise. She has continued to serve and work with the people of the Third District of Georgia.

After working daily with her for over 2 years, I can honestly say that I have never met anyone with her capabilities and her penchant for thoroughness.

Last month, she announced that after 25 years on Capitol Hill, she is retiring at the end of June.

She has been a part of the third district's representation in Washington for so many years, that many of us are having trouble imagining what it will be like when she doesn't show up for work. I might add, promptly at 8 a.m.

Ruth Witte deserves our gratitude and respect for the work and the constant effort she has given over the years. It is with a great sense of loss that I accepted her resignation, but it is with admiration and fondness that I speak of her today.

Ruth Witte is that rare person who has both the skill and the compassion

to help others. We were very fortunate in Georgia that she chose to devote those abilities to us for so many years.

She possesses a rare combination of hard work, cooperative spirit, and love for people which is difficult to replace. She will leave behind a great number of friends in all levels of the congressional organization and hundreds of constituents of the Third District of Georgia who will remember her as the person who efficiently and quickly got through bureaucratic redtape to get to the heart of a problem which they were having with a Federal agency.

To all staff people, I thank you. But, especially to Ruth Witte, I personally wish the very best of everything. I thank you for your tremendous contribution to our people and to America. We will miss you, but more than that, we will always be grateful for all you have unselfishly given over the years.

THE 30TH ANNIVERSARY OF ROLL CALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. WHITTEN] is recognized for 5 minutes.

● Mr. WHITTEN. Mr. Speaker, I wish to join my colleagues in recognizing Roll Call on the occasion of its 30th anniversary.

Sid Yudain has done a great job with Roll Call, dealing with thousands of Members of Congress where each has his share of ego. With even more employers, Sid has been objective, humorous, and informed with an ability to get along. Sid is an institution in his lifetime.

To Sid and his associates we give our congratulations and thanks for the part they have played in making this a great institution.●

CONSUMPTION TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. DONNELLY] is recognized for 5 minutes.

● Mr. DONNELLY. Mr. Speaker, I rise to express my strong opposition to a movement which, according to yesterday's Wall Street Journal, is currently underway in the other body: A proposal to impose a consumption tax on the American people. The Journal reported that pressure to pass a consumption tax comes from "corporate lobbyists who hope to find a new source of revenue to fund the retention of business breaks that are threatened by the effort to overhaul the income tax system." A majority of the Finance Committee is reported to be favorably disposed to a consumption tax.

A consumption tax is among the most regressive forms of taxation. Taxing what people spend, rather than what they earn, would place a far more serious burden on working class Americans, who must spend all they earn in order to survive, than on the rich, who can save large portions of what they earn. To impose a consumption tax on the American people in order to preserve corporate tax breaks some of which eminently deserve to be eliminated would make a mockery of tax reform. If that is truly the direction in which the other body is heading, we should halt consideration of tax reform now, before any vestige of fairness in our tax system is eliminated. Consumption taxes have no role in discussions of tax reform.●

WE SHOULD NOT SUPPORT ANOTHER INCREASE IN INCOME TAXES ON SOCIAL SECURITY BENEFICIARIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. ARCHER] is recognized for 5 minutes.

Mr. ARCHER. Mr. Speaker, I was startled to read in the June 27, 1985, Wall Street Journal your description of high income Social Security beneficiaries—including yourself—as "freeloaders." Can this be the same TIP O'NEILL who launched a congressional fundraising drive last fall, called Campaign To Protect Older Americans from the clutches of the Republican Party? Yet now you profess to find freeloaders among those older Americans?

Mr. Speaker, I feel compelled to speak against your proposal to increase from 50 percent to 85 percent the portion of Social Security benefits subject to income tax. It is the wrong way to go. First, there is the simple matter of an equitable return on FICA taxes invested in Social Security by taxpaying workers. High income workers receive today a benefit equal to only 23 percent of their covered earnings in the year prior to entitlement. By way of comparison, average earners receive 41 percent and low earners 64 percent. While the weighting of benefits to low-income earners can be defended in a social insurance system, combining that 23 percent rate of return with a selective income tax provision simply isn't fair.

Further, Mr. Speaker, you are sending the wrong message, or incentives if you will, to both young and old workers.

To young workers, you are saying if you invest well and faithfully in IRA's, you will lose a significant chunk of your Social Security benefits to income tax.

To older workers, you are saying "retire." The worker between ages 65 and 70 not only is subject to the retirement test and the payment of FICA taxes, but under your proposal an income tax on 85 percent of any benefits received. The wage earner over 70, who pays the maximum in FICA taxes, $2,791.80 in 1985—$4,672.80 for one who is self-employed—and is subject to income tax on 85 percent of his or her benefits may well decide there is little economic incentive to continue working.

Further, Mr. Speaker, let me observe that—based on our constituent correspondence—many beneficiaries at the $25,000/$32,000 threshold levels for single and married taxpayers not only don't regard themselves as freeloaders, but don't regard themselves as upper income either. They view their income ranges—as many workers do—as being solidly middle classs.

The bottom line, Mr. Speaker, is that the social security trust funds are currently solvent, and there is simply no justification for selectively increasing income tax rates on social security benefits. If your conscience bothers you when you cash your monthly social security check, I would advise you that you may—pursuant to section 201(I)(2) of the Social Security Act—donate your benefits to the Social Security trust funds. In any case, Mr. Speaker, I urge you not to support another increase in income taxes on Social Security beneficiaries. Neither in the short-range, nor the long range, are such taxes justified.

□ 2030

SUPPORT FOR NATION'S ELDERLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. LIGHTFOOT] is recognized for 5 minutes.

Mr. LIGHTFOOT. Mr. Speaker, my colleagues and I on this side of the aisle have called this special order tonight to display our strong and solid support for our Nation's elderly and for efforts to reduce the Federal deficit. Since the beginning of the year, there has been much talk about eliminating, reducing, or postponing Social Security cost-of-living adjustments. Although the Senate narrowly approved a fiscal year 1986 budget package which freezes COLA's for a year, the House refused on a bipartisan basis to go along with the Senate.

Now, we find ourselves in a dismal situation. On Tuesday, the House-

Senate budget conference committee broke down over the COLA issue. This action threatens our ability to reduce the mounting Federal deficit, a priority which must be No. 1. All along, the budget process has been rough and rocky. Many people were amazed that the House and Senate were able to pass budget resolutions because of the need to make many difficult cuts. We did though, but now we have reached an impasse.

This impasse, however, is surmountable. It can be accomplished by simply removing the issue of Social Security cost-of-living adjustments from the budget negotiations. Although many of my Republican colleagues in the House and I believe that cuts need to be made in Federal programs, we do not believe that the cuts should be made at the expense of our Nation's elderly.

At this time, I would like to read the letter that many of my Republican colleagues and I sent to the distinguished Senate Budget Chairman PETE DOMENICI asking him to resume the budget conference and to remove the issue of the COLA's from consideration. The letter indicates that a great many House Republicans oppose any changes in Social Security cost-of-living adjustments and that this issue is not a Democratic issue. This letter displays the House Republicans' strong and unwavering support for our Nation's senior citizens.

The letter reads:

WASHINGTON, DC, *June 27, 1985.*

Hon. PETE V. DOMENICI,
Chairman, Senate Committee on the Budget, Washington, DC.

DEAR MR. CHAIRMAN: We as Republican Members of the House of Representatives strongly encourage you as the Chairman of the House-Senate Budget Conference to resume the Conference deliberations on deficit reduction and exclude from the Conference any further consideration of Social Security cost-of-living adjustments.

We believe that Social Security is not part of the deficit problem and are opposed to eliminating, reducing or postponing Social Security cost-of-living adjustments. However, we stand firmly behind the Senate budget proposal with regard to the significant budget cuts and real structural reforms in federal spending embodied in your resolution.

The American people are demanding a reverse in the budget priorities of the past Congresses toward structural reforms which will change the role of the federal government. We support the Senate position of terminating and phasing out many programs which presently enjoy negligible public support, but which nevertheless are being protected by the Democrat Majority in the House. We want the House-Senate Budget Conference to focus on crafting the larget deficit-reduction package possible through significant budget cuts and real structural reforms in federal spending.

Because the Social Security issue has deadlocked the Conference, we believe the issue should be eliminated from further consideration. With this in mind, we hope that you will reconvene the Budget Conference so that we can push for the deeper cuts and terminations in an effort to change the role of the federal government and come to grips with the burgeoning federal deficit.

We believe we speak for a very large majority of Republicans in the House, and we appreciate your consideration of our views.

Sincerely,

Beau Boulter, Jim Lightfoot, Bill Broomfield, George Wortley, Nancy Johnson, Larry Coughlin, Gene Taylor, Chris Smith, Don Ritter, Bud Hillis, Tom Ridge, John McCain.

Robert C. Smith, Guy Vander Jagt, Henry Hyde, Olympia Snowe, Norman F. Lent, John G. Rowland, Larry Combest, Bob McEwen, Bob Walker, Duncan Hunter, Stu McKinney, Dan Burton.

Larry Hopkins, Jim Courter, Jim Broyhill, John Paul Hammerschmidt, Frank Horton, John Kasich, Bill McCollum, David Dreier, Howard Neilson, James Saxton, Al McCandless, Bobbi Fiedler, Howard Coble.

Bill Emerson, Michael Strang, Barbara Vucanovich, Mickey Edwards, Joe McDade, J. Alex McMillian, Mike Bilirakis, Pat Swindall, Bill Frenzel, Sherwood Boehlert, Ed Madigan, Stan Parris, Mack Sweeney, Tommy Hartnett.

Robert K. Dornan, Bob Livingston, John McKernan, Trent Lott, Mark Siljander, John Myers, Jack Kemp, Vin Weber, John Grotberg, French Slaughter, Richard Armey, William Dannemeyer, Newt Gingrich, William Cobey, Joe J. DioGuardi

Members of Congress.

Mr. Speaker, at this time I would like to urge my colleagues to implore the budget conferees to go back to the table and work out a budget conference that will protect our senior citizens and will also ensure the future of our Nation. While we will support the necessary cuts to reduce the Federal deficit, we will not support a cut in the Social Security COLA. As individuals and a party, we care about people of all ages.

As individuals and as a party, we care about people of all ages, and we want to see that duty is served.

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentleman from Illinois.

Mr. DURBIN. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from Iowa on his statement because I believe in the best interest of coming up with a budget resolution that will bind both the House and the Senate, that the Social Security issue should be taken from the table.

I think the message that the gentleman has sent to the Republican leaders of the Senate will also be delivered to the President and I hope it is very effective.

Mr. LIGHTFOOT. I thank the gentleman.

THE 44TH ANNIVERSARY OF THE ACT OF PROCLAMATION RESTORING UKRAINIAN INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, June 30 marks the 44th anniversary of the Act of Proclamation which briefly restored the independence of Ukraine during World War II. On this date in 1941, courageous Ukrainian nationalists were able to seize power and form a provisional government, dedicated to principles of self-determination and human dignity, and free from the tyranny and oppression of the Communists or the Nazis.

The Proclamation signed in Lviv, Ukraine on June 30, 1941, came at a time when Soviets, who had occupied the country since the end of World War I, were forced to withdraw because of the threat of oncoming Nazi troops. Prior to this Nazi invasion of Ukraine, Ukrainian nationalists in Lviv quickly convened a National Assembly which issued the Act of Proclamation declaring a free and independent Ukraine. The text of the Act of Proclamation follows:

ACT OF PROCLAMATION OF THE UKRAINIAN STATE

1. By the will of the Ukrainian people, the Organization of Ukrainian Nationalists under the leadership of Stepan Bandera proclaims the restoration of the Ukrainian State, for which entire generations of the best sons of Ukraine have given their lives.

The Organization of Ukrainian Nationalists, which under the direction of its creator and leader Evhen Konovalets during the past decades of blood-stained Muscovite Bolshevik subjugation carried on a stubborn struggle for freedom, calls upon the entire Ukrainian people not to lay down its arms until a Sovereign Ukrainian State is formed in all the Ukrainian lands.

The sovereign Ukrainian government assures the Ukrainian people of law and order, multi-sided development of all its forces, and satisfaction of its demands.

2. In the western lands of Ukraine a Ukrainian government is created which will be subordinated to a Ukrainian national administration to be created in the capital city of Ukraine, Kyiv.

3. The Ukrainian national-revolutionary army, which is being created on Ukrainian soil, will continue to fight against the Muscovite occupation for a Sovereign All-Ukrainian State and a new, just order in the whole world.

Long live the Sovereign Ukrainian State!

Long live the Organization of Ukrainian Nationalists!

Long live the leader of the Organization of Ukrainian Nationalists—Stepan Bandera!

(The City of Lviv, June 30, 1941, 8 p.m.)

JAROSLAW STETSKO,
Head of the National Assembly.

The timing of the proclamation forced the Nazis to declare their true intentions to overrun Ukraine and force its annexation as a part of Germany. As a consequence of this procla-

mation, the Nazis were brutal in their attempts to suppress the Ukrainians for their show of independence, and many of their cultural, religious, and political leaders were sent to concentration camps.

Over 2,000 young Ukrainian freedom fighters bravely stood up against the barbarism and terrorism of the Nazis. Ukrainian patriots remembered all too well the cruelty of the Soviets, having experienced the brutality of Stalin's imposed "famine" which took the lives of over 10 million Ukrainians. Those freedom fighters fought valiantly in the hope that future generations of Ukrainians would be able to once again have control over their own destinies and be able to live in freedom.

The Nazis arrested Stepan Bandera, president of the Organization of Ukrainian Nationalists, and Yaroslav Stetsko, prime minister of the provisional government, because of their leadership role in the resistance, and placed them in the Sachsenhausen concentration camp for the duration of the war. The Nazis unsuccessfully tried to force their prisoners to repudiate the proclamation, but these leaders refused to yield.

The spiritual leader of the Ukrainian Catholic Church, Metropolitan Sheptitsky, in a pastoral letter on June 30, 1941 hailed the proclaimed Ukrainian state, bestowed his blessings upon it, and called upon the people to give the new Ukrainian Government their loyal support. He stated that "your faith, solidarity, and conscientious execution of duties, prove that you are worthy of independent national existence."

Mr. Speaker, although the Ukrainians are still under foreign domination, I am hopeful that one day their love of liberty will triumph and Ukraine will once again take her rightful place in the community of free nations.

It is with pride that I join with Americans of Ukrainian descent in the 11th Congressional District of Illinois which I am honored to represent, and those all over the world, who are celebrating the 44th anniversary of the Ukrainian Act of Proclamation. The spirit and strength of the people of Ukraine has not waivered as they continue in their efforts to break free from their Communist oppressor and reestablish their homeland as an independent nation.

COUNTING PROCEDURES IN THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. LUNGREN] is recognized for 5 minutes.

Mr. LUNGREN. Mr. Speaker, today as we dealt with a very serious issue dealing with the overall subject of defense, some procedures in the House came to my attention which caused me great dismay and which are of a major concern and make one ponder whether one is a Member of Congress or whether one is just merely sitting in the gallery, or whether someone has the opportunity to see it via television.

We on the minority side recognize that we do not have the votes. We realize that and we work with that. But we expect some mutual respect. We expect some modicum of courtesy. We expect some recognition that we were elected by the same number of people as every Member in the House was, whether he is a Democrat or a Republican.

We are required to give allegiance to the rulings of the Chair, particularly in terms of the Chair's determination arithmetically of how many people are standing or how many people happen to be here, and normally that is no problem.

Today, Mr. Speaker, on several votes, I have reason to believe that we had sufficient people standing at times and were denied a vote, and that, for whatever reason, quorums were found when I frankly could not count that many people here on the floor.

Some people say, "Why is that a concern?" Why should we be worried about parliamentary considerations in the House? It is because we are given an opportunity or denied an opportunity to go on record with respect to certain issues based on the number of people who are here. Today we had a vote on the death penalty. It was on an amendment that was accepted by both the majority and the minority side, and so it was part of the bill, but under our procedures, of course, anyone can ask for a separate vote. Such a request was made.

Some would say, "Why would you ask for a vote when, in fact, your amendment has already been adopted?" Let me tell you why.

This would have been the first time that the House went on the record on the question of the death penalty in many years. I have not checked it specifically, but I am informed, and believe on that information, that it has been since 1977 that we have had a vote on the death penalty.

The death penalty is an issue that is within the subject jurisdiction of the Committee on the Judiciary, of which I am privileged to be a member. I have been there 7 years and we have never had a vote on it. We have never had a serious discussion on it. There has been no ability for us to bring that question to the floor.

I go home and people say, "Why, on the Federal level, does John Hinckley not even have to worry about the death penalty because you do not have a constitutional death penalty provision for murdering the President or Vice President of the United States?" I have to say to them, "Because the ideological make-up of the Judiciary Committee is such that we cannot even get it out of subcommittee, much less the full committee."

□ 2040

So how do you pressure those institution of this House to allow the American people an expression of their concern on a thing like the death penalty? You have to orchestrate the issue.

We wanted a vote on this floor on the death penalty on this bill so that we could get a true reflection of what the general assembly of the House of Representatives feel on the bill.

I have no doubt it would have passed by a 2-to-1 margin at least and then we have a record for this, the 99th Congress, as to how the American people's representatives in what is supposed to be the people's House feel; but some knew we were going to do that and they made every attempt they could to make sure that we would not be given that opportunty and when we requested a separate vote under the rules under which we were then proceeding, we needed 44 people to stand up.

First of all, we suggested the absence of a quorum, but suddenly a quorum materialized, from where, I do not know. Maybe they counted staff, maybe they counted the pillars on the wall. Maybe they counted the people in the galleries, I do not know, but they found a super quorum.

So then we had to ask for a recorded vote. We needed 44 people—and guess what, the presiding officer could only find 43 people.

I believe with every fiber of my being that there were more than 44 people standing and that the American people had a right to find out where we stand on the death penalty.

Following that ruling made by the Chairman, the distinguished gentlemen from Texas [Mr. WRIGHT], I went over with the gentleman from Pennsylvania [Mr. WALKER] to question why we had that.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. LUNGREN] has expired.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. MCHUGH] is recognized for 5 minutes.

● Mr. MCHUGH. Mr. Speaker, during the proceedings of Tuesday, June 25, I was absent for rollcalls 187 through 190. I was unable to be present on Tuesday evening due to a death in my family.

Had I been present and voting, I would have voted "no" on rollcall 187, "aye" on rollcall 188, "no" on rollcall 189 and "aye" on rollcall 190.●

COUNTING PROCEDURES IN THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Mr. Speaker, I am glad to yield to the gentleman from California [Mr. LUNGREN].

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

The gentleman from Pennsylvania [Mr. WALKER] and I proceeded up to talk to what the press states is the next Speaker of the House. I told him in rather vivid terms that if what they want in this House is a requirement that we ask for a teller vote on every single important issue, that is what we will do, if that is the only honest vote we can get.

What is a teller vote? A teller vote is when one Member of the majority and one Member of the minority, or one for or against a proposition presented stand, one on each side of the center aisle, and Members walk through as in a parade, those for and those against. It is very difficult to miscount under those circumstances.

What happens when you ask for it? You are accused many times of obstructing the duties of the House; but I told the gentleman from Texas [Mr. WRIGHT] that that is in fact what he is leading us to and I suggested to him in as strong terms as I could muster that in fact there were at least 44 people standing, that I was elected by as many people as he was, that I have a right to be considered with dignity in the House. It has nothing to do with what he thinks of me. It has to do with what he thinks of the people that I represent. I represent one of 435 districts in this country. They have every right to be considered with respect and accorded dignity in this House.

I would assert they were not given that respect or accorded that dignity in the House tonight.

When I then mentioned that we would call teller votes, Mr. WRIGHT, the distinguished Majority Leader, said,

> "I am smiling bcause I am trying to hold inside how I feel. I want to come down off here and punch you and Mr. Walker in the mouth."

He then came down the two steps and grabbed me by the arm and repeated—I will not yield at this time—grabbed me by the arm and repeated the suggestion, at which time I told him to get his hands off my arm.

Now, I do not have to fear for my physical being in this House. My avocations are weigh lifting and tae kwon do and I certainly do not have to worry about someone who is 2 decades older then I am. That is not the point.

The point is that that is not what we are supposed to be doing in the House. It goes to the very dignity of this House. It goes to the integrity of this House and we on the minority side are time and time again given the short shift of a vote and then we are told to accept it and we are told that the American people have no right to find out how their elected Representatives feel on a crucial issue of the death penalty. I think something has to change in this House.

I think Mr. WRIGHT owes me and Mr. WALKER, but more importantly, my constituents and Mr. WALKER's constituents in this House an apology.

I will say this right now. If this is going to continue in terms of not counting those who are standing in order in some cavalier fashion to deny us an opportunity to present an issue that deserves to be presented, then we will ask for teller votes on each and every crucial vote from now to the end of this particular Congress.

I am telling my colleagues that this is not done in any effort to try to impede the progress of this House, but if we are going to have honest votes in this House, and that is the only way we can get it, I will stand here from now until midnight every day we are in session to ensure that that is going to happen.

Other Members have said, "Why do you take this so seriously?"

I had Members tell me on this side of the aisle that I ought not take it so seriously, it is not that important.

Well, I came to this House because I felt we could make a difference. I came to the House because I happen to think, I happen to believe, that people have a right to be respected. They have a right to be heard. They have a right to be represented and I do not care who it is. I do not care whether you are from the lowest district, you represent the people with the least amount of money or the most amount of money. I do not care whether you are from the majority party or the minority party. I did not grow up, learning in my civics lessons, that it depends whether you have a "D" or "R" behind your name as to whether you are going to be accorded respect.

I did not grow up thinking that you did not give fair and honest vote counts. I thought that was the way of the old machine politics. I have been told by some of my relatives from Chicago that the only place you can find instant and immediate immortality is in Cook County where some of my ancestors are long since deceased, but are still living on voter rolls, but I never thought we would bring it here to the House of Representatives.

The SPEAKER pro tempore. The time of the gentleman has expired.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. TRAXLER] is recognized for 5 minutes.

● Mr. TRAXLER. Mr. Speaker, on roll-call No. 208 the final passsage of H.R. 1872 the Department of Defense Authorization Act, I was unavoidably absent. I supported the bill and had I been present would have voted "aye".●

COUNTING PROCEDURES IN THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I yield to the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. Mr. Speaker, I thank the gentleman from yielding.

The point I am trying to make is that it has gone too far in this House. It is no longer a question of partisanship. It is a question of elementary fairness. It is no longer a question of State or sector or special interests. It is a question of simple democracy.

The American people should understand what is happening in this House. What is happening in this House is somehow under the guise of a cavalier attitude, under the guise that people have a plane to catch or we are running overtime, that somehow we will wink when a vote is not properly recorded and no one will be the wiser.

Well, my colleagues, I am tired of winking and I am tired of being winked at and an end must come to this practice.

We do not hold this House up to the fine repute of this Nation by allowing these practices to go on. We do not allow this to be the people's House when we deny the people's representatives their rights under the rules to proceed.

The funny thing is that the rules were changed just several years ago to require more bodies to be present and standing in order to call for a recorded vote. The fact of the matter is, we are denied opportunities to call for votes when we could just 5 or 6 years ago.

The fact of the matter is that the rules have been changed so that we cannot bring certain amendments up on appropriation bills, as we could 5 and 6 years ago.

The fact of the matter is that you cannot get a death penalty vote on the floor of the House because if the committee does not want to bring it forward, the only thing you can do is go through the extraordinary procedure of a petition that discharges the bill from further consideration by the committee and causes it to come forward. It requires 218 Members to sign that discharge petition. That discharge petition is held privately. It is not allowed to be shown. It is a violation of the rules to show it to anybody and what happens when you sign it, it is suggested that somehow you are im-

pinging on the rights of the chairman of a committee or subcommittee.

The people be damned. The country, forget it. You are going to impinge on the right of a committee chairman or a subcommittee chairman.

So then when we go through all that and we get an opportunity to vote on the floor and we follow the rules, we are denied an honest count on this floor.

□ 2050

And people laugh and people wink and people threaten you. And people suggest they are going to punch your lights out because you are doing that.

I mean this sounds like a school yard. This sounds like a joke. This does not sound like the most famous deliberative body on the face of the Earth.

I mean this is the place where as kids we read about the House of Representatives where some of the great debates took place, where we argued the large scale issues of war and peace, where we argued about slavery and freedom, where we argued about whether people have a right to be a part of a State, to join the Union, where Douglas MacArthur appeared, where Franklin Delano Roosevelt appeared, where Ronald Reagan appeared.

This is the place where someone comes down off his throne and says, "I am going to punch you out?" What have we come to in this House? What have we come to in this House?

I just hope that all of my colleagues, whether they are Democrat or Republican, will reflect on what has happened here today, because I am not proud of it. I am not proud of it at all, and I do not think anybody ought to be proud of it.

The fact of the matter is that the American people were denied an opportunity for their elected Representatives to go on record on the question of the death penalty.

People do not realize how strange our Federal law is. John Hinckley, if he had committed murder while skyjacking an airliner to get to Washington to assassinate the President, could have gotten the death penalty for skyjacking but not for murdering the President.

Now you tell me that makes sense. You tell me that shows the proper respect for the democracy that we are supposed to hold so dear.

It does not make any sense at all. Yet in this House we take care of all sorts of things.

I do not mean to disparage it, but we name weeks after illnesses, we name months after ailments. We spend half of our time nodding to one another and talking about how we are so esteemed. Any yet we do not have the time to deal with the death penalty in the United States on the Federal level.

Who is kidding whom? The national polls show something like 70 percent of the American people think we ought to have it, and they wonder why we do not vote on it in the House.

I will tell you why we do not vote on it in the House, American people: because we are not allowed to vote on it in the House. We had a chance to vote on it once in the House today and it was denied.

The SPEAKER pro tempore (Mr. KILDEE). The time of the gentleman from California has expired.

COMMEMORATING THE 30TH ANNIVERSARY OF ROLL CALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. CONTE] is recognized for 60 minutes.

● Mr. CONTE. Mr. Speaker, I rise today to commemorate the 30th anniversary of Roll Call, Capitol Hill's own newspaper, as well as its founder, publisher, and editor, my old friend, Sid Yudain.

Obviously, not many Members of this great body, or Members of that other body, were around when the first issue of Roll Call hit the streets. For that matter, when I look around at the faces of our countless staffers, it dawns on me that most of them weren't even twinkles in their parents eyes when this paper was first published. But, I'll tell you, they snatch it right up as soon as it arrives in the offices.

I guess what I'm trying to convey is that Roll Call, and Sid for that matter, are both products of a different era—the Hill was different then; better, some would argue, definitely simpler. It's been said that in those days, the problems were more solvable, the pressures were less intense, and the Congress was more reminiscent of a college campus rather than a multinational corporation.

All of this leads me to wonder if a venture like Roll Call could even get off the ground if it were launched today. That's why we're all lucky that Sid did what he did 30 years ago and is still up to his neck in it today. Sid and the entire staff over there on Massachusetts Avenue remind us every week that we're not too big for a little self-depreciation and humor. And, when it comes to taking that periodically unavoidable bite out of the old "humble pie," Sid and his staff make it much easier to do than do the "heavies" in his business.

Back in 1955, Sid realized that the Hill community needed its own chronicle to let people know what's going on at the nuts and bolts level. This fact hit him when one Member inquired of him what another Member—who had recently gone to his final reward—was up to lately. That was it. A few months later, June 16 to be exact, Roll Call came into being.

Sid and his fledgling newspaper had some powerful early admirers. There was the majority leader of the Senate, Lyndon Johnson, the Vice President, Richard Nixon, and he even managed to eventually win over the Speaker, Sam Rayburn. In fact, Mr. Sam once enlisted the help of Sid and Roll Call in his deadlocked effort to shore up the Capitol's East Front.

Still, as with any good rag, it has occasionally stepped on the toes of the high and the mighty. And, Sid has even seen his share of cancelled subscriptions as a result of his eagle-eyed reporting. Of course, his favorite being the one which read "His Excellency the Ambassador of the Netherlands is honored to announce his cancellation of his subscription to the Roll Call newspaper."

The initial purpose of Sid's dream was to create a paper "of such concentrated congressional coverage that it will be read from cover to cover." Or better yet, a paper that would "remain completely nonpartisan while reserving the right to rip the pants off both parties—always within the bounds of good taste."

Sid and his paper have done this, as well as so much more. As many of you may know, the Roll Call endeavor that is closest to my heart is their enduring sponsorship of the annual congressional baseball game. Since 1962, Roll Call has placed its good name behind some great baseball management and some so-so baseball playing. And, a lot of us have really appreciated that.

So, on the heels of the heady issues that have kept this great body busy all week, I think it is fitting that its Members take time to sit back a little, reflect and reminisce a lot, and thank Sid Yudain and the Roll Call staff—past and present—for all they have given us over these last 30 years. Thanks Sid. We wish you all the best for your next 30. The Hill needs you.●

● Mr. MILLER of Ohio. Mr. Speaker, I want to join my colleagues today in saluting Sid Yudain and Roll Call on the occasion of the newspaper's 30th anniversary. We are celebrating today the anniversary of a Capitol Hill institution.

Washington is a city of ideas and late breaking news. There are sources of information literally at the disposal of anyone seeking it, at any hour and at any moment. To be successful, a newspaper competing in a town such as this has to be innovative, interesting, and informative. Roll Call is all three and has been for 30 years. The newspaper has given us information we have been denied from other sources. It has been a congressional insider and companion. In short, it has been a key part of the Capitol Hill community and I, for one, am hopeful that it will remain so for many years to follow.

I offer my sincerest congratulations to Sid and his fine staff for giving us a newspaper for Congress and about Congress. Sid is to be commended for his fairness and imagination. I read every issue of Roll Call.●

● Mr. MICHEL. Mr. Speaker, I am happy to join with our colleagues in saying happy 30th birthday to Roll Call.

Last week's issue shows why Roll Call is such a part of our lives on Capitol Hill.

Where else would you find a front page with two pictures, one of my good friend DAN ROSTENKOWSKI, starting off into space and another of the speaker eating the largest ice cream cone I have ever seen?

Pictures like that inspire the rest of us to greater efforts, in the hope that someday our faces may grace the front page of Roll Call.

When my time comes, I'm going to find out what ROSTY was thinking about so I can get that same thoughtful look on my face. And I'm going to ask the speaker how to hold a triple-dip ice-cream cone without dripping any.

Come to think of it, ROSTY's thoughtful expression might be explained by the fact he was looking with astonishment at the speaker attacking a tuttie-fruitie triple-decker.

But these deep matters of state will have to be discussed at another time.

I just want to use my time here to say congratulations to Sid Yudian, to his staff, and to Roll Call.●

● Mr. BIAGGI. Mr. Speaker, some of those persons interested in the goings on in Congress spend a considerable amount of time reading the CONGRESSIONAL RECORD on a daily basis. Many others, though, keep track of Capitol Hill happenings a far easier way—they simply wait until Thursday of every week and read Roll Call.

I am proud to join my colleagues today in paying a richly deserved tribute to Roll Call, during this, the 30th anniversary year of Roll Call's existence. No doubt about it, Roll Call's staff has always been exceptional. Yet, there have been a number of Washington newspapers over the years with exceptional staffs. Roll Call, however, has something the other papers do not—and his name is Sid Yudain. As Roll Call's founder, editor, and publisher, Sid Yudain is the heart and soul of Roll Call. It was 30 years ago on June 16, that Sid, who was then a staff assistant to former Representative Albert P. Morano, circulated the first issue of Roll Call. Capitol Hill has never been the same since.

I am sure there are some who read Roll Call for its inside view of the major issues confronting Congress—like taxes, the budget and defense spending. But, to most of us, Roll Call is special because it focuses on the more personal side of Congress. With his own special flair, Sid has used his experience as a Connecticut and Hollywood newsman to focus on what he has called the "sidelights and oddities" of Capitol Hill. Over the years we have learned that this description includes such things as profiles of Members—past, present, and future—staff changes, baby arrivals, marriages, birthdays, and the anecdotes that abound on Capitol Hill. To put it more simply, if it happened on Capitol Hill, chances are you read about it in Roll Call.

Perhaps more than anything else, I am particularly fond of Roll Call's sports reporting—more specifically, their softball reporting. For 3 years in a row, beginning in 1981, my softball team, "Biaggi, Bronx Bombers," won the congressional B league softball championship and, of course, Roll Call was the first to report it—making the achievement seem all the more special.

The original prospectus of Roll Call called for "a publication of such concentrated congressional coverage that it will be read from cover to cover." Specifically, it was designed "to inform neighbors and friends of illnesses, births, marriages, and other personal affairs (without, of course, getting too personal); to remain completely nonpartisan while reserving the right to kick or rip the pants off both parties (always within the bounds of good taste); to provide a service to the Congressmen and legislative employees of Capitol Hill and to the various organizations that are an integral part of the Hill."

Suffice it to say that Roll Call has met those ambitious expectations, and then some. Sid Yudain, and all those who have been associated with Roll Call over the past 30 years are to be saluted for a job well done. Keep up the good work.

Mr. Speaker, I must conclude my remarks at this time because, since today is Thursday, I have some very important reading to do.●

THE PROCESS OF LAW—THE NATURE OF DEMOCRACY—THE CHALLENGE TO AMERICAN LIFE AS WE HAVE KNOWN IT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to talk this evening about the process of law, the nature of democracy and the challenge to American life as we have known it. But I think it is very appropriate to start by continuing with the particular discussion which the distinguished gentleman from California [Mr. LUNGREN] and the gentleman from Pennsylvania [Mr. WALKER] have initiated.

COUNTING PROCEDURES IN THE HOUSE

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

Mr. GINGRICH. I will be glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding because I think the gentleman from California has said it far more eloquently than I could.

But I do want to confirm the facts of what the gentleman said. The gentleman's factual presentation of what he and I were told at the chair following that vote is precisely correct.

The gentleman from Texas [Mr. WRIGHT], I think to his everlasting disgrace, did in fact come down off the chair and threaten to punch us out.

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I think that is something which does not become this House, and we ought not to have that kind of a situation arise ever again, and certainly not in the kind of circumstances where Members were rightfully protesting an action that I believe was a very, very ludicrous part of the operations of the House today.

I was the one indeed who was asking for the vote and had asked for a division vote precisely to establish what kind of a quorum we had in the House in order to assure that we could get a vote. But when the division vote took place there were approximately 150 people in the Chamber.

Within 2 minutes, within 2 minutes 100 people miraculously appeared when I suggested the presence of no quorum.

That was disturbing. But I guess maybe I can understand that. Maybe 100 people came storming out of the cloakrooms that I did not see, or were hiding under the chairs and I did not see them get up to their feet. Perhaps that took place.

But then, but then I also suggested, as is my right, that we ought to have a recorded vote. That takes 44 people standing. I personally counted 50 people on their feet, and I will say that for the record. I looked around and I tried to, as quick as I could, to count and to find out whether or not we had sufficient people standing. I personally counted 50. I will not vouch that it could not have been 49, that it could not have been 42. And so the gentleman in the chair then decided it was 43, just one short of the necessary number.

I think that when you put those two things together it becomes very disturbing. The gentleman from California [Mr. LUNGREN] and I attempted to register our dismay about that procedure, particularly since, in our opinion, on two previous occasions in the

House earlier today, we had also been short counted and denied an opportunity to vote again on the death penalty. And in another case on amendments offered by the genlteman from California [Mr. HUNTER] that were we thought crucial votes to have on the RECORD with regard to the situation in Nicaragua.

It was a pattern today which culminated with what the Speaker pro tempore did tonight. And in registering that protest on those actions, as I think is our right as Members of the House, we were threatened bodily. And I think that that is something, as I say again, we should never have happen again.

And I thank the gentleman very much for yielding.

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Illinois.

Mr. DURBIN. Could I ask the gentleman from Pennsylvania or the gentleman from California who spoke on this issue a question? I, prior to serving in the House of Representatives, did work as a trial attorney, and I can recall that evidence rules relative to hearsay were if someone came before the court and said just that another person had made a statement, the court would reject it and say that, in fact, you had to bring in evidence.

Can either gentleman tell me whether they advised the majority leader this evening that they were going to bring up his name tonight as a part of the special order and, in fact, make some reference to his own integrity?

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I will be glad to yield to the gentleman from California.

Mr. LUNGREN. A member of his staff came up to me to ask where I would be tomorrow to receive a phone call on tomorrow and I told him at that time that I was going to take 5 minutes and I was going to speak, and that was done approximately 15, 20 minutes before I took the floor.

Mr. DURBIN. But did either gentleman have a conversation with the majority leader to advise him?

Mr. LUNGREN. If the gentleman will yield——

Mr. GINGRICH. I am glad to yield to the gentleman from California.

Mr. LUNGREN. The last sight I had of the majority leader was as he was reading the riot act to the minority leader, telling him that I should be lucky and the gentleman from Pennsylvania [Mr. WALKER] should be lucky that he did not punch us out. And then——

Mr. DURBIN. Is the answer no?

Mr. LUNGREN. And calling into the——

Mr. DURBIN. If the gentleman will yield, is the answer to the question no?

Mr. LUNGREN. I would say to the gentleman I believe I have the time.

Mr. DURBIN. Is the gentleman going to respond?

The SPEAKER pro tempore. The gentleman from Georgia [Mr. GINGRICH] controls the time.

Mr. LUNGREN. I believe the gentleman from Georgia [Mr. GINGRICH] gave me the time.

Mr. GINGRICH. Go ahead, Mr. LUNGREN.

The SPEAKER pro tempore. The gentleman from Georgia controls the time.

Mr. LUNGREN. I am sorry that the Members on our side perhaps are more concerned about the use of the rules, but it is because we are the ones against whom the rules are used so often.

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I will be glad to yield.

Mr. DURBIN. I would like to make a comment in this respect. I do not know what transpired in the well, and it is unfortunate that the person you are accusing is not here, and from your own statement was not invited by you to be here to defend himself.

But I will say this: There was a portion of it that I did see. The gentleman from California made the point, and I think it should be made again, the amendment which you are discussing passed. It was enacted. It is a part of the House defense authorization bill.

Now that does not disparage or diminish either of your rights or the rights of any individual Member to ask for a rollcall. But I think there is a point worth noting. When the gentleman from Pennsylvania [Mr. WALKER] asked for other Members to stand and join him in asking for a recorded vote, I, was seated on this side of the aisle and I witnessed the fact that many of your own Members did not join in standing and asking for a rollcall vote. At that point, the gentleman from Pennsylvania estimated, in a quick count, he saw 50.

For the record, I think it should be noted that within a few minutes there was a rollcall on the passage of the bill and at that time 160 Republican Members voted either for or against the House defense authorization, which means to say that at least 111 of your colleagues would not join you in asking for a recorded vote.

Now, why they did not I do not know. But the fact is there was not an overwhelming number standing on your side of the aisle.

Mr. GINGRICH. Let me reclaim my time, if I may.0

□ 2100

Before I yield I want to say something to the gentleman from Illinois [Mr. DURBIN] who probably was a very good trial lawyer. But I would like to ask you something about fairness. Are you saying that as long as your amendment passes, it is all right to break the rules? That is what you just said.

Mr. DURBIN. No; if the gentleman will allow me.

Mr. GINGRICH. To qualify?

Mr. DURBIN. I said I do not disparage or diminis the right of any Member to ask for a rollcall. The question is how many Members were standing. The point I am trying to make is that the amendment passed and at least 111 of your colleagues would not join you in asking for a recorded vote.

Mr. GINGRICH. If I may reclaim my time, I am a little confused by your line of questioning. The allegation here is not that the amendment did not pass. The allegation here is not that there was overwhelming desire and 300 people stood up. The allegation is very explicitly that enough Members of this House rose that under the rules of this House there had to be a vote.

Now does the gentleman, since you were playing trial lawyer a minute ago, to reverse roles, does the gentleman wish to in any way take on the central allegation that in this situation if enough people rose, and the gentleman from Pennsylvania [Mr. WALKER] has alleged that in his judgment there were 50 he personally counted, that under the rules of the House that should have been a recorded vote, does the gentlemen dispute that?

Mr. DURBIN. I do not dispute it. But if I might, will the gentleman yield?

Mr. GINGRICH. I do

Mr. DURBIN. This question has been presented to us this evening in partisan terms. And somehow it has been suggested that either because the majority leader is of an opposite faith or because there is some sort of an unfair treatment under the rule that your side of the aisle is not treated fairly.

Mr. GINGRICH. And you doubt that.

Mr. DURBIN. If I might finish.

Mr. GINGRICH. Let me just ask the question. Do you doubt that that is true?

Mr. DURBIN. Yes; I do.

Mr. GIRGRICH. I am amazed.

Mr. DURBIN. I certainly do.

Mr. GINGRICH. You do.

Mr. DURBIN. Yes.

Mr. GINGRICH. Would you like to join us for a few weeks to test that?

Mr. DURBIN. If I might add, if the gentleman will continue to yield, it has been my honor and opportunity over the last 8 days to preside over this House of Representatives during much of the debate on the House Defense

authorization bill. I believe every effort has been made by all of the staff here on both sides of the aisle to be open and fair. I do not think there is any question of the rulings that have been made. But the point I am making is this, if I might just finish this.

Mr. GINGRICH. Sure.

MR. DURBIN. I do not believe it is a partisan question. It is a question of how many people were standing. The fact that there were no Democrats standing says something. But the fact that 111 Republicans would not join you as well also says that at least on a bipartisan basis there were people who did not want a recorded vote on an amendment that had already been adopted.

Mr. LUNGREN. If the gentleman will yield, because that is a misleading statement, that is a misleading statement. The gentleman knows we have a 15-minute voting period during which time Members come here and vote. We have 15 minutes to vote. We did not have 161 or however many Republicans respond on the floor at that time, and the gentleman is well aware of that. We did not have 111 who did not stand. Point No. 1.

Point No. 2, the rules do not say you have to have 150 Members stand. The rules say you have to have 44. What you are saying is we do not have super majorities beyond the rules, therefore we are going to be held to a higher standard; then change the rules. You guys have changed them before. You changed them 3 years ago to require 44 when we did not used to have 44.

Point No. 3 is this: We happen to be feeling the way we are because of the way we are treated. I never served in a legislative body before. I was a trial attorney for 6 years. I was treated fairly in a courtroom. I had a fair shot at a jury; I always had a fair shot at a jury.

The rules were even.

I played football; there were 11 people on a side, not 13 on one side and 9 on another.

We come in here, you have got more votes, there is no doubt about that. But you do not have to change the rules and use the rules every single time.

Point No. 4: No; I did not tell Mr. WRIGHT I was going to do it. I informed his staff who came over here to inquire of me where I was going to be tomorrow and I gave at least 15 to 20 minutes' notice.

Point No. 5: We have no way to overrule the ruling of the Chair on the number of people he can find on the floor of the House. We have to take it on faith. And our faith has been shattered.

Next point: The gentleman says that he was presiding for much of the debate and you were fair then. Therefore, I guess you are arguing you must have been fair in every other instance, either you or whoever else was in the chair.

You know as a trial attorney when you come to court with a criminal offense or even a civil offense, civil question, you don't defend yourself by saying, "I know I am charged with rape on January 22, 1974, but I will tell you absolutely I did not rape on January 1, January 2, January 3, January 4, January 5, January 6, January 7, January 8, every other day of the year I did not rape. Therefore, do not accuse me of rape now."

I also know that some votes are more important than others. As the gentleman knows also because there were votes on your side of the aisle that were insisted upon, there were recorded votes on your side of the aisle that were not insisted upon. We do have a death penalty in this bill. We do not have a recorded vote.

So if I go to the chairman of the Committee on the Judiciary or if someone else goes to the chairman of the Judiciary Committee and says, "We have stopped allowing any action on the whole question of capital punishment for the last 8 years but the pressure is building because two-thirds of the people in the House are supportive of it," he can say to me, "How do you know? It was done by voice vote." We have not had a recorded vote on the floor of the House in 8 years.

Where is the evidence of the attitude of the people in this House? And the gentleman I do not believe suffers from naivete. The gentleman served as a trial attorney, the gentleman has been a Member of this House for some time, and the gentleman understands that sometimes we like to avoid issues, particularly if they are controversial. And if you cannot avoid it, then you are forced to vote on it.

Joe Louis used to say, "You can run but you can't hide." That is not true in this place. You can hide behind the rules if you have the active support of the leadership. And what we were trying to do was to establish in the 99th Congress where this House stands on the generic question of capital punishment. We may disagree on what it should apply to, what offenses, the magnitude of the offenses, but we wanted a vote to show that there was a receptivity to the position of capital punishment and that the Judiciary Committee perhaps ought to pass it out because the American people's will as reflected in this body was to act on that question and not just be limited to the question of people who commit treason while in uniform, which you had to do in this bill because that is the only type of thing that was germane.

So the point I am making is, No. 1, votes are important in differing degrees; No. 2, we played by the rules and we did not lose by the rules, we lost by something other than the rules; No. 3, we have nobody to whom we can make an appeal.

No. 4, I was physically threatened by another Member of this House, as was Mr. WALKER. You say that I—that it is hearsay evidence. I was the subject of that. It reminds me of a famous case in California, a famous supreme court case that shows you the state of our racial situation in California in the 1850's.

In that case a Caucasian man attacked a Chinese man, he assaulted him. I believe he also robbed him. The gentleman was convicted of the assault and an appeal was taken to the California Supreme Court. The case was thrown out, the conviction was overturned because in California at that time we happened to have in our constitution a requirement that if you are more than, I think, one-sixteenth Oriental, your testimony, even if you were assaulted by someone else, was not sufficient to convict that person, you needed a corroborating witness.

So it was thrown out. And you are telling me because I was threatened by somebody, someone laid his hands on me, that I have no right to come to the floor and say that because that is hearsay.

I am just telling you what happened. You can believe it or not believe it, I am telling you what happened. It is disgraceful and this House deserves an apology.

Mr. GINGRICH. Before proceeding, I want to ask a question since we have at least two attorneys on the floor.

Mr. DURBIN. And at least three opinions.

Mr. GINGRICH. Is it correct to say that if the witness, no, not if the witness, but if the victim in the technical term—is not assault the threat to do physical harm?

Mr. LUNGREN. Assault is the threat to do physical harm. Battery is an illegal physical action.

Mr. GINGRICH. So technically if you were the victim of an assault you would not be hearsay, you would actually be the testimonial to the incident? I am probably not using the right words, because I am not a lawyer.

□ 2110

Mr. LUNGREN. I can testify as to words that were made against me.

Mr. GINGRICH. Now the gentleman, however, it would be correct to say that Mr. WALKER, who was not the person threatened is a witness.

Mr. LUNGREN. Let me put it this way. Technically—if you want to get to technicalities, if you talk about hearsay evidence, hearsay evidence is a statement made by a party not before the court, offered for the truth of the information contained therein.

In other words, we want to have a law class here; it would be hearsay for me to say that when Mr. WRIGHT said that to me, he actually meant it. But it is not hearsay for me to say what he said to me, being an element of the offense.

An element of the offense of assault is to put someone in reasonable apprehension of bodily harm, and so the fact that someone under circumstances meets you in the street, and he happens to be 6 foot 4, 240 pounds, and you happen to be a 60-year-old lady, about 100 pounds with a cane, and the man says to you, "If you don't give me money, I'm going to beat you up" but he is really joking about that, you can still tell the court that that is what they said, if that puts you in reasonable apprehension of danger.

So if we want to go on technicalities of what is and what is not hearsay, the gentleman has gotten us into an interesting argument on splitting hairs and technicalities, but in fact what I stated is not hearsay.

Mr. GINGRICH. Let me ask a second question, and then I will yield to the gentleman—because I do not understand the law very well.

Mr. WALKER of Pennsylvania, who as I understand it was standing next to me, is in that setting a witness to the actual event. Is that correct?

Mr. LUNGREN. That if correct.

Mr. GINGRICH. Now, can a witness testify as to what the witness heard as opposed to the victim?

Mr. LUNGREN. The witness may testify.

If I may just, if the gentleman will be kind enough to yield, I am not sure we serve any purpose by going into technicalities here. The fact of the matter is——

Mr. GINGRICH. Well, I am just trying to understand, since the gentleman from Illinois——

Mr. LUNGREN. If I might just have some time, the fact of the matter is that this arose out of a serious concern that a number of us have about the rules in this House being observed.

When I have people telling me. "Don't take it so seriously, it's not all that important," I have to recoil and say, "It is that important, because it goes to the question of whether I am given an opporuntity to represent the 520,000 people who comprise the 42d Congressional District of California."

It goes to the question of whether the American people are going to have a right to have an expression of opinion taken in action on something as serious as capital punishment. I really do not believe the gentleman from Illinois thinks that it is adequate for us to pass legislation by voice vote in each and every instance on important controversial issues; I would think that the gentleman would think it important for us to register how we vote on important and controversial issues.

Otherwise, there is no reason to have a teller vote; there is no reason to have even a recorded vote; there is no reason to have anything that would identify us or ties us to our position on the issue.

I think as important an issue as that is, and because if Members were put on record on that issue, it would give us an opportunity perhaps to break through what we call the Bermuda Triangle of criminal law, otherwise known as the Committee on the Judiciary, we would not be so concered about it, but those things are necessary for us to do.

Mr. GINGRICH. Let me try, if I can for a minute, to elevate this to a more general discussion, and then I will be glad to yield back.

I want to make a point to my friend from Illinois, which is that the gentleman rose and asserted correctly, and legitimately, that you have been a trial lawyer, and you raised legal issues.

I want to walk through for a minute, just because——

Mr. DURBIN. Will I be given an opportunity to testify as part of this proceeding?

Mr. GINGRICH. Just a second. Let me reframe it for a second, because the point I want to make is that there are, first of all, that the central issue which I would like to share with you from the standpoint of a Member of the minority party, is that what we had today, three times, was the inside-the-House equivalent of the McIntyre problem in Indiana.

As you will remember, McIntyre won, but not by enough votes, and so they went through recount after recount until finally the Democrat was seated, even though under State law, he never found enough votes to win.

What we had happen today, in our judgment—and this is a judgment issue, but we want the gentleman to at least understand why we feel so upset. It is not really the question of whether or not the distinguished majority leader lost his temper, or whether or not our folks got excited.

The underlying problem is deeper. three times today, three times, in our judgment, we were cheated. Three times, we tried to play by the rules, and we were cheated. Now you may not experience that, because you are a Democrat, and your side runs this House; and you get to win all the time, and if you cannot win fairly, then your leaders will cheat for you.

Mr. DURBIN. Will the gentleman yield on that point?

Mr. GINGRICH. Wait a second. I want the gentleman to understand that I am not just saying this as a partisan. I am saying this—all right. I find it very offensive that when we tell you that in our honest professional opinion, your leadership cheats us, you think it is a joking matter.

Mr. BRYANT. Will the gentleman yield?

Mr. GINGRICH. I will be glad to yield.

Mr. BRYANT. Thank you. Could I make a few points, if you will allow me to speak.

First, fundamental to our Constitution and our body of law in this country is the right of every individual to confront the accuser, and I am sure the gentleman from California is well aware of that constitutional principle.

The point that I raised earlier was whether or not either of these gentlemen invited the majority leader to this special order so that the accusers could confront him. The answer was "no."

If I might make a second point.

Mr. GINGRICH. Now wait a second; that is not technically correct.

Mr. BRYANT. If the gentleman would allow me, I have very little time, and I would just like the chance to say——

Mr. GINGRICH. Let met just say flatly—what you just said is technically not true.

The majority leader's staff person is here; the majority leader has a car in this city which has a car phone; the majority leader could have been reached at any time that his staff wanted to reach him.

Now—and his staff was informed some 20 minutes prior to the event.

Mr. WALKER. Will the gentleman yield?

Mr. GINGRICH. Let me yield to the gentleman, and then I will come back to you.

Mr. WALKER. I think there is one other point that ought to be raised on this, and that is, given the nature of the incident that took place, there is a question of personal privilege that lies, that would entitle us to an hour of time on a question of personal privilege, just based upon this kind of incident that is specifically there for us to say something that has taken place on the floor that we consider personally offensive.

Now there is no requirement under that that anybody be invited. We chose not to do that; we chose instead to use the special order time, because we felt that that was a more appropriate thing to do, given the nature of it, because the fact is that the kind of personal privilege motion that would have to come up could have been voted on.

We decided maybe it was not the best idea to put the Members of the House through a vote, given the situation tonight, and so we used special order time.

The fact is that the gentleman is raising a completely fallacious issue.

Mr. DURBIN. Will the gentleman yield?

Mr. WALKER. And it is an attempt to——

Mr. BRYANT. May I ask the gentleman from Georgia to yield?

Mr. WALKER. Has the gentleman yielded to me?

Mr. GINGRICH. Yes; go ahead.

Mr. WALKER. We are compounding the error with discourtesy.

It seems to me that what we have here is a situation where we are simply trying to explain that we think that a very disgraceful incident took place on the House floor, and I am surprised, given the nature of the incident that we just described, that the Members of the majority side are attempting in some way to defend that kind of conduct.

Mr. BRYANT. Will the gentleman yield?

Mr. GINGRICH. I am not sure I——

Mr. BRYANT. To the gentleman from Texas who was present at the time of this incident?

Will you yield?

Mr. GINGRICH. I will yield to the gentleman from Texas.

Mr. BRYANT. I would like to ask the gentleman if he would be willing, in view of the fact that he has righteously proclaimed that he has been fair in giving notice to everyone involved that he intended to have this special order tonight, in the absence of the majority leader, if he would be willing to grant to me 5 minutes that I might make a case for our side, uninterrupted. Just a grant of 5 minutes.

Would you yield 5 minutes to me?

Mr. GINGRICH. I will yield to you for the moment, go ahead.

Mr. BRYANT. Will you yield to me for 5 minutes, that I might make my case without clever and well-planned interruptions of the presentation of our side? Will you or will you not; it is a simple question of fairness.

Mr. GINGRICH. No; I will not.

Mr. BRYANT. I think that speaks for itself.

Mr. GINGRICH. Let me tell you why I will not.

Mr. BRYANT. It does not matter why you will not. There is no reason.

Mr. GINGRICH. I want you to feel what it is like to be in the minority. You do not have the floor, you are not getting the floor on your terms, so then you can walk off the floor—because you would not talk except on your—in other words, if you cannot control, you cannot talk?

Mr. WALKER. Will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman.

Mr. WALKER. I would say that I believe that it was the gentleman; and the gentleman might want to confirm this with the gentleman who told me in the well that I was not permitted on his side of the House of Representatives.

Mr. GINGRICH. Was that the same gentleman that just left?

Mr. WALKER. I think the gentleman who just spoke here was one of the gentlemen who, during the incident on the floor tonight, pushed me back and told me that I was not permitted on their side of the House Chamber.

It seems to me that that speaks for itself, too, because the gentleman obviously really did not want to speak to the issue; there is no case to be made.

So the gentleman raises a phony issue. The gentleman from Georgia had yielded to the gentleman; he could have said anything that he wanted to; and instead he walks off the floor, having been a part of the incident himself.

□ 2120

Mr. GINGRICH. Let me say that I was intrigued when the gentleman from Texas just came in and asked, because as a teacher, I, once upon a time, during the period when we were going through integration in Georgia and we had great difficulty, I was once asked to come in and teach in a high school that had great problems trying to understand what it had been like to have lived under segregation. And I taught a course in which I had all of the white students sit at the back of the room and I required them to not speak, to not be involved, and in a matter of several weeks their parents began to call. They began to get very upset because Johnny or Sally would come home and tell them, and they would say, "Why are you offending my child? Why are you making my child feel bad?"

And the point we were driving at was to try to get those young people who had never before felt segregation to have some sense of what it was like to live in a system in which they would always lose, they would never have a chance to play and to control and to dominate.

I think it is fascinating. I would suspect that if the Democrats in this House tried to live under the kinds of rules the Republicans normally function under, that they would fail in a matter of days, that they would find it intolerable and outrageous.

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

Mr. GINGRICH. I would be glad to yield to the gentleman.

Mr. WALKER. I think it is interesting that the two gentleman who came to the floor to discuss it expressed their sense of outrage that the gentleman would not yield to them and had no sense of outrage that two Members of the minority were physically threatened by one of their leaders. I mean that kind of outrage does not occur to them, but the outrage that somehow they would not be yielded sufficient time to speak, that is somehow a major crisis with them, despite the fact that the gentleman had yielded. It is just one more example of the incredible level at which we operate.

I thank the gentleman for yielding.

Mr. GINGRICH. I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I think one point that was made by the two gentlemen on the other side who came in to defend their leaders was that they think it is appropriate that the leader have an opportunity to respond, and I think that is the feeling of everybody who has spoken here. Clearly, the two gentlemen who were affected have made their case, and I think it is probably appropriate to say that this is the last day of the session and we are not going to be back for 10 days, but I think it is appropriate to give the majority leader an opportunity to take out an order with the gentlemen who are here to discuss the situation. And the indications that I have from the two people who represented his point of view and defended him, that he have that opportunity. So I think it would be appropriate.

Mr. GINGRICH. And I think it would be fair to say that certainly the gentlemen on our side of the aisle would be more than willing to schedule the time if the majority leader wants to meet with them and have a special order and discuss it.

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

Mr. GINGRICH. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I assume that if the majority leader wants to come to the floor right now and present his side of this case, the gentleman from Georgia would be very pleased to yield to him.

Mr. GINGRICH. I would yield to him virtually all the time which is left.

But let me say that the real point today is not whether someone got mad or someone lost their tmeper. The real point today is that three times in 1 day the Republican side was cheated, three times in 1 day we got a fast count, a short count, but the basic ground rule was that we were not going to win.

Now, it is hard enough to play under rules that are adopted on the first day of the session in a manner in which the Democrats guarantee that they will have much more power than their share of the numbers. It is hard enough to work under a system where the committees are stacked against the Republicans, despite the votes we get back home, despite the number of seats we have. It is difficult enough to work in committees where not only are we outnumbered in the committees disproportionately, but the staffs are absurdly massive on the side of the Democratic Party. It is difficult enough to deal in a system where again and again we will turn up physically, we will be in the room, and with pieces of paper the Democratic chair-

man will win key votes in the committee with proxy votes. It is difficult enough to function when the Speaker capriciously controls the calendar and comes to the floor and says, as he did 2 years ago, "I control the calendar, I am the Speaker, I decide what comes up." All that is difficult enough. It is outrageous, then, to have a seat in Indiana stolen, and we honestly and sincerely regard it as stolen. But that is behind us.

And then we come in today. And what happens today? Three times on the defense bill which affects the defense of the United States, once on the critical issue of Central America and stopping communism, once in the Committee of the Whole on the critical issue of the death penalty and doing things that affect people who are spying against America, and once in the House as a whole on the critical issue of the death penalty and doing things to people who are spying on America, Three times we were cheated.

Now, we do not object outrageously—we object a little—to the fact that the rules are stacked, that everything else is stacked, that the calendar is stacked. But when we do, even in a situation where the playing field is wrong, where we have got to gain 20 yards for a first down, they gain 10, we have got to score three touchdowns to get six points, they have only got to score one, under every circumstance where we have sat through and we have tried nonetheless, we said:

Fine. The power of the majority is the power to organize the House. The power of the majority is the power to organize the committees. The power of the majority is the power to set up a calendar.

Then when we come in today, and even when we did the things we are supposed to do under the rules, we get what I guess you could call the McIntyre count. The McIntyre count occurs when the Democratic side decides the Republicans ain't going to win this one. It does not matter whether there are 50 people standing and the rules say it took 44 and therefore, we had to have a vote. They just give us a short count. It does not matter that if, in fact, under the rules of reasonable procedure there is enough time for somebody to get up and ask for a vote. There just was not quite the time, a quick gavel.

It may be funny to those who are used to being masters of the plantation when the servants get angry and say this is not fair. But let me suggest to the gentlemen on the other side who were laughing earlier, it is not funny when the people of America know that in their House of Representatives, the Representatives they send cannot get a vote recorded on the death penalty; it is not funny when the people in America know that the Representatives they send to Congress cannot get in the House of Representatives, a vote on stopping communism in Central America.

This House is not a schoolyard. At one point this afternoon in what I thought was the ultimate statement, having given us a quick count, the gentleman who at that point was presiding, lectured the House in behaving like children. Let me suggest this is not a schoolyard, this is not fun and games, this is not a question of whose side is which side. This entire Chamber belongs to the people of the United States. We may for various practical reasons talk about the Republican side of the aisle and the Democratic side of the aisle. This room does not belong to either party. Neither party existed when the country was founded. There was no Democratic Party when we had our first Congress, there was no Republican Party. This is the people's House and it belongs to the people of the United States. They have every right to expect that the Democratic Party will elect leaders who preside over the House in a sense of fairness.

Let me say that we inherited from the British a tradition by which the Speaker was supposed to be neutral, a tradition by which the Speaker was an institutional figure who guaranteed that there was a fair playing field. Now, if the Speaker is going to be partisan, if, in fact, the leader of the Democratic Party is clearly now the Speaker of the House to such a degree that routinely we can assume that if we are not totally on our feet, totally prepared, aggressively ready, we will probably be cheated, then we are going to look at institutional reform such as having a majority counter and a minority counter so that both sides agree that the count is honest. We are going to have to have a whole new set of procedures to figure out how to run this House. Because I can assure the Democratic colleagues we serve with that if they expect the Republican Party to go through the next few years in a situation where we are manipulated routinely, we are cheated on the floor, we are then threatened if we complain about the cheating, that they have a very long and difficult time.

People often ask why do I talk on the floor, why do I reach out to the country, why am I willing to be confrontational. My challenge to the gentleman from Illinois and the gentleman from Texas and the Democrats who came down here is very simple: If you had been cheated three times in 1 day, what would you do? If you were in a situation where the people who ran the institution you belong to laughed at you and ran over you, what would you do? There is no point in negotiating with your leadership because you are just going to run over us, you are going to set up the game so you maximize your chances of winning and minimize our chances.

We confront you because we are convinced if we did not confront you, life in this building would not be worth serving. We reach out to the country because we are convinced that only by educating the country to the scale of the problem of boss rule in the House, only by getting the American citizens to realize how much they are disserved by this House when the leadership of this House does the kinds of things it did today, that only in that manner can we return this House to the people of the United States.

It is a very sad commentary that on three occasions today the House of Representatives did not belong to the people, it belonged to the Democratic Party. And that is a very different thing than saying the Democratic Party is a majority in the people's House.

Trying to pass laws has to occur on a fair playing field to have legitimate and fair laws. We are currently in a real crisis in the world. We are in what George Will called a war against and Americans. Four of our young people were killed in El Salvador, young Marines. The first time in the history of the Diplomatic Corps, the Marines on guard duty at an embassy were killed.

□ 2130

They were shot down sitting in a cafe, not provoking anyone. An American sailor was killed, flying on an airplane, not provoking anyone. The very fabric of our civilization is at bay.

Today, on this floor, in that kind of setting, dealing with the Defense bill, looking at the defense issue, a time when every step should be made for fairness so that every American feels that the rules we adopt are reasonable and clear, what happened? The Democratic majority, for no sound reason, cheated again and again. On three occasions Members of this House are willing to say unequivocally, the Republican side in an effort to gain a vote clearly was cheated. Not defeated under the rules, but defeated because the rules were broken.

It is a very sad day for this House, and I hope that when we come back that the opening order of business will be the Speaker and the majority leader apologizing to this House for that behavior and promising this House that for the rest of this Congress we are not going to have cheating on the rules; we are not going to have that kind of petty behavior; that they will do everything they can to restore a sense of order and a sense of reasonableness to the House.

I thank the Chair.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota [Mr. DORGAN] is recognized for 60 minutes.

[Mr. DORGAN of North Dakota addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE TRUTH ABOUT SO-CALLED POPULATION AND FAMILY PLANNING IN THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. KEMP] is recognized for 60 minutes.

● Mr. KEMP. Mr. Speaker, over the past several weeks, our colleagues Mr. KOSTMAYER and Mr. SCHEUER have made charges about my motives for trying to end U.S. taxpayer assistance for organizations that participate in the brutal programs of coerced abortion and forced sterilization that masquerade under the name of "family planning." Their statements, made on the floor of the House and in the press, have no relationship to fact or reason, and betray an ignorance of the atrocities that have been carried out in the People's Republic of China in the name of population control.

As ranking member of the Foreign Operations Subcommittee of the Appropriations Committee, I support U.S. assistance to voluntary family planning programs worldwide. But the use of U.S. taxpayer funds by organizations that refuse to end their alliance with programs, of coerced abortion and forced sterilization threaten the integrity of our commitment to providing voluntary family planning services worldwide.

Mr. Speaker, I favor a better relationship with the People's Republic of China; but in this case, the People's Republic of China is conducting a population control program for its own people that has been described by the Washington Post, in an editorial published on January 10, 1985, as one whose "* * * methods fall into the realm of the openly coercive and brutal: mandatory abortion, induced stillbirth, the strangling of the newborn."

U.S. taxpayers provide one-third of the budget for the United Nations Fund for Population Activities. It, in turn, will provide $100 million between 1980 and 1989 to the People's Republic of China, a significant portion of the PRC's budget to population control. These funds are used at every level of the Chinese program. A major priority, according to UNFRA documents, is the "strengthening of the State Family Planning Commission"—the central directorate of the entire population control program. UNFPA documents further detail their intent to fund "management training, logistics, management information systems, programme research and evaluation and publicity education * * * it also includes projects in population education in the formal and nonformal sector * * * UNFPA assistance would provide international consultants; training, including fellowships and study tours; and expendable and nonexpendable equipments and supplies." (UNFPA Proposed Projects and Programmes: Recommendation by the Executive Director, Assistance to the Government of China, March 30, 1984.)

Mr. Richard Derham, Assistant Administrator of the Agency for International Development concluded in a March 29, 1985 memo to AID Administrator Peter McPherson that "* * * the China program debases human values by its emphasis on physical and psychological coercion and violates international recognized standards of the human right to determine the family size * * * I further conclude the UNFPA Program cannot be disentangled from the pervasive coercion of the system and that even if it could, the shadow on the PRC Program would pose difficulties. Hence I conclude that the United States should take strong action to dissociate itself from the China program."

Mr. Speaker, the participation and support for this program by the UNFPA is justly unacceptable. Frankly, I can't understand why the UNFPA and its supporters want to associate with the massive campaign of human rights violations being carried out by the PRC—a campaign that masquerades under the name of family planning.

In a letter to the editor of the Washington Post, Congressman KOSTEMAYER claims that my efforts and the efforts of many of my colleagues to end U.S. funding for organizations that support programs of coercive abortion and forced sterilization are unnecessary because the Helms amendment of 1974 prohibits the use of U.S. funds in the performance of abortion, and because the foreign aid authorization bill reported out of the Foreign Affairs Committee requires the segregation of U.S. funds from those being used to support the population program of the People's Republic of China. Mr. Speaker, I support the Helms amendment and believe it has done a great deal to reduce the use of abortion as a method of family planning. But those who wish to circumvent the spirit of the Helms amendment are very clever in using bookkeeping devices—and the use of segregated accounts is merely a smokescreen which does nothing to express U.S. dissatisfaction with a program that continues to participate in and defend a population control program that involves gross human rights violations on a massive scale.

Mr. KOSTMAYER's letter also notes my interest in President Reagan's decision to suspend the $17 million U.S. contribution to the International Planned Parenthood Federation because of that organizations refusal to end its promotion of the use of abortion as a method of family planning. What Mr. KOSTMAYER neglected to mention is that: First, according to AID, the $11.5 million which would have gone to IPPF in London this year is being reprogrammed to other private family planning programs—50 percent in Africa, 17 percent in Latin America, 5 percent in Asia and the balance elsewhere; second, although IPPF is disqualified because of its abortion-promoting activities, IPPF-affiliated national family planning associations remain eligible for AID funds if they do not perform or actively promote abortion as a means of birth control. AID states: "In the vast majority of developing countries, abortion as a method of family planning is not legal," and, to date, no IPPF affiliates have been denied funds because of abortion-related activities, and third, according to AID, after reprogramming the IPPF funds, an even higher percentage—77 percent will go for family planning services that would have gone for services via IPPF—68 percent.

Mr. Speaker, the amendment I offered to H.R. 2577, the supplemental appropriations bill for fiscal year 1985, need not reduce U.S. population planning assistance overseas by 1 cent. But it will force the UNFPA to make a choice: either end its association with China's program of coercive abortion, involuntary sterilization and female infanticide—or forfeit U.S. funding. If the UNFPA and its supporters are truly concerened about providing voluntary family planning services worldwide, as I am, the choice seems to be an easy one to make. I am including an article from the Washington Post by reporter Michael Weisskopf which describes the methods used by the PRC to enforce its one child per family policy. I hope my colleagues will consider it carefully in making their decisions about continued U.S. taxpayer funding for organizations that continue an active participation and support for this tragic use of population control methods.

[From the Washington Post, Jan. 10, 1985]

ONE COUPLE, ONE CHILD

The China series by Michael Weisskopf, the Post's correspondent in Peking for the last four years, illuminates the scope and type of measures the authorities there employ to limit their country's population. This is, for Westerners, a difficult subject. Many Americans, we would surmise, accept that the world's most populous nation must do something to cap and eventually trim the growth of a population already estimated at over 1 billion. But while some of the means are what you could call extremely rigorous—education, propaganda, economic leverage, social pressure—other methods fall into the realm of the openly coercive and brutal: mandatory abortion, induced stillbirth, the strangling of the newborn. That the state

actively sanctions and sponsors these means underlines the dilemma.

Having favored first three children and then two children per couple earlier in the 1970s, an alarmed government went to "one couple, one child" in 1979. The difference between two and one, it calculated, was the difference between reaching 1.54 billion people in the year 2052 and peaking at 1.05 billion in 2004.

Many Chinese, especially tradition-oriented peasants, have gone to strenuous lengths of resistance and evasion to have more than one child. Even among those willing to stop at one, however, tradition and individual preference have led many to want a son. What happens when the one child officially permitted turns out to be a girl? The saddest fact of all those recounted by Mr. Weisskopf is the short count of healthy baby girls. It is measured in the hundreds of thousands each year. The explanation for it is the practice of infanticide, the horrible response of desperate parents to the official edict. The government decries it, feebly.

It is sometimes suggested, in mitigation of reports like this one, that China can ill afford the ethical standards of more affluent societies and that its policy is not without its own considered and defensible moral basis: better that some suffer now so that a greater number will not suffer later. But it is not mere sentimentalism that produces a response of outrage to what is going on in China. A totalitarian state is using its immense resources to intervene crudely, often violently, in the most delicate personal choices of millions of human beings. In the name of modernization, the state is seeing to the death of live human beings. It is the kind of policy that puts a deep moral divide between the United States and the People's Republic, notwithstanding the cooperation they seek on more routine affairs.

[From the Washington Post, Jan. 7, 1985]

ABORTION POLICY TEARS AT CHINA'S SOCIETY

(By Michael Weisskopf)

DONGGUAN COUNTY, CHINA.—No goverment program has cut so deeply into Chinese society nor inspired such strong resistance in 35 years of Communist rule as the struggle to trim China's population.

Chinese leaders consider their policy of "one couple, one child" a fight for national survival, the chief prerequisite of modernization. Publicly, they claim to rely on the powers of persuasion and education, exercising a policy of voluntary consent. They point to declining birth rates and happy one-child couples as symbols of success worthy of the United Nations' first family planning award given jointly to China and India in 1983.

But a closer and longer look reveals a very different picture. China, to be sure, is curbing its population growth, but its success is rooted in widespread coercion, mass abortion and intrusion by the state into the most intimate of human affairs.

"The size of a family is too important to be left to the personal decision of a couple," Minister of Family Planning Qian Xinzhong explained before resigning last year.

"Births are a matter of state planning, just like other economic and social activities, because they are a matter of strategic concern," he said. "A couple cannot have a baby just because it wants to. That cannot be allowed if China is to stabilize its population and keep it from doubling and redoubling as it might."

The one-child policy was launched in 1979 as the centerpiece of an ambitious plan to contain China's population at 1.2 billion by the year 2000. China now has a population estimated at 1,038,000,000—22 percent of humanity—and has just 7 percent of the world's arable land.

Loosely enforced at first, the policy was tightened in 1982 after population growth rates began to climb. Since then, the state has strictly required intrauterine devices for all women with one child and sterilizations for one member of every couple with two or more children.

Cutting the growth rate of 1.15 percent in 1983—less than half the 1970 level—these regulations are credited officially with preventing millions of births yearly.

For all its statistical gains, however, the one-child policy is piling up heavy costs in broken lives and is tearing at the fabric of Chinese society.

China is a society dominated by peasants who live off the land and strive for big families as a matter of economic necessity—the more children, the more hands to till the soil. To them, birth control is a threat, which many actively counter. They hide pregnant women. They secretly remove IUDs. They falsify sterilization certificates. And they physically attack officials.

Every year, millions of Chinese defy authority and have more children despite jolting penalties—heavy fines, dismissal from jobs and loss of farmland, housing and economic benefits—that leave them farther behind in China's march to modernization. Yet at least one-quarter of the 15 million to 20 million babies born in China every year are unapproved.

Faced with strong popular resistance, Peking resorts to even stronger measures. To this struggle, it brings the full powers of a totalitarian state, operating without fear of political opposition. There is no check on official abuse, no outlet for human rights complaints and no forum for public debate of the policy.

What emerges from more than 200 interviews spaced over three years with officials, doctors, peasants and workers in almost two-thirds of China's 29 main subdivisions is the story of an all-out government siege against ancient family traditions and the reproductive habits of a billion people.

The story offers a glimpse of China usually hidden from foreigners but painfully familiar to most Chinese—a world of government-sanctioned infanticide, of strongarm sterilizations and of abortions performed at a rate as high as 800,000 a year in a single province.

It is a harsh milieu, in which houses are razed and valuables seized as the penalty for birth control violations, in which women are forced to wear intrauterine devices as the price of compliance.

While the policy works smoothly in many parts of China, local officials eager to please the central government often resort to excess.

THE DARK SIDE OF FAMILY PLANNING

Nowhere is this dark side of family planning more evident than in Dongguan, a bucolic patch of Guangdong Province in southern China. Here, abortion posses scoured the countryside in the spring of 1981, rounding up women in rice paddies and thatched-roof houses. Expectant mothers, including many in their last trimeseter, were trussed, handcuffed, herded into hog cages and delivered by the truckload to the operating tables of rural clinics, according to eyewitness accounts.

Dongguan had been engulfed by an intense birth control campaign known as "high tide," engineered by local officials to bring birth control offenders in line with the one-child policy.

In 50 days, 19,000 abortions were performed—almost as many as the county's live births in all of 1981.

Dongguan's "high tide"—details were confirmed in interviews here after initial reports in Hong Kong—dramatizes the least cited but most frequently observed form of birth control in China: abortion.

Any mother who becomes pregnant again without receiving official authorization after having one child is required to have an abortion, and the incidence of such operations is stumning—53 million from 1979 to 1984, according to the Ministry of Public Health—a five-year abortion count approximately equal to the population of France.

In 1983 alone, the number of abortions nationwide—14.4 million—exceeded the combined populations of the District of Columbia, Maryland, Virginia, West Virginia and Delaware.

Visits to rural south China produced evidence of more than five abortions for every birth in places such as Duan Fen commune of Guangdong Province.

Although abortion was criminally punishable as murder in China as late as the 1950s, it is dispensed today without debate over moral questions.

"It's more humane to kill children before they are born than to bring them into a society of too many people," said Xu Fangling, a birth control official who helped direct the Dongguan campaign. "If you consider the serious difficulties overpopulation creates for people living today, the moral problem of abortion isn't too serious."

Nor is the timing of abortion usually a factor. Many are performed in the last trimester of pregnancy—100,000 in Guangdong last year, or 20 percent of the province's total abortions—and some as late as the ninth month. Officials say it often takes that long to get reluctant women to clinics.

Doctors normally terminate late-term pregnancies by injecting an herbal drug into the womb, killing the fetus and inducing labor—a kind of induced stillbirth. The dead fetus is usually expelled in 24 hours.

In the Inner Mongolian capital of Hohhot, however, hospital doctors practice what amounts to infanticide by a different name, according to a Hohhot surgeon, who would not allow his name to be used for fear of reprisal. After inducing labor, he revealed, doctors routinely smash the baby's skull with forceps as it emerges from the womb.

In some cases, he added, newborns are killed by injecting formaldehyde into the soft spot of the head.

"If you kill the baby while it's still partly in the womb, it's considered an abortion," explained the 33-year-old surgeon. "If you do it after birth, it's murder."

He said the practice began in 1981 after hospitals in Hohhot passed a new regulation banning births of second children except in the case of ethnic Mongolians, who are treated more leniently under a national minorities policy. For everyone else, he said, "the second child cannot come out alive. The doctor has the obligation to prevent it."

A doctor who ignores the regulation risks losing his job, he said. He estimated that hundreds of babies die this way in his hospital every year.

"You get used to it," said the surgeon, explaining how doctors react. Sitting in the corner of a coffee shop during the interview, he lifted a cup and said, "It's like drinking

coffee. At first, it's bitter. But after a while you don't notice the taste.

"I've done it myself."

Similar practices have been reported from other urban centers. A former hospital patient in the northwest city of Urumqi said that she saw women in labor being wheeled into a large room marked "abortion ward."

A medical student in Canton who worked in a hospital gynecology ward in 1982 told foreign visitors that pregnant women were required to present birth authorization cards before admission to the delivery room. He said doctors who were under orders to abort all unauthorized pregnancies often strangled or smothered newborns.

While abortion is justified officially as a necessary expedient, its high incidence is considered an embarassing breakdown of a system carefully crafted to prevent unplanned pregnancies.

China's family-planning work is backed by the full organizational might of the Communist Party, which extends its influence to every factory, neighborhood and village. Every Chinese belongs to a "unit"—workplace or rural governing body—and every unit has a birth control committee headed by party officials. These officials have enormous power over the lives of their charges. Almost all decisions require their approval—who earns bonuses, who gets housing space, who grows cash crops, who has a chance to study, who marries and who has children.

When Peking gave local party chiefs responsibility for family planning, it added a powerful lever to assure compliance. Then, to fortify the resolve of these officials, it added financial incentive. In most parts of China, local officials earn cash bonuses only if their units observe birth control limits.

With a financial stake in low births, officials put a high premium on prevention. They carefully plan new births for their unit, requiring written applications from any couple wanting to have a child and matching requests with quotas that trickle down from Peking.

The primary target of their work, however, is couples who already have two or more children. At least one parent is required by the state to undergo sterilization, and local officials use methods ranging from cash rewards to coercion to get those eligible to the operating table. Almost always the woman bears the responsibility.

Official statistics show a high level of success: 31 million women and 9.3 million men were sterilized between 1979 and 1984, totaling almost one-third of all married, productive couples in China.

A national sterilization drive last winter boosted annual sterilization for 1983 to an extraordinary 16.4 million for women and 4.4 million for men, according to the Public Health Ministry—exceeding the total number of such procedures in the previous five years.

Most sterilizations in rural areas are done collectively in "high tides" organized by local officials to coincide with the visit of roving surgical teams who operate in improvised facilities or cold, austere clinics equipped with little more than board and bucket.

A roundup in frigid northern China near the Mongolian border illustrates how the process works.

The campaign, which was described by a participating doctor, began in November 1983, when officials from every commune in the county searched their records for women under the age of 45 who had two or more children. Then they broadcast their names over public loudspeakers and set dates by which each had to report to the clinic for surgery.

There was a warning to potential evaders: a loss of half of their state land allotment, a fine of $200—equal to about a year's income—and a late fee of $10 for every day they failed to report.

Several couples initially defied the warning but were quickly brought into line. Officials went to their homes, confiscated valuables, such as sewing machines and building materials, and threatened to sell them within three days unless they submitted to the operation.

The surgical team left in early January after completing its goal of 16,000 sterlizations in two months, according to the doctor.

It was an unusually successful campaign considering the intensity of opposition to sterlization. The very mention of a "high tide" has sent whole villages of eligible women into hiding. To head off a mass exodus last year in coastal Fujian Province, Fuqing County officials reportedly organized late-night "surprise attacks," hustling sleeping women from their beds to 24-hour sterilization clinics.

Another popular dodge is phony sterlization certificates. Couples buy falsified or purloined forms at high prices. When the woman gets pregnant, she pleads for leniency, claiming she was a victim of faulty surgery.

As resistance stiffens, however, so does the penalty for evasion.

When women in a Yellow River community of Henan Province fled in advance of a "high tide" last spring, Xiuwu County officials tore off roofs of their houses and knocked down walls with tractors, according to a Chinese medical staffer who witnessed the wrecking.

Female workers in the sleepy southern port city of Zhanjiang were docked their wages until they reported for sterilization surgery, according to factory hands there. Although 20 women at one candy plant stood their ground and were fired, most gave in to the financial pressure.

"Who dares to oppose the regulation?" asked a 34-year-mother who had an operation she did not want. "I have three children. Can I afford to feed them without a job?"

Officials are no less forceful in dealing with one-child mothers. They are required by national regulation to have IUDs inserted after their first child is born and strictly forbidden to remove the stainless steel loops.

Other forms of contraception are permitted, including birth control pills and condoms, but statistics reflect the official preference for easier and more reliable IUDs: Of 124 million married women using birth control, 55 percent wear IUDs—69 million, which exceeds the total number of IUD users in the rest of the world combined.

AUTOMATIC IUD IMPLANTS

In some city hospitals, doctors automatically implant the devices immediately after a woman gives birth, often without informing the women or seeking prior consent, according to a Peking gynecologist.

Official prodding substitutes for hospital efficiency in most places, however. Family-planning authorities call on new mothers to stress the need for contraception. There are follow-up visits to "educate" the woman until she possesses an IUD certificate, for which she gets a cash bonus and time off work.

Little choice is given in places such as rural Fujian, where women who refuse IUDs lose their right to grain rations and medical benefits for their first child, according to an overseas Chinese visitor.

Women fitted with IUDs in most of China regularly are shepherded into clinics for X-rays to make sure of proper placing. Up to six times a year, they are stood before decades-old equipment to endure the kind of fluoroscopic examination discouraged in the West for fear of causing radiation damage to ovaries or fetuses. Frequent X-ray exams are considered necessary because of the high failure rate of IUDs, which are often inserted in factory-line fashion without concern for sizing.

Of greater concern to authorities is the problem of surreptitious removals. Women who had submitted reluctantly to IUD insertions pay charlatan doctors to extract them with homemade metal hooks. It is a common occurrence in rural areas, where the so-called "hook wielders" charge as much as $25 for a home "operation," often undoing the family planning work of an entire village in a few days' time.

These "hook wielders" remain popular despite their record of disasters—hundreds of deaths and injuries reportedly caused by penetration of the uterus and intestines with unsterilized bicycle spokes or bamboo sticks.

For local officials who claim to run voluntary IUD compaigns, the reported incidence of such deviant behavior is contradictorily high: 80 percent of IUD users in some parts of Fujian had their loops removed in 1981; 10,000 extractions were reported in a single county of Sichuan Province between 1980 and 1983.

"These so-called doctors are swindlers who take advantage of the backward desire of peasants to have more children," said Sun Guoliang, vice chief of Sichuan's birth control office.

"There are women who were less than willing in the beginning to have the IUDs put in," he said. "Others may have been willing at first but changed their views after the swindlers told them the loops would make them sterile." In case of contraceptive failure or abuse, however, there are other controls built into the system.

Few unauthorized pregnancies can elude the tight supervision of birth control activists, a phalanx of female members of the party, Communist Youth League and Women's Federation who are deputized by local officials to monitor the reproductive lives of Chinese couples.

The activists, who often are referred to derogatorily as "mothers-in-law" for their meddling ways, each focus on a few couples in every factory, neighborhood and rural hamlet.

They know everyone's contraceptive method. They make daily house calls to remind birth control pill users to take their pills. They issue condoms on request, giving repeated instructions an insisting they be used "two at a time" or be inflated first to test for leaks.

The activists closely watch for signs of pregnancy—morning sickness, craving for sour food or swollen breasts—and cultivate informers to report on their neighbors or coworkers.

They keep detailed records of every women's menstrual cycle, checking to make sure of regularity.

"If it is late, we wait four days," said Yu Caihua, an activist in Zhou Nan County of Shandong Province. "If the women's period

still doesn't come, we take her for a check-up.

MONITORING CONTRACEPTION IN THE WORK PLACE

Many factories around the country hang up blackboards listing each female worker's contraceptive measure and the day her period arrives. The women are required to place a check mark next to their names after menstruation begins every month. If she fails to report on schedule, her boss will be asked why. The woman is then ordered to take a pregnancy test.

A positive test spells trouble for any women who already has a child. She is urged to have an abortion, offered a cash bonus and time off from work as a reward. If she refuses, the pressure mounts.

This is where China's family-planning apparatus comes down with firm force. It also is the breaking point for many Chinese.

First come the tactics of persuasion played out in what is know euphemistically as "heart-to-heart chats." Several activists visit the pregnant woman at home to explain the need for population control. She is urged to have an abortion for the good of her nation, her community and her family. Husbands and mothers-in-law are recruited for the talks because they often pose the biggest obstacle to abortion.

If she holds her ground, the talks intensify. More officials enter the fray, sometimes eight or 10 at a time. They come for hours every day lecturing, cajoling, pleading. Eventually, the local party chief joins in and the tenor changes. Now the pregnant woman is criticized for resisting and warned of the penalty for unauthorized birth, which varies from place to place but can include loss of farmland, fines of up to $1,000, firing from factory jobs, public censure and the denial of land, medical benefits, grain rations and educational opportunities for the unplanned child.

To increase the pressure for speedy abortion, the woman is charged a penalty, called a "talking fee," of $2 per day in the rural suburbs of Qingdao in east China, according to peasants there.

In coastal Jiangsu Province, she is required to sign a "guarantee" promising to pay any penalty, according to family planning officials there.

Fines begin in the fourth month of pregnancy in factories of Shantou in east Guangdong, where both husband and wife lose 50 percent of their monthly wage—to be refunded if she finally has an abortion.

Party chief Huang Zhigao of Double Bridge Village in the southwestern province of Sichuan acknowledged the practice of "helping" pregnant women to the clinic if they refuse to go on their own.

As an example, he cited the story of a 32-year-old woman named Li who had a baby girl and became pregnant again in the hope of having a boy. After numerous visits to her home by "persuasion groups" proved unsuccessful, eight activists appeared at her doorstep one morning and told Li, then four months pregnant, "if you don't go to the clinic willingly, we'll take you," according to Huang.

"The woman struggled and started crying when they started taking her by the arms," recalled Huang. "She was dragged about 50 yards and finally gave in."

Activist Zhang Xiujun, who was among those "helping" Li, said, "It took all of us to get her to the clinic."

Hunag justified the episode as a necessary "administrative measure." He said Li and another woman who met a similar fate complained that they had been taken against their will, but "they were told there was no way out because they rejected our advice to go willingly."

The large number of Chinese who reject such advice every year indicates less aggressive enforcement or stronger resistance elsewhere.

Many pregnant women hide in the mountains or flee to a relative's village to escape official harassment, practicing what is colloquially known as "childbirth on the run." So many runaways reached the remote, northwestern province of Gansu that a regulation was passed directing local officials to "terminate within a limited time all unplanned pregnancies of women not in their home residential area," according to an internal document.

Those who stay home simply resist the official hectoring, usually passively. In numerous cases, however, the pressure becomes too much and explodes into violence. There have been attacks against the private gardens of activists in Sichuan and Anhui provinces. And there have been physical attacks against officials themselves—stabbings, clubbings and beatings, according to official news reports.

A Guangdong peasant named Wu Jingqu, who had two children, personally pulled out his wife's IUD and got her pregnant. When the depty party secretary of his commune visited the couple and pressed the woman to have an abortion. Wu reportedly hacked him to death with a meat cleaver. Wu was executed.

A Shandong activist was hospitalized for two months after she was kicked in the groin and beaten with wooden staves by a man who objected to her urging a pregnancy test for his wife.

"Some peasants accept the idea of birth control easily and some don't," said vice chief Sun of Sichuan. "The activists have to do their work, and the peasants want more children. There are inevitable clashes."

For many peasants who are just starting to prosper under today's flexible economic policies and want more farm hands, the prospect of being fined for having children seems unjust. For local officials, however, the only way to stop unplanned births is to make them prohibitively costly.

At the Double Bridge commune, Huang decided to make a "negative example" of a 29-year-old woman named Meng who fled 200 miles to have her second child at an aunt's home. Huang, who lost his bonus because of Meng's clandestine delivery, took revenge when she returned. He stripped her family of half of the land given by the state for farming, fined her $400—almost thrice her annual income—and denied her the right to grain and cloth rations for the second child.

To sharpen the sting, Meng was forced to make a self-criticism at a mass meeting. Standing before 100 peasants who sat on stools in the village warehouse, she endured what in Chinese terms is a painful loss of face.

"Since then, we haven't had an unapproved second birth," said Huang.●

IN MEMORY OF THE HAPPY WARRIOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. PEPPER] is recognized for 60 minutes.

● Mr. PEPPER. Mr. Speaker, I know you and those who were present here in this honorable Chamber will never forget as long as they live the day on which Vice President and Senator Hubert H. Humphrey came before us here at the House's special invitation to receive our tributes and our expression of love, friendship and admiration for that great American statesman that he was.

He appeared emaciated, weak and he was in the terrible grip of the throes of cancer—a battle he bravely fought like so many other vital battles he fought for other people all across this beautiful and bountiful land of ours. Yet he smiled, and shared—told stories and made our day as much, I am sure, as we made his.

Recently I had the honor of visiting with Frances Humphrey Howard—that indefatigable, lovely and charming sister of Hubert's—and a very distinguished assembly in honor of the memory of the Happy Warrior, whose lifelike bust by the artist, Gabriel Ponzanelli, was being unveiled at Meridian House International from where it will travel fittingly to stand at the entrance of the Hubert H. Humphrey Cancer Research Center at Boston University.

Many of you remember Mildred so well, my wife of a lifetime, who fell victim to that monster illness which takes about 500,000 lives each year. About 30 percent of all Americans alive today expect to have cancer in their lives and it may often kill them or inflict great pain on them and their loved ones.

This cause, which was Hubert's cause and which remains our cause as yet today, is a great cause in the name of humanity.

Today, in both Houses of the Congress, I will be joined by the Honorable EDWARD M. KENNEDY, the Honorable ROBERT DOLE, majority leader of the U.S. Senate, the Honorable LARRY PRESSLER, the Honorable PAUL SIMON, and the Honorable JOHN D. ROCKEFELLER IV; also the Honorable LINDY BOGGS, and the Honorable GERRY SIKORSKI, Members of the House; and we will spread upon the pages of this CONGRESSIONAL RECORD the program as it unfolded at Meridian House here in Washington that day.

We begin with the introduction by former Ambassador Joseph John Jova, the president of Meridian House International, who introduces first the Honorable William McSweeney, chairman of the board of that fine institution for the purpose of presenting greetings from President Reagan.

Next, I have the pleasant opportunity to present the Honorable LINDY BOGGS' remarks, as usual, a fine and moving speech with great interest. Following that, a message from my dear colleague, the Honorable AUGUSTUS "GUS" HAWKINS.

I commend this dedicated and beautiful program to the attention of all our colleagues who could not be present there and to all who read this RECORD.

Ceremony of the dedication and unveiling of a portrait bust of Vice-President Hubert H. Humphrey, by Gabriel Ponzanelli, Saturday, June 1, 1985, 4:30 p.m., Meridian House International, Washington, DC.

Opening: The Honorable Joseph John Jova; President, Meridian House International.

Unveiling and Presentation of Bust: Frances Humphrey Howard; The Honorable Hubert H. Humphrey III, Attorney General of Minnesota.

Response: John I. Sandson, M.D., Dean, Boston University School of Medicine; Herbert H. Wotiz, Ph.D., Director, Hubert H. Humphrey Cancer Research Center; John B. Amos, Member, Board of Visitors, Boston University School of Medicine.

Tributes by Distinguished Guests: The Chief Justice of the United States; The Honorable Charles S. Robb, Governor of Virginia; The Honorable Walter F. Mondale, former Vice-President of the United States; The Honorable Claude Pepper, United States House of Representatives; The Honorable Augustus F. Hawkins, United States House of Representatives; The Honorable Corinne Boggs, United States House of Representatives; The Honorable Jeane J. Kirkpatrick, former United States Representative to the United Nations.

Due to the congressional recess at the time of the unveiling and dedication ceremony of the Hubert H. Humphrey bronze portrait bust on June 1, 1985, members of the Senate and House leadership who were Vice President Humphrey's close friends and colleagues were unable to attend but sent messages of congratulations.

Personal letters and messages to the family were received from the President of the United States, from several Senators and Congressmen including Senator Jennings Randolph, Senator Jacob Javits, Senator Charles Percy, Senator Howard Baker, Senator Barry Goldwater, Senator Robert Dole, Senator Edward Kennedy, Senator Paul Sarbanes, Senator Larry Pressler, Senator Dave Durenberger, Senator John D. Rockefeller IV, and Senator Paul Simon. The Hon. Margaret M. Heckler, Secretary of the Department of Health and Human Services sent warm and most appropriate friendly regards. Letters were also received from Luci Baines Johnson and Edward M. Kennedy, Jr.

President Joseph John Jova: Mrs. Ponzanelli, Mr. Chief Justice, Ambassadors, ladies and gentlemen: Bill McSweeney, Chairman of our board, our entire board, and I myself—we are indeed honored that Meridian House has the opportunity to participate in this very important ceremony. I say this as a longtime admirer of Hubert Humphrey. He came to see us in Chile, he came to see us in Honduras; he saw us again in Mexico, as a personal friend of Frances Humphrey Howard and the rest of the Howard and Humphrey families.

Recalling Vice-President Humphrey's sincere interest and affection for Latin America, it is indeed symbolic that the portrait bust that will be unveiled is the work of a Mexican sculptor, Gabriel Ponzanelli. He incidentally was commissioned by me when I was Ambassador to Mexico to do the monumental sculpture representing the Battle of Pensacola which was a vital fact there in our war for independence, and it was a battle in which Spanish, Mexican, Venezuelan, Puerto Rican troops fought against the British to help us.

I would like to recognize the presence among us of Gabriel Ponzanelli, who incidentally has come specially from Mexico and tomorrow or Monday goes to Madrid accompanying the President of Mexico to inaugurate another statute that he has done to be placed in the capital of Spain. So I would like to ask both Mr. Ponzanelli and the Cultural Minister of the Mexican Embassy, Dr. Hugo Gutierrea-Vega, who is representing his Ambassador who is away in Mexico to stand and be recognized. (Applause) And it is indeed significant that this bust of Vice-President Humphrey will be placed in the Hubert Humphrey Cancer Center of the Boston University School of Medicine, where such splendid work is being done on the battle against cancer. I will now ask the Honorable William McSweeney, who is the Chairman of our Board and a dear friend of the Humphrey family to read the special message addressed to Frances Humphrey Howard on this occasion by the President of the United States.

Chairman MCSWEENEY: I'm sure that Vice-President—Senator Humphrey would be so pleased to see us all gathered here today. You'll pardon me if I don't recognize anyone but Mrs. Howard officially, because there are so many old friends from so many old campaigns and so many great memories that are here today. It is my happy—well just to read a letter from President Reagan to Mrs. Howard:

"I was very pleased to hear from you of the unveiling of a portrait bust of Senator Humphrey. It is truly a pleasure for me to have this opportunity to join you, Skip Humphrey, John Sandson, John Jova, and so many other distinguished citizens on hand for this occasion. This is a tribute to Hubert Horacio Humphrey and his untiring optimism. He was a man who devoted his life to caring for others. It is appropriate that the bust you now unveil will be located at the Humbert H. Humphrey Cancer Research Center where it will be a monument to one who was reknowned for his concern for his fellowman and for the uplifting of the human condition. Nancy joins me in sending best wishes to all. God bless you and the work of the center.

Sincerely, /s/ Ronald Reagan."

(Applause)

President Jova: I wish I had time to share with you the beautiful messages to Mrs. Howard from many, many members of the Senate and the House, and other distinguished personalities. (I am not going to read the list now, Frances, because I know that we are running against time because one of our speakers must take a plane to go elsewhere, but I will read them later on.) I wish to recognize the presence of you many distinguished Ambassadors representing countries in which Vice-President Humphrey had a special interest; also several Members of Congress and other distinguished guests. It is now my pleasure to introduce Mrs. Frances Humphrey Howard. (Applause)

President Jova: Thank you very much Vice-President Mondale for those beautiful words. It is now my honor to ask Congresswoman Corinne "Lindy" Boggs to come to the microphone. (Applause)

Congresswoman Boggs: Thank you so much, Mr. Ambassador. Mr. Chief Justice and Vera, Governor Robb and Linda, Frances, and all of you here—all of you distinguished people on the platform. It's such a rare privilege to be with you on this beautiful day. Among the myriad personal and political memories, some joyful, poignant, exciting, sad, shared by Hale and me and by Hubert and Muriel, and among the extravagances of his powerful leadership capabilities; of his meaningful legislative proposals for justice and equity and economic progress, and of his positive programs for peace at home and abroad, it is difficult to select out one quality, one piece of legislation, one program, one occasion, one time for a special remembrance.

When I saw that Mr. Ponzanelli was the artist who was going to execute the bust, I thought of Bernardo de Galvez who was the hero of the Battle of Pensacola. And when he was having a little bit of trouble with his multinational troops who were really afraid and were pulling back, he took a little ship all by himself and sailed with great courage into the face of adversity. Then he encouraged the troops how to go out as they were to come behind him and to secure that post against the British supply of men and materials so that the fledging little continental army could prevail in the great war of the American Revolution. And so it was that I determined to select the year, 1976, to remember especially the year of the great deterioration in Hubert's health, but also the year of our nation's bicentennial celebration.

Hubert and I served on the Joint Committee of the Senate and the House for the Bicentennial Preparations where he engaged the cooperation of the United States and foreign government agenices with the courage, persistence, and patriotic fervor of our Founding Fathers. Our agenda was programmed not only to remember who we were and to celebrate where we'd been, but also to determine where we should go as a nation. And the long list of his legislative guideposts for the future and the bullions of his spirit declaring that they could be obtained projected him as the symbol of the hope and vibrancy to all Americans—especially to the young and the young at heart. That autumn he was called upon to exhibit those expressions of liveliness and cheer to fellow-patients at the Memorial Sloan-Kettering Cancer Center.

Among the young people who loved and admired Hubert and enjoyed working for him and with him is my daughter Barbara, whom I didn't know was going to be here today but I am very happy that she and her husband, Paul, are. She shares a birthdate, May 27th with him, and fortunately she enjoys some of Hubert's attributes including determination and valor and a grand sense of humor. And these Gemini twins, as she was to Hubert, was able to hold firm, to lose, only to run again as Hubert had done when she lost an eye to cancer during her campaign bid for the Senate seat nomination in New Jersey. Her acceptance of the Hubert Humphrey Inspirational Award from the National Cancer Society presented by her beloved and admired friend, Frances Howard, was a bright reminder to her family and her friends to take courage and to know that everything was bright and full of promise.

So it's fitting then that we would have this unveiling of this beautiful bust in this setting which projects the best of America's history and its plans for the future to the rest of the world. And to celebrate the unveiling and the dedication of a portrait bust of Hubert Humphrey under the auspices of the Hubert H. Humphrey Cancer Research Center at Boston University School of Medi-

cine so that the hope that he promised and that the center can provide can be honored by an ever-increasing circle of friends and supporters. (Applause)

President Jova: Thank you very much, Lindy. That was a beautiful presentation. And when I spoke at the beginning of the Battle of Pensacola and the Ponzanelli monument, I mentioned the soldiers from Spain, Mexico, Cuba, Venezuela, and I really should have said, soldiers of Louisiana because that was the main contingent (laughter); as a matter of fact it was the first company of free black soldiers that came from Louisiana to fight in that battle, and I think that was a landmark in our history.

You know—from your programs you will see that Congressman Hawkins was scheduled to speak with us today but he has been called out of the city by urgent business in his district. Mrs. Howard has asked that I read the telegram he has sent, and thus attempting to replace him as a speaker:

"Dear Friends: I regret that I cannot attend this prestigious ceremony honoring my good friend, Hubert Humphrey. Senator Humphrey's courageous battle against cancer epitomized his undaunted spirit and great sense of compassion in humanity. In many ways Hubert Humphrey was our nation's conscience. He was continually striving to address the problems of unemployment, racial discrimination, and poverty. I was proud to join forces with him in introducing, the Full Employment and Balance Growth Act, the cornerstone of our nation's commitment to reduce unemployment. His unwavering call to end human, social, and economic deprivations is best expressed in his own words: 'The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly, and those who are in the shadows of life, the sick, the needy, and the handicapped.' "

Hubert Humphrey was a man of all seasons. I commend all of you here for carrying out, carrying on his dreams.

Sincerely,

/s/ Augustus F. Hawkins (Applause)

● Mrs. BOGGS. Mr. Speaker, earlier this month I had the honor of participating in ceremonies for the dedication of a bronze portrait bust of former Vice President Hubert H. Humphrey at the Meridian House here in Washington. The bust will be displayed at the entrance of the Hubert H. Humphrey Cancer Research Center at the Boston University School of Medicine.

Among the participants in the event was our colleague, CLAUDE PEPPER, who knew Hubert well and worked with him in the political vineyard for many years. His insights into the character and dedication of the "Happy Warrior" were very moving. I am pleased to join with him today by including his comments in the RECORD.

Thank you.

Senator PEPPER. Mr. Chairman, Mrs. Frances Humphrey Howard, Attorney General Humphrey, distinguished guests, ladies and gentlemen. Everyone knows that Hubert Humphrey said he couldn't say hello in five minutes. Well, anybody who has served in the United States Senate for fourteen years has the same difficulty. [Laughter.]

The first time I ever saw Hubert Humphrey, my wife was christening a ship of the Butler Shipbuilding Company in Superior, Wisconsin. I think it was right after the 1940 Democratic Convention. On the platform that day was a tall, handsome, but rather what we call "spindly" young man who was the Mayor of Minneapolis, Hubert Humphrey. Later I came to know, to honor, and to love Hubert Humphrey as have almost all other people who've ever come across his path in our beloved land.

He was a man of extraordinary intellectual power, great and dynamic physical strength, but be had above everything else, it seemed to me, a massive marrow of power. There was something that exuded from the spirit and the heart of Hubert Humphrey that had tremendous force, immeasurable impact upon those who heard him speak his heart for the worthy causes that he cherished.

Everyone knows the record of Hubert Humphrey. I am glad you are preserving in this good statue his appearance so that many who did not know him will have the opportunity to understand what kind of a man he was. I am glad you have attached his name to your great research center for cancer. I have some similarity of experience with Hubert's family. My wife passed away a victim to that same monster, and I know that that cause will be more belligerently and militantly espoused, because the spirit of Hubert Humphrey will always be a part of that institution.

More almost than any man I've ever known, Hubert Humphrey was a universal man. Hubert Humphrey was the ornament and the representative of the human race. He prided himself on people being his constituents as well as those who he directly represented in our political system. He had a moral force that emanated from his convictions that could almost move mountains, and did move many, in the years that he was a leader in our public life. In our troubled life of today, at home and abroad, how stirring, how exhilarating, how encouraging it would be if we could just see again that handsome, smiling countenance; hear those eloquent words, even enjoy the long speeches, and hear a man from his heart speak as a man of God dedicated to the service of the people.

Hubert Humphrey believed that every child was a child of God wherever it was born; and that that child was entitled to enough to eat, satisfactory shelter, the right for medical care that's required, the right to grow up into life and to become all that God potentially made him or her to be. And he fought his heart out against the disbelievers or the people of little faith or those who did not understand or those whose perception was barred by prejudiced interests.

If Hubert Humphrey could speak to us today, he would say to the Congress which he had known and which loved him: Look here, do you remember when President Roosevelt said to build a bomb? He didn't say, if it can be built for a billion dollars; because the appropriations for cancer research is now just a little over a billion dollars, and the Congress is very timid about going any further. Hubert would have said: Do you remember when President Kennedy said, 'We're going to the moon;' he didn't say but we'll stop when we've spent a million dollars.' He would have said: 'Let's take at least one of these terrible killers that takes nearly five-hundred thousand people a year from our beloved America and dooms them to die; at least let's take one of those monster killers and grapple with it until we choke it to death.' And Hubert Humphrey would have spoken with a fervor that might have induced favorable action that might have saved lives—Hubert Humphrey's and Mildred Pepper's.

And so today, let us as often as we can keep alive the spirit, the vision, the dream, the courage of Hubert Humphrey. It'll make a better world as he did. I know of no better words to describe Hubert Humphrey than those words that Shakespeare had Antony utter when he found the body of his fallen Brutus upon the floor of his tent, and Antony said: "His life was gentle; an element so mixed in him that nature might stand up and say to all the world, 'This was a man.' " [Applause]

President Jova. Thank you, Senator Pepper. And thank you for carrying on that Humphrey fervor in the battle against disease and in behalf of those of us whose hair is no longer black. [Applause]

The bust has been on display in my office for almost a year. It's been part of my life and now I'm going to miss it, and I am going to miss it thanks to John B. Amos because it is due to his generosity that it will be able to be placed at the Hubert Humphrey Cancer Research Center at Boston University. And we are all grateful to you, Mr. Amos, and we ask you to take this podium. [Applause]●

● Mr. SIKORSKI. Mr. Speaker, with great honor and pride, I submit to the CONGRESSIONAL RECORD the speeches of both Frances Humphrey Howard and the Honorable Hubert H. Humphrey III, attorney general of Minnesota, from the dedication and unveiling of a portrait bust of Vice President Hubert H. Humphrey.

It is highly appropriate this bust stand in front of the Hubert Humphrey Cancer Center of the Boston University School of Medicine. It will serve, like he did, as a beacon of hope and inspiration, of pride and dignity, of compassion and benevolence. Hubert Humphrey set the ethical standards for Democrats as well as all public servants w ıen he stated:

The moral test of government is how it treats those who are in the dawn of life, the children; those who are in the twilight of life, the aged; and those who are in the shadows of life, the sick, the needy and the handicapped.

I only wish he were here today to offer his wisdom, his insight, his counsel, his inspiration and his laughter.

I join with his sister, Frances and his son, Skip, in honoring the memory of this invincible man.

REMARKS OF FRANCES HUMPHREY HOWARD, JUNE 1, 1985

As you can see, John is always eloquent and elegant and we are so grateful to Marie and to John. It gives me, of course immense pleasure. I've been looking forward to this day for almost two years. I'm so happy to be sitting next to my very favorite nephew, Skip Humphrey. That makes it a very special occasion because we don't see each other that often. I would say that, when I first saw Gabriel Ponzanelli's work, it was here at Meridian House. It was a statue of

John—absolutely beautiful and I said, "Who did that?" and he said, "Gabriel Ponzanelli." and I said, "Well, I'll commission him right away to do one of my brother." So that is how it happened and we are delighted that the Boston University School of Medicine established the Hubert Humphrey Institute and that they, today, through the generosity of John Amos, are going to have this wonderful bust which Skip and I are going to unveil at the Center's entrance to the entrance of the Hubert Humphrey Cancer Center.

All of you here today are Hubert's dear friends and those who are absent—Senators and Congressmen—many of you who knew Hubert. More than 50. John is going to read those 50 names afterwards. More than 50 sent special messages to express their admiration for Hubert's courage in spite of his cancer and for his leadership. Hubert loved not only the Senate—no, he loved the Congressmen too and we're fortunate to have in this audience both Senators and Congressmen and Governors and Governor's wives. The entire family, of course. I said in my original remarks which I cut that we were so touched by the fact that the Chief Justice of the United States wanted to come and that he loves Hubert and we're also so pleased that Walter Mondale, Jeane Kirkpatrick, Claude Pepper, Augustus Hawkins, Corinne Boggs, and Governor Chuck Robb—all of them just, you know, so willingly wanted to come because of their affection for Hubert.

But I'm reading to you, when I'm finished, a letter from somebody that's not in a high place—he may be one day—but Hubert is loved by people everywhere. Yesterday, at noon, I received a letter from a 15 year old boy, a ninth grader in Lake Mahopak, New York, whom I've never met. He chose to write me on Hubert's birthday, the 27th of May about my brother who would have been 74 years old. His letter reads in part, "Dear Mrs. Howard, My name is Eric. Why I am writing to you is to let you know that my teacher, Mrs. Walters, gave me an assignment to write a research paper on anything we wanted to write about. I, myself, am interested in politics. I choose to do this paper on your brother, Hubert, because I believe he was one of the greatest politicians that ever lived. And not only that, but that he was simply one of the greatest men that ever lived and, in honor of your brother, I decided to write the research paper about him. I hope you don't mind me writing you about your brother often because, I am sure, you loved him dearly. I believe that he was a brave and dedicated man to his work and his family and it's a shame that Hubert was not elected President. He came so very close. When reading about him, I admire Senator Humphrey so much because he was a truly beautiful man and America was fortunate to know him. Out of all of the politicians I have read about and know, I believe Hubert Humphrey was the most caring and the nicest of them all. I'm sure you feel that way too." "In all honesty," says Eric, "I would like to be a politician when I grow up because I believe this country needs people that are interested. America needed Hubert and they revered him and he set an example for them all. The truth is that your brother is one of my idols and I admire him greatly." Signed Eric.

This letter was a source of real joy—it was a affirmation that Hubert's life and public service continue to be an inspiration to generations of young Americans. In a recent conversation last week with Ted Kennedy, Jr., he expressed pride in the fact that he'd been the recipient of the Hubert Humphrey Inspiration Award of the American Cancer Society. I want to mention to you that today we honor not only Hubert for his valiant courage and his inspiring hope but we also honor the Boston School of Medicine. And we honor the fact that they established this Cancer Center, that they were forward looking and they established it the year after his death. Hubert's abiding concern during the last years of his life was that all possible resources should be looked at to find the causes of cancer. Boston University honored this commitment and today by our presence here at this ceremony we honor the fact that Boston University will receive this bust and it will be placed at the entrance of that Center. Today we honor, too, the generosity—I don't want to forget—of John Amos who made it possible for the Center to have this bust. Today we are also honoring scientists, all scientists, who work in the battle against cancer. Most particularly, the scientists at Boston University's Hubert Humphrey Cancer Center. They will continue to aspire to the ideals Hubert so eloquently expressed realizing, as Hubert said, that the combination of hope, purpose and commitment to cancer research will yield answers and, someday perhaps, a cure.

REMARKS OF HUBERT H. HUMPHREY III, ATTORNEY GENERAL OF MINNESOTA, JUNE 1, 1985

Thank you very much Mr. Ambassador, Mr. Chief Justice, Vice President Mondale, Mayor Washington, Dean Sandson, Ambassadors and honored guests and friends. First of all, I have to congratulate those who organized this—they must really understand and they must have a line to dad because they organized a Minnesota day and knowing for sure this is exactly where he would want to be with all of his friends and thinking that this is close enough to his birthday that its just a wonderful opportunity to share with all of you.

Well let me just say that long speeches are really not for today. The joy of remembering my father, of being here in the city that he loved, where politics came alive for him every single day, is really a good memory and physically present in this fine artistic work that we will be unveiling very shortly is what is most important and comforting. But I am reminded of one of dads many admonitions to me—some of which I didn't exactly follow as sons are wont to do on occasion—but he would say "Never turn down a chance for a speech" and he also said, "Say your thoughts and say it with emotion and with feeling" and I know that all of you know that he was able to do that very well and very often. So I really can't resist this opportunity.

This day shared with so many of our families close friends—people he worked with, traveled with, argued and debated with—all of us gathered here under the auspices of a great institution, the Boston University School of Medicine. It's a thing that made me remember at least this: Dad understood that people, individuals, needed to have good health, a sound body and mind, to be constructive, to be involved citizens in our democracy. Human health and the provision of high-quality health care to all was not a privilege or an option to be available only to the few for dad. Not for him. Available comprehensive health care was a right for every American. And he recognized early on in his life the complexity of solving and of defeating this dread disease of cancer. His own battle with cancer was a testament to courage, persistence and the optimism of hope for ultimate victory over this disease. The work of the institution and institutions like the Boston University Medical School and the Cancer Research Center fits squarely in dad's vision for a better America. To all associated with this project, to all of you his dear friends and our families dear friends and on behalf of my mother and the entire Humphrey family, I say thank you. You have and are doing great and good work. And you are really carrying on the tradition of Humphrey. Thank you very much.●

PERSONAL EXPLANATION

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I was unavoidably absent, on June 18, 19, 20, and 21, 1985. Had I been present on the floor of the House, I would have cast my votes in the following manner:

Roll No. 166, on an amendment to the substitute that sought to end the missile program by eliminating all 1986 procurement funding and all unobligated prior-year appropriations for the missile program, requiring that funds saved be used for conventional weapons. Had I been present, I would have voted "no" as indicated by my paired vote.

Roll No. 167, on an amendment to the original amendment expressing the sense of Congress that deployment of MX missiles should be limited to not more than 40. Had I been present, I would have voted "aye."

Roll No. 168, on an amendment to the substitute that sought to reduce procurement funding for the missile program by $228 million and to limit deeployment to 50 missiles in existing silos. Had I been present, I would have voted "no."

Roll No. 169, a quorum call. I would have responded to that call had I been present.

Roll No. 170, on an amendment that sought to transfer $4 billion of funds previously appropriated for conventional forces to be equally divided among the Army, Navy, and Air Force. Had I been present, I would have voted "no."

Roll No. 171, on an amendment deleting procurement funds for the Trident II D-5 missile. Had I been present, I would have voted "no."

Roll No. 172, on the Skelton amendment to the Porter amendment. The Skelton amendment sought to eliminate funds for procurement or assembly of binary weapons unless, if after September 30, 1987, the United States has not entered into a multilateral agreement concerning binary weapons or there is a need for the weapons for national security, including NATO interests. Had I been present, I would

have voted "aye" as indicated by my paired vote.

Roll No. 173, on an amendment, as amended by a substitute, as amended. This is the Skelton amendment to the Fascell amendment forbidding the use of funds for binary chemical munition procurement until September 30, 1987. After such time procurement may be had if a control agreement has not been entered into by the United States and the President certifies to Congress the need for such weapons. Had I been present, I would have voted "aye" as indicated by my paired vote.

Roll No. 174, on approving the journal. Had I been present, I would have voted "aye."

Roll No. 175, a quorum call. Had I been present, I would have responded to that call.

Roll No. 176, on an amendment that sought to diminish the strategic defense initiative authorization to $954 million, prohibiting the use of funds for tests that should potentially abrogate the 1972 antiballistic missile treaty. Had I been present, I would have voted "no" as indicated by my paired vote.

Roll No. 177, on an amendment that sought to freeze the SDI Program at $1.4 billion, the 1985 level forbidding funds from nonlaboratory tests of SDI technology. Had I been present, I would have voted "no" as indicated by my paired vote.

Roll No. 178, on an amendment to the preceding substitute that sought to increase the SDI authorization by $1.24 billion to $3.7 billion. Had I been present, I would have voted "no."

Roll No. 179, on an amendment that sought to lower the SDI authorization from $2.5 billion to $2.1 billion and to restrict the amount available to 4 programs that could violate the ABM Treaty to 1985 levels. Had I been present, I would have voted "no" as indicated by my paired vote.

Roll No. 180, on a substitute amendment as amended, that sought to increase the strategic defense initiative $490 million to $2.9 billion and requiring that activities be consistent with the ABM Treaty. Had I been present, I would have voted "no" as indicated by my paired vote.

Roll No. 181, on a technical amendment to the SDI language that increased the authorization $27 million to $2.5 billion. Had I been present, I would have voted "aye" as indicated by my paired vote.

Roll No. 182, on approving the Journal. Had I been present, I would have voted "aye."

Roll No. 183, a quorum call. Had I been present, I would have responded to that call.

Roll No. 184, on approving an amendment clarifying specifications of core logistics functions subject to contracting-out limitations. Had I been present, I would have voted "aye."

I was unavoidably absent on June 25, 1985, and missed roll No. 187 and roll No. 188. I would have cast my votes in the following manner:

Roll No. 187, on an amendment that would allow acceptance of certain compensation if prohibiting such acceptance would hamper the Department of Defense from obtaining highly qualified individuals. Has I been present, I would have voted "aye."

Roll No. 188, on an amendment, amended by a substitute, as amended, prohibiting those with significant duties for procurement function from accepting compensation from that contractor for a period of 2 years following separation from Department of Defense employment. This includes Members of Congress and the bill requires the Department of Defense to provide written notice of applicable contractors to these retired individuals. Had I been present, I would have voted "aye."

I was unavoidably absent on June 26, 1985 and missed Roll No. 195. I would have cast my vote in the following manner:

Roll No. 195, on an amendment, as amended, that requires the Defense Department to maintain records of contractor's proposed and negotiated costs and pricing data and to be appropriately categorized. Had I been present, I would have voted "aye."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FISH (at the request of Mr. MICHEL), for today, on account of minor surgery.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. NIELSON of Utah) to revise and extend their remarks and include extraneous material:)

Mr. GROTBERG, for 5 minutes, today.
Mr. QUILLEN, for 5 minutes, today.
Mr. KEMP, for 60 minutes, today.
Mr. CLINGER, for 60 minutes, July 17.
Mr. BATEMAN, for 5 minutes, today.
Mr. ARCHER, for 5 minutes, today.
Mr. LIGHTFOOT, for 5 minutes, today.
Mr. LUNGREN, for 5 minutes, today.
Mr. WALKER, for 5 minutes, today.
Mr. HUNTER, for 5 minutes, today.

(The following Members (at the request of Mr. DURBIN) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.
Mr. WHITTEN, for 5 minutes, today.
Mr. DONNELLY, for 5 minutes, today.
Mr. FORD of Michigan, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. MCHUGH, for 5 minutes, today.
Mr. TRAXLER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LEWIS of California on the amendment offered by the gentleman from New York [Mr. ADDABBO] in the Committee of the Whole, today.

Mr. FORD of Tennessee, following final passage of H.R. 1872, in the House, today.

Mr. SWEENEY, in support of the amendment of the gentleman from Virginia [Mr. DANIEL] on the Readiness and Special Operations Forces, prior to the vote on the Daniel amendment, in the committee of the Whole, today.

Mr. WEISS, on the amendments of the gentleman from Massachusetts [Mr. MARKEY] on D-5 and W-8, in the Committee of the Whole, today.

(The following Members (at the request of Mr. NIELSON of Utah) and to include extraneous matter:)

Mr. MORRISON of Washington.
Mr. HILLIS.
Mr. GROTBERG.
Mr. STRANG in three instances.
Mr. GINGRICH in three instances.
Mr. GREEN.
Mr. NIELSON of Utah.
Mr. MCDADE.
Mr. JEFFORDS.
Mr. DIOGUARDI.
Mr. LIGHTFOOT.
Mr. BLILEY in two instances.
Mr. WHITTAKER.
Mr. PORTER.
Mr. CONTE in five instances.
Mr. KEMP.
Mr. SHUMWAY.
Mr. RUDD.
Mr. GILMAN in three instances.
Mr. BURTON of Indiana in five instances.
Mr. MOORHEAD.
Mr. BROOMFIELD in three instances.
Mr. SAXTON.
Mr. DANNEMEYER.
Mr. WHITEHURST.
Mr. LOWERY of California.
Mrs. JOHNSON.
Mr. FRANKLIN.
Mr. WYLIE.
Mr. PARRIS.
Mr. RINALDO.
Mrs. ROUKEMA.
Mr. DORNAN of California.
Mr. SWEENEY.
Ms. FIEDLER.

(The following Members (at the request of Mr. DURBIN) and to include extraneous matter:)

Mr. FASCELL in three instances.
Mr. MCCLOSKEY.
Mr. TALLON.
Mr. MCHUGH.
Mr. COYNE.

Mr. FORD of Michigan in two instances.
Mr. FEIGHAN.
Mr. ANTHONY.
Mr. JACOBS.
Mr. APPLEGATE.
Ms. MIKULSKI in two instances.
Mr. BROOKS.
Mr. GEPHARDT.
Mr. LELAND.
Mr. HAWKINS.
Mr. FLORIO.
Mr. LEVIN of Michigan.
Mr. SCHUMER.
Mr. EDGAR.
Mr. LANTOS in two instances.
Mr. ECKART of Ohio in two instances.
Mr. MARKEY.
Mr. DYSON.
Mr. RANGEL.
Mr. HERTEL of Michigan.
Mr. FORD of Tennessee.
Ms. KAPTUR.
Mr. HOYER.
Mr. CONYERS.
Mr. TOWNS.
Mr. FRANK in two instances.
Mr. STUDDS.
Mr. WEISS in two instances.
Mr. WAXMAN.
Mr. KILDEE in two instances.
Mr. ATKINS.
Mr. LAFALCE.
Mr. OBERSTAR.
Mr. MILLER of California.
Mr. BEDELL.
Mr. DONNELLY.
Mr. MANTON in two instances.
Mr. MORRISON of Connecticut.
Mr. STALLINGS.
Ms OAKAR.
Mr. WYDEN.
Mr. SOLARZ.
Mr. DARDEN.
Mr. SCHEUER.
Mr. FUQUA in five instances.

ADJOURNMENT TO MONDAY, JULY 8, 1985

Mr. DURBIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of Senate Concurrent Resolution 54 of the 99th Congress, the House stands adjourned until 12 o'clock noon, Monday, July 8, 1985.

Thereupon (at 9 o'clock and 32 minutes p.m.), pursuant to Senate Concurrent Resolution 54, the House adjourned until Monday, July 8, 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:

1593. A letter from the Deputy Assistant Secretary of Defense, transmitting notification that the Defense Logistics Agency intends to exercise the provision for exclusion of the clause concerning examination of records by the Comptroller General, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

1594. A letter from the Director of Compensation, Office of the Assistant Secretary of Defense, transmitting an amendment to the report (EC 1287) submitted May 15, 1985, concerning defense contractors and consultants who during the past 3 years held positions of GS-13 or above with the Department, pursuant to 10 U.S.C. 2397; to the Committee on Armed Services.

1595. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee, and insurance transactions supported by the Eximbank during May, 1985 to Communist countries, pursuant to 12 U.S.C. 635(b)(2); to the Committee on Banking, Finance and Urban Affairs.

1596. A letter from the General Council, Department of the Treasury, transmitting a draft of proposed legislation to repeal the requirement that U.S. currency notes be reissued after redemption; to the Committee on Banking, Finance and Urban Affairs.

1597. A letter from the Administrator, Department of Justice of Juvenile Justice and Delinquency Prevention, transmitting the "Eighth Analysis and Evaluation: Federal Juvenile Delinquency Programs," pursuant to Public Law 93-415, section 204(b)(5) (91 Stat. 1049) and section 246; to the Committee on Education and Labor.

1598. A letter from the Secretary of State, transmitting a report entitled: "Thirty-third Report to the Congress on United States Contributions to International Organizations," pursuant to 22 U.S.C. 262a; to the Committee on Foreign Affairs.

1599. A letter from the Acting Administrator, General Services Administration, transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act of 1949 to improve the management and disposal of Federal surplus personal property, and for other purposes; to the Committee on Government Operations.

1600. A letter from the Acting Director, Office of Personnel Management, transmitting a copy of a public notice announcing a Computer Matching Program, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1601. A letter from the Kaufman & Goble Associates, Actuaries and Consultants, transmitting the Sacramento Farm Credit Employee's retirement plan 1984 annual pension report, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1602. A letter from the Counsel, Pacific Tropical Botanical Garden, transmitting an annual audit for calendar year 1984, pursuant to Public Law 88-449, section 10(b); to the Committee on the Judiciary.

1603. A letter from the Admiral, U.S. Coast Guard Commandant, Department of Transportation, transmitting a list of programs which may be converted to private sector performance, pursuant to Public Law 98-557, section 14(c) (98 Stat. 2864); to the Committee on Merchant Marine and Fisheries.

1604. A letter from the Secretary of Energy, transmitting the quarterly report on biomass energy development, pursuant to Public Law 96-294, section 218(a); jointly, to the Committees on Agriculture, Energy and Commerce, and Science and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1390. A bill to authorize additional long-term leases in the El Portal administrative site adjacent to Yosemite National Park, CA, and for other purposes; with an amendment (Rept. No. 99-182). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1343. A bill to authorize the use of funds from rental of floating drydock and other marine equipment to support the National Maritime Museum in San Francisco, CA; with amendments (Rept. No. 99-183). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 729. A bill to amend the Panama Canal Act of 1979 in order that claims for vessels damaged outside the locks may be resolved in the same manner as those vessels damaged inside the locks, and for other purposes; with an amendment (Rept. No. 99-184). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2095. A bill to provide for daylight saving time on an expanded basis, and for other purposes; with an amendment (Rept. No. 99-185). Referred to the Committee of the Whole House on the State of the Union.

Mrs. SCHROEDER: Committee on Post Office and Civil Service. H.R. 2401. A bill to amend title 5, United States Code, to establish certain reporting requirements applicable in the case of any agency proposing to carry out removals, reductions in grade or pay, or other adverse personnel actions incident to closing, or changing the functions of, any of its field offices (Rept. No. 99-186). Referred to the Committee of the Whole House on the State of the Union.

Mr. FUQUA: Committee of conference. Conference report on H.R. 1617 (Rept. No. 99-187). Ordered to be printed.

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. GLICKMAN (for himself, Mr. FUQUA, Mr. BROOKS, Mr. BROWN of California, Mr. WIRTH, Mr. WALGREN, Mr. NELSON of Florida, Mr. WYDEN, Mr. HUGHES, Mr. LEWIS of Florida, and Mr. HORTON):

H.R. 2889. A bill to amend the act establishing the National Bureau of Standards to provide for a computer security research program within such Bureau, and to provide for the training of Federal employees who are involved in the management, operation, and use of automated information processing systems; jointly, to the Committees on Science and Technology, and Government Operations.

By Mr. WHITTEN:

H.R. 2890. A bill making supplemental appropriations for the fiscal year ending Sep-

tember 30, 1985, and for other purposes; to the Committee on Appropriations.

By Mr. ALEXANDER:

H.R. 2891. A bill to amend section 144 of title 23, United States Code, to give States the discretion of using a portion of their bridge replacement funds to replace certain bridges or ferryboat operations; to the Committee on Public Works and Transportation.

By Mr. BIAGGI:

H.R. 2892. A bill to amend the Higher Education Act to assist the establishment of migration studies centers, and for other purposes; to the Committee on Education and Labor.

By Mr. BIAGGI (for himself, and Mr. JONES of North Carolina):

H.R. 2893. A bill to amend section 607 of the Merchant Marine Act, 1936 dealing with the capital construction fund, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BLILEY:

H.R. 2894. A bill to amend the foster care and adoption assistance programs under part E of title IV of the Social Security Act, and for other purposes; to the Committee on Ways and Means.

By Mr. CARR:

H.R. 2895. A bill to amend the Internal Revenue Code of 1954 to allow the deduction of an additional exemption amount for certain physically disabled taxpayers; to the Committee on Ways and Means.

By Mr. DASCHLE:

H.R. 2896. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products be subject to certain examinations, inspection, and labeling requirements, and to require the Secretary to issue a study of the feasibility of requiring eating establishments serving imported meat or meat food products to provide notice of that fact to their customers; to the Committee on Agriculture.

By Mr. DORNAN of California:

H.R. 2897. A bill to amend the Internal Revenue Code of 1954 to deny status as a tax-exempt organization, and as a charitable contribution recipient, for organizations which directly or indirectly perform or finance abortions; to the Committee on Ways and Means.

H.R. 2898. A bill to release the restrictions on funds appropriated to provide assistance to non-Communist resistance forces in Nicaragua and to authorize funds for assistance to such forces for fiscal year 1986; jointly, to the Committees on Foreign Affairs, Intelligence (Permanent), and Appropriations.

By Mr. EVANS of Iowa:

H.R. 2899. A bill to amend title IV of the Farm Credit Act of 1971 to allow the Governor to reduce temporarily the capital requirements of a bank or association; to the Committee on Agriculture.

By Mr. CONTE (for himself, Mr. JEFFORDS, Mr. ST GERMAIN, Mr. MOAKLEY, Mr. BOLAND, Mr. FRANK, Mr. STUDDS, Mr. SMITH of New Hampshire, Mrs. SCHNEIDER, Mr. GEJDENSON, and Mr. MAVROULES):

H.R. 2900. A bill to amend section 123 of the Clean Air Act regarding tall stacks and dispersion techniques; to the Committee on Energy and Commerce.

By Mr. EVANS of Iowa:

H.R. 2901. A bill to amend section 4.26 of the Farm Credit Act of 1971 to authorize the Governor to provide capital worth certificates as partial payment for the purchase of foreclosed farmland or mortgages on farmland; to the Committee on Agriculture.

By Mr. FLORIO (for himself, Mr. COELHO, Mr. MORRISON of Connecticut, Mr. GALLO, and Mr. TORRICELLI):

H.R. 2902. A bill to amend title XIX of the Social Security Act to assist severely disabled individuals to attain or maintain their maximum potential for independence and capacity to participate in community and family life; to the Committee on Energy and Commerce.

By Mr. FOGLIETTA (for himself and Mr. GRAY of Pennsylvania):

H.R. 2903. A bill to designate the Federal building and U.S. Post Office located in Philadelphia, PA, as the Robert N.C. Nix, Sr., Building; to the Committee on Public Works and Transportation.

By Mr. GEPHARDT:

H.R. 2904. A bill to provide that the Federal Communications Commission review the proposed acquisition of television networks to ensure such acquisitions are in the public interest, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GROTBERG:

H.R. 2905. A bill entitled the "Airport and Air Carrier Security Improvement Act of 1985"; jointly, to the Committees on Foreign Affairs, and Public Works and Transportation.

H.R. 2906. A bill to increase voter participation in Federal elections by providing for free mailing of absentee ballots, equitable tax rates for political party committees, and higher limitations on certain campaign contributions and expenditures; jointly, to the Committees on House Administration, Ways and Means, and Post Office and Civil Service.

By Mr. HAWKINS:

H.R. 2907. A bill to strengthen programs under title III of the Higher Education Act of 1965, relating to institutional aid, and for other purposes; to the Committee on Education and Labor.

By Mr. KILDEE (for himself, Mr. HAWKINS, Mr. WILLIAMS, Mr. GOODLING, Mr. MARTINEZ, Mr. HAYES, Mr. GUNDERSON, Mr. DYMALLY, Mr. PERKINS, Mr. DASCHLE, Mr. DORGAN of North Dakota, Mr. LOWRY of Washington, and Mr. RICHARDSON):

H.R. 2908. A bill to amend title XI of the Education Amendments of 1978, relating to Indian education programs; to the Committee on Education and Labor.

By Mr. LELAND (for himself, and Mr. HORTON):

H.R. 2909. A bill to amend title 39, United States Code, to establish an Office of Inspector General within the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. LENT:

H.R. 2910. A bill entitled the "Lead Free Drinking Water Act"; to the Committee on Energy and Commerce.

By Mr. MORRISON of Connecticut (for himself, Mr. MOORHEAD, Mr. FISH, Mr. BERMAN, Mr. COBLE, Mr. EDWARDS of California, Mr. FRANK, Mr. KINDNESS, Mr. BONER of Tennessee, Mr. DIXON, Mr. DOWNEY of New York, Mr. FAZIO, and Mr. WAXMAN):

H.R. 2911. A bill to amend title 17 of the United States Code with respect to home audio recording and audio recording devices and media, and for other purposes; to the Committee on the Judiciary.

By Mr. NIELSON of Utah (for himself, Mr. DAVIS, Mr. MONSON, Mr. MITCHELL, and Ms. KAPTUR):

H.R. 2912. A bill to extend, at reduced levels, training and relocation allowances under the worker adjustment assistance program until September 30, 1988; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 2913. A bill to extend the Tariff Schedules of the United States to provide for rates of duty on imported speedometers used on exercise equipment consistent with those on bicycle speedometers; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 2914. A bill to amend the Internal Revenue Code of 1954 to provide uniform nondiscrimination rules for coverage and benefits under certain statutory fringe benefit plans; to the Committee on Ways and Means.

By Mr. RINALDO:

H.R. 2915. A bill to require the enactment of special legislation to continue the expenditure or obligation of funds on any major civil acquisition whenever the cost of such acquisition has increased or, on the basis of estimates, will increase by 25 per centum or more; to the Committee on Government Operations.

H.R. 2916. A bill to amend the Flood Control Act of 1970 to include the possible prevention of loss of life among the factors to be considered in evaluating the benefits of proposed water resource projects; to the Committee on Public Works and Transportation.

H.R. 2917. A bill to to amend the Tariff Schedules of the United States by repealing item 807.00 relating to certain articles assembled abroad from fabricated components which are products of the United States; to the Committee on Ways and Means.

By Mr. RINALDO (for himself, Mr. GUARINI, Mr. HUGHES, Mr. COURTER, Mrs. ROUKEMA, Mr. GALLO, and Mr. SAXTON):

H.R. 2918. A bill to amend the Clean Air Act to control sources of sulfur dioxides and nitrogen oxides to reduce acid deposition, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROYBAL:

H.R. 2919. A bill to establish a program of Federal assistance to the National Hispanic University, and for other purposes; to the Committee on Education and Labor.

By Mr. STRANG:

H.R. 2920. A bill to exempt irrigation conveyance systems from fees and conditions under the Federal Land Policy and Management Act of 1976, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2921. A bill to authorize the Secretary of Agriculture to issue permanent easements for water conveyance systems in order to resolve title claims arising under acts repealed by the Federal Land Policy and Management Act of 1976, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STUMP:

H.R. 2922. A bill to terminate all participation by the United States in the United Nations, and to remove all privileges, exemptions, and immunities of the United Nations; to the Committee on Foreign Affairs.

By Mr. WATKINS:

H.R. 2923. A bill to amend the Federal Election Campaign Act of 1971 to reduce the amount that a multicandidate political committee may contribute to a candidate in a Federal election and to limit the total amount that a candidate for the office of Senator or Representative may accept from multicandidate political committees in an

election; to the Committee on House Administration.

By Mr. WAXMAN:

H.R. 2924. A bill to amend section 408 of the Federal Food, Drug, and Cosmetic Act to authorize emergency action with respect to pesticide chemicals which present an imminent hazard to the public health, to revise the procedures under such section for changes in tolerances and exemptions for pesticide chemicals, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BEREUTER (for himself, Mr. EVANS of Iowa, Mr. ROBERTS, and Mrs. SMITH of Nebraska):

H.R. 2925. A bill to provide capital assistance to agricultural lenders, and for other purposes; jointly, to the Committees on Agriculture, and Banking, Finance and Urban Affairs.

By Mr. BEREUTER (for himself, Mr. EVANS of Iowa, Mr. ROBERTS, and Mrs. SMITH of Nebraska):

H.R. 2926. A bill to provide capital assistance to agricultural lenders, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs, and Agriculture.

By Mr. BURTON of Indiana:

H.J. Res. 328. Joint resolution to condemn the government of Vietnam for violations of human rights; to the Committee on Foreign Affairs.

By Mr. CONTE:

H.J. Res. 329. Joint resolution to provide for the designation of the week of October 6 through October 12, 1985, as "Myasthenia Gravis Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. DYSON:

H.J. Res. 330. Joint resolution designating May 1986 as "Public Awareness of the Hearing Impaired Month"; to the Committee on Post Office and Civil Service.

By Mr. FASCELL (for himself, Mr. HOYER, Mr. YATES, Mr. WIRTH, Mr. MARKEY, Mr. RITTER, Mr. SMITH of New Jersey, Mr. KEMP, and Mr. PORTER):

H.J. Res. 331. Joint resolution to designate September 21, 1986, as "Ethnic American Day"; to the Committee on Post Office and Civil Service.

By Mr. PEPPER:

H.J. Res. 332. Joint resolution designating the year of 1986 as the "Sesquicentennial Year of the National Library of Medicine"; to the Committee on Post Office and Civil Service.

By Mr. WHITTAKER (for himself, and Mr. SIKORSKI):

H.J. Res. 333. Joint resolution designating the week beginning on November 10, 1985, as "National Blood Pressure Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. NELSON of Florida:

H. Con. Res. 172. Concurrent resolution to celebrate the tenth anniversary of the Apollo-Soyuz rendezvous in space; to the Committee on Science and Technology.

By Mr. SAXTON:

H. Con. Res. 173. Concurrent resolution expressing the sense of the Congress that taxes on Social Security benefits should not be increased; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H. Res. 211. Resolution expressing the sense of the House of Representatives that Fidel Castro's actions in limiting the free flow of information, and in limiting the right of Cubans to travel in and out of their country freely, are both a violation of the Cuban people's internationally recognized human rights and a major obstacle to improved United States-Cuban relations; to the Committee on Foreign Relations.

By Mr. PORTER:

H. Res. 212. Resolution expressing the sense of Congress with respect to forced abortion, economic coercion, and infanticide in the People's Republic of China; to the Committee on Foreign Affairs.

By Mr. SMITH of New Hampshire (for himself, and Mr. GIBBONS):

H. Res. 213. Resolution urging the Postmaster General to issue a series of commemorative stamps in honor of members of the Airborne Divisions of the U.S. Army who served during World War II; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

191. By the SPEAKER: Memorial of the Senate of the Commonwealth of Pennsylvania, relative to radon gas; to the Committee on Energy and Commerce.

192. Also, memorial of the Legislature of the State of Nevada, relative to the speed limit; to the Committee on Public Works and Transportation.

193. Also, memorial of the Legislature of the State of Nevada, relative to radioactive waste; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COUGHLIN:

H.R. 2927. A bill for the relief of Spencer M. Hurtt, Jr., And Annie Lawrie D. Hurtt; to the Committee on the Judiciary.

By Mr. DANIEL:

H.R. 2928. A bill for the relief of Mrs. Josefina Flores-Dimacali; to the Committee on the Judiciary.

By Mr. KOSTMAYER:

H.R. 2929. A bill for the relief of the estate of James H.W. Thompson; to the Committee on the Judiciary.

By Mr. MOORHEAD:

H.R. 2930. A bill for the relief of Wagih R. Girgis; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. BUSTAMANTE, Mr. MANTON, Mr. DERRICK, Mr. REID, Mr. SOLARZ, Mr. ROBINSON, and Mr. ROYBAL.

H.R. 11: Mr. FOWLER, Mr. MCCAIN, Mr. PASHAYAN, Mr. SLATTERY, and Mr. WILLIAMS.

H.R. 39: Mr. SYNAR and Mr. GONZALEZ.

H.R. 70: Mr. EDWARDS of Oklahoma.

H.R. 144: Mr. MCDADE.

H.R. 147: Mr. CROCKETT and Mr. PRICE.

H.R. 343: Mr. DANNEMEYER, Mr. BATEMAN, and Mr. THOMAS of Georgia.

H.R. 427: Mr. BEREUTER.

H.R. 472: Mr. RALPH M. HALL.

H.R. 512: Mr. HENDON.

H.R. 585: Mr. HENDON.

H.R. 605: Mr. HYDE.

H.R. 615: Mr. HENRY and Mr. DONNELLY.

H.R. 659: Mr. CAMPBELL, Mrs. COLLINS, Mr. CONYERS, Mr. CROCKETT, Mr. DASCHLE, Mr. FAZIO, Mr. GARCIA, Mrs. LLOYD, Mr. MARTINEZ, Mr. MATSUI, Ms. MIKULSKI, Mr. SENSENBRENNER, Mr. SMITH of Florida, Mr. SOLOMON, Mr. STRANG, and Mr. WORTLEY.

H.R. 696: Mr. MCCOLLUM, Mr. DURBIN, Mr. STALLINGS, Mr. MINETA, and Mr. PENNY.

H.R. 891: Mr. WOLPE.

H.R. 983: Mr. BOUCHER, Mr. HAWKINS, Mr. WEISS, Mr. NEAL, Mr. DYMALLY, Mr. CLAY, Mr. DIXON, Mr. LOEFFLER, Mr. FORD of Tennessee, Mr. WILLIAMS, Mr. NIELSON of Utah, Mr. MARTINEZ, Mr. VENTO, Mr. FAZIO, Mr. KILDEE, Mr. STOKES, Mr. JENKINS, Mr. SENSENBRENNER, and Mr. HAYES.

H.R. 1082: Mr. LOEFFLER and Mr. HILLIS.

H.R. 1140: Mr. BROWN of Colorado.

H.R. 1335: Mr. WAXMAN and Mrs. BURTON of California.

H.R. 1356: Mr. FORD of Michigan, Mr. HENRY, Mr. COLEMAN of Missouri, Mr. ECKART of Ohio, Mr. BIAGGI, Mr. DYMALLY, Mr. MITCHELL, Ms. KAPTUR, Mr. ROE, Mr. DWYER of New Jersey, Mr. CAMPBELL, Mrs. COLLINS, Mr. NOWAK, Mr. WYLIE, Mr. GRAY of Illinois, Mr. KASICH, Mr. WORTLEY, Mr. OWENS, Mr. CROCKETT, Mr. SCHEUER, Mr. BROWN of Colorado, Mr. DE LUGO, Mr. FEIGHAN, Mr. TORRICELLI, and Mr. SENSENBRENNER.

H.R. 1524: Mr. DIXON, Mr. PENNY, Mr. MANTON, Mr. BOLAND, Mrs. BENTLEY, and Mr. STAGGERS.

H.R. 1559: Mr. MADIGAN.

H.R. 1589: Mr. TOWNS.

H.R. 1611: Mr. OWENS, Mr. NIELSON of Utah, and Mr. MATSUI.

H.R. 1632: Mr. LAFALCE.

H.R. 1633: Mr. LAFALCE.

H.R. 1672: Mr. MARTINEZ, Mr. FAUNTROY, Mr. RANGEL, and Mr. SEIBERLING.

H.R. 1673: Mr. FAUNTROY and Mr. MARTINEZ.

H.R. 1720: Mr. GLICKMAN and Mr. FAZIO.

H.R. 1875: Mr. GRAY of Pennsylvania, Mr. COUGHLIN, Mr. KOSTMAYER, Mr. MARTINEZ, Mr. MURTHA, Mr. MURPHY, Mr. KOLTER, and Mr. KANJORSKI.

H.R. 1884: Mr. GROTBERG, Mr. FUQUA, Mr. BARNARD, Mr. LEHMAN of California, Mr. KILDEE, Mr. HEFTEL of Hawaii, Mr. HARTNETT, Ms. SNOWE, Mr. CLINGER, and Mr. MCCURDY.

H.R. 1906: Mr. TOWNS.

H.R. 1950: Mr. DWYER of New Jersey, Mr. KLECZKA, Mr. FUSTER, Mr. FAUNTROY, Mr. KOSTMAYER, Mr. HOYER, Mr. MAVROULES, Mr. MOLLOHAN, Mr. RANGEL, Mr. HUBBARD, Mr. LEVIN of Michigan.

H.R. 1959: Mr. WHITLEY and Mr. TOWNS.

H.R. 1967: Mr. LOWERY of California, Mr. TORRICELLI, and Mr. BIAGGI.

H.R. 1985: Mr. SHELBY, Mr. TORRICELLI, Mr. MRAZEK, and Mr. WOLPE.

H.R. 2020: Mr. OWENS and Mr. TOWNS.

H.R. 2070: Mr. GINGRICH, Mr. RICHARDSON, Mr. TOWNS, Mr. BEDELL, and Mr. VANDER JAGT.

H.R. 2114: Mr. DEWINE.

H.R. 2205: Mr. DAUB, Mr. DIOGUARDI, Mr. DIXON, Mr. DONNELLY, Mr. EVANS of Illinois, Mr. FUQUA, Mr. FROST, Mr. GREEN, Mr. HENRY, Mr. HORTON, Mr. LUNDINE, Mr. LANTOS, Mr. MCEWEN, Mr. MITCHELL, Mr. PENNY, Mr. VANDER JAGT, Mr. YOUNG of Alaska, and Mr. WILLIAMS.

H.R. 2226: Mr. BOLAND and Mr. TORRICELLI.

H.R. 2235: Mr. DICKS.

H.R. 2248: Mr. SWIFT, Mr. STUDDS, Mr. STRATTON, Ms. FIEDLER, Mr. MILLER of Washington, and Mr. PARRIS.

H.R. 2267: Mr. RUDD, Mrs. BENTLEY, Mr. HYDE, Mr. DAUB, Mr. LOTT, Mr. DENNY SMITH, and Mr. DICKINSON.

H.R. 2274: Mr. ANTHONY, Mr. BONER of Tennessee, Mr. DAUB, Mr. FRENZEL, Mr. GEPHARDT, Mr. GIBBONS, Mr. HEFTEL of Hawaii, Mr. MCGRATH, Mr. MATSUI, Mr. STARK, Mr. FOWLER, and Mr. THOMAS of California.

H.R. 2280: Mr. DWYER of New Jersey, Mr. EVANS of Illinois, Mr. BROWN of California, Mr. VENTO, Mr. SISISKY, and Mr. BILIRAKIS.

H.R. 2322: Mr. MARTINEZ, Mr. CONYERS, Mr. FAZIO, and Mr. DELLUMS.

H.R. 2353: Mr. YOUNG of Alaska, Mr. TOWNS, Mr. BROWN of California, and Mr. GAYDOS.

H.R. 2364: Mr. LANTOS.

H.R. 2472: Mr. OWENS and Mrs. MARTIN of Illinois.

H.R. 2492: Mrs. BENTLEY, Mr. BILIRAKIS, Mrs. COLLINS, Ms. FIEDLER, Mr. FLIPPO, Mr. HENDON, Ms. KAPTUR, Mr. MCEWEN, Mr. MCKERNAN, Mr. MACKAY, Ms. MIKULSKI, Mr. QUILLEN, Mr. SLAUGHTER, Mr. STAGGERS, Mr. TRAXLER, and Mr. WYLIE.

H.R. 2500: Mr. LIVINGSTON.

H.R. 2522: Mrs. COLLINS, Mr. ANNUNZIO, and Mr. KOSTMAYER.

H.R. 2526: Mr. MARTINEZ.

H.R. 2539: Mrs. HOLT, Mr. LIGHTFOOT, Mr. WILSON, Mr. FRENZEL, and Mr. MRAZEK.

H.R. 2560: Mr. SMITH of New Hampshire.

H.R. 2582: Mr. EVANS of Illinois, Mr. WEAVER, Mr. LIPINSKI, Mr. SMITH of New Jersey, and Mr. DEWINE.

H.R. 2589: Mr. KASTENMEIER, Mr. MORRISON of Connecticut, Mr. LEVIN of Michigan, Mr. RANGEL, and Mr. HAWKINS.

H.R. 2591: Mr. HORTON, Mr. MURTHA, Mrs. BENTLEY, Mr. THOMAS of Georgia, Ms. KAPTUR, Mr. WATKINS, and Mr. WEAVER.

H.R. 2597: Mrs. BENTLEY.

H.R. 2602: Mr. BARNES.

H.R. 2607: Mr. WILSON, Mr. MURPHY, Mr. KLECZKA, Mr. BOLAND, and Mr. FOWLER.

H.R. 2624: Mr. KOLBE, Mr. RUDD, Mr. RANGEL, and Mr. MITCHELL.

H.R. 2626: Mr. CAMPBELL, Mr. NIELSON of Utah, and Mr. RUDD.

H.R. 2659: Mr. BOEHLERT, Mr. TOWNS, and Mr. MANTON.

H.R. 2660: Mr. FRANK.

H.R. 2680: Mr. BROOMFIELD.

H.R. 2684: Mr. CHENEY.

H.R. 2708: Mr. SMITH of Florida, Mr. FUQUA, Mr. ARCHER, Mr. MURPHY, and Mrs. HOLT.

H.R. 2741: Mr. BEDELL, Mrs. BENTLEY, Mr. BIAGGI, Mr. COUGHLIN, Mr. ECKART of Ohio, Mr. EMERSON, Mr. EVANS of Iowa, Mr. FOGLIETTA, Mr. GRAY of Illinois, Mr. HARTNETT, Mr. HOWARD, Mr. LEVINE of California, Mr. LIPINSKI, Mr. MARTINEZ, Mr. MITCHELL, Mr. MOLLOHAN, Mr. MORRISON of Washington, Mr. OBERSTAR, Mr. RANGEL, Mr. RIDGE, Mr. SMITH of Florida, Mr. STAGGERS, Mr. TALLON, Mr. TORRICELLI, Mr. YATES, and Mr. DIXON.

H.R. 2749: Mr. PACKARD, and Mr. SENSENBRENNER.

H.R. 2754: Mrs. KENNELLY, Mr. CONYERS, Mr. COYNE, Mr. JEFFORDS, Mr. GREGG, Mr. BRUCE, and Mr. GEJDENSON.

H.R. 2762: Mr. WALGREN, Mr. KOLTER, Mrs. BENTLEY, Mr. STAGGERS, Mr. SHELBY, Mr. MURPHY, and Mr. KANJORSKI.

H.R. 2768: Mr. DORNAN of California, Mr. EDWARDS of Oklahoma, and Mr. YOUNG of Florida.

H.R. 2773: Mr. OWENS, Mr. RIDGE, Mr. ROE, Mr. MCKERNAN, and Mr. TOWNS.

H.R. 2790: Mr. BARTON of Texas and Mr. SCHAEFER.

H.R. 2795: Mr. BEDELL, Mr. FRANKLIN, Mr. TAUKE, Mr. EMERSON, Mr. BLILEY, Mrs. SMITH of Nebraska, Mr. HENRY, Mr. STAGGERS, and Mr. GOODLING.

H.R. 2814: Mr. LIGHTFOOT, Mr. SAXTON, Mr. EDWARDS of Oklahoma, Mr. WORTLEY, and Mr. WHITTAKER.

H.R. 2848: Mr. TOWNS.

H.R. 2851: Mr. SIKORSKI, Mr. DELLUMS, Mr. DIXON, Mr. HORTON, and Mr. FRANK.

H.J. Res. 1: Mr. GREGG.

H.J. Res. 3: Mr. PETRI, Mr. GILMAN, and Mr. PURSELL.

H.J. Res. 68: Mr. HEFTEL of Hawaii.

H.J. Res. 106: Mr. BUSTAMANTE.

H.J. Res. 131: Mr. BROWN of California, Mr. WORTLEY, Mr. NOWAK, Mr. HEFTEL of Hawaii, Mr. QUILLEN, Mr. STALLINGS, Mr. GROTBERG, Mr. HENDON, and Mr. COBEY.

H.J. Res. 164: Mr. KANJORSKI and Mr. SAXTON.

H.J. Res. 222: Mr. BARNES, Mrs. BENTLEY, Mr. BIAGGI, Mr. BOLAND, Mr. CHAPPIE, Mr. COELHO, Mr. EMERSON, Mr. FEIGHAN, Mr. FROST, Mr. KEMP, Mr. LAGOMARSINO, Mr. MARTIN of New York, Mr. MATSUI, Mr. MCKINNEY, Mr. RINALDO, Mr. RODINO, Mr. STANGELAND, and Mr. YOUNG of Missouri.

H.J. Res. 223: Mr. NOWAK, Mr. WAXMAN, Mr. BERMAN, Mr. WORTLEY, Mr. BURTON of Indiana, Mr. SUNIA, Mr. MANTON, Mr. TRAXLER, Mr. ROE, Mr. O'BRIEN, Mr. ADDABBO, and Mr. MARTINEZ.

H.J. Res. 229: Mrs. BENTLEY, Mr. BILIRAKIS, Mr. BLAZ, Mr. BOUCHER, Mr. FISH, Mr. FRANK, Mr. HENRY, Mr. HATCHER, Mr. NIELSON of Utah, Mr. PEPPER, Mr. SCHUETTE, Mr. SISISKY, Mr. SOLOMON, Mr. VOLKMER, Mr. WAXMAN, Mr. WYDEN, Mr. SYNAR, Mr. BATEMAN, and Mr. YOUNG of Florida.

H.J. Res. 230: Mr. SKELTON and Mr. NELSON of Florida.

H.J. Res. 234: Mr. CONYERS, Mr. BORSKI, Mr. MAZZOLI, Mr. BIAGGI, Mr. NEAL, and Mr. BONIOR of Michigan.

H.J. Res. 296: Mr. REID, Mr. KANJORSKI, Mr. LENT, Mr. JONES of Tennessee, Mr. LELAND, Mr. PANETTA, Mr. ANDERSON, Mr. BARNARD, Mr. BATEMAN, and Mr. BEDELL.

H.J. Res. 316: Mr. MATSUI, Mr. MADIGAN, Mr. DIXON, Mr. FUQUA, Mr. BROWN of California, and Mr. SHUMWAY.

H.J. Res. 325: Mr. WALGREN, Mr. WOLPE, Mr. GUARINI, Mr. BIAGGI, Mr. MANTON, Mr. RODINO, Mr. TORRICELLI, Mr. DELLUMS, Mr. DWYER of New Jersey, Mr. BOUCHER, Mr. COOPER, Mrs. COLLINS, Mr. DORGAN of North Dakota, Ms. KAPTUR, Mr. FISH, Mr. WYDEN, Mr. DURBIN, Mr. DYMALLY, Mr. JACOBS, Mr. BERMAN, Mr. ROE, Mr. ORTIZ, Mr. WATKINS, Mr. DIXON, Mr. LEVINE of California, Mr. KOLTER, Mr. KANJORSKI, Mr. BOLAND, Mr. FASCELL, Mr. LUNDINE, and Mr. MARTINEZ.

H. Con. Res. 24: Mr. BATEMAN, Mrs. BENTLEY, Mr. BIAGGI, Mr. BONER of Tennessee, Mr. BROWN of California, Mr. BUSTAMANTE, Mr. EDWARDS of Oklahoma, Mr. FAZIO, Mr. GREEN, Mr. HALL of Ohio, Mr. HAYES, Mr. HENRY, Mr. KOSTMAYER, Mr. LIPINSKI, Mr. MCGRATH, Mr. MURPHY, Mr. ORTIZ, Mr. REID, Mr. SMITH of New Jersey, Mr. SWINDALL, Mr. UDALL, Mr. WEBER, and Mr. YOUNG of Missouri.

H. Con. Res. 36: Mr. FORD of Tennessee and Mr. UDALL.

H. Con. Res. 69: Mr. SISISKY, Mr. KOSTMAYER, Mr. LANTOS, and Mr. HATCHER.

H. Con. Res. 123: Mr. HARTNETT and Mr. DELLUMS.

H. Con. Res. 129: Mr. FIELDS, Mr. HUBBARD, and Mr. COBEY.

H. Con. Res. 170: Mr. BILIRAKIS, Mr. SOLARZ, Mr. REID, Mr. GROTBERG, Mr. YOUNG of Florida, Mr. SAXTON, Mr. LANTOS, and Mr. ZSCHAU.

H. Res. 36: Mr. VOLKMER, Mr. ACKERMAN, Mr. REID, Mr. WHEAT, Mr. BOUCHER, Mrs. COLLINS, Mr. MRAZEK, Mrs. BURTON of California, Ms. MIKULSKI, and Mr. SILJANDER.

H. Res. 60: Mr. STALLINGS.

H. Res. 105: Mr. KILDEE, Mr. FORD of Michigan, Mr. KANJORSKI, Mr. HAWKINS, and Mr. CARR.

H. Res. 112: Mr. BILIRAKIS and Mr. RANGEL.

H. Res. 122: Mr. LUKEN and Ms. OAKAR.

H. Res. 152: Mr. CONYERS, Mr. MCGRATH, Mr. TRAFICANT, and Mr. SOLARZ.

H. Res. 167: Mr. EDWARDS of Oklahoma and Mr. DEWINE.

H. Res. 180: Mr. MACK, Mr. LANTOS, Mr. WEBER, Mr. KASICH, Mr. MATSUI, Mr. MONTGOMERY, Mr. BLILEY, Mr. MCGRATH, Mr. PORTER, Mr. ZSCHAU, Mr. SAXTON, Mr. BATEMAN, Mr. BARTON of Texas, Mr. BLAZ, Mr. SILJANDER, Mr. KOLTER, Mr. VALENTINE, Mrs. HOLT, Mr. WILSON, Mr. FISH, and Mr. DIOGUARDI.

H. Res. 194: Mr. BERMAN, Mr. BARNES, and Mr. SAXTON.

H. Res. 208: Mr. BROOMFIELD, Mr. LAGOMARSINO, Mr. STRATTON, Mr. KEMP, Mr. HYDE, Mr. FAZIO, Mr. GIBBONS, Mr. MCCURDY, Mr. MONTGOMERY, Mr. ROTH, Mr. BURTON of Indiana, Mr. LEATH of Texas, Mr. JENKINS, Mr. HOYER, Mr. DORNAN of California, Mr. COURTER, Mr. GILMAN, Mr. ANTHONY, Mr. BATEMAN, Mr. WHITTAKER, Mr. ROWLAND of Connecticut, Mr. DICKS, Mr. NICHOLS, Mr. HARTNETT, Mr. YOUNG of Florida, Mr. DICKINSON, Mr. SHELBY, Mr. DORGAN of North Dakota, Mr. GUNDERSON, Mr. ROBERTS, Mr. LIVINGSTON, Mr. SLAUGHTER, Mrs. BURTON of California, Mr. MCCOLLUM, Mr. QUILLEN, Mr. STUMP, Mr. ERDREICH, Mr. HATCHER, Mr. WILLIAMS, Mr. FOGLIETTA, Mr. RUDD, Mr. KASICH, Mr. ARMEY, Mr. ACKERMAN, Mr. OXLEY, Mr. COATS, Mr. MOORHEAD, Mr. NIELSON of Utah, Mr. WALKER, Mr. MONSON, Mr. CRAIG, Mr. HORTON, Mr. WHITEHURST, Mr. GROTBERG, and Mrs. VUCANOVICH.

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. 1048: Mrs. BENTLEY.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

154. By the SPEAKER: Petition of the council of the County of Maui, Wailuku, HI, relative to homelessness; to the Committee on Banking, Finance and Urban Affairs.

155. Also, petition of the Pennsylvania State Veterans' Commission, relative to peace activists in the Vietnam era; to the Committee on House Administration.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1555

By Mr. DONNELLY:

—Page 89, after line 6 insert the following new subsection:

(i) INCREASING ASSISTANCE FOR EL SALVADOR.—In order to allow additional assistance for El Salvador, there are authorized to be appropriated for each of the fiscal years 1986 and 1987 (in addition to amounts otherwise authorized to be appropriated by this Act)—

(1) $11,170,000 to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance);

(2) $150,000 to carry out chapter 5 of part II of that Act (relating to international military education and training);

(3) $19,500,000 to carry out chapter 4 of part II of that Act (relating to the economic support fund); and

(4) $6,970,000 to carry out chapter 1 of part I of that Act (relating to development assistance).

By Mr. DORNAN of California:

—Page 30, after line 10, add the following new section:

SEC. 128. FUNDS FOR ASSISTANCE TO NONCOMMUNIST RESISTANCE FORCES IN NICARAGUA.

(a) FINDINGS.—The Congress finds that—

(1) the Sandinista regime of Nicaragua assumed power as a direct consequence of action by the Organization of American States based upon a commitment made by the Sandinistas in 1979 that they would conduct free and fair elections, pursue political pluralism and a nonaligned foreign policy, maintain a mixed economy, and guarantee the full observance of human rights and respect for religious freedom;

(2) the Sandinistas have reaffirmed their commitment to these principles by signing the 21-point Contadora Document of Objectives in September 1983 which calls for full support for democratic institutions, the establishment of democratic systems in all the countries of the region, and respect for human rights;

(3) the current conflict in Nicaragua stems from the violation by the Sandinistas of their 1979 commitments;

(4) despite generous aid from the United States for Nicaragua during the period 1979 through 1981, as a large part of the $1,600,000,000 received by Nicaragua in Western economic help, and despite United States forebearance from counteraction until late 1982, Nicaragua has committed aggression and has armed and directed subversion and terrorism against her neighbor countries, with the backing of the Soviet Union and Cuba, in violation of her commitment to the Organization of American States;

(5) the Sandinista leadership is composed of committed revolutionaries who openly embrace Marxist-Leninist ideology and the goal of extending their regime beyond the borders of Nicaragua by means of subversion and terrorism directed against their Central American neighbors;

(6) the size and equipment of the Sandinista military resulting from a massive infusion of weapons from the Soviet Union and Soviet clients, now exceeds all legitimate defensive needs and is far larger than that of any other Central American country;

(7) President James Monroe, announcing the Monroe Doctrine in 1923, declared that the United States would consider any attempt on the part of European powers "to extend their system to any portion of this Hemisphere as dangerous to our peace and security";

(8) the establishment of Marxist-Leninist states as surrogates for Cuba and the Soviet Union in Central America poses a rea' and clear peril to the security of the United States, and all of the Americas, including potentially serious threat to shipping lanes through the Caribbean, an increase in the level of violence, terrorism, economic disruption, physical dislocation, and political repression in the region occasioning a massive flight of refugees to the United States and a necessity for the United States to devote greater military resources to defend against what, if not contained, will inevitably become a growing threat to the southern approaches to the United States;

(9) the President announced economic sanctions against Nicaragua on May 1, 1985, in response to the emergency situation created by the Sandinista regime's aggressive activities in Central America, but that those sanctions alone are unlikely to have the effect of changing Nicaragua's behavior; and

(10) the policy of the United States toward Nicaragua has the four following objectives: (A) an end to Nicaraguan support for guerrilla groups in neighboring countries, (B) severance of Nicaraguan military and security ties to Cuba and the Soviet bloc, (C) reduction of Nicaragua's military strength to levels that would restore military equilibrium to the region, and (D) fulfillment of the original Sandinista promises to support democratic pluralism and respect human and civil rights.

(b) POLICY.—It is, therefore, the sense of the Congress that—

(1) dialogue, negotiation, and pressure from world opinion have proven to have virtually no effect in changing the Sandinista regime's behavior and can be no substitute for direct economic and indirect military pressure;

(2) the President should consider severing diplomatic relations with the Sandinista government if that government does not fulfill its commitments to the Organization of American States and the Contadora countries and desist from further terrorism and subversion of its neighbors;

(3) the United States should provide funding for both overt and covert assistance to the non-Communist resistance forces in Nicaragua to meet both their military and nonmilitary needs; and

(4) current restrictions in law on the use of funds to provide assistance to non-Communist resistance forces in Nicaragua should be removed and additional funds for such purpose should be authorized for fiscal year 1986 and fiscal year 1987.

(c) AUTHORIZATION OF ASSISTANCE.—Of the amounts available to carry out chapter 2 of part II of the Foreign Assistance Act of 1961, up to $28,000,000 for fiscal year 1986 and up to $28,000,000 for fiscal year 1987 may be used to provide assistance to non-Communist resistance forces in Nicaragua, notwithstanding any other provision of law.

By Mr. KOLBE:

—Page 35, after line 2, insert the following new paragraph (2):

(2) ASSISTANCE CONDITIONED ON RELEASE OF AMERICAN HOSTAGES.—These funds may be used for assistance for Lebanon only if all United States citizens held involuntarily by terrorists in that country have been released before the enactment of this Act.

Page 35, line 3, strike out "(2)" and insert in lieu thereof "(3)"; and line 5, after "because" insert "the condition specified in paragraph (2) is not met or because".