

SENATE—Monday December 16, 1985

(Legislative day of Monday, December 9, 1985)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

*Death and life are in the power of the tongue * * *.—Proverbs 18:21.*

Pleasant words are as a honeycomb, sweet to the soul and health to the bones.—Proverbs 16:24.

Father in Heaven, at this critical hour in the Senate, may the wisdom of Proverbs penetrate mind and heart. We have been this way before and the signs are very familiar: urgency, tension, stress, disappointment, impatience, frustration, anger—raw nerves, strong emotions, weary minds and bodies. Harsh, harmful words come easy under these conditions. Despite the pressure of these hours, loving Lord, grant that the Spirit who promises peace will control our tongues, that our speech "be always with grace, seasoned with salt, that we may know how we ought to answer everyone." (Colossians 4:6.)

In the name of Him who loved and healed with His words. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each, followed by a special order for the distinguished Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes, and routine morning business not to extend beyond 1 p.m., with Senators permitted to speak therein for not more than 5 minutes each.

Following routine morning business, the Senate can be expected to turn to any legislative or executive items that can be cleared for action. It is my hope that we can remove any problems which may remain concerning the Executive Calendar nominations today, and I would hope we might be able to do that by 2 p.m. As far as legislative matters, I am advised that the continuing resolution conference report will not be ready today. I am advised

that the reconciliation conference report will not be ready today, and I know, having been a conferee on the farm bill, that that conference report will not be ready until late tomorrow evening. We are trying to get some agreement on farm credit, which is in the process. It may be, if we cannot reach an agreement, we will just have to go to conference on the differing House and Senate bills.

Beyond that, unless there is some agreement on that legislation, it would not be my intention to call it up. There is an Angola resolution, and I hope we can have bipartisan support for it. We have a number of cosponsors I understand on both sides of the aisle. I know the Senator from New Hampshire [Mr. HUMPHREY] has a resolution with reference to the Medvid case he desperately would like to have acted upon before Congress adjourns. On the cop-killer bullet legislation, we thought we had an agreement, but apparently the distinguished Senator from Idaho [Mr. SYMMS] has some amendments that he insists on offering. We probably will not be able to bring that bill up, but we are still working on it. Beyond that, I do not at this time think the Senate will be in session late. If we can clear up some of the executive nominations, we probably will not be in long.

There is the possibility of counterterrorism legislation. That would not occur until around 3 o'clock today.

I would assume it is safe to say this is the last week of the session. I cannot believe we would be in next week.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. DOLE. I yield.

Mr. BYRD. Does he anticipate rollcalls today?

Mr. DOLE. I hope not. I hope we could clear up the Executive Calendar, as much as we can. I have been working with Senator WEICKER from Connecticut. We are now I think about ready to have his objection satisfied. I do not think there are any real objections on that side.

It is a question of one nominee, and I think we can dispose of that nominee without any question.

I would rather not have any rollcalls if we can avoid it because I know some Members are unavoidably absent. Some have come back thinking there would be rollcalls, but if there is a way to avoid rollcalls, I would certainly like to do that. I understand a number of Senators may want to participate in

the memorial service in Dover, DE, this afternoon.

Mr. BYRD. I thank the distinguished majority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. HECHT). The minority leader is recognized.

SENATE AGENDA

CONTINUING RESOLUTION CONFERENCE

Mr. BYRD. Mr. President, the conference on the continuing resolution seems to be going along very well. There are a small number of issues outstanding, one of which involves the Interior appropriations bill. I have been in on that conference. One of the major thorns of disagreement was the clean coal technology moneys. I think that we have reached agreement on that item just a few minutes ago. There are a few other items have been cleared.

If I understand the distinguished majority leader, he is saying that conference reports in the main are what may be utilizing the attention of the Senate plus the Executive Calendar?

Mr. DOLE. Yes.

Mr. BYRD. On the calendar, is he thinking only with respect to nominees and not with respect to treaties?

Mr. DOLE. There are, I understand, maybe four treaties that can be cleared for action. We may be able to act on two of those treaties, and I guess we could have a division on those. It might not require a rollcall vote. But if there were to be a rollcall, I would hope we would postpone that until tomorrow after the policy luncheons.

Mr. BYRD. So I take it that the distinguished majority leader is talking about the conference reports on the continuing resolution, the reconciliation measure, the farm legislation, farm credit, and the Executive Calendar.

Mr. DOLE. That is essentially it.

The distinguished minority leader knows, having experienced it, that there are always a lot of Members trying to do things at the last moment. I do not fault them for it. If we can do it, I want to accommodate all Members. But I do not want to become involved in some lengthy debate with a number of rollcall votes on a bill that

may not be going anywhere, in any event, until next year.

So I hope we will be able to finish our business early on Wednesday, by noon or midafternoon.

Mr. BYRD. I thank the distinguished majority leader.

THE FARM BILL

Mr. DOLE. Mr. President, one of the conference reports is the farm bill. I know that—unless someone really covered the conference, and some reporters did—it is not a matter of national interest, in the sense that people follow it on television or radio or the daily papers, unless they live in the Farm Belt.

I just want to say that I believe that the conferees did good work on both sides—the House and the Senate, Republicans and Democrats. Having been a conferee in a number of farm conferences, I think the test really is how many people signed the conference report, and in this case it was unanimous, there was not a single member on either side—the House or the Senate, Democrat or Republican—who did not sign the conference report and who did not vote for the conference report.

That does not mean that all believe it is a perfect piece of legislation. There are things in the bill that I would like to have seen changed, and I am certain that could be said for other members on both sides of the aisle, in both bodies. But overall, in my view, it ended as it should have—a bipartisan farm bill, which has been the norm around this place as long as I have been here, and I hope that will continue through the consideration of the conference report. I see no reason why it should not.

Another encouraging sign is the fact that we were able to reduce the cost of this program in the neighborhood of \$51 billion. Some will say \$52 billion, some may say less, some may say whatever; but I am going to continue to say in the neighborhood of \$51 billion.

It seems to me that we are fairly much on target with the figure announced by the White House that the President would agree to. He would sign the bill if we could come in that range, and we are in that range.

There has been no public statement from the White House. I have been in touch with the Secretary of Agriculture yesterday; with Don Regan, the Chief of Staff, late Saturday evening; with the White House congressional liaison today; with the Office of Management and Budget on Saturday. It is my hope that they are carefully reviewing not only the cost but also the policy changes, because there are a number of good policy changes in the farm bill that make it very worthwhile. So I am optimistic that the bill can and should be signed by the President.

I also suggest that another thing we need to complete would be the farm credit legislation; and in my view, that is fairly near completion. We need to get an agreement to bring it up, to bring the House language up, to put on a Senate amendment, and send it back to the House. From the farm front, I think many of us on both sides of the aisle are encouraged. We know there is still a serious problem that is going to take some time, but we believe that, with the passage of the farm bill and the farm credit bill, we have given rural America some hope for the holiday season.

Mr. BYRD. Mr. President, I ask unanimous consent to reserve the remainder of my time throughout the day.

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

Mr. BYRD. I yield the floor.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

A MODEST BUT CRITICAL STEP FOR ARMS CONTROL

Mr. PROXMIRE. Mr. President, it may be a crumb. It may be a whole loaf. But it is encouraging news these days when arms control gets anything. The conferees in the Defense Appropriations Subcommittee on the continuing resolution agreed on a larger increase in the defense budget than most observers thought possible. But arms control did salvage one mark of progress. Probably. For the time being. The House and Senate conferees on Defense appropriations settled in the conference report for a ban on the testing of new antisatellite weapons. Congressman LES AU COIN is an able and staunch champion of arms control. AuCoin called the conference decision, "An absolute triumph." He added: "We did more for arms control in 5 hours than has been done in the last 5 years." The Defense Department conducted one test in October. It had planned at least two other tests soon.

Why is this decision by the Defense appropriations conferees to end antisatellite testing important to arms control? The answer is that satellites are quintessential to arms control verification. Their destruction would make arms control agreements impossible. Testimony before the Defense Appropriations Committees by such experts as former CIA Directors William Colby and Stansfield Turner have documented the fact that satellites not only provide an extraordinary window on nuclear developments in the Soviet Union. They do more. They

provide far and away the most reliable monitoring system for both sides in determining compliance or violation of arms control agreements. Our experts can secure only very limited material from published Soviet sources. Human intelligence, from defectors and American and foreign agents in the Soviet Union provides some help. But it is fragmentary, anecdotal, erratic, and unreliable. Satellites cannot only observe through photographs but they can derive a great deal of useful intelligence by detecting degrees of sound and heat. The satellite technology has been progressing swiftly—satellites now provide a far more useful source of intelligence for the United States than they do for the Soviet Union, for two reasons.

First, the American satellite technology is more advanced. Second, the United States is an open society. The Soviet Union is a closed society. The Soviets can determine a great deal about American nuclear developments simply by reading our free and wide-open press. Our military and technical journals, our great newspapers, even our congressional hearing records, disclose detailed, massive data about our American nuclear developments, including our compliance or lack of compliance with arms control treaties. As we know, in the Soviet Union the totalitarian Communist Party controls everything. It is simple for the Soviet Government to conceal their nuclear activities, including any violations of arms control treaties.

So satellites serve the interest of the United States far more importantly than they serve the interests of the Soviet Union in arms control. But won't the decision of Congress to stop antisatellite testing simply leave the antisatellite capability in the hands of the Soviet Union? And, are not the Soviets already ahead of us? Is it not true that they have tested and perfected antisatellite capability already?

The answer to that charge, Mr. President, is that the Soviets have, indeed, developed and deployed an antisatellite system. But it is crude and limited. It poses no threat to our high altitude satellites. These American satellites provide far-and-away the most critical and useful information about Soviet compliance or violation of arms control treaties. If the conferees had not acted to prevent the United States from going ahead with its planned additional tests on our high altitude antisatellite technology, our own satellites would certainly be in danger of a greatly stepped-up Soviet effort to destroy our high altitude satellites. The development by either superpower of this high altitude antisatellite technology would surely have jeopardized all future arms control agreements.

If either superpower were to develop the capacity to destroy the adversary's high altitude satellites the adversary would know that the other superpower held his most critical intelligence capability hostage. It would mean that, at any time and without notice, the adversary could take out the one satellite system that could provide by far the most important and the most reliable evidence of compliance or violation.

Suppose the Soviet Union now proceeds with its antisatellite technology. Suppose it begins to test as the United States already has. Then we can and should resume our antisatellite testing and development. But the Soviets surely know this. With both sides desisting from testing, satellites can continue to do the monitoring work that is quintessential to verification which in turn makes possible arms control agreements that can begin to stop the nuclear weapons arms race.

This has been a bad year for arms control. SDI or star wars seems on its way to destroying that most successful of all arms control agreements, the 1972 ABM Treaty. SALT II, the treaty that restrains offensive missiles, expires in 2 weeks and may not be revived. At least we still have the monitoring capability of our satellites healthy and constantly improving. The conferees' agreements on the continuing resolution keeps arms control hopes alive. Congressman LES AU COIN may well be right when he said, "We did more for arms control in 5 hours than has been done in the last 5 years."

MYTH OF THE DAY

Mr. PROXMIRE. Mr. President, my myth of the day is that the tax changes made in the 1981 and 1982 tax laws will, in the long run, stimulate business investment, economic growth, and eventually reduce the Federal deficit.

A study prepared by members of the Federal Reserve Board and International Monetary Fund staffs reached just the opposite conclusion.

Using their sophisticated econometric model, the economists found that in large part the Federal deficit in the past 4 years was a result of the 23-percent reduction in personal income taxes and the substantial acceleration in depreciation allowances legislated in the two tax laws passed in 1981 and 1982.

When the econometric model is manipulated to keep the unemployment rate unchanged through monetary policy, the study found that the tax law changes "significantly skews the composition of output toward consumption and away from housing. The formation of business capital is boosted in the short run but eventually it

too is reduced. Consequently, potential output is lower in the long run."

The study goes on to show that if the current fiscal policy is maintained it is likely that the real after-tax rate of interest will rise above the rate of growth of real output. The study concludes that:

Under such conditions, the ratio of Federal debt to GNP would grow explosively unless fiscal policy were made sufficiently restrictive.

In other words, if we do not raise taxes, cut spending or do a combination of both, we will be faced with rising real interest rates, lower investment, anemic growth and runaway Federal deficits.

A FIRST STEP AGAINST TERRORISM

Mr. PROXMIRE. Mr. President, we have each been troubled by terrorism in recent weeks. The *Achille Lauro* and the TWA hijackings. The Beirut bombing. These incidents form a gruesome chain forged of disregard for human life and rejection of international law.

After each incident, I have listened to the recommendations of the President and my Senate colleagues and the fine people of Wisconsin. There is a remarkable consistency in these recommendations. Each of these Americans declares that human life is precious and the United States must do more to protect that life. Each declares that we should work to build greater international cooperation to battle terrorism. And each of these Americans is right.

We should start this battle by ratifying the Genocide Convention. For what is genocide? Surely it is terrorism bloated with the grotesque desire to destroy an entire civilization. What is the Genocide Convention but an effort to set up an international mechanism to battle this scourge?

The Genocide Convention is a sound piece of international law that does not threaten the rights of American citizens. Rather, it is a first step toward implementing the recommendations of so many Americans. The convention reaffirms that human life is precious and provides a framework for international cooperation to fight genocide.

Let us battle terrorism. Let us start by battling genocide—one of the ugliest manifestations of terrorism. Let us start by ratifying the Genocide Convention.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 1 p.m., with state-

ments therein limited to 5 minutes each.

COMPLIMENTS TO STAFF

Mr. LEAHY. Mr. President, I will be very brief. But during the past week-and-a-half, I have served on two committees of conference, both in appropriations and agriculture. The appropriation one is still going on; agriculture finished at around 6:30, 6:45 Saturday night.

In these committees of conference, we met late into the night each night, sometimes midnight. A number of us would meet afterward for another hour or 2 and then Members would go home.

The reason I mention this is not to talk about the long hours that Members on both sides of the aisle have put in, but, rather, Mr. President, to note the extraordinary work and dedicated work of the staff in both the Appropriations Committee and the Agriculture Committee, and say that I wish to compliment the staff of both bodies of both parties.

I believe many times when we hear the expression that we have agreed on something and "we will let staff work it out," that is a signal for us to leave and the staff to spend hours of very difficult work in doing just that—working it out.

Mr. President, we should realize that this body functions sometimes in spite of the 100 Members, but always because of the dedicated staff on both sides of the aisle, and those within the Chamber, the Official Reporters who are taking down the notes of what I am saying now, those who work in the various aspects of the Secretary's office, the Parliamentarians, those who run both the Cloakrooms here, and the pages, who are some of the most extraordinary young people that I have seen during the last 11 years I have been here. When people talk about those in Government, I do not think they will find any more dedicated than the people who make this branch of Government, the legislative branch of Government, work.

The 100 Senators, the 435 Representatives, the other Commissioners, Delegates, and so on who are elected come here temporarily to represent the people of their State or district. So much of the staff, though, are permanent professionals who ultimately work to do what is best for the country.

I know that the Agriculture Committee staff is now working on the statement of the managers. I hope that we would give them all the time they need. It is an extraordinary document, probably will run about a thousand pages long, and they need the time to make sure that no mistakes are made in incorporating those things

we voted on. I have the utmost confidence in them. I will have even more confidence if we give these extremely weary men and women the time to do their work.

Nobody is more eager to get home than I. Vermont is beautiful at this time of the year. I mention that to anybody who is planning to travel there. We have fresh snow; the skiing is great. It is lovely. Unlike Washington, the snow does not slow up anything.

But I am one Senator who is willing to take an extra day, if necessary, to allow those on the staff that are working out the reports from the various committee conferences to do it right. We have asked Herculean labors from them, but even Hercules needed time to complete his labors.

DISPOSAL OF LOW-LEVEL NUCLEAR WASTE

Mr. BOREN. Mr. President, there are four bills on the calendar now pending dealing with the problem of the disposal of low-level nuclear wastes. These bills include H.R. 1083, H.R. 3878, S. 1578, and S. 1517. There are also six bills on the calendar that grant the consent of Congress to regional compacts dealing with the same subject.

As our colleagues will recall, one of these became the vehicle for the consideration of the campaign reform amendment which I offered several days ago. That amendment was not tabled at that time, and still remains on the calendar attached to that particular piece of legislation. We had a discussion on the floor several days ago in which I said it was my intention to deny unanimous consent for the bringing up of any of these packages of bills which we regarded as necessary to secure the viability of the vehicle for consideration of campaign reform.

The majority leader during the discussion of the campaign reform amendment had indicated that it was his hope—not a definite promise, but it was his hope—that we could return to the campaign reform amendments sometime in the spring.

Mr. President, I simply want to say that I am absolutely willing—and I have communicated this to the majority leader, and I hope we will be able to work something out—to bring these matters, the compacts and the piece of legislation, to the floor for consideration. I would be perfectly willing to allow for all of them to be considered.

I will not object to any of them being considered as long as we could be assured that we would return to the campaign reform amendment, and make it the pending order of business on a date certain. I had proposed March 12. I am not particularly dedicated to any one date if that does not

fit the schedule of the majority leader, if he wanted to make it a week earlier or a week later according to what would be beneficial to the Senate schedule.

I also understand that the initial proposal we made indicated that we would remain on this particular piece of legislation until it was disposed of.

I know the majority leader is under terrible time pressures. If, for example, we ended up facing a filibuster or prolonged debate of that particular issue, and the majority leader had other matters that he needed to bring before the body, I would understand why it might be difficult for him to agree to stay on that particular measure until action was fully concluded.

I would certainly be willing to also negotiate with him a reasonable amount of time that he would allow us to operate on this particular piece of legislation to see if we could complete it within a reasonable period of time understanding that if we could not he might then have to move on to other matters before action was completed.

I wanted to say, Mr. President, that as far as this Senator is concerned I am absolutely willing to listen to any counterproposals that might be made from the suggestion that I have previously made and had conveyed through the floor staff to the majority leader.

I am very optimistic that something can be worked out. This Senator is very flexible as to the particular date on which we would return. I feel very strongly we must be assured that we will return to it on a date certain.

I am also very flexible in terms of my understanding of the problems of the majority leader, that he might have to only promise that he would stay on it a certain period of time knowing we were going to have a very busy schedule on the Senate floor in the early and midspring period, and that we might have to make more than that one attempt to complete action on this proposal before we actually succeed.

So I am very hopeful that something can be worked out.

I see the distinguished majority whip on the floor. I hope we will not try to do that now, but I hope he will convey that there is a good deal of flexibility on this side in terms of what we might be able to work out.

THE 1985 FARM BILL

Mr. BOREN. Mr. President, I would like to mention there was discussion on this floor last week by this Senator, and potentially by others, that there might be a prolonged debate that would prevent the timely completion of the conference report of the Agriculture Committee on the 1985 farm bill.

I have to report that I think there was very significant progress made on

the farm bill over the weekend. I have had an opportunity to be in discussions during the weekend as that conference report was finalized and to also have a chance to look at the report.

I certainly would not call the bill that we are going to be voting on later this week an adequate bill. Overall I think the bill fails to adequately address the income problems for farmers or provide an aggressive program to increase exports. Passage of this farm bill will do very little to reduce the crisis in rural America. As far as I am concerned, the fight is not over.

I think we should all realize that Congress will have to grapple with many of these same problems again next year. About the best thing we can say about the bill that has come out of conference is that it is not as bad as the original conference committee proposal.

I think it would have been even worse had there not been a group of Senators willing to bring that proposal to prolonged debate and postpone legislation until next year.

Originally, just over a week ago, we were looking at a proposal from the conference committee which would have dropped the income of an average Oklahoma wheat farmer in my State by 12 percent next year. At least the bill ended up coming out of conference not including any substantial reduction in farm income. Income levels at least in the first 2 years will continue about the same as under current law.

With the farmers in such a desperate situation today, there is no way that continuing the status quo can be considered as adequate.

As I said, Mr. President, it is at least a step forward from the 12-percent drop in income originally being considered by the conference committee.

Though I cannot say that I can endorse this bill and I cannot say that I think this bill will solve the problems that are out there in the agricultural community, it would not be the intention of this Senator to try to participate in any way in delaying consideration of that matter before we go home. I would anticipate that we will have the conference report before us and this Senator will participate to try to assure timely consideration of that conference report before Congress finishes this year.

Mr. SIMPSON addressed the Chair. The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I listened to the remarks of my friend and colleague from Oklahoma. I appreciate his good faith, particularly with regard to the low-level waste bill.

Let me inform all Senators that we do have a very critical problem. I will not go into that to be repetitive, but I

will say swiftly—and you can go back and review my remarks on this topic the other day—on January 1, 1986, the three receiving States in the United States will reject low-level waste coming from any other State in the Union. They will simply reject low-level radioactive material.

That is not from nuclear generators of electric power. That is ordinarily high-level waste.

What it is, effectively, is something that will stop hospitals that engage in uses of nuclear medicine who produce low-level waste products that are gloves, boots, things that go with nuclear medicine that helps to save lives in the country in all hospitals within the entire United States. In my State, the Senator's State, any State in the improvement of living standards. As Hungary, East Germany and even Bulgaria explore economic reform and trade openings to the West, we should encourage this slow and sometimes even stealthy evolution in their policies. As they increase economic ties majority leader speak for himself on this negotiation. I hope he will continue negotiations with the leader because he alone can speak on this issue.

In my mind, I am certain that the majority leader will try to work toward a date and a time certain. I see no way personally, and the majority leader will certainly judge this, how we would stay on it until it is disposed of. I know of no way to assure that to any Senator. It would be folly to stand here and say that we would select a time and date certain and that we would stay on that issue until its final disposition. Even staying on it and interrupting and bringing up other things that would be topical is not something that I think would be for the "good of the order" in the Senate. We already have enough problems with quality of life. We have discussed that among ourselves. The Senator from Oklahoma is a very key part of that group.

If we are going to have a situation where everyone has their particular issue and it is to be brought up at a date and time certain until it is disposed of, where it cannot be laid aside, and it can be in order as business of the Senate that it cannot be returned to for a time, then I think we have sounded another death knell to the quality of life in the Senate. I wanted to share that with the Senator.

Mr. BOREN. Mr. President, I thank the Senator from Wyoming for the comments he has just made. Of course, I have had an opportunity to review fully the situation discussed earlier a few days ago on the floor in regard to these compacts and in regard to the transition legislation needed to assure that we have an adequate and a safe place to dispose of these low-level radiation wastes. I share with him the

hope that we will be able to deal with that.

I understand that there are some difficulties now surfacing perhaps between two committees of the Senate that have been working on this same matter. I hope they will be able to resolve them.

I did simply want to say that if those two committees are able to resolve their problems, this Senator does stand very ready and willing to work with the majority leader to try to obtain an agreement so that we can move on and have them all considered. I do understand the point made by the Senator from Wyoming that if we were to take up the campaign reform amendments on a certain day, none of us standing here today can guarantee how much time the consideration of that issue might take.

Understanding the majority leader's problems, being sensitive to his problems of scheduling, and there may be other pressing matters at that time for us to consider, this Senator would be very willing to enter into some time agreement that while giving us a reasonable opportunity, assuring that we will have a reasonable chance for a reasonable period of time to look at this matter at that time it is called up for consideration, to not try to put the majority leader into a box where he could not move on to other things, or that he could not set this aside, after we have had a reasonable time to work on it, and go to some other matter.

I am sensitive to the point made by the Senator from Wyoming. If we got into a prolonged situation, a week or 2 weeks or some extended period of time on this measure, this Senator certainly understands there may be other pressing matters at that time and I would not want to tie the hands of the majority leader.

The first proposal we had sent to the majority leader did indicate we would remain on it until disposed of. This Senator would certainly be open to some counteroffer from the majority leader which will address his concerns about not having to stay on it an unreasonable amount of time if we were not able to finish it in a timely way.

I thank the Senator from Wyoming for his remarks. It sounds like we are well on our way toward approaching an agreement on that.

I see the distinguished Senator from South Carolina on the floor. He has discussed with me the very serious nature of this matter. I know it affects the State of South Carolina, one of the three States providing disposal sites. I know it is important not only nationally but to him particularly as it impinges upon South Carolina.

This Senator wants to assure all concerned that he is very willing to look at some proposal of the majority leader and to try to look at it in a very

sympathetic fashion. Part of the opportunity will certainly be, if we had the chance to bring up this subject again and deal with it in a reasonable period of time, to give the majority leader flexibility for that to happen. I think we can arrange that.

As far as I am concerned, we see all of these numbers released except for our bid. The subject matter could be included on another vehicle. We have here, I think, potentially seven or eight different pieces of legislation and those numbers are available.

I appreciate the comments of the Senator from Wyoming and I appreciate also the information which has been supplied to me by my colleague from South Carolina, who is now on the floor. I am very hopeful we can work that out. I hope the two committees involved will also be able to proceed and to work out any problems they might have.

Mr. SIMPSON. Mr. President, I shall certainly yield the floor, but I want to indicate that the two committees are working diligently on the settlement of this matter. I think they are close with regard to the milestones that must be reached. Certainly, with what the Senator has said this morning, I think we can reach some accommodation; I certainly hope so. We shall certainly work toward that.

I yield the floor, Mr. President.

NATIONAL DRUNK AND DRUGGED DRIVING AWARENESS WEEK

Mr. DOLE. Mr. President, the week of December 15-21 has been designated as "National Drunk and Drugged Driving Awareness Week," to draw attention to the dangers of drunk driving and the efforts of people across the country to make our Nation's roads safer.

Thanks to the combined efforts of Federal, State and local governments and citizen's organizations such as Mothers Against Drunk Drivers and Students Against Drunk Drivers, between 1980 and 1984 the percentage of drunk drivers decreased 24 percent and the number of intoxicated drivers killed declined 24 percent.

MORE TO BE DONE

Although we are grateful for these past accomplishments, much more must be done. Many States have raised the legal drinking age to 21 in an effort to curb the use of alcohol by our Nation's youth. However, this affects only 15 percent of the drivers responsible for alcohol-related deaths. We must recognize that drunk drivers of any age are killers and target our programs accordingly to remove all drunk drivers from the roads.

Having served as a member of the President's Commission on Drunk Driving, I am fully aware of the peril-

ous situation drunk drivers impose upon our Nation. It is imperative that we combine educational programs, legislative measures, sentencing reform and enforcement. Designation of National Drunk and Drugged Driving Awareness Week is an important step in our battle against drunk driving. I salute the progress made thus far and reaffirm my commitment to make our roads and highways safe for the future.

CONRAIL

Mr. SPECTER. Mr. President, I rise today to address an issue of paramount importance to the freight rail system in the Northeast-Midwest region, and indeed, to the entire national transportation system. I refer to the proposed merger of the Conrail and Norfolk Southern railroads, and the creation thereby of the largest rail network in this country.

This issue clearly is not yet ripe for Senate action. Despite pressures from Norfolk Southern proponents, and recently quoted allegations by one of their lobbyists that "a handful of Senators treat this as a joke rather than as an important question of public policy," the fact remains that major antitrust issues have yet to be evaluated and resolved. That is hardly a joke.

In January 1985, the U.S. Department of Justice completed its review of the Norfolk Southern proposal to purchase Conrail. Its conclusion was unambiguous: "The merger would have a significant adverse effect on competition * * *." The Department of Justice found that, "without appropriate divestitures, the proposed merger would violate both Clayton Act and Interstate Commerce Act merger review standards." (January 29, 1985, letter from Assistant Attorney General J. Paul McGrath to Secretary Dole, p. 1).

Since that date, almost 1 year ago, Norfolk Southern repeatedly has attempted to devise a divestiture plan that would meet Justice's requirements for "long-term, viable and competitive rail service" in the counties that would be most affected by the merger. Norfolk Southern also has been attempting to convince a right-fully skeptical audience that the two proposed divestee carriers—Guilford Transportation Industries and the Pittsburgh & Lake Erie Railroad—would provide a competitive counterbalance for the service currently provided by an independent Conrail.

Every analysis of these divestiture proposals thus far has produced the same conclusion: no divestiture plan can recreate the existing benefits of a strong, competitive independent Conrail. The proposed operations of Guilford and P&LE are minuscule in comparison to the proposed Norfolk Southern/Conrail merged system,

which is more than five times the size of postdivestiture Guilford and P&LE combined, and which in 1984 had nearly 20 times their combined operating revenues. Both the Interstate Commerce Commission staff, and the independent consultant to the Department of Justice, R.L. Banks & Associates, Inc., in analyses of previous divestiture proposals, have raised serious questions as to any prognosis of continued viability for both of these regional carriers.

Yet the present proposal—No. 3 to date—has not addressed these critical financial questions, and the Justice Department has admitted that the divestee carriers have not even submitted financial statements, financial projections, operating plans, and traffic and marketing studies.

With such obvious holes in the evaluation of divestiture plan No. 3, it is difficult to surmise how the Department of Justice can even state, as it did in its November 19 press release, that "on its face" this plan "appears" to address the anticompetitive concerns outlined in prior Justice analyses. Critics of the plan have noted that, in addition to the financial problems of the proposed divestees, the third plan continues to rely heavily on trackage rights, reciprocal switching arrangements, and car haulage agreements, which are costly, result in indirect routes, and create multicarrier service that often is inefficient and noncompetitive. Such shortcomings existed in the prior—rejected—plans, and they have not been remedied.

There has been a tremendous recent rush to remove the threat of antitrust violations. First, by a hurriedly announced Department of Justice "preliminary" indication of prima facie plan approval, and second, by a push to hold a Judiciary Committee hearing on this topic less than 48 hours after divestiture plan No. 3 was publicly released. The lack of opportunity to study this proposal, along with other procedural problems, led to the cancellation of the formal hearing and the substitution instead of an "informal gathering." Thus, the Judiciary Committee has not had opportunity to address the newest divestiture plan and Secretary Dole's commitment to appear before the Judiciary Committee to testify regarding the merger remains unfulfilled.

This last minute flurry of activity suggests a fear that plan No. 3, like its predecessors, will not withstand careful and measured analysis. The quickened desire for Senate action, as evidenced by the attempt to raise the issue by unanimous consent on the Senate floor on December 5, to which I and numerous other Senators voiced strenuous objection, further indicates the pressure created by Norfolk Southern's threat to withdraw its offer at

the end of 1985 if "substantial progress" has not been achieved.

Threats such as these should not sway Congress from its obligation to ensure that a divestiture does not violate the antitrust laws. In every respect, divestiture plan No. 3, like the others before it, demands careful scrutiny. Critical pieces are absent; critical assumptions are factually incorrect; and experts suggest that the marketing and operating assertions do not comport with reality.

The fundamental question is this: Why is Congress being asked to approve hastily a massive restructuring of the Northeast-Midwest rail system, which necessarily will cause a startup period of unknown duration, disrupt service, dislocate thousands of employees, and risk severe injury to rail competition? If the only answer to this question, as many may guess, is to accommodate Norfolk Southern's bid for Conrail, then the real joke is on the American taxpayer.

The independent Conrail of today is working. It has produced innovative, procompetitive, shipper-oriented service. Its long-term viability has been verified by the U.S. Railway Association, and by each and every independent analysis on this topic.

Sophisticated financial investors are willing to back the sale of Conrail through a series of public offerings which would keep Conrail independent and generate a higher sale price for the Government. This Morgan Stanley alternative, which I have supported through legislation, will guarantee continued aggressive rail competition by ensuring that three major railroads maintain existence in the region.

It has been almost 2 years since Secretary Dole solicited bids for the purchase of Conrail. Those 2 years gave Conrail the opportunity to prove itself even further as a money maker, and as a stand-alone rail system. Perhaps the idea of a rail merger, and the reliance on Norfolk Southern's "deep pockets" made sense 2 years ago. At this moment, however, it is quite clear that Conrail does not need Norfolk Southern. To the contrary, it is Norfolk Southern that needs Conrail—precisely because of Conrail's proven financial success, and the \$100-\$600 million in tax benefits which Norfolk Southern would gain through the merger.

Let us not proceed to a hasty decision on this important issue. Much is at stake—the proposed merger would injure local economies, cause job losses, and decrease any remaining incentive for economic development in the already suffering Northeast-Midwest region. Norfolk Southern voluntarily entered this process, and must be prepared to withstand reasonable scrutiny of its offer. Given the huge gains Norfolk Southern stands to reap

if the merger is approved, its threats to withdraw its bid must be examined nearly as closely as its continued—and thus far futile—attempts to provide sufficient divestiture plans. In any event, haste and hurried activity are not in order—Conrail must be returned to the public, but in the manner which provides the best return to the taxpayers, proper service to shippers, fair prices to consumers, and a minimum of competitive problems to the national rail transit network.

DON'T SCRAP SALT II

Mr. EAGLETON. Mr. President, if President Reagan is serious about negotiating a new arms accord with the Soviet Union, he must not make the perilous mistake of dismantling a mechanism that serves American national security interests and represents an important bridge between the superpowers. Yet, President Reagan has signaled that he may do just that by ceasing to honor the terms of the second Strategic Arms Limitation Treaty, SALT II, when it expires on December 31.

The administration's attitude toward SALT II over the years can best be described as fickle. The Reagan team has gone from condemning the fatally flawed treaty during the 1980 campaign, to announcing in 1981 that, while it would not submit the treaty for congressional ratification, it would observe a policy of not undercutting the provisions of the agreement.

Earlier this year the administration's commitment to a no undercut policy wavered in the face of a big test; the activation of the new Ohio-class Trident submarine, which went to sea trials last September. This new weapon carries 24 MIRV'd nuclear missiles, and its deployment would have pushed the United States over the SALT II ceiling of 1,200 MIRV'd ICBM's. In the course of public discussions about how to proceed, the White House threatened to ignore the treaty's MIRV limits as a proportional response to Soviet noncompliance with other provisions in SALT II. In June, the administration finally announced that it would dismantle a Poseidon nuclear submarine in order to stay within the MIRV limits.

Mr. President, can you imagine what turning our back to the agreement would have done to the Reagan-Gorbachev summit recently completed in Geneva? At worst, the summit would not have occurred, and at best, the atmosphere of the summit would have been poisoned by Soviet charges—which would not have been altogether off the mark—that the President was not serious about the summit or arms talks.

Would exceeding the MIRV limit have strengthened the President's po-

sition in Geneva? Clearly not. Would it have improved our standing in the world community? Hardly. Would it have given the Soviets a public relations club with which to beat us and an excuse to discontinue important constraints on its forces? Absolutely. Finally, would our national security have been enhanced by scrapping observance of the MIRV limits? The answer is no.

Mr. President, that is what it is all about: enhancing national security. At a point in time when nuclear Armageddon hangs above us like Damocles' sword, part of ensuring our national security involves limiting nuclear arsenals and reducing incentives for either side to launch a nuclear attack, which is precisely what the SALT agreements have provided us.

The other side of the national security equation in an arms control context—maintaining our military strength relative to Soviet's—has also been served by the SALT agreements. To stay within SALT boundaries, both sides have been forced to dismantle nuclear assets and it can be argued that the Soviets have been forced to dismantle more than the United States. It can also be said that should we decide to exceed the numerical limits on ICBM launchers, the Soviets would follow suit and are in a very good position to take advantage of such a break-out.

The Reagan administration's threats to ignore SALT II have been founded on its itemization of Soviet treaty violations. None of us should treat Soviet noncompliance lightly. The Reagan charges are serious. There is evidence that restraints are breaking down, if not according to the letter of the treaty, then certainly according to its spirit. That is not to say, however, that restraints are irretrievable.

The Reagan administration should dog the Soviets on its noncompliance at the diplomatic level. In the short term, it should seek to reach a mutual clarification of current obligations under treaties now in force—this would be a laudable and attainable goal for the U.S. team at the Geneva negotiations which are to resume in January. In the longer term, the administration should pursue the non-compliance issues in the Standing Consultative Committee—the forum created by the SALT talks to address SALT compliance questions.

The administration should not throw the baby out with the bath water by responding to Soviet noncompliance of certain provisions by rejecting the entire SALT II agreement. The risks of the current compliance problems are clearly outweighed by the benefits we reap from existing restraints on Soviet forces.

Mr. President, I cannot believe that the administration would be so foolish as follow through with its threat of

ceasing its observance of SALT II, but my beliefs have been shaken by the President's recent statements and by the power that the antiarms control faction of White House advisors seems to have in the policymaking process.

Ignoring certain provisions of SALT II earlier this year would have been bad, but reneging on our commitment to the entire agreement at this delicate moment in superpower relations would be far worse. The tenuous momentum that the Reagan-Gorbachev summit gave to arms negotiations would be all but destroyed and President Reagan would probably end his second term with the dubious distinctions of being the only U.S. President in over two decades to have, first, not reached an arms accord with the Soviets; and second, ruined a predecessor's arms agreement.

Mr. President, the United States and the Soviet Union stand at a crossroads in their relationship. Both know that the present arms control regime is far from perfect. Both are aware that for the first time during the Reagan presidency, there exists a slight opportunity for improving bilateral relations and for finding new, mutually beneficial arms limitations. By discarding the unratified SALT II Agreement after its expiration later this month, President Reagan would shut the door to the potential for healthier United States-Soviet relations, productive arms negotiations, and a safer world. I join many of my colleagues in calling on the President to add to the momentum of the Geneva summit by continuing to abide by the unratified SALT II Treaty.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. PRESSLER occupied the chair during the quorum call.)

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

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

MINIMUM FARM BILL

Mr. MELCHER. Mr. President, the farm bill has passed the conference committee in a way that will probably assure House and Senate acceptance and get the President's signature. It is just the minimum framework to attempt to meet the farm crisis to keep American agriculture intact until better days come. More on agriculture credit and trade corrections must come yet. The total cost of the farm program will be a little more than \$17 billion a year for commodities and conservation.

President Reagan should be the last person to complain about the cost because it is his administration's policies that have curtailed agricultural exports and winked at increased agricultural imports. Farmers should squawk the loudest because it is these policies that drive them to the wall and make them dependent upon Federal price supports and deficiency payments rather than on a decent market for their production. Wheat exports were down 20 percent over the past several years. They are even more disastrous this year, running well below 50 percent of the past 4-year average. Corn, soybean, and rice exports are also being clobbered, leaving commodity prices at a level that can only be compared to that of the 1930's.

The farm bill for farmers is not much to shout about, but at least it maintains target prices at virtually the same level for the next 3 years, something the Reagan administration said it could not stomach. If there is going to be any hope for farmers and rural America, it is because target price stability has been maintained and the export provisions in the bill have drawn to force the administration to export more. Mandatory minimum tonnages for food for peace—Public Law 480—and a broadened section 416, with more surplus commodities for friendly and hungry countries, plus the utilization of both those donations and commercial sales to match subsidized food sales from other countries, will require both the Agriculture and State Departments to get off the dime and clear more food exports.

To make sure that there is a some coordination in expediting of agricultural exports, the bill requires the appointment of a special adviser to the President.

While President Reagan has not sufficiently concerned himself with agriculture, the continuing sag in the farm and rural economy mandates attention to that problem now. The balance of trade for this year—with \$150 billion more being imported than we have exported—has tracked with the continuing climb in Federal deficits. One cannot be corrected without correcting the other. A stronger U.S. economy is dependent upon production here.

American agricultural producers are the most efficient in the world. The failure to meet the subsidized competition from other countries in foreign food sales is not the fault of U.S. farmers, but the fault of the policies of this administration. The State Department has thwarted to delayed food sales to traditional U.S. customers such as Sierra Leone, Kenya, and the Philippines.

In addition, the bill has very strong conservation provisions. Prohibitions against sodbusting and swampbusting are significant and a major conservation reserve has been established that

will be phased in over 5 years. Anybody who cares about the longrun future of the water and soil resources of this country has to be pleased with these provisions.

PLIGHT OF SOVIET JEWS

Mr. MATHIAS. Mr. President, the decision by the five Maryland rabbis to accept 15 days' imprisonment in a Federal penitentiary to dramatize the plight of Soviet Jews is an inspiring and exemplary gesture. This choice, which is consistent with the highest traditions of civil disobedience, sends a powerful message to the Soviet leaders, and should stimulate our own Government to ask itself whether we are doing enough to address this critical issue of human rights.

The circumstances surrounding these cases raise troubling questions.

While ordinarily a decision on a Presidential pardon must await the outcome of all judicial proceedings, surely it would be appropriate for the President to consider exercising his power to commute the sentences the rabbis are now serving. This decision would show compassion, while leaving the ultimate decision of legal issues to the courts.

In the meantime, my thoughts, and those of Marylanders of all creeds, are with the imprisoned rabbis, their families, and their congregations. Even more importantly, our thoughts must be with the Jewish victims of official mistreatment in the Soviet Union, along with our hopes for an improvement in their situation in the year ahead.

UNANIMOUS CONSENT AGREEMENT

NOMINATION OF JAMES L. BUCKLEY TO BE U.S. CIRCUIT COURT JUDGE FOR THE DISTRICT OF COLUMBIA

Mr. DOLE. Mr. President, as in executive session I ask unanimous consent that at the hour of 2 p.m. on tomorrow, Tuesday, December 17, 1985, the Senate go into executive session in order to consider the nomination of James L. Buckley to be U.S. circuit court judge for the District of Columbia, that there be 1 hour of debate equally divided between the chairman of the Judiciary Committee, and the Senator from Connecticut, Mr. DODD, or their designees.

I further ask unanimous consent that it now be in order to ask for the yeas and nays on the Buckley nomination, and that the vote on the nomination occur following the debate.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, is the distinguished majority leader saying that the vote on the nomination will occur

immediately upon the expiration, or yielding back of the time?

Mr. DOLE. Yes.

Mr. BYRD. Mr. President, I have no objection.

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

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

(Later the following occurred:)

Mr. DOLE. Mr. President, under the previous unanimous-consent agreement we were to take up the Buckley nomination at 2 p.m. tomorrow. I now ask unanimous consent that we take up the nomination at 11 a.m. on tomorrow, Tuesday, December 17; that we get into executive session to consider the nomination of James L. Buckley to be U.S. circuit judge for the District of Columbia; that there be 1 hour of debate to be equally divided between the chairman of the Judiciary Committee and the Senator from Connecticut [Mr. DODD] or their designees.

I further ask unanimous consent that following yielding back of time or the separation of time the vote immediately occur.

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

(Conclusion of late proceedings.)

EXECUTIVE CALENDAR

Mr. DOLE. Mr. President, I would like to inquire of the distinguished minority leader if he is in a position to confirm any or all of the nominations on the Executive Calendar as follows:

Calendar No. 519, Calendar No. 520, Calendar Nos. 522, 523, 524, 525, 526, Calendar Nos. 558, 570, 571, 572, 573, Calendar Nos. 577, 578, 579, Calendar No. 581, Calendar Nos. 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, Calendar Nos. 609, 610, 611, 612, Calendar Nos. 614, 615, 616, 617, and 618, Calendar Nos. 620, 621, 622, 623, 624, and all nominations placed on the Secretary's desk except for Foreign Service nominations beginning with L. Paul Bremer III, and ending with Jerome F. Tolson, Jr.; and if the distinguished minority leader is in the position to confirm any or all of the nominations to which I just referred, I ask unanimous consent that the nominations just identified be considered en bloc, and confirmed en bloc.

Mr. BYRD. Mr. President, reserving the right to object, I wish to confer with the majority leader.

Mr. President, I believe we are ready on this side to go forward with the nominees. In fact, I know we are.

I would like to ask, however, while still reserving the right to object—and

the distinguished majority leader and I have had conferences on this matter—for the RECORD, I would like to ask the majority leader whether or not the administration has—in keeping with its recent assurances that were given in my office with the distinguished majority leader present—notified the distinguished majority leader as to whether or not there are any candidates for recess appointments during the forthcoming adjournment sine die over to the 2 session of the 99th Congress.

Mr. DOLE. I might respond there has been no indication. As a matter of fact, the minority leader will recall they indicated that we would have advance notice, that we would be notified prior to adjournment.

I will ask further that a letter we are sending to the President today be made part of the RECORD, a letter where we jointly request that information in writing.

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

U.S. SENATE,

Washington, DC, December 16, 1985.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: In the past, the issue of recess appointments has generated considerable controversy that has disrupted the expeditious handling on nonrecess appointments in the Senate. As we approach sine die adjournment, we would like to be advised of any plans the Administration has for making recess appointments before the Senate returns on January 21 of next year.

This request for notice prior to making the recess appointments is in accordance with the discussions we had earlier in the year on this subject.

Sincerely yours,

BOB DOLE,

Majority Leader.

ROBERT C. BYRD,

Minority Leader.

Mr. BYRD. Mr. President, I thank the distinguished majority leader. I take it the distinguished majority leader is in the same position I am at the moment; namely, that the administration has not indicated that any such recess appointments will be made.

Mr. DOLE. That is correct.

Mr. BYRD. I thank the distinguished majority leader. I revoke my reservation.

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

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

David R. Thompson, of California, to be U.S. circuit judge for the ninth circuit.

Bobby Ray Baldock, of New Mexico, to be U.S. circuit judge for the tenth circuit.

Glenn L. Archer, Jr., of Virginia, to be U.S. circuit judge for the Federal circuit.

Frank X. Altamari, of New York, to be U.S. circuit judge for the second circuit.

Patrick A. Conmy, of North Dakota, to be U.S. district judge for the District of North Dakota.

Lynn N. Hughes, of Texas, to be U.S. district judge for the Southern District of Texas.

Morris S. Arnold, of Arkansas, to be U.S. district judge for the Western District of Arkansas.

John T. Noonan, Jr., of California, to be U.S. circuit judge for the ninth circuit.

Deanell Reece Tacha, of Kansas, to be U.S. circuit judge for the tenth circuit.

Garrett E. Brown, Jr., of New Jersey, to be U.S. district judge for the District of New Jersey.

Robert L. Miller, Jr., of Indiana, to be U.S. district judge for the Northern District of Indiana.

DEPARTMENT OF JUSTICE

John R. Bolton, of Virginia, to be an Assistant Attorney General.

U.S. INTERNATIONAL TRADE COMMISSION

Anne E. Brunsdale, of the District of Columbia, to be a Member of the U.S. International Trade Commission.

DEPARTMENT OF COMMERCE

Paul Freedenberg, of Maryland, to be an Assistant Secretary of Commerce.

DEPARTMENT OF THE TREASURY

Francis Anthony Keating, II, of Oklahoma, to be an Assistant Secretary of the Treasury.

DEPARTMENT OF THE INTERIOR

Ralph W. Tarr, of Virginia, to be Solicitor of the Department of the Interior.

DEPARTMENT OF ENERGY

John C. Layton, of Virginia, to be Inspector General of the Department of Energy.

David M. L. Lindahl, of Virginia, to be Director of the Office of Alcohol Fuels.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Ford Barney Ford, of Virginia, to be a member of the Federal Mine Safety and Health Review Commission.

NATIONAL MEDIATION BOARD

Walter C. Wallace, of New York, to be a member of the National Mediation Board.

Helen M. Witt, of Pennsylvania, to be a member of the National Mediation Board.

Charles L. Woods, of California, to be a member of the National Mediation Board.

DEPARTMENT OF EDUCATION

Bruce M. Carnes, of Virginia, to be Deputy Under Secretary for Planning, Budget and Evaluation, Department of Education.

Wendell L. Willkie, II, of the District of Columbia, to be General Counsel, Department of Education.

DEPARTMENT OF STATE

John Edwin Upston, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Rwanda.

Rockwell Anthony Schnabel, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Finland.

Margaret M. O'Shaughnessy Heckler, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

Fred L. Hartley, of California, for the rank of Ambassador during the tenure of his service as Commissioner General of the U.S. Exhibition for the International Expo-

sition, Vancouver, British Columbia, Canada, 1986.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Michael H. Mobbs, of the District of Columbia, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

U.S. INFORMATION AGENCY

Charles Edward Horner, of the District of Columbia, to be an Associate Director of the U.S. Information Agency.

SECURITIES AND EXCHANGE COMMISSION

Edward H. Fleischman, of New Jersey, to be a member of the Securities and Exchange Commission.

NATIONAL INSTITUTE OF BUILDING SCIENCES

Fred E. Hummel, of California, to be a member of the Board of Directors of the National Institute of Building Sciences.

THE JUDICIARY

Stanley Sporkin, of Maryland, to be U.S. district judge for the District of Columbia.

Alan B. Johnson, of Wyoming, to be U.S. district judge for the District of Wyoming.

J. Spencer Letts, of California, to be U.S. district judge for the Central District of California.

Dickran M. Tevzizian, Jr., of California, to be U.S. district judge for the Central District of California.

Harry D. Leinenweber, of Illinois, to be U.S. district judge for the Northern District of Illinois.

George H. Revercomb, of Virginia, to be U.S. district judge for the District of Columbia.

Duross Fitzpatrick, of Georgia, to be U.S. district judge for the Middle District of Georgia.

DEPARTMENT OF JUSTICE

Arnold I. Burns, of New York, to be Associate Attorney General.

MARINE MAMMAL COMMISSION

Robert Elsner, of Alaska, to be a member of the Marine Mammal Commission for the term expiring May 13, 1987.

DEPARTMENT OF COMMERCE

Alexander Hansen Good, of the District of Columbia, to be Director General of the United States and Foreign Commercial Services.

FEDERAL MARITIME COMMISSION

James J. Carey, of Illinois, to be a Federal Maritime Commissioner.

THE JUDICIARY

Harold L. Cushenberry, Jr., of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia.

Michael L. Rankin, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia.

DEPARTMENT OF ENERGY

Sylvester R. Foley, Jr., of Florida, to be an Assistant Secretary of Energy (Defense Programs).

DEPARTMENT OF DEFENSE

Chapman B. Cox, of Virginia, to be an Assistant Secretary of Defense.

IN THE AIR FORCE

The following named officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of sections 593, 8218, 8373, and 8374, Title 10, United States Code:

To be major general

Brig. Gen. William G. Work, xxx-xx-xx-xx, Air National Guard of the United States.

To be brigadier general

Col. Ray D. Airy, xxx-xx-xx-xx, Air National Guard of the United States.

Col. Jacob J. Braig, xxx-xx-xx-xx, Air National Guard of the United States.

Col. Alfred P. Bunting, xxx-xx-xx-xx, Air National Guard of the United States.

Col. Jerry W. Cook, xxx-xx-xx-xx, Air National Guard of the United States.

Col. Charles R. Driggers, xxx-xx-xx-xx, Air National Guard of the United States.

Col. Ralph C. Jensen, xxx-xx-xx-xx, Air National Guard of the United States.

Col. Joseph A. Kazek, xxx-xx-xx-xx, Air National Guard of the United States.

Col. Curtis A. Madson, xxx-xx-xx-xx, Air National Guard of the United States.

Col. Roy C. Martin, Jr., xxx-xx-xx-xx, Air National Guard of the United States.

Col. Ernest C. Park, xxx-xx-xx-xx, Air National Guard of the United States.

Col. John J. Roark, xxx-xx-xx-xx, Air National Guard of the United States.

Col. Robert L. Slaughter, xxx-xx-xx-xx, Air National Guard of the United States.

Col. John A. Slifer, Jr., xxx-xx-xx-xx, Air National Guard of the United States.

Col. Thomas P. Webb, III, xxx-xx-xx-xx, Air National Guard of the United States.

The following-named officer under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Richard A. Burpee, xxx-xx-xx-xx, U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provision of Title 10, United States Code, Section 1370.

To be lieutenant general

Lt. Gen. Robert L. Bergquist, xxx-xx-xx-xx, (age 54), U.S. Army.

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370.

To be vice admiral

Vice Adm. William P. Lawrence, xxx-xx-xx-xx, /1310, U. S. Navy.

The following-named captains of the line of the Navy for promotion to the permanent grade of rear admiral (lower half), pursuant to Title 10, United States Code, Section 624, subject to qualifications therefor as provided by law:

*UNRESTRICTED LINE OFFICER**To be rear admiral (lower half)*

Phillip Don Smith.
David Roland Morris.
Fredrick John Metz.
Edward Bigelow Baker, Jr.
Peter Gordon Chabot.
Jimmie Wilkes Taylor.
John Franklin Calhoun.
George Henry Strohsahl, Jr.
Jesse Jimenez Hernandez.
John William Bitoff.
David Michael Bennett.
Thomas Alexander Mercer.
Leighton Warren Smith, Jr.
Richard Chester Macke.

Henry Clayton McKinney.
David Rogers Oliver, Jr.
Kenneth Leroy Carlsen.
David Brooks Robinson.
George Washington Davis VI.
Arlington Fichtner Campbell.
Jerome Frost Smith, Jr.
Stephen Kent Chadwick.
Glenn Edward Whisler, Jr.
Craig Emery Dorman.
Geoffrey Lynn Chesbrough.
Grady Lee Jackson.
James Bernard Greene, Jr.
Joseph Paul Reason.

*RESTRICTED LINE OFFICER—ENGINEERING DUTY OFFICER**To be rear admiral (lower half)*

George Richard Meinig, Jr.
Walter Hollingsworth Cantrell.

*AERONAUTICAL ENGINEERING DUTY OFFICER**To be rear admiral (lower half)*

Larry Eugene Bloese.
The following-named captains of the U.S. Navy for promotion to the permanent grade of rear admiral (lower half), pursuant to Title 10, United States Code, Section 624, subject to qualifications therefor as provided by law:

*MEDICAL CORPS**To be rear admiral (lower half)*

Russell Larry Marlor.
Daniel Barfield Lestage.
Donald Floyd Hagen.
William Arthur Buckendorf.

*SUPPLY CORPS**To be rear admiral (lower half)*

Brady Marshall Cole.
Peter Demayo.
Francis Leonard Filipiak.

*CIVIL ENGINEER CORPS**To be rear admiral (lower half)*

David Elliott Bottorff.
Jon Robert Ives.

*DENTAL CORPS**To be rear admiral (lower half)*

Milton Chipman Clegg.

*MEDICAL SERVICE CORPS**To be rear admiral (lower half)*

Donald Eugene Shuler.
The following-named officer, under the provisions of Title 10, United States Code, Section 601, to be reassigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be vice admiral

Vice Adm. Huntington Hardesty, xxx-xx-xx-xx, /1310, U.S. Navy.

The following-named officer, under the provisions of Title 10, United States Code, Section 601, to be reassigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be vice admiral

Rear Adm. James H. Webber, xxx-xx-xx-xx, /1440, U.S. Navy.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, COAST GUARD, FOREIGN SERVICE, NAVY

Air Force nominations beginning Donald R. Klein, and ending Wesley G. Petty, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 6, 1985.

Army nominations beginning Mani Bala, and ending Alan F. Weir, which nominations were received by the Senate and ap-

peared in the CONGRESSIONAL RECORD of December 6, 1985.

Army nominations beginning Benny L. Bachulis, and ending Anthony E. Curcio, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 9, 1985.

Coast Guard nominations beginning John J. Clare, and ending Robert P. Sniffen, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 6, 1985.

Coast Guard nominations beginning Barry R. Moore, and ending John H. Wigger, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 9, 1985.

Foreign Service nominations beginning Frank A. Padovano, and ending John E. Rlesz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 4, 1985.

Foreign Service nominations beginning Gerald W. Harvey, and ending Vincente Tang, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 4, 1985.

Navy nominations beginning Victor H. Ackley, and ending John E. Wilson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 6, 1985.

Navy nomination of Donald F. Schorr, II, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of December 11, 1985.

Navy nominations beginning Briana M. Albert, and ending Eric J. Zintz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 11, 1985.

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

Mr. BYRD. Mr. President, were the nominations confirmed en bloc?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, I move to lay the motion to reconsider on the table.

The motion to lay on the table is agreed to.

Mr. DOLE. I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

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

NOMINATION OF FRANK KEATING

Mr. BOREN. Mr. President, I rise to express my wholehearted support for the nomination of Mr. Frank Keating as Assistant Secretary of Treasury for Enforcement and Operations. I have long known him to be an able and dedicated public servant.

Since we were classmates in law school, I have respected Frank Keating for his unquestionable integrity and his commitment to the strict enforcement of the law. Through the years, he demonstrated those attributes in his capacity as a practicing attorney, as a State senator, and later as U.S. attorney. I have every confidence that he will continue to dedicate himself in a way that will make this

body proud to have confirmed his Presidential nomination.

We are fortunate to have such a man as Frank Keating willing to make the personal sacrifices that invariably accompany public service. I urge my colleagues to support it unanimously.

NOMINATION OF DAVID M.L. LINDAHL

Mr. McCURE. Mr. President, on December 11, 1985 the Committee on Energy and Natural Resources, by a vote of 18 to 0, reported the nomination of David M.L. Lindahl, to be Director of the Office of Alcohol Fuels of the Department of Energy. Mr. Lindahl's nomination hearing was held on December 6. He has fully complied with the committee's rules requiring submittal of a financial disclosure report and a detailed information statement.

Mr. Lindahl's 13 years of experience with the Congressional Research Service as an energy policy specialist have provided him with extensive background knowledge of the alcohol fuel industry. In addition, for 2 years beginning in 1978, he served concurrently as a Federal representative for the National Petroleum Council. He has also worked for the U.S. Geological Survey and the Defense Intelligence Agency.

In his testimony before the committee, Mr. Lindahl described his view of the importance of alcohol fuels:

I believe alcohol fuels is a valued ingredient of our energy diversification efforts. It is an important component of energy security and our energy future. I am committed to a strong alcohol fuels alternative, and I look forward to working with Secretary Herrington towards helping fulfill the promise of this alternative fuel.

Mr. President, on behalf of the Committee on Energy and Natural Resources, I am pleased to recommend Senate approval of the Presidential nomination of David M.L. Lindahl for the position of Director of the Office of Alcohol Fuels of the Department of Energy.

NOMINATION OF BOBBY R. BALDOCK TO THE TENTH CIRCUIT COURT OF APPEALS

Mr. DOMENICI. Mr. President, it is a distinct pleasure to rise to commend the Senate's confirmation of the Honorable Bobby R. Baldock to a position on the U.S. Court of Appeals for the Tenth Circuit. It is a distinct pleasure because Judge Baldock is highly qualified for this position and because it is an uncommon privilege for a New Mexican to be accorded such an honor. As you know, New Mexico is relatively a new State, as States go, and we haven't had the opportunity to have many of our citizens serve on the court of appeals.

Let me share a story with you which illustrates how uncommon it is for a New Mexican to be nominated to the U.S. court of appeals. I am well aware that, by tradition, we Senators play a major role in the selection of Federal

district court judges. In fact, we all know that it is very difficult for the President to get a district court judge approved if the Senator from the State opposes the nomination. But no New Mexican had ever been nominated for a court of appeals position in the 13 years in which I have served in this body, so I was unaware of the protocol of such nominations. I did not know that nominations to the court of appeals always have been the exclusive prerogative of the President. So when a New Mexican retired from the tenth circuit, I saw the vacancy and I really thought that the President had to appoint the person I wanted to the seat. It turns out that I was mistaken. But it just so happens that the man I thought ought to have the job is the man that the President wanted to nominate. Thus, the President did what I wanted him to do all along: He nominated the Honorable Bobby R. Baldock.

Let me point out that, not only does Judge Baldock have my support and the support of the President, but he has the support of the distinguished junior Senator from New Mexico and the support of all three members of the New Mexico delegation in the House of Representatives. So it is no surprise that the President did what I wanted him to do because it is clear to all concerned that Judge Baldock is the right man for this position. To illustrate my point, let me briefly summarize Judge Baldock's qualifications for you.

Judge Baldock has served as a judge of the Federal District Court of New Mexico since 1983. In his 2½ years on the bench, Judge Baldock has demonstrated that he possesses the qualities which are hallmarks of our American judiciary. His written opinions demonstrate research, analysis, and citation of the highest caliber. They are notable especially for their clarity, and occasionally for their humor, which should surprise no one who knows him. Judge Baldock's opinions highlight that he is a practitioner of judicial restraint and an advocate of judicial economy. He is protective of the right of access of litigants to the Federal courts, but dedicated to preserving federalism and the sovereignty of the States. He is sensitive to the separation of powers and the role of each of the branches of government. He is tough on crime, yet protective of the rights of criminal defendants. Judge Baldock's approach to law can best be characterized as nondogmatic and, above all, guided by commonsense.

Prior to assuming his place on the bench, Judge Baldock had a long and distinguished career as an attorney in Roswell, NM. He graduated from the University of Arizona School of Law in 1960, where he was on the law review and a member of Phi Alpha Delta Law Fraternity. Upon graduation, he en-

tered private practice in Roswell with the firm that was to become Sanders, Bruin & Baldock when he became a partner in 1965. Judge Baldock remained with the firm until he was appointed to the district court in 1983.

Over the years, Judge Baldock has been involved with many professional organizations. He is a member of the State Bars of New Mexico and Arizona, the American Bar Association, and the New Mexico Trial Lawyers Association. He is a past president of the Chaves County Bar Association and has also served as a test grader for the New Mexico Board of Bar Examiners.

Although Judge Baldock was a distinguished trial attorney, he has taken an active role in examining and promoting alternative methods of dispute resolution. He has previously served on the New Mexico Medical-Legal Malpractice Panel and was a member of the American Arbitration Association. Currently, Judge Baldock serves as the New Mexico Federal Court Liaison to the Alternative Methods of Dispute Resolution Committee of the State Bar of New Mexico.

Judge Baldock is noted for his service to his community. He was a charter member and chairman of the board of the Valley Bank of Commerce. For 9 years, he served with the New Mexico National Guard in the judge advocate's office. He has participated in a major way—as president, as chairman, or as board member—of the Roswell YMCA, the Eastern New Mexico State Fair Board, the Chaves County Cancer Crusade, the Roswell High School Booster Club, the Roswell chapter of Rotary International, and the Roswell Chamber of Commerce. He has been an active member of his church. Judge Baldock also has taken a particular interest in the well-being of our youth. In addition to his activities with the YMCA, he was director, manager, and coach of Roswell Little League for 10 years. For 18 years, he taught business law at Eastern New Mexico State University.

I have known Judge Baldock for many years. He is above all a very strong family man. I would be remiss if I didn't acknowledge the role his wife, Mary Jane, who everyone calls Spunky because of her vivacious personality, plays in his life. They are truly a team. They have been blessed with two fine sons, Bobby and Christopher. God willing, Judge Baldock will be on the bench for many years, as he is both young in age and young in spirit and he is dedicated to serving the cause of justice.

Let me say that the activities and achievements which I have mentioned today are just a small example of Judge Baldock's commitment and dedication to his work and his personal life. In sum, Judge Baldock is an outstanding individual, one who is

well-qualified, by temperament and experience, to meet the challenges and demands of the court of appeals. I commend the Senate on approving his nomination. I have no doubt that Judge Baldock will live up to the confidence and trust that this body has placed in him.

NOMINATION OF RALPH TARR

Mr. McCLURE. Mr. President, I urge the Senate to consent to the nomination of Ralph Tarr to be the Solicitor for the Department of the Interior. Mr. Tarr comes to the position well qualified to provide the advice which the Secretary of the Interior needs to fulfill his responsibilities for the programs within the Department. Mr. Tarr has complied with all of the requirements of the Senate and the Committee on Energy and Natural Resources. He testified before the committee on Wednesday, December 4, 1985, and has fully responded to all questions which members of the committee posed to him. Based on that record, the committee ordered the nomination favorably reported to the Senate on December 11, 1985, with a unanimous vote.

One issue which I feel should be addressed with respect to Mr. Tarr, and which obtains to almost any attorney who assumes Federal office, is the issue of recusal. There is a fine line which must be respected to preserve the integrity of the Government and at the same time provide to the Government the knowledge, experience, and leadership of nominees. When selecting a person to be the solicitor of an agency, you look not only to their general legal qualifications, but also to their experience and familiarity with the body of law which they must interpret. For most attorneys, the experience is gained in the practice of their profession, often in litigation against the very department which they will now serve. Mr. Tarr is no exception.

Water and water-related issues are perhaps the most complicated areas with which the Solicitor for the Department of the Interior must deal. They arise not only with respect to the Reclamation Program, but are also at the heart of many of our trust responsibilities for the Indian tribes. I would be very uncomfortable recommending to the Senate any nominee for this position who did not have some familiarity with this issue and certainly would not recommend a candidate who did not appreciate how complicated and fraught with controversy any water issue inevitably becomes. At the same time, I also want to be completely assured that the nominee will faithfully represent the Department and has appropriately considered the extent to which he must recuse himself from such issues. Mr. Tarr has done so.

The Westlands Water District of California is and has been the source

of many issues affecting both Federal and State interests. Mr. Tarr at one point represented several farmers, some of whom were within the district, in litigation between the district and the Federal Government. At no time did he represent the district. Mr. Tarr made a complete and forthright explanation of his representation in that case. He has recused himself while at the Department of Justice from that case, and will continue to do so. Mr. Tarr's responses to questions for the record follow:

1. I wanted to clarify your answers to my questions regarding your future participation in matters involving the Westlands Water District.

(a) Will you recuse yourself from any participation in the case *Westlands Water District et al. vs. United States of America* (No. CV F-81-245-EDP)?

(b) Will you recuse yourself from any involvement in any future litigation involving the *Westlands Water District*?

Answer: (a) I am not familiar with the details of *Westlands Water District et al. v. United States* (No. CV F-81-245-EDP). Based upon press reports concerning the issues of that case, however, there would appear to be no legal, ethical, or personal reason that would require my recusal from participation in the case if I am confirmed as Solicitor. As suggested in my testimony, I have never represented the Westlands Water District, and more specifically, I have never, nor I have been advised has my former law firm, been an attorney of record on behalf of any party in the case.

(b) Any such determination must be made on a case-by-case basis. The only case concerning which I have already made such a determination is the one I discussed during my testimony: *Pilibos v. Andrus* (No. F-78-62-CIV). I have recused myself from that case since coming to the government and will continue to do so, because I was counsel of record for plaintiff Pilibos in that case.

I can assure the Committee that, if confirmed as Solicitor, I will be vigilant in satisfying my ethical responsibilities as a lawyer and as an employee of the federal government. I will seek the assistance and advice of the Designated Agency Ethics Official in the Department to resolve any uncertainty I may have about the propriety of my participating in a particular matter.

In light of Mr. Tarr's responses and my own reading of the applicable Federal or professional ethical standards, I can find no reason for Mr. Tarr, as Solicitor of the Department of the Interior to disqualify himself from any case regarding reclamation law in general on the Westlands Water District. He must, of course, recuse himself from Pilibos versus Andrews.

I want to emphasize that I do not subscribe to any theory that a nominee must recuse himself from any area in which he is qualified to express an opinion. I want to state that explicitly for the record so that there is no uncertainty as to my expectations with respect to his future conduct. I concur fully in his statement of the circumstances which would lead to a future decision to recuse himself and I see no reason to question his integrity.

I would note that I also fully expect that he will immediately focus on the recent decisions by Judge Kane in *Sierra Club versus John Block, et al.*, and Judge Pratt in *National Wildlife Federation versus Robert F. Burford, et al.*, as well as the other significant issues which await the new solicitor. I wish Mr. Tarr well for he will have little time to relax. The job ahead of him will require all of his skills and patience. I believe he can do the job and I urge the Senate to consent to his nomination.

NOMINATION OF JOHN C. LAYTON

Mr. McCLURE. Mr. President, on December 11, 1985, the Committee on Energy and Natural Resources reported the nomination of John C. Layton to be inspector general of the Department of Energy. The vote was 18 to zero. Mr. Layton's nomination hearing was held on December 6. He has fully complied with the committee's rules requiring submittal of a financial disclosure report and a detailed information statement.

Mr. Layton is well qualified to be DOE's inspector general. He has served as the inspector general for the Department of the Treasury since September of last year, and he was deputy inspector general at NASA from 1983 to 1984. He has also worked as a special agent with the FBI for 8 years. Regarding his experience, Mr. Layton stated the following during his hearing:

My six years of experience in the Inspector General community has taught me that the Inspector General plays a critical role in assuring that tax dollars are spent in the most efficient manner possible and that government programs are free from fraud and waste. The nature of the position, as detailed by statute, and as it has evolved, places the Inspector General in a unique position, both as "independent" agency watchdog and as chief advisor to the Secretary on matters of program economy and integrity.

The duties of the inspector general are set forth in detail in the Department of Energy Organization Act. Mr. Layton described those responsibilities at his hearing:

The duties and responsibilities of the Department of Energy Inspector General are quite specific. He supervises and coordinates audit and investigative activities, as well as recommends policies and procedures to the Secretary of Energy for promoting economy and efficiency in the Department. The Inspector General is responsible for preventing and detecting fraud and abuse in the Department's programs and for identification of persons participating in fraud and abuse. Semi-annually, he reports a summary of his activities to the Secretary of Energy, Congress, and the Federal Energy Regulatory Commission.

Mr. President, on behalf of the Committee on Energy and Natural Resources, I am pleased to recommend Senate approval of the Presidential nomination of John C. Layton for the

position of inspector general of the Department of Energy.

EDWARD FLEISCHMAN: A WELCOME ADDITION TO GOVERNMENT

Mr. LAUTENBERG. Mr. President, I am pleased to rise in support of the nomination of Edward Fleischman of New Jersey to serve on the Securities and Exchange Commission.

Mr. Fleischman is an able, well-respected securities lawyer. He has practiced law with the Wall Street firm of Beekman & Bogue, and then Gaston Snow Beekman & Bogue for over 25 years. Those who know him well speak highly of his skills and integrity.

He has been an adjunct professor in securities regulation at New York University Law School, and has lectured and written on the subject. He has participated in a variety of American Bar Association committee activities, in an effort to assist practitioners and to improve the law in the area of securities regulation.

He will bring to the Commission experience, intelligence, and wisdom in the area of law and regulation that has a critical impact on capital formation, and the economy as a whole. Unfortunately, there are too few people like him, who are willing to leave prosperous careers in the private sector in order to apply their knowledge, and to make a contribution, to the work of government.

There are substantial issues that will come before the SEC during Mr. Fleischman's term. I understand that a comprehensive review of issues involving the area of takeovers and tender offers has been held off by the Commission Chairman, until vacancies on the Commission were filled. With Mr. Fleischman's confirmation, the Commission will finally be up to full strength.

Mr. President, the Securities and Exchange Commission has made a laudable effort in enforcing the law against insider trading. SEC enforcement actions have increased significantly since 1979. Yet, other enforcement, supervisory and regulatory matters are challenging the resources of the agency. Customer complaints and inquiries to the agency have doubled from 1979 to 1984. The number of companies registered under the Investment Company Act have gone up 200 percent. Broker dealer applications have gone up 100 percent. The number of registrations of initial public offerings is up 157 percent. The number of investor cases brought to securities dealers for arbitration has more than tripled.

I am hopeful that Mr. Fleischman will make a major contribution to fulfilling the Commission's mandate to police and regulate the securities industry, to protect the public, and to contribute to the maintenance of fair, orderly, and efficient capital markets

essential to the health of our economy.

I support his nomination and urge my colleagues to confirm him.

DEANELL REECE TACHA NOMINATION TO BE A JUDGE OF THE TENTH CIRCUIT COURT OF APPEALS

Mr. DOLE. Mr. President, I am pleased and proud today to rise in support of the confirmation of Deanell Reece Tacha to serve on the 10th Circuit Court of Appeals. Joining me in my support for this outstanding nominee is my distinguished colleague from Kansas, Senator KASSEBAUM, and the many people throughout the State of Kansas who know and admire Deanell Tacha.

The nominee possesses excellent qualifications for the Senate's review and approval. Her background in law, teaching, college administration, Government and civic affairs is of the highest caliber. This background gives her the education, experience, discipline, and temperament needed for effective service on the Federal bench.

Deanell is a 1968 graduate of the University of Kansas. Among the many honors she received while attending Kansas University are her election to Phi Beta Kappa and Mortar board and her selection as an outstanding senior woman at the university and in the country.

While attending the University of Michigan Law School, she was a member of the student senate, competed successfully in moot court competition and served on the student-faculty admissions committee. She received her juris doctorate in 1971.

She was then appointed a White House fellow, in which capacity she directed a task force on lawyers and trial examiners designing an adjudication system as part of welfare reform legislation. She served in the office of the Secretary of Labor and represented the Secretary at several international meetings and conferences. She also was executive assistant to then Under Secretary of Labor for Manpower, Laurence Silberman, who the Senate recently confirmed to be a judge on the D.C. Circuit Court of Appeals.

Following her tenure at the Department of Labor, Deanell joined the faculty of the Kansas University Law School where she taught courses in administrative law, oil and gas, and communications law and directed the school's student legal aid program. In 1979 she was appointed the University's associate vice chancellor for academic affairs and in 1981, she assumed her current position as vice chancellor, which entails the supervision of all the university's academic programs and budgetary matters.

Her outside activities are too numerous to mention. Suffice it to say she has served on numerous law school

and university committees, including the Blue Ribbon Committee on Freedom of Speech, Academic Affairs Affirmative Action, and Title IX Self-Evaluation. She has also been quite active on community- and State-based groups and organizations, including the Kansas Committee for the Humanities, the Kansas Women's Sports Advisory Committee, and a rape victim support service in Lawrence. In business affairs she has served on the boards of directors of Alliance Life Insurance Co. and the Lawrence Federal Savings and Loans Association.

Mr. President, I could go on for quite some time about the accomplishments of the nominee, but I will not belabor the point. I will simply reiterate my strongest support for this outstanding judicial candidate who, once confirmed by the Senate, will become only the second woman to be appointed to the 10th circuit bench and only the 17th in the 100 years since the circuit courts of appeal were established. I urge her prompt, unanimous approval by the full Senate and extend my deepest congratulations to her and her husband, John, and children, John, David, Sarah, and Leah.

IN SUPPORT OF THE NOMINATION OF STANLEY SPORKIN TO BE A U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA

Mr. PROXMIER. Mr. President, it is with genuine enthusiasm and a feeling of personal affection that I lend my support to the nomination of Stanley Sporkin to be a U.S. district judge for the District of Columbia.

My Chairmanship of the Senate Banking Committee overlapped in large measure Stanley Sporkin's directorship of the Division of Enforcement of the Securities and Exchange Commission and a result I had numerous opportunities to work with and get to know him. Civil servants come and they go, but in my experience there has never been a more dedicated or effective public servant—or for that matter a more honest or compassionate one than Stanley Sporkin.

His outstanding career is documented by the many awards he has received. In 1979 Mr. Sporkin was a recipient of the President's Award for Distinguished Federal Civilian Service, the highest honor that can be granted to a member of the Federal career service. He received in 1978 the Rockefeller Award for Public Service from the Woodrow Wilson School of Public and International Affairs at Princeton University and in 1976 the National Civil Service League's Special Achievement Award. He has also been presented the Securities and Exchange Commission's Distinguished Service Award and Supervisory Excellence Award. In 1979 Mr. Sporkin was given the alumnus of the year award by Pennsylvania

State University. In 1981 Mr. Sporkin received the rank of the Meritorious Executive in the Senior Executive Service for sustained superior accomplishment in management of programs of the U.S. Government and for noteworthy achievement of quality and efficiency in the public service. In 1984 Mr. Sporkin received the Meritorious Officer in the Senior Intelligence Service Award for sustained superior accomplishments.

As the Chief of the Enforcement Division of the Securities and Exchange Commission Stanley Sporkin made his reputation as a fighter of corporate wrongdoing. Oftentimes he brought to justice prestigious corporations and white-collar businessmen who had run afoul of the law. But I have heard on excellent authority that in a number of instances the very lawyers who found themselves at the opposite end of the table of Stanley Sporkin were among his greatest admirers. I don't think any higher tribute can be paid a law enforcement official than to be respected by an adversary.

I think it is also fair to say that Stanley Sporkin attracted into Government some of the best talent the Enforcement Division of the SEC has seen in recent years and that his leadership of the division inspired many of the younger lawyers who worked with him and that morale at the Commission in the Enforcement Division was never higher than when he was there.

I have said it before and I will say it again: I think that this nomination is one of the best things President Reagan has done since he took office.

Stanley Sporkin's entire background attests to his qualifications for this position. He graduated Phi Beta Kappa from Pennsylvania State University. He graduated from Yale Law School. After graduate school he was a law clerk for two separate district court judges. He has trial experience and he has a proven record as being one of the toughest and fairest law enforcement officials ever to serve in the U.S. Government.

With respect to the judicial temperament he may be expected to bring to the job, one of this country's outstanding corporate securities lawyers has written:

Mr. Sporkin reflects the very best qualities one could hope for in a judge. A man of great personal integrity, with a commitment to the highest professional ethics, I have watched Mr. Sporkin eschew prosecution where individuals claimed they had not been given a fair hearing, and I cannot recount the number of times Mr. Sporkin refused to pursue theories of law that he believed were not well grounded, either factually, or legally. In cases where violations of law had undoubtedly occurred, but unusual extenuating situations existed, Mr. Sporkin

always found a way to effectuate the law's spirit, without crushing human spirit. It would be hard to characterize Mr. Sporkin as anything but committed to strong law enforcement, but never at the expense of human dignity, or individual liberties.

I think Harvey Pitt is right.

Mr. President, Stanley Sporkin's father was a judge in Philadelphia and I derive a great deal of satisfaction in helping to give a worthy son the opportunity to emulate his father.

I recommend this nomination to the full Senate without reservation or qualification and have no doubt that Stanley Sporkin will be an outstanding judge and a credit to our judiciary.

CONFIRMATION OF GARRETT BROWN TO THE U.S. DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Mr. LAUTENBERG. Mr. President, I rise in support of the confirmation of Garrett Brown, who has been nominated to serve on the U.S. District Court for the District of New Jersey.

Mr. Brown is now acting Deputy Administrator of the Maritime Administration, where he previously served as chief counsel. He has also served as general counsel to the Government Printing Office.

Before 1981, Mr. Brown was engaged in the private practice of law in New Jersey. He was a partner in the Newark law firm of Stryker, Tams & Dill. Before entering private practice, he served as an assistant U.S. attorney for 4 years.

Mr. Brown has received high praise from those who have worked with him. If confirmed, he will be bestowed with the greatest honor of his career, and, I would say, the most profound responsibility and his greatest challenge. He will be charged with dispensing justice to all segments of our society—the poor, the accused, and the powerless, as well as the rich and powerful.

He will be charged with maintaining the public's respect for the law and the judicial system, while at the same time, not bending the law or the rights of individuals to popular opinion. Mr. Brown has expressed to me his appreciation of this responsibility.

Mr. President, New Jersey's courts are the most burdened in the third circuit. While the 14 district court judgeships assigned to the State are inadequate to meet the rising caseload, unfilled vacancies on the court have made matters worse. With Mr. Brown's confirmation, the State will have the benefit of its full complement of authorized judges.

Mr. Brown is an able, experienced practitioner. I am pleased his nomination has been confirmed.

INTERNATIONAL TELECOMMUNICATION CONVENTION (NAIROBI, 1982)

TAX CONVENTION WITH ITALY

TAX CONVENTION WITH CYPRUS

TAX CONVENTION WITH BARBADOS

Mr. DOLE. Mr. President, as in executive session, I ask unanimous consent that the following treaties on the Executive Calendar be considered at this time. Treaty documents numbered 99-6, International Convention with Nairobi; 98-28, Tax Convention with Italy; 98-32, Tax Convention with Cyprus; and 99-3, Tax Convention with Barbados.

Mr. BYRD. Mr. President, if I may respond to the distinguished majority leader's question in respect to the treaties, there is no objection on this side to the majority leader's request.

Mr. DOLE. I ask unanimous consent that the treaties be advanced through the various parliamentary stages up to and including the presentation of the resolutions of ratification; that all Foreign Relations Committee reported reservations and understandings be agreed to; and that there be 10 minutes of debate on the resolutions of ratification to the four treaties mentioned above, to be equally divided between the chairman of the Foreign Relations Committee and the ranking minority member or their designees.

Mr. BYRD. Mr. President, does the distinguished majority leader want to go forward with these today?

Mr. DOLE. Yes, Mr. President. I understand the distinguished chairman of the Foreign Relations Committee only asked that he might include a statement in the RECORD.

Mr. BYRD. Very well, Mr. President.

Mr. DOLE. Mr. President, I further ask unanimous consent that, following the conclusion or yielding back of time, the Senate proceed to vote on the resolutions of ratification, with one vote counting as four votes.

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

The resolutions of ratification are as follows:

RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION TO THE INTERNATIONAL TELECOMMUNICATION CONVENTION—NAIROBI, 1982

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Telecommunication Convention, with Annexes, and a Final Protocol to the Convention, signed on behalf of the United States at Nairobi on November 6, 1982.

RESOLUTION OF ADVICE AND CONSENT TO
RATIFICATION TO THE TAX CONVENTION
WITH ITALY

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the Government of the United States and the Government of Italy for the Avoidance of Double Taxation with Respect to Taxes on Income and the Prevention of Fraud or Fiscal Evasion, together with a supplementary protocol and exchange of notes, signed at Rome on April 17, 1984, subject to the following: Understanding:

That the indirect credit available to a United States corporation with respect to dividends from a company which is a resident of Italy is not available if such company is a resident of the United States under United States law.

RESOLUTION OF ADVICE AND CONSENT TO
RATIFICATION TO THE TAX CONVENTION
WITH CYPRUS

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the Government of the United States and the Government of the Republic of Cyprus for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Nicosia on March 19, 1984.

RESOLUTION OF ADVICE AND CONSENT TO
RATIFICATION TO THE TAX CONVENTION
WITH BARBADOS

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the Government of the United States of America and the Government of Barbados for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, together with a related exchange of notes, signed at Washington on December 31, 1984, subject to the following: Reservation.

That the words "voting power" in Article 10, paragraph 5 shall be construed to mean "voting power or value" for purposes of imposing the tax under section 531 of the Internal Revenue Code of 1954.

TAX TREATIES BETWEEN THE UNITED STATES
AND ITALY, BARBADOS, AND CYPRUS

Mr. LUGAR. Mr. President, today the Senate is being asked to give its consent to the ratification of three bilateral tax treaties: an income tax convention and protocol with the Government of Italy [Treaty Doc. 98-28; Ex. Rept. 99-6]; an income tax convention with the Government of Cyprus [Treaty Doc. 98-32; Ex. Rept. 98-8]; and an income tax convention with the Government of Barbados [Treaty Doc. 99-3; Ex. Rept. 99-9].

These treaties are similar to those already in force between the United States and some 35 other countries. Generally speaking, these treaties provide that income earned by the national of one country in the other country will be taxed only once. Absent the treaties, in many cases this income would be taxed twice: Once in the country where it is earned and again by the home country of the national

who earned it. Removing this burden of double taxation will encourage investment and otherwise promote economic cooperation between the United States and each of its treaty partners.

A second feature of these treaties is that they contain a number of provisions to reduce tax evasion and avoidance. The revenue authorities of each of our treaty partners will be able to share information with the Internal Revenue Service. Certain types of transactions, entered into only to avoid the payment of taxes, will no longer be permitted. These and other sections of the treaties will reduce opportunities for abuse.

The Committee on Foreign Relations reviewed these treaties at a hearing chaired by the distinguished Senator from Washington [Mr. EVANS]. Thanks to his leadership, the committee subsequently approved each of these treaties unanimously.

Mr. President, during the committee's deliberations on these treaties, the views of the Committee on Finance as well as those of the tax writing committee of the other body were solicited. The views of these two committees are reflected in the reports filed by the Committee of Foreign Relations as well as the conditions attached to the resolutions of ratification. The Foreign Relations Committee appreciates the cooperation and assistance these two committees provided. The committee also thanks the staff of the Joint Committee on Taxation for its help.

Mr. President, I urge the Senate to approve these three treaties.

NAIROBI CONVENTION

Mr. PELL. Mr. President, I join with the chairman in support of the International Telecommunication Convention. This international agreement provides the legal basis for the International Telecommunications Union [ITU], which provides the framework for the orderly conduct of international telecommunications. The ITU, originally formed in 1932, is an amalgamation of earlier organizations developed by the international community over the past century to deal with questions of international telegraph, telephone, and radio communications. The purposes of the union are: (1) to maintain and extend international cooperation for the improvement and rational use of telecommunications of all kinds; (2) to promote the development of technical facilities and their most efficient operation with a view to improving telecommunication services and making these services generally available to the public; and (3) to harmonize the actions of nations in the attainment of those goals.

Mr. President, the ITU provides protection for U.S. Government and industry interests. Without the ITU, uses of the radio frequency spectrum and the geostationary orbit would be

in disarray and conflict. Management of these resources would be extremely difficult, if not impossible, without recourse to a multilateral forum such as the ITU. Therefore, I urge my colleagues to support this Convention.

VARIOUS INCOME TAX TREATIES

Mr. President, today, the Senate is being asked to give its advice and consent to ratification of bilateral income tax treaties between the United States and Barbados, Cyprus, and Italy.

By and large, these treaties are similar to those already in effect between the United States and some 35 countries. The purpose of the pending treaties is to remove the burden of double taxation from U.S. persons and firms which may be doing business in another country and be subject to tax both there and in the United States on the same income. The treaties are also intended to provide U.S. persons with some certainty with respect to the rates at which various sources of income will be taxed. This will better enable U.S. citizens to make sound financial decisions. Finally, these treaties are intended to provide a framework by which tax officials in both countries can ensure that taxes are collected on those transactions which are subject to taxation, thereby thwarting tax evasion.

The Committee on Foreign Relations held hearings on all of these treaties and overwhelmingly recommended that the Senate give its advice and consent to ratification. I urge my colleagues to do so.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. I request a division vote, and I yield back the time on this side, Mr. President.

Mr. BYRD. Mr. President, I yield back the time on this side.

The PRESIDING OFFICER. All time having been yielded back, the question occurs on the resolutions of ratification. A division is requested. Senators in favor of the resolutions of ratification will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolutions of ratification were agreed to.

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

The motion to lay on the table was agreed to.

DOD APPROPRIATIONS

Mr. PRYOR. Mr. President, in the next few hours the Senate will be taking up the Department of Defense appropriations which I assume is em-

bodied in the continuing resolution conference report. We have had a lot of discussion around here in the last several weeks about what the Gramm-Rudman amendment is going to do to the Department of Defense.

Now, Mr. President, this is a very major issue for Democrats, for the Republicans, for our country, and for this Congress. I rise this afternoon to pose some questions which I will ask the managers of the Department of Defense appropriation bill embodied in the continuing resolution. Whenever it comes up, whether it is Tuesday or Wednesday or Thursday, I am going to pose some questions and I want the managers, Mr. President, to be able to say that they have had ample time to consider my questions because I may be off base, but I do not think I am.

Mr. President, the House continuing resolution allowed \$7.8 billion in transfers of previous year money for spending this year. The Senate bill comes along and allows \$5.5 billion in these transfers to be spent this year.

Mr. President, from where did these billions of dollars come? It is very simple. They came from the funds in the Department of Defense that had been authorized, appropriated, but not spent—sitting there in an account or in several accounts and which were not obligated.

A great number of these dollars resulted from the fact that we over-appropriated to the Department of Defense because of inflation. We over-appropriated for inflation, inflation that never actually occurred.

And some of my colleagues have spoken at some length on this subject in the past.

When the House and Senate went to conference, the resulting conference report allowed zero dollars to be spent for transfers, but, Mr. President—and here is the clincher—the conference fenced \$6.3 billion in previous year money identified as excess to current DOD needs.

Reportedly, this fenced \$6.3 billion from past year accounts is available for subsequent supplementals and/or reductions, specifically when Gramm-Rudman hits us in February.

Does the Department of HHS have this same cushion that is brought forward to take care of Gramm-Rudman? Does the Department of Housing and Urban Development or the Commerce Department, or the U.S. Department of Agriculture? The answer, Mr. President, to the best of my knowledge, is "No." This, by the way, is the precise subject of a request that several other Senators and I have presented to the General Accounting Office. There is one department that today is going to be insulated, that is going to be protected from the claws of Gramm-Rudman. You guessed it, Mr. President. It is the Department of Defense.

They have outfoxed us again—\$6.3 billion carried over from previous years for a slush fund to pay the Gramm-Rudman bill for the Department of Defense. These, and some others, are the questions that I will ask the managers of the DOD bill when it comes to the floor of the Senate.

Another question is: Why is this \$6.3 billion cushion being preserved for the Department of Defense? If all this money is excess to current needs, why is not this money being saved or, in other words, returned to the Treasury to reduce the deficit?

With all of this extra money floating around, with DOD awash in billions of dollars in unspent, unobligated funds in accounts, are we sure we have found all of it? Well, we found \$6.3 billion of it. There might just be more laying around somewhere down there in unobligated accounts or in unused expenditures. I will be asking the GAO to look into exactly this question.

Mr. BYRD. Mr. President, will the Senator yield for a question?

Mr. PRYOR. I yield.

Mr. BYRD. I congratulate the Senator.

On two occasions at the White House, I told the President: "Mr. President, if you think for a moment that national defense is going to escape unscathed with the passage of Gramm-Rudman, you've got a big surprise."

Now that I have listened to the distinguished Senator from Arkansas, I am not so sure, after all, that the President is going to be surprised.

Mr. PRYOR. I might say to the distinguished Democratic leader that I do not know of another budget, other than the Department of Defense's, that will come before us that has this type of slush fund to accommodate Gramm-Rudman.

We heard, some weeks ago, Secretary Weinberger, to the effect that: "Oh, my goodness, Gramm-Rudman is going to close down the DOD. The Russians are going to be coming up the Potomac River the day after tomorrow if we pass Gramm-Rudman and have its claws into the money in the Department of Defense."

Even a larger question arises: We have found this \$6.3 billion unspent. We are transferring it now, it appears, to pay for Gramm-Rudman. My question is, how many more billions of dollars are unspent that we might actually save and help reduce the deficit? How much more from previous years? How much more from the fiscal year 1986 bill we are about to pass?

Mr. BYRD. Mr. President, will the Senator yield?

Mr. PRYOR. I yield.

Mr. BYRD. Does the Senator feel that, if the committees had held hearings on Gramm-Rudman, some of these moneys would have been discovered before now? Were there any hear-

ings on Gramm-Rudman, any hearings in the Senate?

Mr. PRYOR. The Democratic leader is correct. There were no hearings, as I recall, on Gramm-Rudman. It came up one day, and I think they tried to pass it that same day.

Mr. BYRD. Did it not spring full flower here on the Senate floor?

Mr. PRYOR. It certainly did.

Mr. BYRD. Was there a committee markup?

Mr. PRYOR. There were weekend debates, Sunday debates. The "Sunday Afternoon Debating Society" gathered, all 100 of us, to look at Gramm-Rudman.

Not to argue the merits or demerits of Gramm-Rudman; but if Gramm-Rudman is to apply, now that it has become law it should apply to all equally. The President signed it, by the way, in an almost top-secret ceremony. It was not publicized a great deal.

Mr. BYRD. There was not a Rose Garden ceremony.

Mr. PRYOR. It was too cold in the Rose Garden that day.

If Gramm-Rudman is to apply, then Gramm-Rudman must apply to all departments and all agencies equally, and there must not be any unequal treatment or an unfair advantage of one department over another or one function of Government over another. No department of agency should start out with a head start. It is this Senator's opinion that we have created just this situation.

We have insulated the Department of Defense from the Gramm-Rudman claws, we have isolated the Department of Defense from any real budget cuts. I think this is unfair.

This Senator may be proved wrong. If the managers of the bill come tomorrow or Wednesday or Thursday and can say, "Senator Pryor, you are wrong," I will accept the fact that I am wrong.

From the past year's unobligated balances DOD, we have now created, in 1986, a slush fund of \$6.3 billion to pay for Gramm-Rudman, so that the Department of Defense is not going to lose one paper clip. They have outfoxed us again, I say to the Democratic leader—the Department of Defense.

I hope I am wrong, and I hope that one of the managers will come to the floor today or tomorrow or Wednesday, during the debate, and say, "Senator Pryor, you are wrong," and I will gladly admit it. But I think these figures are right. If the conference report were available, I could speak with greater authority.

Mr. EXON. Mr. President, will the Senator yield for a question?

Mr. PRYOR. I am glad to yield to the Senator from Nebraska.

Mr. EXON. Mr. President, I say to my dear friend and colleague from Ar-

kansas that if he is accurate in telling the Senate what I am delighted to have brought to the attention of the U.S. Senate, this possible \$6.3 billion slush fund—if he is accurate in his assessment, there is good news and there is bad news with regard to that, to use a cliché.

The bad part is that I do not know how many times we were all assured on the floor of the U.S. Senate, including a specific amendment offered by the junior Senator from Michigan, with regard to a mandatory, assured, guaranteed, 50-50 cut from domestic programs on one side and defense on the other. Of course, that was after more than half of the budget was essentially off limits. But the half of the budget that falls under Gramm-Rudman in this meat-ax approach guaranteed—I do not know how many times we heard that. Does the Senator mean to say that if this \$6.3 billion slush fund to which he alluded is in fact the case, that means that the Senate was misled by the leaders into the position where 61 Members of the Senate, as I recall, voted for Gramm-Rudman under a false premise?

Mr. PRYOR. I respond to the Senator from Nebraska by saying that when Gramm-Rudman was discussed and debated and voted on, on this floor, we had not reached the final stage of the continuing resolution and the transferring of the \$6.3 billion into what I call the Defense Department's Gramm-Rudman slush fund. So I am not saying that we were misled.

I am saying that something has happened that I want to look further into. I want to find the facts as they relate to the Department of Defense, and I want to know if the Department of Defense is going to be insulated, isolated, and removed from actually being cut like the rest of the Departments of Government in order to reduce the deficit.

Let me also say to my very good friend from Nebraska and to my very good friend the Democratic leader, the Senator from West Virginia, that I do not know that the Transportation Department has a slush fund to pay for Gramm-Rudman. I do not know that the Agriculture Department has a slush fund that we have built in to pay for Gramm-Rudman. I do not know that any of the public works projects or any other of the functions of Government have been granted a specific slush fund, so that we are going to be able to apply Gramm-Rudman but yet not have any meaningful effect on tightening up our belt.

So I say to my friend from Nebraska that what we have done—and I hope I will be proved wrong—is to have created a Gramm-Rudman slush fund account for the Department of Defense so that they will not have to tighten their belt and expend their money more wisely and efficiently, as the rest

of the agencies and functions of Government will have to do. Under the fiscal policy being set, \$435 hammers will continue to be possible.

Mr. EXON. Mr. President, will the Senator yield?

Mr. PRYOR. I yield.

Mr. EXON. A specific question: To the knowledge of the Senator from Arkansas, there is no Gramm-Rudman slush fund, billions of dollars or in any amount, for agriculture?

Mr. PRYOR. So far as I know, not 1 penny for agriculture. There is no slush fund to take care of Gramm-Rudman.

Mr. EXON. The bad news, I said a few moments ago, is that I feel that if the particular text of Gramm-Rudman has not been violated by this \$6.3 billion slush fund that we are speculating may be the case—if that was not violated, certainly the spirit of that was violated, and there can be no question about that.

The good news, on the other hand, is that because the Senator from Arkansas has called this to our attention, I suspect that there will be a hue and cry: "Don't send this back to conference, because we want to go home for Christmas."

If we were to stay here, could we not amend and send them back in disagreement and take that \$6.3 billion slush fund, which the Senator from Arkansas suspects is for defense only, and use that to make a dramatic reduction in the some \$11 billion that we are told we will have to cut this spring?

The good news is that since the Senator has found it, and if Congress wishes to work its will, in the spirit of Gramm-Rudman, we could take that \$6.3 billion slush fund which is not now appropriated and apply it to the horrifying \$11 billion cuts that we are now told we will have to make sometime this spring.

Is that the good part of the equation?

Mr. PRYOR. The other option, I say to my friend from Nebraska is we could take that \$6.3 billion, and whoever knows how much else, and we could apply it to the deficit. We could reduce the deficit by that much. That would be that much we would not have to cut.

The second thing we could do with that \$6.3 billion is we could let that be a red flag to us to say if there is that much down in the Department of Defense in unexpended balances and accounts that are not obligated, then why do we not go back and look for more?

I think the Senator from Nebraska will well remember last spring when we were debating defense procurement and the reforms that we were attempting to adopt in order not to have any more Pentagon nightmares embarrassing ourselves, embarrassing the whole

system because of the tremendous waste, I think the Senator from Nebraska will remember that all of a sudden Secretary Weinberger said: "Wait a minute. I have just found \$4 billion that I did not know we had."

He said, "We did not know we had it."

How many more billions of dollars are down there? I am just very concerned. I am not raising an accusation this afternoon, I say to my friend from Nebraska and the Democratic leader. I am not making this as a statement of fact. I am just saying these are questions that I am going to ask when the DOD appropriation issue comes to the floor.

We did something else. Last May we debated for a whole day on this floor procurement reform: How to make those tax dollars go farther, how to keep these tremendous cost overruns from happening, how to really keep those Pentagon scandals that come out month after month from ever taking place again.

Well, the Senate beat back those major reforms. We adopted some minor reforms. It went to conference after the House had adopted major reforms, strong reforms that would have been meaningful. In conference, they were watered down. The conferees said, "Well, we do not have time to do this now, but when that appropriation bill for DOD comes into the Senate and to the House we are going to make certain that we have strong procurement reforms."

I say to my friend when the DOD appropriation conference report comes to the floor of the Senate if you can find one scintilla of a procurement reform in his legislation I will eat my hat because it is not in there. They have all been taken out, completely.

We have spent all of 1985 talking about how we are going to make those contractors honest, talking about how we are going to clean up that Pentagon, who we are going to stop buying \$435 hammers, and all this business. Yet, here we are, almost Christmas Eve, and what have we done—not much. Just a few very weak proposals have made it into law. We have made a sham, and we have laughed, and we have made a mockery of procurement reform, and we today are also seeing, I am afraid to report, a \$6.3 billion slush fund that is here for one reason and one reason only, and that is to keep the Department of Defense from having to sacrifice one paper clip toward the effects of Gramm-Rudman and the need for deficit reduction.

Mr. President, I yield the floor.

Mr. EXON. Mr. President, I thank my friend from Arkansas for his comments, and I am very pleased that I was here for the first beginning of a debate on Gramm-Rudman. I predict that there will be many hours, days,

months, perhaps years of debate on Gramm-Rudman and what it does or does not do, and that was one of the reasons that this Senator strongly opposed Gramm-Rudman as merely an instrument to break through the \$2 trillion debt ceiling limit at the request of the President and that Gramm-Rudman was an escape valve to allow people to vote for the \$2 trillion debt ceiling limit when otherwise those votes could not likely have been obtained at least in the Senate, very possibly in the House of Representatives.

So, at least the three of us who have spoken on this subject today can go down in history as the ones who were here when the first debate took place after the aftermath, the ruination aftermath of Gramm-Rudman, which I predict will come home to haunt us in many, many areas.

Mr. BYRD. Mr. President, anent Gramm-Rudman—in connection with which there were no Senate hearings, no Senate committee markup, no testimony given, no amendments offered in committee, nothing, it is just something that sprang full bloom right here on the Senate floor—there is a commonly known tune which I think is probably very fitting now for some who voted for Gramm-Rudman.

"I cried but my tears came too late."

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MICHAEL GREHL—A MEMPHIS TREASURE RETIRES

Mr. SASSER. Mr. President, I rise today to pay tribute to the career of a truly distinguished journalist and an extraordinary individual.

Last week, Michael Grehl retired from the Memphis Commercial Appeal. He had been its editor for 10 years. He came to Memphis in 1957—by way of Anchorage, AK—and through nearly 20 years, he helped to shape the consciousness of Memphis and of the Midsouth region.

Michael Grehl was a journalist's journalist. He began as an obit writer and worked his way up through every reporting and editing job in the newspaper business.

In each of those capacities, he held to the same principles. He was a stickler for detail. He was obsessed with accuracy. He was unmoved by special pleading. He was, quite simply, above fear or favor.

Mr. Grehl's strictness, his honesty, his devotion to the truth, have become virtual legends in Memphis, and they have given him a national reputation for maintaining the highest standards of journalistic integrity.

Throughout his working career, Mr. Grehl stood steadfastly for civil rights and equal justice. He despised ceremony without substance, and privilege without accomplishment. Above all, he fought tirelessly for the right of the people to know, and insisted on the responsibility of the journalist to inform.

His presence on a daily basis will be sorely missed by the journalistic community throughout the country, and he will always be remembered by the citizens of my own State for putting the demands of truthful, honest reporting above all personal or private motives.

But I am reassured that his sage counsel will continue to be available for those wise enough to seek it—and that includes this Senator, and I suspect many other people from all stations of life in Memphis and around the country.

I know my colleagues join me in wishing Mike Grehl a happy retirement. May he and his wonderful wife Audrey spend week after joyous week cruising their beloved Greek Islands.

Mr. President, I ask unanimous consent that the editorial about Michael Grehl, which appeared in the Commercial Appeal following his retirement, be printed in the RECORD. It is an eloquent testimonial to the work of a man who made a genuine contribution to the life of his city and the life of his profession.

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

A FIGHTER RETIRES

The editor of The Commercial Appeal is not a distant, executive-suite presence, a disembodied voice of curt and abstruse memos interpreted down a chain of command.

The editor is a hands-on boss, a pervasive and persuasive personality, an active leader who puts his stamp on the newspaper.

That's the way it was under Edward Carmack, C. P. J. Mooney, Frank Ahlgren and Gordon Hanna.

That's that way it has been under Michael Grehl, who announced his retirement Wednesday.

The Commercial Appeal has been fortunate to have had superb editors over the years, men who set high standards and who had the talent and energy to lead by example. Grehl carried that heritage forward with a relentless commitment to excellence.

Grehl's retirement, however, is not so much an occasion for the newspaper's staff to reflect on his achievements as it is a mandate to assess the challenges that those achievements will continue to represent, like the beacon of the Scripps Howard Lighthouse.

When he came to Memphis in 1957 from Anchorage, Alaska, as a young reporter, Grehl did not know he would become The Commercial Appeal's editor. But he knew

he wanted two things: to work for a great news-gathering organization and a widely respected newspaper and to understand the historic changes he sensed were taking place in the South.

Scripps Howard Newspapers and The Commercial Appeal met his first goal.

His passion for news and for the meaning of the news made him not only knowledgeable about but also keenly sensitive to the conflicts, strivings and potential of his adopted home.

Grehl's 10 years as editor of this newspaper were, in his words, "the best most satisfying years" of his career. It was a career of which any journalist could be proud, but which few journalists can duplicate.

Grehl taught many journalists their trade. More important, he taught them their calling—the honesty and fairness that should command their every professional act, the constant drive for improvement that should be their daily mission.

To some readers—even to some staff members—he may have seemed irascible and argumentative. He often said to his editorial page board, "What are you mad at today?" as if being mad and finding fault were the basic elements of the newspaper's opinion as expressed through its editorials.

But he also said often, "We can't always be mad at people."

There was no inconsistency.

He wanted editorials that said something of importance, that didn't wander aimlessly among "on the other hands," that were based on facts, that spoke simply and directly to readers about matters that affected them, that played no favorites, that excused no official failures or bunglings, that challenged men and women of influence to do their best for the community at large rather than for narrow interests. Being "mad" was a way of questioning everything, even the newspaper's policies.

He wanted editorials to be reasonable—up to a point. There were times when reason was not enough to express passionate conviction. At those times he would thunder, "Can't we just say this is wrong and has to be fixed?"

Grehl wanted to fix everything, but not just to be different or provocative.

Among his causes were these:

A State income tax, to be fair to taxpayers and to finance necessary public services, not just to expand State coffers.

Downtown redevelopment, to stimulate economic growth that would benefit all Memphians and Shelby Countians, not for the sake of nostalgia.

City-county consolidation, to create more effective decision-making, not for the sake of bigger government.

Social programs and civil rights legislation, to help the needy and to open up opportunities for all Americans to have fulfilling, productive lives, not because the programs could be characterized as "progressive."

Freedom of the press, to inform citizens of what was happening in their world, not—definitely not—to assert privileges for the news media.

His goal was to enrich life, not to see the vindication of a pet idea or theory. He approached problems in search of realistic answers, not to justify preconceived ones.

Grehl is moving on to rest for a period beside a lake and to regain the strength that an editor's office consumes in a daily ritual of stress and aggravation. Severe illness had slowed him appreciably over the past year. But nothing was so characteristic

of him, perhaps, as his battle against that illness. It was a remarkable recovery, even if incomplete. It was the performance of a fighter.

He will continue to fight—to probe the meanings of the next chapter, to snap at whatever limits there may be, to gnaw on accepted wisdom and doctrinaire opinions and to dare all who will listen to question their own ideas and then to act with courage.

He will be mad at something, ready to argue with anyone and quick to support the underdog.

Those he has taught well will try to practice the same virtues at The Commercial Appeal as it ventures anew on the paths he marked. We can only hope to keep up with him.

VOLUNTARY AUTO RESTRAINT AGREEMENT WITH JAPAN

Mr. EAGLETON. Mr. President, in March 1985, I sharply criticized the administration's decision to abandon the voluntary auto restraint agreement with Japan in the absence of assurances that United States exports would have greater access to the Japanese market.

In a high-stakes poker game, which in many ways trade talks resemble, it isn't especially smart to lay your cards face up on the table before the betting begins.

That is precisely what we did when we dropped voluntary auto restraints without condition and without concession.

The results were predictable. Almost immediately, Japan announced that it would increase its shipment of autos to the United States by 25 percent in 1985 from 1.85 million units to 2.3 million units. At that figure, the Japanese share of the United States market would grow from about 18 to 22 percent.

According to press reports last week, an unidentified MITI official has said Japan will drop all restrictions on auto exports to the United States beginning March 1986. If that report is true—and it has not yet been officially confirmed—it is not inconceivable that Japanese penetration of our auto market could go as high as 30 percent in the next year or two. There are good reasons to expect such an import invasion.

First, Japan has a production capacity of approximately 12 million cars a year with a demand of only 3 million cars in its home market. Except for the United States, which now imposes no limit, export sales around the world are severely restricted by import quotas or domestic content requirements. Italy, for example, limits Japan to 2,000 vehicles a year. Great Britain restricts it to 11 percent of its market.

Second, not only is the United States the freest market in the world, it is also the most profitable. Despite a recent 16-percent reduction in the dollar's value over the yen, Japanese

manufacturers have been able to maintain their prices in the United States market even while increasing sales volume. With the lifting of export restrictions, there will be intense competition among Japanese producers to capture an even larger share of the lucrative United States market.

Mr. President, the United States trade deficit with Japan in 1984 was \$37 billion. This year, it will be \$50 billion. Fully half of that deficit is in the automotive sector.

What has happened to United States sales to Japan during this time? Since the United States lifting of voluntary restraints, Japanese auto exports have increased at a \$4 billion rate. United States exports to Japan, however, have been virtually flat. Complaints about Japan's restrictions on the export of United States leather goods, semiconductors, citrus, telecommunications equipment, et cetera, remain on the table, but unresolved issues.

Mr. President, Japanese auto exports to this country are speeding down a one-way street headed for a major collision with public sentiment in this country unless there is a recognition of the need for restraint and reciprocity. Congress will not sit by and should not sit by passively and allow the basic industry of this Nation to be destroyed by ungoverned trade exploitation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. BOSCHWITZ occupied the chair during the quorum call.)

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

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

Mr. BUMPERS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER (Mr. WARNER). The Chair advises the Senate that there is no pending business at the moment.

PREVENTION OF AIR DISASTERS

Mr. BUMPERS. Mr. President, I rise first to express my deep and profound sympathy to the families of the men who were killed in the tragic crash of the DC-8 taking off from Gander Airport in Newfoundland. I know that there was a memorial service held at Fort Campbell today, and I regret that some of us were unable to attend, but it is tragedy of mammoth proportions and my heart goes out to the families of all of those fine, fine men who died in that crash.

The way to make sure that neither I nor any other Member of the Senate ever again has to rise on the floor and

express our sympathy to the families of men in a situation similar to this is to prevent it. The way not to experience a disaster is to make sure it does not happen.

Back in October 1983, the marine barracks in Lebanon were bombed by a terrorist, and the tragic loss of life there raised cries of negligence in the United States. I said at the time that I could not understand why the situation which occurred there could not have been foreseen. But I understand also that hindsight is always 20-20.

Now, in this instance, based on the superficial information I have about Arrow Air, the charter company that owned this flight, I cannot for the life of me understand why they were still flying for the Defense Department. But they have been doing a lot of business with the Defense Department. A lot of other charters do, too. The Army used 44 different charter airlines. Arrow, which is headquartered in Miami, flew 34 DOD charter flights in fiscal year 1985, and so far they have flown 16 in fiscal year 1986. Normally these domestic flights are handled by the Military Traffic Management Command; international flights are handled by the Military Airlift Command, but this particular flight was handled by the multinational force office in Rome, which was set up pursuant to the Camp David Accords.

Arrow moved about 7,000 passengers for DOD in fiscal year 1985, for which they were paid \$1.6 million. Now, Arrow does not have any more charters scheduled for DOD in this year but they have three scheduled in January, one on January 11, one on January 15, and one on January 26, 1986. They have 14 planes: 3 727's, 1 DC-10, and 10 DC-8's. So far the only action that has ever been taken against them by the military was for a broken air-conditioning system, torn carpets, and having dirty airplanes. But, Mr. President, Arrow has apparently paid \$35,000 since 1984 to the Federal Aviation Administration in civil penalties for a variety of infractions: Bad recordkeeping, maintenance problems, flight time delays. What's more, their record in such matters has been worse than other airlines of the same size.

On November 15 of this year, one of their planes, transporting 128 marines, was leaving Grand Rapids, MI, for Toledo, OH, to pick up 124 soldiers from the Army. As they left Grand Rapids they put all the marines in the back of the plane because that would make it easier to board the soldiers in the front when they landed in Toledo. And so on takeoff the tail of the plane scraped the runway. Now, that is always a very dicey situation. But if that were not enough, the pilot did not even report the incident. Whether or not that plane and the plane that crashed at Gander are the same, I do

not know. There have been unconfirmed reports that it was. But I join my colleagues from Tennessee, Senators GORE and SASSER, in calling for a full-scale investigation. There were two investigations of Arrow underway at the time, one dealing with a situation where one or two maintenance people refused to sign off on some work, and the plane may have flown anyway. Furthermore, all of their DC-8's are technically in nonconformance. With FAR 36, the noise regulations. As a matter of fact, the noise regulation required that all older planes, chiefly 707's and DC-8's, either be retired or reengined with quieter engines by last January 1, 1985, and Arrow did not comply. Now they were granted an exemption, but the fact remains that our soldiers were being flown on aircraft with old jet engines that very few airlines still have.

Mr. President, the Government investigation ought to first determine whether or not these infractions were ever reported to either the Military Airlift Command, to the Military Traffic Management Command, and especially to the Multinational Force Office in Rome. If it was reported, why was Arrow permitted to continue flying charter flights for the Defense Department?

Second, there is a question, Was this the same plane that had had two aborted takeoffs in the past few months? Was it the same plane that scraped the runway? Was it a policy of Arrow when they were picking up troops at two different points to put all the troops in the back so it would be easier to load from the front. I would note that the civilian airlines on which I fly almost always put as many passengers in front as they can if it is not a full flight or if it is a light load.

Third, we should find out why the carrier was permitted to continue flying all their DC-8's, all apparently with old engines and in nonconformance with Federal regulations.

Mr. President, I have been in the Senate 11 years, and every time there is a tragedy—not of this magnitude, because we have not had many of this size—everybody comes over here to express their sorrow and then their outrage. It is a terribly frustrating thing to ask these questions about why 248 servicemen, the flower of American youth, are now dead, if it was not an unavoidable accident, and to say to all the parents of these men that if we make sure that this kind of negligence never occurs again, their sons would not have died in vain. But if we simply express our temporary outrage, calling for investigations and asking all the why-why-why's, then we know that this sort of thing is going to happen again.

Mr. President, I have made speeches many times about the Vietnam war. Terrible as it was, it could be the most

productive war the United States ever fought, if we simply learn from it. History seems to show that we never learn anything from a war. As memories dim, people become anxious to find another war, because they do not remember how terrible wars are.

As memories dim here, sometimes people have a tendency to go back to the same old stand, doing business the same old way.

I hope there will be a very thorough investigation of that tragic plane crash. All the pinpointing of blame or indictments that might be handed down will not bring back those 248 men. But what we want to do is to make sure it does not happen again.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

REFERRAL OF S. 1574

Mr. SIMPSON. Mr. President, I ask unanimous consent that S. 1574, the smokeless tobacco health bill, be deemed to be referred to the Commerce Committee for 1 calendar day, and be placed back on the calendar.

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

COMPREHENSIVE SMOKELESS TOBACCO AND HEALTH EDUCATION ACT OF 1985

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate now turn to Calendar No. 448, S. 1574, smokeless tobacco.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1574) to provide for public education concerning the health consequences for using smokeless tobacco products.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources with an amendment to strike out all after the enabling clause and insert the following:

S. 1574

That this Act may be cited as the "Comprehensive Smokeless Tobacco and Health Education Act of 1985".

PUBLIC EDUCATION

Sec. 2. (a)(1) The Secretary of Health and Human Services shall establish and carry out a program to inform the public of any changes to human health resulting from the

use of smokeless tobacco products. In carrying out such program, the Secretary shall—

(A) develop educational programs and materials and public service announcements respecting the dangers to human health from the use of smokeless tobacco;

(B) make such programs, materials, and announcement available to States, local governments, school systems, and such other entities as the Secretary determines appropriate to further the purposes of this Act;

(C) conduct and support research on the effect of smokeless tobacco on human health; and

(D) collect, analyze, and disseminate information and studies on smokeless tobacco and health.

(2) In developing programs, materials, and announcements under paragraph (1), the Secretary shall consult with the Secretary of Education medical and public health entities, consumer groups, representatives of manufacturers of smokeless tobacco products, and other appropriate entities.

(b) The Secretary may provide technical assistance to States to assist such States in the development of educational programs and materials and public service announcements respecting the dangers to human health from the use of smokeless tobacco.

REPORT ON SMOKELESS TOBACCO AND HEALTH

Sec. 3. The Secretary shall transmit a report to the Congress not later than January 1, 1987, and biennially thereafter, containing—

(1) a description of the effects of health education efforts on the use of smokeless tobacco products;

(2) a description of the use by the public of smokeless tobacco products;

(3) an evaluation of the health effects of smokeless tobacco products and an identification of areas appropriate for further research; and

(4) such recommendations for legislation and administrative action as the Secretary considers appropriate.

SMOKELESS TOBACCO PRODUCTS PACKAGES

Sec. 4. (a) It shall be unlawful for any person to knowingly manufacture, package, or import for sale or distribution within the United States any smokeless tobacco product unless the package of the product bears, in accordance with the requirements of this Act, one of the following statements:

"WARNING: THIS PRODUCT MAY CAUSE MOUTH CANCER

"WARNING: THIS PRODUCT MAY CAUSE GUM DISEASE AND TOOTH LOSS

"WARNING: THIS PRODUCT IS NOT A SAFE ALTERNATIVE TO CIGARETTES".

(b) One of the statements required by subsection (a) shall appear in a conspicuous and prominent location on each package of a smokeless tobacco product, and shall appear in a conspicuous format and in conspicuous and legible type in contrast with all other printed material on the package.

(c) The statements required by subsection (a) shall—

(1) be randomly displayed by a manufacturer, packager, or importer of a smokeless tobacco product in each twelve-month period in as equal a number of times as is possible; and

(2) be randomly distributed in all parts of the United States in which such product is marketed.

(d)(1) Each manufacturer, packager, or importer of a smokeless tobacco product shall submit a plan to the Federal Trade Commission which specifies the method such manufacturer, packager, or importer

will use to display and distribute the statements required by subsection (a) in accordance with the requirements of subsections (b) and (c).

(2) The Federal Trade Commission shall approve a plan submitted by a manufacturer, packager, or importer of a smokeless tobacco product under paragraph (1) if such plan provides for the display and distribution on smokeless tobacco product packages of the statements required by subsection (a) in a manner which complies with this Act and the guidelines promulgated under section 6.

(e) This section and section 5 do not apply to a distributor or a retailer of any smokeless tobacco product which does not manufacture, package, or import smokeless tobacco products for sale or distribution within the United States.

ADVERTISING OF SMOKELESS TOBACCO PRODUCTS

Sec. 5. (a) It shall be unlawful for any manufacturer, packager, or importer of a smokeless tobacco product to knowingly advertise or cause to be advertised in the United States such smokeless tobacco product unless such advertisement bears, in accordance with this section, one of the statements specified in section 4(a).

(b) Each statement specified in section 4(a) shall be rotated every four months by the manufacturer, packager, or importer of smokeless tobacco products in an alternating sequence in the advertisements for each brand of a smokeless tobacco product, in accordance with a method prescribed by the Federal Trade Commission.

(c)(1) In the case of a printed advertisement of a smokeless tobacco product, one of the statements specified in section 4(a) shall appear on such advertisement in a conspicuous and prominent location and a conspicuous formal approved by the Federal Trade Commission, and in conspicuous and legible type in contrast with all other printed material in the advertisement.

(2) In the case of a radio or television advertisement of a smokeless tobacco product, one of the statements specified in section 4(a) shall be read once during the advertisement.

(d)(1) Each manufacturer, packager, or importer of a smokeless tobacco product shall submit a plan to the Federal Trade Commission which specifies the method such manufacturer, packager, or importer will use to rotate, display, and distribute in accordance with this Act the statements specified by section 4(a) in advertisements of smokeless tobacco products.

(2) The Federal Trade Commission shall approve a plan submitted by a manufacturer, packager, or importer of a smokeless tobacco product under paragraph (1) if such plan provides for the rotation, display, and distribution of the statements specified in section 4(a) on each advertisement of a smokeless tobacco product in a manner which complies with this Act and the guidelines promulgated under section 6.

REGULATIONS AND GUIDELINES

Sec. 6. (a) The Federal Trade Commission shall promulgate and periodically revise such regulations and guidelines as it may require to implement sections 4 and 5.

(b) Within 180 days after the date of enactment of this Act, the Federal Trade Commission shall promulgate guidelines with respect to—

(1) the display and distribution of the statements required by section 4(a) on packages of smokeless tobacco products; and

(2) the rotation, display, and distribution of the statements specified in section 4(a)

on each advertisement of a smokeless tobacco product.

INGREDIENT REPORTING

Sec. 7. (a)(1) Each person who manufactures, packages, or imports smokeless tobacco products shall annually provide the Secretary with—

(A) a list of the ingredients added to tobacco in the manufacture of such products which does not identify the company which uses the ingredients or the brand of smokeless tobacco which contain the ingredients; and

(B) a specification of the quantity of nicotine contained in each such product.

(2) A person or group of persons required to provide information by this subsection may designate an individual or entity to provide the information required by this subsection.

(b)(1) At such times as the Secretary considers appropriate, the Secretary shall transmit to the Congress a report, based on the information provided under subsection (a), respecting—

(A) a summary of research activities and proposed research activities on the health effects of ingredients added to tobacco in the manufacture of smokeless tobacco products and the findings of such research;

(B) information pertaining to any such ingredient which in the judgment of the Secretary poses a health risk to users of smokeless tobacco; and

(C) any other information which the Secretary determines to be in the public interest.

(2)(A) Any information provided to the Secretary under subsection (A) shall be treated as trade secret or confidential information subject to section 552(B)(4) of title 5, United States Code, and section 1905 of title 18, United States Code, and shall not be revealed, except as provided in paragraph (1), to any person other than those authorized by the Secretary in carrying out their official duties under this section.

(B) Subparagraph (A) does not authorize the withholding of information provided under subsection (a) of this section from any duly authorized subcommittee or committee of the Congress. If a subcommittee or committee of the Congress requests the Secretary to provide it such information, the Secretary shall make the information available to the subcommittee or committee and shall, at the same time, notify in writing the person who provided the information of such request.

(C) The Secretary shall establish written procedures to assure the confidentiality of information provided under subsection (a) of this section. Such procedures shall include the designation of a duly authorized agent to serve as custodian of such information. The agent—

(i) shall take physical possession of the information and, when not in use by a person authorized to have access to such information, shall store it in a locked cabinet or file; and

(ii) shall maintain a complete record of any person who inspects or uses the information.

Such procedures shall require that any person permitted access to the information shall be instructed in writing not to disclose the information to anyone who is not entitled to have access to the information.

PENALTY

Sec. 8. Any person who is found to violate any provision of this Act shall be guilty of a misdemeanor and shall on conviction there-

of be subject to a fine of not more than \$10,000.

ENFORCEMENT

Sec. 9. The several district courts of the United States are invested with jurisdiction, for cause shown, to prevent and restrain violations of this Act upon application of the Federal Trade Commission or upon application of the Attorney General of the United States acting through the several United States attorneys in their several districts.

PREEMPTION

Sec. 10. (a) No statement relating to the use of smokeless tobacco products and health, other than the statements required by this Act, shall be required by any Federal agency to appear on any package or in any advertisement of a smokeless tobacco product.

(b) No statement relating to the use of smokeless tobacco products and health, other than the statements required by this Act, shall be required by any State or local law or regulation to be included on any package or in any advertisement of a smokeless tobacco product.

STUDY AND RECOMMENDATIONS

Sec. 11. After the Advisory Committee on the Health Consequences of Using Smokeless Tobacco appointed by the Surgeon General of the United States completes its study and report concerning the health consequences of using smokeless tobacco products, the Surgeon General shall review the findings and conclusions of such study. After the completion of such review, the Surgeon General, in consultation with the Federal Trade Commission, shall recommend to the Congress appropriate revisions to the statements specified in section 4(a). Any such recommendations shall be based on the findings and conclusions of such study.

DEFINITIONS

Sec. 12. For purposes of this Act—

(1) the term "package" means a pack, box, carton, can, or any other container of any kind in which smokeless tobacco is offered for sale, sold, or otherwise distributed to consumers;

(2) the term "person" has the same meaning as in section 3(5) of the Federal Cigarette Labeling and Advertising Act;

(3) the term "Secretary" means the Secretary of Health and Human Services;

(4) the term "smokeless tobacco" means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral cavity; and

(5) the term "United States" has the same meaning as in section 3(3) of such Act.

EFFECTIVE DATE

Sec. 13. (a) Except as provided in subsection (b), this Act shall take effect one year after the date of enactment of this Act.

(b) Sections 2, 3, 4(d), 5(d), and 6 shall take effect on the date of enactment of this Act.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

Mr. HATCH. Mr. President, today we are considering S. 1574, the Smokeless Tobacco and Health Education Act of 1985. This bill, introduced by our colleague, Senator LUGAR and

myself, is an important first step toward educating the public about the health risks of smokeless tobacco products.

This bill requires warning labels on smokeless tobacco packages. It requires a warning to be read during each radio and television advertisement, and it requires a warning to be printed on all other advertisements. In addition, it will make the ingredients added to smokeless tobacco products be made available for research regarding their health effects.

There is now a pressing need for this legislation. Use of smokeless tobacco products is estimated to double between 1980 and 1990. Studies have shown that almost 10 percent of high school students regularly use smokeless tobacco products. In a recent study of the individuals who regularly use smokeless tobacco products, 88 percent started using these products before the age of 15, and 55 percent started before the age of 12. Among high school males, the number who regularly use smokeless tobacco products may actually be higher than the number who regularly smoke cigarettes. While the majority of teenagers know that cigarettes are dangerous, less than 40 percent are aware of the hazards of smokeless tobacco products.

I urge my colleagues to vote with me on this important piece of legislation.

Mr. DANFORTH. Mr. President, as chairman of the Senate Committee on Commerce, Science, and Transportation, I rise in support of S. 1574, the Comprehensive Smokeless Tobacco and Health Education Act of 1985. This measure has been referred to the Commerce Committee. The committee has reviewed S. 1574, and I commend the distinguished chairman and other members of the Labor and Human Resources Committee for their work on this important legislation and for their effort to promote disease prevention and health care with this bill.

Tobacco products are unique. Unlike many other products which may be hazardous only when misused, these products pose health hazards when used as intended, and S. 1574 is a timely and necessary effort to broaden public awareness of the particular health effects of smokeless tobacco use. There is a growing need for such legislation, because today more than 22 million Americans use smokeless tobacco products regularly, and the use of such products is increasing in popularity, particularly among young people, who regard them as a safe alternative to cigarettes.

In order to increase public awareness of the health consequences of smokeless tobacco use, S. 1574 imposes new warning requirements with respect to the labeling and advertising of smokeless tobacco products, and requires regulation and enforcement of these

requirements by the Federal Trade Commission. Of course, such matters involving the labeling and advertising of consumer products and the authority of the Federal Trade Commission are within the jurisdiction of the Commerce Committee, and this committee has had a long history of involvement with legislation pertaining to the labeling and advertising of tobacco products.

Accordingly, Senator HOLLINGS, the ranking minority member of the Commerce Committee, and I are very pleased that S. 1574 has been referred to our committee and that we will have the opportunity to address any committee concerns in conference. We have, however, expedited our review of this legislation and have sought only a limited referral of S. 1574 because of the necessity to avoid delay of this important measure. Our committee was urged by both the smokeless tobacco industry and health interests to speed up review of S. 1574 and we have done so, working in cooperation with the Labor Committee, which has recognized the legitimate and significant jurisdictional interests of the Commerce Committee in this legislation and which has agreed to our request that Senator HOLLINGS and I participate as Commerce Committee conferees in any House-Senate conference with respect to this legislation.

Mr. President, Senator HOLLINGS and I thank the chairman of the Labor and Human Resources Committee, Senator HATCH, and the ranking minority member, Senator KENNEDY, for their cooperation and their recognition of our concerns. We hope that we can move ahead expeditiously with S. 1574 and that our colleagues will support this important legislation.

Mr. DANFORTH. Mr. President, as I have noted, I support S. 1574, and I compliment the distinguished chairman of the Labor and Human Resources Committee, as well as Senator LUGAR, the cosponsor of this bill, for their work on this legislation. However, as chairman of the Senate Committee on Commerce, Science, and Transportation, I would like clarification with respect to one matter of particular concern to the Commerce Committee.

It is my understanding that S. 1574 in no way addresses the question of product liability and is not intended to alter current product liability law with respect to the duties and rights of manufacturers and consumers of smokeless tobacco products—that S. 1574 leaves to the courts in each particular case the question of what significance will be given to the health warnings required by this legislation.

I would ask the chairman of the Labor and Human Resources Committee whether this understanding is correct, particularly in light of the lan-

guage of the Labor Committee report on this issue.

Mr. HATCH. The distinguished chairman of the Commerce Committee is correct. S. 1574 is not intended to have any impact whatsoever upon current product liability law. On the contrary, I would like to stress on behalf of the Labor and Human Resources Committee, and as a matter of legislative history, that this legislation is not intended to alter or affect the current status of product liability law and is not intended to either enhance or diminish any rights, causes of action, or defenses available under current product liability law.

Senator LUGAR, as the original cosponsor of this legislation, would you agree that this is the intent of this measure?

Mr. LUGAR. I agree with that.

Mr. HATCH. Mr. President, I would like to add that the understanding of the chairman of the Commerce Committee is correct as a matter of legislative history, notwithstanding the first and fifth full paragraphs of page 14 of the Labor and Human Resources Committee report accompanying this legislation. It is not the intention or purpose of the bill or report to alter product liability law in any respect, whatsoever.

Mr. DANFORTH. I thank the chairman.

Mr. HATCH. Mr. President, if I may take this opportunity to clarify a few additional points. The first four paragraphs in the committee views section were inadvertently repeated when the report was printed. The first four paragraphs in this section should be ignored.

In addition, the section on hearings says that this legislation extends the Comprehensive Smoking Education Act of 1984. This simply refers to the fact that many of the concerns, principles, and information which is applicable to the Comprehensive Smoking Education Act of 1984 is also applicable to smokeless tobacco. This legislation is not intended as an amendment to Public Law 98-474 or to adopt its legislative history.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 1574, as amended) was ordered to be engrossed for a third reading, was read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

SAVE FOR THE U.S.A. YEAR

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of House Joint Resolution 436, "Save for the U.S.A. Year," and I ask for its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 436) to designate 1986 as "Save for the U.S.A. Year," and for other purposes.

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

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 436) was ordered to a third reading, was read the third time, and passed.

DATE CHANGE FOR TRANSMITTAL OF A REPORT

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. 1918, to change the date for transmittal of a report, and I ask for its immediate consideration.

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

The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1918) to change the date for transmittal of a report.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill.

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

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

S. 1918

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 713(d) of the International Security and Development Cooperation Act of 1985 is amended by striking out "December 31, 1985," and inserting in lieu thereof "October 1, 1986,".

(b) The amendment made by subsection (a) shall take effect as of December 30, 1985.

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

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

The motion to lay on the table was agreed to.

BILL HELD AT DESK—HOUSE CONCURRENT RESOLUTION 231

Mr. SIMPSON. Mr. President, I ask unanimous consent that once the Senate receives from the House of Representatives House Concurrent Resolution 231, commending the first teacher in space, it be held at the desk pending further disposition.

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

THE FARM BILL

Mr. HELMS. Mr. President, I am receiving numerous inquiries from my fellow Senators and others interested in my assessment of the farm bill we are soon to consider.

It occurs to me that an assessment and brief explanation I have prepared may respond to most if not all of the questions I have received.

Therefore, I ask unanimous consent that a copy of my assessment and explanation, and a description prepared by the Committee on Agriculture be printed immediately following my remarks.

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

CONFERENCE COMMITTEE PASSES FARM BILL

WASHINGTON.—The 1985 farm bill, approved unanimously Saturday night by the Senate/House conference committee, "is the beginning of a transition to market-oriented farm policy," in the view of Senator Jesse Helms of North Carolina, chairman of the Senate Agriculture Committee. Helms served as chairman of the conference committee.

Also, Helms says that the new farm bill (H.R. 2100) will restore the U.S. as a strong competitor in world markets and thereby increase exports of U.S. farm commodities. "No longer will our nation encourage farmers to produce commodities just to be sold to the government for storage," Helms said. "We're heading back to the free market concept which should never have been abandoned in the first place."

The 5-year bill reduces loan rates for wheat, feed grain, cotton, and rice, sets target prices for those program commodities, reauthorizes other commodity programs, extends and expands export programs of the U.S. Department of Agriculture, contains strong, new soil conservation provisions and improves the effectiveness of the credit programs of the Farmers Home Administration.

"This bill, as approved by the conference, is the beginning of a slow, but decisive, transition to market-oriented farm policy," said Senate Agriculture Committee Chairman Jesse Helms. "The significance of the 1985 farm bill is that Congress has begun the process of correcting the failures of past farm policies. A new era of hope is in store for American farmers."

"Passage of this legislation marks the starting point for the return of the American farmer as a strong competitor in world markets. By allowing for reductions in the basic price support mechanisms and giving

the Secretary of Agriculture authority to make additional reductions when competitive conditions warrant, Congress has made a commitment to a vigorous export policy for U.S. agriculture.

"The bill sends a clear and unmistakable message to countries which have been using export subsidies to unfairly increase their share of world markets: The American farmer is back as the major competitor in world markets," said Helms.

Helms said the loan rate reductions in the bill are supplemented by a strong export title which expands current export programs and creates new tools for the Secretary of Agriculture to use to promote U.S. exports.

"At the same time," said Helms, "farm income protection will be maintained at record levels in order to aid farmers financially during the transition to market-oriented pricing of their products."

"The problem is that those income protection mechanisms, are set at high levels, and in a way that directs billions of dollars in taxpayer subsidies to support the income of the largest and wealthiest farmers. In a time of massive budget deficits and the need to reduce those deficits, this kind of policy just doesn't make sense. These high support levels will also induce large surplus production, which can only delay for several years longer a solid recovery in the farm economy."

The projected cost of the Commodity Credit Corporation programs under the provisions of the bill are estimated to be about \$52 billion in fiscal years 1986-1988.

"The bill makes historic reforms in conservation policy," said Helms. "It makes U.S. agriculture more efficient by protecting our soil and water resources and ensuring that the most productive land will be used, and not abused."

"Important reforms are even made in the dairy program. The price supports will be reduced over the life of the bill, reducing government costs, helping to balance supply and demand. I am extremely disappointed, though, at the imposition of a milk tax in the bill."

"Despite the shortcomings I have described, the bottom line is that this bill makes many significant and effective reforms in farm policy. It signals the intention of Congress to make a decisive transition to market-oriented farm policy. At the same time, there are important reforms yet to be made. Congress must continue to try to reduce the cost of farm programs by devising a way to more effectively limit large subsidies to those producers least in need of assistance," said Helms.

Major provisions of the bill include:

WHEAT AND FEED GRAINS

Basic initial loan rates for grains would start at \$3.00 a bushel for 1986 wheat and \$2.40 for 1986 corn. From 1987 on, loans for grains would be set each year at between 75 and 85 percent of the average price received by producers during the immediate preceding 5 marketing years, excluding the high and low years, with annual reductions limited to 5 percent.

After calculating the basic initial rates, the Secretary could then further reduce the rate for any year by up to 20 percent if (1) market prices in the previous seasons failed to top 110 percent of the previous year's basic loan rate, or (2) he determines that a further cut is needed to compete on world markets.

For the 1986 crop only, the Secretary would be required to use this authority to drop the loan at least 10 percent.

The Secretary would have discretionary authority to allow repayment of price support loans at levels which could be set as low as 70 percent of the original loan rate. The Secretary would have additional discretionary authority to give the producers one of two alternate types of marketing certificates to help promote exports.

Target price income protection would operate alongside whichever loan system was used, and any reduction below the basic initial loan rates would be offset by increased target price deficiency payments which would not be subject to payment limits.

Target prices, which provide direct payments to farmers when market prices are below the target rate, would be frozen at current levels (\$4.38 a bushel for wheat and \$3.03 a bushel for corn) through 1987. For the 1988 crop, the Secretary would have authority to set the target price level at not less than 98 percent of the 1986 level (\$4.38 and \$3.03); at not less than 95 percent for the 1989 crop; and at not less than 90 percent for the 1990 crop, but not to lower than \$4 for wheat and \$2.75 for corn.

To qualify for benefits in any years in which carryover wheat stocks exceed 1 million bushels, wheat producers would be required to reduce acreage as follows: in 1986, a maximum diversion of 25 percent; (including a mandatory minimum reduction of 15 percent, a mandatory in-kind paid diversion of 2.5 percent, and further discretion for reductions of 7.5 percent); in 1987, a maximum reduction of 27.5 percent (including a mandatory minimum reduction of 20 percent and a further 7.5 percent at the Secretary's discretion); and in 1988-90, a maximum of 30 percent (including a mandatory minimum of 20 percent and a further 10 percent at the Secretary's discretion). For the 1986 crop only, the Secretary would be required to offer growers who planted before announcement of the program a chance to idle 10 percent of their base in return for payments.)

For feed grains, if stocks exceed 2 billion bushels of corn, the 1986 reduction would be a maximum of 20 percent (including a mandatory minimum of 12.5 percent, a mandatory in-kind paid diversion of 2.5 percent, and further discretion for reductions of 5 percent. For 1987-90, the maximum would be 20 percent (including a mandatory minimum of 12.5 percent plus up to 7.5 percent at the Secretary's discretion).

For all grains, the Secretary would have the authority to offer producers a further, voluntary, paid diversion beyond the basic minimums in the bill.

The Secretary is required to allow haying and grazing on diverted acres in 1986, permit grazing in 1987-90 if state Agricultural Stabilization Committees request it. Current law gives the Secretary discretionary authority to permit haying in 1987-90.

The Secretary would have discretionary authority to offer producers a "Target Option Program" under which the individual grower's wheat target price would rise if he elected higher levels of acreage reduction or decline at lower acreage-cut levels. Also optional for the Secretary would be a plan varying target price levels for farms of different sizes an effort to concentrate benefits on medium-sized farms. For the 1986 crop, the Secretary would be required to pay part of the expected target price deficiency payments on an advance basis and to make part of the payment "in-kind."

Under the bill, the Secretary would have the discretionary authority to proclaim marketing quotas for wheat, and establish a mandatory acreage control program for wheat, subject to the approval of producers in a referendum.

The bill requires the Office of Technology Assessment to study Federal grain export quality standards. It also provides that 6 months after the study, the Agriculture Department would have to revise its export grading rules, in line with the study findings, to protect grain quality.

COTTON

The basic support loan rate is set at 55 cents per pound for 1986. In 1987 and thereafter for the life of the bill, the loan rates would be based on 85 percent of the world market price, with reductions limited to 5 percent annually, with a floor of 50 cents.

If the basic rate is not competitive on world markets, the Secretary would choose one of two alternate "market enhancement" plans for repayment of loans. Under one plan, he could lower the repayment rate by up to 20 percent, thus allowing farmers to redeem their crops and sell them at a competitive price. Under the second plan, repayment would be at rates varied periodically through the year to keep pace with world markets. In instances where world market levels fall below the new loan repayment levels, the Secretary would issue "in-kind" certificates to domestic and foreign buyers to bridge the gap between the effective support and the market.

Target prices would be frozen for the 1986 crop at the 1985 level of 81 cents per pound. For the 1986 crop, the Secretary would have the authority to set the target price at not less than 98 percent of the 1986 level (81 cents); at not less than 95 percent for the 1988 crop; at not less than 92 percent for the 1989 crop; and at not less than 90 percent for the 1990 crop.

To qualify for program benefits, producers would be required to divert up to 25 percent and the Secretary could offer a voluntary payment in kind supplemental diversion plan, including payments in kind, if greater acreage cuts were needed.

RICE

The basic loan rate would be set at \$7.20 per hundredweight for 1986 and then based on 85 percent of the average market price in the past 5 years, excluding the high-low years, with annual reductions limited to 5 percent and a floor of \$6.50.

The Secretary is required to permit repayment of the price support loan at the world market price, but for 1986 and 1987 not below 50 percent of the original loan rate, for 1988 not below 60 percent of the original loan, and for 1989 and thereafter not below 70 percent of the original loan. Up to one-half of the difference between the original level and repayment level may be paid in negotiable in-kind certificates.

If the market price falls below the repayment level, the Secretary must issue in-kind marketing certificates to exporters bridging the gap between domestic and world prices. (The "marketing loan" plan under which growers can repay support loans at a reduced rate would be applied in the case of rice to the 1985 crop as well as the 1986-90 crops.)

Target prices would be frozen at \$11.90 per hundredweight for the 1986 crop and then scaled down using the same formula as for cotton. (Percentages of 98, 95, 92, and 90 of the original level for the years 1987-90.) Producers who want to enter the program would be subject to acreage reductions of up

to 35 percent. The Secretary could also offer a voluntary paid diversion program and make in-kind payments.

DAIRY

The bill retains the current \$11.60 support price for 1986.

The Secretary is required to implement a whole herd buyout program for 18 months, under which producers—on a bid basis—may take their entire herds out of production. The program will be funded by a producer assessment of 40 cents per hundredweight.

The Secretary is required to purchase 400 million pounds of red meat for export and domestic feeding programs during the 18-month program.

The Secretary is required to implement orderly marketing provisions during the whole herd program.

On January 1, 1987, the Secretary is required to reduce the price support level by 25 cents per hundredweight, and is required to reduce the assessment to 25 cents per hundredweight.

The Secretary is required to reduce the price support level by 25 cents per hundredweight on October 1, 1987, at which time the assessment is terminated.

For the rest of the life of the bill—1988-1990—the Secretary is required to reduce the support price level by 50 cents per hundredweight if CCC purchases are projected to exceed 5 billion pounds. If CCC purchases are projected to be less than 2.5 billion pounds, the Secretary must raise the price support 50 cents per hundredweight.

Differentials used in setting minimum fluid milk prices in some marketing orders would be increased.

SOYBEANS

The bill continues the basic price support loan rate through 1986 and 1987 at the current minimum rate of \$5.02 a bushel. For the next three years, rates would be based on an average market price formula with reductions limited to no more than 5 percent a year and with a floor of \$4.50 per bushel. In all of the 5 years, the Secretary would have authority to reduce loan levels by an additional 5 percent if necessary to keep the crop competitive in world markets. The Secretary would also have discretionary power to allow repayment of loans under a "marketing loan" system.

SUGAR AND WOOL

The bill also generally extends current programs. The wool price support formula would be frozen for the life of the bill.

The sugar price support is maintained for the life of the bill at 18 cents per pound.

1986 import quotas, scheduled to expire September 30, would be extended for at least 3 months.

Beginning with the next quota year, the Secretary would be directed to operate the sugar program with quota levels which avoid any cost to the government. Also, beginning in the 1987 quota year, no import quotas can be given to a country that is a net importer of sugar unless the country can verify that it does not import any sugar produced in Cuba.

PEANUTS

The peanut program would be continued without major changes. Supports for peanuts grown within a domestic (food and seed) quota in 1986 would be set at the 1985 level plus any increase in the cost of production; for 1987 and thereafter for the life of the bill, such support levels would be adjusted to reflect increases in the cost of production, but not by more than 6 percent annu-

ally, and access to quota sales at the domestic support level would be broadened by sharing any growth in the quota between old and new growers. The bill sets a floor of 1.1 million tons (the statutory 1985 level) under the annual domestic peanut quota for the next 5 years, but provides the quota can increase if actual domestic needs grow.

HONEY

The price support would be reduced from the present level of 65 cents a pound to 64 cents for 1986 and 63 cents for 1987. In the following 3 years the Secretary would be authorized to provide reductions of up to 5 percent annually and to implement a marketing loan.

PAYMENT LIMITATIONS AND GENERAL COMMODITY PROVISIONS

The bill continues the present \$50,000 annual per producer ceiling for program payments. Exempt from the ceiling would be: (1) target price payments required to offset support loan cuts below basic loan levels, (2) payments made under several program cost-reduction items which the bill provides for discretionary use by the Secretary, and (3) any gains farmers realize when paying off support loans at less than the initial loan level.

A \$100,000 ceiling would be placed on disaster payments to producers of grains, cotton, and rice and similar disaster payments are authorized for the 1985-90 crops of soybeans, sugar beets, sugarcane and peanuts.

Advance deficiency payments would be required for the 1986 crops wheat, feed grains, cotton, and rice, and would be discretionary in future years for the life of the bill. The Secretary also would be given authority to make up to 5 percent of the total deficiency payment with surplus commodities.

New provisions for determining crop and total farm acreage bases are included, along with revisions in the farmer-owned grain reserve program, putting new limits on the program.

Also for the programs using target prices, the Secretary would have the discretion to make payments to producers who are eligible for loan and target price payments but agree to forgo those benefits.

A beef promotion board is established to administer a beef promotion program. The program will be funded by a \$1 per head checkoff at the point of sale, including imported beef. A credit of up to 50 cents per head is provided for assessments paid to State beef councils. Provision is also made for refunds to producers and importers. The program will begin as soon as practicable, and a referendum of beef producers must be held within 22 months of the beginning of the program.

A similar pork promotion board is established to operate a pork promotion program, funded by a ¼ of 1 percent checkoff of the sales price of swine and imported pork products. The checkoff is refundable at the request of the producer until a referendum is approved by pork producers. A referendum must be held within 24 to 30 months of date of enactment of the bill.

EXPORT TITLE

Requires the Secretary to offer surplus commodities owned by the Agriculture Department to exporters, processors or foreign buyers to encourage the development and expansion of overseas markets for American crops including processed farm products. The Secretary would be directed to use \$2 billion worth of commodities for the program over the next 3 years to counter

unfair foreign trade practices and generally to make American products more competitive, and at least 15 percent of the program could be devoted to exports of poultry, meat and meat products. To the extent practical, the Secretary must use the commodities in equal amounts in each of the 3 years.

Requires the Secretary of Agriculture to make available not less than \$5 billion annually in short-term export credit guarantees for the life of the bill where such guarantees would improve the competitive position of American exports.

The Secretary is required to make not less than \$325 million available annually in FY 86-88 in cash or in surplus commodities for direct export credits to counter the subsidies, import quotas or unfair trade practices of foreign countries. (The direct credits, whether in cash or in kind, could be used in so-called "blended credit" export programs.)

Broadens the purposes for which an existing intermediate (3-to-10-year) export credit program can be used and directs the Secretary to make available intermediate loan guarantees of at least \$500 million a year through 1988, with a ceiling in fiscal 1989 of \$1 billion. A previously-authorized export credit revolving fund is reauthorized under the bill. Also, the Agriculture Department would be directed to operate a pilot test of barter programs with at least 2 countries to acquire strategic or other materials for which there are unmet national stockpile goals.

Requires the President to designate a Special Assistant for Agriculture Trade and Aid to improve coordination of federal agency programs in overseas food assistance.

Extends the Food for Peace program and provides that at least 75 percent of the foods shipped under the donation phase of the program must be in the form of processed, fortified or bagged products. For fiscal 1986, shipments under the donation phase would be maintained at the 1985 level of 1.8 million tons. The bill also authorizes expanded operations under a related program which provides surplus commodities for needy people abroad and it provides that not less than one-tenth of 1 percent of Food for Peace (PL 480) funds for fiscal 1986 and 1987 must be used for a farmer-to-farmer technical assistance program.

Authorizes the President to donate up to at least 75,000 and up to 500,000 metric tons of eligible section 416 or P.L. 480 commodities, or any combination thereof, in each of the fiscal years 1989-90 under a new Food for Progress program to promote private free enterprise policy and development. At least 75,000 tons of such commodities must be from section 416. In return for the commodities, the recipient country must promote economic freedom in the production of food for domestic consumption and must be able to use the donated commodities without disrupting its own agricultural markets.

A section on cargo preference regulations states that commodities exported under Public Law 480 (Food for Peace) and two other donation programs will be subject to a cargo preference floor starting at 60 percent in calendar 1986 and rising to 75 percent in 1988 and thereafter (in place of the current 50 percent). The bill provides that additional funds needed for these increases would come from the Department or Transportation and it exempts from cargo preference a number of commercial-style export and export credit programs operated by the Agriculture Department including blended credit programs. If the Transportation De-

partment is not able to provide the needed funds, the new provisions would be shelved and existing law would come back into effect.

The bill requires the Secretary of Agriculture and the U.S. Trade Representatives to pursue agricultural trade consultations with major producing countries. Trade-related studies required by the bill include one to determine the impact on U.S. agriculture of Brazilian ethanol and another on specific unfair trade practices by foreign countries which affect American exports.

CONSERVATION

For highly erodible land which has not been cultivated since 1980, the bill provides a "sodbuster" program to discourage plowing up fragile soils. If a farmer planted a crop on fragile land in violation of the terms of the bill, he would lose price supports and other farm benefits for all of his crops in the year of the violation. Highly erodible land which was used for crops (or idled under a government acreage control program) between 1981 and 1985 would initially be exempt from the sodbuster penalties, but this "grandfather clause" exemption would disappear for any affected producer who fails to begin applying a conservation plan by 1990 or 2 years after completion of a soil survey of his land, whichever is later. Producers would have until 1995 to complete application of the conservation plan. A companion "swampbuster" provision would deny farm benefits to producers who convert wetlands to crop use in the future except in cases where the impact of the action is found to be minimal.

For highly erodible soils which are already in crop use, the bill provides a long-term Conservation Reserve program under which farmers would contract for periods of 10 to 15 years to return 40 to 45 million of such acres to less-intensive uses such as grass or trees, which in some cases may be used to establish shelterbelts. In return for compliance with the contracts, growers would get cash or "in kind" land rental payments (established on a bid basis) plus payments covering a part of the cost of needed land treatment measures. No more than 25 percent of the land in any county could be enrolled in the Reserve except in counties where the Secretary of Agriculture decides that higher levels would not hurt the county economy. There would be a \$50,000 limit on annual payments to farmers under Reserve contracts.

The bill extends the Resources Conservation Act, requiring the Agriculture Department to produce assessments of soil and water resources in 1995 and again in 2005. A further section permits governors of states which have state laws to protect farmland from urban development to file suits in cases where the federal government has not followed procedures of a federal farmland protection law. (The federal law requires, among other points, that government agencies must consider alternatives before taking actions which result in shifting farmland to nonfarm use.)

The bill requires the Secretary of Agriculture to formulate plans and give technical assistance to property owners, state and local agencies, and interstate river basin commissions to protect the quality and quantity of subsurface water, reduce flooding hazards, and control salinity. The Secretary must report to Congress on this matter by February 15, 1987.

CREDIT AND RURAL DEVELOPMENT

The bill reauthorizes and in some cases revises federal farm credit and rural development programs. It requires the Secretary, through September of 1988, to operate a \$490 million program under which the Agriculture Department and private lenders would share equally in the cost of reduction in interest rates for hard-pressed farmers who hold loans guaranteed by the Farmers Home Administration. The government could pay for 2 percent of the "buy-down," or one-half of the total, whichever was less.

The bill includes discretionary authority for a program of planting-season advance commodity loans to farmers beginning in 1986.

Authorization ceilings include annual caps for the 1986 through 1988 fiscal years of \$3.48 billion for Farmers Home Administration farm operating loans with a phased shift from an equal division between direct and guarantee loans to a third-year division of \$870 million for direct and \$2.610 billion for guaranteed loans.

For farm ownership loans, the bill authorizes \$520 million annually, beginning with an equal division between direct and guaranteed loans and ending with a third-year division of \$130 million direct and \$390 million in guarantees. (The Secretary is authorized to transfer up to 25 percent of each year's guarantee allocation into direct loans.)

For emergency disaster loans there would be ceilings of \$1.3 billion in fiscal year 1986, \$700 million in 1987 and \$600 million in 1988. Under new changes contained in the bill, such disaster loans would no longer be available to those who can get credit elsewhere or beginning in 1987, to those who chose not to purchase crop insurance if it were available. In addition, FmHA disaster loans would now be restricted to not larger than family size farm operators.

For rural development programs, the bill authorizes \$340 million annually for 3 years in direct water and waste disposal loans and \$250 million annually in guaranteed industrial development loans plus \$115 million in direct community facility loans. The bill also provides a new method of determining eligibility for water and sewer loans and grants based on community income and health and sanitary conditions.

A "clear title" provision in the bill is designed to protect buyers of farm products from challenges to the title to their purchases while still allowing lenders to protect their liens on farm products. States would be given 12 months to set up central registry systems for recording farm product liens, if they wish to do so.

Also, the Agriculture Department would be ordered to observe a number of new restrictions on the way it handles farmland acquired by the government in future foreclosures of FmHA loans. Among other provisions, USDA would be forbidden to sell such land if the sales would depress local farmland values, and first priority in any sales or leases would have to be given to operators of farms which are not larger than family size. In leases, the bill calls for giving priority to former owners of the land and sales prices must reflect the probable income the land can produce. Where FmHA-owned land is administered under management contracts, contracts must be let under competitive bids with preference to local small businessmen, and the use of conservation practices may be required on land which has been classed as highly erodible as a condition of sale or lease.

The bill allows the Secretary to acquire from FmHA borrowers who cannot repay their loans conservation, recreational or wildlife easements on land which has been in crops but is classed as wetland, upland, or highly erodible. In return, the Secretary could cancel part of the borrower's debt.

The Secretary would be given discretion to make loans to distressed FmHA borrowers who plant timber crops on marginal farmland which is security for their existing loans. The new credit, which would reamortize the old loans and would be limited to an overall total of 50,000 acres, would be repayable when the timber produces revenue or within 45 years.

The category of those eligible to borrow from cooperative banks of the Farm Credit System is expanded to include all rural utilities eligible to borrow from the Rural Electrification Administration.

The bill requires a study of procedures used by FmHA for farmer appeals when loan applications are rejected, and a further provision creates a new, speedier appeals system using informal meetings. Other amendments require FmHA to process loan applications within 60 days, to provide funds on approved loans within 15 days, and to continue the agency's small farmer training and technical assistance program.

RESEARCH

The bill authorizes a 3-year program of special grants for educational and counseling programs to develop income alternatives for producers who have been forced out of farming by economic stress. It also directs the Secretary of Agriculture to develop "appropriate controls" on the development and use of biotechnology in agriculture.

The bill also includes a provision urging USDA to emphasize, in its research and teaching programs, new technology suitable for small and moderate-sized farms. The Secretary of Agriculture would be directed to report on the feasibility of more complete studies of the relationship between diet and blood cholesterol in humans, and dietary calcium and its importance in human health and nutrition. The bill allows the Secretary to make cooperative, cost-sharing agreements with private agencies, organizations or individuals to develop new agricultural technology, authorizes research on new uses for farm and forest products, and directs the Secretary to conduct demonstration projects on the development or commercialization of crops that would supply strategic industrial products.

Federal agricultural research funding authorizations would be extended through 1990 with fiscal 1986 ceilings including \$600 million for federal activities, \$270 million for contributions to cooperative research in state experiment stations and \$370 million for contributions to cooperative extension programs in states (with \$10-\$20 million annual increases in following years for the three programs), and \$7.5 million annually for aquaculture research.

The bill authorizes competitive research grants at a level of \$70 million for the period covered by the bill and for grants and fellowships for food and agricultural sciences education at an annual level of \$50 million. It authorizes the Research Facilities Act for the period covered by the bill at a level of \$20 million with a federal-state matching provision for facilities at state cooperative institutions. It reauthorizes the animal health and disease research advisory board and an authorization level of \$25 million. It also authorizes permanent extension funding for the 1890 institutions and \$10

million annually for 5 years for extension facilities. The bill establishes a new program of agricultural productivity research with demonstration projects to be conducted for a term of at least 5 years and to the extent practicable 12 to 15 years.

FOOD ASSISTANCE

The food program section of the bill extends the Food Stamp program for 5 years, improves some program benefits, and requires all states to set up special employment and training programs to help move jobless stamp recipients onto payrolls. The bill also extends for 2 years, through fiscal 1987, the Temporary Emergency Food Assistance Program authorizing distribution of government surplus foods to the needy.

Among the food stamp changes adopted were an increase in work incentives by revising the "earned income" deduction used in calculating stamp benefits; changes in asset limitations to make the program more accessible to working poor households; an increase in the excess shelter cost deduction to the Food Stamp Program operations; and action to strengthen program accountability and management.

Other food assistance provisions in the bill would extend the Commodity Supplemental Food Program for women and young children for 5 years and broaden the program to serve elderly persons in cases where this would not deny benefits to women and children. The bill also would authorize increased nutrition education for low-income people and strengthen current efforts to monitor nutrition of low-income people.

OTHER PROVISIONS:

The bill provides that in order to prevent damage to older gasoline engines used on many farms, the Environmental Protection Agency must not reduce the lead limit in gasoline to below 0.1 gram per gallon until Jan. 1, 1988. In the interim, the Agriculture Department and EPA would make a study of the need for lead in engines, completing the study by Jan. 1, 1987 and reporting within 6 months on whether it would be appropriate to modify the general lead-limit rules in the case of gasoline used for farming purposes.

Another provision bans imports of Flue-cured or Burley tobacco which does not pass U.S. pesticide residue tests applying to American-grown tobacco. Also, the bill directs the Agriculture Department to continue a program of random checks to determine if imported Canadian potatoes meet U.S. standards.

A ban for a total of 5 years is placed on price supports and certain other farm benefits for person convicted of growing or storing "controlled substance" drugs; requires tobacco importers, in addition to reporting the country of origin of the product, to also identify the intended U.S. purchaser; authorizes watermelon producers to adopt a checkoff program to finance research and promotion; and directs the Secretary to conduct a pilot project under which wheat, cotton, feed grain and soybean growers in at least 40 counties would test a program of using futures or options markets to protect their incomes (with participating producers assured by the USDA that their returns could not fall below support loan levels).

An animal welfare title revises standards for the humane handling of animals by research facilities, dealers and exhibitors. It directs the Secretary to develop standards with minimum requirements in areas including housing, feeding, shelter, veterinary

care and experimental procedure that minimize pain and distress.

Changes would be made in the federal Virus-Serum-Toxin Act, a law which regulates veterinary biologics, to give the Agriculture Department control over intrastate as well as interstate sales, but would allow states which have effective regulatory systems to retain them. Intrastate producers would be given up to 4 years to comply with Federal regulations.

Other provisions in the bill: require the Secretary to give 60 days notice to the Senate and House agriculture committees before he acts to terminate marketing orders for non-price supported crops; require the Secretary to designate 3 administrative areas for the selection of community Agricultural Stabilization Committees in all counties with some exceptions such as in counties with less than 150 farmers, in which case only a single area is required; and require the Secretary to control grasshoppers and Mormon crickets on federal rangeland.

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTIONS SIGNED

At 12:33 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 32. Joint resolution to authorize and request the President to designate September 21, 1986, as "Ethnic American Day";

S.J. Res. 70. Joint resolution to proclaim March 20, 1986, as "National Agriculture Day"; and

S.J. Res. 213. Joint resolution to designate January 19 through January 25, 1986, "National Jaycee Week".

At 4:13 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 3384) to amend title 5, United States Code, to expand the class of individuals eligible for refunds or other returns of contributions from contingency reserves in the employees health benefits fund; to make miscellaneous amendments relating to the civil service retirement system and the Federal Employees Health Benefits Program, and for other purposes, with amendments, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1344. An act to provide for the restoration of Federal recognition to the Ysleta del Sur Pueblo and the Alabama and Coushatta Indian Tribes of Texas, and for other purposes;

H.R. 2182. An act to authorize the inclusion of certain additional lands within the Apostle Islands National Lakeshore;

H.R. 2787. An act to extend through fiscal year 1988 SBA pilot programs under section 8 of the Small Business Act;

H.R. 3570. An act to amend title 28, United States Code, to reform and improve the Federal justices and judges survivors' annuities program, and for other purposes;

H.R. 3837. An act to extend the deadline for the submission of the initial set of sentencing guidelines by the U.S. Sentencing Commission, and for other purposes; and

H.R. 3917. An act to extend the period allowable for compliance with certain financial responsibility requirements applicable to land disposal facilities under the Solid Waste Disposal Act.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 57. Concurrent resolution encouraging private sector involvement in the worldwide effort to alleviate hunger;

H. Con. Res. 211. Concurrent resolution in support of universal access to immunization by 1990 and accelerated efforts to eradicate childhood diseases; and

H. Con. Res. 245. Concurrent resolution congratulating the President-elect of Guatemala, Marco Vinicio Cerezo, on his election and expressing the support of the Congress for the new Government of Guatemala that will be inaugurated on January 14, 1986.

At 5:51 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1621. An act to amend title 25, United States Code, relating to Indian education programs, and for other purposes.

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 485. Joint resolution waiving the printing on parchment of enrolled bills and joint resolutions during the remainder of the first session of the Ninety-Ninth Congress.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 2694. An act designating the United States Post Office Building located at 300 Packerland Drive, Green Bay, Wisconsin, as the "John W. Byrnes Post Office and Federal Building"; and

H.J. Res. 450. Joint resolution to authorize and request the President to issue a proclamation designating April 20 through April 26, 1986 as "National Organ and Tissue Donor Awareness Week".

The enrolled bill and joint resolution were subsequently signed by the President pro tempore [Mr. THURMOND].

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1344. An act to provide for the restoration of Federal recognition to the Ysleta del Sur Pueblo and the Alabama and Coushatta Indian Tribes of Texas, and for other purposes; to the Select Committee on Indian Affairs.

H.R. 2182. An act to authorize the inclusion of certain additional lands within the Apostle Islands National Lakeshore; to the

Committee on Energy and Natural Resources.

H.R. 2787. An act to extend through fiscal year 1988 SBA pilot programs under section 8 of the Small Business Act; to the Committee on Small Business.

H.R. 3570. An act to amend title 28, United States Code, to reform and improve the Federal justices and judges survivors' annuities program, and for other purposes; to the Committee on the Judiciary.

H.R. 3917. An act to extend the period allowable for compliance with certain financial responsibility requirements applicable to land disposal facilities under the Solid Waste Disposal Act; to the Committee on Environment and Public Works.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 57. Concurrent resolution encouraging private sector involvement in the worldwide effort to alleviate hunger; to the Committee on Foreign Relations.

H. Con. Res. 211. Concurrent resolution in support of universal access to immunization by 1990 and accelerated efforts to eradicate childhood diseases; to the Committee on Foreign Relations.

H. Con. Res. 245. Concurrent resolution congratulating the President-elect of Guatemala, Marco Vinicio Cerezo, on his election and expressing the support of the Congress for the new government of Guatemala that will be inaugurated on January 14, 1986; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2123. A communication from the Assistant Administrator of the Environmental Protection Agency (Pesticide and Toxic Substances), transmitting, pursuant to law, two final rules under the Federal Insecticide, Fungicide, and Rodenticide Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2124. A communication from the Assistant Administrator of the Environmental Protection Agency (Pesticides and Toxic Substances), transmitting, pursuant to law, a final rule under the Federal Insecticide, Fungicide, and Rodenticide Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2125. A communication from the Assistant Administrator of the Environmental Protection Agency (Pesticides and Toxic Substances), transmitting, pursuant to law, a final policy issued by the Agency under the Federal Insecticide, Fungicide, and Rodenticide Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2126. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated December 1, 1985; pursuant to the order of January 30, 1975, referred jointly to the Committee on the Budget and the Committee on Appropriations.

EC-2127. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the Operation and Maintenance of Oceanographic

Survey Ships of the Military Sealift Command, Oakland, California, to performance under contract; to the Committee on Armed Services.

EC-2128. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on loan, guarantee, and insurance transactions supported by Eximbank during September 1985 to communist countries; to the Committee on Banking, Housing, and Urban Affairs.

EC-2129. A communication from the Acting Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a copy of the conformed supplemental repayment contracts to repay up to an additional \$335 million of municipal and industrial water costs in the Bonneville Unit, Central Utah Project, Utah; to the Committee on Energy and Natural Resources.

EC-2130. A communication from the Executive Director of the Committee for Purchase From the Blind and Other Severely Handicapped, transmitting, pursuant to law, a report on the system of internal controls and accounting procedure of the Committee; to the Committee on Governmental Affairs.

EC-2131. A communication from the Director of the Office of Congressional Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1984; to the Committee on Governmental Affairs.

EC-2132. A communication from the Director of Selective Service, transmitting, pursuant to law, notice of a computerized matching of individual records of the System with records of other Federal and non-Federal agencies; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-543. A resolution adopted by the City Council of Ukiah, California, favoring the retention of the deductibility of State

and local taxes; to the Committee on Finance.

POM-544. A concurrent resolution adopted by the General Assembly of the State of Colorado; to the Committee on the Judiciary.

"HOUSE CONCURRENT RESOLUTION No. 1008

"Whereas, The First Congress of the United States of America, at its first session, sitting in New York, New York, on September 25, 1789, in both Houses, by a Constitutional majority of two-thirds thereof, has proposed an amendment to the Constitution of the United States of America in the following words, to wit:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following (Article) be proposed to the legislatures of the several states, as (an Amendment) to the Constitution of the United States, . . . which (Article), when ratified.

"Therefore, Be It Resolved by the Fifty-fourth General Assembly of the State of Colorado, That the said proposed amendment to the Constitution of the United States of America be and the same is hereby ratified by the General Assembly of the State of Colorado.

"Be It Further Resolved, That a copy of the foregoing preamble and resolution be transmitted to the Administrator of General Services of the United States, which copy shall be certified by the President of the Senate, attested by the Secretary of the Senate, and certified by the Speaker of the House of Representatives, attested by the Chief Clerk of the House of Representatives, of the Fifty-fourth General Assembly of the State of Colorado.

"Be It Further Resolved, That the General Assembly of the State of Colorado urges the state legislatures of those states which have not done so to follow Colorado in ratifying the proposed amendment and that, as an incentive for them to do so, copies of the foregoing preamble and resolution be transmitted to said state legislatures."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ROTH, from the Committee on Governmental Affairs:

J.H. Tyler McConnell, of Delaware, to be a member of the Board of Governors of the U.S. Postal Service for the remainder of the term expiring December 8, 1988;

Robert Setrakian, of California, to be a member of the Board of Governors of the U.S. Postal Service for the remainder of the term expiring December 8, 1993.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

Mr. ANDREWS, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1298: A bill to coordinate and expand services for the prevention, identification, and treatment of alcohol and drug abuse among Indian youth, and for other purposes (Rept. No. 99-223).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1574: A bill to provide for public education concerning the health consequences of using smokeless tobacco products.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1985

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jane S. McGhee:									
Ecuador	Dollar		450.00						450.00
Bolivia	Dollar		225.00						225.00
Brazil	Dollar		90.00						90.00
United States	Dollar				2,500.00				2,500.00
Robert Walker:									
Korea	Dollar		150.00						150.00
Japan	Dollar		240.00						240.00
Philippines	Dollar		480.00						480.00
Diego Garcia	Dollar		75.00						75.00
Marianas	Dollar		75.00						75.00
United States	Dollar				3,403.00				3,403.00
Richard Collins:									
Hong Kong	Dollar		119.00						119.00
Thailand	Dollar		225.00						225.00
Malaysia	Dollar		348.00						348.00
Indonesia	Dollar		368.00						368.00
Singapore	Dollar		232.00						232.00
Philippines	Dollar		658.00						658.00
Senator Dennis DeConcini:									
Ireland	Pound	256	218.00					256	218.00
Ireland	Pound	139	180.00					139	180.00
England	Pound	181	236.00					181	236.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER
AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1985—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator J. Bennett Johnston:									
Argentina	Australe	344.71	364.00					344.71	364.00
United States	Dollar			3,789.00					3,789.00
W. Proctor Jones:									
Argentina	Australe	344.71	364.00					344.71	364.00
United States	Dollar			3,789.00					3,789.00
Charles J. Houy:									
Italy	Lira	391,000	230.00	40,562	23.86	6,800	4.00	438,362	257.86
Germany	Mark	630	225.00			14	5.00	644	230.00
Belgium	Franc	17,085	335.00			543.66	10.66	17,628.66	345.66
Great Britain	Pound	165.25	233.00			14.18	20.00	179.43	253.00
United States	Dollar			1,215.08					1,215.08
Dwight E. Dyer:									
Switzerland	Franc	787.15	342.00					787.15	342.00
Greece	Drachma	13,875	108.00					13,875	108.00
Total			6,570.00		14,719.94		39.66		21,329.60

MARK O. HATFIELD,
Chairman, Committee on Appropriations, Nov. 8, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER
AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, AMENDED REPORT, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1985

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Francis J. Sullivan:									
United Kingdom	Pound	660.30	826.00					660.30	826.00
France	Franc	4,606	490.00					4,606	490.00
Belgium	Franc	9,292.50	150.00					9,292.50	150.00
United States	Dollar			1,978.76					1,978.76
Total			1,466.00		1,978.76				3,444.76

MARK O. HATFIELD,
Chairman, Committee on Appropriations, Nov. 8, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER
AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1985

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Douglas C. Olin:									
Hong Kong	Dollar		119.00						119.00
Thailand	Dollar		225.00						225.00
Malaysia	Dollar		348.00						348.00
Indonesia	Dollar		368.00						368.00
Singapore	Dollar		232.00						232.00
Burma	Dollar		150.00						150.00
Philippines	Dollar		470.00						470.00
Charles O. Flickner:									
Honduras	Lempira	624	312.00					624	312.00
Guatemala	Quetzal	200	60.00					200	60.00
United States	Dollar			1,008.00					1,008.00
Belize	Dollar		73.00						73.00
Honduras	Dollar		96.00						96.00
Costa Rica	Dollar		231.00						231.00
United States	Dollar			1,032.00					1,032.00
David R. Malpass:									
Guatemala	Dollar		215.00						215.00
Honduras	Dollar		110.00						110.00
Costa Rica	Dollar		175.00						175.00
United States	Dollar			814.00					814.00
Total			3,184.00		2,854.00				6,038.00

PETE V. DOMENICI,
Chairman, Committee on the Budget, Oct. 11, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER
AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, FOR TRAVEL FROM JUNE 27 TO JULY 10, 1985

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bill Bradley:									
Switzerland	Franc	255.95	100.00					255.95	100.00
Soviet Union	Ruble		1,074.60		264.41				1,339.01
Great Britain	Pound	229.31	302.00					229.31	302.00
					2,579.00				2,579.00
William Taylor:									
Switzerland	Franc	255.95	100.00					225.95	100.00
Soviet Union	Ruble		1,074.60		264.41				1,339.01
Great Britain	Pound	114.65	151.00		2,579.00			114.65	151.00
									2,579.00
Gina Despres:									
Switzerland	Franc	255.95	100.00					255.95	100.00
Soviet Union	Ruble		1,074.60		264.41				1,339.01
Great Britain	Pound	229.31	302.00					229.31	302.00
					2,579.00				2,579.00
Senator James A. McClure:									
Korea	Won	174,800	200.00						200.00
Total			4,478.80		18,530.03				13,009.03

JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, Oct. 7, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER
AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, AMENDMENT TO JUNE 30, 1985 REPORT (2D QUARTER) FOR
TRAVEL FROM MAY 11 TO JUNE 3, 1985

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator James A. McClure:									
Belgium	Franc	20,111	324.00					20,111	324.00
France	Franc	5,593	595.00					5,593	595.00
Switzerland	Franc	282.80	109.00					282.80	109.00
David Sullivan:									
Canada	Dollar	158.13	115.00		610.50				725.50
Senator Malcolm Wallop:									
Israel			300.00		417.60				717.60
Egypt	Pound	316.80	220.00					316.80	220.00
Morocco	Dirham	2,274.70	216.00					2,274.70	216.00
Total			1,879.00		1,028.10				2,907.10

JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, Oct. 7, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER
AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1985

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator David Durenberger:									
Switzerland	Franc	294.90	127.50						127.50
Sweden	Krona	3,725.68	371.58	1,777.85	204.63				576.21
United States	Dollar				1,061.00				1,061.00
Judy Erickson:									
West Germany	Deutsche mark	514.80	180.00						180.00
Switzerland	Franc	294.90	127.50						127.50
Sweden	Krona	4,172.76	495.44	1,777.85	204.63				700.07
United States	Dollar				2,195.00				2,195.00
Robert Hurley:									
West Germany	Deutsche mark	514.80	180.00						180.00
Switzerland	Franc	294.90	127.50						127.50
Sweden	Krona	4,172.76	495.44	1,777.85	204.63				700.07
United States	Dollar				2,236.00				2,236.00
Total			2,104.96		6,105.89				8,210.85

ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works, Oct. 28, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER
AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1985

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Charlene Sturbitts:									
West Germany	Deutsche mark	514.80	180.00						180.00
Switzerland	Franc	294.90	127.50						127.50
Sweden	Krona	4,172.76	495.44	1,777.85	204.63				700.07
United States	Dollar				2,236.00				2,236.00
Curtis A. Moore:									
West Germany	Deutsche mark	1,544.94	540.00						540.00
Switzerland	Franc	294.90	127.50						127.50
Sweden	Krona	3,725.68	371.58	1,777.85	204.63				576.21
United States	Dollar				2,247.00				2,247.00
Jimmie Powell:									
West Germany	Deutsche mark	257.40	90.00						90.00
Switzerland	Franc	294.90	127.50						127.50
Sweden	Krona	3,725.68	371.58	1,777.85	204.63				576.21
United States	Dollar				2,247.00				2,247.00
Total			2,431.10		7,343.89				9,774.99

ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works, Oct. 29, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER
AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM JUNE 27 TO AUG. 27, 1985

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Russell Long:									
Japan	Yen		360.00						360.00
Japan	Yen	139,230	225.00					139,230	225.00
Hong Kong	Dollar	5,540.60	714.00	8,923	1,144.75			14,463.60	1,858.75
Korea	Won	264,900	300.00					264,900	300.00
Japan	Yen	118,500	500.00					118,500	500.00
United States	Dollar				4,115.00				4,115.00
Jeffery Lang:									
Japan	Yen		840.00	2,700	11.40				851.40
Japan	Yen	253,470	225.00					253,470	225.00
Hong Kong	Dollar	5,540.60	714.00					5,540.60	714.00
Korea	Won	264,900	300.00					264,900	300.00
Japan	Yen	118,500	500.00					118,500	500.00
United States	Dollar				2,373.00				2,373.00
Total			4,678.00		7,644.15				12,322.15

BOB PACKWOOD,
Chairman, Committee on Finance, Oct. 10, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER
AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM JUNE 27 TO JULY 14, 1985

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
William M. Diefenderfer:									
Switzerland	Franc	583.60	228.00					583.60	228.00
Belgium	Franc	13,887	225.00					13,887	225.00
France	Franc	1,834.23	197.23					1,834.20	197.23
United States	Dollar				1,522.00				1,552.00
Belgium	Franc			1,792	29.00			1,792	29.00
Michael Stern:									
Switzerland	Franc	583.60	228.00					583.60	228.00
Belgium	Franc	13,887	225.00					13,887	225.00
France	Franc	2,734.20	294.00					2,734.20	294.00
United States	Dollar				1,478.00				1,478.00
Belgium	Franc			1,792	29.00			1,792	29.00
Senator Bob Packwood:									
Bermuda	Dollar		150.00						150.00
Total			1,547.23		3,058.00				4,605.23

BOB PACKWOOD,
Chairman, Committee on Finance, Sept. 30, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER
AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1985

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard G. Lugar:									
Brazil	Cruzeiro	1,329.82	223.12					1,329.82	223.12
Argentina	Australe	166.47	186.00		30.00		57.77	166.47	273.77
Ecuador	Sucre	8,385	75.00					8,385	75.00
Mexico	Peso	12,187.50	37.50					12,187.50	37.50
Charles Andreae:									
Brazil	Cruzeiro	2,659.650	446.25					2,659.650	446.25
Argentina	Australe	332,940	372.00		30.00		57.77	332,940	459.77
Ecuador	Sucre	8,385	75.00					8,385	75.00
Mexico	Peso	24,375	75.00					24,375	75.00
Mark Helmke:									
Brazil	New Cruzeiro	2,659.650	446.25					2,659.650	446.25
Argentina	Australe	332,940	372.00		30.00		57.77	332,940	459.77
Ecuador	Sucre	8,385	75.00					8,385	75.00
Mexico	Peso	24,375	75.00					24,375	75.00
Sandy S. Mason:									
Brazil	Cruzeiro	2,659.650	446.25					2,659.650	446.25
Argentina	Australe	332,940	372.00		30.00		57.77	332,940	459.77
Ecuador	Sucre	8,385	75.00					8,385	75.00
Mexico	Peso	24,375	75.00					24,375	75.00
William Perry:									
Brazil	Cruzeiro	2,659.650	446.25					2,659.650	446.25
Argentina	Australe	332,940	372.00		30.00		57.77	332,940	459.77
Ecuador	Sucre	8,385	75.00					8,385	75.00
Mexico	Peso	24,375	75.00					24,375	75.00
Total			4,394.62		150.00		288.85		4,833.47

Note.—Delegation expenses include direct payments and reimbursements to the State Department and to the Defense Department under authority of sec. 502(b) of the Mutual Security Act of 1954, as amended by sec. 22 of P.L. 95-384, and S. Res. 179, agreed to May 25, 1977.

RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations, Nov. 4, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER
AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1985

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph Biden, Jr.:									
Germany	Deutsche mark	688.50	225.00					688.50	225.00
Italy	Lira	371,525	192.00					371,525	192.00
United States	Dollar				2,987.74				2,987.74
Senator Larry Pressler:									
Switzerland	Franc	194.55	76.00					194.55	76.00
Greece	Drachma	50,145	375.00					50,145	375.00
Italy	Lira	297,690	150.00					297,690	150.00
Turkey	Lira	80,055	150.00					80,055	150.00
West Germany	Deutsche mark	228	75.00					228	75.00
United States	Dollar				1,039.95		41.98		1,081.93
Frederick Z. Brown:									
Philippines	Peso	17,270.10	930.00					17,270.10	930.00
United States	Dollar				2,103.00				2,103.00
Gerald E. Connolly:									
Mexico	Peso	65,486	192.60					65,486	192.60
United States	Dollar				348.00				348.00
Bert DiClemente:									
Germany	Deutsche mark	688.50	225.00					688.50	225.00
Italy	Lira	371,525	192.00					371,525	192.00
United States	Dollar				2,987.74				2,987.74
Scott Erb:									
Switzerland	Franc	194.55	76.00					194.55	76.00
Greece	Drachma	50,145	375.00					50,145	375.00
Italy	Lira	297,690	150.00					297,690	150.00
Turkey	Lira	80,055	150.00					80,055	150.00
West Germany	Deutsche mark	228	75.00					228	75.00
United States	Dollar				1,842.95				1,842.95
Richard Messick:									
United States	Dollar				1,999.50				1,999.50
Netherlands	Guilder	714.80	228.00					714.80	228.00
West Germany	Deutsche mark	515	180.00					515	180.00
Sweden	Krona	4,396.40	524.00					4,396.40	524.00
Norway	Krone	841.50	102.00					841.50	102.00
United Kingdom	Pound	269.10	372.00					269.10	372.00
Bradford Penny:									
United States	Dollar				1,999.50				1,999.50
Netherlands	Guilder	714.80	228.00					714.80	228.00
West Germany	Deutsche mark	515	180.00					515	180.00
Sweden	Krona	4,396.40	524.00					4,396.40	524.00
Norway	Krone	841.50	102.00					841.50	102.00
United Kingdom	Pound	269.10	372.00					269.10	372.00
Barry Sklar:									
Costa Rica	Colon	14,637	287.00	16,653	326.53			31,290	613.53
Nicaragua	Cordoba	18,360	306.00					18,360	306.00
El Salvador	Colon	887.80	193.00					887.80	193.00
Honduras	Lempira	90	45.00					90	45.00
Guatemala	Quetzal	526.50	162.00					526.50	162.00
United States	Dollar				925.00				925.00
Amendments to the 2d quarter of 1985:									
Senator Paul Sarbanes:									
Egypt	Dollar		174.00				9.56		183.56
Israel	Dollar		815.50		736.22				1,551.72

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER
AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1985—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				2,238.81				2,238.81
Peter Marudas:									
Egypt	Dollar		174.00				9.56		183.56
Israel	Dollar		815.50		736.22				1,551.72
United States	Dollar				4,688.81				4,688.81
Amendments to the 4th quarter of 1984:									
Senator Christopher Dodd:									
Philippines	Peso	8,948.94	447.00		71.43				518.43
Japan	Yen	131,463	541.00		101.90		112.49		755.39
China	RMB	4,075.70	1,505.00		32.13				1,537.13
Hong Kong	Dollar	928.80	119.00						119.00
United States	Dollar				4,651.00				4,651.00
Robert Dockery:									
Philippines	Peso	8,948.94	447.00		71.43				518.43
Japan	Yen	131,463	541.00		101.90		112.49		755.39
China	RMB	4,075.70	1,505.00		35.82				1,540.82
Hong Kong	Dollar	928.80	119.00						119.00
United States	Dollar				4,651.00				4,651.00
Carl W. Ford, Jr.:									
Philippines	Peso	8,948.94	447.00		71.43				518.43
Japan	Yen	131,463	541.00		101.90		112.49		755.39
China	RMB	4,075.70	1,505.00		35.82				1,540.82
Hong Kong	Dollar	928.80	119.00						119.00
United States	Dollar				4,651.00				4,651.00
Total			17,228.60		39,464.73		398.57		57,091.90

RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations, Nov. 4, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER
AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS, FOR TRAVEL FROM SEPT. 24 TO OCT. 2, 1985

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Robert E. McArthur:									
Austria	Schilling	14,548.10	763.00		1,488.21			14,548.10	2,251.21
Total			763.00		1,488.21				2,251.21

WILLIAM V. ROTH, JR.,
Chairman, Committee on Governmental Affairs, Oct. 30, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER
AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM APR. 1, TO JUNE 30, 1985

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Orrin G. Hatch			134.00						134.00
			108.00						108.00
			117.00						117.00
			227.00						227.00
			216.00						216.00
Senator Chic Hecht			134.00						134.00
			108.00						108.00
			117.00						117.00
			227.00						227.00
			216.00						216.00
Senator Bill Bradley			121.37						121.37
			108.00						108.00
			117.00						117.00
			227.00						227.00
			216.00						216.00
Senator David Boren			134.00						134.00
			108.00						108.00
			117.00						117.00
			227.00						227.00
			216.00						216.00
David Holliday			134.00						134.00
			108.00						108.00
			117.00						117.00
			227.00						227.00
			216.00						216.00
Dee Benson			134.00						134.00
			108.00						108.00
			117.00						117.00
			227.00						227.00
			216.00						216.00
Bill Taylor			134.00						134.00
			108.00						108.00
			117.00						117.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM APR. 1, TO JUNE 30, 1985—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Delegation expenses			227.00						227.00
			216.00						216.00
						836.95			836.95
						1,247.45			1,247.45
						701.66			701.66
						1,214.89			1,214.89
Total			5,601.37			4,000.95			9,602.32

Note.—Delegation expenses include direct payments and reimbursements to the State Department and to the Defense Department under authority of sec. 502(b) of the Mutual Security Act of 1954, as amended by sec. 22 of P.L. 95-384, and S. Res. 179, agreed to May 25, 1977.

ORRIN G. HATCH,
Delegation Chairman.
DAVID DURENBERGER,
Chairman, Committee on Intelligence, Oct. 7, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1954(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1985

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Paul Simon:									
United States	Dollar				2,789.00				2,789.00
Senegal	Franc	83,903.30	180.05					83,903.30	180.05
Mauritania	Ouguiya					69,497.22	903.50	69,497.22	903.50
Finland	Finnmark	1,426.68	237.78	90.90	15.15			1,517.58	252.93
Russia	Ruble	1,156.63	315.13	38.72	10.55			1,195.25	325.68
England	Pound	258.62	176.53					258.25	176.53
Floyd Fithian:									
United States	Dollar				4,071.40				4,071.40
Senegal	Franc	81,121.28	174.08					81,121.28	174.08
Finland	Finnmark	1,284.12	214.02	101.20	16.85			1,385.32	230.87
Russia	Ruble	1,252.28	341.22	40.37	11.00			1,292.65	352.22
England	Pound	242.33	165.41					242.33	165.41
Total			1,804.22		6,913.95		903.50		9,621.67

STROM THURMOND,
Chairman, Committee on the Judiciary, Sept. 30, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1954(b), COMMITTEE ON THE JUDICIARY, AMENDED SECOND QUARTER 1985 REPORT, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1985

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jeremiah Denton:									
Hong Kong	Dollar			13,884	1,789.18			13,884	1,789.18
Total					1,789.18				1,789.18

STROM THURMOND,
Chairman, Committee on the Judiciary, Sept. 30, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON LABOR AND HUMAN RESOURCES, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1985

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
John Dudinsky:									
Sweden	Krona	2,170	262.00					2,170	262.00
Denmark	Krone	3,329.70	333.00					3,329.70	333.00
Netherlands	Guilder	715	228.00					715	228.00
Ireland	Pound	303.49	339.00					303.49	339.00
United States	Dollar				2,088.56				2,088.56
Total			1,162.00		2,088.56				3,250.56

ORRIN G. HATCH,
Chairman, Committee on Labor and Human Resources, Sept. 10, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS, FOR TRAVEL AUG. 15-17, 1985

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
R. Michael Haynes:									
Canada	Dollar	304.38	225.00		274.52			304.38	499.52
Total			225.00		274.52				499.52

LOWELL WEICKER, Jr.,
Chairman, Committee on Small Business, Sept. 30, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-385—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER, FROM JULY 1 TO SEPT. 30, 1985

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Paul Laxalt:									
France	Franc	2,094.75	225.00					2,094.75	225.00
George Murphy:									
Switzerland	Franc	1,573.88	684.00					1,573.88	684.00
United States	Dollar				1,815.82				1,815.82
Gus Edward:									
United Kingdom	Pound	456.76	655.00					456.76	655.00
United States	Dollar				965.00				965.00
Total			1,564.00		2,780.82				4,344.82

ROBERT DOLE,
Majority Leader, Nov. 12, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS OF EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1985

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Samuel Wise:									
Sweden	Krona	10,138.41	1,143.00		1,010.00			10,138.41	2,153.00
Denmark	Krone	2,481	228.00		2,863.02			2,481	3,091.02
Michael Hathaway:									
Finland	Dollar		400.00						400.00
David Seal:									
Finland	Dollar		400.00						400.00
Lynne Davidson:									
Finland	Dollar		600.00		892.00				1,492.00
Catherine Cosman:									
Finland	Dollar		600.00		892.00				1,492.00
John Finerty:									
Sweden	Krona	18,295.06	2,176.00		2,035.00			18,295.06	4,211.00
Samuel Wise:									
Austria	Shilling	2,218.15	109.00		2,560.80			2,218.15	2,669.80
Hungary	Forint	3,751.10	75.00					3,751.10	75.00
Germany	Deutsche mark	297.41	102.00					297.41	102.00
Belgium	Franc	5,235	90.00	1,352.00	30.88			6,587	120.83
France	Franc	1,035	115.00					1,035	115.00
Switzerland	Franc	429.85	180.00					429.85	180.00
Total			6,218.00		10,283.65				16,501.65

¹ One way military.

ALFONSE M. D'AMATO,
Chairman, Commission on Security and Cooperation in Europe,
Oct. 31, 1985.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. HATCH:

S. 1949. A bill for the relief of Michael Z. Wu; to the Committee on the Judiciary.

By Mr. BRADLEY:

S. 1950. A bill to amend the Internal Revenue Code of 1954 to disallow deductions for advertising expenses for tobacco products; to the Committee on Finance.

By Mr. PRESSLER:

S. 1951. A bill to change the method and procedure of selling all meat commodities; to provide for licensing and regulating of market price reporting services; to insure proper market basis for sales and thereby prevent manipulation in meat trading; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GARN:

S. 1952. A bill to provide for the striking of medals to commemorate the Young Astronaut Program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. THURMOND (for himself and Mr. DeCONCINI):

S.J. Res. 250. Joint resolution to authorize the National Committee of American Airmen Rescued by General Mihailovich to erect a monument to Gen. Draza Mihailovich in Washington, District of Columbia or its environs, in recognition of the role he played in saving the lives of more than 500 U.S. airmen in Yugoslavia during World War II; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S.J. Res. 251. Joint resolution to designate the week of May 11, 1986, through May 17,

1986, as "National Science Week, 1986"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. GORE:

S. Con. Res. 96. Concurrent resolution to request the President to take appropriate actions toward the establishment of a corporate international research program with respect to the greenhouse effect; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 1949. A bill for the relief of Michael Z. Wu; to the Committee on the Judiciary.

RELIEF OF MICHAEL Z. WU

Mr. HATCH. Mr. President, I am introducing a private bill for Mr. Michael Z. Wu in order to grant him a visa and admission to the United States for permanent residence. Mr. Wu desires to become a candidate for U.S. citizenship, and his personal background well demonstrates that he is a worthy and desirable person to be a permanent resident in our great country.

Mr. Wu was born in 1954, in the State of Assam, in northern India. He came from a well-to-do Chinese manufacturing family which was uprooted in 1962 when war broke out between India and the People's Republic of China. From the age of 5 to the age of 12, Michael lived in internment camps and received no formal education whatsoever. His father, when released from internment and unable to find employment, emigrated to Canada, and a year later Michael and the rest of the family joined him. When Michael reached Canada, he was almost entirely without formal education, and was first enrolled in a technical high school. He also worked as a clerk in a department store.

In Toronto, Michael was hired by Prof. Walter Berns, a distinguished Princeton University constitutional scholar, to help care for a stricken colleague at the University of Toronto, where Professor Berns was teaching at the time. Michael was hired to cook, shop, run errands, carry books, and to care for Berns' sick colleague. In the course of his employment, Michael became both the pupil and the friend of Professor Berns and his family. The recovering professor and Dr. Berns encouraged Michael to finish high school, which he did, and then arranged for him to enroll at Roosevelt University in Chicago, where on a student visa and working full time to support himself, Michael graduated with a bachelor's degree in comparative literature. While at Roosevelt Universi-

ty, Michael impressed everyone with his student work and with his good works. He was considered to be thoughtful, imaginative, intelligent, and very kind and helpful. He also assisted the director of the language laboratory at Roosevelt University, and he helped many foreign students through their difficult periods of transition.

During this time, Michael became fluent not only in English, but also in French. He returned to Canada to his family, and he is now in France on a fellowship. In addition to the languages I just mentioned, Mr. Wu is also proficient in Chinese and Hindi. He has talents that surely can be utilized in Government service and private business, and he would be an asset to the community in which he resides as well as to our beloved country.

One of his many sponsors is Nobel Laureate, Saul Bellow. Mr. Bellow writes of Michael:

He has overcome immense difficulties to complete his education and it would be a pity to lock him out . . . he deserves the opportunity to live and work in the U.S.A. People like Mr. Wu make most desirable useful citizens. He is a courageous and undemonstratively independent person. We should encourage such young men to settle here.

Mr. President, I second the words of the distinguished recipient of the Nobel Prize for Literature. Michael Wu is an extraordinary young man. He will make a splendid contribution to this country both as a professional and as a kind and caring human being. He represents the kind of person that has helped America become the great Nation that it is. I urge my colleagues to support this private bill. We will benefit by its passage.

By Mr. BRADLEY:

S. 1950. A bill to amend the Internal Revenue Code of 1954 to disallow deductions for advertising expenses for tobacco products; to the Committee on Finance.

DISALLOWANCE OF DEDUCTION FOR TOBACCO ADVERTISING EXPENSES

Mr. BRADLEY. Mr. President, tobacco is the single biggest health hazard facing this country. Virtually all scientific evidence recognizes the dangers of tobacco. According to the Congressional Research Service, more than 300,000 people die from smoking every year. Smoking contributes to 30 percent of deaths due to cancer and to 25 percent of coronary heart disease in this country.

And, Mr. President, cigarettes are not the only problem. Smokeless tobacco causes serious health problems, including cancer, periodontal bone destruction, tooth abrasion, and gingival recession. The American Cancer Society estimates that 10 percent of the 9,500 oral cancer deaths in this country are attributable to smokeless to-

bacco. The World Health Organization last year concluded that there is a direct link between the use of snuff and cancer.

Mr. President, the health costs of tobacco are also large. According to studies of the National Center for Health Statistics and the Office of Technology Assessment, \$12 to \$35 billion a year is spent on medical care for people whose illnesses result from smoking.

Mr. President, some argue that, because tobacco use is declining, we should not be so worried about the health effects of this product. This just doesn't hold up. The decline in tobacco use has not been dramatic—the deaths from smoking have been. There has been only a modest reduction in per capita cigarette consumption—a 10-percent decline since the 1950's—and there has not been a sizable reduction in the number of people who smoke, relative to 30 years ago. In the 1950's, roughly half of men and a quarter of women were smokers. Now, about a third of both men and women smoke.

While cigarette consumption has declined somewhat in recent years, the use of smokeless tobacco has increased. The American Cancer Society estimates that 22 million Americans in 1980 used smokeless tobacco. According to the Library of Congress, per capita consumption of snuff among males 18 and over has increased 60 percent since 1978. Surveys show that in Colorado, 25 percent of the male high school students use smokeless tobacco daily; in Oklahoma, 22 percent; in Texas, 20 percent. The Texas study shows that 55 percent of the chewers started before their 12th birthday. Incredibly, in Oklahoma, even 7 percent of the third graders use smokeless tobacco. We are talking about small children using a life-threatening product. The thought is appalling, Mr. President.

Thirty years ago, the debate was over whether tobacco consumption represented a serious health hazard. Today, everyone agrees—everyone, that is, except the tobacco manufacturers—that tobacco is a killer. The debate has turned to defining the proper Federal role in discouraging the use of tobacco.

And currently, Mr. President, the Federal Government has conflicting policies:

We spend millions on health research in an effort to help the millions afflicted by tobacco-related diseases, and at the same time we provide subsidies to farmers to grow tobacco.

We place labels on tobacco products warning people of the direct link between use and illness, and at the same time we allow the excise tax on cigarettes to drop in real terms by nearly

50 percent over the decades, reducing the disincentive to smoke.

And last, we spend millions on public health campaigns to warn people of the dangers of tobacco, and at the same time we allow tobacco manufacturers to write off billions of dollars in advertising expenses that are aimed at encouraging people to smoke or use smokeless tobacco.

Mr. President, the Government should speak with one voice on this problem. I believe that voice should unequivocally say, "smoking will harm you." We need tougher labeling requirements and more public information on the health effects of smoking or chewing tobacco. We need to increase the excise taxes on these products as a greater disincentive to smoke and chew. And the Government should eliminate the incentives that are in the current Tax Code that help tobacco companies promote their product.

The industry argues that tobacco ads are not intended to recruit new smokers but simply to get people who already smoke to switch brands. I think that is hogwash, Mr. President! What is the message behind a television ad on smokeless tobacco portraying an athlete enjoying a "pinch between his cheek and gum?" What is the message behind billboards and magazine ads that portray young, successful, athletic and attractive models?

Americans—particularly young Americans—are bombarded with tobacco ads. Tobacco is this Nation's most heavily advertised consumer product, costing over \$2 billion a year. Cigarette ads represent 10 to 15 percent of all newspaper and magazine ads and almost half of all outdoor advertising.

Mr. President, smoking is not glamorous. It does not make you attractive. It will not help you live a long or athletic life. Ads imply that this is the case, and it simply is not. It is doubtful that we can stop tobacco manufacturers from advertising, but we can eliminate the taxpayer subsidy to the industry for this purpose.

That is why I am introducing legislation today to disallow as a business expense the advertising expenses associated with tobacco products, including smokeless tobacco. The tax subsidy to tobacco manufacturers dwarfs the Federal outlays that are expended on deterring tobacco use. The Federal Government should be speaking with one voice. I see no reason why the Government should continue to subsidize this product.

By Mr. PRESSLER:

S. 1951. A bill to change the method and procedure of selling all meat commodities; to provide for licensing and regulating of market price reporting services; to ensure proper market basis for sales and thereby prevent manipu-

lation of prices in meat trading; to the Committee on Agriculture, Nutrition, and Forestry.

FAIR MEAT TRADING ACT

Mr. PRESSLER. Mr. President, today I am introducing legislation to require the reporting of large transactions of meat and prohibits the use of formula pricing to establish prices for meat. The bill provides for more complete reporting of transactions and competitive marketing of meat products.

Currently, we have accurate reporting of the marketing of dozens of commodities. Yet there is very little public information available on the marketing of this Nation's largest commodity by far, meat. Once the livestock is sold by the farmer or rancher, the pricing and marketing of the products produced from the livestock are virtually unmonitored until they reach the supermarket meat counter or the restaurant. The most widely used reporting service used to establish meat prices is a publication known as the Yellow Sheet. This private publication collects information from wholesalers, retailers, and packers on their transactions in meat. Currently, the purchaser or seller of the meat is not required to report any information. As a result, the Yellow Sheet bases its information on less than 1 percent of the actual transactions. The American Meat Institute [AMI], which is an organization of meat packers, recently completed a meat price reporting study. AMI's survey found that almost two-thirds of the large retailers do not report meat purchases to the reporting service. Most of the packers did not report sales but would confirm sales if the information was requested. Many other buyers and sellers then use this information to determine the prices they pay and receive for meat products. Because of the very small percentage of transactions reported, there has been a great deal of speculation that the reporting of the Yellow Sheet could be manipulated. There is a strong incentive for the buyer or seller to try to influence the report. The AMI report states, "The temptations of selective reporting are considerable for all sizes of packers."

The legislation I am introducing today would only require the buyer or seller of meat to provide information on transaction to a reporting service if the service requests such information. The AMI survey found neither the packers or the retailers trusted the current reporting service. In the survey 96 percent of the packers were mildly or highly critical of the existing reporting services. The buyers also expressed their distrust for the accuracy of all market news reports. The basic reason for the distrust of the system is the lack of reporting requirements. The requirement of more complete reporting of transactions would elimi-

nate the possibility of manipulating the information in the report and increase trust in the reports.

Many of the meat products are currently priced through the use of a formula pricing system. The study found that over 50 percent of the beef carcasses sold by the large packers are priced based on one of the reporting services. A similar system is used to establish the price for over two-thirds of the pork sold. These formula pricing systems are based on the price quotes in one of the reporting services. For example, a buyer will purchase a carload of beef a week from today at whatever price the Yellow Sheet quotes for beef that day. In other words, there is no consideration given to the supply, demand, cost of production, or any other factors in the pricing of the meat products. This strong dependence on the Yellow Sheet to establish prices gives a great incentive to try and manipulate the reports of the Yellow Sheet. Such manipulation is made more possible by the totally discretionary reporting requirement. This legislation will add some accountability to the reporting service and the meat industry.

The need for better reporting on meat transactions is also highlighted by the growing ownership concentration in the meat packing and food retail industries. Since 1972, the number of firms reporting steer and heifer slaughter to USDA declined from 710 to 471 in 1982. During the same period, the 20 largest firms increased their share of the total U.S. livestock slaughter from 59 percent to 76 percent. These trends have continued since 1982 at an increased rate. During the same period, the number of wholesale and retail buyers has declined and the market share of the largest firms has also increased. As a result, we have a continually declining number of firms conducting transactions in meat with little or no information on key aspects of their operations.

To facilitate the reporting service and encourage competitive bidding on meat transactions, the bill also suggests the development of an electronic marketing system. The development of such a system is encouraged by providing an exemption of reporting requirements for meat traded on competitive electronic marketing system. A 1984 General Accounting Office study found that the development of an electronic marketing system can provide an opportunity to trim some of the cost in marketing food products. Currently, marketing costs account for about 73 percent of the cost of food purchased by consumers. If these marketing costs could be reduced the consumer would benefit and the farmer could also receive a higher price.

All of the studies and previous experiences with electronic marketing of

agricultural commodities have found that farmers and ranchers receive a higher price for their product. The higher prices are possible due to increased marketing efficiencies and competition. This legislation has the potential for substantially increasing farm income at no cost to the Federal Government or consumer. It would be done through increased marketing efficiencies.

Electronic marketing has been used for certain commodities for about 20 years. Many hogs and feeder pigs as well as much of the cotton produced in the United States are traded in this manner. Canada has used electronic marketing for hogs for many years. Experience has demonstrated that electronic marketing reduces transportation costs and increases competitive bidding. USDA has also conducted numerous pilot projects on electronic marketing, but many of these projects have not included enough participants to provide a fair test of the system. However, studies indicate that electronic marketing increases competitive interaction, reflecting supply and demand more closely. It also facilitates the collection and dissemination of price and market information, which reduces the potential for information distortion or bias in transaction prices.

The AMI's survey found over 50 percent of the packers supporting the development of an electronic marketing system and a large number felt some sort of mandatory reporting may be a necessary part of a viable system. The survey clearly indicates the need for change in the current meat reporting system and the industry's recognition of this need. This legislation would facilitate the implementation of these needed changes.

Mr. President, the legislation I am introducing today does not force the meat industry to adopt an electronic marketing system, but it would encourage the development of such a system. It would require a more comprehensive reporting of market transactions. It appears that the most feasible means of achieving this would be to develop an electronic marketing system. All of the available information indicates that such a system would increase the competitiveness and efficiency of the food marketing system. It could also substantially increase farm income at no cost to the Government or consumers. That should be a goal of the industry, and it would be in the best interests of all Americans—taxpayers, consumers, and farmers.

By Mr. GARN:

S. 1952. A bill to provide for the striking of medals to commemorate the Young Astronaut Program; to the Committee on Banking, Housing, and Urban Affairs.

YOUNG ASTRONAUT PROGRAM MEDAL ACT

● Mr. GARN. Mr. President, the Young Astronaut Program is a national educational program for elementary and junior high school students which is designed to educate and interest young people in science, math, and technological skills. It uses the excitement of the U.S. Space Program to capture the imagination of young people all over the Nation. Although the program has existed for a little over a year, it has already:

Established thousands of chapters involving hundreds of thousands of students worldwide.

Produced diverse classroom curriculum materials for grades 1-9, including an adventure series of science activities called Toys That Teach, Recycled Science, Physics of Fun, and Space Watch. Model rocket kits and Halley's Comet posters are typical of other materials made available to chapters.

Sponsored field trips by chapters to science and space-related locations.

Published a national newsletter for chapter leaders and students and provided a national computer network for chapters that gives monthly updates on the latest shuttle missions and supplemental curriculum materials.

Sent 50 economically disadvantaged students to Space Camp for a 5-day "mission" to Huntsville, AL.

Sponsored a trip to a shuttle launch for the best young astronaut flag design.

Given two young astronauts the opportunity to be "movie stars" as winners of a contest to appear in the upcoming ABC film "SpaceCamp."

Allowed young astronauts to communicate with the crew of a recent space shuttle via ham radio in a project called "Ham In Space."

The Young Astronaut Program has so far been entirely supported and financed by private sector contributions and initiatives. This legislation calls for the minting of medals to commemorate the program, and allows the Young Astronaut Council to sell the medals and use the proceeds to sponsor program activities in schools all over the country.

Mr. President, I believe that the Young Astronaut Program is extremely worthwhile, and that passage of this legislation would provide further support for its activities, projects, and goals.●

By Mr. THURMOND (for himself and Mr. DeCONCINI):

S.J. Res. 250. Joint resolution to authorize the National Committee of American Airmen Rescued by General Mihailovich to erect a monument to Gen. Draza Mihailovich in Washington, District of Columbia or its environs, in recognition of the role he played in saving the lives of more than 500 United States airmen in Yugoslavia during World War II; to the Com-

mittee on Energy and Natural Resources.

GEN. DRAZA MIHAILOVICH MONUMENT

Mr. THURMOND. Mr. President, I send to the desk a bill to authorize the National Committee of American Airmen Rescued by Gen. Draza Mihailovich to erect a monument in Washington dedicated to "General Draza Mihailovich, Savior of American Airmen."

The reason for having such a monument so designated stems back to World War II. During that war the United States and Great Britain initially supported the nationalist resistance movement in Yugoslavia, led by Gen. Draza Mihailovich. Due to a tragic combination of errors and mistaken information, the Allies withdrew their support for Mihailovich at the end of 1943 and backed the Communist resistance movement of Marshal Tito.

Despite his abandonment by the Allies and despite the merciless war waged against him by both the Communists and the Nazis during 1944, General Draza Mihailovich and his forces, known as the Chetniks, succeeded in rescuing some 500 American airmen who were shot down over Yugoslavia. Most of these men were safely evacuated from Nazi-occupied Yugoslavia to Italy.

In 1948, President Harry S. Truman awarded posthumously the Legion of Merit to General Mihailovich for his heroics in rescuing American airmen and for his larger services to the allied cause. Unfortunately, the American public was unaware of this award since the State Department, fearful of offending the sensitivities of the Yugoslavian Communist Government, made the award to Mihailovich "secret" for almost 20 years.

Since that time, a group of American airmen have organized themselves into a National Committee of American Airmen Rescued by General Mihailovich and have launched a movement to build a memorial in Washington, DC, dedicated in gratitude to the man who saved their lives. This effort has been ongoing for some time now, with the support of many Members of Congress, and I can think of no better way to discharge this debt than to authorize these airmen to erect the monument they have in mind.

Mr. President, in voicing my support for this effort, I want to emphasize the fact that this project is to be financed, not by the American taxpayers, but through the fundraising efforts of the airmen's group. All costs for the construction and maintenance of this memorial will be borne by the private sector.

This legislation is virtually identical to previous measures that have been approved overwhelmingly in the Senate.

Mr. President, the airmen who seek authority to have this monument erected do not wish to make political noises that would offend the present Government of Yugoslavia. They seek only to acknowledge their deep sense of gratitude to a man who was instrumental in rescuing nearly 500 downed American flyers during World War II. They merely want the simple recognition that would be imparted by the erection of a General Mihailovich monument.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD.

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

S.J. RES. 250

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Committee of American Airmen Rescued by General Mihailovich is authorized to establish a monument on public grounds in the District of Columbia or its environs, subject to authorization by the Secretary of the Interior pursuant to section 2, to honor General Draza Mihailovich for the role he played in saving the lives of more than five hundred United States airmen in Yugoslavia during World War II.

SEC. 2. (a) The Secretary of the Interior, in consultation with the National Committee of American Airmen Rescued by General Mihailovich, shall select with the approval of the Commission of Fine Arts and the National Capitol Planning Commission a suitable site on grounds owned by the Federal Government in the District of Columbia or its environs for erection of the monument referred to in the first section of this joint resolution.

(b) The National Committee of American Airmen Rescued by General Mihailovich shall be responsible for the development of the design and plans of such monument, which shall be subject to the approval of the Secretary of the Interior, the Commission of Fine Arts, and the National Capitol Planning Commission. If the Secretary of the Interior, the Commission of Fine Arts, or the National Capitol Planning Commission fails to approve or make specific objection to such design and plans within ninety days after submission, such approval shall be deemed to be given.

(c) Neither the United States nor the District of Columbia shall bear any expense in the erection of the monument other than expenses incurred in the process of site selection and approval of design and plans.

SEC. 3. The Secretary of the Interior shall permit ground breaking for construction of the monument only after he determines that sufficient funds are available to complete the monument in accordance with the approved design and plans.

SEC. 4. The authority conferred by this joint resolution shall lapse unless the construction of the monument begins within two years after the date of enactment of this joint resolution.

SEC. 5. The maintenance and care of the monument erected under this joint resolution shall be the responsibility of the National Committee of American Airmen Rescued by General Mihailovich.

Mr. DECONCINI. Mr. President, I am pleased to cosponsor Senator

THURMOND's legislation to authorize the National Committee of American Airmen Rescued by General Mihailovich to establish a monument to Gen. Draza Mihailovich in Washington, DC.

As many of us are aware, General Mihailovich is responsible for saving the lives of over 500 American flyers who were shot or forced down over Yugoslavia during World War II. For his acts of heroism and bravery at that time, he made the ultimate sacrifice—his life—during the internecine strife which plagued his country following the war.

In an era when we find a paucity of heroes, it is fitting to remember the heroic acts of an earlier time—a time which many of us remember all too dimly. In this, the 40th year after the end of the bloodiest war ever to face this planet, it is important to remember the bravery, sacrifice, and the combined efforts of many peoples and groups who gave their lives to preserve the democratic freedoms we all cherish. For an all too brief period of time, we were allies against a common enemy. American and Soviet, Serb and Croat, Partisan and Chetnik—all fought for and secured the peace which we experience to this very day.

Unfortunately, many of the fragile alliances of World War II were swiftly shattered following the war when former allies squared off against each other in a quest for power. Yugoslavia faced the same political rivalries which the world faced on a larger scale. In a struggle for power between the leaders of the two Yugoslav resistance forces, the Chetniks and the Partisans, General Mihailovich lost his battle and eventually his life.

Today, we are here to remember his heroic efforts during the war on behalf of American flyers, not the events within Yugoslavia following the war. Just as we have recognized the valiant acts of the Marquis de Lafayette and Gen. Casimir Pulaski, so it is fitting that we do so for this courageous man to whom so many Americans still living owe their lives.

One of those men is Richard L. Felman of Tucson, AZ, who has devoted his life to seeking recognition of General Mihailovich's efforts to save the lives of American servicemen. I congratulate Mr. Felman of Tucson, AZ, who has devoted his life to seeking recognition of General Mihailovich's efforts to save the lives of American servicemen. I congratulate Mr. Felman on his diligence and devotion, and admire the dedication to this cause which he has displayed since the end of the war. A 40-year crusade, such as the one waged by Mr. Felman and his fellow survivors, is one which merits a successful conclusion.

As you know, this legislation has twice been passed by this body only to be stalled in the House due in large measure to objections raised by the

State Department. I simply cannot believe that a monument to General Mihailovich, built with private moneys on American soil, could be considered a diplomatic affront to the Yugoslav Government. We have delayed too long on this matter and I urge expeditious action by both Houses.

By Mr. HATCH:

S.J. Res. 251. Joint resolution to designate the week of May 11, 1986, through May 17, 1986, as "National Science Week, 1986"; to the Committee on the Judiciary.

NATIONAL SCIENCE WEEK, 1986

Mr. HATCH. Mr. President, the Smithsonian Institution has sponsored a film called "The Dream Is Alive." It is an appropriate title for a film depicting the wonder of space flight. It reminds us that we live in an age of opportunity and technological advancement. It is an age when we can prepare a meal in minutes; when artificial organs can replace natural organs; an age when astronauts can repair satellites in space; when we can store millions of pieces of information on a 5-inch disk. Our dreams are becoming reality.

Today, we have access to technology and knowledge that our forefathers could only dream about. Our young people will have even more. The impact of science and new technology on us is immediate and profound, not only in our individual lifestyles, but also on us as a nation. We should encourage our children's interest in and study of the sciences. It is an exciting time. The possibilities and opportunities available for us are innumerable.

Today, I am pleased to introduce legislation designating the week of May 11-17, 1986, as "National Science Week." The National Science Foundation will act as a catalyst, coordinating events to boost public awareness and understanding of science and technology, and to encourage our young people to study science and math. Last year, four corporations joined the NSF in sponsoring National Science Week: Dupont, IBM, Eastman-Kodak, and General Electric.

Schools and communities all over the country, along with many of our Nation's most prestigious scientific associations, rallied together to develop special exhibits, lectures, workshops, demonstrations, and other programs during National Science Week. Nearly 1,000 local, State, and national groups participated. In Salt Lake City, one of the 10 target cities, the planned activities received generous attention. The University of Utah, the Terra Tek Co., and other business and university departments hosted events including planetarium displays, magic shows by the university's chemistry department, and demonstrations of aircraft and aerodynamics.

The interest in science and technology generated by these activities is contagious, and I am honored to participate in this grand national project. I invite all Senators to join me as a cosponsor of this joint resolution in this national salute to American achievement in science and technology.

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 17, a bill to establish an independent agency, governed by a bipartisan board, to administer the old-age, Survivors, and Disability Insurance Program under title II of the Social Security Act, the supplemental security income program under title XVI of such act, and the medicare program under title XVIII of such act, and for other purposes.

S. 1799

At the request of Mr. GORTON, his name was added as a cosponsor of S. 1799, a bill to amend the Internal Revenue Code of 1954 to exclude from inclusion in personal holding company income computer software royalties received by businesses actively engaged in developing, manufacturing, and producing computer software, and for other purposes.

S. 1912

At the request of Mr. BENTSEN, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1912, a bill to provide for a 6-month extension of certain temporary provisions relating to the Internal Revenue Code of 1954.

S. 1936

At the request of Mr. KERRY, the names of the Senator from Connecticut [Mr. WEICKER], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of S. 1936, a bill to amend title 23, United States Code, to provide for a uniform system for handicapped parking.

S.J. RES. 239

At the request of Mr. DURENBERGER, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Utah [Mr. HATCH], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Joint Resolution 239, a joint resolution designating the week beginning on June 1, 1986, as "National Maternal and Child Health Week."

S. RES. 267

At the request of Mr. HUMPHREY, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Washington [Mr. GORTON], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Resolution 267, a resolution establishing a special panel on asylum.

SENATE CONCURRENT RESOLUTION 96—RELATING TO RESEARCH WITH RESPECT TO THE GREENHOUSE EFFECT

Mr. GORE submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 96

Whereas scientists have documented a continuing increase in the concentration of carbon dioxide and greenhouse gases in the atmosphere of the Earth, which may result in a phenomenon known as the greenhouse effect;

Whereas scientists predict that the greenhouse effect could have many adverse effects on the Earth, including—

(1) changes in climatic patterns which could cause alterations in agricultural productivity and patterns of land use; and

(2) the melting of glacial ice, resulting in a rise in sea levels worldwide;

Whereas human activities, including the burning of fossil fuels, are primarily responsible for the increase in the concentration of carbon dioxide and the release of other greenhouse gases in the atmosphere;

Whereas all nations may be adversely affected if the greenhouse effect occurs, and each nation has an interest in protecting the Earth from this environmental threat; and

Whereas the magnitude of the impact of the occurrence of the greenhouse effect has been investigated by scientists and is only beginning to be understood: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the United States should promote and support—

(A) domestic and international research efforts with respect to the greenhouse effect and its impact;

(B) studies of methods to reduce the rate of increase in the concentration of carbon dioxide and greenhouse gases in the atmosphere of the Earth; and

(C) efforts to prevent degradation of the environment of the Earth by the greenhouse effect;

(2) the President is requested to take all appropriate actions, in cooperation with any international organization which the President determines to be appropriate, to establish a long-term study, beginning with a 1-year cooperative international research program, with respect to the greenhouse effect with the purposes of—

(A) increasing the worldwide dissemination of information with respect to the causes of the greenhouse effect and methods to alleviate or avoid effect;

(B) coordinating the research efforts of the participating nations with respect to the greenhouse effect;

(C) fostering cooperation among nations to develop more extensive research efforts with respect to the greenhouse effect;

(D) preparing a report on the accomplishments of the program;

(E) identifying the potential alternative policies necessary to avoid a buildup of greenhouse gases beyond levels which could have catastrophic results; and

(F) developing a long-term plan for future research efforts with respect to the greenhouse effect;

(3) any such program established by the President should be started during or before the calendar year 1991, which year shall be

known as the "International Year of the Greenhouse Effect"; and

(4) the participation of the United States in any such program established by the President should be planned and coordinated on behalf of the United States by the Chairman of the National Academy of Sciences and the Secretary of Energy.

● Mr. GORE. Mr. President, today I am introducing legislation to establish the International Greenhouse Effect Year. The purpose of this measure is to expand and focus scientific research efforts on the greenhouse effect and its consequences for society.

Modern man has acquired the technology to catastrophically alter the fragile atmosphere of our planet. Simply burning fossil fuels for warmth could have the insidious long-term effect of warming the globe. The buildup of carbon dioxide and other trace gases traps radiation, causing the atmosphere to heat up—a phenomenon known as the greenhouse effect. If today's worst case scenarios become tomorrow's facts, we may have only a few decades in which to ameliorate the impact—which could range from drought in the Midwest to floods on both coasts.

At first glance, the greenhouse effect may sound more like the plot of a bad science fiction novel than a serious environmental issue deserving immediate public policy review. But given its serious and potentially drastic impacts, Federal research and study efforts must place the highest priority on solving the mysteries surrounding the greenhouse effect. Otherwise future generations may experience a science fiction horror story come true.

I am proposing legislation that would decrease the scientific uncertainties and provide us more information on the greenhouse effect.

This concurrent resolution calls for the establishment of an international year of scientific study of the greenhouse effect, and requests the President to take steps to launch a worldwide cooperative program. That would be just the beginning, as many of the studies would continue for years.

The legislation would (1) coordinate and promote domestic and international research efforts on both the scientific and policy aspects of this problem; (2) identify strategies to reduce the increase of carbon dioxide and greenhouse gases; (3) study ways to minimize the impact of the greenhouse effect; and (4) establish long-term research plans.

The concept of an international year of study has been used successfully in the past. In fact, the best and most complete collection of data based on atmospheric concentrations of carbon dioxide began in 1957 as a result of the International Geophysical Year. At that time a sampling station was established on Mona Loa, HI. Today sci-

entists are still collecting data from that station.

Mr. President, I believe this bill will significantly improve national and international research coordination and cooperation. In time, it will produce the vital data Congress needs to make the appropriate policy decisions regarding the greenhouse effect. I urge my colleagues to support this legislation.●

ADDITIONAL STATEMENTS

WEEKLY BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report for the week of December 9, 1985, prepared by the Congressional Budget Office in response to section 5 of the first budget resolution for fiscal year 1986. This report also serves as the scorekeeping report for the purposes of section 311 of the Congressional Budget Act.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 16, 1985.
Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S.
Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1986. The estimated totals of budget authority, outlays, and revenues are compared to the appropriate or recommended levels contained in the most recent budget resolution, S. Con. Res. 32. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32 and is current through December 13, 1985. The report is submitted under Section 308(b) and in aid of Section 311(b) of the Congressional Budget Act.

Since my last report the Congress has cleared for the President's signature the Further Temporary Extension (Medicare) and Extension of Tobacco Excise Tax (H.R. 3918), changing outlay and revenue estimates.

With best wishes,

Sincerely,

RUDOLPH G. PENNER.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 99TH CONG., 1ST SESS. AS OF DEC. 13, 1985

(In billions of dollars)

	Budget authority	Outlays	Revenues	Debt Subject to limit
FISCAL YEAR 1986				
Current level ¹	1,067.3	983.6	792.9	1,902.0
Budget resolution, S. Con. Res. 32	1,069.7	967.6	795.7	2,078.7
Current level is:				
Over resolution		16.0		
Under resolution by...	2.4		2.8	176.7

¹ The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other programs requiring annual appropriations under current law even though the appropriations have not been made. The current level excludes the revenue and direct spending effects of legislation that is in earlier stages of completion, such as reported from a Senate committee or passed by the Senate. Thus, savings from reconciliation action assumed in S. Con. Res. 32 will not be included until Congress sends the legislation to the President for his approval. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

² The current statutory debt limit is \$2,078,700,000,000.

SUPPORTING DETAILS FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 99TH CONG., 1ST SESS. AS OF DEC. 13, 1985

(In billions of dollars)

	Budget authority	Outlays	Revenues
FISCAL YEAR 1986			
I. Revenues			792,800
Permanent appropriations and trust funds	717,617	631,009	
Other appropriations		185,348	
Offsetting receipts	-162,006	-162,006	
Total, enacted in previous sessions	555,610	654,351	792,800
II. Enacted this session:		421	
Famine relief and recovery in Africa (Public Law 99-10)			
Federal supplemental compensation phaseout (Public Law 99-15)		10	
Appropriations for the MX missile (Public Law 99-18)		368	
Contemporaneous record-keeping repeal bill (Public Law 99-44)		13	
United States-Israel Free Trade Act (Public Law 99-47)		-8	
Statue of Liberty-Ellis Island Coin Act (Public Law 99-61)	-15	31	
International Security and Development Cooperation Act (Public Law 99-83)	-25	-25	
Supplemental appropriations bill (Public Law 99-88)	36	3,138	
State Department authorization (Public Law 99-93)		2	
Emergency Extension Act of 1985 (Public Law 99-107)	-49	-230	210
Simplification of imputed interest rules (Public Law 99-121)		-31	
Health professions educational assistance (Public Law 99-129)		-8	
Amendments—Special defense acquisition fund (Public Law 99-139)	100		
Energy and water appropriations, 1986 (Public Law 99-141)	15,252	8,245	
Department of Defense Authorization Act, 1986 (Public Law 99-145)	280	-5	
Legislative branch appropriations, 1986 (Public Law 99-151)	1,599	1,385	
Temporary debt limit increase (Public Law 99-155)	-34	-154	140
Agricultural extension, tobacco provision (Public Law 99-157)	-20	-20	
HUD-Independent agencies appropriations, 1986 (Public Law 99-160)	56,909	36,247	
Offsetting receipts	-4,185	-4,185	
Military construction appropriations, 1986 (Public Law 99-167)	8,498	2,151	
NASA Authorization Act of 1986 (Public Law 99-170)		107	
Labor, HHS, Education appropriations, 1986 (Public Law 99-178)	94,862	81,406	
Offsetting receipts	-19,816	-19,816	
Commerce, State, Justice appropriations, 1986 (Public Law 99-180)	11,926	9,711	
Offsetting receipts	-118	-118	
Total, enacted this session	165,199	118,647	335
III. Continuing resolution authority: Continuing appropriations, 1986 (Public Law 99-179)	348,779	212,985	
Offsetting receipts	-4,449	-4,449	
Total, continuing resolution authority	344,330	208,536	

SUPPORTING DETAILS FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 99TH CONG., 1ST SESS. AS OF DEC. 13, 1985—Continued

(In billions of dollars)

	Budget authority	Outlays	Revenues
IV. Conference agreements ratified by both Houses:			
Textile and Apparel Trade Enforcement Act, 1985 (H.R. 1562)			-200
Further temporary extension (Medicare) (H.R. 3918)		-20	
Extension of Tobacco Excise tax (H.R. 3918)			12
Compact of free association (H.J. Res. 187)		NA	NA
Total, conference agreements		-20	-188
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Payment to the CIA retirement fund	10	10	
Claims, defense	7	3	
Payment to the foreign service retirement trust fund ¹	(1)	(1)	
Range improvements	1		
BLM: Miscellaneous trust fund	(*)		
Payment to air carriers, DOT	18	17	
Retired pay—Coast Guard	21	19	
Maritime operating differential subsidies		3	
BIA: Miscellaneous trust funds	(*)	(*)	
Retirement pay for PHS officers	3		
Medical facilities loan guarantee	3		
Payment to health care trust funds ¹	(907)	(907)	
Child nutrition programs	254	234	
Child support enforcement	3	3	
Advances to unemployment trust fund ¹	(51)	(51)	
Federal unemployment benefits and allowances	65	64	
Black lung disability trust fund	46	46	
Special benefits (disabled coal miners)	36	36	
Assistance payments	544	544	
Supplemental security income	52	52	
Veterans readjustment benefits	180	137	
Veterans pensions	10		
Payment to civil service retirement ²	(214)	(214)	
National wildlife refuge fund	(*)	(*)	
Defense pay raise—Military	925	897	
Total, entitlements	2,179	2,066	
Total, current level as of Dec. 13, 1985	1,067,319	983,579	792,947
1985 budget resolution (S. Con. Res. 32)	1,069,700	967,600	795,700
Amount remaining:			
Over budget resolution			15,979
Under budget resolution	2,381		2,753

¹ Interfund transactions do not add to budget totals.

² Less than \$500,000.

Note.—Numbers may not add due to rounding.●

EXTENSION OF FOREIGN MIS- SIONS ACT TO COVER FOR- EIGN COMMERCIAL ENTITIES

● Mr. LEAHY. Mr. President, I rise as cosponsor with Senator DURENBERGER of S. 1947, a bill to extend the Foreign Missions Act to cover certain foreign

commercial entities operating in the United States.

The Office of Foreign Missions in the State Department is empowered under the act to control various activities of foreign diplomatic and consular missions, certain other foreign official organizations—such as commercial missions and official news bureaus—foreign missions to the United Nations, and United Nations Secretariat employees from countries whose officials are subject to such control. But currently there is no explicit legal authority for the Office of Foreign Missions to regulate the activities of commercial entities which are actually owned or controlled by foreign governments.

It is clear that considerable espionage activities against the United States may originate from such organizations. Foreign governments are free, through their quasipublic trading firms, to form or join commercial entities in the United States which are not currently subject to control by the Office of Foreign Missions. This enables them to establish in areas that would otherwise be denied to officials from their country or into which their officials would not be completely free to travel into such areas.

It is clear that the existence of such free arrangements provides the opportunity for espionage by governments which engage in intelligence activities against the United States. I can state based on information which has been provided to the Select Committee on Intelligence that some foreign commercial entities are actually a source of considerable espionage, especially in the area of the transfer of high technology—particularly military technology—to the Soviet bloc.

One case is particularly enlightening in this regard. In 1981 William Holden Bell, an employee of the Hughes Aircraft Corp., was arrested for having served as an agent of Marian Zacharski, then president of the Polish Government-owned commercial company Polamco. Bell was cultivated by Zacharski in a highly professional agent recruitment scenario which began with a social contact and developed in Zacharski's providing Bell financial assistance. Bell was experiencing serious personal and financial difficulties when he was first contacted by Zacharski at his residence in the high-technology area outside Los Angeles.

Bell ultimately received about \$170,000 in money and valuable items from Zacharski. In return, he turned over numerous documents between 1979 and 1981 dealing with a variety of sensitive military technologies including the F-15 look-down shoot-down radar system, "quite" radar systems, all-weather radar for tanks, naval

radars, components of the Phoenix air-to-air missile and the Patriot air defense missile, and other systems used by the United States and NATO. The Soviets are known to be developing and deploying similar technologies, particularly look-down, shoot-down radar systems and radar-guided air-to-air missiles for their new fighters, apparently based in large part on information purloined from this country.

Mr. President, the Select Committee on Intelligence is currently conducting a major review of security and counterintelligence programs not only in the intelligence community but throughout the national security agencies and programs of the Government. While we expect to release a preliminary report next year, we have already reviewed considerable material and formulated some beginning recommendations. One of the areas that has emerged from this review is the necessity to extend the restrictions applied by the Office of Foreign Missions to foreign commercial entities which are currently entirely free to operate throughout the United States.

Earlier this year, on October 22, Senator DURENBERGER and I addressed the Permanent Subcommittee on Investigations, which is also conducting a review of security programs. We testified at that time on the importance of regulating foreign-controlled commercial entities as part of an overall program to directly control the presence and activities of hostile intelligence services in the United States, which would also include equalizing the number of United States and Soviet diplomats in one another's countries; applying Office of Foreign Missions travel restrictions to Warsaw Pact country representatives; and reducing the size of the Soviet mission to the United Nations. We said at that time:

The Foreign Missions Act applies not only to diplomatic establishments such as embassies and U.N. missions, but also to state trading organizations and other entities that perform governmental functions. There is, once again, clear counterintelligence information establishing that Soviet and Warsaw Pact trading companies and other commercial entities in the U.S. controlled by those countries are engaged in espionage-related activities. There are two avenues to pursue in regulating their operations.

First, the Export Administration Act as adopted earlier this year authorizes the Commerce Department to require a license for transfer of controlled goods or technology to an embassy or other "affiliate" of a Communist government in the United States. This language should be applied by the Commerce Department to commercial entities that are owned or controlled by Communist governments and that may be used to transfer technology abroad surreptitiously.

Second, the Foreign Missions Act requirements should be applied to these same entities. Under the law as it now stands, such requirements clearly can be applied to state trading organizations such as the Soviet

company AMTORG. It is more difficult, however, to apply the Foreign Missions Act to other Soviet bloc-controlled businesses. To close this gap, legislation should be enacted to amend the Foreign Missions Act and authorize the State Department to apply its requirements to "affiliates" of foreign governments, with the same meaning as in the Export Administration Act. A bill for this purpose will be introduced shortly.

Enactment of the Durenberger-Leahy bill introduced today would help to complete the fabric of controls the Congress has woven over the past several past years on the size and activities of the hostile intelligence presence in the United States. I am proud to have taken a leading role in this effort, which has also included the following elements—

The Leahy-Cohen Amendment to the State Department Authorization Act signed into law last summer: Under this amendment, the President must see to it that the number of Soviet officials allowed to serve at their embassy and consulate in the United States not exceed the equivalent number of American officials serving in the Soviet Union. Currently, the Soviets station about 320 officials in their embassy and consulates here while the U.S. has only about 200 American employees in the U.S.S.R. and also hires over 200 Soviet nationals to work at our embassy and consulates there. The President has endorsed this approach, and I will be carefully monitoring its implementation by the State Department, which has unfortunately been very slow to understand, accept and apply this policy.

The Leahy-Cohen bill, S. 1773, introduced last October 18: Under this bill, the President would be required to reduce the size of the Soviet Mission to the United Nations in New York City. With a staff of nearly 300, the Soviet Mission is more than twice the size of the U.S. Mission (130) and the next-largest mission, that of the Chinese (125) and more than three times as large as all the rest.

The Huddleston-Leahy Amendment to the Fiscal Year 1985 Intelligence Authorization Act, enacted in 1984: Under this amendment, the President was called upon to see to it that the numbers and privileges of official representatives from countries involved in intelligence activities against the U.S. not exceed the corresponding numbers and conditions permitted by their governments for our diplomats there. This amendment also required that either the Director or Deputy Director of the Office of Foreign Missions be a career counterintelligence official, who would be sensitive to the importance of controlling certain activities by foreign government representatives in the United States.

And other initiatives by Congress to expand the jurisdiction of the Office of Foreign Missions over certain foreign officials.

I would like to conclude, Mr. President, by saying that these measures have received strong support at the White House. The President has spoken on several of them, and White House spokesmen have recently indicated that additional measures on this subject are contained in the President's new National Security decision directive on counterintelligence policy. The bill which Senator DURENBERGER and I have introduced today will pro-

vide additional legal authority to help implement these policies.

Finally, Mr. President, I would like to say that nothing in the bill requires the Office of Foreign Missions to control the activities of all or even any particular foreign government associated commercial entities. The language of the bill brings certain "entit[ies] in the United States . . . which is substantially owned or effectively controlled by" a foreign power within the scope of the act. The Secretary may determine which foreign powers to apply this provision to and may also develop guidelines or procedures to determine the nature of ownership or actual control which should trigger application of this power. We expect that the Secretary will move to apply his authority under this provision to commercial entities which are associated with foreign governments which conduct intelligence activities against the United States and which actually employ such entities as bases for such activities.

JACK HOOLEY—MINNESOTA'S 1985 GROCER OF THE YEAR

● Mr. DURENBERGER. Mr. President, in today's changing economy, those businesses that succeed are those that are innovative and well-managed. They are not afraid of competition, rather they welcome it because they are at least one step ahead of their competitors.

Cub Foods, headquartered in my home State of Minnesota, is a shining example of this successful business. Now a member of the Super Valu family, Cub has grown from one small warehouse store into a national discount food chain. And it did so because of my friend Jack Hooley. Jack began his career as a grocery stock boy over 40 years ago, and worked his way up to become chairman of Cub Foods. Along with his brother Charlie and friend Cub Davis, Jack has dedicated his career to providing consumers quality products of affordable prices—a valuable service in today's economy.

And in recognition of his many contributions to the industry, Jack has recently been named Minnesota's 1985 Grocer of the Year by his peers in the Minnesota Grocers Association. It is especially fitting that Jack receive the honor this year, for this year he is retiring from Cub and leaving his son John to carry on the family tradition.

Mr. President, I ask that an article from the September-October issue of the Minnesota Food Guide be printed in the *RECORD* as a tribute to Jack's commitment to serving the people of Minnesota through Cub Foods.

The article follows:

[From the Minnesota Food Guide,
September-October 1985]

MINNESOTA'S 1985 GROCER OF THE YEAR

From a stock boy in the post-Depression WW II era to president of a billion dollar corporation in the 1980's, Jack W. Hooley is a true example of the American Dream.

Named 1985 Grocer of the Year by his colleagues in the Minnesota Grocers Association, Hooley was presented the award in recognition of his leadership role in setting the standard for discount superstores in the United States. He is chairman of Cub Foods.

How does Hooley feel about Cub's success? "There were so many people involved in it. There were so many ideas that came from the people who worked here. A real company effort."

As chairman of the Cub Food empire, Hooley manages a conglomerate of 27 stores, 13 of which are corporate. And 12 new stores will be opening this year, the latest one in Atlanta, Georgia.

"Most of the growth from now on will be in franchising," said Hooley during an interview in his Stillwater office.

COMMUNITY SERVICE

Hooley's community service record also is impressive. In his hometown of Stillwater, he serves on the Board of Directors for Lakeview Hospital and the First National Bank. He also serves on the Church Advisory Council at St. Michael's Catholic Church and is active with the Boy Scouts of America as well as a boys rehabilitation center in Minneapolis.

A FAMILY TRADITION

Hooley began his life-long career in the grocery business by sweeping floors and stocking shelves in stores owned by his father and grandfather in the early 1940's.

The family business, which had begun as a meat delivery service for lumber camps between Stillwater and Taylor's Falls, had grown to include four grocery stores in the St. Croix Valley. The stores were located in Stillwater, Red Wing and Hudson. And it was there that the self-service concept in the grocery business was born.

THE EARLY YEARS

After graduating from high school, Hooley served in the U.S. Navy for four years, and then returned to attend college at St. Thomas. After graduation, he became manager of his first store.

He transferred to Hooley's Downtown Supermarket, Stillwater, in 1950 and became store manager in 1955. By 1958, he was named president of Hooley's Supermarket.

BIRTH OF A CONCEPT

It was in 1960 that Hooley, his brother Charlie and friend Cub Davis joined forces to open a discount foodstore operation and bought a franchise with Food Bonanza out of Decorah, Iowa.

"We decided on a warehouse market format," Hooley said.

What did that mean? Well, no air conditioning, no music, no employee uniforms. Wooden planks served as shelves, and checkout stands were nailed together by hand. All equipment was second-hand.

Choosing a name was the next step. Consumers United for Buying (CUB) was finally decided upon. "It pretty well said what we wanted," Hooley said. No, he said, the name had nothing to do with Cub Davis, "Just a coincidence."

"It was unbelievably hard when we first started out to let people know who we were," Hooley recalled. "We relied on word

of mouth. We wanted people to think of it as their store."

The solution? They changed ad agencies and stopped using the bear cub and shadow as their logo. "We wanted to emphasize our low prices, not our bear cub logo," Hooley said.

EXPANSION BEGINS

At the same time that the logo changed, Davis and Hooley traveled to California to inspect produce departments. They had decided to add produce to the store as well as complete dairy and frozen departments.

"We are doing about \$150,000 a week and thought we should be doing about \$200,000," Hooley said.

At that time, the store had only limited frozen and dairy departments—no bakery, no deli, no meat and no refrigeration departments.

The rest is history. With an expanded inventory, the \$200,000 mark was passed within two weeks. By the third week, business was up to \$250,000, and the \$400,000 mark was reached by the end of the year.

With the added resources came improvements in decor. Air conditioning, tiled floors and music were added.

Uniforms, too, were added. This was a definite change in policy from the old concept, Hooley noted. "Everyday clothes" had been the standard at the old stores, and it was a standard that worked. "We thought it was kind of quaint," Hooley said.

What changed all of that?

"Some kid came up to check me out in his [long] underwear," Hooley said. "That's when we decided things had to change. It wasn't a warehouse anymore. It was a complete superstore."

THE MODERN DAY CLUB

In order to upgrade and expand, CUB was sold to Super Valu in 1980, and Jack was named chairman. That was the beginning of national expansion. Today there are stores in Illinois, Wisconsin and Indiana in addition to the six stores in Minnesota. (After Super Valu acquired CUB Inc. in 1980, the name was changed to Cub Foods.)

Although Cub is now a corporate giant, remnants of the old family atmosphere linger on. Brother Charlie retired in March, and Hooley himself will be retiring in October. But son John will carry on the family tradition. He currently heads up the Minnesota division of Cub.

Other family members in the business include Maureen Hooley, who serves as director of advertising, and Charles "Chip" Hooley, Jr., who serves as assistant store manager for Stillwater.

What impact has Cub had on the grocery industry?

"Wherever we go, we reduce the price level," Hooley said. Most Cub stores, he explained, operate at about one-half the operating costs of most conventionals. Hooley credits this to the reduced labor costs in Cub stores and the efficient use of recent technological innovations.

What does he think about the grocery business in general today?

"It's simpler. You don't have to know so much about the products. There are more standards. The product overall is much better."

That attitude is easy to understand since Hooley spent his younger years cutting cans of peas to test for quality, choosing cuts of meat and picking out produce.

"Now you have to know more about management," Hooley noted.

Overall, "It's an awfully good business," Hooley concluded. "To me, that's the best business in the world." ●

NEW JERSEY LEADING THE WAY IN TOXIC WASTE RESEARCH

● Mr. LAUTENBERG. Mr. President, I note with pride that the Newark Star-Ledger has published an illuminating seven-part series by Gordon Bishop, which describes how the "Industry/University Cooperative Center for Research in Hazardous and Toxic Substances," located on the Newark Campus of the New Jersey Institute of Technology (NJIT), is blazing a trail in toxic chemical research. The Star-Ledger is to be commended for this informative and interesting series, and I commend these articles to my colleagues.

This national toxic substances research center at NJIT is the largest of its kind in the world. The center's focus is on developing the most advanced technologies yet designed for solving America's environmental toxic crisis. As implied by the name of the center, it is a partnership formed by a cooperative consortium of major universities and corporations. In this respect, it is as pioneering in structure as the challenging work being done by the center. The center grew out of the NJIT Institute for Hazardous and Toxic Waste Management.

This multimillion-dollar center is sponsored by the National Science Foundation and the New Jersey Commission on Science and Technology. Funding and the invaluable talent of experts is being contributed by a Fortune 500 list of international corporations including Exxon, American Cyanamid, IBM, and several companies affiliated with Princeton's industrial support group—Allied, Signal, Ciba-Geigy, Du Pont, Mobil, Occidental, Phillips, Shell, and Union Carbide. Other participating members include the Public Service Electric & Gas Company and the Port Authority of New York and New Jersey. The academic participants, in addition to NJIT and Princeton, are Rutgers University, Stevens Institute of Technology, and the University of Medicine and Dentistry of New Jersey.

Participating members are entitled to use any of the center's patented technology at no cost. The center hopes to have a total of 30 participating corporate members by mid-1986.

The exciting technological advances which the center is working on, to develop and perfect new means of controlling and cleaning up toxic substances, include the following:

Techniques for locating and tracking underground pollution in aquifers, using high technology sonar and computer methodologies, to reduce the need to drill hundreds of test holes to sample water supplies.

Fast-breeding "superbugs," which would comprise the next generation of bacteria now used in wastewater treatment plants, to feed on and break down toxic wastes, particularly those in underground water supplies which are now almost impossible to clean up.

Use of coal ash, now an unwanted waste product, as a giant sponge to soak up contaminants leaking from garbage dumps and hazardous waste sites.

A high-temperature super incinerator which is 99.99 percent efficient to achieve a high efficiency burn to safely destroy some of the most indestructible toxic substances, such as dioxin and PCB's.

The center's work should complement the research and development and toxic site demonstration program included in both Senate and House Superfund reauthorization legislation.

As a cosponsor, with the distinguished Senator from New York, Mr. MOYNIHAN, of this amendment to the Senate Superfund bill, I strongly support this effort to develop means to reduce, clean up, and dispose of our Nation's hazardous wastes. As we have painfully learned, this is far preferable to simply trying to contain them in landfills. Containment is risky and may end up being the most costly of remedies. Funds expended for innovative treatment methods will ultimately pay for themselves many times over in reduced disposal and cleanup costs.

New cleanup and treatment technologies, such as those being developed at the center, when coupled with waste reduction, can help us put a stop to the terrible legacy of hazardous wastes which has beset our country.

Mr. President, I ask that the series from the Newark Star-Ledger be printed in the RECORD.

The material follows:

[From the Newark Star-Ledger, Dec. 1, 1985]

JERSEY BLAZING A TRAIL IN TOXIC CHEMICAL RESEARCH

(By Gordon Bishop)

A national toxic substances research center, the largest of its kind in the world, has been established in New Jersey by a consortium of major universities and corporations developing the most advanced technologies yet designed for solving America's environmental/health hazards crisis.

Working quietly behind the scenes during the past year, specialists from around the world are pushing scientific technology to its limits to control toxic substances from their source right through to their final disposal.

The center's goal is "revolutionary research" aimed at recycling, destroying or rendering harmless thousands of toxic substances, as well as preventing hazardous materials from entering the environment and the human population.

The long-term objective is to make chemicals safe for society by neutralizing or eliminating toxic waste and controlling the production of harmful materials before they

can cause any damage to the environment or human health.

After bringing together the finest research resources from industry and academia, the multi-disciplinary organization will be building its new headquarters next year—a modern \$10 million, 40,000-square-foot complex on the Newark campus of the New Jersey Institute of Technology (NJIT).

The new center, a unique research partnership between academia and business, is also assisting American industry in overhauling its manufacturing processes to prevent the proliferation of toxics hazards throughout the environment, eliminating future waste disposal problems.

Until their block-long headquarters in central Newark is completed, the participating universities and corporations will continue conducting their own highly specialized research projects at their various campuses and business sites.

Sponsored by the National Science Foundation and the New Jersey Commission on Science and Technology, the new center intends to take on its unprecedented task by combining the best human and technical resources of leading academic institutions and global corporations that consider chemical production and hazardous wastes the nation's most serious environmental-economic-public health problem.

The magnitude of the problem is succinctly illustrated in an overview by Victor Kimm, director of the Office of Drinking Water in the U.S. Environmental Protection Agency (EPA):

"About one-third of our drinking water supplies in America have measurable traces of contaminants because of our inability to manage our environmental and economic resources very well."

And the federal government is only beginning to set "risk standards" on the thousands of chemicals, heavy metals and other toxic substances finding their way into the nation's surface and ground water supplies, Kimm reported.

More than 60,000 public water suppliers serve more than 200 million consumers. The U.S. population is about 235 million.

Responding to that and myriad other toxic exposure conditions in the home, workplace and environment are the center's academic participants: NJIT, Princeton and Rutgers universities, Stevens Institute of Technology in Hoboken and the University of Medicine and Dentistry of New Jersey.

Funding their multimillion-dollar research, in addition to the National Science Foundation and state science commission, is a Fortune 500 list of international corporations led by Exxon, IBM, American Cyanamid, Bristol-Myers, Schering-Plough and several companies affiliated with Princeton's industrial support group—Allied Signal, DuPont, Mobil, Shell, Occidental, Phillips, Union Carbide and Ciba-Geigy.

Alex Schwarzkopps, program manager at the National Science Foundation, said the New Jersey center will have a capability unmatched anywhere in the world.

"For the first time in our nation, New Jersey has brought together under one umbrella everything you need to deal with the toxic substances problem," Schwarzkopps stated.

A native of Teaneck, Schwarzkopps feels the new center will create "a synergism, or interaction, opening up new fields and new ideas on hazards prevention and risks."

The center's resources are truly global. At NJIT alone, there are teams of doctoral students working at the center from the Soviet

Union, India, Sri Lanka, China, Taiwan, Korea, Canada and other countries, plus many from the United States.

Through the center's "cutting-edge" research, industry wants to develop the most efficient technology possible to improve their production processes, making better use of raw materials and saving money, while also eliminating the costly disposal of hazardous wastes and future cleanups of huge landfills and extensive water supplies.

"If you use lousy technology, you wind up spending 10 times more in manufacturing products and later cleaning up toxic dumps because so much was wasted in the process," observes Joseph F. Terenzi, vice president of environmental affairs for American Cyanamid Corp., based in Wayne.

Robert B. Morris Jr., director of environmental programs for IBM Corp., Tarrytown, N.Y., comments:

"In my grandchildren's lifetime, nothing will be able to be discarded. Today's hazardous waste repositories will be utilized for their valuable materials."

Alvin Skopp, manager of Exxon's environmental control and safety division, remarks:

"We've simply got to develop cost-effective methods for dealing with hazardous wastes. We're in on the ground floor because we're hopeful we can solve the problem for industry and society."

One of the reasons New Jersey was selected as the national center for toxics research is the state's pioneering efforts in the recently evolving multi-billion-dollar waste control and cleanup industry.

"We were the first to close down toxic waste dumps and the first to develop programs to attack the problem," said John W. Liskowitz, executive director of the Newark center and a professor of civil and environmental engineering.

Kin-Buc, the largest chemical-garbage landfill in the East, was shut by the state Department of Environmental Protection (DEP) in early 1976 following a series of articles in 1975 in *The Star-Ledger* depicting the impact of a mountainous "toxic time-bomb" along the Raritan River.

In 1982, New Jersey established the nation's first commission to site hazardous waste facilities. After three years of painstaking reviews and public hearings, the first "candidate sites" will be announced in February.

New Jersey also set up the nation's first spill fund in 1977 to clean up hazardous waste sites and accidental spills. It became the model for the \$1.6 billion federal superfund that became law in 1981.

A second superfund costing industry anywhere from \$5 billion to \$10 billion is awaiting approval in Congress. The exact amount has yet to be resolved.

Some members of Congress are pushing for a \$10 billion Superfund II, while some industry leaders are warning that exorbitant taxes on the nation's manufacturing sector will result in more plant closings and unemployment.

Such political clashes between government and industry over how to deal with the toxic waste problem led to the creation of the New Jersey research center.

Where industry has been unable to work "open and freely" with government on the issue of toxic waste, the academic community has stepped into the conflict as a neutral third party, or go-between, doing what it does best: Pure research leading to practical technology benefiting both consumers and producers.

Liskowitz says the public continues to demand the "fruits of a high standard of

living, including protection and safety, with a reasonable price tag on consumer goods.

"The center's mission is to stimulate the development of technology with economically and environmentally acceptable applications."

For the first time, a national research center will be merging enormous economic-environmental interests to declare war on toxic waste, an unwanted byproduct of a chemical-based, consumer-oriented society.

Because of the delays and confusion often arising out of government bureaucracies over constantly changing rules and regulations, industry is looking forward to working with graduate students and their professors who have become experts in their respective fields.

Liskowitz sees the center as an independent entity interested only in valid information and results.

"We don't want to become an extension of a bureaucracy," Liskowitz asserted. "Industry looks at us as an unbiased source of information. Too often state and federal agencies are talking to themselves and their own consultants, like a little club, a fraternity."

To avoid that self-serving pitfall, the New Jersey center reaches out to experts in industry and academia, bringing together the finest human and technical resources needed to solve extremely complicated chemical problems in an atmosphere outside the noisy political arena, Liskowitz noted.

The center quietly grew out of an academic program initiated at NJIT in 1981. Exxon, which operates one of the world's largest oil-chemical refineries in Linden, suggested that the company's engineers learn more about toxicology, the scientific study of poisons, their effects, their detection and the treatment of the conditions produced by them.

The Exxon proposal was made during NJIT's 100th anniversary. The institute, which started out as a technical trade school in 1881, was known for most of its life as Newark College of Engineering (NEC).

At the same time NJIT launched its Institute for Hazardous and Toxic Waste Management, teaching Exxon and other engineers the fine points of pharmacology and physiology, Princeton University organized an industrial support group on hazardous waste in its Department of Civil Engineering.

Princeton and NJIT worked independently of each other until the formation of the national toxics center last year.

Exxon's original \$500,000 contribution made possible the NJIT hazards management institute. American Cyanamid anted up \$200,000 to attract qualified personnel to the fledgling institute.

The new center got off the ground last year with a \$385,000 grant from the National Science Foundation and a \$558,000 grant from the New Jersey Commission on Science and Technology to provide equipment for research.

Over the past year, 15 companies have become participating members of the national center, formally known as The Industry/University Cooperative Center for Research in Hazardous and Toxic Substances.

A member company pays \$30,000 a year, which entitles it to use any of the center's patented technology at no cost and to participate in the development of technology needed by a particular industry.

The center hopes to have a total of 30 participating corporate sponsors by mid-1986.

Not all sponsors are from industry or the business sector.

The Port Authority of New York and New Jersey joined the group in order to "enhance the port's economy" by cleaning up urban wastelands and making them fit for modern industrial parks.

For the Port Authority, billions of dollars of potential manufacturing and high-tech industries are at stake in its transportation/shipping district encompassing much of northeastern New Jersey.

NJIT already has assisted the Port Authority in improving an 80-acre industrial tract at Port Elizabeth by removing lethal PCBs (polychlorinated-biphenyls) and preparing the site for redevelopment.

The authority maintains thousands of acres of commercial property in its North Jersey district, including Newark International Airport and the world's largest containerized shipping port in Elizabeth.

Public Service Electric & Gas Co. joined the center because the giant utility is interested in research for the development of new technologies, which are long-term in nature, and the improvement of existing technologies in the short term.

"As New Jersey moves through the metamorphosis of becoming a technological center, its general business health is as much at stake as the physical health of its residents," noted Carlos Guerra, manager of PSE&G's energy supply research and development division.

"It is in the best interests of a utility serving more than seven out of 10 residents of New Jersey to participate in this venture. When technology prospers in the Garden State, PSE&G prospers and, by extension, its customers enjoy energy that is both safe and reasonable."

Electric utilities generate tons of hazardous wastes, from radioactive materials to such insulating oils as PCBs, which are now banned by the federal government although they still remain in use in many electrical transformers.

The impetus behind the university/industry consortium is one of the toughest environmental laws passed by Congress—the 1976 Resource Conservation and Recovery Act (RCRA).

RCRA set the stage for today's showdown between government and industry over the role of toxic substances in the marketplace. RCRA set standards on materials that had never before been regulated from production through disposal of toxic substances.

In 1984, those standards got even tougher as Congress extended the regulatory powers of the federal EPA.

Initially EPA was regulating the discharge of industrial effluents based on how much grease, oil or suspended solids were in the wastewater. Then EPA added ammonia, pesticides and other chemical compounds to its growing list of substances to be monitored.

In the 1960s, technology was measuring chemicals and heavy metals in the water at parts per hundreds or thousands. By the time the 1972 Clean Water Act became law, instrumentation had improved to the extent that tiny molecules could be detected by the electronmicroscope in parts per millions.

Today, super scanners and microscopes can identify molecules in parts per trillion and quadrillion. That's equivalent to examining a little drop of water in a backyard swimming pool and its chemical effect on the human organism and surrounding environment.

The issue of risk has become so uncertain in the medical-scientific communities that insurance companies now refuse to insure

workers cleaning up toxic waste sites. No one knows if one part per million or billion or trillion of a particular substance can cause cancer if inadvertently inhaled or ingested by workers wearing breathing apparatus and "moon suits" covering their bodies.

One toxic waste site may contain as many as 2,000 different chemicals, each reacting in its own special way to the other chemicals in the landfill, creating thousands of possible lethal combinations.

As a result, work on major superfund sites in New Jersey has slowed until the state decides how to approach the liability issue.

Recent lawsuits have produced jury awards in the millions of dollars to individuals who drank tainted water and later contracted cancer.

The challenge for the toxics center will be to learn what the real risks are at such finite levels and how technology can deal with it.

To relate risks and technology to the human organism and environment, the center has been structured around six research divisions.

Incineration, under the direction of Rich Magee, professor of mechanical engineering at Stevens Institute of Technology in Hoboken.

Biological and Chemical treatment, under the direction of Gordon Lewandowski, associate professor of chemical engineering and chemistry at NJIT.

Physical Treatment, headed by Paul Cheremisinoff, associate professor of civil and environmental engineering at NJIT.

On-Site Assessment and Remedial Action, jointly shared by G. Fred Lee, professor of civil and environmental engineering at NJIT, and George Pinder, chairman of Princeton's Department of Civil Engineering.

Health Effects Assessment, shared by three co-directors at Rutgers; Dr. Michael Gochfeld, clinical associate professor of environmental and community medicine at the University of Medicine and Dentistry of New Jersey (UMDNJ), and Robert Synder, professor of pharmacology at Rutgers University, both in New Brunswick, and Mohamed Abdel-Rahman, associate professor of pharmacology at UMDNJ in Newark.

Public Policy and Education, directed by Michael R. Grenberg, professor of urban studies at Rutgers University, New Brunswick.

The center's immediate business will be developing cost-effective methods to respond to the latest changes in RECRA.

There are five specific areas affecting nearly all sectors of industry, according to Daniel J. Watts, director of the center's operations.

"The anticipated changes in use of land disposal techniques will have the greatest immediate effect on American industry as a whole," Watts predicts.

"The intent of these new regulations will be to encourage reuse and recycling substances used in manufacturing or produced as byproducts, and to encourage new technologies to treat and destroy hazardous wastes."

Watts believes land disposal of hazardous wastes will be prohibited unless EPA determines that, for specific situations, such disposal will not affect human health or the environment.

The second area of concern is correcting groundwater contamination.

"The EPA must modify hazardous waste regulations to require that for all landfills,

surface impoundments, waste piles and land treatment facilities that have received waste after July 26, 1982, any contamination of groundwater must be corrected, even if the contamination extends beyond the boundary of the particular site," Watts explained.

Using existing sewage treatment plants as hazardous waste disposal facilities is the third issue addressed in the RECRA amendments.

"The EPA," Watts said, "must devise rules to assure that any hazardous wastes sent to a publicly owned treatment works for treatment are adequately controlled to protect people and their environment."

The fourth item on the RECRA agenda involves assessment of risk of public exposure.

"Permit applications to the EPA for landfills and surface impoundments must be accompanied by information about the potential of exposure to the public of hazardous wastes resulting from releases from the site," Watts said.

Finally, the center will be tackling the toughest industry problem of all: Reducing wastes at the source.

Under the new RECRA rules, industry will be required to obtain "Waste Reduction Certificates." The quantity and toxicity of wastes must first be analyzed and approved before any materials can be moved off-site.

"All practical methods will be considered to reduce the amount and concentrations of toxic substances to as close to zero as possible," Watts said.

"It's what the public has demanded—and Congress is now forcing industry to do it."

[From the Newark Star-Ledger, Dec. 2, 1985]

SCIENTISTS DEPLOY TOXIC 'SONAR' TO FIND CONTAMINATED AQUIFERS

(By Gordon Bishop)

Finding toxic chemicals in underground water supplies is much like searching for enemy submarines in the open oceans.

Using advanced ultra-sonic techniques, scientists at Princeton University are probing the subterranean aquifers for signs of poisonous organic compounds and deadly heavy metals such as mercury, cadmium and lead.

"We're using technology similar to that used by the Navy to search and track submarines, except we're looking for the spread of underground pollution plumes," said George Pinder, chairman of Princeton's Department of Civil Engineering and one of the partners in New Jersey's national toxic substances research center.

A pollution "plume" occurs when hazardous substances begin to spread in a body of water.

Detecting the range of pollution in aqueous ground formations has been a frustrating obstacle for engineers and scientists responsible for cleaning up the nation's water supplies, of which 25 to 35 percent have been tainted by improper waste disposal.

To plot the flow of plumes below the ground, the traditional approach has been to drill hundreds of holes and then bring up the water at varying depth levels and sample it for contaminants.

Today, highly sensitive sonar equipment is being fine-tuned to locate the plumes without having to punch hundreds of holes in the ground to depths of 10 feet or thousands of feet.

The new detection equipment will also speed up the search for leaky underground storage tanks now fouling hundreds of artesian wells across the country.

Gasoline, heating oil, various petroleum distillates and dilute wastes are stored in as many as five million underground tanks, many of them rusting away after 20 years and dripping unhealthful hydrocarbons into private and public water systems, according to the U.S. Environmental Protection Agency (EPA).

An estimated one million tanks are more than 16 years old. Anywhere from 75,000 to 700,000 of them are believed to be leaking their toxic contents into the ground.

Cleaning up leaks and spills can typically cost from \$20,000 to \$250,000. If groundwater is contaminated, the costs can be in the millions of dollars.

Princeton's sonar research will be a boon to the petrochemical industry in checking every one of its aging tanks for leaks. It's the kind of problem-solving research private industry wants to support, according to Joseph Terenzi, vice president of environmental affairs for American Cyanamid, headquartered in Wayne.

Princeton University joined the new toxics research center last year because government was throwing "good money after the toxic problem" and not getting the job done, Pinder pointed out.

The center is based at New Jersey Institute of Technology (NJIT) in Newark and is sponsored by the National Science Foundation and the New Jersey Commission on Science and Technology.

Participating in the largest center on toxics of its kind are Stephens Institute of Technology, Rutgers University and the University of Medicine and Dentistry of New Jersey.

Among the 25 international corporate sponsors are American Cyanamid, Bristol-Myers, Exxon, IBM and Schering-Plough.

Princeton and NJIT have been assigned the task of assessing hazardous waste sites and coming up with remedial action that is both effective and affordable.

Pinder, an expert on groundwater movement and geologic formations, is working on the massive cleanup problem with G. Fred Lee, professor of civil and environmental engineering at NJIT.

Technically, their mission is to determine if sites contaminated with hazardous chemical compounds pose problems to the environment, and then identify effective solutions.

Their specific projects include examination of the "interaction of substances with soil particulates, effects of contaminants on liquid flow through soil, biological renovation of contaminated sites and pharmacokinetics of pollutants absorbed to soil."

Pinder founded an industrial support group at Princeton in 1981 to bring the producers of pollution together to solve the problem. Funding the Princeton research are Allied Chemical, Cyanamid, Ciba-Geigy, Dupont, Exxon, Mobil, Occidental Chemical, Phillips Petroleum, Shell and Union Carbide.

Pinder is now pooling his resources with the new \$10 million Newark center, formally known as The Industry/University Cooperative Center for Research in Hazardous and Toxic Substances.

"Industry is reluctant to work with government authorities because of their generally adversarial relationship," Pinder said, stressing the importance of a university/industry cooperative research center.

"In a government setting, industry will hold its cards close to its chest. In an academic setting, industry is willing to open up and do whatever it can to get the job done."

They benefit directly from any successes, and these benefits are passed on to society."

The veteran engineer believes the toxic waste issue is not amenable to quick solutions because every site, every situation, is unique.

"We're looking at different pots of soups—different chemicals interacting with different hydrologies," Pinder elaborated.

"People today are showering with and drinking water containing traces of contaminants. Just how serious the problem is and what has to be done to control it is the purpose of the research center."

Keeping a safe distance from government and its enforcement authorities, Princeton will not accept funds from such agencies as the EPA, but it will take grants from the National Science Foundation and the U.S. Geological Service, which Pinder feels are independent organizations with no political axes to grind.

Freedom from government intervention and politics is what Princeton seeks in the already controversial toxic wastes arena, Pinder emphasized.

That academic freedom is putting Princeton on the razor's edge of research in the battle against toxic wastes.

"We're developing new concepts in mathematics to understand how contaminants are transported through a liquid medium," Pinder disclosed. "Specifically, we're focusing on the diffusion of contaminants in time by utilizing flow and wave travel methodology."

Doing the math for Princeton is a graduate student from Switzerland, Bernard Joos. His computer models look like colorful fingerprints that pinpoint geometric boundaries, making detection of a pollutant as easy as tapping a letter on a keyboard and having the picture appear before your eyes on a three-dimensional color map displayed on a TV screen.

Computer modeling and high-tech sound frequencies will be needed to examine thousands of miles of moving underground streams and aquifers and the thousands of chemicals and metals finding their way into these unseen, irreplaceable resources.

Industry leaders met at Princeton recently to learn of the latest developments in the toxic cleanup field, which is becoming a multi-billion dollar business and an increasing financial burden on taxpayers and consumers footing the bill.

Thirteen experts (graduate students, professors and technical staff) presented their specific approaches for solving extremely complicated industrial pollution problems.

Lin Ferrand, for example, a graduate student spoke on the use of "dual-energy gamma rays" to determine the amount of a particular pollutant in the soil. Her work involves porosity, bulk density of liquids, saturation and sample thickness.

Ferrand's pure research will give industry a tool to use to find out precisely the contents of "soil water." Identifying what's in the environment and at what toxicity levels has been a tedious, time-consuming process. Gamma ray research is expected to accelerate such soil and water investigations.

At NJIT, Professor Lee's geotechnical site assessment/remedial action group is exploring similar problems.

"Pollution becomes a problem when it moves," said Lee, an engineering trouble-shooter whose work takes him from Israel and Tunisia to most of the European countries trying to cope with modern industrial systems.

"One of our immediate goals is developing risk assessment techniques, in particular the

transport of a hazardous substance from where it is dumped or stored to a point of concern: Someone's well, wildlife, people, vegetation."

Lee is looking at "sorption"—the ability of a chemical to bind tightly in soil. Dioxin, for instance, is a cancer-causing substance that locks into the soil and hardly moves through the environment, Lee instructed.

"Dioxin may move one inch in 500 years. But solvents such as trichlorethylene, also a carcinogen, move as fast as water through the ground—one foot a year several feet a year, depending on the composition and structure of the aquifer."

NJIT is studying the three most mobile types of solvents and the three most common types of soils found in New Jersey in order to develop strategies to contain or remove them from aquifers and the soil.

To render contaminated soil non-toxic, organic chemicals have to be destroyed and heavy metals immobilized. One method being tested is to heat the soil using either microwave technology, or ultrasonics.

"The problem in treating contaminated soils is that it is not economical to heat such a large mass by using conventional means, such as hot sulfuric acid plus additives," Lee said. "Microwaves and ultrasonics might be able to detoxify soil much more economically."

One indicator for detecting chemicals in the environment is plant life. Plants react to chemicals at concentrations far less than those that can be detected by even the most sensitive nose.

"Some plants are like a litmus test," Lee said. "We can look for contaminated soils by examining sensitive plants affected by any changes in the soil characteristics. A plant's rate of growth, for instance, is one warning sign that chemicals may be in the soil."

Natural plants are serving a purpose similar to the canaries that used to go into coal mines and were the first to feel the effects of any escaping gas. Any changes in the canary's physical condition alerted miners to a potential disaster.

One of Lee's projects involves the containment of wastes at a site, preventing movement through the environment.

Installation of "slurry cut-off walls" is one method of protecting surface and ground water. A slurry wall is wet clay poured like wet concrete into the ground around a site. The one-to-two-foot thick slurry walls are sunk as much as 100 feet in the ground, providing an impermeable barrier. The clay dries like a potter's finished works. Treatment of the leachate (the chemicals that ooze from a mound of wastes) is then provided behind the slurry walls.

Isolating toxic wastes from the environment is the first priority, followed by treatment and ultimate reduction of the hazardous materials.

Lee describes his innovative experiments as "generic projects" that will eventually benefit any municipality or industry trying to defuse a ticking chemical time bomb.

"The scope of the hazards problem is as large as the population of the United States," Lee said. "Each person, on the average, gets rid of a gallon of hazardous wastes a year, whether it's paints, solvents or detergents. In New Jersey that represents a 7½ million gallons a year. Nationally, it's about 235 million gallons. It's now going to either the garbage dump or into the sewer system."

The new toxics research center is concentrating first on keeping hazardous substances out of the nation's water supply.

That entails not just cleaning up present sites and preventing future superfund sites, but creating the technology to get rid of past, present and future hazardous materials.

NJIT, Princeton, Rutgers and Stevens Institute in Hoboken launched the unprecedented research effort with the multinational corporations because they view New Jersey as a compact laboratory containing all of the hazardous waste problems facing America—and their highly specialized engineering solutions.

SCIENTISTS DEVELOP 'SUPERBUGS' TO CONSUME HAZARDOUS WASTES

(By Gordon Bishop)

Fast-breeding "superbugs" that feed on toxic wastes can be used to remove chemical contaminants in underground water supplies that are practically impossible to clean up with even the most advanced purification technology.

"Superbugs" are the next generation of common bacteria now used in wastewater treatment plants to break down raw sewage and other organic matter, a necessary biological process in purging water of gross pollutants.

The bugs are really just stronger versions of ordinary micro-organisms that have been around for millions of years, feasting on garbage, carcasses and natural organic material such as leaves and trees.

It's nature's way of recycling matter into energy and back into matter again—a perpetual, productive cycle of life.

Superbugs are seen as an inexpensive method of cleaning up water supplies and hazardous waste sites containing an array of harmful organic compounds that can cause cancer and other diseases.

Like man-made chemicals, superbugs are created in a laboratory by manipulating the genes of certain bacteria capable of eating, say, oil or PCBs and other synthetic compounds.

As scientists have manipulated molecules to create synthetic substances, many of which cause serious problems when they get into the environment or human organism, scientists are now rearranging molecules to attack, or devour, their chemical creations.

The new generations of mutant bacteria must be tailor-made in the laboratory to deal with a specific class of chemicals, according to Gordon A. Lewandowski, a professor of chemical engineering and chemistry at New Jersey Institute of Technology (NJIT) in Newark.

Lewandowski's biomolecular experiments are being conducted at the newly organized national toxic waste research center, headquartered at the NJIT campus.

The center is the nation's largest in the field of toxic wastes, combining the resources of five academic institutions—NJIT, Princeton, Rutgers, Stevens Institute of Technology and the University of Medicine and Dentistry of New Jersey—with some 25 major corporations, including Exxon, IBM, Allied, Mobil, Shell, Bristol-Myers and Union Carbide.

Lewandowski, 40, directs one of the six research divisions within the center. He is charged with developing biological and chemical treatment technologies. The division's work focuses on:

The detoxification of industrial organic waste in sewage treatment plants.

The degradation of organic substances by photo-oxidative and microbial methods, or by composting.

And the detoxification of contaminated soils by chemical and biological treatment.

The bacterial process is the basis of biological degradation. It occurs naturally in the environment.

But with the advent of synthetic chemicals, man intervened in the natural cycle, manufacturing materials that could no longer be broken down by bacteria that have been an essential part of the natural system since the earth was formed 4 billion years ago, Lewandowski related.

To break down man-made chemicals a special breed of bacteria is being fashioned in the laboratory that can convert toxic substances into food, or energy, allowing the superbugs to multiply rapidly.

General Electric has found a micro-organism in the muddy bottom of the Hudson River that actually thrives on PCBs (polychlorinated biphenyls), a synthetic compound so toxic it was banned by the federal government several years ago.

PCBs were used as a liquid insulating material in electrical motors and transformers. Thousands of tons of PCBs are being disposed of in high-temperature incinerators as electrical equipment gradually is being replaced by more efficient models.

But removing the slippery substance from an underground water supply is almost impossible without the introduction of superbugs, according to Lewandowski.

"This particular organism in the Hudson's muddy bottom adapted to the toxic conditions caused by the PCBs," Lewandowski explained. "The bacteria adapted to the change, taking up the PCBs as a fuel to produce energy—a food source to reproduce itself."

The products of bacterial interaction with organic materials are carbon dioxide, water and organic sodium chloride (common table salt), all of which exist naturally in the environment.

"Bacteria are extremely adaptive," Lewandowski said. "They reproduce every 45 minutes at room temperature (70 degrees) and can break down organisms (waste matter) rather easily."

The center's research will determine the ultimate products of biological degradation, any residues beyond the known carbon, water and salt "leftovers."

"The process itself reduces the toxicity of compounds, which is very encouraging when you're trying to find ways to reduce and ultimately eliminate hazardous man-made substances in the environment," Lewandowski said.

He cited another example of naturally occurring bacteria adapting to man-made changes in the environment.

"Researchers at Cornell University have found bacteria around a fence post in the ground thriving on PCP, a very toxic chemical. The fence post, before it was put in the ground 20 years ago, was treated with pentachlorophenol, a wood preservative.

"Over the years the bacteria modified itself in order to utilize the PCP as a form of fuel. Nature was able to accomplish that adaptation without the intervention of a genetic engineer."

Lewandowski thinks some bacteria will be able to make the transition to the age of chemicals, as in the PCB and PCP cases.

But with the introduction of tens of thousands of new chemicals into the environment since early this century, bacteria will need a helping hand from man to be effective in attacking all of the compounds concocted in the laboratory.

"Of the 6 million compounds invented over the past century, 90 percent are organ-

ic and, therefore, capable of being broken down by either existing bacteria or the specially developed superbugs," Lewandowski said.

The superbugs will be let loose in "dilute waste"—groundwater, wastewater from chemical processes and compounds in the soil.

The more concentrated the waste, the more difficult it is for superbugs to convert chemicals into energy, Lewandowski noted.

"There are limitations on biological treatment. Biological success depends on the rate of evolution or adaptability of the bacteria.

"These superbugs must be able to compete effectively with the other microbes present in the environment. We may have to keep adding these new bacteria in sufficient quantity to insure their reproductive rates, providing effective treatment at a chemical waste site."

The goal of the biological chemical treatment division is to overcome the ecological barriers to the genetically engineered microbes so they can be successfully used in waste treatment.

Lewandowski is confident that microbiology and other treatment techniques will be developed at the New Jersey research center to permit the continued use of chemicals essential to the well-being of the human population.

"There is no way not to have a chemically oriented society," Lewandowski declared. "We cannot feed 4 billion people on earth without chemicals. There would be mass starvation and disease. A chemical society is a given."

The challenge for the chemical industry, Lewandowski finds, is to control its wastes and products that eventually wind up as wastes.

"New Jersey is in the forefront of this awareness," he acknowledged. "We were the first to recognize the problem. Now we have to ask ourselves if we are willing to pay for these solutions."

Lewandowski feels public policy should be shaped to prevent the storage of chemical wastes.

"We must alter chemicals so they will not be a threat to society," Lewandowski stressed.

"If there is a choice between a landfill or an incinerator, I'd go with incineration. A landfill is not a solution. It's a storage problem which eventually must be dealt with some day by society."

Other technical projects being pursued by the biological-chemical treatment division are:

Using oxygen, ozone, hydrogen peroxide and ultraviolet light to degrade organic waste, in combination with the superbugs.

By exposing organic wastes to photo-oxidants, organic material can be degraded to less toxic levels that can then be digested by the superbugs.

Using public sewerage systems to treat certain kinds of chemicals.

Since the 1972 Clean Water Act, billions of dollars of public funds have been invested in secondary treatment plants that may be able to break down various chemicals at a great savings to society, according to Lewandowski.

"We intend to demonstrate the potential for using public treatment facilities for industrial organic compounds, minimizing the need for additional capital investment in industrial pretreatment," Lewandowski disclosed.

The new center will collect data to "counter the growing regulatory trend

toward decreasing industrial discharge limits into publicly owned treatment works."

The U.S. Environmental Protection Agency (EPA) launched an industrial pretreatment program in the late 1970s, requiring industrial dischargers to reduce the levels of liquid wastes entering public sewer pipelines.

EPA estimated that the cost to industry to eliminate such discharges would be as expensive as the nation's \$30 billion clean water program enacted in 1972.

Research at the New Jersey center during the past year suggests that many of those industrial chemicals can be treated in public facilities by a combination of photo-oxidant and microbial methods, Lewandowski reported.

"We have had long discussions with representatives of large sewer facilities, members of Sen. Lautenberg's staff and Water Coalition representing various watershed associations in northern New Jersey," Lewandowski said.

"All of these groups agreed that there were problems with the current (EPA) categorical standards, and that our approach is a promising alternative."

"No one felt that the objective was politically unattainable, and all were encouraging about continuing this research."

Industry, he added, wants to "tighten up" its production processes as a matter of economic survival.

"The less waste industry generates, the more it saves in disposal and treatment costs," Lewandowski remarked.

Before Lewandowski became a chemical engineering professor at NJIT in 1977, he worked as a project engineer in Exxon's Environmental Control and Safety Division and before that as a research engineer with the FMC Corp.'s industrial chemical division.

John Liskowitz, executive director of the hazardous waste research center, said specialists of the caliber of Lewandowski and others on the center's staff have proven to be invaluable in the search for solutions to industrial waste problems.

"One of the reasons a national center for toxic substances research was established in New Jersey was the number of exceptionally qualified individuals available in both the industrial and academic communities throughout the state," Liskowitz said. "New Jersey is a recognized leader in identifying hazardous waste problems and coming up with their solutions."

COAL ASH USED TO NEUTRALIZE LIQUID TOXIC WASTES

(By Gordon Bishop)

The mountains of ash produced by burning coal at electric power plants can be used like giant sponges to soak up chemical contaminants leaking from garbage dumps and hazardous waste sites.

The ash, which usually piles up as unwanted waste at distant burial grounds, is an ideal, inexpensive absorbent for removing and "fixing" hazardous liquid materials in soil and leachate oozing from landfills, according to Paul Cheremisinoff, associate professor of civil and environmental engineering at New Jersey Institute of Technology (NJIT) in Newark.

"Fly ash is a cheap source of material for solving a major environmental problem in America," Cheremisinoff said. "It's one solution we are exploring to contain hazard-

ous wastes at thousands of sites across the country."

Cheremisinoff is in charge of the physical treatment division at the national toxic substances research center in Newark, the largest operation of its kind in the world.

Funded by the National Science Foundation, the New Jersey Commission on Science and Technology and some 25 international corporations, the research center is composed of five academic institutions led by NJIT. Other participants are Princeton and Rutgers Universities, Stevens Institute of Technology and the University of Medicine and Dentistry of New Jersey.

Among the many chemicals fly ash can mop up to prevent contaminants of soil, surface and groundwater are 11 highly toxic components—*aniline, benzene, chlorobenzene, chloroform, cyclohexanol, 1-4 dioxane, ethylbenzene, methanol, O-xylene, phenol and toluene.*

Physical treatment of hazardous substances is the first step towards immobilizing wastes. Hazardous wastes pose the greatest threat to water supplies when they begin to travel over and through the land and into aquifers deep in the ground.

Fly ash, an abundant byproduct of industrial activity, can help prevent further pollution of the nation's critical water supplies, based on preliminary studies at the hazards research center.

Some 35 percent of the nation's public water supplies already have been contaminated with chemicals and heavy metals such as cadmium, mercury and lead, according to the U.S. Environmental Protection Agency (EPA).

Cheremisinoff, a prolific technical author who was once chief environmental engineer for Engelhard Minerals & Chemicals Corp., is perfecting technology for the "irreversible transformation of hazardous substances to non-hazardous forms . . . or for isolation of hazardous materials allowing for later destruction."

Some clay soils are also being used as liners to retard the flow of leachate from landfills. Clays and fly ash are fairly common and available materials that are now being tested on hundreds of kinds of chemical waste.

Fly ash, a coagulant aid, has been used for years to make cinderblocks and as a subsurface for roadbeds.

Several doctoral and post-doctoral students from around the globe are assigned to specific projects at the research center working to develop methods and technologies that will ultimately save industry, taxpayers and consumers billions of dollars in prevention, protection and cleanup costs.

Su Ling Cheng of China, a Ph.D. in civil-environmental engineering, is getting free tuition at NJIT plus an annual salary of \$5,500 to improve techniques for volume reduction and stabilization of hazardous materials.

Volume reduction involves removing water from sludges and chemical waste streams, leading to the destruction or detoxification of a very small amount of dry hazardous materials.

Like other engineers who 20-30 years ago helped advance the use of chemicals in making new products, Cheremisinoff today is counting on that molecular experience to solve the problems created by many of those compounds.

"A chemically based society can have its cake and eat it too" Cheremisinoff contends. "We've conquered polio and other diseases. We can now develop controls for

chemicals from the source to their final disposition."

The proliferation of chemicals is a 20th Century phenomenon. In 1900, there were 400,000 compounds listed in the Chemistry Abstract Service. The 1985 Abstract lists about 6 million compounds, many of which never go beyond the laboratory and an official patent number. And 1,000 new compounds are being added to the list each year.

"We don't know what the effects of these new compounds are having on the environment or human health, let alone the thousands of others that have yet to be tested one at a time or in endless combinations," Cheremisinoff said.

"The question we have to ask ourselves as a society is whether we are willing to accept the greater costs for clean air and water."

"We have the know-how and we can develop the technology to live in a chemical-based world, but that comes with a price. We're finally getting around to addressing the economics of chemicals, the environment and public health."

Cheremisinoff illustrated the dimension of the problem by looking at the 60,000-odd "articles of commerce" that can be found on the shelves of supermarkets.

"We live in a throwaway society," he observed. "Just about everything winds up in a landfill. That will obviously have to change."

To Cheremisinoff, any significant change begins with education. One of his projects at the research center is the training of thousands of engineers, managers and professionals responsible for taking care of the society's wastes.

During November and December, personnel from industry, government and academia have been learning the ABCs of "Hazardous Occupations and Environments." The program is being sponsored by NJIT's Division of Continuing Education in cooperation with the National Science Foundation, the new hazards research center and Pollution Engineering Magazine, whose 22,000 subscribers range from New England to Washington and as far west as Ohio.

The courses are designed to provide "state-of-the-art" information on regulations, cost-effective methods on disposal of hazardous wastes and management of "occupational environments" or workplaces.

"Two billion dollars will be spent on managing hazardous materials this year and industry will supply funds for much of this," Cheremisinoff said.

What industrial managers and operators want to know is how they can run their factories and businesses without violating any of the hundreds of rules and regulations coming out of state and federal bureaucracies.

With penalties as high as \$250,000 a day and up to five years in jail if the responsible party is convicted, corporate executives are taking the hazardous exposure problem very seriously, Cheremisinoff said.

The courses range from \$285 to \$475 and cover just about everything business without knowingly violating occupational safety and environmental laws.

For example, the content for just one seminar in a course on hazardous waste management includes the following:

Responsibility of generators, transporters, owners and operators of treatment storage and disposal sites.

Responsibilities under the federal superfund legislation to clean up hazardous waste sites.

Impact of other environmental legislation. State programs.

Impact of Department of Transportation and Occupational Safety and Health Administration regulations.

Keeping abreast of regulatory development.

Preparing an organization for the Resource Recovery and Conservation Act.

Internal audits and inspections.

Federal and state inspection protocols.

Handling compliance inspections.

Record-keeping, reporting and government inquiries.

Confidentiality of information.

Integrating hazardous waste issues into management planning.

Training requirements and programs.

Developing contingency plans.

Public affairs issues.

Lobbying and influencing government.

Selecting hazardous waste contractors.

The program reaches as many as 35,000 managers in the field of hazardous occupations and environments.

The NJIT continuing education courses are also open to contractors and laborers.

Because of its leading role in toxics research, NJIT has become the national certification center for hazardous materials managers. To become certified, a manager must have a bachelor's degree in a field related to hazardous materials management and engineering, plus three years of appropriate experience.

If a manager doesn't have a bachelor's degree, he or she must have at least 11 years of appropriate experience in the hazardous materials field.

An academy of Certified Hazardous Materials Managers has been established to provide a mechanism to further professional development and for exchange of ideas and information to advance the practice of hazardous materials management.

Regional chapters and industrial divisions provide opportunities for professional development and education.

The Department of Defense is currently discussing with NJIT training 5,000 of its employees responsible for managing the DOD's hazardous materials, including radioactive wastes.

[From the Newark Star-Ledger, Dec. 5, 1985]

SCIENTISTS SEEK "PERFECT" INCINERATOR TO ELIMINATE DIOXIN FROM WASTES

(By Gordon Bishop)

If a student graduated from high school or college with 99.99 percent grade average, the word "perfect" would certainly apply to that academic performance.

A constant 99.99 performance in the real world is the goal of a group of engineers and technicians at Stevens Institute of Technology developing the "perfect" destruction machine—a high-tech, high-temperature incinerator.

Professor Richard S. Magee, project leader in charge of building the "perfect" incinerator at the Stevens campus in Hoboken, refers to his pioneering thermal research as "the four 9's."

"We are defining the operating parameters of thermal destruction at efficiencies of 99.99 percent, meaning a practically perfect burn of hazardous wastes," Magee said.

"We want to create a 'safe envelope' for the combustion of toxic wastes. The margin of safety will be one-one hundredth of 1 percent. That's about as safe and clean as you can get in the real world."

A workaholic with a quick Irish wit, Magee and his team of 15 teachers and 25 graduate students are venturing into unexplored areas of thermal dynamics, the science of converting matter into usable energy and harmless byproducts such as carbon dioxide, salt and water.

"New Jersey's incinerator will be the state-of-the-art, the model for others that will follow in the emerging field of hazardous waste destruction," Magee said enthusiastically from behind a desk piled high with research papers.

"Take dioxin, for example. It's one of the most indestructible substances man ever made."

Magee jumped up and stepped over to the blackboard in his office crammed with books and reports. He picked up a piece of white chalk and drew on the blackboard a molecular representation of the most feared form of dioxin, known to the specialists as 2,3,7,8 TCDD.

It looked like three joined hexagons with antennae angling out at both ends like feelers on a well-fed caterpillar.

"That's the problem," Magee said. "Breaking down that molecule at temperatures above 1,800 degrees is what this challenge is all about."

Dioxin was the big environmental health issue this year in the siting of New Jersey's first garbage-power plant in the Ironbound section of Newark.

Dioxin is the menacing molecule the public fears because it is associated with the word "cancer" and Agent Orange, a defoliant used in the Vietnam War to strip the jungles bare of green life.

Hundreds of other chemicals can also cause cancer, but dioxin became the catchword in the citizens' battle against incinerators in their "backyard."

One of the reasons for the emotional reaction to dioxin is the difficulty of destroying it once it gets into the environment. Dioxin has been found in soil in Newark's industrial area. As long as it stays there, it doesn't pose a danger to the public. But if ingested, it can cause death.

Dioxin is formed when plastic packaging is burned in conventional incinerators operating at temperatures below 1,700 degrees.

Environmentalists want certain plastic bottles and packaging made with polyvinylchloride (PVC) banned from the marketplace.

American consumers, however, use more plastic today than steel, aluminum and copper combined. In 1976, plastic passed steel as the nation's most widely used material.

The U.S. plastics industry, the world's largest, manufactured more than 21 metric tons worth more than \$18 billion.

Magee and other thermal experts think it might be a costly economic mistake to outlaw plastics simply because existing incinerators cannot handle them. When burned routinely, they wind up as dioxin molecules emitted into the atmosphere, eventually falling back to earth where they can be taken up in the food chain.

Magee's super-incinerator will destroy not only dioxins but other equally dangerous petrochemical molecules discarded by industry as hazardous waste.

He'll get his first chance at proving the destructive powers of his super-incinerator next spring. A laboratory-scale version costing \$200,000 should be ready to start incinerating eight pounds an hour of toxic wastes mixed with fuel oil. Operating temperatures will range from 1,200 to 2,200 de-

grees. The little furnace will be fed different chemicals and chemical mixes to determine at which temperature each batch is destroyed.

The actual time a chemical or batch of fuel-enriched chemicals passes over the combustion flame will be from a half-second up to 10 seconds. The "residue time" is important for the effective operation of an incinerator. Magee noted.

The particular technology for Magee's super-incinerator is called the "fluidized bed." Although it sounds like a popular water bed, a fluidized bed is really an incredibly hot bed of gases that destroys molecules by bombarding them with tiny superheated particles, the most common being ordinary sand.

The fluidized bed process is much more efficient than passing wastes over a hot flame capable of burning most of the material but not all of it, Magee pointed out.

The Stevens fluidized bed laboratory experiment will be the first demonstration of the latest technology being developed by the national toxic substances research center, based at New Jersey Institute of Technology in Newark.

Stevens is one of six New Jersey academic institutions participating in the nation's largest research project on toxic substances.

At Stevens, where the world's first mechanical engineering society was founded a century ago, energy conversion systems are being refined to make use of an available resource—hazardous wastes.

"A few years ago, stack gases were measured in the parts per millions, which were considered perfectly safe levels to protect the public health," Magee recalled.

"But computers and better instrumentation can now measure gases leaving an incinerator stack at parts per billion. We can now design an incinerator to reduce emissions of PCBs to one part per billion, an undetectable level not too long ago."

PCB (polychlorinated biphenyl) is another chemical culprit, now banned by the federal government, that has found its way into the soil, groundwater and on the surfaces of floors, walls and ceilings when the compound was not regulated. PCBs were used as a liquid insulator in electrical motors, as well as lighting systems.

Like the other five research divisions in the hazardous wastes center, the Stevens mechanical/thermal engineering approach shows promise for major industries, including electric utilities.

Magee, director of the Stevens energy center, will be establishing guidelines for the use of various hazardous wastes in industrial boilers for heating and generating electricity.

"We might be able to burn certain liquid waste chemicals in coal-fired boilers that operate at temperatures from 2,000 to 3,000 degrees Fahrenheit, more than enough to destroy many organic compounds," Magee said. "These petroleum-derived compounds can be utilized for their BTU value."

Magee will be testing that waste energy potential with Public Service Electric & Gas Co., the state's largest utility. PSE&G operates several coal- and oil-fired boilers to generate electricity for its nearly 2 million customers.

Magee recently became chairman of PSE&G's Research Advisory Council, a group of specialists and persons with other interests from real estate to the environment who help shape the utility's policy on future technologies and capital investments.

Stevens' waste-energy research will become the basis for a computerized data bank for the center and the state.

Any new technologies that come out of the research will be shared with the corporate sponsors.

"We write all of our reports to our sponsors," Magee said. "They get the first crack at it. We're also a resource for the state."

The State Hazardous Waste Facility Siting Commission was established three years ago to find appropriate places to locate new waste-reduction facilities such as Magee's super-incinerator.

The commission will announce the first 10 or 12 "candidate sites" in February. They will be narrowed down to one major incinerator site and a backup site for landfilling the residue from the new generation of waste-processing facilities.

After the laboratory experiments are completed next year, Magee plans to build a \$2 million "thermal destruction machine" developed on the information gained from the smaller scale-model incinerator.

The decision has not yet been made on what kind of thermal system Magee and his incineration group want to scale up for "real world" conditions. On the drawing boards are the fluidized-bed project, a rotary kiln similar to the kind that makes cement, and liquid injection, wherein waste is injected directly into a shower of sizzling heat.

The \$2 million prototype of an advanced thermal destruction system is scheduled for operation in 1988.

The laboratory-scale incinerator is now being designed by Stone & Webster Co. in Cherry Hill, an international design, engineering and construction firm.

Liquid injection research is being carried out with Trade Thermal Co. in Pennsylvania, the closest such waste-destruction facility to New Jersey.

[From the Star-Ledger, Dec. 6, 1985]

JERSEY RESEARCH CENTER STUDIES HEALTH RISKS OF TOXIC EXPOSURE

(By Gordon Bishop)

What variety of toxic substances is New Jersey's population exposed to and what are the real health risks of these hazards proliferating throughout the environment?

To find the answers to these puzzling and troubling man-made problems, a group of specialists at the national toxic substances research center in New Jersey is studying the exposure rates and related risks in general population and environment.

Their laboratory is the real world: The compact state of New Jersey, its residents and workers, industry and an incredibly complex ecology of water and wastes, air pollutants and chemical discharges into rivers and the land.

The overall population and environment have never been adequately examined in terms of exposure and risks, according to Dr. Michael Gochfeld, clinical associate director of environmental and community medicine at the Rutgers Medical School in Piscataway.

"Our ultimate goal at the toxics research center is to improve society's ability to evaluate risks associated with particular kinds and levels of exposure," Gochfeld explained, outlining his strategy in assessing the health risks on humans of thousands of chemicals and their countless combinations interacting in the air, water and soil.

Joining the 45-year-old hazards expert in the quest for "toxics truths" are Robert Snyder, a professor of pharmacology at

Rutgers University, and Mohammed Abdel-Rahman, an associate professor of pharmacology at the New Jersey Medical School-University of Medicine and Dentistry of New Jersey in Newark.

They head one of six divisions in the national toxic substances research center comprising several major universities and corporations.

Based at the New Jersey Institute of Technology (NJIT) in Newark, the nation's premier toxics research center, formally incorporated as the Industry/University Cooperative Center for Research in Hazardous and Toxic Substances, is sponsored by the National Science Foundation, the New Jersey Commission Science and Technology and some 25 worldwide companies.

The center's health effects division is using the latest scientific research tools in epidemiology, toxicology and clinical analysis to learn precisely what effects toxic substances are having in the workplace and general community.

The new center already has identified about 1,000 workers exposed to hazardous waste while cleaning up disposal sites over the past eight years.

Under the federal superfund law—a multi-billion-dollar cleanup program—"front line" workers must be medically examined on a regular basis.

"These tests, including analyses of blood and urine, are not designed for healthy individuals with very little exposure to toxic substances," Gochfeld said. "Some front-line workers we've been tracking since 1978. They are our first concern."

The health effects division is collecting two kinds of information. The first involves those subjected to excessive exposure levels that they are not aware of; the second has to do with a group of workers showing a certain trend or symptoms, pointing the way to an unsuspected hazard.

"The hazardous waste industry has its own unique problems," Gochfeld said. "That is our immediate target for this new toxics research."

Among the 1,000 workers being studied by the health effects division is the state's deputy environmental commissioner, Richard T. Dewling. Before becoming the state's second highest environmental official, Dewling, 49, was exposed to several of the biggest hazardous waste sites as an investigator with the federal Environmental Protection Agency (EPA), where he served as deputy and acting regional administrator over the last eight years.

Dewling, once in charge of EPA's laboratories in Edison, designed the world's first incinerator-on-wheels for destroying hazardous wastes on site.

Dewling's mobile invention was nicknamed the "Fire Dragon." It was used for the first time to burn extremely toxic EBs at the huge Kir-Buc garbage-chemical landfill in Edison.

Gochfeld's partner in the health effects division is a 49-year biochemist from Brooklyn. Snyder, chairman of Rutgers Department of Pharmacology, said he is getting out into the general population and community to ascertain the toxic exposure rates and their impact on human health.

"We're looking at dose levels and response," Snyder revealed. "We're able to do this now because molecular epidemiology is just burgeoning."

"We'll be looking at chromosome damage and relate that to chemical exposure."

The technique the researchers are using is called DNA adducts."

DNA (deoxyribonucleic acid) is the genetic material, or chemical code, that determines the physiology of every human being, from the color of one's eyes and hair to bone structure, skin texture, height and other features.

When a toxic chemical irreversibly binds to the DNA material the reaction initiates cancer. It is the process of new breed of microbiologists at the research center will be examining to determine what happens when various synthetic chemicals come in contact with the human organism, particularly DNA, the "chemical of life."

"It's not difficult determining the effect of one chemical on human health," Gochfeld said. "But it is much more difficult when you add a second or third chemical. And it becomes practically impossible when the mixture gets into the hundreds and thousands."

The New Jersey toxic substances research center and the National Academy of Sciences are tackling the same mind-boggling problem, known as "synergism"—the collective impact of two or 200 chemicals on human health.

"We are starting with compounds we know about—some dozen chemicals," Gochfeld said. "They represent different classes of compounds. We're looking at organics, pesticides, metals, and other classes of toxic substances."

"If we can come out with a strategy in dealing with these substances, there will be great ramifications in the hazardous waste field, especially the engineering side, where we'll be able to come up with quicker solutions such as destroying certain chemicals in an incinerator."

Gochfeld, Snyder and their associate Abdel-rahman are building on 350 years of clinical data on hazardous materials, beginning with the Industrial Revolution in Europe.

"Metal toxicity goes back to the Greeks a couple of thousand years ago," Gochfeld noted. "There's a long history of toxic problems leading up to the advent of synthetic compounds during the past century."

The New Jersey toxic center, Snyder disclosed, will be doing research into areas beyond those of state and federal environmental and health agencies.

"We have to develop methods to prevent problems and then correct them," Snyder said. "We have to learn what is safe and what is not."

Gochfeld drew an analogy on the complex issue of safety and risk:

"There is no chemical so dangerous that it is impossible to handle safely. And there is no chemical so safe that some fool can't figure out how to make it dangerous."

The public, Gochfeld added, believes society cannot handle toxic substances safely, whether it's installing asbestos in ceilings as a fire retardant or operating a hazardous waste incinerator.

Snyder referred to the latest toxic "crisis" in Florida.

"If that state can detect 1 part per billion of benzene in drinking water, gas stations and manufacturing plants responsible for the benzene must clean it up," Snyder said.

"What we do not know yet is the level of benzene occurring naturally in the environment. Is benzene naturally in the environment at one part per billion?"

Snyder wants to know what level of resources should be applied to removing one part per billion of benzene from the environment if it poses a "potential" hazard.

Nature, Snyder noted, also contributes organic chemicals to the environment.

"We're never starting from zero," he said. "What we have to discover is what is there before man adds to that existing level."

Snyder and Gochfeld reject "zero risk" in the real world. They go along with the federal EPA risk standard of one death per million people from a man-made cause of pollution.

That is, the standard for protecting public health has been reduced to one death per million people. If a particular chemical, for example, causes more than one death per million, then it must be regulated.

Since 1970, EPA has been regulating and controlling emissions from industry and motor vehicles to reduce "involuntary" risks to the general population.

Government regulations what Gochfeld and Snyder categorize as "involuntary risks," meaning those risks over which the public has no control, such as breathing unhealthy air or drinking contaminated water without knowing it.

"The public accepts 'voluntary risks' as a routine matter," Snyder said. "A voluntary risk is when an individual decides whether to drive a car, or fly in a plane, or ride a bicycle, all of which have known risks associated with them."

Gochfeld said the 30 students in the risk assessment course taught at Rutgers do not agree on one risk level for all activities.

"Some will say for a certain activity that one death per 10,000 population is acceptable, while for another activity it might be one in 100,000," Gochfeld said. "The EPA one-in-a-million risk standard is considered a reasonable one for involuntary risks such as pollution."

The public's awareness of risk has been sharpened in recent years by what Snyder calls "the vanishing zero."

"Science keeps pushing zero away from real-world conditions," Snyder said. "The zero has gone from 1 part per hundred, to 1 part per thousand, to 1 part per million, to 1 part per billion, to 1 part per trillion, so that today we can measure a pollutant down to 1 part per quadrillion."

A quadrillion comes out to 15 zeroes, or 1,000,000,000,000,000.

One part of an organic molecule in one trillion or quadrillion may prove to be an impractical measurement in the real world, scientists are now speculating.

Practically undetectable amounts of a pollutant in the environment or workplace raise yet another environmental issue: How clean is clean?

What standard, health authorities are wondering, is considered safe—or an acceptable risk? One part per million, billion, trillion . . . or whatever finite fraction of a substance today's powerful probes can pick up in a sample of air, water or soil?

"Our assignment is to find out at what level a substance becomes a risk, causing cancer and other diseases," Snyder said.

In one experiment at the National Center for Toxicological Research in Arkansas, scientists were trying to determine the threshold for a particular carcinogen by subjecting 25,000 mice to decreasing doses of acetylaminofluorene, a potent insecticide known to create tumors in livers.

"As the doses got smaller and smaller, we saw no more liver tumors," Snyder recalled of the "megamass" experiment. "But we began to see tumors of the bladder when the doses got down to those levels approximating levels found in the environment."

The laboratory mice were used to approximate conditions in the workplace.

The health effects group is also establishing a "protocol" based on the distance one lives from a hazardous waste site.

"It has been assumed that people exposed to chemical disposal sites are in greater danger the closer they live to the site," Gochfeld hypothesized. "We are going to test that theory in New Jersey."

The protocol is designed to investigate exposure to a waste site with three types of illnesses:

Cancer.

Major reproductive problems such as birth defects, low birth weight, impotence, sterility, miscarriage, spontaneous abortion and infant mortality.

Neurotoxic disorders such as convulsions, peripheral neuropathy, encephalopathy, blindness and related problems.

For their community exposure research, the health effects investigators have selected three sites—one each in Newark, Woodbridge and Millville, Cumberland County.

From information collected there, they expect to know what effects chemical waste sites have on the surrounding population and what can be done to reduce and eliminate exposure to the toxic conditions.

"Our task," Synder summarized the group's efforts, "is to understand the underlying bioprocesses—the mechanism of toxicity."

"We have to use mechanistic data applied to risk assessment."

Over the next three years, they hope to have some answers on just how dangerous it is to work in a chemical environment or live near a toxic waste site, and what safety precautions are needed to prevent unacceptable risks.

[From the Sunday Star-Ledger, Dec. 8, 1985]

CENTER TO EXAMINE "BACKYARD" SYNDROME IN SITING TOXIC WASTE FACILITIES

(By Gordon Bishop)

If public opposition blocks the siting of airports, highways, power plants, waste disposal systems and other necessary facilities, the delivery of basic services can be interrupted and economic growth stifled.

The siting of publicly vital projects such as garbage-power plants or hazardous waste treatment systems has been stymied by people who do not want any major economic activity in their "backyard."

How to accommodate the legitimate concerns of residents affected by a particular project, while also providing basic services to the very people objecting to essential economic activities, is the conflict confronting the nation's first public policy and education program on siting and related impact issues.

The public policy/education program is part of the national toxic substances research center based in New Jersey. The center, the largest of its kind in the world, consists of five leading New Jersey academic institutions and some 25 international corporations, several of them either headquartered or conducting extensive operations within the state.

Shaping public policy through education is one of the six objectives of the national research center. Heading that component of the new center, to be housed in a \$10 million laboratory-office complex on the New Jersey Institute of Technology (NJIT) Newark campus, is Michael R. Greenberg, doctoral professor of urban studies at Rutgers, New Brunswick.

Greenberg has put together a multidisciplinary faculty of 25 specialists drawn from 17 departments in four universities.

One of the eight research projects under way at the center's policy/education division is a study on how industry responds to public protests over siting industrial projects.

Frank Popper, associate professor of urban studies, is examining the responses of industry to delays or blockage of their plans to construct new facilities, such as oil refineries, airports, power stations and nuclear waste disposal sites.

Popper classifies these development projects as necessary but which are almost always rejected by residents who live near them.

Popper is analyzing the industry responses to consider the implications for siting hazardous waste incinerators and landfills in New Jersey, which the State Hazardous Waste Facility Siting Commission is planning to do next year.

Popper coined the word "LULU" to convey the problems associated with siting objectionable facilities in developed areas. LULU stands for Locally Unwanted Land Use.

Another project on Greenberg's agenda is how industry is coping with the decreasing availability of inexpensive alternatives for managing hazardous wastes.

Among the questions Greenberg's group will attempt to get answers to are:

Is industry making process changes?

Is industry banding together to find sites?

Is industry moving processes out of the United States?

What kinds of industries are making which choices?

Another project on the 1986-87 calendar involves the kinds of negotiations that are occurring about siting between local governments and industries.

One phase will be to determine what kinds of concessions are offered or extracted from firms to reach negotiated location settlements.

The researchers also want to know if there are any differences between large and small and long-time resident firms versus newly-entering firms.

And, "how do the perceptions of government and private sector 'risk managers' affect their decisions about the risk of environmental chemicals?" Greenberg wants to know.

Greenberg also wants to learn which is the dominant factor (education, experiences or job role) controlling one's perceptions of toxic substances.

And, how are those different perceptions manifested in the way decisions about environmental risk are made?

From his own studies and experience, Greenberg, who grew up near Yankee Stadium 40 years ago, see organized citizens as the main driving force in shaping public policy on environmental issues.

"The public is carrying government and industry along with it," Greenberg said.

The public's role in siting major facilities is the focus of a three-year study at the policy/education division. A national survey, with case studies, is being conducted on "Improving Public Participation in the Permitting of Hazardous Waste Storage, Treatment and Disposal Facilities."

The broad-based survey and indepth case studies will explore public participation within the overall permitting process. The project will identify exemplary state and local procedures for public participation,

and develop recommendations for improving and streamlining public participation in the permitting of hazardous waste facilities.

Greenberg singled out the state of Massachusetts, which requires "negotiations" with the public in siting major impact facilities. New Jersey has no such law, although public participation is a voluntary part of the state's siting procedures.

The national siting survey will be submitted to government, industry and academia for review in 1987.

Because siting has become such a political, emotional issue, industry is moving towards non-siting solutions to their waste problems, including changes in processes to eliminate hazardous chemicals, reduction of waste discharges at the source and recycling byproducts on site.

"An industry will develop one of these approaches and then try to market" Greenberg said. "It comes down to economic efficiency versus the real danger of manufacturing certain products with various chemicals and the costs associated with that."

Making changes in industrial production can often be less expensive than paying for the escalating costs of handling waste byproducts, Greenberg said.

COMPUTER SOFTWARE ROYALTIES EXCLUSION

● Mr. GORTON. Mr. President, I ask to be added as a cosponsor of S. 1799, a bill to exclude computer software royalties from the personal holding company tax.

The problem that this bill deals with is a classic example of the situation in which technology has outrun law. The original personal holding company tax was designed to prevent avoidance of taxes by certain wealthy individuals who were able to incorporate themselves to enjoy lower tax rates, and whose income consisted primarily of royalties. There is a special exemption in the law for copyright royalty income, but it does not apply to most computer software developers because it does not apply if the work under royalty was created by a shareholder in the corporation. It happens that this is the particular case that most software developers find themselves in, with the principles of such corporations creating the software. Thus, the personal holding company tax is anachronistic in its application to the computer software industry.

It is time for Congress to enact the amendments contained in S. 1799. Indeed, I would add that it is also important that S. 1799 be clarified to ensure that the exemption from the personal holding company tax that it creates be retroactive, and I intend to work to achieve this.●

ASAT MORATORIUM COULD LEAD TO ARMS TREATY

● Mr. KERRY. Mr. President, I am delighted that as a result of the conference on the defense appropriations in the continuing resolution we have achieved a moratorium on Asat testing

that could enable the United States and the Soviet Union to reach an agreement halting the testing and development of Asat systems.

This decision by the House-Senate conferees preserves the chance to achieve an Asat agreement, despite the headlong rush by the Reagan administration to test the U.S. Asat this September.

After a single test the U.S. Asat does not yet pose a profound threat to Soviet satellites. However, further testing of the U.S. miniature homing device against objects in space will threaten the ability of the United States to achieve an Asat agreement which would promote our national interest. This is because the U.S. Asat is profoundly superior to the Soviet Asat and potentially threatens Soviet early-warning satellites in elliptical orbit, and because possession of the U.S. Asat is essentially unverifiable once the system is fully operational.

As this administration has suggested on so many occasions, an arms agreement that can't be verified cannot be negotiated. If we are to negotiate an Asat agreement, we must do it before we complete the development of an unverifiable Asat system.

Who would doubt that the continued security of our satellites is an essential component of our national security? Our satellites are our eyes and ears—they provide us with the ability to monitor Soviet military activities and to verify Soviet compliance with arms control agreements. Satellites are expensive, and they are inherently vulnerable because of their known trajectories, their limited numbers, and their fragility. Significant cost and performance tradeoffs are required to protect satellites against attack. No one here doubts that we need our own satellites much more than we need to attack Soviet satellites.

Today, our most important satellites—our high-altitude early warning satellites—are completely invulnerable from Soviet attack. Even our lower level satellites are at relatively slight risk from the Soviets clumsy and limited orbital Asat system. But although current technologies pose little threat to our satellites, future possibilities are very threatening. It is far easier to protect our satellites against the current Soviet threat than it will be against subsequent generations of Asat's. The later we take action, the more systems will be deployed, the more complicated the technology will become, and the more difficult compliance with any treaty will be to verify.

These facts have been generally accepted by the Congress, and that is precisely why we have again legislated a moratorium on Asat testing, following the single test by the United States of its Asat against an object in space in September. The U.S. conduct-

ed that test in the fact of congressional restrictions requiring that the United States engage in serious negotiations to bring about an Asat agreement before any such test took place.

Prior to the test, the President certified, as required by law, that the United States had endeavored, in good faith, to negotiate with the Soviet Union a mutual and verifiable agreement with the strictest possible limitations on antisatellite weapons consistent with the national security interest of the United States. He also certified the other requirements for conducting the test: that pending agreement on such strict limitations, testing against objects in space of the F-15 launched miniature homing vehicle antisatellite warhead by the United States is necessary to avert clear and irrevocable harm to the national security; that such testing would not constitute an irreversible step that would gravely impair prospects for negotiations on antisatellite weapons; and that such testing is fully consistent with the rights and obligations of the United States under the Antiballistic Missile Treaty of 1972 as those rights and obligations exist at the time of such testing.

Yet this certification was a fraud, a demonstration to the Congress that the congressionally imposed certification in no way limited the freedom of the administration to conduct a test regardless of whether it was meeting the terms of the law. As ACDA director Ken Adelman put it in a May 20 letter to the Senate, "Tests of the MV Asat system are following a schedule determined by technical factors," not arms control.

Mr. Adelman's May 20 letter demonstrated that the administration was bent on conducting an Asat test regardless of the limits on the test imposed by Congress. In imposing an outright ban on further tests, subject only to Soviet testing, Congress is finally denying the administration any freedom to go forward with the Asat Program. This is an important step, since the administration demonstrated with its September test that it was fully willing to disregard looser congressional restrictions.

Despite the congressional requirement that the September test only take place after the United States conducted serious negotiations toward a treaty, the President stated in the certification document to the Congress that the United States was "unable to identify a specific Asat proposal which meets the requirements identified by the Congress in 1984," because "no arrangements or agreements beyond those already governing military activities in outer space have been found to date that are judged to be in the overall interest of the United States and its allies."

The Reagan administration continues to object to an Asat treaty on the ground that it cannot be verified, and that it is in the national security interest of the United States to develop the capabilities to destroy Soviet satellites. But a study commissioned by ACDA last year, written by William Durch of Harvard University, concluded that such a treaty is in the U.S. national interest.

Mr. Durch found several options available for the United States to accomplish Asat limitations.

If the objective of policy is to eliminate all dedicated, direct attack Asat capabilities, options for arms control would include, (a) a zero-possession regime coupled with a test ban, and (b) a test ban only, of indefinite duration. Option (a) entails verification of the dismantlement, or equivalent decommissioning, of the current Soviet coplanar ASAT capability, which may be difficult. An accompanying test ban and launch site inspection regime would seek to reduce Soviet confidence in covertly-retained interceptors, and to increase the amount of time required to use such interceptors, respectively. Option (a) is negotiable in principle, as dismantling and a ban on tests are both incorporated in the 1983 Soviet draft space treaty, but the U.S.S.R. has not acknowledged publicly that it possesses an ASAT capability.

Option (b) would bypass the problem of dismantling and seek to produce the operational results of option (a) through decay of existing capability from lack of testing and troop training. Because it does not seek to eliminate the current Soviet ASAT system and makes no provision for testing a U.S. system to a comparable level of proficiency, option (b) could be viewed as unbalanced. However, considering the limited reach of the Soviet coplanar system and its spotty success record, the effective difference between a dismantling regime and a test ban could be low. Moreover, a test ban would address future capabilities, such as improved orbital or direct ascent interceptors, or beam weapons, that could pose a real threat to American satellites. Negotiability seems feasible, since the U.S.S.R. has proposed a moratorium on space testing of ASATs.

A modified form of option (b) would be consistent with the research program associated with the strategic defense initiatives, namely, a 3-5 year testing moratorium in lieu of one of indefinite duration.

Options (a) and (b) would require that the United States forego testing and deployment of the F-15/MV system. Thus the U.S. would not develop a capability to destroy by impact such targets as Soviet ROSAT/EROSAT constellations. It would retain the option to negate those constellations by nondestructive means.

Mr. Durch then identified two other Asat treaties that the United States could seek to negotiate:

If the objective of policy is to place a ceiling on ASAT capabilities with one operational system each, options would include, (c) possession of "one current type" ASAT with further testing allowed, or (d) "one current type" with a declining test quota and a test ban on all other types of ASAT means. Option (c) permits the United States to test and deploy the F-15/MV system, and conceivably to test upgraded systems. This

option avoids the dismantling questions, but its negotiability is uncertain. If the U.S.S.R.'s major objective in undertaking such a negotiation is indeed to ban space weapons, then this approach may be acceptable, even though it tends to provide the United States with a technological edge which it is permitted to maintain. Restraining U.S. technology is frequently a key arms control objective for Moscow. Finally, option (c) does less for the potential impact of ASAT on crisis stability than either option (a) or option (b).

Option (d) allows the United States to develop the MV system but closes down testing after an agreed period of time and/or number of tests; and it bans outright the testing of all other types of ASAT's (eg, directed energy systems). It would thus fall between the first two options and option (c) in terms of immediate impact on crisis stability: over time, both sides would tend to lose confidence in their ASAT systems. It would prohibit space-based ASAT capabilities and testing of high-altitude direct-ascent or ground-based co-orbital systems. It is likely to be somewhat more negotiable than option (c); if enacted after 1985-1986, it reduces to option (b).

Any of these options could be associated with an ASAT non-use agreement, as discussed in text. A non-use agreement would extend to all satellites the type of protection now enjoyed by satellites used as national technical means of verification.

In the course of his paper for ACDA, Mr. Durch elaborately discussed each of these alternatives for an Asat agreement. Yet the President, in making his certification to Congress, stated:

No arrangements or agreements beyond those already governing military activities in outer space have been found to date that are judged to be in the overall interest of the United States and its Allies.

For the record, I want to take a moment to list at least five possible Asat proposals that I believe the Reagan administration could have sought in Geneva in compliance with the intent of Congress:

First. A ban on all testing, use, and possession of all Asat capability.

Second. A ban on all testing, use, and possession of dedicated Asat's.

Third. A ban on use and testing, but not possession, of dedicated Asat's.

Fourth. A ban on development or use types Asat's; no restrictions on existing Asat systems.

Fifth. A ban on the use of Asat's; no restrictions on possession or testing.

There is some expert consensus that the first type of agreement is unattainable at the present time, because some non-Asat systems have some theoretical capability to serve as Asat's. Residual capabilities would remain even if dedicated Asat systems were banned.

But the second type of agreement is something we could negotiate if the Reagan administration desired to protect our satellites and limit competition in space weaponry. Even if administration believes that verification problems prevent the second type of agreement because of the Soviet possession of an Asat today, it could cer-

tainly have tried to negotiate the third type of treaty, halting use and testing. The fourth type of treaty, banning development and use of new types of Asat's is clearly feasible, and might be in our interests since the Soviet Asat has little military use, and that little use would degrade further if the 3-year Soviet moratorium were made permanent by an accord.

Even the fifth type of agreement, despite its obvious limitations, is possible if the United States and Soviet Union chose to codify rules of the road to provide both sides with a buffer against use of Asat's.

Instead, the Reagan administration has said that no Asat proposal of any kind is in the national security interests of the United States, and therefore has not sought to negotiate one.

One reason the administration gives for its refusal to negotiate any Asat limits is its claim that any limits on Asat's are not verifiable.

The truth is that despite the administration's claims, we can verify the current Soviet system. We know they have a system—we know how big it is—we know how many tests of it have been conducted—we know how many of them have succeeded—we know how long it takes to intercept an object in space—and in what orbital inclinations. We know the Soviet Union hasn't tested it in more than 3 years. We know from numerous nonclassified published reports and testimony that in all it has been tested 20 times. We know it has failed to intercept its target 11 times, for an overall success rate of just 45 percent. We know the Soviet Asat is not exactly a modern, state-of-the-art weapon—it was introduced in 1968. We know it is lofted into orbit atop a modified SS-9 booster rocket, a large-liquid fueled intercontinental ballistic missile, and weighs more than 2,000 kilograms and is about 6 meters long. We know in each test it has been launched from Tyuratam in Kazakhstan into orbits within a narrow range of inclinations—between 62 and 65 degrees with respect to the Equator. We know that to test it the Soviets have launched target satellites into orbits within the same narrow range of inclinations. We know it takes the Soviet Asat one to two trips around the Earth before its orbit crosses that of the target and interception occurs. And yet the administration claims that somehow this system is unverifiable.

The limited orbital inclination and the fact that there are so few U.S. satellites at these inclinations have led some to speculate that the Soviet Asat may be intended for attacking Chinese satellites rather than U.S. satellites. Whatever the intent of the Soviet Asat Program, it clearly does not today threaten most U.S. satellites. The administration states that it can reach 5,000 kilometers or 3,100 miles.

But it has never been tested above 2,400 kilometers. That might enable the Soviet Asat to threaten some few U.S. weather satellites and some military spy and communication satellites—on a two-shot basis. It does not enable the Soviets to threaten United States early warning satellites, which are vital to our national security. Nor does it enable the Soviets to threaten most other U.S. military satellites.

Moreover, the Soviet system is susceptible to countermeasures like jamming or deception of the radar homing device or evasive maneuvering on detection of the launch, since interception takes some 3 hours.

There are also some basic conceptual flaws in the Soviet Asat system. First, a satellite can be attacked only when its ground track runs close to the launch site of the Asat, a condition that is satisfied only for satellite orbits with inclinations higher than the latitude of the antisatellite weapon's launch site. This happens only twice a day, so one must wait an average of 6 hours to attack a given satellite. Second, the heavy antisatellite weapon itself requires a massive booster rocket, which can only be launched from a very limited number of facilities in the U.S.S.R. Third, it is difficult to fire massive liquid-fueled boosters in rapid succession from a single launch site.

When you put this all together, it is inescapable that we would have long responded one way or another to an attack on our satellites. It would take the Soviet Asat's a week or more to destroy low-level U.S. weather and reconnaissance satellites, and the Soviets could not touch our far more militarily important early warning satellites.

For these reasons, despite the administration certification, there was simply no reasonable military scenario arising in September whereby the Soviet Asat "threatens clear and irrevocable harm to the national security," as Congress required before such a test should have taken place.

The administration conducted the test anyway, disregarding the intent of Congress. And so, Congress has responded with this new moratorium, which should stop the Asat Testing Program for at least fiscal year 1986.

Congress has explicitly recognized that further testing of our Asat against objects in space jeopardizes our national security, precisely because the U.S. Asat is more sophisticated than the Soviet Asat, and will invite the Soviets to develop a comparable system to ours that is effective against our satellites.

The real threat to U.S. security is not the current Asat the Soviets have today but the Asat the Soviets will develop in the future should the United States decide to engage the Soviet Union in an all-out competition in

Asat technology. The result will be that 5 to 10 years in the future, the Soviets will be able to threaten more and more of our satellites, our space stations, and our space shuttle.

We have much to lose from this. We rely on our satellites for information that is vital to our national defense, from command and control of our military forces to early warning of nuclear attack. Our military forces are far-flung; not only do we have bases around the world, but the preponderance of our nuclear weapons are located beyond our shores. If our satellites were to be threatened, we would risk the decapitation of both nuclear and conventional forces, making it difficult for the United States to maintain a credible response to a sneak attack.

As the United States begins flying more frequent space shuttle missions to service, supply, and bring fresh crews to continuously inhabited space stations, the threat to U.S. interests from Soviet development of Asat technology will continue to grow. The long-term damage to our strategic security from the further development of Asat technologies by both sides thus far outweighs whatever short-term theoretical advantage the administration has claimed from going ahead with the testing of our current Asat.

In the words of Prof. Donald Hafner of Boston College, an adviser to the SALT delegation and the National Security Council in 1977-78:

The opportunity that the United States now has before it to place constraints upon arms competition in the broad reaches of outer space is ripe but perishable. The ASAT technologies currently available to the United States and the Soviet Union are crude but suggestive. Should the momentum of ASAT programs increase, it is evident that the two sides will provoke the other into expending billions of dollars, all in preparation for a "Brobdingnagian skeet shoot" from which neither side is likely to derive a net advantage in security.

Mr. President, let me briefly summarize the arguments in favor of achieving an Asat treaty.

First, Asat's extend the arms race into outer space, and can be used to attack reconnaissance, navigation, early warning and communication satellites. These Asat missions are part of a first strike strategy which emphasizes winning a nuclear war through initiating the nuclear exchange. Asat's help make possible a preemptive attack in a time of crisis.

Second, as the SDI Program acknowledges, Asat technology is essentially a more primitive version of ABM technology. If we are to prevent the ABM Treaty from being eroded further, we need to add an Asat Treaty that would further limit the development of space weapons, originally designed for Asat functions, that would have some capabilities as the kind of

ABM systems and components banned under the ABM Treaty.

Third, an unconstrained arms race in space to deploy ABM's will reduce international stability by intensifying the buildup of offensive nuclear weapons and countermeasures designed to overwhelm the defense.

As Albert Wheelon, senior vice president of the Hughes Aircraft Corp., and a former defense analyst with the CIA told *Science* magazine—

It's a good idea and to everyone's net advantage to keep mines and torpedoes and lasers and other weapons out of space.

An Asat treaty is in the U.S. security interest and can be verified, according to scientists, because the United States has "very robust" technologies to detect tests of Asat's—indeed, we know the dates and types of every Soviet Asat test from 1968 through 1982, when the Soviet Union conducted its last test of an Asat.

We know that the Soviets have had 12 failures and 9 successes in testing their Asat overall, and that their first-generation Asat failed five times in out of 14 tests, and that their second generation Asat failed every time it was tested.

As Leslie Dirks, vice president of Raytheon Corp., told *Science*:

I'm quite confident that testing things surreptitiously in space is a hard thing to do, and the United States has a very robust detection capability in this area. It would be pretty difficult to guarantee absolutely that no testing was going on. But I hope one would take a liberal view of the verification problems, and be prepared to take a few risks, because there are clearly strong U.S. national interests in a treaty that would deter continued testing of the existing Soviet ASAT or prevent the development of a better Soviet system.

Mr. President, as Commander in Chief, President Reagan is responsible for ensuring that our Nation can never be threatened by a foreign power. An Asat agreement is in the national interest. It is time that the administration uses the opportunity given it by the Congress and by the Geneva talks to negotiate real limits on Asat systems as one step in achieving the comprehensive goal of a ban on all weapons in space.●

FEDERAL TECHNOLOGY TRANSFER ACT OF 1985

● Mr. D'AMATO. Mr. President, I rise today in support of legislation, the Federal Technology Transfer Act of 1985, proposed by my distinguished colleague from Washington, Mr. GORTON.

This legislation addresses an overlooked area of our Federal research efforts—the inability of Federal laboratories to work collaboratively with private research labs. Because collaborative research is not allowed in Federal laboratories, the capabilities of these institutions are limited significantly.

Current research in this country is extremely isolated and independent. Quite often, one laboratory is unaware of activities taking place in another laboratory which is performing comparable research. As a result, there is a great deal of duplication within the research community. Easier and more accessible exchange of information would decrease this redundancy and would promote educational and informational exchanges among researchers.

The Federal Technology Transfer Act of 1985 attempts to alleviate this duplication. This legislation establishes a Federal Laboratory Consortium to promote the exchange of information between Federal and private laboratories.

This information center would be administered by the Bureau of Standards, a Federal organization very experienced in facilitating the dissemination of information. The Bureau of Standards has expressed a desire to administer this program.

A great deal of innovative research takes place in non-Federal laboratories. Companies and universities are involved in a broad spectrum of research, much of which is related to research taking place in Federal laboratories. Not promoting collaborative research efforts only hurts our Federal research efforts.

In addition to this technological exchange, S. 1914 provides Federal researchers with a percentage of the royalties if their research leads to a viable product sold in the marketplace. This type of incentive encourages quality research within Federal laboratories, and it promotes collaborative efforts between Federal and private researchers. This type of incentive can only lead to a greater quality of research in this country.

I call on my colleagues to join me in promoting the research efforts of this country.●

THE MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT

● Mr. ZORINSKY. Mr. President, I was pleased the Senate Friday passed by unanimous consent S. 475, a bill I cosponsored providing increased protection to motor vehicle consumers from odometer fraud.

Widespread odometer fraud is costly and potentially hazardous to the consumer. It is estimated that of the 20 million to 40 million used cars sold annually in the United States, approximately 3 million had the odometer reading rolled back, costing consumers \$2 billion per annum.

The average odometer rollback is approximately 30,000 miles for each car tampered with. Common sense dictates that a consumer who buys a car with 90,000 actual miles, believing that

it has 60,000 miles or less, may rely on the car to perform in an unrealistic manner and may be running a risk to his or her safety.

Odometer fraud is lucrative, on the rise, and can currently be committed with little chance of being caught. This bill will close a substantial loophole in current law and increase the available criminal penalty from a maximum of 1 year in jail to 3 years, and increase potential civil penalties from \$1,000 to \$2,000.

Federal law currently mandates that a written statement disclosing the odometer reading be presented to the buyer when a vehicle is sold. However, it does not require that the disclosure be a part of the title. Therefore, an unscrupulous buyer can destroy the piece of paper with the odometer reading, rollback the odometer, and prepare a fraudulent disclosure for the next buyer. Significantly, S. 475 will require the odometer reading to be on the title, making this type of fraud impossible.

Mr. President, I congratulate my colleague from Nebraska, Senator EXON, for sponsoring this legislation. I look forward to quick action on it by the House of Representatives. ●

POLAND UNDER SIEGE: THE FOURTH MARTIAL LAW ANNIVERSARY

● Mr. D'AMATO. Mr. President, on the night of December 12-13, 1981, the most devastating damage ever perpetrated against the people of a Helsinki signatory state was dealt to the Polish people. Today marks the fourth anniversary of the declaration of martial law in Poland, a day when 8 out of the 10 fundamental Helsinki principles were violated in one fell blow. As Chairman of the U.S. Helsinki Commission, I would ask my colleagues in Congress to consider that for 4 years the Polish people have lived under a state of siege by their own government. Yet, recent months have witnessed the attempts of General Jaruzelski to obtain in the West the legitimacy that he is denied at home. Will Jaruzelski's travels to the West—against the picture-postcard backdrop of the U.N. Building, the Eiffel Tower, the personal vignettes that portray him as a devoted family man—blot out our memories of only 4 years ago, of water cannon and night sticks wielded by helmeted mobile security police against defenseless crowds?

Jaruzelski has calculated that our memories in the West of the dramatic and violent aftermath of martial law are short and convenient. The more invidious regime efforts to destroy all independent associations and activities now underway in Poland are harder for the Western press and public to grasp. The careful orchestration of periodic, but highly conditional am-

nesties is designed further to complicate our image of the human rights picture in Poland. Yet, new arrests of amnestied Solidarity members and unofficial publishers, have brought to 265 the number of prisoners of conscience in Poland today. And what of the murdered priests, attacks by "unknown assailants" and disappearances of union sympathizers, the threats of violence against activities? We have recently learned about the purges in universities, where 70 deans and rectors have been fired for trying to maintain high standards of free and searching academic inquiry.

Today is the day to remember that human, civil, and trade union rights in Poland remain under siege. And Poland continues to resist. The living legacy of Solidarity can be found in nationwide union networks, above, and underground, the literally hundreds of unofficial publishing houses, the constellations of independent cultural and educational groups all seeking to preserve and develop within Polish society a national pride and consciousness free from the suffocating control of the regime.

Four years ago, this body voiced its outrage. Symbolic candles were lit in homes across America for the people of Poland. Can we forget the alarming images that fluttered across our television screens at Christmastime only 4 years ago? Mr. President, on this tragic December 13 anniversary, we must pause to consider the high price still being paid in Poland for defending the values that we share. We in Congress must send a clear message to General Jaruzelski that our outrage and concern has not diminished with time. His slick public relations campaign will not work here. His image can only be altered by the release of prisoners and by putting an end to police state methods against Solidarity and other defenders of freedom and independent culture in Poland today. In short, when Jaruzelski delivers on the promises that the Polish Government made when it signed the Helsinki Final Act and the Gdansk Agreement. ●

WILL TRIDENT II CONTRIBUTE TO STABILITY?

● Mr. KERRY. Mr. President, when it comes to our national security, the issue must not be how much we spend on the military, as is suggested when the Pentagon claims that the Gramm-Rudman-Hollings bill will "give comfort to the Soviet Union."

When you claim that throwing money at the Pentagon is the only measure of U.S. national security, you lose sight of our real interests. What we have to ask ourselves is what kind of defense will buy us real national security—stability—the security that when it comes to a crisis, no one will

ever have the incentive to start a war between the superpowers, conventional or nuclear.

Keeping the peace through military stability has got to be our priority when it comes to defense. The goal of stability must be a factor in judging every strategic weapons system.

When you look at the trillion dollars we have spent on the military during the first 5 years of this administration, it is regrettably easy to see that we are spending billions of dollars on things that do not add to stability—and that may even reduce it.

What kinds of systems are destabilizing? As retired Gen. Glenn Kent has forcefully argued, any system that decreases the aim points for the enemy, such as the MX, is destabilizing. Similarly, any system which is more costly to build than to destroy, is destabilizing, and this argument against the deployment of strategic defenses is one which even administration officials such as Ambassador Paul Nitze accept.

Asat systems are destabilizing, because their development threatens the satellites which both sides use for early warning and for military communications, adding an incentive for a first strike.

One of the problems of the Reagan military buildup is that the Reagan administration is not making choices between destabilizing first-strike weapons and potentially stabilizing second-strike weapons, which contribute to deterrence.

Next year, Congress will have to decide whether to build a new strategic system, the Trident II or D-5 missile, a weapon that could cost \$50 billion or more.

As an article which appeared in the December 11, 1985, issue of the Chicago Tribune suggests, D-5 would for the first time give "U.S. submarines the ability to destroy hardened targets in the Soviet Union—like missile silos and command centers. And it will be able to do so within 15 minutes of launch."

The writer, Stephen Chapman, concludes that this "formidable capacity is valuable only if the United States might want to start world war III. It is of scant value if the purpose of the American nuclear arsenal is, as it should be, not to start a war but to deter one."

The potential of the Trident 2 with the D-5 missile to threaten a first-strike is an issue which I believe this body needs to consider carefully next year as it decides whether the administration should start buying this system.

I ask that the Chicago Tribune article, "The Trouble With the Trident II," be printed in the RECORD at the conclusion of my statement.

The article follows:

THE TROUBLE WITH THE TRIDENT II

In the aftermath of the Geneva summit, the Reagan administration continues to hold out the hope of progress in restraining the nuclear arms race. But it is on the verge of deploying a new weapon that will speed up the race, at a large cost in both dollars and nuclear stability.

Unlike the land-based MX missile, whose proposed deployment has been sharply curtailed and whose ultimate fate is still in doubt, the submarine-based Trident II has had no trouble on Capitol Hill. For many members who oppose the MX, a vote for the Trident II has been a way to mollify the hawks at home.

Still, after providing some \$7 billion to develop the weapon, Congress has to decide next year whether to let administration start buying it. Despite the high price tag—over \$50 billion, or some \$35 billion more than sticking with the existing missile—everyone expects the answer to be yes.

The Trident II missile, also known as the D-5, is designed to replace the existing ballistic missiles on American submarines. It will dramatically increase this force's size, explosive power range and accuracy. This last is crucial. For the first time, the Trident II gives U.S. submarines the ability to destroy hardened targets in the Soviet Union—like missile silos and command centers. And it will be able to do so within 15 minutes of launch.

This extreme accuracy might not matter if only a handful of missiles were contemplated. But the Pentagon plans to buy nearly 600 of them, carrying some 5,200 nuclear warheads. After subtracting for those submarines that are in port at any given time, the U.S. would have the capacity to deliver at least two warheads on every Soviet missile silo—with plenty left over for command centers and strategic air bases. Especially when combined with the MX and Pershing II missiles, the Trident II gives the U.S. something like the ability to destroy the Soviet deterrent on the ground.

That formidable capacity is valuable only if the U.S. might want to start World War III. It is of scant value if the purpose of the American nuclear arsenal is, as it should be, not to start a war but to deter one. Deterrence requires an ability to annihilate the Soviets if they attack first, thus eliminating any incentive for them to do so.

The Trident II, like other super-accurate missiles, actually provides an incentive. In a period of extreme tension, Soviet planners would be confronted with the risk of losing their means of retaliation to an American attack. They would be encouraged to preempt the U.S. threat by hitting first themselves. At the very least, they would be compelled to adopt a policy of launch on warning, thus increasing the chance that a mistake will set off the final holocaust.

It may be argued that, even with the Trident II, the U.S. would have nothing to gain by striking first. Hitting all the Soviets' land-based forces, the thinking goes, would leave them with the ability to retaliate with their own submarine-based missiles.

There are two flaws in this argument. The first is that fewer than one-fourth of the Soviets' missiles are based at sea, compared with half for the U.S., which means they have more to fear from an attack on their land-based forces. The second is that because of their comparative noisiness, Soviet submarines are vulnerable to antisubmarine warfare—unlike American ones, which are beyond any Soviet hope of detection, much less destruction.

The best measure of how alarming the Soviets will find this new threat is the trouble the U.S. has taken to avoid being put in a similar position. Thanks to a calculated shift to sea, only 18 percent of our nuclear warheads remain in land-based missiles. And yet Americans were acutely worried when Soviet advances put our ICBMs at risk. Remember the "window of vulnerability" decreed by Ronald Reagan in his 1980 campaign?

The Trident II would be worth building if the effect were to scare the enemy into more peaceable conduct. But the opposite is likely to be true. If its great accuracy has any use at all, it is to threaten the Soviet deterrent. That makes the missile an expensive way to reduce American safety.●

THE NESTER HOSE COMPANY'S 100TH ANNIVERSARY

● Mr. D'AMATO. Mr. President, I rise today to recognize and commend the Nester Hose Company of volunteer firefighters for 100 years of dedicated service, which will be celebrated at their annual banquet on January 31, 1986.

This historic milestone is backed by a proud tradition of men who gallantly and selflessly have volunteered their time and talents to the residents of Geneva, NY. Now more than 200-members strong, the Nester Hose Company carries the legacy of their forebears with great pride and determination. Their aim to protect the lives and property of their community has earned them both great respect and well-deserved admiration.

As a volunteer firefighter myself, I take special pride in these citizens who risk their lives in service of others. They risk their lives against a force which knows no bounds and discriminates against no one. Every year in the United States, fires kill about 10,000 persons, injure about 140,000 others, and destroy more than \$6 billion worth of property. Thanks to the volunteers of the Nester Hose Company, ready to respond at any hour of the day or night, the residents of Geneva can sleep peacefully.

I join many members of the Geneva community in commending these volunteers for their courage, dedication, and unswerving loyalty. I hope their centennial celebration marks the beginning of another 100 years of continued success.

Mr. President, I thank you for allowing me this opportunity to salute the Nester Hose Company. They make it possible for us to function safely without fear in our daily lives.●

SUPPORT FOR "HANDICAPPED PARKING ACT OF 1985"

● Mr. WEICKER. Mr. President, I rise today to join my distinguished colleague, Senator KERRY, in supporting the "Handicapped Parking Act of 1985." This bill addresses a problem faced by the majority of our Nation's

handicapped persons whose mobility is impaired: State reciprocity in honoring handicapped parking stickers.

Currently, the majority of our handicapped citizens are impeded in their ability to properly utilize special parking privileges designated to them because of the lack of reciprocity from State to State in honoring handicapped parking permits. Law enforcement officials, unaware of symbols used to identify vehicles entitled to use handicapped parking spaces, may unintentionally issue parking citations to handicapped individuals who travel to other jurisdictions. Recently a woman named Ruby DeGiovanni brought this problem to the public's attention.

Mrs. DeGiovanni, herself mobility impaired, was traveling from Connecticut to her doctor's office in Massachusetts. She received a parking ticket for parking in a designated handicapped parking space even though she holds a valid handicapped parking permit in Connecticut entitling her to park in handicapped parking spaces. There is currently no Federal law that allows handicapped persons in one State to cross the line and use handicapped parking spaces in other States. Crossing a State line does not change a handicapped person's need for a handicapped parking space.

For most travelers the major factor limiting travel is cost. But for a percentage of Americans freedom to travel is limited by conflicting State laws. Mobility impaired citizens have been denied what virtually every American assumes to be a natural birthright—mobility. Currently 6.5 million handicapped Americans are mobility impaired and in need of special parking permits to ensure their personal mobility. However, only 26 States have reciprocity agreements honoring handicapped permits.

Clearly, disability does not end when crossing State lines. The handicapped Parking Act of 1985 will require all States to honor the international symbol of access and grant general reciprocity to persons displaying this symbol and properly utilizing designated handicapped parking spaces.

Accessibility cannot be denied to handicapped people on the basis of what State they are in. Our Nation's handicapped citizens deserve every avenue of access if they are to fully exercise their rights in our society. I urge my colleagues to join me in reaffirming their support for full citizenship of handicapped persons by co-sponsoring the Handicapped Parking Act of 1985.●

INTERNATIONAL DRUG INTERDICTION

● Mr. GARN. Mr. President, recently an article appeared in the December

issue of the U.S. Naval Institute's publication *Proceedings*. This article, written by Rear Adm. Norman C. Venzke, concisely describes the difficulties of dealing with international drug interdiction. As a former member of the Coast Guard, Rear Admiral Venzke effectively illustrates the enormous task of those who are fighting the war against drugs. He also offers concrete suggestions for improving our international drug interdiction efforts. I highly recommend this article to my colleagues.

Mr. President I ask that the text of the article be printed in the *RECORD*.

The article follows:

[From *Proceedings Magazine*, December 1985]

NOBODY ASKED ME, BUT . . .

(By Rear Adm. Norman C. Venzke, U.S. Coast Guard (Retired))

What is the "Drug War" threat?

Discussions of the "drug war" and various methods for winning it are rampant. But what's the story? Why is it called a war? Where does this war fit in our national strategy? How successful are we in fighting this war? I'd like to share my thoughts on the answers to these questions from my perspective as one who recently retired from the service assigned to front-line duty in this war.

First, the threat can best be measured by the estimated street value of smuggled drugs—more than \$100 billion per year! The adverse effects of that trade are obvious. The drug trade offers no benefits to the United States.

Second, the United States is at war with the drug smuggler. He is a clever adversary whose goal is a form of aggression—monetary greed at the expense of many victims. Also, it is possible that some governments are employing narcotics trafficking as a strategy to undermine democratic societies. And, narcotics profits may be converted into munitions for terrorists. We employ innovative, bold, and flexible tactics to anticipate and defeat the guerrilla-like operations of these traffickers. It is an air and sea operation. We rely heavily on intelligence. We employ operational security precautions to protect our operations from compromise. Effective command and control are required. Well-planned logistics are necessary to support the large numbers of interdicting ships and aircraft. Force, including disabling fire, is required quite often.

Third, the Reagan administration stands strong in the fight against illicit narcotics. Its actions include the development of a national strategy and the formation of the National Narcotics Border Interdiction System (NNBIS).

The "National Strategy for Prevention of Drug Abuse and Trafficking" is a comprehensive approach to reducing the availability of illicit drugs and reducing adverse effects of drug abuse on the individual and society. The five major elements of the administration's drug program are: drug abuse prevention through awareness and action; drug law enforcement; international cooperation to control narcotics; medical detoxification and treatment; and research directed at causes, treatments, and understanding of drug addiction.

Established in 1983, NNBIS coordinates the activities of the many federal, state, and local agencies that must attempt to stop

narcotics at the border. With NNBIS, coordination and intelligence support both have improved significantly.

But how successfully are we waging the drug war at sea? Not as effectively as we could be by a long shot. Interdiction is a "stopgap" measure which buys the time the national strategy needs to reduce the demand for illegal drugs and to eliminate the supply of drugs.

Our maritime marijuana seizures over the past seven years do not suggest any significant trends. No doubt we have hurt the smuggler and increased his cost of doing business. On the other hand, we have not rendered smuggling unprofitable or effectively severed smuggling routes for an extended period of time.

We have not been as successful as we might have been for five reasons:

No one is in charge of drug war operations. Unified action is needed to fight any air/sea war encompassing a large area. NNBIS provides for coordination or, in other words, a loose confederation of agencies. It does not provide effective command and control. Its regional coordinators are divided between the Coast Guard and the Customs Service.

No approved drug interdiction strategy exists. One should be developed within the framework of the national strategy. This is necessary if we are to achieve effective and cost-effective operations over the long haul. Anti-drug running operations are currently planned on an ad hoc basis.

A force mix to fight this war has not been developed. If a "commander in chief" were appointed and an approved interdiction strategy adopted, an appropriate force mix could be developed. Some agencies are proceeding independently in developing their own force mixes for employment in joint jurisdiction areas. Congress has provided needed equipment on its own initiative. These procedures will not result in the most effective force mix in the long run.

Sufficient ships and aircraft are not available to law enforcement agencies (and probably never will be) to meet the requirements which long-term operations demand to counter the threat. Thus, additional support from the U.S. Navy during surge periods is necessary.

Jurisdictional questions among government agencies require resolution. First, the Customs Service and the Coast Guard exercise joint jurisdiction within customs waters (12 miles). Second, the Customs Service has acquired responsibility for interdiction of aircraft, which involves detection of air smugglers over the high seas using long-range patrol aircraft (P-3A). Customs is reportedly considering using medium-range aircraft to detect surface craft on the high seas and is developing "marine modules" for interdiction in customs waters and perhaps beyond.

I offer some recommendations:

Fight the drug war in the same way as any other war: Employ the unified approach.

Improve command and control: Draw upon the successes of Operation Market Time from our days in Vietnam. During that operation, Commander Task Force 115 (CTF-115) commanded all interdiction forces from the demilitarized zone to Cambodia. The U.S. Navy, Coast Guard, and the Royal Thai Navy contributed the forces. CTF-115 divided his forces into four task groups which were comprised of inshore patrol vessels, offshore patrol ships, and Navy patrol aircraft. This approach is in

contrast to maritime drug interdiction operations, where no one officer is responsible for an entire region.

Determine which agency—Customs Service or Coast Guard—has primary responsibility in the at-sea customs business and if there is a real need for developing another federal maritime law enforcement agency.

Assign operational control of all maritime interdiction operations, including air detection and surface interdiction, to the Coast Guard. The proposed area of operations would extend from either the shoreline, or 12-mile limit, seaward depending upon resolution of the question of which agency is responsible for the customs business from the shoreline to the 12-mile limit. This should not impact upon the coordinating role of NNBIS, which has a number of regional coordinators—New York Customs, Miami Coast Guard, New Orleans Coast Guard, Chicago Customs, etc.

Task the Commander Atlantic Area and Commander Pacific Area for interdiction operations within their respective areas (the North Atlantic, Gulf of Mexico and Caribbean, and the Pacific Ocean) and the development of a strategy and required force mix. Currently, the area commanders have been left "out of the loop." Their respective district commanders could serve in the specific role of "task group" commanders without making changes to the existing organization.

As a footnote and in anticipation of an allegation of parochialism, there is a sound rationale for the Coast Guard to have the maritime interdiction mission. The Coast Guard:

Was formed in 1790 to suppress maritime smuggling;

Performed maritime interdiction of whiskey during prohibition;

Participated in Operation Market Time in Vietnam to suppress shipments of munitions;

Possesses the infrastructure necessary for support of ships, boats, and aircraft in maritime law enforcement; and

Has area commanders "double-hatted" as Commanders, Maritime Defense Zone, under their respective fleet commanders in chief. Their wartime duties involve maritime interdiction of various threats—analogs with drug interdiction.

The Coast Guard simply is in the best position to assess the drug threat within its areas of operations.●

RETIREMENT OF DONALD HIRSCH

● Mr. WEICKER. Mr. President, I rise to pay tribute to Mr. Donald Hirsch, who is retiring this month after a distinguished career of public service.

During the past year, I have become very well acquainted with Mr. Hirsch, who has become virtually indispensable as a consultant to the Labor-HHS-Education Appropriations Subcommittee. Time and time again, he has helped us resolve highly complex technical matters relating to appropriations legislation, often working under the pressure of extremely tight deadlines. He has never complained about the long hours due to the all too frequent night sessions of the Senate. I find it hard to understand how Don maintains his cheerful disposition

under the most adverse of circumstances.

For many years prior to his assignment with the Appropriations Committee, Don Hirsch provided valuable technical assistance in his capacity as Assistant General Counsel for the Department of Health and Human Services, and prior to that, as Deputy Chief of the Legislation Division in HHS's Office of the General Counsel. He also served as Deputy Chief of the Education Division and as Special Assistant, to the General Counsel in the former Department of Health, Education, and Welfare. In the early 1960's, Mr. Hirsch was assistant U.S. attorney for the District of Columbia and his governmental service in 1958 was as a legislative attorney for the Department of Health, Education, and Welfare.

He is the recipient of numerous awards, including a Superior Service Award in 1972, a Distinguished Service Award in 1975, a Special Citation from the Secretary of HEW, and a Senior Executive Service bonus award in 1982.

Over the years, Mr. Hirsch has had extensive teaching experience, including many seminars on the legislative process, and frequent lectures on legislative drafting and the legislative and appropriations process. In 1980, he published "Drafting Federal Law," establishing him as one of the Nation's leading experts in this area.

It has been a long journey from his graduation from Harvard Law School in 1958, and the college of arts and sciences at New York University in 1951. That journey included 4 years of service with the U.S. Air Force between 1951-1955. The journey is far from complete, however, since I understand Mr. Hirsch will be active as a consultant and educator following his retirement from Federal civil service.

On behalf of all the members of the Appropriations Committee and its staff, we wish Don Hirsch the best of luck and happiness in his future endeavors.●

ORDERS FOR TUESDAY

RECESS UNTIL 9 A.M.

Mr. SIMPSON. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9 a.m. on Tuesday, December 17, 1985.

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

ROUTINE MORNING BUSINESS

Mr. SIMPSON. Mr. President, following the recognition of the two leaders under the standing order, I ask unanimous consent that there be a period for the transaction of routine morning business, not to extend beyond the hour of 9:30 a.m., with Senators permitted to speak therein for not more than 5 minutes each.

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

NOMINATION OF JAMES L. BUCKLEY

Mr. SIMPSON. Mr. President, at the hour of 11 a.m., the Senate will turn to the consideration of the Buckley nomination under a previous unanimous-consent agreement, with a 1-hour time limitation.

A vote will occur on the confirmation of James L. Buckley.

RECESS FROM 12 NOON UNTIL 2 P.M.

Mr. SIMPSON. Mr. President, I ask unanimous consent that on tomorrow the Senate stand in recess between the hours of 12 noon and 2 p.m. in order for the party caucuses to meet.

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

ORDER OF PROCEDURE

Mr. SIMPSON. Mr. President, when the Senate reconvenes at 2 p.m., the Senate will be expected to turn to any legislative or Executive orders that have been cleared. The Senate may turn to the consideration of the farm credit bill, S. 1884, or the conference reports to accompany H.R. 2100, the farm bill, or House Joint Resolution 465, the continuing resolution.

Rollcall votes can be expected to occur throughout the day on Tuesday.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. SIMPSON. Mr. President, I move that under the previous order, the Senate now stand in recess until the hour of 9 a.m., Tuesday, December 17, 1985.

The motion was agreed to; and the Senate, at 6:47 p.m., recessed until Tuesday, December 17, 1985, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 16, 1985:

DEPARTMENT OF JUSTICE

John R. Bolton, of Virginia, to be an Assistant Attorney General.

U.S. INTERNATIONAL TRADE COMMISSION

Anne E. Brunsdale, of the District of Columbia, to be a member of the U.S. International Trade Commission for the term expiring June 18, 1983.

DEPARTMENT OF COMMERCE

Paul Freedenberg, of Maryland, to be an Assistant Secretary of Commerce.

DEPARTMENT OF THE TREASURY

Francis Anthony Keating II, of Oklahoma, to be an Assistant Secretary of the Treasury.

DEPARTMENT OF THE INTERIOR

Ralph W. Tarr, of Virginia, to be Solicitor of the Department of the Interior.

DEPARTMENT OF ENERGY

John C. Layton, of Virginia, to be inspector general of the Department of Energy.

David M.L. Lindahl, of Virginia, to be Director of the Office of Alcohol Fuels.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Ford Barney Ford, of Virginia, to be a member of the Federal Mine Safety and Health Review Commission for a term of 6 years expiring August 30, 1990.

NATIONAL MEDIATION BOARD

Walter C. Wallace, of New York, to be a member of the National Mediation Board for the term expiring July 1, 1987.

Helen M. Witt, of Pennsylvania, to be a member of the National Mediation Board for the term expiring July 1, 1988.

Charles L. Woods, of California, to be a member of the National Mediation Board for the remainder of the term expiring July 1, 1986.

DEPARTMENT OF EDUCATION

Bruce M. Carnes, of Virginia, to be Deputy Under Secretary for Planning, Budget and Evaluation, Department of Education.

Wendell L. Willkie II, of the District of Columbia, to be general counsel, Department of Education.

DEPARTMENT OF STATE

John Edwin Upston, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Rwanda.

Rockwell Anthony Schnabel, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Finland.

Margaret M. O'Shaughnessy Heckler, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

Fred L. Hartley, of California, for the rank of Ambassador during the tenure of his service as Commissioner General of the United States Exhibition for the International Exposition, Vancouver, British Columbia, Canada, 1986.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Michael H. Mobbs, of the District of Columbia, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

U.S. INFORMATION AGENCY

Charles Edward Horner, of the District of Columbia, to be an Associate Director of the U.S. Information Agency.

SECURITIES AND EXCHANGE COMMISSION

Edward H. Fleischman, of New Jersey, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1987.

NATIONAL INSTITUTE OF BUILDING SCIENCES

Fred E. Hummel, of California, to be a member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 1986.

DEPARTMENT OF JUSTICE

Arnold I. Burns, of New York, to be Associate Attorney General.

MARINE MAMMAL COMMISSION

Robert Elsnor, of Alaska, to be a member of the Marine Mammal Commission for the term expiring May 13, 1987.

DEPARTMENT OF COMMERCE

Alexander Hansen Good, of the District of Columbia, to be Director General of the United States and Foreign Commercial Services.

FEDERAL MARITIME COMMISSION

James J. Carey, of Illinois, to be a Federal Maritime Commissioner for the term expiring June 30, 1990.

DEPARTMENT OF ENERGY

Sylvester R. Foley, Jr., of Florida, to be an Assistant Secretary of Energy (Defense Programs).

DEPARTMENT OF DEFENSE

Chapman B. Cox, of Virginia, to be an Assistant Secretary of Defense.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

David R. Thompson, of California, to be U.S. circuit judge for the ninth circuit.

Bobby Ray Baldock, of New Mexico, to be U.S. circuit judge for the tenth circuit.

Glenn L. Archer, Jr., of Virginia, to be U.S. circuit judge for the Federal circuit.

Frank X. Altimari, of New York, to be U.S. circuit judge for the second circuit.

Patrick A. Conmy, of North Dakota, to be U.S. district judge for the District of North Dakota.

Lynn N. Hughes, of Texas, to be U.S. district judge for the Southern District of Texas.

Morris S. Arnold, of Arkansas, to be U.S. district judge for the Western District of Arkansas.

John T. Noonan, Jr., of California, to be U.S. circuit judge for the ninth circuit.

Deanell Reece Tacha, of Kansas, to be U.S. circuit judge for the tenth circuit.

Garrett E. Brown, Jr., of New Jersey, to be U.S. district judge for the District of New Jersey.

Robert L. Miller, Jr., of Indiana, to be U.S. district judge for the Northern District of Indiana.

Stanley Sporkin, of Maryland, to be U.S. district judge for the District of Columbia.

Alan B. Johnson, of Wyoming, to be U.S. district judge for the District of Wyoming.

J. Spencer Letts, of California, to be U.S. district judge for the Central District of California.

Dickran M. Tevzian, Jr., of California, to be U.S. district judge for the Central District of California.

Harry D. Leinenweber, of Illinois, to be U.S. district judge for the Northern District of Illinois.

George H. Revercomb, of Virginia, to be U.S. district judge for the District of Columbia.

Duross Fitzpatrick, of Georgia, to be U.S. district judge for the Middle District of Georgia.

Harold L. Cushenberry, Jr., of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia for a term of 15 years.

Michael L. Rankin, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia for a term of 15 years.

IN THE AIR FORCE

The following named officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of sections 593, 8218, 8373, and 8374, title 10, United States Code:

To be major general

Brig. Gen. William G. Work, xxx-xx-xxxx FG, Air National Guard of the United States.

To be brigadier general

Col. Ray D. Alry, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Jacob J. Braig, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Alfred P. Bunting, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Jerry W. Cook, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Charles R. Driggers, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Ralph C. Jensen, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Joseph A. Kazek, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Curtis A. Madson, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Roy C. Martin, Jr., xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Ernest C. Park, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. John J. Roark, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Robert L. Slaughter, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. John A. Slifer, Jr., xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Thomas P. Webb, III, xxx-xx-xxxx FG, Air National Guard of the United States.

The following named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Richard A. Burpee, xxx-xx-xxxx FR, U.S. Air Force.

IN THE ARMY

The following named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Robert L. Bergquist, xxx-xx-xxxx (age 54), U.S. Army.

IN THE NAVY

The following named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. William P. Lawrence, xxx-xx-xxxx /1310, U.S. Navy.

The following named captains of the line of the Navy for promotion to the permanent grade of rear admiral (lower half), pursuant to title 10, United States Code, section 824, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

Phillip Don Smith.
David Roland Morris.
Fredrick John Metz.
Edward Bigelow Baker, Jr.
Peter Gordon Chabot.
Jimmie Wilkes Taylor.
John Franklin Calhoun.
George Henry Strohsahl, Jr.
Jesse Jimenez Hernandez.
John William Bitoff.
David Michael Bennett.
Thomas Alexander Mercer.
Leighton Warren Smith, Jr.
Richard Chester Macke.
Henry Clayton McKinney.
David Rogers Oliver, Jr.
Kenneth Leroy Carlsen.
David Brooks Robinson.
George Washington Davis VI.

Arlington Fichtner Campbell.
Jerome Frost Smith, Jr.
Stephen Kent Chadwick.
Glenn Edward Whisler, Jr.
Graig Emery Dorman.
Geoffrey Lynn Chesbrough.
Grady Lee Jackson.
James Bernard Greene, Jr.
Joseph Paul Reason.

RESTRICTED LINE OFFICER—ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

George Richard Meinig, Jr.
Walter Hollingsworth Cantrell.

AERONAUTICAL ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

Larry Eugene Blose.
The following named captains of the U.S. Navy for promotion to the permanent grade of rear admiral (lower half), pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

MEDICAL CORPS

To be rear admiral (lower half)

Russell Larry Marlor.
Daniel Barfield Lestage.
Donald Floyd Hagen.
William Arthur Buckendorf.

SUPPLY CORPS

To be rear admiral (lower half)

Brady Marshall Cole.
Peter Demayo.
Francis Leonard Filipiak.

CIVIL ENGINEER CORPS

To be rear admiral (lower half)

David Elliott Bottorff.
Jon Robert Ives.

DENTAL CORPS

To be rear admiral (lower half)

Milton Chipman Clegg.

MEDICAL SERVICE CORPS

To be rear admiral (lower half)

Donald Eugene Shuler.
The following named officer, under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. Huntington Hardisty, xxx-xx-xxxx /1310, U.S. Navy.

The following named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. James H. Webber, xxx-xx-xxxx /1440, U.S. Navy.

IN THE AIR FORCE

Air Force nominations beginning Donald R. Klein, and ending Wesley G. Petty, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 6, 1985.

IN THE ARMY

Army nominations beginning Mani Bala, and ending Alan P. Weir, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 6, 1985.

Army nominations beginning Benny L. Bachulis, and ending Anthony E. Curcio,

which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 9, 1985.

IN THE COAST GUARD

Coast Guard nominations beginning John J. Clare, and ending Robert P. Sniffen, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 6, 1985.

Coast Guard nominations beginning Barry R. Moore, and ending John H. Wiger, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 9, 1985.

IN THE FOREIGN SERVICE

Foreign Service nominations beginning Frank A. Padovano, and ending John Riesz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 4, 1985.

Foreign Service nominations beginning Gerald W. Harvey, and ending Vincente Tang, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 4, 1985.

IN THE NAVY

Navy nominations beginning Victor H. Ackley, and ending John E. Wilson, which

nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 6, 1985.

Navy nomination of Donald F. Schorr II, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of December 11, 1985.

Navy nominations beginning Briana M. Albert, and ending Eric J. Zintz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 11, 1985.

HOUSE OF REPRESENTATIVES—Monday, December 16, 1985

The House met at 12 o'clock noon.

The Reverend Edward Gardiner Latch, D.D., L.H.D., former Chaplain of the House of Representatives, offered the following prayer:

Trust in the Lord with all your heart; and lean not on your own understanding. In all your ways acknowledge Him and He shall direct your paths.—Proverbs 3:5, 6.

Eternal God, who has given us the morning light, give us also the morning blessing as we lift our hearts unto Thee in prayer.

Grant unto us the blessing of wisdom—not only to make wise choices but also to find the right paths we ought to take.

Grant unto us the blessing of love. Give us grace to rise above the low prejudices that separate people and help us to enter the realm of high principles where all persons are brought together with respect and in good will.

Grant unto us the blessing of faith. In these trying times may we keep our faith in Thee and may this faith keep us strong and good.

As statesmen grant us wisdom, grant us love, grant us faith that in these trying times we fail not man nor Thee.

We pray for the families of those young GI's who were killed in the plane crash. May the time soon come when all planes shall be made safe for flying or perhaps we should get busy and see that this be done soon. 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.

Mr. GEKAS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GEKAS. 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. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 241, nays

121, answered "present" 5, not voting 67, as follows:

[Roll No. 460]

YEAS—241

Ackerman	Gilman	Pease
Akaka	Glickman	Pepper
Alexander	Gonzalez	Perkins
Anderson	Gordon	Petri
Andrews	Gradison	Pickle
Annunzio	Gray (IL)	Porter
Anthony	Gray (PA)	Pursell
Archer	Green	Quillen
Aspin	Hall, Ralph	Rahall
AuCoin	Hamilton	Rangel
Barnard	Haimerschmidt	Ray
Bateman	Hatcher	Regula
Bedell	Hawkins	Reid
Beilenson	Hayes	Richardson
Bennett	Hefner	Rinaldo
Berman	Hefelt	Ritter
Bevill	Hertel	Robinson
Boggs	Horton	Roe
Boland	Howard	Rose
Boner (TN)	Hoyer	Rostenkowski
Borski	Huckaby	Rowland (GA)
Bosco	Hughes	Roybal
Boucher	Hutto	Rudd
Breaux	Hyde	Russo
Brooks	Jeffords	Sabo
Broomfield	Jenkins	Scheuer
Brown (CA)	Johnson	Schneider
Bruce	Jones (NC)	Schulze
Bryant	Jones (OK)	Schumer
Burton (CA)	Jones (TN)	Sharp
Bustamante	Kanjorski	Shelby
Byron	Kaptur	Shumway
Carper	Kastenmeier	Sisisky
Carr	Kemp	Skelton
Chapman	Kennelly	Slatery
Chappell	Kildee	Smith (FL)
Coats	Kleczka	Smith (IA)
Coelho	Kolter	Smith (NE)
Coleman (TX)	Kostmayer	Smith (NJ)
Collins	LaFalce	Snyder
Combest	Lantos	Solarz
Conyers	Leath (TX)	Spratt
Cooper	Lehman (FL)	Staggers
Coyne	Leland	Stallings
Crockett	Levin (MI)	Stark
Daniel	Levine (CA)	Stenholm
Darden	Lipinski	Stokes
Daschle	Livingston	Stratton
de la Garza	Lowry (WA)	Studds
Derrick	Lujan	Swift
Dicks	Luken	Synar
Dingell	Manton	Tallon
Dixon	Markey	Taylor
Donnelly	Matsui	Thomas (GA)
Dorgan (ND)	Mavroules	Torres
Downey	Mazzoli	Torricelli
Duncan	McCloskey	Towns
Dwyer	McCollum	Trafficant
Eckart (OH)	McCurdy	Traxler
Eckert (NY)	McDade	Udall
Edgar	McEwen	Valentine
Edwards (CA)	McHugh	Vento
Erdreich	Mica	Visclosky
Evans (IL)	Miller (CA)	Volkmer
Fascell	Miller (WA)	Watkins
Fazio	Mineta	Weaver
Fish	Mollohan	Wheat
Flippo	Montgomery	Whitley
Florio	Moody	Whitten
Foglietta	Moore	Wilson
Foley	Mrazek	Wirth
Ford (TN)	Murphy	Wise
Fowler	Murtha	Wolpe
Frank	Natcher	Wortley
Franklin	Nichols	Wright
Frost	Nowak	Wyden
Garcia	Oaker	Wylie
Gaydos	Oberstar	Yates
Gejdenson	Olin	Yatron
Gephardt	Packard	
Gibbons	Panetta	

NAYS—121

Armey	Gunderson	Penny
Badham	Hendon	Roberts
Bartlett	Henry	Roemer
Barton	Hiler	Rogers
Bentley	Holt	Roth
Bereuter	Ireland	Roukema
Billie	Jacobs	Rowland (CT)
Boehlert	Kasich	Saxton
Boulter	Kindness	Schaefer
Burton (IN)	Kolbe	Schroeder
Callahan	Kramer	Schuetz
Carney	Lagomarsino	Sensenbrenner
Chandler	Latta	Shaw
Chappie	Leach (IA)	Sikorski
Cheney	Lent	Siljander
Clay	Lewis (CA)	Skeen
Cobey	Lewis (FL)	Slaughter
Coble	Lightfoot	Smith, Denny
Coleman (MO)	Lloyd	(OR)
Conte	Lott	Smith, Robert
Coughlin	Lungren	(NH)
Craig	Mack	Smith, Robert
Crane	Madigan	(OR)
Dannemeyer	Marlenee	Snowe
Daub	Martin (IL)	Solomon
DeLay	McCain	Strang
DeWine	McCandless	Stump
Dickinson	McKernan	Swindall
Dreier	McMillan	Tauke
Durbin	Meyers	Tauzin
Edwards (OK)	Michel	Thomas (CA)
Emerson	Miller (OH)	Vander Jagt
Evans (IA)	Mitchell	Vucanovich
Fawell	Molinar	Walker
Fiedler	Monson	Weber
Fields	Moorhead	Whitehurst
Frenzel	Morrison (WA)	Whittaker
Gallo	Myers	Wolf
Gekas	Nielson	Young (FL)
Gingrich	Oxley	Zschau
Goodling	Parris	
Grotberg	Pashayan	

PRESENT—5

Bonker	Obey	Waxman
Martinez	Seiberling	

NOT VOTING—67

Addabbo	Feighan	Morrison (CT)
Applegate	Ford (MI)	Neal
Atkins	Fuqua	Nelson
Barnes	Gregg	O'Brien
Bates	Guarini	Ortiz
Blaggi	Hall (OH)	Owens
Billakis	Hansen	Price
Bonior (MI)	Hartnett	Ridge
Boxer	Hillis	Rodino
Brown (CO)	Hopkins	Savage
Broyhill	Hubbard	Shuster
Campbell	Hunter	Spence
Clinger	Lehman (CA)	St Germain
Courter	Loeffler	Stangeland
Davis	Long	Sundquist
Dellums	Lowery (CA)	Sweeney
DioGuardi	Lundine	Walgren
Dornan (CA)	MacKay	Weiss
Dowdy	Martin (NY)	Williams
Dymally	McGrath	Young (AK)
Dyson	McKinney	Young (MO)
Early	Mikulski	
English	Moakley	

□ 1215

Mr. CARR changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Boldface type indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, 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. 3914. An act to preserve the authority of the Supreme Court Police to provide protective services for Justices and Court personnel.

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

S.J. Res. 214. Joint resolution to provide for the reappointment of Carlisle H. Humelsine as a citizen regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 215. Joint resolution to provide for the reappointment of William G. Bower as a citizen regent of the Board of Regents of the Smithsonian Institution.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT TODAY DURING 5-MINUTE RULE

Mr. MINETA. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be permitted to sit today, Monday, December 16, 1985, during the 5-minute rule of the House.

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

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
December 13, 1985.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 10:20 a.m. on Friday, December 13, 1985, the following message from the Secretary of the Senate: That the Senate passed H.R. 3918, H.R. 3919, H.R. 1627, H. Con. Res. 247, and H. Con. Res. 239.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Thursday, December 12, 1985:

H.J. Res. 476. Joint resolution making further continuing appropriations for fiscal year 1986.

And the following enrolled bills on Friday, December 13, 1985:

H.R. 664. An act to amend the Panama Canal Act of 1979 with respect to the payment of interest on investment of the United States;

H.R. 729. An act 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;

H.R. 1534. An act to convert the temporary authority to allow Federal employees to work on a flexible or compressed schedule under title 5, United States Code, into permanent authority;

H.R. 2976. An act to direct the Secretary of Agriculture to release the condition requiring that a parcel of land conveyed to New York State be used for public purposes and to convey U.S. mineral interests in the parcel to New York State;

H.R. 3735. An act to designate the pedestrian walkway crossing the Potomac River at Harpers Ferry National Historical Park as the "Goodloe E. Byron Memorial Pedestrian Walkway";

H.R. 3085. An act to clear title to certain lands along the California-Nevada boundary;

H.R. 1627. An act to designate certain National Forest System lands in the State of Kentucky for inclusion in the National Wilderness Preservation System, to release other forest lands for multiple use management, and for other purposes;

H.R. 3919. An act to extend temporarily the Dairy Price Support Program and certain Food Stamp Program provisions, and for other purposes; and

H.R. 3918. An act to extend until December 18, 1985, the application of certain tobacco excise taxes, trade adjustment assistance, certain Medicare reimbursement provisions, and borrowing authority under the Railroad Unemployment Insurance Program.

UNFAIR TRADE PRACTICES

(Mr. BONKER asked and was given permission to address the House for 1 minute.)

Mr. BONKER. Mr. Speaker, many of us learned over the weekend that the White House has backed away from its much heralded plan to penalize the next generation of Japanese semiconductor imports if those products are coming in at less than market value.

The allegation has been made that Secretary Baldrige has "overstepped" the authority given to him by the President. Actually, the Commerce Department was carrying out the Presidential trade offensive announced in September, to set up a "strike force" to deal with the unfair trade practices that exist.

A Washington Post article noted that the White House reacted after aides there were subjected to heavy lobbying all week by lawyers for the Japanese industry who wanted to narrow the scope of possible penalties.

Mr. Speaker, it is obvious to anyone familiar with the trade issue in this town what is going on. Former high-ranking officials in the Reagan Ad-

ministration are now employed by law firms and consultants to represent foreign interests often at odds with our own Nation's best interests.

This reminds me of the example set by former Pentagon officials going to work for defense contractors, profiting from their knowledge and contacts gained by their work experience in the Federal Government.

Perhaps it is time that Congress placed some restrictions on this practice so that we can allow our Government to deal more effectively with our trade problems.

THE COMMUNIST SANDINISTA REGIME IN NICARAGUA

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

Mr. LAGOMARSINO. Mr. Speaker, it seems you can't pick up a newspaper these days without reading about some further abuses or persecution carried out by the Communist Sandinista regime in Nicaragua.

In recent days there have been reports of 300 opposition figures detained for questioning by the Communist Sandinistas. There have also been accounts of Roman Catholic bishops from Central America accusing Nicaragua's Government of persecuting the church and mistreating detainees.

The bishops' statement was released following a message sent by Pope John Paul last week to Nicaraguan Catholics which complained about "various forms of intimidation" against priests and church members. Cardinal Obando Y Bravo and Salvadoran Archbishop Rivera Y Damas were among those reported to have issued the statement condemning the Sandinista Communists.

And just today, the press is carrying a lengthy report of an interview with American labor leader Bill Doherty saying, "The Sandinista dictatorship is even worse than the Somoza dictatorship." In today's report he also says, "There are more Sandinistas, the true Sandinistas, fighting in the freedom forces than there are in the Sandinista militia."

□ 1230

IT IS YOUR ONLY CHANCE

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

Mr. ROEMER. Mr. Speaker, the President is trying to get Republicans to support the Ways and Means tax bill. It is going to be tough, Mr. President. You cannot argue for the substance of the bill since it flies in the face of everything you claim to stand

for. It is antigrowth; it is antijobs. It adds complexity to the code.

Anyone who argues that it is simple, is. How can we ask American workers to accept a slightly lower marginal tax rate and lose their job in return? Bad trade. No, you cannot sell the bill on its merits. You cannot argue the process either. Ways and Means insists on closed rule, with no chance to amend their bill. No chance to impose a corporate and wealthy minimum tax and apply the proceeds to the deficit. What kind of process is that?

In addition, our Constitution demands that revenue bills originate in the House, not passed blindly over to the Senate. The process is a good reason to vote "no," Mr. President: not "yes." Your only chance, Mr. President, is to follow the example of a late Louisiana politician, Gov. Earl Long. When trying to get votes for a tax bill, and told by a north Louisiana legislator, "I am with you when you are right, Governor," Earl responded, "Hell, I do not need you when I am right."

Since you are wrong on this one as to substance and to process, Mr. President, you have got to try the old, cold political statement. I do not need you when I am right. Will it work? I do not know, but it is your only chance.

ON AN ABUSE OF POWER

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

Mr. SOLOMON. Mr. Speaker, this could be a very sad day in the history of the House of Representatives. Today, the Foreign Affairs Committee will be asked to authorize the contempt citation of two American citizens. Mr. Speaker, this body should be very careful never to abuse the powers and to be arrogant when it comes to its citizens.

Not only that, Mr. Speaker, but this action is being brought because one Member, the chairman of the House Asia-Pacific Subcommittee, a Democrat on your side of the aisle, insists on being inflexible; insists on carrying out a witchhunt to bring down the leader of a sovereign nation and ally of this country. Mr. Speaker, that is disgraceful, and I certainly hope that this House will not be a party to it.

SURPLUS BUTTER ALLOTMENT CUT

(Mr. WILSON asked and was given permission to address the House for 1 minute.)

Mr. WILSON. Mr. Speaker, I am really pleased so many of the more powerful Members on the floor at this particular time so that I can finally get their attention on the butter issue.

As I have spoken four or five times previously, the Agriculture Department has cut the surplus butter allotment to the poor in half all over the country. I really think that this is something that Members should be interested in on both sides of the aisle. Let me tell you why they did this. They did this because the margarine people complained that they were not selling enough margarine, and so the butter allotment was cut into half of what the very poorest of the poor in Indiana can get. I do not see how anybody could approve of that.

Let me tell the Members what the options were that the Agriculture Department had. They have three programs they can cut. They can cut the School Lunch Program and make them buy margarine that they do not want. They can cut the nonprofit hospital programs and make them buy margarine. They can cut the SSI nutrition for pregnant mothers and AFDC programs, and thereby please this powerful margarine lobby which I never heard of.

What did they do? Of course, what they did was leave the hospitals alone because the hospitals have boards of directors that have power. They let the school kids alone because the school kids' parents have power, and what they did was cut the hungry children of the poor, and we are going to continue to hear about that until the more powerful Members of my party get interested.

AMENDING TITLE XVIII AND TITLE XI OF THE SOCIAL SECURITY ACT

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

Mr. HAMMERSCHMIDT. Mr. Speaker, the administration of the prospective payment system has generated many comments and suggestions by the health care community. Since 1983, many Arkansas physicians, hospital administrators, and Medicare patients have contacted me about their problems with the prospective payment system. Based on the information collected from these meetings, letters, and calls, I introduced three bills on November 19 which respond to some of their concerns with the system.

The Medicare Program, since its inception, had utilized a retrospective cost-based method of hospital reimbursement. That system provided little incentive for hospitals to be cost-conscious in their provision of services because the more they spent for Medicare allowable costs, the more they were reimbursed.

In the 1982 Tax Equity and Fiscal Responsibility Act [TEFRA], as a means of controlling hospital costs, Congress required that the Department of Health and Human Services [HHS] develop a proposal for a prospective reimbursement. At that

time hospital costs were rising at twice the rate of overall inflation. Based on the TEFRA amendment, the prospective payment system became title VI of the Social Security Amendments of 1983.

The prospective payment system of reimbursement became operational on or after October 1, 1983. Arkansas was one of the first six States to operate under the new system. During the last 2 years, health care professionals in Arkansas have had a number of problems with the program, some of which may have a more severe impact on smaller, nonurban hospitals. It seems to me that in other States, hospitals in nonurban areas would experience similar problems.

My first bill, H.R. 3781, would require the Secretary of HHS, by regulation, to take into account the relative severity of an illness within particular diagnosis related groups [DRG's]. Currently, the DRG classification system does not take into account the severity of illness within each category. In each DRG there can be a wide variation in the length of hospitalization and the amount of resources needed to treat individual patients. And, unless a patient's condition far exceeds the norm and falls into the outlier categories, there is no way to increase the reimbursement for the expensive and lengthy hospital stays. I'd like to present one example of how hospitals are adversely affected by not having a severity of illness index.

Some small nonurban hospitals in Arkansas are located in areas that had been engaged in the mining industry. Many of those who worked for years in the mines have a condition called chronic obstructive pulmonary disease. I'm informed that when hospitalized these patients often run up bills of \$5,000 but that hospitals are being reimbursed under the prospective payment system in the range of \$1,700. Administrators at these hospitals have stated that they can't absorb this amount of loss. And the people in Arkansas can't afford to lose these hospitals. Furthermore, in my State, if a hospital were to close, the next closest hospital could be 80 or 90 miles away.

My second bill, H.R. 3782, extends to providers and practitioners the same right of appeal that is available to Medicare recipients. Currently, if a claim is denied at the reconsideration level, only the patient has the right to pursue an appeal to the administrative law judge and, if necessary, for judicial review. Patients, however, have little incentive to pursue an appeal because they are not responsible for the costs. Recently released patients are often frail. Most are unfamiliar with the legal process. These conditions, coupled with their lack of financial responsibility, explain why patients often lack the incentive to continue an appeal through the rigors of the multilevel appeals process.

The current statutory provision excludes a practitioner or provider from appealing an adverse determination by a peer review organization [PRO] beyond the reconsideration level. Many physicians and hospital administrators in Arkansas feel that be-

cause it is the providers and practitioners who bear the financial burden when a claim is denied, they should have the right to pursue an appeal to the administrative hearing and judicial review. Additionally, many physicians believe that they should have the right to pursue an appeal under the due process clause of the Constitution.

It has been suggested that many claims are denied by the PRO because the participants in the decisionmaking process are not using the same standards to make decisions. This results in delays and unnecessary denials. Many of these denials are administratively based and not clinically based. It seems that these problems may stem from the overlay of a very new and complex reimbursement system on an old and ingrained one. It is difficult to believe that the Prospective Payment Program has never included any comprehensive training that imparts similar knowledge and information to all of the program's participants. If all participants in the program—the attending physicians, the review coordinators, physician advisers, appropriate personnel of the fiscal intermediary and the hospitals—were similarly trained, there should be a reduction in the number of cases denied as well as all of the costs connected with unnecessary appeals.

My third bill, H.R. 3783, would require that each PRO develop its own training model in accordance with its State developed criteria and Federal regulations. Training would involve all of the individuals that are a part of the decisionmaking process. Each PRO would receive funds for training at the rate of 20 cents for each eligible Medicare beneficiary for each of the first 2 contract years, and for the next 2 contract years would be 15 cents and 10 cents respectively. For each contract year thereafter the amount would be equal to 10 cents increased by a factor that approximates the increase in inflation. Training would be ongoing as both the system and participants are continually changing.

Although there are other concerns with the prospective payment system that need to be addressed, particularly quality of care, I believe that the bills I've introduced will make some important improvements in the system. I urge my colleagues to review this proposed legislation and become cosponsors of these bills.

THE 101ST AIRBORNE DIVISION: PEACEMAKERS

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

Mr. SKELTON. Mr. Speaker, like so many Americans this time of year, John Trosper Bradley, Jr., of Henley, MO, of my district, was traveling home last week to be with his family during the holidays. Tragically, however, his journey, and the journeys of 247 other members of 101st Airborne Division, ended abruptly when the chartered plane on which they were

flying crashed in Gander, Newfoundland.

The fate of Specialist Fourth Class Bradley and his comrades has a tragic irony. Having been spared any combat casualties during their tour of duty as peacekeepers in the violent Middle East, descriptions of the crash site relate that those dedicated men and women died in a quite field strewn with festively wrapped Christmas presents.

At times like this, words seem inadequate to express the grief we all share over the untimely loss of so many young lives. However, it is my most fervent hope that the loved ones of those who died will find solace in words spoken almost 2,000 years ago: "Blessed are the peacemakers: for they shall be called the children of God."

Today, I am adding my name as cosponsor with the gentleman from Kentucky [Mr. HUBBARD] and the gentleman from Tennessee [Mr. SUNDBQUIST] to a resolution in memory of our lost soldiers of the 101st Airborne Division, and I extend my sympathy to their families and to their comrades and to their commanding officer, Maj. Gen. Burton Patrick.

LETTERS TO VIETNAM MIA'S BEING THROWN OUT

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

Mr. BURTON of Indiana. Mr. Speaker, today it was reported that a woman whose husband was listed as missing in action in Vietnam in 1970 said Sunday she found a garbage can full of letters, most of them unopened, addressed to MIA's in care of the Vietnam Mission to the United Nations. A spokesman for that mission said, "Such mail is routinely thrown out because there is too much of it to be processed."

Mr. Speaker, can you imagine that? At this time of the year? People who have loved ones who have not been found in Vietnam, MIA's, write letters to them in the hope that someday they will be found and the letters will be delivered, find that the Vietnam Mission to the United Nations takes that mail and just throws it in the trash.

Now we support that mission with our tax dollars; 25 percent of the U.N. expenses are paid for by the United States of America, and I think this Congress ought to make a formal demand to the Vietnam Mission to the United Nations to make sure there is a sympathetic response to every one of those Vietnam MIA letters. I think it is extremely important, especially at this time of the year.

IT IS TIME TO ABANDON THE "ROYALIST" POSITION ON TAX REFORM

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

Mr. DURBIN. Mr. Speaker, early this morning as I was driving from Springfield, IL, to St. Louis, MO, to catch a flight, the radio announcer said that today we are observing the anniversary of the Boston Tea Party. In 1773, 212 years ago, a band of willful colonists protested the unfairness of British taxes by dumping tea in the Boston Harbor. King George did not get the message. A revolution followed.

This afternoon the President meets with our Republican colleagues to convince them that they should join the new American Revolution against our unfair tax system. Last week, the Tories in the House stood firm against tax reform. Only 14 Republicans supported the President on the Ways and Means bill.

We can only hope that this afternoon's tea party hosted by President Reagan for Republican House Members will result in a decision by the Republicans to change their votes, abandon their royalist position, support their President, and vote for tax reform before it is too late.

SAVE FOR THE U.S.A. WITH SAVINGS BONDS

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

Mr. GROTEBERG. Mr. Speaker, last week the House passed a resolution to designate 1986 as "Save for the U.S.A. Year." I, along with my colleague from Ohio, MARCY KAPTUR, sponsored this resolution to fill a gap which exists in Congress and the executive branch. Despite the fact that Americans reduced the costs to the Federal Government as a result of lower interest costs by \$2 billion in 1984 through the purchase of savings bonds, Congress and the President have not played a prominent role in the promotion of this savings and investment tool. Our resolution urges the President and Congress to actively campaign for savings bonds. The President is urged to kick off a national "Buy Back America" campaign during the state of the Union address in January. In addition, over 1 million Federal employees regularly purchase U.S. savings bonds through payroll allotment. Only 7 percent of the 12,000 employees of the House of Representatives regularly purchase bonds. We're ignoring our own back yard by not communicating the benefits of savings bonds to congressional employees.

I urge my colleagues to take part in the program, and pass along your commitment to your staff and constituents.

□ 1240

THE LURE OF REDSKINS TICKETS IS STING OPERATION'S CENTERPIECE

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

Mr. HUGHES. Mr. Speaker, I rise today to salute the U.S. Marshals Service and the Washington, DC, Metropolitan Police, for the successful sting operation they carried out over the weekend.

Using the promise of Washington Redskins tickets as bait, they lured more than 100 of the area's most wanted criminals into the D.C. Convention Center, where they were quickly put under arrest.

The criminals were taken completely by surprise. No shots were fired, no lives were jeopardized, and the operation was a total success.

This sting operation is just one example of how innovative crime-fighting programs are being developed and put to use by the U.S. Marshals Service and other law enforcement agencies these days. It is such techniques and strategy that is encouraged by the Justice Assistance Act of 1984.

It just goes to show you that our law enforcement community can indeed stay one step ahead of the criminals, if the Congress provides the support, tools and financial resources they need to do the job.

I hope my colleagues will keep this need in mind as the various budget and appropriations bills for our law enforcement agencies are considered in the months ahead.

UNITED NATIONS COMMENDED FOR TAKING A STAND AGAINST TERRORISM

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

Mr. BEREUTER. Mr. Speaker, we do not receive too much good information about the United Nations, but when that body does something that is commendable, I think we ought to recognize it here in the Congress.

Last week the General Assembly of the United Nations, after a decade of debate, passed a resolution condemning "as criminal all acts, methods and practices of terrorism wherever and by whomever committed . . ." in whatever form, wherever conducted, and by that action, although long delayed, is certainly to be commended. The only dissenting vote was by—guess which country? Cuba.

Now the United Nations should address its attention to the Vienna Convention. The Vienna Convention is aimed at protecting diplomatic missions and diplomats. Surely the United Nations ought to be able to agree on reasonable penalties by all nations against terrorism aimed at diplomats and diplomatic missions. That is one of the next logical steps for the United Nations and I hope the General Assembly will now take that step. As the Washington Post editorially commented today: "It is a long way from word to deed: But saying the right word is important and finally, on terrorism, the U.N. has said it."

SIX NATIONS FETED BY THE BEYOND WAR FOUNDATION FOR EFFORTS AGAINST NUCLEAR WAR

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

Mr. DOWNEY of New York. Mr. Speaker, an extraordinary event occurred on Saturday. The very prestigious Beyond War Foundation based in San Francisco gave its annual award to the five continent peace initiative. There are six countries—Greece, Sweden, Tanzania, India, Argentina, and Mexico—which have gotten together to try and explain to the superpowers the fact that they believe they have a role to play in reducing the likelihood of nuclear war.

In Delhi, on January 28, 1985, they produced a resolution that asked for two things from the superpowers: First, that they stop testing of nuclear weapons underground; and second, to prevent the militarization of outer space.

Most recently, on Saturday, the Beyond War Foundation recognized these six leaders from across the globe and had each one of them speak. Amazingly enough Olof Palme, the Prime Minister of Sweden, renewed his request to the superpowers that if there was some difficulty in the monitoring of nuclear weapons testing underground, these six countries and indeed the technological capabilities of the Swedes would be more than happy to be placed at our disposal to stop nuclear weapons testing.

It was a small blip on the radar screens of political notice in this country. It received some notoriety in papers on the west coast, but it is likely to spread, and I urge my colleagues to learn more about this very worthy endeavor by these six countries.

CALL FOR INVESTIGATION INTO HIRING PRIVATE AIRLINES TO TRANSPORT MILITARY PERSONNEL

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

Mr. GEKAS. Mr. Speaker, the tragedy of the air crash that took the lives of 248 American servicemen is beyond description, and all of us feel a sense of loss, as we should. But it will become even more tragic if developments reveal that the crash was due to poor maintenance or to some practices on the part of someone or some entity which led inexorably to the tragedy itself.

We want to know, in the wake of this crash: what are the practices of hiring private airlines for the lifting of servicemen from one place to another? We want to know: what are the qualifications required of an airline to qualify for such contracts?

We want to know the full story, Mr. Speaker, so that whatever the tragic results, already so monumental in this regard, they will not become even more severe in the future.

SOLIDARITY WITH SOVIET JEWRY

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

Mr. HOYER. Mr. Speaker, this past weekend the Jewish festival of lights, Hanukkah, commemorating the ancient struggle for religious freedom, came to a close. We now look ahead to the Christmas holiday, when the precious gift of life and personal freedom are uppermost in our minds. In Washington and other cities around the country it has become traditional during this joyous season for Jews, Christians, and people of goodwill from other proud faiths to unite in defense of Soviet Jewry.

I want to draw the attention of my colleagues today to the efforts of one such group of concerned citizens—eight rabbis and a Catholic priest—who demonstrated within 500 feet of the Soviet Embassy on May 1, of this year. By an act of civil disobedience they dramatized the plight of Soviet Jewry. In so doing, they followed the moral precepts of the ancient Hebrew Sage Hillel, whose biblical commentaries form the basis of sermons to this day. Hillel taught: "If I am not for myself who is for me; and being for my own self what am I? If not now when?"

If I am not for myself who is for me; and being for my own self what am I? Mr. Speaker, the group of Jewish and Christian clerics who demonstrated in solidarity at the Soviet Embassy exer-

cised their rights of free speech and association. These are the birthright of every American. They also felt compelled by reasons of conscience to take further action beyond the limits prescribed by law and in so doing sought to make political statements regarding the plight of Soviet Jews. They were prepared to take the consequences prescribed by the District law. Five of the rabbis from the Washington metropolitan area have chosen 2-weeks in prison instead of the suspended sentence and a fine as imposed by the District court for demonstrating too close to the U.S.S.R. Embassy. Those five rabbis are Harold Steven Bavar, of Greenbelt, Leonard Cahane, of Potomac, Bruce Kahn, of Chevy Chase, Mark Levine, of Silver Spring, and David Oder, of Gaithersburg.

If not now when? For the 2 weeks of their symbolic protest, it is fitting that we do our part as well in drawing public attention to the grim conditions under which Soviet Jewry must live. Mr. Speaker, the Reagan-Gorbachev summit, at which the President forthrightly raised the concern of the American people for human rights, has engendered some yet-to-be-realized hopes that conditions might ease for Soviet Jewry. Despite the resolution of a very few cases, the road to freedom still remains closed to an estimated 30,000 to 50,000 refuseniks. Among them are approximately 200 people who have been refused for more than a decade and over 30 prisoners of Zion who languish in Soviet prisons and labor camps. The Soviet anti-Zionist committee continues to circulate its vicious libel. Jewish cultural activists are targeted for vilification and physical attack.

According to the State Department, since the summer of 1984, Soviet authorities have tried 16 Jews for cultural activism. The last was the sentencing in October of Leonid Volvovsky to 3 years' confinement for anti-Soviet slander. Iosie Begun, a prisoner of conscience since 1982, is suffering greatly in a punishment cell in Chistopol prison. Denied physical nourishment—in the freezing cell he is without warm clothing and must subsist on bread and water every second day—he is also denied spiritual sustenance. His pleas for a bible are scornfully ignored. In the same prison is Anatoly Shcharansky, whose health continues to deteriorate. In and out of isolation cells, he tenaciously insists on his right to emigrate and join his wife Avital in Israel.

Mr. Speaker, in closing, I would only say that by their act of civil disobedience the religious leaders I have honored today have helped to focus public opinion on the plight of Soviet Jewry. We in Congress also must act upon our own consciences and use the power vested in us by the American people to keep the spotlight of world opinion on this important cause.

U.S. DEFENSES AT RISK IF MARCOS GOVERNMENT FALLS

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

Mr. RUDD. Mr. Speaker, to the critics who would bring the Marcos government of the Philippines down and install instead a Communist government, let me remind them that the Philippines is the geopolitical key to the rapidly developing Pacific Basin and the Orient and a key to the defense of the United States in the Pacific. The Soviets know this and have placed a third of their surface submarine and air capability force and the full force of their disinformation operation machine in the area to obtain the support of gullible American apologists and critics to set a Communist government there.

These same critics were instrumental in bringing down the friendly governments of Cuba, Iran, Vietnam, Cambodia, and Nicaragua, but once the brutal Communist governments were installed in their stead the critics rapidly disappeared.

Mr. Speaker, we must take care that this does not happen in the Philippines.

Mr. Speaker, I include for the perusal of my colleagues an article by Jeane Kirkpatrick which appeared in today's Washington Post, as follows:

[From the Washington Post, Dec. 16, 1985]

MARCOS AND THE PURISTS

(By Jeane J. Kirkpatrick)

There is more at stake in the Philippines than two U.S. bases or the continuation of the Marcos regime. Look at the map. The Philippines' location is of enormous geopolitical significance. To the north lie Taiwan, Japan, Korea and the People's Republic of China; to the west Vietnam; to the south Malaysia and other Asian states. Economically, this is the most dynamic region in the world. U.S. trade with the nations of the Pacific Rim is growing rapidly and has already surpassed our trade with Europe. Technology and industry give these Pacific nations a strategic importance equal to that of Western Europe. But they are much more vulnerable to outside military pressures.

NATO forces protect the independent nations of Western Europe, but no such alliance system offsets Soviet proximity and power in the Pacific. There is only the United States operating from two bases in the Philippines. "It is," as a U.S. military commander commented to me last year, "very nearly all we've got there."

That fact has not escaped the attention of the global chessmasters in the Kremlin.

The overriding U.S. goal in the Pacific is, I assume, to preserve the sovereignty of the independent nations that exist there. It would be bad for them and bad for us if those nations were incorporated into the "socialist world system," their industrial power available to the Soviet empire, their territory available for the projection of Soviet military might—as Vietnam lends Cam Ranh Bay to the Soviet Pacific fleet.

The Soviet Union's lively interest in the North Pacific has been manifest in its dramatic military buildup in that region, a buildup that has already altered the balance of power. The Soviet Pacific fleet already contains roughly one-third of all its submarines, surface combat vessels and naval aircraft. The Soviet air force in the four easternmost districts of the U.S.S.R. has been dramatically expanded to more than 3,000 combat aircraft. The number of their intermediate-range missiles in Asia more than doubled from 1982 through 1984, and the number of Soviet ground forces east of the Urals, including those on the Sino-Soviet border, has increased from a mere 150,000 in 1965 to more than one-half million today.

Yet from reading the American press one would think that President Ferdinand Marcos is the "focus of evil" in the contemporary world and that his government is the major threat to American interests in Asia. Day after day American newspapers, news weeklies and network newscasts treat Marcos' real and imagined failures, inefficiencies and corruption as though they were extraordinary and unique. They are not. Of 159 member states of the United Nations, at least 100 are probably governed more poorly than the Philippines.

One of the many disturbing aspects of the current campaign against the government of the Philippines is that similar or more serious charges could be made against many, if not most, of the independent governments in the area. Most exhibit authoritarian tendencies, have serious internal divisions, harbor low-level insurgencies, suffer corruption, and, in some cases, sponsor violence. Most, but not all, have made more impressive economic progress than the Philippines, but they too are beginning to encounter difficulties.

It is not the first time we have seen obsessive intolerance displayed by a government in a nation of great strategic importance to the United States. Remember Batista, Ngo Dinh Diem of Vietnam, Lon Nol of Cambodia, the Shah of Iran, Anastasio Somoza? The failings of each were magnified by people who played on American political purism as skillfully as Iago played on Othello's doubts.

Yet once these rulers had fallen, those who worked indefatigably to bring them down quickly forgot them and had little to say about the more tragically repressive, aggressive dictatorships imposed by their successors. Will a continuation of the current economic, diplomatic and political campaign against the government of the Philippines produce similar consequences?

There are real problems in the Philippines. There are real economic problems caused by corporatism, monopoly and corruption, problems that have been made worse by a U.S. insistence in international fiscal institutions and private banks that the Philippines meet standards we would not dream of imposing on, say, Mexico.

There are real political problems in the Philippines, some that led to the brutal murder of Benigno Aquino, and some others that have little to do with the Marcoses.

There are real military problems in the Philippines created by an armed guerrilla movement whose brutality is graphically described by Time correspondent Ross H. Munro in the current issue of Commentary Magazine. And there is a Philippine army without experience or training in counterinsurgency.

That is not all. There are Americans in Congress, in the executive branch and in

the press who believe that bringing down Marcos is the overriding goal of U.S. policy in the Pacific.

But the U.S. interest in the Pacific is different. The U.S. goal must be to protect the independent nations of the region and to help, as appropriate, Filipinos build a more effective democracy. Many countries in the world are worse governed than the Philippines. None is more important to the stability and security of the United States, Japan and other independent nations in the Pacific.

Choosing a Philippine government is their business. Protecting American interests is ours.

TAX REFORM WOULD RESULT IN NOT RECESSION BUT TAX FAIRNESS

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

Mr. DORGAN of North Dakota. Mr. Speaker, there are some who are trying to portray tax reform as something that will promote recession. That is absolute nonsense. Let me tell the Members what tax reform will cause. It will cause not a recession; it will cause those who are not paying taxes to start paying some.

There are 29,000 Americans earning over \$250,000 each paid less than 5 percent in taxes; nearly 5,000 Americans earning over a million dollars each paid nothing; and 65 American corporations earning a total of \$50 billion in 3 years paid zero.

These are the folks who want us to believe that if we pass a tax bill, it will cause a recession. I will tell the Members what it will cause. It will cause those folks to pay the same kind of taxes that working people have been paying for a long time. They do not want to do that. That is tough. Good government requires that they pay taxes.

The vote on the floor of the House is not on a recession because this will not cause a recession. The vote is: Do you believe in tax reform or do you not? When the vote comes, vote yes, if you care about it, because most Members on this floor and most people in politics have been making a living talking about how they are going to support tax reform. The time has come. If you vote no, it means you do not care about forcing the big shots to pay the same taxes the rest of the folks in this country have been paying for years, and I think that is a shame.

□ 1250

NO TAX CREDIT FOR SPECIAL INTERESTS

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

Mr. SCHEUER. Mr. Speaker, I appreciate the words of the gentleman

from North Dakota, Mr. BYRON DORGAN, who just preceded me.

I think we should do exactly that and I think we ought to go even further. We took away the investment tax credit and we lengthened out depreciation, but we did it across the board, which does not seem to indicate any particular national policy.

We juggled tax rates. We juggled loopholes. We juggled exemptions, but we did not seem to have any clear evidence of where we are going.

It seems to me that what we ought to do is to preserve the investment tax credit and to preserve accelerated depreciation for the productive sectors of our economy that are in desperate competition with foreign manufacturers and we ought to take away these excessively generous tax benefits from those protected sectors of the economy, the apartment house builders, the hotel builders, the shopping center builders and the luxury apartment builders who are not in competition with anybody and who are building something that really is not very high on our national priorities list.

We have got to give radical incentives in our productive economy. Right now we are saving less than 5 percent of our GNP. The Japanese are doing four times better than that. That is why they are outproducing us.

TRIBUTE TO HARD WORKING CONFEREES

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

Mr. BROWN of California. Mr. Speaker, I take this moment just to pay tribute to our colleagues who worked so hard over the weekend to produce a conference agreement on a number of important bills. I know we will hear much more discussion of these conference reports later on in the week when we get around to discussing them; but I think there is much that we can take satisfaction from in the agreements that have been reached.

I think we all ought to be aware that they would not have been reached, those agreements would not have been reached, unless a lot of our colleagues spent a lot of hours over the weekend. I was not one of them. I was able to relax a little bit, but I think they deserve a great deal of credit, and particularly on the farm bill under the leadership of the gentleman from Texas [Mr. DE LA GARZA] and the appropriation bill for continuing appropriations.

I think we reached agreements which in the long run were in the interests of the House position and in the interests of the Nation. I want to commend our colleagues for doing that.

IS PRESIDENT REAGAN SERIOUS ABOUT DEFICIT REDUCTION?

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

Mr. GRAY of Pennsylvania. Mr. Speaker, I would like my colleagues in the House to know that on Friday I received a most extraordinary letter from the Director of the OMB, James C. Miller III, on the reconciliation bill now in conference.

Director Miller said reconciliation is of great importance, and I agree; but then he said the administration does not like some of the specific provisions being considered by the conferees, and that unless action is taken to significantly revise or delete them, the President's senior advisers will recommend that he veto the bill.

This raises in the starkest possible form the fundamental question about the economic policy of this administration. Is the President serious about deficits?

I fear that the truth is that this administration objects to the fact that the reconciliation proposal that we now have before us raises some revenues, principally by just keeping the cigarette tax at its current rate.

The administration has not faced up to the realities of the budget, and they still have deficit reduction at the bottom of their list of priorities—all rhetoric and no substance. In fact, after this letter from the OMB Director, I have to question whether it appears on their list at all.

THE PRESIDENT'S LAST CHANCE FOR TAX REFORM

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

Mr. SCHUMER. Mr. Speaker, in a few hours the President of this country will appear before our colleagues on the other side of the aisle and ask them to vote for tax reform.

Mr. President, if you have any magic left in your bag of tricks, use it today, because today is the last chance for tax reform in this Congress and probably in this decade.

Mr. President, you are going before your Republican caucus like King Henry did before Pope Gregory at his castle in Canossa. You are in sackcloth with ashes on your forehead and you are putting your fate in the hands of your Republican colleagues.

This is it, Mr. President. There is no last chance other than this one today for tax reform. Let us hope that you can work your magic and persuade our good colleagues on the other side of the aisle that this bill is a worthy bill, a bill worth supporting, a bill good for your party and good for this country.

THE IMPORTANCE OF ELIMINATING USELESS TAX SHELTERS

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

Mr. SEIBERLING. Mr. Speaker, I am addressing this primarily to our Republican colleagues, but I know a lot of my Democratic colleagues feel the same way.

I was very concerned when I first read the tax bill about the impact on our national competitiveness of the effect of eliminating the investment tax credit, the ACR's and the other incentives to capital investment, particularly in high capital intensive industries, of which there are many in my part of Ohio; but the more I looked at this bill and the more I talked to businessmen, I began to realize that the most important feature of this bill is eliminating a lot of the useless tax shelters, real estate and buildings that can never possibly pay off, and yet people are investing billions of dollars in them simply because they get a tax shelter for the rest of their income.

If we can have business investment based on economic factors, rather than tax gimmicks, we are going to have more capital available for industry, we are going to have more profitable industry, and there is no question about that, resulting from the lower overall rates, and we are going to have the capital necessary at reasonable rates to make our industries competitive.

That took a lot of study and a long time thinking about this problem, but that is where I come out and I thought I would share that with you.

HAVE YOU READ THE TAX BILL?

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

Mr. EMERSON. Mr. Speaker, I rise to ask the gentleman from Ohio how many times he has had the opportunity in the week that the bill has been available to read that 1,350-page tax bill.

FEDERAL EMPLOYEES BENEFITS IMPROVEMENT ACT OF 1985

Ms. OAKAR. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3384) to amend title 5, United States Code, to expand the class of individuals eligible for refunds or other returns of contributions from contingency reserves in the employees health benefits fund; to make miscellaneous amendments relating to the civil service retirement system and the Federal Employees Health Benefits Program; and for other purposes, with a Senate amend-

ment thereto, and concur in the Senate amendment with amendments.

The Clerk read the title of the bill.

The Clerk read the House amendments to the Senate amendment, as follows:

Page 1, strike line 9 and all that follows thereafter through page 3, line 21, and insert in lieu thereof the following:

(a) DEFINITIONS.—Section 8901 of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(11) 'certified nurse-midwife' has the same meaning given to such term in section 1905(m) of the Social Security Act; and

"(12) 'qualified clinical social worker' means an individual—

"(A) who is licensed or certified as a clinical social worker by the state in which such individual practices; or

"(B) who, if such State does not provide for the licensing or certification of clinical social workers—

"(i) is certified by a national professional organization offering certification of clinical social workers; or

"(ii) meets equivalent requirements (as prescribed by the Office)."

(b) NURSES AND NURSE-MIDWIVES.—Section 8902(k) of title 5, United States Code, is amended by striking out "or optometrist" each place it appears and inserting in lieu thereof "optometrist, nurse, or certified nurse-midwife".

(c) CLINICAL SOCIAL WORKERS.—Section 8902(k) of title 5, United States Code, is further amended—

(1) by striking out "(k)" and inserting in lieu thereof "(k)(1)";

(2) by striking out the last sentence; and

(3) by inserting at the end thereof the following:

"(2) When a contract under this chapter requires payment or reimbursement for services which may be performed by a qualified clinical social worker, an employee, annuitant, family member, or former spouse covered by the contract shall be entitled under the contract to have payment or reimbursement made to him or on his behalf for the services performed. As a condition for the payment or reimbursement, the contract—

"(A) may require that the services be performed pursuant to a referral by a psychiatrist; but

"(B) may not require that the services be performed under the supervision of a psychiatrist or other health practitioner.

"(3) The provisions of this subsection shall not apply to group practice prepayment plans."

(d) EFFECTIVE DATES.—The amendments made by subsections (a), (b), and (c) shall be effective with respect to contracts entered into or renewed for calendar years beginning after December 31, 1986.

Page 10, lines 1 and 2, strike "physician or nurse;" and insert in lieu thereof "physician, nurse, or other licensed health professional with training in occupational safety and health;"

Page 10, line 14, strike "fitness;" and insert in lieu thereof "fitness, including weight reduction;"

Page 11, lines 5 and 6, strike "physicians and dentists;" and insert in lieu thereof

"physicians, dentists, and other licensed health professionals;"

Page 11, line 12, strike "production" and insert in lieu thereof "productivity".

Page 13, line 18, after "public health," insert "school of nursing,"

Page 13, after line 21, insert the following:

(B) the authority of the Director of the Office of Personnel Management to enter into contracts or to make grants under subparagraph (A) is effective for fiscal year 1986 and subsequent fiscal years only to such extent or in such amounts as are provided in appropriation Acts.

Page 13, line 22, strike "(B)" and insert in lieu thereof "(C)".

Page 14, after line 10, insert the following:

SEC. 110. ADDITIONAL TYPE OF HEALTH BENEFITS PLAN.

Paragraph (4) of section 8903 of title 5, United States Code, is amended by adding at the end thereof the following new subparagraph:

"(C) MIXED MODEL PREPAYMENT PLANS.—Mixed model prepayment plans which are a combination of the type of plans described in subparagraph (A) and the type of plans described in subparagraph (B)."

SEC. 111. REPEAL OF 75 PERCENT MAXIMUM IN GOVERNMENT CONTRIBUTIONS.

(a) REPEAL OF 75 PERCENT MAXIMUM.—Section 8906(b)(2) of title 5, United States Code, is amended to read as follows:

"(2) The biweekly Government contribution for an employee or annuitant enrolled in a plan under this chapter shall not exceed 100 percent of the subscription charge."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective with respect to pay periods commencing on or after March 1, 1986.

SEC. 112. RESTRICTIONS RELATING TO AMOUNTS REFUNDED TO THE EMPLOYEES HEALTH BENEFITS FUND FROM CARRIERS' SPECIAL RESERVES.

(a) PROHIBITED TRANSFERS.—(1) No amount in the Employees Health Benefits Fund may be transferred to the general fund of the Treasury of the United States or the United States Postal Service as a result of a refund described in paragraph (2).

(2) This subsection applies with respect to any refund made by a carrier during fiscal year 1986 or 1987 to the Employees Health Benefits Fund to the extent that such refund represents amounts in excess of the minimum level of financial reserves necessary to be held by such carrier to ensure the stable and efficient operation of its health benefits plan.

(b) RESTRICTION RELATING TO USE OF CERTAIN AMOUNTS IN THE FUND.—(1) Any amount which is in the Employees Health Benefits Fund, and which is described in paragraph (2), may be used solely for the purpose of paying the Government contribution under chapter 89 of title 5, United States Code, for health benefits for annuitants enrolled in health benefits plans.

(2) This subsection applies with respect to any amounts—

(A) which are referred to in subsection (a)(2); and

(B) which are attributable to Government contributions (other than contributions by the government of the District of Columbia) that were made under section 8906(b) of title 5, United States Code, as determined under regulations which the Office of Personnel Management shall prescribe.

(c) DEFINITIONS.—For the purpose of this section—

(1) the term "Employees Health Benefits Fund" refers to the fund described in section 8909(a) of title 5, United States Code;

(2) the term "carrier" has the meaning given such term by section 8901(7) of such title; and

(3) the term "health benefits plan" has the meaning given such term by section 8901(6) of such title.

Page 16, line 14, insert "on or" after "occurring".

Page 17, line 6, strike "to" and insert in lieu thereof "in the case of".

Page 17, strike lines 10 through 18 and insert in lieu thereof the following:

"(B)(i) The requirement described in clause (ii) shall not apply to an election made by an employee or Member under section 8339(j)(3) of title 5, United States Code (as amended by section 2(3)(A) of this Act), in order to provide a survivor annuity under section 8341(h) of such title (as amended by section 2(4)(G) of this Act) in the case of a former spouse referred to in subparagraph (A) if the election meets the requirements of clause (iii).

"(ii) The requirement referred to in clause (i) is the requirement prescribed in section 8339(j)(3) of title 5, United States Code, for an employee or Member to make an election in the case of a former spouse under such section 8339(j)(3) at the time of retirement or, if later, within 2 years after the date on which the marriage of the former spouse to the employee or Member is dissolved.

"(iii) Clause (i) applies to an election which is made by an employee or Member who retires on or after May 7, 1985, and before the date of the enactment of the Federal Employees Benefits Improvement Act of 1985, and is received by the Office of Personnel Management within the 2-year period beginning on the date of the enactment of such Act.

Page 18, line 9, strike "May 7, 1985" and insert in lieu thereof "the date of the enactment of this Act".

Page 19, line 4, strike "(6)" and insert in lieu thereof "(5)".

Page 20, line 3, strike "(6)" and insert in lieu thereof "(5)".

Page 22, line 17, through page 24, line 11, strike section 202 and redesignate the following sections accordingly.

Page 32, after line 9, add the following:

SEC. 305. MINIMUM ANNUITY UNDER THE CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM

(a) REPEAL.—Section 8345(f) of title 5, United States Code, is repealed.

(b) SAVINGS PROVISION.—An annuity payable from the Civil Service Retirement and Disability Fund as of the day before the date of enactment of this Act shall not be reduced—

(1) by reason of the repeal of section 8345(f) of title 5, United States Code; or

(2) if or to the extent that the reduction is to be made for the purpose of eliminating an overpayment resulting from the manner in which such section 8345(f) has been administered by the Office of Personnel Management.

(c) RATIFICATION OF ERRONEOUS PAYMENTS.—Any individual to whom an overpayment of an annuity has been made from the Civil Service Retirement and Disability Fund before the date of enactment of this Act shall be deemed to have been entitled to that overpayment if and to the extent that such overpayment resulted from the manner in which the Office of Personnel

Management has administered section 8345(f) of title 5, United States Code.

(d) ADJUSTMENTS OF CERTAIN REDUCTIONS.—(1) Effective for any month after the date of enactment of this Act, the amount of any annuity which—

(A) is payable from the Civil Service Retirement and Disability Fund; and

(B) was reduced after June 30, 1985, and before the date of enactment of this Act, to eliminate any overpayment resulting from the manner in which the Office of Personnel Management administered section 8345(f) of title 5, United States Code,

shall not be less than the amount which would have been payable as of such date of enactment if the reduction described in clause (B) had not been made.

(2)(A) The Office shall make a lump-sum payment to each individual receiving an annuity to which paragraph (1) applies.

(B) The lump-sum payment made to any individual under this paragraph shall be equal to the excess of—

(i) the total amount of the annuity payments which would have been made to the individual for the period beginning with the first month in which the reduction described in paragraph (1)(B) was made and ending on the last day of the month in which this Act is enacted if the reduction had not been made, over

(ii) the total amount of the annuity payments which have been paid to such individual for that period.

SEC. 306. CIVIL SERVICE BENEFITS FOR FORMER EMPLOYEES OF COUNTY COMMITTEES.

(a) RETENTION.—Section 3502(a)(C) of title 5, United States Code, is amended by striking out "who is an employee in or under the Department of Agriculture".

(b) RATE OF PAY ON CHANGE OF POSITION.—Section 5334(e) of title 5, United States Code, is amended—

(1) by inserting a comma after "may"; and

(2) by striking out "under the Department of Agriculture".

(c) ACCRUAL AND ACCUMULATION OF LEAVE.—The first sentence of section 6312 of title 5, United States Code, is amended by striking out "in the case of any officer or employee in or under the Department of Agriculture".

SEC. 307. 18-MONTH PERIOD TO ELECT A SURVIVOR ANNUITY UNDER THE CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM.

(a) IN GENERAL.—Section 8339 of title 5, United States Code, is amended by adding at the end thereof the following:

"(o)(1)(A) An employee or Member—

(i) who, at the time of retirement, is married, and

(ii) who notifies the Office at such time (in accordance with subsection (j)) that a survivor annuity under section 8341(b) of this title is not desired,

may, during the 18-month period beginning on the date of the retirement of such employee or Member, elect to have a reduction under subsection (j) made in the annuity of the employee or Member (or in such portion thereof as the employee or Member may designate) in order to provide a survivor annuity for the spouse of such employee or Member.

"(B) An employee or Member—

(i) who, at the time of retirement, is married, and

(ii) who at such time designates (in accordance with subsection (j)) that a limited portion of the annuity of such employee or Member is to be used as the base for a

survivor annuity under section 8341(b) of this title,

may, during the 18-month period beginning on the date of the retirement of such employee or Member, elect to have a greater portion of the annuity of such employee or Member so used.

"(2)(A) An election under subparagraph (A) or (B) of paragraph (1) of this subsection shall not be considered effective unless the amount specified in subparagraph (B) of this paragraph is deposited into the Fund before the expiration of the applicable 18-month period under paragraph (1).

"(B) The amount to be deposited with respect to an election under this subsection is an amount equal to the sum of—

(i) the additional cost to the System which is associated with providing a survivor annuity under subsection (b)(2) of this section and results from such election taking into account (I) the difference (for the period between the date on which the annuity of the participant or former participant commences and the date of the election) between the amount paid to such participant or former participant under this subchapter and the amount which would have been paid if such election had been made at the time the participant or former participant applied for the annuity, and (II) the costs associated with providing for the later election; and

(ii) interest on the additional cost determined under clause (i) of this subparagraph computed using the interest rate specified or determined under section 8334(e) of this title for the calendar year in which the amount to be deposited is determined.

"(3) An election by an employee or Member under this subsection voids prospectively an election previously made in the case of such employee or Member under subsection (j).

"(4) An annuity which is reduced in connection with an election under this subsection shall be reduced by the same percentage reductions as were in effect at the time of the retirement of the employee or Member whose annuity is so reduced.

"(5) Rights and obligations resulting from the election of a reduced annuity under this subsection shall be the same as the rights and obligations which would have resulted had the employee or Member involved elected such annuity at the time of retiring.

"(6) The Office shall, on an annual basis, inform each employee or Member who is eligible to make an election under this subsection of the right to make such election and the procedures and deadlines applicable to such election."

(b) EFFECTIVE DATE AND APPLICATION.—(1) The amendment made by subsection (a) shall take effect 3 months after the date of the enactment of this Act.

(2)(A) Subject to paragraph (B), the amendment made by subsection (a) shall apply with respect to employees and Members who retire before, on, or after such amendment first takes effect.

(B) For the purpose of applying the provisions of paragraph (1) of section 8339(o) of title 5, United States Code (as added by subsection (a) of this section) to employees and Members who retire before the date on which the amendment made by subsection (a) first takes effect—

(i) the period referred to in subparagraph (A) or (B) of such paragraph (as the case may be) shall be considered to begin on the date on which such amendment first becomes effective; and

(ii) the amount referred to in paragraph (2) of such section 8339(o) shall be computed without regard to the provisions of subparagraph (B)(ii) of such paragraph (relating to interest).

(3) For purposes of this subsection, the terms "employee" and "Member" each has the meaning given that term in sections 8331(1) and 8331(2) of title 5, United States Code, respectively.

Ms. OAKAR (during the reading). Mr. Speaker, I ask unanimous consent that the House amendments to the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentlewoman from Ohio?

Mr. TAYLOR. Mr. Speaker, reserving the right to object, I yield to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, first, I want to point out that these amendments have been cleared with the minority.

H.R. 3384 passed the House last September 30 under suspension of the rules. The bill permitted health insurance premium rebates to civil service annuitants—rebates which the Justice Department has ruled are not authorized under existing law. The bill also made needed improvements in the Federal Employees Health Benefits Program and the Civil Service Retirement Spouse Equity Act. The Senate amendment makes further improvements in these areas.

The House amendments correct an unfortunate situation which has resulted in about 4,000 widows and widowers losing eligibility for a minimum survivor annuity, permit survivor elections by certain civil service retirees, and clarify the law concerning certain benefits for employees of county committees under the Agriculture Department. These latter amendments are, as I understand it, acceptable to the other body.

Mr. Speaker, today the House will consider H.R. 3384, the Federal Employees Benefits Improvement Act of 1985. This legislation passed the U.S. House of Representatives on September 30, 1985, under suspension of the rules. Its purpose is to make all enrollees, including Federal annuitants, eligible for refunds from the Federal Employees Health Benefits Program [FEHBP], and to make other necessary changes in the FEHBP and the civil service retirement system.

This legislation was the result of extensive hearings held by the Subcommittee on Compensation and Employee Benefits, which I chair, on the need for reform in the Federal Employees' Health Insurance Program. In addition, H.R. 3384 made a number of technical changes in a law, enacted last year, which guarantees survival

benefits for former spouses of Federal employees.

On November 19, the Senate Committee on Governmental Affairs approved H.R. 3384 with an amendment in the nature of a substitute. The amended legislation passed the Senate on December 11. The Senate's action, however, failed to include one key provision from the original House bill and several other provisions supported by the chairman of the Senate Subcommittee on Civil Service, Post Office, and General Services. Consequently, I am asking my colleagues to again vote in favor of H.R. 3384, this time with five amendments.

The first amendment I am offering to H.R. 3384 would permanently eliminate the 75-percent ceiling on the Federal Government's contribution to the FEHBP premium, effective March 1, 1986. By allowing for the full Government contribution, this amendment should lower the cost of health insurance for more than 1 million FEHBP subscribers. In a year when Federal workers and annuitants can expect no pay raise and possibly no retirement COLA, this change is especially important. The proposal to remove the 75-percent cap has a history of past support by the administration, the health insurance carriers, and Federal employee organizations. I urge its support by my colleagues today.

The second amendment to H.R. 3384 restates and modifies slightly a requirement included in the Omnibus Budget Reconciliation Act of 1985, H.R. 3500. H.R. 3500 prohibits the transfer of any moneys from the Federal Employees Health Benefits fund into the general treasury. My amendment to H.R. 3384 would require that moneys transferred from special reserves into the FEHBP contingency reserves be used only to offset the Federal Government's contribution to FEHBP premiums for annuitants. In this way, we will ensure that all FEHBP funds remain in the program and are used only to benefit Federal participants.

A third amendment, authored by the distinguished ranking minority member of the Committee on Post Office and Civil Service, Mr. Taylor, would extend certain benefits to former employees of county committees established under the Soil Conservation and Domestic Allotment Act.

The final two amendments would make technical changes in the Civil Service Retirement System and the Health Benefits Program. The first of these would repeal an outdated provision affecting the retirement system. The other amendment relates to the FEHBP. Currently, either group-practice or individual practice comprehensive plans may participate in the health program. Under my final amendment mixed model plans, which

are a combination of both, would be allowed to participate in the FEHBP.

Mr. Speaker, this legislation and the five amendments will improve the operation of the FEHBP to the benefit of Federal subscribers. I urge my colleagues' approval of H.R. 3384 as amended, and I hope the Senate will approve this legislation with equal dispatch.

Mr. TAYLOR. Mr. Speaker, I would just like to endorse what the gentlewoman from Ohio has said. She has worked hard to bring about a rectification of these situations which have arisen, that have adversely and unfairly affected our Federal employees.

I certainly endorse the amendments that the gentlewoman has offered and would urge the House to adopt them.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentlewoman from Ohio?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the House amendments to the Senate amendment just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has been concluded on all motions to suspend the rules.

EXTENDING SMALL BUSINESS ADMINISTRATION PILOT PROGRAMS

Mr. MITCHELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2787) to extend through fiscal year 1988 SBA pilot programs under section 8 of the Small Business Act.

The Clerk read as follows:

H.R. 2787

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

SECTION 1. (a) Subparagraph (B) of section 8(a)(1) of the Small Business Act is amended by striking out "other than the Department of Defense or any component thereof".

(b) The designation of an agency pursuant to the amendment made by subsection (a) shall be made not later than sixty days after the date of enactment of this Act.

SEC. 2. The last sentence of section 8(a)(1) of the Small Business Act is amended to read as follows: "No contract may be entered into under subparagraph (B) after September 30, 1988."

SEC. 3. The last sentence of section 8(a)(2) is amended to read as follows: "The authority to waive bonds provided in this paragraph (2) may not be exercised after September 30, 1988."

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Maryland [Mr. MITCHELL] will be recognized for 20 minutes and the gentleman from Florida [Mr. IRELAND] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. MITCHELL].

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

Mr. Speaker, I rise in support of H.R. 2787.

The purpose of this bill is to extend through September 30, 1988 two pilot programs administered by the Small Business Administration [SBA]. These pilots are intended to promote the competitive viability of firms owned and controlled by disadvantaged individuals who are participating in SBA's capital ownership and development program.

Under the Procurement Pilot Program, the President is to designate an agency that will participate with the SBA in an effort to secure a steady stream of contracts for small businesses owned by the socially and economically disadvantaged.

The Surety Bond Pilot Program is intended to help startup firms owned and controlled by disadvantaged individuals to obtain a "track record" needed to secure bonds in the private sector.

Both pilot programs have been extended twice before by the Congress. The extension proposed by H.R. 2787 is needed to obtain more empirical evidence necessary to evaluate properly these approaches to running the Capital Ownership and Development Program.

This measure enjoys the strong bipartisan support of our committee which ordered the bill favorably reported by a vote of 38 to 1.

I reserve the balance of my time.

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

Mr. Speaker, the chairman of the committee has outlined, I believe, sufficiently the nature of this legislation.

The pilot program and the designation particularly last year of the De-

partment of Transportation was quite successful. The legislation has had near unanimous support in the committee.

Mr. Speaker, I rise in strong support of the legislation.

Mr. ADDABBO. Mr. Speaker, I rise in support of H.R. 2787, a bill to extend two SBA pilot programs authorized under section 8(a) of the Small Business Act.

Investigatory hearings held on the pilot programs by the House Small Business Committee clearly demonstrated a need to extend the Procurement Pilot Program primarily because the Federal agencies are still using blatant and arbitrary procedures to deny contracting opportunities to qualified 8(a) concerns. Until such time as these agencies become completely receptive to awarding quality contracts to these concerns, the SBA increased authority under the pilot program must be maintained.

The Surety Bond Waiver Pilot Program could, if properly implemented, effectively assist 8(a) concerns in establishing a track record needed to obtain bonding on their own. Instead, SBA chooses to defy the law and not give this program a fair test.

I would urge my colleagues to support the extension of both measures which is vital to the economic development of minority business concerns.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland [Mr. MITCHELL] that the House suspend the rules and pass the bill, H.R. 2787.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2787, the bill just passed.

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

There was no objection.

SENTENCING REFORM AMENDMENTS ACT of 1985

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3837) to extend the deadline for the submission of the initial set of sentencing guidelines by the U.S. Sentencing Commission, and for other purposes.

The Clerk read as follows:

H.R. 3837

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 "Sentencing Reform Amendments Act of 1985".

SEC. 2. DEADLINE FOR INITIAL SET OF SENTENCING GUIDELINES.

(a) EXTENSION.—Section 235(a)(1)(B)(i) of the Comprehensive Crime Control Act of 1984 is amended by striking out "eighteen" and inserting "30" in lieu thereof.

(b) TECHNICAL AMENDMENT.—Section 235(a)(1)(B)(i) of the Comprehensive Crime Control Act of 1984 is amended by striking out "to section" and inserting "under section" in lieu thereof.

SEC. 3. CONFORMING CHANGE IN TITLE 28, UNITED STATES CODE.

Section 994(q) of title 28, United States Code, is amended by striking out "within three years" and all that follows through "Act of 1983" and inserting in lieu thereof "not later than one year after the initial set of sentencing guidelines promulgated under subsection (a) goes into effect".

SEC. 4. CONFORMING CHANGE IN COMPREHENSIVE CRIME CONTROL ACT OF 1984.

Section 235(a)(1) of the Comprehensive Crime Control Act of 1984 is amended by striking out "twenty-four" and inserting "36" in lieu thereof.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Michigan [Mr. CONYERS] will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. GEEKS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

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

Mr. Speaker, H.R. 3837 is a straightforward bill that simply extends by 1 year the deadline for the newly created U.S. Sentencing Commission to submit to Congress the initial set of sentencing guidelines that Federal judges will use when sentencing convicted defendants. These guidelines are the heart of the new Federal sentencing system established last year by the Sentencing Reform Act.

That act provided the Sentencing Commission with 18 months in which to draft the initial guidelines. Unfortunately, 12 of those 18 months were consumed in establishing the Commission—appointing, confirming, and swearing in Commission members. This was not anticipated. Indeed, the legislative history is clear that the Sentencing Commission was expected to be established late last year, soon after enactment of the Sentencing Reform Act, rather than late this year.

The result of the delay in getting the Commission organized has been to reduce the time available to it for the substantive work of producing the initial sentencing guidelines. The initial guidelines presently must be submit-

ted to Congress by next April 13, a virtually impossible task.

The Commission has, therefore, requested an extension of the deadline. The Commission has asked for an additional 12 months, and H.R. 3837 provides it with that time. The additional 12 months simply restores to the Commission the time that was lost in the process of naming and confirming Commission members. H.R. 3837 does just that.

Mr. Speaker, H.R. 3837 has bipartisan support. It is endorsed by the U.S. Sentencing Commission, and was unanimously reported by the Subcommittee on Criminal Justice. I urge my colleagues to support it.

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Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I rise in support of H.R. 3837.

This legislation would extend by 1 year the deadline for promulgation of initial guidelines by the U.S. Sentencing Commission. The bill is necessary because the Sentencing Commissioners have only recently been confirmed and thus have but 6 short months until the original due date for the initial guidelines.

Mr. Speaker, the Sentencing Commission was established by Congress as a part of the Comprehensive Crime Control Act fully recognizing the immense effect it would have on the criminal justice system. We allocated 18 months in the original statute to the development of initial guidelines—and I think no less a period is desirable or even practical.

Sentencing guidelines will have a lasting impact on how our laws are made and enforced for decades to come and it is certainly unwise to rush these guidelines into effect before they can be properly formulated.

Mr. Speaker, I know of no controversy over this bill and I urge its passage today under suspension of the rules.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. I thank the gentleman for yielding this time to me.

Mr. Speaker, as both gentlemen before me have said, this is required because of the terms of the 1984 Comprehensive Crime Control Act. That act, which probably is the most comprehensive and far-reaching crime measure ever to see this Congress in any year, is important in many features.

In my judgment, perhaps the sentencing changes are the most important single set of changes that are found in that entire act. The Sentencing Commission has an important role. Its role basically is to establish those guidelines that would be used to create

a conformity of sentencing procedures across this Nation.

The need for this has vividly been brought forward to a number of Members. I know personally, having an individual in my own district coming to me and talking about it. Someone who had served time in the Federal prison system for an offense with respect to the use of narcotics. The point made to me by this individual was the tremendous disparity in the sentence she received in a Federal courtroom in Texas versus the sentences that were being given in other States of the Union, particularly her own home State of California, that is, the Federal courts in those areas.

It is a problem, a serious problem, with respect to the entire Federal judicial system. In addition, it is the judgment of many of us that the Parole Commission approach does not work; that somehow setting a sentence at the time of trial really does not mean anything; that the only people who pay attention to it and believe that it means anything are the public, and the victim and the victim's family, is not good for our society, is not good for the credibility of the law, is not good for the institution of courts and that, in fact, instead of playing that guessing game of the Parole Commission, that is, after a person has been sentenced, within about 120 to 180 days having the Parole Commission review it completely and set its sentence, and then after a third to a half of that new sentence is served, have the Parole Commission come in again and set a further sentence, and that all that confusion and uncertainty really does no good.

What we ought to have is what many of us have been talking about on this floor for a long period of time, and that is truth in sentencing: The sentence given at the time of trial is the sentence to be served, absent just a short amount of time for good time.

So this extension does nothing to change any of the premises I have mentioned; rather, it gives the Sentencing Commission the time to come up with the guidelines that hopefully will be put into effect. So I hope no one is misjudging this action and believing that somehow by extending the life of the Commission we somehow do not believe that the Parole Commission ought to be ultimately abolished, that we do not believe that we ought to have the conformity of sentencing, that we do not believe that we ought to have truth in sentencing.

As a matter of fact, we believe that even more firmly than we did when we brought this to the floor a year ago. This is necessary not just because, as some have suggested, the executive branch did not act with all dispatch. With all due respect, the judicial branch did not act with all due dispatch, and it is necessary to have their

input so that we have guidelines that are workable, that are guidelines that not only take into consideration the parameters we have established, but the experience of the Federal court system, the judges who have been there for some time.

So I urge support of this particular bill before us.

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

Mr. Speaker, one correction for the RECORD. When I spoke of a technical provision that extended a life, I was referring to the life of the Parole Commission. We do not want the parole process to die before the sentencing guidelines are created, so we stretch out the period of the life of the parole process to allow the Sentencing Commission work to be completed.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I thank my colleagues and the ranking minority member, the gentleman from Pennsylvania [Mr. GEKAS].

Mr. RODINO. Mr. Speaker, I rise in support of the bill.

The need for the bill is simple. When the Sentencing Reform Act was enacted late last year, the Sentencing Commission was expected to be established and begin functioning very soon after enactment. This did not take place. In fact, the Commission's members were not appointed until late September of this year, and the Commission was not organized until late October of this year.

Consequently, the Commission has lost about a year of time that could have been spent doing the substantive work of drafting sentencing guidelines. The Commission is now faced with a task of completing in 5 months—by April 13 of next year—what it was intended to have 18 months to complete. This is virtually impossible if the job is to be done properly.

H.R. 3837 simply gives the Commission an additional 12 months to do its important, substantive work of drafting sentencing guidelines. The bill is endorsed by the Sentencing Commission and has bipartisan support on the Committee on the Judiciary. I urge my colleagues to support it.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CONYERS] that the House suspend the rules and pass the bill, H.R. 3837.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3837, the bill just passed.

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

There was no objection.

JUDICIAL IMPROVEMENTS ACT
OF 1985

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3570) to amend title 28, United States Code, to reform and improve the Federal justices and judges survivors' annuities program, and for other purposes as amended.

The Clerk read as follows:

H.R. 3570

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 "Judicial Improvements Act of 1985".

SEC. 2. JUDICIAL SURVIVOR'S ANNUITIES AMENDMENTS.

(a) **BENEFIT REFORMS.**—Section 376 of title 28, United States Code, is amended as follows:

(1) Subsection (a)(1) is amended by striking out "or (iii) the date upon which the Judicial Survivors' Annuities Reform Act becomes effective;" and inserting in lieu thereof "(iii) January 1, 1977; or (iv) January 1, 1986;"

(2) Subsections (b) and (d) are each amended by striking out "4.5 percent" each place it appears and inserting in lieu thereof "5 percent".

(3) Subsection (c) is amended to read as follows:

"(c)(1) There shall also be deposited to the credit of the Judicial Survivors' Annuities Fund, in accordance with such procedures as the Comptroller General of the United States may prescribe, amounts required to reduce to zero the unfunded liability of the Judicial Survivors' Annuities Fund. Such deposits shall, subject to appropriations Acts, be taken from the fund used to pay the compensation of the judicial official, and shall immediately become an integrated part of the Judicial Survivors' Annuities Fund for any use required under this section.

"(2) For purposes of paragraph (1), the term 'unfunded liability' means the estimated excess, determined by the Comptroller General on an annual basis, of the present value of all benefits payable from the Judicial Survivors' Annuities Fund, over the sum of—

"(A) the present value of deductions to be withheld from the future basic pay of judicial officials; plus

"(B) the balance in the Fund as of the date the unfunded liability is determined.

In making any determination under this paragraph, the Comptroller General shall use the applicable information contained in the reports filed pursuant to section 9503 of title 31, United States Code, with respect to the judicial survivors' annuities plan established by this section.

"(3) There are authorized to be appropriated such sums as may be necessary to carry out this subsection."

(3) Subsection (h) is amended—

(A) in paragraph (1)(B), by striking out clauses (i) and (ii) and inserting in lieu thereof the following:

"(i) 10 percent of the average annual salary determined under subsection (1)(1) of this section; or

"(ii) 20 percent of such average annual salary, divided by the number of children;"

(B) in paragraph (1)(C) by striking out clauses (ii) and (iii) and inserting in lieu thereof the following:

"(i) 20 percent of the average annual salary determined under subsection (1)(1) of this section; or

"(ii) 40 percent of such average annual salary amount, divided by the number of children;" and

(C) in paragraph (2) by inserting immediately after "remarriage" the following: "before attaining age 55".

(4) Subsection (1) is amended—

(A) by striking out "1½ percent" and inserting in lieu thereof "1.5 percent";

(B) in paragraph (2) by striking out the colon after "subsection" and inserting in lieu thereof a semicolon; and

(C) by striking out the proviso and inserting in lieu thereof the following: "except that such annuity shall not exceed an amount equal to 55 percent of such average annual salary, nor be less than an amount equal to 30 percent of such average annual salary. Any annuity determined in accordance with the provisions of this subsection shall be reduced to the extent required by subsection (d) of this section."

(5) Subsection (a) is amended—

(A) in paragraph (1)(C) by inserting "or Deputy Director" immediately after "Director"; and

(B) in paragraph (2)(C) by inserting "or Deputy Director" immediately after "Director".

(b) **BENEFICIARIES.**—The benefits conferred by section 376 of title 28, United States Code, by reason of the amendments made by this section shall apply only to individuals who become eligible for annuities under such section on or after the effective date of this section, except that—

(1) such annuities shall be computed in accordance with the provisions of section 376 of title 28, United States Code, as amended by this section, notwithstanding contributions or deposits made in accordance with applicable law at lower rates; and

(2) no additional liability shall be created with respect to deposits made in accordance with applicable law before the effective date of this section, or after such effective date pursuant to an agreement entered into before such effective date.

(c) **REVOCATION.**—(1) Within 180 days after the effective date of this section, any judicial official who, before such effective date, made an election under section 376 of title 28, United States Code, to come within the purview of that section, shall be entitled to revoke that election. Such revocation shall constitute a complete withdrawal from the judicial survivors' annuities program provided for in such section 376. No such revocation shall be effective unless it is submitted in writing to the Director of the Administrative Office of the United States Courts, and until such writing is received by the Director. Upon receipt by the Director of such writing, any rights to survivorship benefits for the survivors of such judicial official shall terminate, and all amounts credited to

the individual account of such judicial official under section 376(e), together with interest at 3 percent per annum, compounded on December 31 of each year to such date of revocation, shall be returned to that judicial official in a lump-sum payment.

(2) Any judicial official who makes a revocation under paragraph (1) of this subsection and who thereafter becomes eligible to make an election under section 376(b) of title 28, United States Code, may make such election only if such judicial official redeposits, to the credit of the Judicial Survivors' Annuities Fund, the full amount of the lump-sum payment made to such judicial official under paragraph (1) of this subsection, together with interest at 3 percent per annum, compounded on December 31 of each year from the date of such revocation until the date upon which that amount is so redeposited.

(3) Any judicial official who fails to revoke an election in accordance with paragraph (1) of this subsection shall be deemed to have irrevocably waived the right to make that revocation.

(d) **ANNUITIES FOR FORMER SPOUSES.**—

(1) Section 376 of title 28, United States Code, is amended in subsection (a)—

(A) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(B) by adding at the end the following new paragraph:

"(6) 'former spouse' means a former spouse of a judicial official if the former spouse was married to such judicial official for at least 9 months."

(2) Section 376 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(s) A judicial official who has a former spouse may elect, under procedures prescribed by the Director of the Administrative Office of the United States Courts, to provide a survivor annuity for such former spouse under subsection (t). An election under this subsection shall be made at the time of retirement, or, if later, within 2 years after the date on which the marriage of the former spouse to the judicial official is dissolved. An election under this subsection—

"(1) shall not be effective to the extent that it—

"(A) conflicts with—

"(i) any court order or decree referred to in subsection (t)(1), which was issued before the date of such election, or

"(ii) any agreement referred to in such subsection which was entered into before such date; or

"(B) would cause the total of survivor annuities payable under subsections (h) and (t) based on the service of the judicial official to exceed 55 percent of the average annual salary (as such term is used in subsection (1)) of such official; and

"(2) shall not be effective, in the case of a judicial official who is then married, unless it is made with the spouse's written consent. The Director of the Administrative Office of the United States Courts shall provide by regulation that paragraph (2) of this subsection may be waived if the judicial official establishes to the satisfaction of the Director that the spouse's whereabouts cannot be determined, or that, due to exceptional circumstances, requiring the judicial official to seek the spouse's consent would otherwise be inappropriate.

"(t) (1) Subject to paragraphs (2) through (4) of this subsection, a former spouse of a

deceased judicial official is entitled to a survivor annuity under this section if and to the extent expressly provided for in an election under subsection (s), or in the terms of any decree of divorce or annulment or any court order or court-approved property settlement agreement incident to such decree.

"(2) The annuity payable to a former spouse under this subsection may not exceed the difference between—

"(A) the maximum amount that would be payable as an annuity to a widow or widower under subsection (1), determined without taking into account any reduction of such annuity caused by payment of an annuity to a former spouse; and

"(B) the amount of any annuity payable under this subsection to any other former spouse of the judicial official, based on an election previously made under subsection (s), or a court order previously issued.

"(3) The commencement and termination of an annuity payable under this subsection shall be governed by the terms of the applicable order, decree, agreement, or election, as the case may be, except that any such annuity—

"(A) shall not commence before—

"(i) the day after the judicial official dies, or

"(ii) the first day of the second month beginning after the date on which the Director of the Administrative Office of the United States Courts receives written notice of the order, decree, agreement, or election, as the case may be, together with such additional information or documentation as the Director may prescribe,

whichever is later, and

"(B) shall terminate no later than the last day of the month before the former spouse remarries before becoming 55 years of age or dies.

"(4) For purposes of this section, a modification in a decree, order, agreement, or election referred to in paragraph (1) of this subsection shall not be effective—

"(A) if such modification is made after the retirement of the judicial official concerned, and

"(B) to the extent that such modification involves an annuity under this subsection."

(3)(A) Subsection (1) of section 376 of title 28, United States Code (as amended by subsection (1)(4)(C) of this section), is amended by striking out the period at the end of the last sentence and by adding at the end the following: ", and by the amount of any annuity payable to a former spouse under subsection (t)."

(B) Subsection (n) of section 376 of such title is amended in the last sentence by inserting after "equity," the following: "except as provided in subsections (s) and (t)."

(C) Subsection (o) of section 376 of such title is amended in paragraphs (2) and (3) by inserting "or (t)" after "subsection (h)" each place it appears.

(4) Payments of retirement salary as defined in section 376(a)(2) of title 28, United States Code, which would otherwise be made to the judicial official upon whose service the retirement salary is based, shall be paid (in whole or in part) to another person if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation. Any payment under this paragraph to a person bars recovery by any other person. This paragraph shall apply

only to payments made after the date of receipt by the Director of the Administrative Office of United States Courts of written notice of such decree, order, or agreement, and such additional information and documentation as the Director may prescribe. As used in this paragraph, "court" means any court of any State or the District of Columbia.

(e) **EFFECTIVE DATE.**—This section shall take effect on October 1, 1986.

SEC. 3. REMOVAL JURISDICTION.

(a) **SECTION 1441 AMENDMENT.**—Section 1441 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(e) The court to which such civil action is removed is not precluded from hearing and determining any claim in such civil action because the State court from which such civil action is removed did not have jurisdiction over that claim."

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply with respect to claims in civil actions commenced in State courts on or after the date of the enactment of this section.

SEC. 4. TRAVEL EXPENSES OF JUSTICES AND JUDGES.

(a) **SECTION 456 AMENDMENT.**—Section 456(a) of title 28, United States Code, is amended by striking out "for any continuous period" and all that follows through the end of the subsection and inserting in lieu thereof the following: "(1) all necessary transportation expenses; and (2) a per diem allowance for travel at the rate which the Director establishes not to exceed the maximum per diem allowance fixed by section 5702(a) of title 5, or actual and necessary expenses of subsistence actually incurred, notwithstanding the provisions of section 5702 of title 5, United States Code, in accordance with regulations which the Director shall prescribe with the approval of the Judicial Conference of the United States. In determining necessary expenses, the Director shall take into account the reasonable costs of transportation and subsistence generally incurred for travel to the geographic area involved."

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on October 1, 1986.

SEC. 5. COLLECTION OF FEES FOR THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA.

(a) **SECTION 1914 AMENDMENT.**—Section 1914 of title 28, United States Code, relating to district court fees, is amended by striking out subsection (d).

(b) AMENDMENTS TO DISTRICT OF COLUMBIA CODE.

(1) Section 15-701(a) of the District of Columbia Code, relating to compensation taxed as costs, is amended by striking out "clerk of the United States District Court for the District of Columbia,"

(2) Section 15-702 of such code, relating to docket fees, is amended—

(A) by striking out "(a)" and all that follows through "(b)"; and

(B) by striking out the section heading and inserting in lieu thereof the following:

"§ 15-702. Attorney fees taxed as costs"

(3) Section 15-703 of such code, relating to deposit and security for costs, is amended—

(A) by striking out "(a)" and all that follows through "(b)" and inserting in lieu thereof "(a)";

(B) in the undersigned paragraph by inserting "(b)" immediately before "A nonresident"; and

(C) in the section heading by striking out "Deposit for costs; security" and inserting in lieu thereof "Security".

(4) Section 15-704 of such code, relating to advance payment of costs and fees, is amended—

(A) in subsection (a) by striking out "(a)" and by striking out "the clerk of the United States District Court for the District of Columbia and"; and

(B) by striking out subsection (b).

(5) Section 15-706 of such code, relating to clerk's fees in the United States District Court for the District of Columbia, is hereby repealed.

(6) Section 15-709(a) of such code, relating to fees and costs in Superior Court, is amended by striking out the second sentence.

(7) The table of contents for chapter 7 of title 15 of such code, relating to fees and costs, is amended—

(A) by striking out the item relating to section 15-702 and inserting in lieu thereof "15-702. Attorney fees taxed as costs."; and

(B) by striking out "Deposit for costs; security" in the items relating to section 15-703 and inserting in lieu thereof "Security".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to any civil action, suit, or proceeding instituted on or after the date of the enactment of this Act.

SEC. 6. JUDICIAL REVIEW OF FEDERAL MARITIME COMMISSION AND MARITIME ADMINISTRATION ORDERS.

(a) **SECTION 2342 AMENDMENT.**—Section 2342(3) of title 28, United States Code, is amended to read as follows:

"(3) all rules, regulations, or final orders of—

"(A) the Secretary of Transportation issued pursuant to section 2, 9, 37, 41 or 43 of the Shipping Act, 1916 (46 U.S.C. App. 839); and

"(B) the Federal Maritime Commission issued pursuant to—

"(i) section 23, 25, or 43 of the Shipping Act, 1916 (46 U.S.C. App. 822, 824, or 841a);

"(ii) section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876);

"(iii) section 2, 3, 4, or 5 of the Intercoastal Shipping Act, 1933 (46 U.S.C. App. 844, 845, 845a, or 845b);

"(iv) section 14 or 17 of the Shipping Act of 1984 (46 U.S.C. App. 1713 or 1716); or

"(v) section 2(d) or 3(d) of the Act of November 6, 1966 (46 U.S.C. App. 817d(d) or 817e(d))."

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply with respect to any rule, regulation, or final order described in such amendment which is issued on or after the date of the enactment of this Act.

SEC. 7. TECHNICAL AMENDMENTS.

(a) REDESIGNATION OF DUPLICATE SECTIONS.

(1) **TITLE 28 AMENDMENTS.**—Chapter 85 of title 28, United States Code, is amended—

(A) in the table of sections by striking out

"1364. Senate Actions.

"1364. Construction of references to laws of the United States or Acts of Congress."

and inserting in lieu thereof the following:

"1365. Senate Actions.

"1366. Construction of references to laws of the United States or Acts of Congress."

(B) by striking out the section heading

"§ 1364. Senate actions"

and inserting in lieu thereof the following:

"§ 1365. Senate actions"; and

(C) by striking out the section heading

"§ 1364. Construction of references to laws of the United States or Acts of Congress"

and inserting in lieu thereof the following:

"§ 1366. Construction of references to laws of the United States or Acts of Congress".

(2) **CONFORMING AMENDMENT.**—Section 705(a) of the Ethics in Government Act of 1978 (P.L. 95-521; 2 U.S.C. 288d(a)) is amended by striking out "1364" and substituting "1365".

(b) **DELETION OF INCORRECT REFERENCES.**—Paragraph (3) of section 620(b) of title 28, United States Code, is amended—

(1) by striking out "referees,"; and

(2) by substituting "magistrates" for "commissioners".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

The **SPEAKER** pro tempore. Is a second demanded?

Mr. **MOORHEAD**. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The **SPEAKER** pro tempore. The gentleman from Wisconsin [Mr. **KASTENMEIER**] will be recognized for 20 minutes and the gentleman from California [Mr. **MOORHEAD**] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. **KASTENMEIER**].

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

Mr. Speaker, today I bring to the floor the Judicial Improvements Act of 1985 (H.R. 3570) an omnibus court reform package to improve the functioning of the Federal judicial branch. H.R. 3570 consists of provisions previously contained in the following House bills (H.R. 3081, H.R. 1472, H.R. 2446, H.R. 2561, H.R. 2724, and H.R. 3049).

At the outset, I would like to thank the ranking minority member, the gentleman from California [Mr. **MOORHEAD**], of my subcommittee for his efforts. In addition, 14 of the 15 members of the subcommittee [Mr. **BROOKS**, Mr. **MAZZOLI**, Mr. **SYNAR**, Mrs. **SCHROEDER**, Mr. **FRANK**, Mr. **MORRISON**, Mr. **BERMAN**, Mr. **BOUCHER**, Mr. **MOORHEAD**, Mr. **HYDE**, Mr. **KINDNESS**, Mr. **DEWINE**, and Mr. **SWINDALL**] have cosponsored the bill. Their efforts are to be commended.

The Committee on Appropriations has no objection to consideration of the bill under suspension of the rules. The Appropriations Committee has worked on an amendment relating to the Judicial Survivors Annuities Fund (section 2) already incorporated in the bill: The amendment clarifies that the Government's contribution to the fund will be subjected to the appropriations process. The intent of the amendment is that the Government's

contribution will be made only to such amounts as is provided in appropriations acts.

Both committees, Judiciary and appropriations, are very interested in and deeply committed to keeping costs to a reasonable level. We also want to exercise appropriate oversight. We want to see whether more judges elect to participate, whether the unfunded liability estimates are accurate, and whether the general purposes of the legislation are achieved. Obviously, we also are concerned about any legislation that creates entitlements. Our concerns are reflected in the amendment and the annual appropriations review that will result.

I would like to thank the ranking members of the Appropriations Committee—including Chairman **WHITTEN**, the ranking minority member, Mr. **CONTE**, and Subcommittee Chairman **SMITH** and the subcommittee's ranking minority member Mr. **O'BRIEN**—for not only their expeditious consideration of H.R. 3570 but also for the constructive amendment.

H.R. 3570 has been endorsed by the Judicial Conference of the United States and the administration. Two sections of the bill—section 2, relating to judicial survivors annuities, and section 6, relating to judicial review of Federal Maritime Commission and Maritime Administration orders—have passed the Senate in virtually the same form as they are presented to the House today.

All provisions of the omnibus bill have received virtually universal support and are without expressed opposition. Everything in the bill has received full and fair hearings. Testimony was received from representatives of the Judicial Conference of the United States, the U.S. Department of Justice, and the Federal Judges Association. Written statements have also been submitted by numerous other individuals and organizations, including the American Bar Association. Two proposals considered by the subcommittee—a bill relating to the commuting expenses of Federal judges and a bill relating to judicial disqualification—generated controversy and are not in this bill.

Let me now give a summary of the contents of the Judicial Improvement Act. I will be brief. Members who desire a more detailed explanation are referred to the House report (No. 99-423) which was filed on December 6, 1985.

Section 1 of the bill is the short title: Judicial Improvements Act of 1985.

Section 2—the most important section in the bill—reforms and improves the existing Annuities Program for survivors of justices and judges. This section includes the provisions of H.R. 3081, which has been cosponsored by 63 Members, a broad cross-section of the House. Section 2 makes several

necessary improvements to a scheme, elective for Federal judges, which was created by Congress in 1956 and later updated in 1976. The Annuities Program has not kept pace with comparability adjustments in Federal judicial salaries. As a result of annuity payment amounts having not increased as anticipated, participation in the program for new judges entering on duty has dramatically diminished. Today fewer than 25 percent of newly appointed judges elect to participate. In essence, recently appointed Federal judges are routinely concluding that the program is "a whistle which isn't worth the penny." At the very least, inadequacies in the existing system have an effect on whether highly qualified individuals accept or reject a Presidential call to become a Federal judge or whether a sitting judge will stay on the bench or resign. One highly respected judge recently left office, stating candidly that "I can afford to live on the salary of a Federal judge but I can't afford to die on it." Section 2 attempts, by increasing annuity payment amounts by both judges and the Federal Government, by creating a minimum floor annuity, and by establishing an accelerated schedule of benefit amounts, to revitalize the existing program.

Section 3 of the bill sets forth a removal jurisdiction amendment originally proposed by Congressman **SYNAR** in H.R. 2446. It amends 28 U.S.C. 1441 to provide that a Federal court in which an action is removed from State court is not barred from hearing and determining a claim because the State court lacked jurisdiction over it.

Section 4 basically tracks the contents of H.R. 2561, which amends the statute governing reimbursement of travel expenses for judges while working away from their official duty stations, 28 U.S.C. 456. The amendment provides generally that judges are to be reimbursed for actual and necessary transportation and reasonable subsistence expenses incurred in such circumstances, in accordance with regulations prescribed by the Director of the Administrative Office of the U.S. Courts with approval of the Judicial Conference.

Section 5 of the bill relates to the collection of fees for the U.S. District Court for the District of Columbia. The effect of this amendment would be to make the fees charged in the D.C. District Court the same as the fees charged in other district courts—\$60 for each civil filing. This change will place the D.C. District Court on an equal footing with all the other Federal district courts, which is where it deserves to be. The bill contains requisite conforming amendments to the D.C. Code, which has been cleared by the Chief Judge of the District Court for the District of Columbia, the Hon-

orable Audrey Robinson, and the chairman of the Subcommittee on Judiciary and Education of the District of Columbia Committee, Mr. DYMALLY.

Section 6 was originally sponsored by Chairman RODINO as H.R. 3049. Section 6 clarifies the intended impact of the Shipping Act of 1984 by providing for judicial review—in the circuit courts of appeals—of certain orders of the Federal Maritime Commission and the Maritime Administration. Unfortunately, the Shipping Act of 1984—processed by the Merchant Marine and Fisheries Committee—did not contain a clear and concise judicial review provision. Rather than curing drafting problems in the Maritime Appropriation Authorization Act for fiscal year 1986, which was originally proposed, Chairman RODINO's proposal addressed the need for statutory clarification directly. Section 6 of H.R. 3570 solves the problem of great impact to the agencies involved as well as litigants who must seek judicial review.

Section 7 of the bill sets forth two technical amendments to title 28 United States Code, that have been brought to the attention of the committee.

In sum, I ask support for this modest, but nonetheless important, legislation. Each section of H.R. 3570 is like a brick to be used in a large edifice, like a cathedral. Each brick appears to be insignificant, but the larger structure—in this case, the Federal judiciary—depends on each.

□ 1315

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

Mr. Speaker, I rise in support of H.R. 3570, the Judicial Improvements Act of 1985. This omnibus bill, which is comprised of six judicial housekeeping and court reform measures enjoys strong bipartisan support and is without opposition. I would like to commend the Chairman of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, the gentleman from Wisconsin [Mr. KASTENMEIER] for his leadership on the legislation.

The provisions of H.R. 3570 that would reform the Judicial Survivors Annuity Program are greatly needed as evidenced by the number of judges declining to participate in the program. In 1976, 90 percent of Federal judges were participants in the program; last year only 74 percent were participating. In 1978, 74 percent of "entering on duty" or newly appointed judges elected to participate; in each of the last 3 years, fewer than 25 percent of newly appointed judges have elected to participate.

During the Courts Subcommittee's hearings on the legislation it became clear that the two most pressing prob-

lems with the current program are the lack of a minimum floor annuity and the prolonged period of years of service needed to achieve annuity amounts which are realistically adequate. H.R. 3570 addresses both these problems. First, it would establish a floor on benefits equal to 30 percent of average annual salary, which would be available once a judge has served at least 18 months. Second, it revises the annuity computation formula to provide an accelerated schedule of benefit payments that recognize both a judge's service and his or her participation in the program.

The legislation would also authorize judges now serving who have not previously elected to participate in the program to make such an election. Judges who do so will be required by existing statutory language to deposit amounts required to qualify their service for credit under the program. This provision will entail no additional costs to the Government and to the extent that it encourages slightly greater participation in the program, it will strengthen the actuarial stability of the program.

In addition to making other needed changes in the Judicial Survivors Annuity Program, H.R. 3570, incorporates the proposal introduced by our colleague, the gentleman from New York, BILL GREEN. It provides that an annuity payable to the surviving spouse of a judge is not to be terminated by remarriage of the surviving spouse after the age of 55. This is a worthwhile proposal, that conforms to the corresponding provision in the civil service retirement and I commend the gentleman [Mr. GREEN] for his initiative on this issue.

Another important proposal incorporated in H.R. 3570, is the administration's proposal that was introduced by the chairman of the Judiciary Committee, the gentleman from New Jersey [Mr. RODINO] that would clarify the intended impact of the Shipping Act of 1984 on judicial review of orders issued by the Federal Maritime Commission and the Maritime Administration.

The other proposal incorporated in H.R. 3570 dealing with travel expenses of judges, removal jurisdiction, and district court fees, are solid proposals, that, as I noted earlier are without opposition. I urge the passage of H.R. 3570.

Mr. KASTENMEIER. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. SYNAR], the author of H.R. 2446, the text of which is incorporated in this bill as section 3, and I would like to compliment him for his contribution.

Mr. SYNAR. Mr. Speaker, first of all, let me thank Chairman KASTENMEIER for those kind words and also commend him and our ranking minority member for their excellent work.

Mr. Speaker, section 2 of the Judicial Improvements Act incorporates legislation I introduced as a separate bill earlier this year. It enables plaintiffs whose attorneys misfile a Federal cause of action in State court to remove the action directly to the Federal courts instead of having to refile the action and risk a statute of limitations problem.

This legislation won't help millions of Americans but it will help those who lose the opportunity to vindicate their rights because of a mistake by their attorney. It helps all of us, however, by making our legal system more efficient.

I want to thank the person who suggested this legislation and helped me draft it. Prof. Emeritus George Fraser of the University of Oklahoma Law Center wrote about this problem in the Michigan Law Review in 1950. When I took his civil procedure course as a student, a removal question was on the final exam. And once I was appointed to the House Judiciary Committee, he suggested legislation.

Mr. Speaker, good ideas made good laws. I want to thank Professor Fraser, Chairman KASTENMEIER and my colleagues on the Judiciary Committee who recognized that this moderate reform of our Judicial Code will help make our system of justice operate more efficiently.

Mr. MOORHEAD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York, Mr. BILL GREEN.

The gentleman from New York is the author of H.R. 1472, which was incorporated into H.R. 3570, and I commend him for his contribution.

Mr. GREEN. Mr. Speaker, I rise to express my appreciation to the chairman of the subcommittee, its ranking minority member and the members of the subcommittee for including in section 2 the judicial survivors annuities amendments, provisions to deal with the problem on which I have been working for some 5 years now.

That problem arose as a result of some technical language in the 1976 civil service retirement survivors annuities reinstatement law and the Social Security Amendments of 1977. That problem has now been addressed by the inclusion in section 2 of this legislation an amendment to title 28, United States Code, section 376, that will provide that an annuity payable to the surviving spouse of a judge is not to be terminated by remarriage of the surviving spouse after attaining the age of 55.

This change reflects concern for the situation of surviving spouses who are considering marriage at a point in their lives at which it is unlikely that either they or their potential spouses are likely to have long-term sources of earned income, and thus are looking

forward to a period when they are going to be dependent upon their retirement income.

The provision thus avoids the situation of having a widow who might otherwise be forced to choose to refrain from remarriage in order to avoid incurring financial hardships.

So I appreciate the members of the committee for dealing with this problem in what I think is a humane and inexpensive way.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman from New York [Mr. GREEN] yield?

Mr. GREEN. I am delighted to yield to the distinguished gentleman from Wisconsin [Mr. KASTENMEIER].

Mr. KASTENMEIER. Mr. Speaker, I would like to recognize the contribution the gentleman from New York [Mr. GREEN] made. He was very conscientious in impressing this point on the committee. It does significantly improve the survivors annuity section of the bill and we appreciate his contribution.

Mr. GREEN. Mr. Speaker, I thank the distinguished chairman of the subcommittee, the gentleman from Wisconsin [Mr. KASTENMEIER].

Mr. MOORHEAD. Mr. Speaker, I have no further request for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. KASTENMEIER] that the House suspend the rules and pass the bill, H.R. 3570, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KASTENMEIER. 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 H.R. 3570, the bill just passed.

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

There was no objection.

HAZARDOUS DUMPING AREAS

Mr. FLORIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3917), to extend the period allowed for compliance with certain financial responsibility requirements applicable to land disposal facilities under the Solid Waste Disposal Act.

The Clerk read as follows:

H.R. 3917

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

SECTION 1. CERTIFICATION OF COMPLIANCE WITH FINANCIAL RESPONSIBILITY REQUIREMENTS

(a) EXTENSION.—In the case of any facility used for land disposal of hazardous waste, notwithstanding the termination of interim status of the facility by reason of the failure of the owner or operator of the facility to file a certification under section 3005(e)(2)(B) of the Solid Waste Disposal Act, such interim status shall be treated as continuing in effect if the owner or operator—

(1) filed on or before November 8, 1985, with the Administrator an adequate certification (under section 3005(e)(2)(B) of such Act) of compliance with (A) groundwater monitoring requirements as of November 8, 1985, and (B) financial responsibility requirements (except for the liability requirements of 40 C.F.R. 265.147),

(2) applied on or before November 8, 1985, for final determination regarding the issuance of a permit pursuant to section 3005(e)(2)(A) of such act, and

(3) files with the Administrator within the time limits set forth in subsection (d) of this section each of the following:

(A) A certification that, in addition to the certification required in paragraph (1), the facility is in compliance with all other major applicable requirements under subtitle C of such act, or is in timely compliance with an enforceable compliance schedule.

(B) A certification that the facility is not contaminating groundwater or has established the applicable compliance monitoring or corrective action program.

(C) A certification that the facility could not meet the requirements of the financial test under 40 C.F.R. 265.147(f).

(D) A certification that the owner or operator of the facility has been making good faith efforts to satisfy all applicable financial responsibility requirements for the facility pursuant to the Solid Waste Disposal Act and provides documentation of that effort which is satisfactory to the Administrator.

(b) OTHER FACILITIES.—An extension of interim status under this section shall also apply to any facility used for land disposal of hazardous waste which had been operating pursuant to interim status under section 3005(e) of the Solid Waste Disposal Act, if the owner or operator of the facility files each of the following with the Administrator within the time limits set forth in subsection (d):

(1) A certification that the owner or operator of the facility applied for a final determination regarding the issuance of a permit on or before November 8, 1985, pursuant to section 3005(e)(2)(A) of such Act, or submitted a closure plan on or before November 23, 1985.

(2) A certification that the facility was in compliance with the groundwater monitoring requirements and the financial responsibility requirements (except for the liability requirements of 40 C.F.R. 265.147) on November 8, 1985, but failed to certify as required under section 3005(e)(2)(B) of the Solid Waste Disposal Act.

(3) A certification that the facility is in compliance with the groundwater monitoring requirements and financial responsibility requirements (except the liability requirements of 40 C.F.R. 265.147) supported by documentation in a form satisfactory to

the Administrator that may include a notarized statement by a professional engineer not an employee of the owner or operator who corroborates such certification.

(4) A certification that, in addition to the certification required in paragraph (3), the facility is in compliance with all other major applicable requirements under subtitle C of such Act, or is in timely compliance with an enforceable compliance schedule.

(5) A certification that the facility is not contaminating groundwater or has established the applicable compliance monitoring or corrective action program.

(6) A certification that the owner or operator of the facility could not meet the requirements of the financial test under 40 C.F.R. 265.147(f).

(7) A certification that the owner or operator of the facility has been making good faith efforts to satisfy all applicable financial responsibility requirements pursuant to the Solid Waste Disposal Act and provides documentation of that effort which is satisfactory to the Administrator.

(c) REJECTION BY THE ADMINISTRATOR.—Within the time limits set forth in subsection (d), the Administrator shall reject the information submitted by the owner or operator of a facility pursuant to subsection (a) or (b) if the information fails to meet the requirements of such subsections. The determinations of the Administrator under this section shall not be subject to judicial review.

(d) TIME LIMITS.—

(1) NOTICE.—The Administrator shall identify each facility the interim status of which under section 3005(e) of the Solid Waste Disposal Act terminated on November 8, 1985, by reason of section 3005(e)(2) of that Act. Within 15 days after enactment of this Act, the Administrator shall notify the owner or operator of each such facility of the extensions available under this Act.

(2) DEADLINES.—Each certification described in subsections (a) and (b) shall be submitted before the earlier of the following:

(A) 45 days after the owner or operator of the facility receives notice under paragraph (1).

(B) 60 days after enactment of this Act.

(3) INITIAL EXTENSION PERIOD.—If the owner or operator of a facility has submitted the required filings under subsection (a) or (b) within the time limits set forth in this subsection, the extension of interim status under subsection (a) or (b) shall continue for a period ending 45 days after the date of such submission.

(4) SECOND EXTENSION PERIOD.—The extension of interim status for a facility under subsection (a) or (b) shall be extended until June 30, 1986, if the Administrator certifies, based on information submitted by the owner or operator of the facility concerned, in the Federal Register that the facility is not contaminating the groundwater or has entered into an order to implement as soon as practicable a compliance monitoring or corrective action program.

(e) MODIFICATION OF REGULATIONS.—Not later than March 1, 1986, the Administrator shall revise the regulations set forth in 40 C.F.R. 265.147 to provide additional financial responsibility alternatives to the insurance requirement contained in such regulations and may provide for a lesser demonstration of financial responsibility if the Administrator has made the certification required in subsection (d)(4). The Administrator may consider such alternatives as indemnity contracts, surety bonds, corporate guar-

antees, and other means of assuring financial responsibility.

(f) **DEFINITION OF TERMS.**—The terms used in this section shall have the same meaning as when used in the Solid Waste Disposal Act.

(g) **ADDITIONAL EXTENSION.**—In the case of a facility for which an extension has been provided under subsection (d)(4), the Administrator may issue an additional extension for such facility for a period ending November 8, 1986, if the Administrator finds that an additional extension under this subsection for the facility is necessary because of constraints in the insurance market and if, on June 30, 1986, the owner or operator of the facility files both of the following with the Administrator:

(1) A certification that the facility is not contaminating groundwater or is in timely compliance with an enforceable compliance monitoring or corrective action program.

(2) A certification that he has been making good faith efforts to satisfy all applicable financial responsibility requirements pursuant to the Solid Waste Disposal Act and provides documentation of that effort which is satisfactory to the Administrator.

(h) **SATISFACTION OF LIABILITY REQUIREMENTS.**—If a facility is operating pursuant to an extension under this section and the owner or operator certifies that he has satisfied the liability requirements of 40 C.F.R. 265.147 for such facility, such facility shall be treated as if the facility had fully certified under section 3005(e)(2) of the Solid Waste Disposal Act as of November 8, 1985.

The **SPEAKER** pro tempore. Is a second demanded?

Mr. **LENT**. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The **SPEAKER** pro tempore. The gentleman from New Jersey [Mr. **FLORIO**] will be recognized for 20 minutes and the gentleman from New York [Mr. **LENT**] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. **FLORIO**].

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

Mr. Speaker, today, we consider a bill that would afford relief to certain hazardous waste land disposal facilities which lost their interim permit to operate on November 8, 1985, solely because they could not obtain the liability insurance required to satisfy the Hazardous and Solid Waste Amendments of 1984. The path we have taken to consider this bill has been a complicated one. Therefore, I think it would be useful to review briefly the events leading to this proposal.

In 1976, Congress passed the Resource Conservation and Recovery Act, which required the Environmental Protection Agency to develop a permitting procedure for hazardous waste facilities. As part of that act, Congress included a provision allowing facilities to operate under a short term of inter-

im permit until a final permit was issued.

On November 19, 1980, EPA issued regulations to govern facilities operating under interim status permits which required ground water monitoring and financial responsibility. These minimum requirements have been widely ignored, and EPA has done little or nothing to enforce them. A 1984 GAO report documented widespread noncompliance, finding that well over half of the disposal facilities were not complying with the regulations.

Last year, out of sheer frustration with EPA's effort, the Congress required compliance with ground water monitoring and financial responsibility within 1 year. Let me make it clear that these two requirements do not guarantee that hazardous waste disposal facilities be safe or not leaking. All they require is that there be wells to determine if there are leaks and that owners have the financial ability to respond if problems occur.

Only a few days before the November 8 deadline, EPA informed Congress that some facilities could not demonstrate the necessary financial responsibility requirements, and suggested that it was up to Congress to do something to address the problem. Although the number of facilities affected is relatively small—EPA estimate between 50 and 90, I have been concerned if there is a problem with legitimate, safe disposal facilities simply being unable to demonstrate financial assurance under EPA regulations.

EPA was apparently unwilling or unable to develop a regulatory system with sufficient flexibility to allow legitimate, financially viable disposal companies the opportunity to remain in business. Congress was forced to act.

The bill before us applies to a narrow class of hazardous waste land disposal facilities which on or before November 9, 1985, filed with the Administrator an adequate certification under section 3005(e)(2)(B) of the Solid Waste Disposal Act—hereafter referred to as "RCRA" except for a certification of compliance with the liability requirements of 40 CFR 265.147. Such facility must also have applied on or before November 8, 1985 for a final determination pursuant to section 3005(e)(2)(A) of RCRA. If a facility satisfies both of these requirements, it can obtain an extension of interim status, but only if it further provides to the Administrator the following additional certifications.

First, the owner or operator must certify that, in addition to its certification of compliance with ground water monitoring and financial responsibility requirements—except for the liability requirement—the facility is in compliance with all other major applicable requirements under subtitle C of the

Solid Waste Disposal Act, or is in timely compliance with an enforceable compliance schedule. Major applicable requirements are those the violation of which would constitute so-called class 1 violations under the Administrator's enforcement program. An enforceable compliance schedule is one in which the owner or operator of the facility has entered into an order with the Administrator to correct any violations.

Second, the owner or operator must certify that the facility is not contaminating ground water or has established the applicable compliance monitoring or corrective action program. It is incumbent on the owner or operator of the facility to provide to the Administrator all the information necessary to demonstrate that there is no ground water contamination. The applicable compliance monitoring or corrective action program refers to requirements in the so-called part B final permit application which require that such programs be established upon the submission of such an application if ground water contamination has been detected. Such programs shall include any additional provisions the Administrator determines to be necessary to ensure that the program controls ground water contamination. The owner or operator must also certify to the satisfaction of the Administrator that such programs are actually in place.

Third, the owner or operator of the facility must certify that the facility could not meet the requirements of the financial test under 40 CFR 265.147(f). The facility must specifically certify that it is incapable of meeting one or more of the requirements necessary to meet the financial test and must provide evidence sufficient to support such a certification.

Finally, the owner or operator of the facility must certify that he has been making good faith efforts to satisfy all applicable financial responsibility requirements, including the liability requirement. This certification must provide all documentation necessary to satisfy the Administrator that the owner or operator has been making good faith efforts on an ongoing basis to satisfy the liability requirement.

Extensions of interim status may also be afforded to other hazardous waste land disposal facilities, if the owner or operator of the facility files with the Administrator a certification that the owner or operator of the facility applied for a final determination regarding the issuance of a permit on or before November 8, 1985, pursuant to section 3005(e)(2)(A) of RCRA, or that the owner or operator submitted a closure plan on or before November 23, 1985. An interim status extension for facilities which have submitted timely closure plans should apply only

to closure plans which specifically call for limited use of the hazardous waste land disposal facility during closure.

The owner or operator of such a facility must also certify that the facility was in compliance with applicable ground water monitoring and financial responsibility requirements—except the liability requirements—on or before November 8, 1985, but failed to certify as required under section 3005(e)(2)(B) of RCRA. The owner or operator must further certify that the facility is in compliance with those requirements as of the date of certification and such certification must be supported by documentation satisfactory to the Administrator.

The owner and operator of such a facility must also provide certifications regarding compliance with all other major applicable requirements under subtitle C of RCRA, regarding ground water contamination, regarding the owner or operator's inability to satisfy the financial test, and regarding the owner or operator's ongoing good faith efforts to satisfy all of the financial responsibility requirements. These certifications must be submitted in the same manner as required for those facilities which filed on or before November 8, 1985, with the Administrator an adequate certification under section 3005(e)(2)(B) except for the liability requirements and an application for a final determination pursuant to section 3005(e)(2)(A).

The Administrator is required to reject the information submitted by the owner or operator of a facility if such information fails to meet the requirements under this bill. If the information is rejected by the Administrator, the owner or operator of the facility will be treated as if the owner or operator had not submitted the necessary information. Determinations of the Administrator shall not be subject to judicial review.

Under this bill, the Administrator must identify and, within 15 days of enactment, notify each facility the interim status of which was terminated on November 8, 1985, by reason of section 3005(e)(2) of RCRA. The notification shall provide a complete description of the extensions available under this bill and a detailed description of the information and certifications that must be submitted to satisfy the requirements for such extensions.

The owner or operator of any facility has 45 days after the owner or operator receives the Administrator's notification to submit the information and certifications necessary to receive an extension of interim status.

In no event will interim status extensions be provided if the required information and certifications are submitted more than 60 days after enactment. Interim status of the facility is not extended until all of the required certifications and information have

been submitted by the owner or operator.

If all the required certifications and information is submitted by the facility owner or operator in a timely fashion, the interim status of such facility shall extend for a period ending 45 days after the date of such submission.

A second extension of interim status for a facility shall be provided until June 30, 1986, if the Administrator certifies in the Federal Register, based on information submitted by the owner or operator of the facility concerned, that the facility is not contaminating ground water or has entered into an order to implement as soon as practicable a compliance monitoring or corrective action program. If the Administrator certifies that the owner or operator of the facility is not contaminating the ground water, the Administrator must publish, along with the certification, a description of the evidence upon which the Administrator relied to make such certification. If the Administrator certifies that the owner or operator of the facility has entered into an order to implement as soon as practicable a compliance monitoring or corrective action program, the Administrator should certify that, under the order, the owner or operator of the facility will be controlling ground water contamination at the time of the Administrator's certification or that the owner or operator could practicably not do so at the time of the certification.

Not later than March 1, 1986, the Administrator shall revise the regulations set forth in 40 CFR 265.147 to provide additional financial responsibility alternatives to the insurance requirement contained in such regulations. He may also provide for a lesser demonstration of financial responsibility for certain facilities, but only if the Administrator has made the certification regarding ground water contamination at such facilities as is required for an extension of interim status until June 30, 1986. Such modifications may apply to all interim status land disposal facilities, except for modifications involving lesser demonstrations of financial responsibility which shall apply only to those facilities certified by the Administrator as required for an extension of interim status until June 30, 1986. The Administrator may consider alternatives such as indemnity contracts, surety bonds, corporate guarantees, and other means of assuring financial responsibility as long as such alternatives do not lessen the protections afforded to third parties from injury or property damage.

The terms used in this section shall have the same meaning as when used in RCRA.

If an interim status extension has been provided until June 30, 1986, the Administrator may issue an additional

extension for such facility for a period ending November 8, 1986. The Administrator must find that an additional extension is necessary because of constraints in the insurance market. The owner or operator must also file with the Administrator on June 30, 1986, a certification that the facility is not contaminating ground water or is in timely compliance with an enforceable compliance monitoring or corrective action program as well as a certification that the owner or operator of the facility has been making good faith efforts to satisfy all applicable financial responsibility requirements and provides documentation of that effort which is satisfactory to the Administrator. The Administrator may reject the certifications submitted for this additional extension if they do not adequately demonstrate that the facility is either not contaminating ground water or is not in timely compliance with an enforceable compliance monitoring or corrective action program. Timely compliance with an enforceable compliance monitoring or corrective action program under this bill means that the owner or operator of the facility has met all of the requirements set forth in the order implementing the compliance monitoring or corrective action program under the time schedule set forth in the order. It is the intent of the provision to ensure that there are no delays in the implementation of a compliance monitoring or corrective action program for whatever reason.

Finally, this bill makes it clear that if the owner or operator of a facility certifies at any time during the extensions afforded in this legislation that it has satisfied the liability requirements of 40 CFR 265.147 for such facility, such facility shall be treated as if the facility had been fully certified under section 3005(e)(2) of the Solid Waste Disposal Act as of November 8, 1985. During the time in which a facility is operating pursuant to an extension afforded in this legislation, such facility is subject to all of the requirements applicable to hazardous waste land disposal facilities operating under interim status.

This is a carefully crafted, limited bill that provides relief to a narrow class of adversely affected facilities. I want to make it absolutely clear that this bill does nothing to affect the impact of the 1984 RCRA amendments on facilities which could not certify compliance with applicable ground water monitoring requirements. EPA has reported that over two-thirds of the 1,600 operating interim status facilities closed down on November 8, 1985. This bill would only affect approximately 50 of those facilities.

We must make sure that the firm deadlines imposed in the 1984 RCRA

amendments remain firm, and I believe this narrow relief legislation would not undercut that critical goal.

□ 1330

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I rise in strong support of H.R. 3917, a bill to extend the time period for compliance with the financial responsibility requirements under RCRA.

Mr. BROYHILL, the distinguished ranking minority member of the Committee on Energy and Commerce, together with the gentlewoman from Connecticut [Mrs. JOHNSON] is the prime sponsor of this important legislation. Unfortunately, Mr. BROYHILL, was detained in his district this morning and cannot be here.

Without this legislation, businesses that depend on onsite land disposal to make their operation viable, will have to close. This legislation provides those businesses—under stringent safeguards—the ability to continue to operate even if they cannot get the liability insurance required under RCRA. Before an extension can be granted, however, the Administrator must find that the land disposal facility is in compliance with the requirement of RCRA.

I want to commend Mr. BROYHILL and Mrs. JOHNSON for their diligent efforts in fashioning this bill under difficult conditions. I also want to commend Mr. FLORIO for his role in this legislation. Without his input into the bill and his statesman like willingness to move this legislation expeditiously through subcommittee, we would not be here today. Of course, I would be remiss if I did not mention the important role played by our distinguished full committee chairman, Mr. DINGELL, in aiding our efforts to bring this legislation to the floor before the end of the first session.

I also want to commend two additional cosponsors, Mr. FOLEY and Mr. LOTT. Their help and interest has enabled us to promptly bring this legislation before the House today.

I look forward to seeing this legislation approved by the House this afternoon so that the other body will also have an opportunity to take this up before it adjourns for Christmas recess.

Mr. Speaker, in that regard, in order to enhance the chances of quick action by the other body, I have joined Mr. DINGELL, Mr. FLORIO, and Mr. BROYHILL in writing to the appropriate committee advising them of this legislation and urging them act quickly.

Mr. Speaker, I urge my colleagues to support H.R. 3917.

Mr. FLORIO. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. ECKART.]

Mr. ECKART of Ohio. Mr. Speaker, for purposes of a colloquy, I would like to address the gentleman from New Jersey [Mr. FLORIO].

I feel strongly that the action we are taking here today should not in any way be construed to mean that, with regard to the dozens of other approaching deadlines contained in the Hazardous and Solid Waste Amendments of 1984, we intend to be granting extensions. These deadlines, and the hammers attached to them, were enacted for very important reasons. Can I get some assurance from the subcommittee chairman that we are not, however, going to be granting such extensions on other deadlines as they arise?

Mr. FLORIO. If the gentleman would yield, the gentleman is correct; that this is a piece of legislation that is designed to deal with a specific problem related to the insurance industry, and that there should be no interpretation taken from this legislation passing that we are in any way going to vary from the legislation that has imposed other deadlines, the RCRA Amendment of 1984.

Mr. ECKART of Ohio. Second, I want to emphasize that the concept of compliance schedules embodied in this bill is not a substitute for physical compliance with the requirements mandated by the solid waste disposal act. Do I understand that it is the intention of the sponsors of this bill and the subcommittee chairman that this means actual physical compliance?

Mr. FLORIO. If the gentleman would yield, the gentleman is correct, that in fact as I have indicated in my remarks, the protection in terms of certifying that these facilities will not be lacking in many respects is stronger than even the language in the initial act.

Mr. ECKART of Ohio. Could I inquire as to whether my understanding is correct that this legislation does not in any way change the certification requirements for ground water monitoring set forth in section 3005(e) of the Solid Waste Disposal Act?

Mr. FLORIO. The gentleman is correct.

Mr. ECKART of Ohio. Fifth, with respect to the "second extension period," the EPA Administrator must certify to the facility's compliance, I feel it is important that the Administrator must have and use all the knowledge that is available to him.

Is it the intent of the authors of this legislation, in your understanding, Mr. FLORIO, that the Agency also use any information available to it, and not rely solely on the information provided by the owner/operator?

Mr. FLORIO. If the gentleman would yield, it is the requirement that the Agency use all of the information that may be available to it.

□ 1340

Mr. ECKART of Ohio. Finally, Mr. Speaker, could the gentleman from New Jersey describe what requirements of subtitle C are considered by this legislation to be "major requirements"?

Mr. FLORIO. If the gentleman will yield further, under this legislation violation of a major requirement is considered to be a class 1 violation under the Solid Waste Disposal Act.

Mr. ECKART of Ohio. I thank the gentleman from New Jersey for his able assistance in clarifying the effect and intent of certain provisions of this bill. I commend the gentleman from New York, colleague from Connecticut, and the sponsors of the bill, for their good faith efforts to find a solution to what they see as a real problem, one which is probably the fault of the insurance industry and not that of legitimate people engaged in the proper disposal of hazardous waste. Nonetheless, I cannot feel comfortable about what we are doing here today. I frankly do not believe we should be going forward with this bill at all.

First, we are sending the wrong signal to EPA, the public and the industry by extending the first major deadline of the Hazardous and Solid Waste Amendments of 1984. Will we now be expected to blink every time a new, supposedly "onerous" deadline approaches?

Second, we really don't know what results we are effecting with this legislation. Neither the EPA nor the sponsors of this legislation can tell us how many facilities this bill covers, or why they couldn't get insurance. Is it because they are polluting the ground water? Because they really didn't try? Or was it in fact a phenomenon of fluctuations in the insurance market? In short, we are legislating without any hard knowledge at all.

The one thing we can be sure of is that, by allowing hazardous waste disposal facilities to operate without insurance, we are shifting the burden of a possible leak from the owner/operator, where it belongs, to the victimized community. I submit that this fact alone, weighed against the dearth of other knowledge, is enough to militate against our taking this action here today.

But more than that troubles me about this bill. Subsection (h), entitled "Satisfaction of Liability Requirements," grandfathers back to November 8, 1985 the interim status of any facility receiving a renewal of that status pursuant to this bill. This means that any facility covered by this bill that continued to accept waste after November 8, in criminal violation of the law, would be safe from prosecution. The Justice Department could not enforce against such a facility for illegally continuing to accept

waste in violation of interim status because that interim status will have been retroactively restored. And, unless the facility owner/operator, out of the goodness of his heart, decided to admit his illegal behavior to EPA, the Agency would probably never know, and the renewal of interim status would be granted.

Mr. Speaker, I realize the efforts that have gone into this bill, and the good faith attempt to resolve what is perceived as a real and unfair problem. But I suggest that there are too many loopholes, too much potential negative impact, and too many unanswered questions to go forward with this legislation as currently written.

Mr. LENT. Mr. Speaker, I take pleasure in yielding such time as she may consume to one of the cosponsors of this legislation, the gentlewoman from Connecticut [Mrs. JOHNSON], whose input was so important in the passage of this legislation.

Mrs. JOHNSON. Mr. Speaker, I rise in strong support of H.R. 3917 and commend my colleagues on the Energy and Commerce Committee for responding to an emergency situation with a reasonable, tightly drawn extension for those companies that find themselves in full compliance with the letter and spirit of the Resource Conservation and Recovery Act but are unable to purchase liability insurance, as required by the financial responsibility provisions of RCRA.

My original cosponsorship of this bill came about because of the predicament several small metal-plating companies in my district found themselves in on November 8. As my colleagues are well aware, November 8 was the deadline for meeting RCRA-mandated ground water monitoring and financial responsibility requirements. Yet, just like for day care providers, truckers, ski lift operators, and many others, liability insurance markets simply have dried up. The environmental impairment liability insurance that these small metal-finishers require because they produce metal-hydroxide sludges is just not available at any price.

Despite months and months of searching for adequate coverage to meet the standards set forth in RCRA regulations, my constituents have found either outright refusals or inadequate coverage limits available to them in the insurance market.

I appreciate my colleagues persistence in their labors on this matter because the small companies in my district and others nationwide are among the first victims of what is certain to be an epidemic of insurance-related problems in the business sector in coming years. In my district we have seen enough business dislocations and layoffs in bearings, machine tools, brass, and so on, so that I hope we can avoid the spectacle of people losing their jobs right before Christmas, es-

pecially if it is unnecessary. The extension granted by this legislation will give these otherwise-complying industries a chance to meet the financial responsibility requirements promulgated by the Environmental Protection Agency and continue providing jobs and products.

Mr. LENT. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. I thank the gentleman for yielding time to me.

Mr. Speaker, last year Congress passed the Resource Conservation and Recovery Act [RCRA] which forced compliance with ground water monitoring regulations and financial responsibility requirements by November 8 of this year.

Unfortunately, we currently find ourselves in the position of requiring some landfills to close even though they have taken all the necessary steps to remain open, except for one that is beyond their control, the difficulty in obtaining insurance.

I want to emphasize that only one change will be made in current law: land disposal facilities have been given one more year to obtain insurance before they are forced to close.

In my home State of Colorado, 11 of the State's 14 private toxic waste dumps will continue to have operations affected without this extension.

These facilities will be forced to ship their wastes through Colorado within the next month and a half if Congress doesn't act. Federal regulations require companies to carry up to \$6 million in liability protection against toxic leaks and spills and such policies are simply not available to many operators.

Mr. Speaker, last year this body decided to set November 8 as a compliance date because of 3 years of little action on meeting regulations. We still need to set a compliance date, but we should also recognize that there are legitimate reasons that operators were not able to meet the deadline.

I urge the support of my colleagues for this extension.

Mr. Speaker, I yield back the balance of my time.

Mr. LENT. Mr. Speaker, I have no further requests for time, and Mr. Speaker, assuming the gentleman from New Jersey [Mr. FLORIO] has no further requests for time, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. FLORIO] that the House suspend the rules and pass the bill, H.R. 3917.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO FILE REPORTS ON H.R. 3777 AND H.R. 3131 ON JANUARY 10, 1986

Mr. FLORIO. Mr. Speaker, on behalf of the Committee on Energy and Commerce, I ask unanimous consent that the committee may be permitted to file its reports on two bills, H.R. 3777 and H.R. 3131, on Friday, January 10, 1986.

Mr. Speaker, this is being done with the concurrence of the minority.

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

Mr. LENT. Mr. Speaker, reserving the right to object, and I shall not object, these two trade bills are both bills which passed the Committee on Energy and Commerce by wide margins, and I think the gentleman's request is in order.

Mr. Speaker, I would join with the gentleman in his request.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

MAKING IN ORDER ON TODAY OR ANY DAY THEREAFTER CONSIDERATION OF CONFERENCE REPORT AND AMENDMENTS IN DISAGREEMENT ON HOUSE JOINT RESOLUTION 465 FURTHER CONTINUING APPROPRIATIONS, 1986

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that it shall be in order, any rule of the House to the contrary notwithstanding, at any time on today, Monday, December 16, 1985, or any day thereafter, to consider the conference report and amendments in disagreement and motions to dispose of said amendments on House Joint Resolution 465 subject to the availability of said conference report and motions to dispose of amendments in disagreement for at least 1 hour, that all points of order be waived against the conference report and amendments in disagreement and motions to dispose of said amendments, and that said conference report and amendments in disagreement be considered as having been read when called up for consideration.

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

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 465, FURTHER CONTINUING APPROPRIATIONS, 1986

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the joint resolution (H.J. Res. 465) making further continuing appropriations for the fiscal year 1986, and for other purposes.

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

There was no objection.

AUTHORIZING ADDITION TO APOSTLE ISLANDS NATIONAL LAKESHORE

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2182) to authorize the inclusion of certain additional lands within the Apostle Islands National Lakeshore, as amended.

The Clerk read as follows:

H.R. 2182

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of September 26, 1970 (P.L. 91-424; 16 U.S.C. 460w) is amended as follows:

(1) In section 1:

(a) in the first sentence, after the phrase "consisting of", insert: "(a) IN GENERAL.—";

(b) at the end of the first sentence, delete "1970" and insert: "1970; and

"(b) LONG ISLAND ADDITION.—Approximately 200 acres of land at the mouth of Chequamegon Bay known as 'Long Island', as depicted on the map numbered NL-AI-91,001 and dated December, 1985.";

(c) in the last sentence, delete "map" and insert "maps".

(2) In section 3, after the word "donation.", strike the following sentence and insert in lieu thereof the following: "Notwithstanding any other provision of law, any Federal property located within the boundaries of the lakeshore is hereby transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the lakeshore: Except, that the United States Coast Guard may retain a right to utilize a portion of such land and facilities for use as navigational aids so long as may be required."

(3) In section 4(c), after "January 1, 1967", insert: ", or before January 1, 1985 for those lands referred to in section 1(b)".

(4) Section 8 of such Act is amended by adding the following at the end thereof: "Effective October 1, 1986, there are authorized to be appropriated such additional sums as may be necessary for the acquisition of the lands described in section 1(b)."

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr.

VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

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

Mr. Speaker, I am pleased to bring to the House H.R. 2182. This legislation authorizes the inclusion of a small land area known as "Long Island" within the Apostle Islands National Lakeshore. This is a freshwater barrier island one of the few in existence, a sand spit initially connected to the mainland but blown out in the early 1800's.

The Apostle Islands are a 22-island chain located on Lake Superior in northern Wisconsin; 20 of the 22 islands are presently part of the Apostle Islands National Lakeshore, established in 1970. Long Island is the southernmost island in the Apostle Islands chain. The island is a long and narrow barrier island formation with several miles of sandy beach and low dunes. This Wisconsin island includes important nesting areas for two endangered bird species, the Piping Plover and the common Tern, in this area. The known history of this island dates back to the mid-1600's when forts and trading posts were established by French voyageurs on the island.

This island land area proposed to be included by this legislation comprises approximately 270 acres, of which 137 acres are already owned by the Federal Government. Except for the two automated lighthouses, the Coast Guard property on the island was transferred to the care and custody of the Bureau of Land Management in 1967. Other than the two lighthouses, the Coast Guard has no real interest in the property, and the Bureau of Land Management is in the process of eliminating its landholdings within Wisconsin. Based on these facts, the Committee on Interior and Insular Affairs adopted an amendment that transfers the Federal land on Long Island to the National Park Service, but allows the Coast Guard to continue to maintain its automated lighthouses for necessary navigation purposes.

H.R. 2182 enjoys widespread support within the State of Wisconsin. The committee received testimony in support of this bill from Senator WILLIAM PROXMIRE, Representative DAVE OBEY and Representative JIM MOODY, the Wisconsin Governor's office and a number of environmental organizations including the Sierra Club, the National Audubon Society and the Wilderness Society. Importantly, this measure has bipartisan support from the Wisconsin congressional delegation.

Mr. Speaker, Long Island was originally part of the National Park Service proposal for Lakeshore but was deleted due to an unrelated controversy over Indian land on the mainland. The legislation before us corrects that omission.

I want to commend the gentleman from Wisconsin [Mr. OBEY] for his initiative in introducing this measure and the subsequent assistance he offered the committee in its deliberations.

I urge adoption of H.R. 2182.

Mr. Speaker, I recommend the bill to the House, and I reserve the balance of my time.

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

Mr. Speaker, I would like to briefly comment on H.R. 2182. This bill would add 230-acre Long Island to the Apostle Islands National Lakeshore in Wisconsin.

One-half of Long Island is currently owned by the U.S. Coast Guard for navigational aid purposes. The Coast Guard has no objections to the transfer of the land since the bill permits the Coast Guard continued use and occupancy of the light stations on the island for as long as necessary.

Although I am concerned about authorizing new Federal acquisitions of parkland in view of the current backlog of authorized, but unpurchased park additions, I do believe Long Island is an appropriate addition to the National Park System. The estimated acquisition costs are relatively modest and the island seems to be a logical expansion of the Apostle Islands National Lakeshore.

Therefore, I urge the adoption of H.R. 2182.

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I thank the gentleman from California [Mr. LAGOMARSINO] for his cooperation and assistance with regard to this legislation.

Mr. Speaker, I yield such time as he may consume to the main sponsor of the bill, the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I simply would like to thank the gentleman from Minnesota [Mr. VENTO] and the gentleman from California [Mr. LAGOMARSINO] for their consideration of this proposal.

As has been indicated, this proposal has bipartisan support within the congressional delegation.

I appreciate the support of the delegation and of the committee in bringing the measure before us today.

Mr. Speaker, I rise in support of legislation which would further enhance the picturesque Apostle Islands National Lakeshore at the tip of the northern Wisconsin mainland in Lake Superior. Since Senator NELSON and Representative KASTENMEIER

led the effort to create this unique Federal park in 1970, thousands of people have enjoyed the unspoiled beauty of the 20-island cluster in the world's largest freshwater lake. Today, the park is enjoyed for its recreational and scenic value by both tourists and year-round residents alike.

The bill that I and several members of the Wisconsin delegation including Representatives, ASPIN, KASTENMEIER, KLECZKA, MOODY, PETRI, and SENSENBRENNER have introduced, would add an environmentally important and scenic island to the National Lakeshore—a sandspit called Long Island.

Long Island is a low, curving sandy island about 3 miles in length averaging about one-quarter mile wide and historically separated and reconnected several times to the mainland Chequamegon Point to the southeast.

Due to lack of clarity when the park was created in 1970, Long Island got knocked out of the bill along with Chequamegon Point.

For many years however, groups like the Wisconsin Scientific Preservation Council have recognized the unique geological and natural resources attributes of this sandspit.

It is one of the best shorebirding areas in the State, and several protected and endangered bird species including the Piping Plover, Common Tern, and Bald Eagle have been found there.

The Island is both culturally and historically significant in the region, and was thought to play an important role in the fur trade of the 1660's. Long Island also has one of the first lighthouses in the western end of Lake Superior dating back to 1852.

From a recreational point of view, Long Island is much more accessible to nearby mainland communities than the other 20 islands. Because Long Island is a sandspit, the water surrounding it is very shallow and warms up more than the water around the other rocky cliff Apostles, making it possible to swim in the extremely cold Lake Superior waters.

A lot of people think that Long Island is in the park right now. Much of it is already government owned and many people want to use it like a park. The problem is that it isn't being managed like a park.

Abandoned Coast Guard buildings on BLM owned land have fallen into disrepair, and there is considerable litter on the premises this year, and recently the tire tracks of off road vehicles were found on the dunes and in other environmentally sensitive areas. Safety is also a concern.

Basically there needs to be an overall plan for the well managed use and preservation of Long Island's unique features.

We believe that this beautiful resource would be best managed by the National Park Service and I strongly urge adoption of H.R. 2182 with the committee amendment.

That's the best way to preserve the island in its existing state. The recently constructed Washburn and proposed Ashland Marina are expected to bring more boating traffic into the area. Long Island is close to

both, and the legislation is a good way to link the Apostles Park to these nearby mainland communities while ensuring the preservation of a resource which might otherwise succumb to the increased pressures that increased traffic is likely to bring.

Mr. VENTO. I thank the gentleman for his comments.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. Moody], a member of the committee.

Mr. MOODY. Mr. Speaker, I, too, would like to add my support to this bill.

Mr. Speaker, I am pleased to support H.R. 2182, which would add the southernmost island in the Apostle Islands chain, Long Island, to the Apostle Islands National Lakeshore.

This legislation, introduced by my colleague Representative OBEY, myself and other members of the delegation has received bipartisan support within our delegation, and this indicates its importance to the State of Wisconsin.

Long Island, which is about 2½ miles in length, has been connected and separated several times from the long Chequamegon Point to the southeast, but since 1977, has been connected by low sandy deposits. This area, known as the sand cut, would also be included in this legislation. The bill would immediately transfer the Federal property on Long Island to the administrative jurisdiction of the Secretary of the Interior for use as part of the Lakeshore, with the U.S. Coast Guard allowed to continue utilizing a portion of the island for use as navigational aids.

There are several advantages for desiring the inclusion of Long Island as the 21st island to be added to the National Lakeshore:

The increase in tourism in the Ashland-Washburn area would benefit from the close proximity of the island to the mainland for scenic and recreational experiences alike. In fact, the old Coast Guard buildings on Long Island could possibly be restored and become points of historical interest in the National Lakeshore; and

Long Island is also one of the last remaining habitats in the Great Lakes region of two seriously endangered bird species, the piping plover and the common tern.

Bringing this island under the purview of the National Park Service will ensure good land management practices are followed in maintaining a balance between protecting wildlife and habitats and allowing the public to utilize the island for a variety of activities including research, birdwatching, hiking, and boating access.

H.R. 2182 has received a hearing and been favorably reported out of the Interior and Insular Affairs Committee, of which I am a member. Most importantly, there will be no significant in-

crease in Federal expenditures as a result of this legislation being enacted.

I urge my colleagues to support passage of this legislation.

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Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. KLECZKA]

Mr. KLECZKA. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today as a cosponsor of H.R. 2182, and urge the House to approve this addition of Long Island to the Apostle Islands National Lakeshore.

My Milwaukee district bears little resemblance to the Apostle Islands region, but my constituents know a great vacation spot when they see one. Long Island's sandy beaches and dunes provide superb opportunities for swimming and hiking. The island's unique geological formations provide a safe nesting spot to over a hundred species of birds, several of them endangered. Finally, Long Island's proximity to the Washburn Marina and the proposed marina in Ashland would make its inclusion in the National Lakeshore an economic boon to these communities.

Mr. Speaker, I am proud to come from a State of unparalleled natural beauty. Let's preserve these gifts for the enjoyment of our children and grandchildren by passing this sensible legislation.

I congratulate Mr. OBEY, Mr. VENTO, Mr. MOODY, and Mr. LAGOMARSINO for their fine work.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 2182, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

SENSE OF THE HOUSE THAT THE SOVIET UNION SHOULD ALLOW IGOR OGURTSOV TO EMIGRATE TO THE WEST WITHOUT RENOUNCING HIS VIEWS

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 76) expressing the sense of the House of Representatives that the Soviet Union should allow Igor Ogurtsov to be released from internal exile and allowed to emigrate to the West without renouncing his views.

The Clerk read as follows:

H. RES. 76

Whereas the Soviet Union is a signatory to the Final Act of the Conference on Security and Cooperation in Europe and is obligated to comply with the Universal Declaration of Human Rights;

Whereas Igor Ogurtsov, the founder of a religious-political opposition group in Soviet Union known as the All-Russian Social Christian Alliance for the Liberation of the People [VSKhSON], was tried in late 1976, without benefit of a fair and public hearing, with three other leaders of VSKhSON and was found guilty of treason;

Whereas while Igor Ogurtsov denied that he was guilty of treason, he was nonetheless sentenced to seven years in Vladimir Prison, eight years in a strict regime camp, and five years in internal exile;

Whereas the latest reports indicate that Igor Ogurtsov is very undernourished and weak; suffers from high blood pressure, liver malfunction, poor eye sight, loss of teeth; and has been described by his mother as a walking skeleton;

Whereas Igor Ogurtsov desperately wishes to emigrate to any country in the West that will accept him and his parents;

Whereas Igor Ogurtsov was offered an exit visa that would allow him and his parents to emigrate, but only if he signed a statement of pardon renouncing his views;

Whereas Igor Ogurtsov is the only remaining VSKhSON member still imprisoned: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the President should—

(1) continue to express at every suitable opportunity and in the strongest possible terms the opposition of the United States to the forced internal exile and repressive treatment of Igor Ogurtsov; and

(2) urge the Soviet Union to—

(A) provide Igor Ogurtsov adequate medical care;

(B) grant Igor Ogurtsov immediate release from internal exile; and

(C) accept Igor Ogurtsov's application for exit visa and allow him emigrate with his parents without forcing him to renounce his views, in accordance with the Final act of the Conference on Security and Cooperation in Europe and with the Universal Declaration of Human Rights.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this resolution to the President with the request that he further transmit copies of this resolution to the leadership of the Soviet Union and to the Ambassador of the Soviet Union to the United States.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

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

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 76, the resolution presently under consideration.

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

There was no objection.

Mr. FASCELL. Mr. Speaker, I rise in support House Resolution 76 and commend the ranking minority member of the committee, the gentleman from Michigan, [Mr. BROOMFIELD], for his efforts on this legislation.

Mr. Speaker, Igor Ogurtsov is the founder of the religious-political opposition group in the Soviet Union known as the All-Russian Social Christian Alliance for the Liberation of the People. Because of his activities, Mr. Ogurtsov was tried for treason in 1967 and received a long prison sentence of 15 years and is now in internal exile.

The physical condition of Mr. Ogurtsov is very poor. He suffers from undernourishment, high blood pressure, liver and eye problems, and other impairments. He desperately wishes to leave the Soviet Union but cannot do so unless he renounces his political views.

House Resolution 76 simply expresses the sense of the House of Representatives that the Soviet Union should release Igor Ogurtsov and allow him and his parents to emigrate without conditions. This is a step the Soviet Union must take if it is to comply with its obligations under the Helsinki Final Act.

I hope the House will act unanimously to support this resolution.

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

Mr. Speaker, the resolution before us today concerns the plight of Soviet dissident Igor Ogurtsov. House Resolution 76 expresses the sense of the House of Representatives that the President should continue to express the opposition of the United States to the forced internal exile and repressive treatment of Igor Ogurtsov. The President is asked to urge the Soviet Union to provide Igor Ogurtsov with adequate medical care, grant his immediate release from internal exile, and accept his application for exit visa and allow him to emigrate to the West with his parents without forcing him to renounce his views.

Born in Volgograd in 1937, Igor Ogurtsov spent most of his life residing in Leningrad and graduated from Leningrad State University in 1966 taking a degree in oriental studies. Ogurtsov was the founder in 1964 of a religious-political opposition group in the Soviet Union known as the All Russian Social Christian Alliance for the Liberation of the People. The organization survived for 3 years and when it was finally broken up by the KGB its membership numbered 28. Despite Ogurtsov's denial of guilt, he was convicted of treason in a closed Leningrad court and sentenced to 15 years of imprisonment, to be followed by 5 years of internal exile.

Recent reports indicate that Igor Ogurtsov is in poor health suffering from high blood pressure, liver malfunction, loss of teeth, and a number of other serious maladies. He was recently released to visit relatives in Leningrad, but is scheduled to return to internal exile very shortly. Given his poor health, the urgency of this situation cannot be overstated.

The harsh treatment accorded Mr. Ogurtsov is a matter of great concern to the Russian-American community. Deserving special mention for her tireless efforts to facilitate Igor Ogurtsov's release is Mrs. Vera Politis, chairwoman of the National Human Rights Committee of the Congress of Russian Americans. I would like to commend Mrs. Politis for the worthy efforts of her organization on behalf of Mr. Ogurtsov and other victims of Soviet repression.

House Resolution 76 has over 80 cosponsors and the Senate last year passed a resolution similar to the one before us today. Mr. Ogurtsov is now serving the 18th year of his sentence for his "crimes" against the Soviet state. These alleged "crimes" were to urge that his country follow a Christian faith and observe basic human rights.

Mr. Speaker, House Resolution 76 raises a very personal and specific human rights issue of immediate and crucial importance. I urge my colleagues to support the measure now before us.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in strong support of the legislation now pending before us. I commend the gentleman from Michigan [Mr. BROOMFIELD] who, as ranking minority member of our Foreign Affairs Committee, has played a large role in bringing this important measure to the floor of the House. As primary sponsor of House Resolution 76 with our good colleague, Congressman WORTLEY of New York, Congressman BROOMFIELD has once again given the Members of the House the vital oppor-

tunity to speak out on human rights practices in the Soviet Union. Igor Ogurtsov is an innocent man who has spent many years wasting away in the vast expanse of the Soviet gulag. A prolific writer, he has committed no crime against either Soviet society or the state. Yet he continues to languish in prison for no other reason than some bureaucrat wanted him to suffer. The Congress of Russian Americans, many of whose members reside in my district, have consistently supported Mr. Ogurtsov over the years, and are to be commended for their perseverance of purpose.

Mr. Speaker, I was pleased to have cosponsored this resolution of support for Mr. Ogurtsov last Congress as well, and coming on the heels of the recent Geneva summit meeting, this legislation is yet another expression of our feelings on the very important issue of human rights. Though the Soviets are signatories to numerous documents detailing the freedom of the individual by thought, word, or deed, they have not fulfilled either the spirit or the letter of these international treaties. By voting for House Resolution 76 today, the Members of this body have a twofold opportunity to relay to the Soviet Government their intentions with respect to human rights—first, that Igor Ogurtsov enjoys the full support and solidarity of the entire House of Representatives, and second, that this Congress will reiterate as necessary our commitment to human rights and the dignity of the individual. Accordingly, Mr. Speaker, I urge our colleagues to join me in voting for House Resolution 76; Igor Ogurtsov, an innocent and courageous man, deserves no less.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the resolution, House Resolution 76.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ENCOURAGING PRIVATE SECTOR INVOLVEMENT IN WORLD HUNGER

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 57) encouraging private sector involvement in the worldwide effort to alleviate hunger, as amended.

The Clerk read as follows:

H. CON. RES. 57

Whereas the United States faces the challenge of leading the world to a new era of

prosperity, created in significant part by enabling the dynamism of the private sector to use its creative talents in the third world;

Whereas nations have identified food self-reliance as a priority national goal;

Whereas the challenge to help the world's hungry is a global concern and ultimately a matter of United States national security, the direct result of a world grown more interdependent, and dictated by traditional humanitarian concerns;

Whereas the challenge must not be confronted solely within the context of an existing crisis, but with an eye toward the future food requirements of developing countries;

Whereas both the private and public sectors, by reason of their knowledge, experience, and other resources, have a valuable role to play in alleviating world hunger;

Whereas American involvement with helping the hungry abroad has encompassed a wide spectrum of activities in both the public and private sectors;

Whereas out of past successes and failures have come a better understanding of the benefits and limitations of the activities of each sector;

Whereas the issue is not generally public sector activities versus private sector activities, but the appropriate combination of each under the appropriate conditions;

Whereas the conditions that are appropriate vary enormously from country to country, depending on the respective stage of development of and the development priorities established by the country, and the services offered by prospective foreign investors;

Whereas corporate investment, as is evidenced by the work of the organizations represented by the Fowler-McCracken Commission, has far-reaching implications for efforts to alleviate world hunger, both through direct involvement in national food systems and, more generally, through its impact upon employment levels, purchasing power, income distribution, balance of payments questions, and productivity in developing nations;

Whereas the most attractive countries for foreign investors remain the middle- and upper-income developing countries where rapid advances are being made in industrialization and the expansion of economic and social infrastructure; and

Whereas the less affluent developing countries have the greatest food problems—the critical lack of trained manpower and expertise and the need for farm-to-market roads, irrigation systems, communication networks, and newer port facilities—but offer little incentive for investment by foreign corporations: Now, therefore, be it,

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the order to meet the challenge of encouraging private sector investment in developing countries and to target some of that investment so that it helps alleviate hunger, it is necessary to encourage the private sector to become involved with other nations wherever it can in the worldwide effort to alleviate hunger.

SEC. 2. It is further the sense of the Congress that, in light of the market for many developing country products, such investment by the private sector must be encouraged in order to promote income generation, improved natural resource management, and efforts to alleviate world hunger.

SEC. 3. It is further the sense of the Congress that—

(1) America's leading institutions in the public and private sectors should join

forces, during this year and through the balance of this decade, in developing the commitments and the action plan essential to ending world hunger;

(2) the Fowler-McCracken Commission and other interested organizations should work together at the national, regional, and State level to build a national commitment so crucial to the success of this mission;

(3) such an undertaking should be designed to secure from private firms a commitment to a corporate agenda that reflects a resolve to end world hunger;

(4) particular consideration should be devoted to mobilizing the public and private resources needed to assist the less-affluent developing countries in enabling their people to meet basic human needs; and

(5) those nations in need of further assistance should consider how best to create the political and economic conditions necessary to enable their own people and the world's public and private sectors to invest in the development of those nations.

The SPEAKER pro tempore. Is a second demanded?

Mr. GILMAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

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

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 57 which is presently under consideration.

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

There was no objection.

Mr. FASCELL. Mr. Speaker, I rise in support of House Concurrent Resolution 57, encouraging private sector involvement in the worldwide effort to alleviate hunger.

This resolution endorses the work of the Fowler-McCracken Commission in urging private sector investment in agricultural activities in developing countries as part of the effort to alleviate world hunger.

In developing countries as in this country, the farmer represents the essence of the private sector. These farmers must be supported by appropriate policies in order to work most efficiently in their basic goal of food production. Encouragement of corporate investment in agriculture-related industry is fundamental to creating and maintaining one demand for agricultural production. This demand cre-

ation is a necessary incentive for increasing agricultural output.

The resolution also calls for a partnership between the public and private sectors in order to develop the commitments and action plan essential to ending world hunger. It urges mobilization of the public and private resources needed to assist the poorer developing countries to feed their people.

We know that there is no one answer to the complex issues of hunger and poverty. Our experience in this country, however, confirms that a strong private sector provides the means for people to help themselves to a better life. I urge my colleagues to support this resolution encouraging the involvement of the private sector in developing country agricultural activities.

Mr. BROOMFIELD. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Speaker, in February, I joined the distinguished gentleman from New York [Mr. GILMAN] and the distinguished chairman of the Foreign Affairs Committee [Mr. FASCELL], in sponsoring House Concurrent Resolution 57, legislation calling upon the private sector to apply itself in the worldwide effort to alleviate hunger. Congress can help to provide impetus to the private sector to use its creative talents to meet the challenge of helping the world's hungry.

The hunger issue is of great concern for both humanitarian and national security reasons. House Concurrent Resolution 57 expresses the sense of Congress that it is necessary to encourage the private sector to become involved with other nations wherever it can in the global effort to alleviate hunger. It also suggests that the private and public sectors should join forces in this worthwhile effort.

Mr. Speaker, this resolution supports the work of the Fowler-McCracken Commission the goal of which is cementing the corporate commitment to ending world hunger. I urge my colleagues to support the resolution as yet another way of broadening the attack on a serious situation that must be faced with both public and private initiative and resources.

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

Mr. Speaker, I want to commend the distinguished chairman, the gentleman from Florida [Mr. FASCELL], and the ranking minority member on the committee, the gentleman from Michigan [Mr. BROOMFIELD], for helping to bring this measure to the floor at this time.

Mr. Speaker, the American corporate community has the unique capability and the necessary interest to help alleviate world hunger. The pri-

vate sector has an undeniable stake in developing strong, viable overseas partners. Hunger and malnutrition are enemies of mankind that not only threaten world peace and prosperity but also severely limit potential international markets and domestic job opportunities.

Today's challenges go beyond poor rainfall and declining food production to encompass the longer term dilemmas such as inadequate transportation, poor health systems, environmental degradation and the lack of sound economic and agricultural policies in the recipient countries.

The private sector can: Build the required infrastructure, enhance food production, infuse solely-needed management expertise and an entrepreneurial spirit into the markets of the affected countries, and, through successful international business practices and trade, help to encourage the necessary long-term economic reforms.

Accordingly, the Congress must challenge and encourage the American private sector to commit its time, expertise and capital investment to help alleviate not only the short-term crisis but the longer-term costs as well. While, in Africa the short-term crisis is abating, the problems to move the African nations and other hungry countries from relief to self-reliance are not yet in place—at least nowhere the magnitude that is needed.

House Concurrent Resolution 57 would pay a significant role in recognizing this problem and in helping to draw attention to its resolution.

I urge my colleagues to adopt House Concurrent Resolution 57.

Mrs. ROUKEMA. Mr. Speaker, first, I would like to commend the gentleman from New York [Mr. GILMAN] for his leadership on this issue, his sponsorship of House Concurrent Resolution 57 and his work on the Fowler-McCracken Commission's executive committee. This is just another example of his untiring commitment to the task of ending world hunger.

Over the past year we have seen an unprecedented response by the U.S. Government, other Western nations, numerous voluntary organizations, and the public at large to the famine crisis in Africa. The United States alone has sent over 3 million metric tons of food aid valued at over \$1 billion. We made this effort because millions of people were on the brink of starvation. The United Nations estimated that 200 million people were affected by the famine, with up to 30 million seriously at risk of dying due to disease and malnutrition. Thankfully, our aid went a long way toward saving many.

Unfortunately, the dire situation for many in Africa is not over. We must continue to send food aid, while we search for ways to bolster Africa's unproductive economic and agricultural

sectors. As the ranking minority member of the House Select Committee on Hunger, I, and my colleagues, have heard from a number of expert witnesses, most recently former Defense Secretary and ex-President of the World Bank, Robert McNamara, on the need for a concerted, coordinated, long-term commitment to solving the problems in Africa. We must do so for humanitarian reasons, as well as economic and strategic ones.

Make no mistake about it, this will take the continued commitment of our national resources. We also clearly realize that in this age of astronomical budget deficits, there may be limits to what we can afford to contribute. The best approach is to take full advantage of what we can commit. This Congress can facilitate both public and private involvement and coordination in this effort. That is exactly what House Conference Report 57 is designed to do. It makes note of the special role that the private sector, especially American corporations, can play in terms of money, strategy, and expertise. Greater private sector investment and involvement in the poorest developing countries will serve to enhance our governmental efforts to end hunger and malnutrition.

In the last year Mr. LELAND and I encouraged U.S. pharmaceutical companies to donate supplies for the famine relief effort. They responded with large quantities of vaccines, antibiotics, and vitamins, valued at millions of dollars. Transportation for these much-needed supplies was paid for by the employees of a major air freight company. That is but one example of the kind of corporate involvement that is possible if we clearly state our needs and objectives. By building a national commitment, we can gain much broader participation by the American private sector in addressing hunger issues.

We are well aware and are grateful for the proven generosity of American corporations in helping the truly needy. But they can do more. I view this resolution as somewhat of a challenge to them. I believe that a vast public spirit and altruism remains to be tapped in America. We saw it begin to surface in the generosity displayed through the Live-Aid and USA for Africa events, which raised over \$100 million and the consciousness of our youngest generation. Can our corporate board rooms do as well? Rotary International and thousands of Rotarians in the United States have pledged to raise \$120 million for worldwide immunization of children against polio. Can other organizations set and reach such a goal in this admirable effort? I think that they can, and we in the Congress should encourage them every step of the way.

This resolution is one small part of that encouragement. The solutions to the problems of Africa lie in long-term efforts to increase food production in the poorest countries and to improve food distribution in nearly every country. With the commitment of both the public and private sectors, and the proper coordination between them, we can utilize our resources to their utmost advantage. We may not solve the problems in a day or a year, but we can do it, we must do it and should start today. I urge all Members to support this resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 57, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RESTORATION OF FEDERAL RECOGNITION TO YSLETA DEL SUR PUEBLO AND ALABAMA AND COUSHATTA INDIAN TRIBES OF TEXAS

Mr. UDALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1344) to provide for the restoration of Federal recognition to the Ysleta del Sur Pueblo and the Alabama and Coushatta Indian Tribes of Texas, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1344

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act".

REGULATIONS

SEC. 2. The Secretary of the Interior or his designated representative may promulgate such regulations as may be necessary to carry out the provisions of this Act.

TITLE I—YSLETA DEL SUR PUEBLO RESTORATION

DEFINITIONS

SEC. 101. For purposes of this title—

(1) the term "tribe" means the Ysleta del Sur Pueblo (as so designated by section 102);

(2) the term "Secretary" means the Secretary of the Interior or his designated representative;

(3) the term "reservation" means the lands held by the tribe on the date of the enactment of this title and the lands held in trust by the State and by the Texas Indian Commission for the benefit of the tribe on such date;

(4) the term "State" means the State of Texas;

(5) the term "Tribal Council" means the governing body of the tribe; and

(6) the term "Tiwa Indians Act" means the Act entitled "An Act relating to the Tiwa Indians of Texas," and approved April 12, 1968 (82 Stat. 93).

REDESIGNATION OF TRIBE

SEC. 102. The Indians designated as the Tiwa Indians of Ysleta, Texas, by the Tiwa Indians Act shall, on and after the date of the enactment of this title, be known and designated as the Ysleta del Sur Pueblo. Any reference in any law, map, regulation, document, record, or other paper of the United States to the Tiwa Indians of Ysleta, Texas, shall be deemed to be a reference to the Ysleta del Sur Pueblo.

RESTORATION OF FEDERAL RECOGNITION, RIGHTS, AND BENEFITS

SEC. 103. (a) FEDERAL RECOGNITION.—Federal recognition of the tribe and of the trust relationship between the United States and the tribe is hereby restored. All laws and rules of law of the United States of general application to Indians, to nations, tribes, or bands of Indians, or to Indian reservations which are not inconsistent with any specific provision contained in this title shall apply to the members of the tribe, the tribe, and the reservation.

(b) RESTORATION OF RIGHTS AND PRIVILEGES.—All rights and privileges of the tribe and members of the tribe under any Federal treaty, statute, Executive order, agreement, or under any authority of the United States which may have been diminished or lost under the Tiwa Indians Act are hereby restored.

(c) FEDERAL SERVICES AND BENEFITS.—Notwithstanding any other provision of law, the tribe and the members of the tribe shall be eligible, on and after the date of the enactment of this title, for all benefits and services furnished to federally recognized Indian tribes.

(d) EFFECT OF PROPERTY RIGHTS AND OTHER OBLIGATIONS.—Except as otherwise specifically provided in this title, the enactment of this title shall not affect any property right or obligation or any contractual right or obligation in existence before the date of the enactment of this title or any obligation for taxes levied before such date.

STATE AND TRIBAL AUTHORITY

SEC. 104. (a) STATE AUTHORITY.—Nothing in this Act shall affect the power of the State of Texas to enact special legislation benefiting the tribe.

(b) TRIBAL AUTHORITY.—The Tribal Council, as such Council is constituted on the date of the enactment of this title, shall represent the tribe and its members in the implementation of this title and shall have full authority and capacity—

(1) to enter into contracts, grant agreements, and other arrangements with any Federal department or agency, and

(2) to administer or operate any program or activity under or in connection with any such contract, agreement, or arrangement, to enter into subcontracts or award grants to provide for the administration of any such program or activity, or to conduct any other activity under or in connection with any such contract, agreement, or arrangement.

PROVISIONS RELATING TO TRIBAL RESERVATION

SEC. 105. (a) FEDERAL RESERVATION ESTABLISHED.—The reservation is hereby declared to be a Federal Indian reservation for the

use and benefit of the tribe without regard to whether legal title to such lands is held by the State or by the tribe.

(b) CONVEYANCE OF LAND BY STATE.—The Secretary shall—

(1) accept any offer from the State to convey title to any land held in trust by the State or by the Texas Indian Commission for the benefit of the tribe to the Secretary, and

(2) hold such title, upon conveyance by the State, in trust for the benefit of the tribe.

(c) CONVEYANCE OF LAND BY TRIBE.—At the written request of the Tribal Council, the Secretary shall—

(1) accept conveyance by the tribe of title to any land held by the tribe to the Secretary, and

(2) hold such title, upon such conveyance by the tribe, in trust for the benefit of the tribe.

(d) APPROVAL OF DEED BY ATTORNEY GENERAL.—Notwithstanding any other provision of law regulation, the Attorney General of the United States shall approve any deed or other instrument from the State or the tribe which conveys title to land within the reservation to the United States.

(e) PERMANENT IMPROVEMENT AUTHORIZED.—Notwithstanding any other provision of law or rule of law, the Secretary or the tribe any erect permanent improvements, improvements of substantial value, or any other improvement authorized by law on the reservation without regard to whether legal title to such lands has been conveyed to the Secretary by the State or the tribe.

(f) CIVIL AND CRIMINAL JURISDICTION WITHIN RESERVATION.—The State shall exercise civil criminal jurisdiction within the boundaries of the reservation as if such State had assumed such jurisdiction with the consent of the tribe under sections 401 and 402 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes," and approved April 11, 1968 (25 U.S.C. 1321, 1322).

(g) PLAN FOR ENLARGEMENT OF PRESERVATION.—The Secretary shall negotiate with the tribe concerning the enlargement of the reservation and, not later than two years after the date of the enactment of this Act, shall develop a plan for the enlargement of the reservation for the tribe. The plan shall include provisions for the acquisition of land to be selected from available public, State, or private lands within El Paso or Hudspeth Counties, Texas. Upon approval of such plan by the tribe, the Secretary shall submit such plan, in the form of proposed legislation, to the Congress.

(h) NOTIFICATION AND CONSULTIVE REQUIREMENTS FOR PLAN.—To assure that legitimate State and local interests are not prejudiced by the enlargement of the reservation for the tribe, the Secretary, in developing the plan under subsection (g) shall notify and consult with all appropriate officials of the State of Texas, all appropriate local government officials in the affected area in the State of Texas, and any other interested party. The consultations required under this subsection shall include—

(1) the size and location of the additions to the reservation;

(2) the effect the enlargement of the reservation would have on State and local tax revenues;

(3) the criminal and civil jurisdiction of the State of Texas with respect to the reservation and persons on the reservation;

(4) the provision of State and local services to the reservation and to the tribe and members of the tribe on the reservation; and

(5) the provision of Federal services to the reservation and to the tribe and members of the tribe and the provision of services by the tribe to members of the tribe.

(i) **CONTENTS OF PLAN.**—Any plan developed for the enlargement of the reservation shall provide that the Secretary shall not accept any real property in trust for the benefit of the tribe or bands unless such real property is located either within El Paso or Hudspeth Counties, State of Texas.

(j) **STATEMENT APPENDED TO ENLARGEMENT PLAN RESPECTING IMPLEMENTATION OF NOTIFICATION AND CONSULTATIVE REQUIREMENTS.**—The Secretary shall append to the plan a detailed statement describing the manner in which the notification and consultation prescribed by subsection (h) was carried out and shall include any written comments with respect to the enlargement of the reservation for the tribe submitted to the Secretary by State and local officials and other interested parties in the course of such consultation.

TIWA INDIANS ACT REPEALED

SEC. 106. The Tiwa Indians Act is hereby repealed.

SEC. 107. Gaming, lottery or bingo on the tribe's reservation and on tribal lands shall only be conducted pursuant to a tribal ordinance or law approved by the Secretary of the Interior. Until amended as provided below, the tribal gaming laws, regulations and licensing requirements shall be identical to the laws and regulations of the State of Texas regarding gambling, lottery and bingo. Any amendments to the tribal gaming laws, regulations and licensing requirements shall be submitted by the tribe to the Secretary for approval. Upon such approval, the Secretary shall submit such amendments to the Congress. Such amendments shall become effective at the end of a 60 legislative day period beginning on the day such amendments are submitted to the Congress, unless during such 60-day period Congress adopts a joint resolution disapproving such amendments.

TITLE II—ALABAMA AND COUSHATTA INDIAN TRIBES OF TEXAS

DEFINITIONS

SEC. 201. For purposes of this title—

(1) the term "tribe" means the Alabama and Coushatta Indian Tribes of Texas (considered as one tribe in accordance with section 202);

(2) the term "Secretary" means the Secretary of the Interior or his designated representative;

(3) the term "reservation" means the Alabama and Coushatta Indian Reservation in Polk County, Texas, comprised of—

(A) the lands and other natural resources conveyed to the State of Texas by the Secretary pursuant to the provisions of section 1 of the Act entitled "An Act to provide for the termination of Federal supervision over the property of the Alabama and Coushatta Tribes of Indians of Texas, and the individual members thereof; and for other purposes," and approved August 23, 1954 (25 U.S.C. 721), and

(B) the lands and other natural resources purchased for and deeded to the Alabama Indians in accordance with an act of the legislature of the State of Texas approved February 3, 1854;

(4) the term "State" means the State of Texas;

(5) the term "constitution and bylaws" means the constitution and bylaws of the tribe which were adopted on June 16, 1971; and

(6) the term "Tribal Council" means the governing body of the tribe under the constitution and bylaws.

ALABAMA AND COUSHATTA INDIAN TRIBES OF TEXAS CONSIDERED AS ONE TRIBE

SEC. 202. The Alabama and Coushatta Indian Tribes of Texas shall be considered as one tribal unit for purposes of this title and any other law or rule of law of the United States.

RESTORATION OF FEDERAL RECOGNITION, RIGHTS AND BENEFITS

SEC. 203. (a) **FEDERAL RECOGNITION.**—Federal recognition of the tribe and of the trust relationship between the United States and the tribe is hereby restored. The Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 476) and all laws and rules of law of the United States of general application to Indians, to nations, tribes, or bands of Indians, or to Indian reservations which are not inconsistent with any specific provision contained in this title shall apply to the members of the tribe, the tribe, and the reservation.

(b) **RESTORATION OF RIGHTS AND PRIVILEGES.**—All rights and privileges of the tribe and members of the tribe under any Federal treaty, Executive order, agreement, statute, or under any other authority of the United States which may have been diminished or lost under the Act entitled "An Act to provide for the termination of Federal supervision over the property of the Alabama and Coushatta Tribes of Indians of Texas, and the individual members thereof; and for other purposes," and approved August 23, 1954, are hereby restored and such Act shall not apply to the tribe or to members of the tribe after the date of the enactment of this title.

(c) **FEDERAL BENEFITS AND SERVICES.**—Notwithstanding any other provision of law, the tribe and the members of the tribe shall be eligible, on and after the date of the enactment of this title, for all benefits and services furnished to federally recognized Indian tribes.

(d) **EFFECT ON PROPERTY RIGHTS AND OTHER OBLIGATIONS.**—Except as otherwise specifically provided in this title, the enactment of this title shall not affect any property right or obligation or any contractual right or obligation in existence before the date of the enactment of this title or any obligation for taxes levied before such date.

STATE AND TRIBAL AUTHORITY

SEC. 204. (a) **STATE AUTHORITY.**—Nothing in this Act shall affect the power of the State of Texas to enact special legislation benefiting the tribe.

(b) **CURRENT CONSTITUTION AND BYLAWS TO REMAIN IN EFFECT.**—The constitution and bylaws of the tribe on file with the Committee on Interior and Insular Affairs is hereby declared to be approved for the purposes of section 16 of the Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476) except that all reference to the Texas Indian Commission shall be considered as reference to the Secretary of the Interior.

(c) **AUTHORITY AND CAPACITY OF TRIBAL COUNCIL.**—No provision contained in this title shall affect the power of the Tribal Council to take any action under the constitution and bylaws described in subsection (b). The Tribal Council shall represent the tribe and its members in the implementation of this title and shall have full authority and capacity—

(1) to enter into contracts, grant agreements, and other arrangements with any Federal department or agency;

(2) to administer or operate any program or activity under or in connection with any such contract, agreement, or arrangement, to enter into subcontracts or award grants to provide for the administration of any such program or activity, or to conduct any other activity under or in connection with any such contract, agreement, or arrangement; and

(3) to bind any tribal governing body selected under any new constitution adopted in accordance with section 205 as the successor in interest to the Tribal Council.

ADOPTION OF NEW CONSTITUTION AND BYLAWS

SEC. 205. Upon written request of the tribal council, the Secretary shall hold an election for the members of the tribe for the purpose of adopting a new constitution and bylaws in accordance with section 16 of the Act of June 18, 1934 (25 U.S.C. 476).

PROVISIONS RELATING TO TRIBAL RESERVATION

SEC. 206. (a) **FEDERAL RESERVATION ESTABLISHED.**—The reservation is hereby declared to be a Federal Indian reservation for the use and benefit of the tribe without regard to whether legal title to such lands is held by the State or by the tribe.

(b) **CONVEYANCE OF LAND BY STATE.**—The Secretary shall—

(1) accept any offer from the State to convey title to any lands held in trust by the State or the Texas Indian Commission for the benefit of the tribe to the Secretary, and

(2) shall hold such title, upon conveyance by the State, in trust for the benefit of the tribe.

(c) **CONVEYANCE OF LAND BY TRIBE.**—At the written request of the Tribal Council, the Secretary shall—

(1) accept conveyance by the tribe of title to any lands within the reservation which are held by the tribe to the Secretary, and

(2) hold such title, upon such conveyance by the tribe, in trust for the benefit of the tribe.

(d) **APPROVAL OF DEED BY ATTORNEY GENERAL.**—Notwithstanding any other provision of law or regulation, the Attorney General of the United States shall approve any deed or other instrument from the State or the tribe which conveys title to lands within the reservation to the United States.

(e) **PERMANENT IMPROVEMENTS AUTHORIZED.**—Notwithstanding any other provision of law or rule of law, the Secretary of the tribe may erect permanent improvements, improvements of substantial value, or any other improvement authorized by law on the reservation without regard to whether legal title to such lands has been conveyed to the Secretary by the State or the tribe.

(f) **CIVIL AND CRIMINAL JURISDICTION WITHIN RESERVATION.**—The state shall exercise civil and criminal jurisdiction within the boundaries of the reservation as if such State had assumed such jurisdiction with the consent of the tribe under sections 401 and 402 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes," and approved April 11, 1968 (25 U.S.C. 1321, 1322).

SEC. 207. Gaming, lottery or bingo on the tribe's reservation and on tribal lands shall only be conducted pursuant to a tribal ordinance or law approved by the Secretary of the Interior. Until amended as provided below, the tribal gaming laws, regulations and licensing requirements shall be identical

cal to the laws and regulations of the State of Texas regarding gambling, lottery and bingo. Any amendments to the tribal gaming laws, regulations and licensing requirements shall be submitted by the tribe to the Secretary for approval. Upon such approval, the Secretary shall submit such amendments to the Congress. Such amendments shall become effective at the end of a 60 legislative day period beginning on the day such amendments are submitted to the Congress, unless during such 60-day period Congress adopts a joint resolution disapproving such amendments.

The SPEAKER pro tempore. Is a second demanded?

Mr. DEWINE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Arizona [Mr. UDALL] will be recognized for 20 minutes and the gentleman from Ohio [Mr. DEWINE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. UDALL].

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

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise their remarks on H.R. 1344, the bill under consideration.

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

There was no objection.

Mr. UDALL. Mr. Speaker, H.R. 1344 is a bill to provide for the restoration of Federal recognition to the Ysleta Del Sur Pueblo and the Alabama and Coushatta Indian Tribes. Both tribes are located in the State of Texas.

The Ysleta Del Sur Pueblo had its Federal trust relationship terminated by an act of Congress in 1967 and transferred to the State of Texas. The Alabama Coushatta Tribe had its trust relationship with the United States terminated in 1954 and that relationship was transferred to the State of Texas.

The attorney general of the State of Texas issued an opinion recently in which he stated that under the Texas Constitution, it is illegal for the State to continue to maintain a trust relationship with these two tribes. This bill therefore would reestablish a trust relationship with the United States so that the tribal members could again be eligible to participate in Federal programs that are available to Indians because of their special status as Indians.

This bill does not call for any additional appropriations or authorization and is supported by the tribes and the State of Texas. I therefore urge passage of this legislation.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas [Mr. COLEMAN], the author of the bill.

Mr. COLEMAN of Texas. I thank the gentleman for yielding time to me.

Mr. Speaker, I wish to take this opportunity to extend the appreciation of both myself and the people of Texas for the chance to this legislation considered in such a timely manner.

Since my esteemed colleague, Congressman CHARLES WILSON, will address that portion of the legislation pertaining to the Alabama-Coushatta Tribe, I will focus my remarks of the other Texas tribe, that of the Pueblo de la Ysleta Del Sur, or, more simply, the Tiwas of El Paso.

In the course of drafting this legislation, I had the chance to come across a recounting of a conversation that took place several years ago between a good friend of mine, Mr. Tom Diamond, an attorney from El Paso, and a National Park Service Ranger. It seems that Mr. Diamond was visiting the Grand Quivira National Monument in the hope of obtaining more information about a small band of native Americans he had heard resided in El Paso. When approached by Mr. Diamond the Ranger said, "I think you'll find the Tiwas of Ysleta Del Sur no longer exist." Mr. Diamond's now famous reply was, "I know, but the Tiwas don't know they no longer exist."

That particular exchange, Mr. Speaker, I believe best explains the turn of events, both historical and legal, which brings us here today. The story of the Tiwas of El Paso is one that finally can be told—a story enmeshed in the fabric of life along the Southwest border over the past 300 years.

More importantly, Mr. Speaker, it is a story that describes how one small band of native Americans, forced away from their original tribe and lands, existed in the white man's world while still managing to retain the culture, the customs, and the proud way of life their ancestors bequeathed to them hundreds of years ago. To fully appreciate the cultural strength and integrity exemplified by this saga, it is necessary to turn back the hands of time to the mid-1600's.

For some 20 years prior to 1680, the Spanish Conquistadors were having difficulty in keeping various factions of the Pueblo Indians in and around what is now Albuquerque, NM, peaceful, practicing Christians, and under their control. The Tiwas had become, by this time, nominal Catholics and occupied themselves with work on behalf of the Spanish and with defending themselves from attacks by the Navajo and Apache Tribes. The growing instability of the secular form of government created by the Spanish along with increasing unrest within the Pueblo Indians caused the Spanish

to retreat southward toward El Paso. In so doing, the Spanish also forced a large number of Tiwa Indians from the Isleta Pueblo to accompany them.

Upon reaching the El Paso Del Norte area, this rather bedraggled band of Spaniards and Tiwas established camp at what is now known as El Paso, TX. The Tiwas were given a tract of land on which to establish a new Pueblo, called Isleta, or Ysleta Del Sur—a fact which, occurring in 1680, surely makes this the oldest town in the entire State of Texas. A Catholic church was built by the Tiwas and St. Anthony's mission, erected in 1682, still stands today as a silent witness to these events.

In 1751, Spain granted the land of Ysleta Pueblo to its inhabitants as communal property, measuring 1 league in all directions from the church doors. In 1825, the Mexican State of Chihuahua confirmed this grant. Later, in 1854, the State of Texas confirmed the Ysleta grant and, at the same time, granted the inhabitants of the town additional land to compensate for the loss of land resulting from a change of course in the Rio Grande River. The 1854 act also provided that a patent should be issued to the tribe.

On May 3, 1871, the Texas Legislature enacted "an act to incorporate the town of Ysleta in El Paso County." The boundaries of the new town were coextensive with those of the Ysleta grants. This act purported to authorize the newly incorporated town to issue patents to all lands to actual settlers or any person who desired to become a settler. Through this insidious legal device, all but 3 of the more than 23,000 acres of the Ysleta grant were patented to non-Indians. The Tiwas at this point, Mr. Speaker, were a people without a home.

From this time until the late 1960's, the Tiwas continued to reside in this same area and maintained their ethnic identification as well as their basic political system, although this cultural integrity served to place them at a socioeconomic disadvantage frequently. Also during this time there is a record of increasing interactions between the Tiwas and both the U.S. Government as well as the State of Texas.

In May 1967, the Texas Legislature enacted a bill which authorized the State to accept a transfer of Federal trust responsibilities to the Tiwa Indian Tribe. In the act of April 12, 1968, Congress provided that the Federal trust responsibility, if any, be transferred to the State of Texas.

Pursuant to these acts, the State of Texas administers the Tiwa Tribe's affairs. The State holds the 100-acre reservation in trust for the tribe and, through the Texas Indian Commission, provides a superintendent as well

as administrative and economic development funding for the tribe.

It now appears, however, that the State may renounce the obligations it undertook in 1967 and 1968. The Texas attorney general has issued a formal opinion in which he concludes that the State may not maintain a trust relationship with an Indian tribe. While this opinion focused specifically on a cause of action accruing on the Alabama-Coushatta Reservation, the implications for the Tiwas are most disturbing. Their lands are provided protection only by State law. Thus, the restricted status of the reservation, as well as continued State funding for tribal government and management of the reservation, is seriously threatened.

Mr. Speaker, what this legislation seeks, on behalf of both the Tiwas and the Alabama-Coushattas, is the restoration of the Federal trust relationship in order to provide adequate protection of the reservations and to ensure the continued survival of their respective tribal governments. Just as important, is the simple fact that this legislation will guarantee both tribes the ability to retain their heritage and their way of life—a way of life too precious to turn our collective backs on.

In searching for some possible clue to explain the lack of awareness of the Tiwas by the Federal Government, it is difficult to isolate a particular reason for this oversight. Since the Tiwas peacefully coexisted with the white man, and in fact served as scouts and guides for the U.S. Army on several occasions, the United States never found it necessary to enter into a formal treaty with the tribe. Other possible reasons for the Tiwas escaping Federal awareness seem rooted to a variety of causes, including the fact that they never occupied land subject to Federal jurisdiction, they were far removed from other known Indian groups, and when Federal recognition was conferred on their distant ancestors—the Pueblo Indians—the Tiwas were residents of Texas while Texas was part of the Confederacy. Just possibly, Mr. Speaker, the Tiwas were simply too proud and retiring a people to have to request something that they knew they already possessed.

In examining the Department of Interior's written testimony, I note with interest the assertion that the U.S. Government has never formally recognized the Tiwas and that for this reason, Congress was asked to defer action on this legislation until the tribe is officially acknowledged to be legitimate native Americans. I believe that the Department has apparently misread the legislative history and intent of the 1968 act of Congress regarding the Tiwa Tribe.

The 1968 act has, as one of its purposes, provided recognition to the Tiwas of El Paso as a band of Ameri-

can Indians—this is so stated in the Senate committee report accompanying the legislation. The Interior Department apparently, and mistakenly, premises its position on the fact that the legislation did not make the Tiwas eligible for Federal services. The legislation does, however, provide recognition to the tribe as a legitimate one.

On a final note, Mr. Speaker, I would like to direct the house's attention to the broad-based support throughout the involved communities, the State of Texas, and the numerous native American groups for this piece of legislation. This support was evidenced to the interior committee through the diverse groups which testified as well as by the resolutions of support which were entered into the RECORD. This bill represents the culmination of almost 2½ years of work by all the interested parties and I am proud to represent these groups as well as my west Texas constituents in seeking this bill's passage.

Mr. Speaker, I insert in the RECORD the following letters and resolutions in support of this legislation:

THE SENATE OF
THE STATE OF TEXAS,
Austin, TX, January 11, 1985.

DON B. MILLER,
Native American Rights Fund,
Boulder, CO.

DEAR MR. MILLER: Thank you very much for your highly informative letter. It alerted me to the pressing problem that faces the Tigua and Alabama-Coushatta Tribes.

The bill proposed by U.S. Representative Coleman is potentially of great benefit to the Tigua and Alabama-Coushatta Tribes. It will provide them a defined status and will also make them eligible for federal benefits which they do not currently have. From a federal and state perspective, the bill will be beneficial, because it will establish the standing of the Tribes and clarify the uncertainties created by JM-17.

Thank you for focusing my attention on the proposed federal legislation and the current situation of the Alabama-Coushatta and Tigua Indian Tribes. Please contact me if you should need my assistance.

Sincerely,

H. TATI SANTIESTEBAN.

[From the El Paso Times, May 9, 1985]

TIGUAS DESERVE FEDERAL PROTECTION

The Tigua Indians of Ysleta del Sur Pueblo have made remarkable strides in improving their living conditions in the last decade. But that progress may be stopped if Texas withdraws its support of Indian tribes in the state.

For that reason, Congress should pass legislation by U.S. Rep. Ron Coleman that would put the Tiguas under federal jurisdiction.

U.S. Rep. Morris Udall, D-Ariz., chairman of the House Interior Committee, has formally requested hearings on the bill.

Since 1968, when U.S. Congress approved the transfer of any and all federal trust responsibilities to Texas, the state has held the Tigua's 100-acre reservation in trust. It also provided administrative and economic development funding through the Texas Indian Commission. And much has been done. The Tiguas have made their reserva-

tion one of the area's top tourist attractions. More Tiguas are at work, and more are completing their education.

But because of a ruling by Texas Attorney General Jim Mattox, it all could come to a halt. Last year, Mattox issued a formal opinion in which he disputed the special relationship between the state, the Tiguas and Texas' other Indian tribe, the Alabama-Coushatta tribe near Livingston. In essence, he said the maintenance of the relationship, i.e. funding support, would run counter to the intent of the Equal Rights Amendment of the Texas Constitution.

As a result, the Tiguas, and the Alabama-Coushattas, could find that their lands are without protection. Their reservations, as well as state funding, could be jeopardized.

For that reason, Coleman has introduced legislation that would give this trust back to the federal government, so both tribes can receive the benefit of government assistance and support. His move has the support of the Tiguas and Alabama-Coushattas, state Sen. Tati Santiesteban, plus every major Indian group in the country, including the Native American Rights Fund.

The tribe has come too far to withdraw support. With assistance, the tribe might one day be able to reach the goal it wants, self-sufficiency.

EL PASO HERALD-POST,
El Paso, TX, May 10, 1985.

MANNY SILVAS,
Tribal Governor,
Tigua Indian Reservation,
El Paso, TX.

DEAR MR. SILVAS: This letter is to let you know that I support efforts to put the Tigua Indians of Ysleta del Sur Pueblo under federal jurisdiction.

The move would be especially important, I believe, if state support is cut off, as is now threatened.

I am aware of the many good things being achieved at the reservation. It has become a favored tourist spot in El Paso. I myself enjoy visiting the reservation. The restaurant is excellent, with good food and a pleasant atmosphere. I have found the reservation educational and enriching for my children. It provides an opportunity for them—and other youngsters who live in or visit this city—to be exposed to another culture.

Beyond that, I know from the facts reported in the media, as well as from my own impressions and conversations with Tiguas, that the tribe has made great strides against tremendous odds. Without governmental support, I fear these gains could be negated, and that the most desperate poverty and misery could ensue. This result would be a horror for the tribe and a blow to the whole city.

I hope Congress can be made aware of how hard you and others have worked, how successful you have been, and what a tragedy it would be to yank the rug from under you at this time of high hope and achievement.

Sincerely,

JAY AMBROSE.

EL PASO CONVENTION AND VISITORS BUREAU
RESOLUTION

Whereas, the Pueblo of Ysleta Del Sur commonly known as the Tigua Indian Community has a long and distinguished record in our community being the first permanent settlers herein; and,

Whereas, they have constantly been of service to this area first acting as scouts, guides and troops protecting this community from hostile Indians; and,

Whereas, they served with great distinction as scouts for the United States Cavalry and the Texas Rangers; and,

Whereas, they have maintained their tribal traditions and government and identity in spite of all adversity,

Now, therefore, in recognition of the esteem by which they are held by the citizens of the City of El Paso, the El Paso Convention and Visitors Bureau does hereby endorse the passage of House Resolution 1344 introduced by Congressman Coleman to restore the Ysleta Pueblo Del Sur to restore Federal recognition to the Ysleta Pueblo Del Sur.

RESOLUTION

Whereas, the Pueblo of Ysleta Del Sur commonly known as the Tigua Indian Community has a long and distinguished record in our community being the first permanent settlers herein; and,

Whereas, they have constantly been of service to this area first acting as scouts, guides and troops protecting this community from hostile Indians; and,

Whereas, they served with great distinction as scouts for the United States Cavalry and the Texas Rangers; and,

Whereas, they have maintained their tribal traditions and government and identity in spite of all adversity,

Now, therefore, in recognition of the esteem by which they are held by the citizens of El Paso, Texas, the El Paso City Council does hereby endorse the passage of House Resolution 1344 introduced by Congressman Coleman to restore the Ysleta Pueblo Del Sur to restore Federal recognition to the Ysleta Pueblo Del Sur.

RESOLUTION

Whereas, the Pueblo of Ysleta Del Sur commonly known as the Tigua Indian Community has a long distinguished record in our community being the first permanent settlers herein; and,

Whereas, they have constantly been of service to this area first acting as scouts, guides and troops protecting this community from hostile Indians; and,

Whereas, they served with great distinction as scouts for the United States Cavalry and the Texas Rangers; and,

Whereas, they have maintained their tribal traditions and government and identity in spite of all adversity,

Now, therefore, in recognition of the esteem by which they are held by the citizens of El Paso County, Texas, the Commissioners' Court of El Paso County, Texas, does hereby endorse the passage of House Resolution 1344 introduced by Congressman Coleman to restore Federal recognition to the Pueblo of Ysleta Del Sur.

TEXAS INDIAN COMMISSION RESOLUTION TIC-85-004

Whereas, the Texas Indian Commission is the Trust Agency of the State of Texas with regard to the Alabama-Coushatta and Tigua Indian Tribe, and,

Whereas, its main duty and responsibility as trustee is to assist these tribes in the development of their human and economic resources by improving their health, educational, agricultural, business, and industrial capacities and to insure the protection of their lands, resources, and people, and,

Whereas, the Commission has sought and will continue to seek to work with the tribes in a cooperative, constructive manner, to meet its legal and moral obligations, and to protect the interests of the State of Texas and the Tribes in executing these responsibilities and duties, now,

Therefore, the Commission, after having thoroughly studied H.R. 1344 (R. Coleman and C. Wilson) as introduced in the United States Congress, does agree that it is not opposed to the passage of said legislation provided that it is in the best interests of the Tribes and the insurance of their future good and welfare.

RESOLUTION OF THE NATIONAL CONGRESS OF AMERICAN INDIANS

Whereas, the Pueblo at Ysleta del Sur in El Paso, Texas, was established in 1680 and in 1751 Spain granted the land of the Ysleta Pueblo to its inhabitants as common property, which grant was confirmed by the Mexican State of Chihuahua; and,

Whereas, the State of Texas in 1854 also confirmed and provided a patent to be issued to the Tigua Tribe; and,

Whereas, the Texas Legislature in 1871 enacted an "Act to Incorporate the Town of Ysleta," which had the effect of transferring the Ysleta grants to non-Indian patents, and the Tribe lost possession of its aboriginal lands through a gradual process of encroachment by non-Indians, pursuant to State patents; and

Whereas, the United States in 1968 provided that the federal trust responsibility was transferred to the State of Texas and, since 1968, the State of Texas has acquired over 100 acres of land which it now holds in trust as a Reservation for the Tribes; and,

Whereas, the Tigua Tribe is now subject to the Attorney General of Texas' Opinion No. JM-17, which has held that the trust relationship between the State and the Alabama-Coushatta Tribe is unconstitutional, in that the Alabama-Coushattas are no longer a Tribe and their lands are no longer an Indian Reservation; and,

Whereas, the restricted/protected status of the Tribe's Reservation is threatened; and,

Whereas, the Tigua Tribe is seeking federal restoration to assure protection of its lands;

Now, Therefore, Be It Resolved, that the National Congress of American Indians supports the Tigua Tribe of Texas in its efforts to attain federal restoration.

PUEBLO OF ISLETA

Resolution 84-051

Whereas, the Tribal Council of the Pueblo of Isleta, New Mexico is the duly recognized legal legislative body of said Pueblo of Isleta, New Mexico is the duly recognized legal legislative body of said Pueblo and as such is empowered to speak and act for and on behalf of the members of the Pueblo, and,

Whereas, the Pueblo of Isleta does acknowledge and confirm that the people of Ysleta de Sur Pueblo in Texas, also known as the Tiwa (Tigua) Indian Tribe of Texas, are direct bloodline descendants of Pueblo Indian People forcibly removed and relocated from Isleta Pueblo, New Mexico in 1680 and 1681 to their present site in El Paso County Texas, and,

Whereas, the People of Ysleta de Sur Pueblo constitute a Pueblo by all definitions, by virtue of having maintained their historical, legal, cultural, and religious char-

acter and existence from 1680 to the present, and,

Whereas, the continued existence of Ysleta del Sur Pueblo, its land, and its people has been legally recognized and confirmed by the United States Congress through P.L. 90-287 and by the State of Texas through H.B. 888 and H.B. 654, and,

Whereas, the same P.L. 90-287 which did transfer trust responsibility for Ysleta del Sur Pueblo from the Federal Government to the State of Texas is discriminatory and blatantly unfair in that it deprives the people of Ysleta del Sur Pueblo from enjoying all the rights, benefits, protections, and services normally guaranteed to Pueblo People and other Indians because of their status as Indians, and,

Whereas, Texas State Attorney General's Opinion JM-17, dated March 22, 1983, has ruled that the longstanding trust relationship between the Texas Tribes and the State of Texas is illegal and this ruling is a direct threat to and an attack on the very survival of the Ysleta del Sur Pueblo and its people, and,

Whereas, Congressman Ron Coleman of Texas has introduced H.R. 6391, entitled The Restoration of Federal Recognition to the Ysleta del Sur Pueblo and the Alabama and Coushatta Indian Tribes of Texas, legislation that would restore complete federal recognition and trust status to the Ysleta del Sur Pueblo and its People, and,

Whereas, H.R. 6391 would guarantee the rights, benefits, protection and services to the Ysleta del Sur Pueblo and its people which affect Indians because of their status as Indians, and,

Whereas, the restoration of full federal recognition and trust status to Ysleta del Sur Pueblo would serve not only to afford and guarantee to it and its people the protections and amenities to which they are rightfully entitled as a Pueblo Indian People, but would help to insure the continued existence and ultimate survival of the Pueblo itself, and,

Whereas, Ysleta del Sur Pueblo Resolution TC-04-84 was adopted on October 19, 1984 which formally disclaims any lands associated with the Isleta Pueblo New Mexico or any lands within the State of New Mexico, now,

Therefore, be it resolved, that the Tribal Council of the Pueblo of Isleta acting in their legal capacity does hereby endorse, without reservation, the efforts of Ysleta del Sur Pueblo to attain full federal trust status and recognition and does further endorse the passage of H.R. 6391 as pertains to Ysleta del Sur Pueblo and/or other appropriate legislation necessary to accomplish this action, and,

Be it further resolved, that the Pueblo of Isleta does urge the Congress of the United States to appropriate such additional funds as necessary to provide for such protections, benefits, and services to the people of Ysleta del Sur Pueblo as they should be entitled to because of their status as Indians, and,

Be it further resolved, that the Pueblo of Isleta does commit its continuing assistance to Ysleta del Sur Pueblo in this effort, and,

Be it further resolved, that the Pueblo of Isleta calls upon the All Indian Pueblo Council and its member Pueblos to unite in the effort to support the Ysleta del Sur Pueblo in guaranteeing their just rights as a Pueblo, and,

Be it further resolved, that the Pueblo of Isleta hereby recommends and requests the New Mexico Congressional Delegation to

support the passage of H.R. 6391 and/or other appropriate legislation as should be introduced in the Federal Congress to restore full federal trust to Ysleta del Sur Pueblo.

TEXAS INDIAN COMMISSION,
El Paso, TX, October 19, 1984.

DON MILLER,
Native American Rights Fund,
Boulder, CO.

DEAR MR. MILLER: As per your request, I have reviewed H.B. 1232, legislation pertaining to the reestablishment of the trust relationship between the Alabama-Coushatta and Tigua Indian Tribes of Texas and the United States, introduced in the Congress of the United States by Representatives Ron Coleman and Charles Wilson. Additionally, I have had it reviewed by our staff and have received an appropriate review and briefing on its content, intent, and affect.

Based on our evaluation and understanding of this legislation, its background, and purpose, we find it to be appropriate and necessary for the protection of the Tribes and their people, lands, and resources.

The Texas Indian Commission will continue to work with the Tribes and all parties concerned to insure that the interests of the State and the Tribes are fully protected.

We are ready now and will continue to work with the Tribes in whatever degree and level of involvement and type relationship is determined to be most proper and beneficial for the protection of their rights, lands, and resources, and to assist them in serving the needs of their people.

I would invite you to meet with myself and the Commission staff for discussion of the legislation as soon as would be practicable.

Sincerely,

EDD FIFER,
Chairman.

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

Mr. Speaker, it is my understanding, after discussing this matter with the gentleman from Arizona [Mr. MCCAIN] and other members of the committee that the minority has no objection to the bill and supports the bill.

Mr. MCCAIN. Mr. Speaker, the pueblo at Ysleta Del Sur was established in 1680 following the Pueblo Indian revolt against the Spanish.

The Alabama and Coushatta Tribes were originally part of Creek confederacy and entered the east Texas area in the late 1700's. The State of Texas purchased land for the tribe in 1854—as thanks for their part in the Texas war of independence—and the tribes were recognized by the United States in 1928.

In 1954, the United States terminated its relationship with the Alabama and Coushatta Tribes and in 1968 terminated its relationship—whatever responsibility—with the Pueblo Ysleta Del Sur. Texas accepted the trust responsibility for the tribes.

However, in 1983 the Texas attorney general issued an opinion that the trust relationship violated the equal rights amendment to the Texas constitution. Thus the trust protections of the reservations are in jeopardy.

H.R. 1344 would restore the Federal trust status to the Pueblo Ysleta Del Sur and the

Alabama and Coushatta Tribes. I urge my colleagues to support the bill.

Mr. UDALL. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona [Mr. UDALL] that the House suspend the rules and pass the bill, H.R. 1344, as amended.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONGRATULATING PRESIDENT-ELECT CEREZO OF GUATEMALA ON WINNING HIS ELECTION AND EXPRESSING CONGRESSIONAL SUPPORT

Mr. BARNES. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 245) congratulating the President-elect of Guatemala, Marco Vinicio Cerezo, on his election and expressing the support of the Congress for the new Government of Guatemala that will be inaugurated January 14, 1986, as amended.

The Clerk read as follows:

H. Con. Res. 245

Whereas the Government of Guatemala has facilitated the return to civilian rule through free, fair, and open Presidential elections;

Whereas Constituent Assembly elections were completed in July 1984 and the Assembly approved a Constitution in May 1985, and congressional and municipal elections were successfully held on November 3, 1985;

Whereas on December 8, 1985, the people of Guatemala elected their first civilian President since 1966;

Whereas this election gives the people of Guatemala their first chance for genuine civilian rule since the coup of 1954;

Whereas the new civilian government that will be inaugurated on January 14, 1986, will have an opportunity to bring to an end the gross violations of human rights that have been characteristic of previous governments and to achieve a better life for the Guatemalan people by promoting equitable economic growth;

Whereas the achievement of these objectives will require the full support of the United States for the efforts of the new government to assert civilian control over the military and to reorient the economy; and

Whereas it is in the interest of the United States to support the new government in these efforts; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates the President-elect of Guatemala, Marco Vinicio Cerezo, on his election;

(2) expresses its support for the new government that will be inaugurated on January 14, 1986; and

(3) urges the President to ensure that United States policy toward Guatemala fully supports the objectives of civilian control of the military and a better life for the

Guatemalan people through equitable economic growth.

The SPEAKER pro tempore. Is a second demanded?

Mr. GILMAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Maryland [Mr. BARNES] will be recognized for 20 minutes and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. BARNES].

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

Mr. Speaker, I will not take up the time of the House with a lengthy statement on this resolution, because it is noncontroversial, it simply congratulates my good friend, Vinicio Cerezo, upon his election as President of Guatemala, expresses the support of the Congress for President-elect Cerezo, and urges the administration to give him its full support.

When I became chairman of the Subcommittee on Western Hemisphere Affairs 5 years ago, Mr. Speaker, Vinicio Cerezo was a hunted man—hunted by his own government for the crime of practicing democratic politics. When he visited the United States, he would come to see me in my office, and we would talk about the attempts on his life, and about how many officials and activists of his Christian Democratic Party had been killed recently. And we would talk about how the United States could support Guatemala's democratic politicians and a transition to democratic rule in that country. It was in large part because of my friendship with Vinicio Cerezo that I led our successful efforts in the House to prevent the resumption of military aid to Guatemala's military regimes. I hardly dared to dream back in those days that this incredibly courageous man would become Guatemala's first democratically elected President in nearly two decades.

But now it has come to pass. Because of the election of this man, Guatemala has been transformed overnight from Central America's pariah, to Central America's latest hope for achieving a government where the people rule, where the military is subject to effective civilian control, and where citizens do not live in fear of their own rulers.

The last time Guatemala had a chance like this was more than 30 years ago. In an act that will live in infamy, the United States helped abort that chance when we helped overthrow President Jacobo Arbenz in 1954. Now history has given Guatemala—and us—another opportunity. Mr.

Speaker, I pray that we will not blow it again.

As the resolution states, the Cerezo government will have an opportunity to bring gross violations of human rights to an end and to achieve a better life for the people of Guatemala by promoting equitable economic growth. But—as the resolution also states—the achievement of these objectives will require the full support of the United States for President Cerezo's efforts to assert control over the military and to reorient the economy. I urge President Reagan to give this support—and not to succumb to the temptation of working directly with the military, or of trying to impose any particular economic model on Guatemala.

Mr. Speaker, in the dark days of the regime of Gen. Romeo Lucas Garcia, when the killing was at its height, a State Department official was heard to remark, "If only we had an Arbenz now. We are going to have to invent one, but all the candidates are dead." He was wrong. A candidate survived, and he has just been elected by his people to lead Guatemala out of its nightmare. President-elect Cerezo has a heavy responsibility, and so do we. I know he will meet his; I hope we will meet ours.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. BARNES. I yield to the distinguished chairman of the Committee on Foreign Affairs.

Mr. FASCELL. Mr. Speaker, I first would like to commend the gentleman from Maryland [Mr. BARNES] for bringing this resolution before the House today and for his efforts over the past several years to encourage the democratization process in Guatemala.

The human rights situation became so deplorable in 1977 that the United States terminated military assistance to that country. Several years ago the climate began to change in Guatemala, and Mr. BARNES, along with support from myself and other members of the Committee on Foreign Affairs, had taken action to support the process of restoring democratic institutions and a greater respect for human rights.

The purpose of this resolution is to commend the people of Guatemala for the recently held election and to offer the support of the American people to President-elect Marco Vinicio Cerezo. Mr. Cerezo has a difficult but historic task before him, to bring legitimacy and stability to the fledgling democratic institutions and to reverse the economic malaise which is afflicting the Guatemalan economy. Mr. Cerezo will be in Washington tomorrow. And we look forward to meeting with him to discuss the prospects for political and economic development in this country.

Mr. Speaker, I urge support for the resolution.

Mr. BARNES. I thank the distinguished chairman of the committee, and, Mr. Speaker, I would note that we had strong bipartisan support for this resolution in the committee.

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

Mr. Speaker, I commend the distinguished chairman of the Subcommittee on Western Hemisphere Affairs for bringing this measure to the floor, and it is with real pleasure that I rise in support of House Concurrent Resolution 245, congratulating the President-elect of Guatemala, Marco Vinicio Cerezo, on his election, and expressing the support of Congress for the new Government of his country.

Mr. Speaker, Guatemala has perhaps the most troubled history of all of the nations of Central America. Its military has seen fit to intervene in its political affairs countless times in the past. Nevertheless, earlier this month, the people of Guatemala, in free, fair, and open elections, elected Marco Vinicio Cerezo. Moreover, in similarly free, fair, and open elections, the people of Guatemala have elected a constituent assembly, and congressional and municipal officials. The military government, which has unquestionably committed or allowed abuses in the past, did allow these elections to be run openly and fairly and is prepared to allow a transition to civilian rule to occur, and that is to their credit.

It is important that we pass this resolution, Mr. Speaker, to underline our approval of the process of a military turning power over to civilians. We have observed this process, in recent years, in El Salvador, and Argentina, among other places. We have not seen any Marxist states return to democratic rule, I might add, which is perhaps the reason it is crucial to prevent any states in this hemisphere from falling under Moscow's sway.

Tomorrow, we will have the pleasure of meeting President-elect Vinicio Cerezo in our Committee on Foreign Affairs. At that time we will have an opportunity to express our good wishes and our support directly. Nevertheless, Mr. Speaker, we must bear in mind that Guatemala has a long road ahead of it before it is a fully stable, functioning democracy. It must continue to work to curb human rights abuses, develop its economy, and promote social justice. The American people hold out their hand in friendship and support to their newest neighbor under civilian rule, Guatemala.

Mr. BROOMFIELD. Mr. Speaker, I support House Concurrent Resolution 245, which congratulates the President-elect of Guatemala, Marco Vinicio Cerezo, on his election and expresses the support of the Congress for the new Government of Gua-

temala that will be inaugurated on January 14, 1986. On December 8, 1985, the Guatemalan people elected their first civilian President since 1966. The new civilian Government will have an opportunity to improve the quality of life in Guatemala and allow the people of that country a voice in their Government.

It is certainly in the interest of the United States to support the efforts of yet another democratic government in Central America. House Concurrent Resolution 245 urges the President to ensure that United States policy toward Guatemala fully supports the objectives of civilian control of the military and a better life for the Guatemalan people through equitable economic growth. I support this resolution and I would like to express my appreciation to the gentleman from Maryland [Mr. BARNES] and the gentleman from California [Mr. LAGOMARSINO] for their efforts in sponsoring and fine tuning this measure during Foreign Affairs Committee consideration.

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of House Concurrent Resolution 245 congratulating the President-elect of Guatemala and expressing the support of the Congress for the new Government of Guatemala.

The successful elections held November 3 and December 8 in Guatemala will leave only Nicaragua as the single remaining country in Central America without a democratic government.

[Panama does not consider itself to be part of Central America.]

The trend in the region is clearly toward democracy, and we in the Congress should do everything we can to encourage and strengthen the process. It is for that reason that I have taken such particular interest in this resolution.

The current government in Guatemala is a military government led by Gen. Oscar Mejia. It has been his commitment to return his country to civilian rule and he should be commended for his backing of the process. Certainly, without his commitment to democracy, there would be no hope for a civilian administration assuming power. There's also no question that the military will continue to play a stronger role in Guatemala, and I believe we should encourage the military to follow the example of the military in El Salvador which has supported the Government and not dominated it.

The new Government of President-elect Cerezo will need the support and encouragement of the Congress in efforts to gain the cooperation of the military. It is important that the Congress not tie his hands as he moves forward at a very delicate time of transition in Guatemala. President-elect Cerezo is expected to be in Washington this week, meeting with Members of the Congress. I hope the Members he meets with will offer their support and encouragement so that the democratic process in Guatemala can be strengthened.

As we consider this resolution, I would also like to call attention to House Concur-

rent Resolution 200, authored by my colleague and good friend BOB LIVINGSTON and cosponsored by myself and some 50 other Members of the House. The Livingston resolution also commended the Government of Guatemala for leading that country toward democracy under freely elected civilian leadership. Important elements of that resolution have been incorporated into House Concurrent Resolution 245, so I am pleased that we have been able to develop legislation that carries broad ranging support in the House.

I urge my colleagues to join in supporting this resolution.

Mr. BARNES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland [Mr. BARNES] that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 245, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

□ 1410

IN SUPPORT OF UNIVERSAL ACCESS TO IMMUNIZATION BY 1990 AND TO ERADICATE CHILDHOOD DISEASES

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 211) in support of universal access to immunization by 1990 and accelerated efforts to eradicate childhood diseases, as amended.

The Clerk read as follows:

H. CON. RES. 211

Whereas the United Nations Children's Fund (UNICEF) reports that four million children die annually because they have not been immunized against the six major childhood diseases: polio, measles, whooping cough, diphtheria, tetanus, and tuberculosis;

Whereas at present less than 20 percent of children in the developing world are fully immunized against these diseases;

Whereas each year more than five million additional children are permanently disabled and suffer diminished capacities to contribute to the economic, social, and political development of their countries because they have not been immunized;

Whereas ten million additional childhood deaths from immunizable and potentially immunizable diseases could be averted an-

nually by the development of techniques in biotechnology for new and cost-effective vaccines;

Whereas the World Health Assembly, the Executive Board of the United Nations Children's Fund, and the United Nations General Assembly are calling upon the nations of the world to commit the resources necessary to meet the challenge of universal access to childhood immunization by 1990;

Whereas the United States, through the Centers for Disease Control and the Agency for International Development, joined in a global effort by providing political and technical leadership that made possible the eradication of smallpox during the 1970s;

Whereas the development of national immunization systems that can both be sustained and also serve as a model for a wide range of primary health care actions is a desired outcome of our foreign assistance policy;

Whereas the United States Center for Disease Control headquartered in Atlanta is uniquely qualified to provide technical assistance for a worldwide immunization and eradication effort and is universally respected;

Whereas at the 1984 "Bellagio Conference" it was determined that the goal of universal child immunization by 1990 is indeed achievable;

Whereas the Congress, through authorizations and appropriations for international health research and primary health care activities and the establishment of the Child Survival Fund, has played a vital role in providing for the well-being of the world's children;

Whereas the Congress has expressed its expectation that the Agency for International Development will set as a goal the immunization by 1990 of at least 80 percent of all the children in those countries in which the Agency has a program;

Whereas the United States private sector and public at large have responded generously to appeals for support for national immunization campaigns in developing countries: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring). That (a) the Congress calls upon the President to direct the Agency for International Development, working through the Centers for Disease Control and other appropriate Federal agencies, to work in a global effort to provide enhanced support toward achieving the goal of universal access to childhood immunization by 1990 by—

(1) assisting in the delivery, distribution, and use of vaccines, including—

(A) the building of locally sustainable systems and technical capacities in developing countries to reach, by the appropriate age, not less than 80 percent of their annually projected target population with the full schedule of required immunizations; and

(B) the development of a sufficient network of indigenous professionals and institutions with responsibility for developing, monitoring, and assessing immunization programs, together with other primary health care programs, and continually adapting strategies to reach the goal of preventing immunizable diseases; and

(2) performing, supporting, and encouraging research and development activities, both in the public and private sector, that will be targeted at developing new vaccines and at modifying and improving existing vaccines to make them more appropriate for use in developing countries.

(b) In support of this global effort, the President should appeal to the people of the

United States and the United States private sector to support public and private efforts to provide the resources necessary to achieve universal access to childhood immunization by 1990.

The SPEAKER pro tempore. Is a second demanded?

Mr. SMITH of New Jersey. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes and the gentleman from New Jersey [Mr. SMITH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

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

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 211.

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

There was no objection.

Mr. FASCELL. Mr. Speaker, I rise in support of House Concurrent Resolution 211, which calls for universal access to immunization by 1990 and other efforts to eradicate childhood diseases, and take this opportunity to commend the gentleman from Ohio [Mr. HALL] sponsor of this measure, Mr. SMITH of New Jersey, who has taken a great interest in this issue, and the gentleman from Pennsylvania [Mr. YATRON] chairman of the Subcommittee on Human Rights and International Organizations, who has shown leadership in promoting child survival.

This resolution calls our attention to a very attainable goal—eradication of the six basic childhood diseases which currently kill 4 million children annually and afflict more than 5 million others. In authorizing the Child Survival Fund as a central part of our development assistance programs, the United States has given increased priority to this goal. The United States, working through the Agency for International Development and through its contributions to such international organizations as UNICEF and the World Health Organization, [WHO], is already an active participant in programs around the world to make vaccines more effective and more available in developing countries. This resolution recognizes that perseverance in this global effort can make possible the achievement of this most laudable goal.

I urge support for this resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding time to me.

Mr. Speaker, I want to commend the gentleman from New Jersey and the gentleman from Ohio for their leadership in this measure.

Mr. Speaker, last week, along with several of my colleagues, I introduced the Child Immunization Act of 1986, legislation to ensure that the world's children are immunized by 1990. The bill calls for a total of \$100 million: \$50 million for immunization programs and \$50 million for child survival activities. This bill is the proper legislative response to House Concurrent Resolution 211. Most of the infant deaths in developing countries are caused by a combination of malnutrition and infection. Children weakened by measles and other infectious diseases become quickly malnourished which makes them susceptible to further infections.

Every minute, eight children under the age of 5 die in the developing world of six diseases: measles, tetanus, whooping cough, tuberculosis, diphtheria, and polio. Eight other children are crippled or rendered deaf, blind, or mentally retarded. WHO estimates that the present annual death toll among Third World children, due to these six diseases, is 3.6 million. A similar number are crippled or handicapped. Two children out of 10,000 die of measles in the United States, but in the developing world, measles kill 3 out of 100.

If we can prevent immunizable diseases, malnutrition will not be so severe.

Last month, the House Select Committee on Hunger, responding to a wave of public interest and concern, held hearings on the subject of global immunization. During our investigation we learned that Colombia immunized in just a few months three-quarters of its young children against five major diseases in a massive campaign spread over 3 national vaccination days, and that Niger and Sudan are also well on the road to complete immunization.

In addition, it was brought to our attention that Rotary International plans to eradicate polio by committing \$120 million to a worldwide effort it will help coordinate around the globe. The \$50 million that our legislation would authorize will help immunize all the world's children by 1990, and would place America in a leading role in this historic effort.

In early October, at the United Nations' 40th anniversary, the world community went on record rising to the challenge of universal immunization by 1990.

As Dr. Stephen Joseph, of UNICEF, put it:

What could be a more appropriate demonstration of the international solidarity aspired to by the United Nations on its 40th than to give this gift to our children? What could be a better starting point for our children's view of this one small planet than a world free of polio, of tetanus, and of measles? As we have the means within our grasp, we cannot afford not to reach for universal immunization by 1990.

Accordingly, I urge my colleagues to accept the resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today in full support of House Concurrent Resolution 211, a resolution proclaiming U.S. support of the goal to achieve access to universal immunization by 1990 and to accelerate efforts to eradicate childhood diseases.

Mr. Speaker, as an original cosponsor of this legislation and as a floor manager of the bill, I would like to take a moment to commend my good friend from Ohio, Mr. HALL, for his heartfelt commitment and leadership in this effort which will undoubtedly save the lives of thousands of children around the world. Through his work on the Select Committee on Hunger, and through his leadership on the floor, Mr. HALL has supported and secured the passage of various pieces of legislation which have enhanced and protected the lives of children who are very vulnerable and susceptible to painful, crippling, and even fatal diseases.

In addition, Mr. Speaker, I would like to recognize the active role our colleague from New York, Mr. GILMAN, has played in this issue. In fact, I am proud to be working with both Mr. GILMAN and Mr. HALL on this legislation, as well as on new legislation which not only recognizes the effort of worldwide immunization by 1990, but also identifies the mechanism that the United States can use to participate in and help facilitate the achievement of this lifesaving goal.

Mr. Speaker, clearly, one of the most pathetic, disturbing tragedies of our time is the prevalence of sickness, hunger, and even death of the world's children. Just last week, in its 1986 edition of "The State of the World's Children," UNICEF reported that more than 4 million children die each year from polio, measles, diphtheria, tetanus, whooping cough, and tuberculosis. Another 5 million who contract these diseases each year are permanently handicapped or crippled. Furthermore, these children, in less developed countries, have no access whatsoever to the medical, educational, or legal accommodations that one finds here. So, in addition to their poverty, in addition to the problem of contracting these diseases, these children have various complicating forces working against them.

Mr. Speaker, last April, I joined UNICEF officials and Dr. Albert Sabin, originator of the oral polio vaccine, in El Salvador to observe the third and final mass vaccination day. Up to 300,000 children were immunized and, for the first time in history, a cease-fire was declared in the midst of war for the singular purpose of inoculating children. Similarly, in the past 18 months, more than 20 other countries, including Turkey, Brazil, and Ethiopia, have embarked upon mass immunization projects in an effort to protect their children.

While there has been an increased emphasis on immunization projects, we must remember, Mr. Speaker, that still only 20 percent of the world's children are being reached by present immunization efforts. For this reason, on October 25, 1985, at the United Nations, numerous countries, including the United States, rededicated themselves to the goal of immunizing the world's children by 1990 against the six child-killing diseases. Several speakers, including myself, expressed our gratitude to UNICEF for its leadership in this endeavor and especially to executive director Jim Grant for his tremendous vision and drive. But words and sentiment are not enough. The only true barometer of commitment is performance. Deeds speak louder than words.

Mr. Speaker, I am pleased to point out that language similar to that in House Concurrent Resolution 211 has been included in the continuing resolution we are likely to adopt this week. Furthermore, and perhaps even more importantly, I would like to remind my colleagues that the same continuing resolution also includes an appropriation of almost \$50 million for the Child Survival Fund which supports immunization projects around the world. As the sponsor of this year's legislation, which reauthorized the Child Survival Fund and doubled its appropriation (H.R. 1746), I am pleased that the Congress has recognized and supported the benefits which can be attained from immunization programs.

Mr. Speaker, the United States can be proud of its contributions to saving and enhancing the lives of children through the Child Survival Fund and other immunization programs. However, it seems clear that the goal of universal immunization by 1990 may not be realized unless up to \$150 million more per year from various sources is pumped into the program.

Mr. Speaker, Canada, Italy, Spain, and more than 30 other countries have pledged their support for universal immunization by 1990, and today, through House Concurrent Resolution 211, we do the same. This resolution clearly helps to promote universal immunization, and may also serve as a

forerunner for other legislative initiatives which will deepen the U.S. commitment to inoculating the world's children by 1990.

Again, Mr. Speaker, I would like to commend Mr. HALL for his leadership in this regard. I would also like to commend Mr. YATRON, the chairman of the Human Rights Subcommittee, for his commitment to this issue as well as his steadfast support for the Child Survival Fund and UNICEF. I would like to thank Mr. FASCELL, the committee chairman, for his leadership in bringing this bill to the floor of the House.

Mr. FASCELL. Mr. Speaker, I thank the gentleman from New Jersey, and I also want to commend him for his leadership on this issue, as well as the distinguished gentleman from Ohio [Mr. HALL]. I also wish to thank the chairman of the subcommittee, the gentleman from Pennsylvania [Mr. YATRON].

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 211, as amended, which supports universal access to immunization by 1990 to eradicate childhood diseases. The House Foreign Affairs Committee approved the resolution on December 10 with an amendment that appropriately gives credit to the role that the U.S. Agency for International Development has played in implementing a worldwide child survival strategy.

As the chairman of the Subcommittee on Human Rights and International Organizations which authorizes our Bilateral Child Survival Fund, as well as our voluntary contributions to the United Nations including UNICEF, I cannot underscore enough the threat posed to the world's children by lethal diseases that could be prevented.

According to UNICEF and its executive director, James P. Grant, approximately 4 million children die annually because they have not been immunized against the six major childhood diseases: polio, measles, whooping cough, diphtheria, tetanus, and tuberculosis. Another major killer is dehydration caused by severe and seemingly uncontrollable diarrhea.

Mr. Speaker, as serious as these health problems are, they can be eradicated by two inexpensive forms of child protection techniques: oral rehydration therapy and immunization. This is borne out by the fact that in the last year alone these two techniques have saved the lives of over 1 million children.

Mr. Speaker, House Concurrent Resolution 211 outlines a bold immunization strategy based on recommendations which emanated from the 1984 "Bellagio Conference." Participants at

this conference, including representatives of U.S. AID, UNICEF, UNDP, WHO, and the Rockefeller Foundation, concluded that the goal of universal immunization by 1990 is indeed achievable. To obtain this important goal, it will take a concerted effort by the Congress and the administration to provide the necessary resources in coordination with the leading international agencies. In short, if the United States does not take the lead in promoting child immunization, what country will?

I want to commend the sponsor of this resolution, Congressman TONY HALL, as well as all the cosponsors, for their unwavering commitment to eradicate childhood diseases. I would also like to commend Chairman FASCELL, Congressman SMITH of New Jersey, Congressman SOLOMON, and Congressman GILMAN for the crucial role they have played on this important issue. I would be remiss if I did not commend James Grant of UNICEF and our former colleague Brad Morse, of UNDP, for the tireless efforts to achieve the goal of universal immunization.

I strongly urge my colleagues to approve the resolution.

Mr. FASCELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this resolution, House Concurrent Resolution 211. I, along with eight of my colleagues here in the House and three Members of the other body, introduced this resolution to call on the President to support expanded access to immunization programs for all the world's children.

Each year 3½ million children die, and another 4 million are disabled from easily preventable diseases. This means that every minute of every day, 8 children die and 10 more are handicapped from the effects of immunizable diseases.

These tragedies need not occur. Vaccines to prevent six leading diseases which kill and cripple children have existed for years. But less than 20 percent of the 90 million children born in developing countries each year are immunized against these common childhood diseases: measles, polio, tuberculosis, diphtheria, pertussis, and tetanus.

The world health community has set a goal of immunizing all the world's children against these diseases by 1990. In October, the United Nations General Assembly passed a resolution calling upon the nations of the world to commit the resources necessary to meet this challenge.

This is not only a very important goal, it is also achievable. The World Health Organization, the United Nations Children's Fund, the United Nations Development Program, the

International Bank for Reconstruction and Development, and the Rockefeller Foundation stated at an international meeting in Bellagio, Italy, last year that the goal of universal child immunization by 1990 was indeed possible to reach.

We in the Congress have affirmed our support for immunization programs and other basic health programs for people in less developed countries by funding such agencies as the Agency for International Development and the Center for Disease Control, by our contributions to UNICEF, and by the establishment of the Child Survival Fund. However, to reach the goal of universal immunization, we must enhance our support of these vital efforts.

This resolution was passed unanimously by the Human Rights and International Organizations Subcommittee on December 4, and by the Foreign Affairs Committee on December 11. It calls upon the President to direct all appropriate Federal agencies to work in the global effort to provide enhanced support toward achieving the goal of universal access to childhood immunization by 1990.

I hope you will join us in working toward this goal. The lives and well-being of millions of children around the world are at stake.

Mrs. ROUKEMA. Mr. Speaker, I want to commend the sponsors of House Concurrent Resolution 211 for their commitment in seeking better health and nutritional care for all the world's children, especially those most in need. Last month I joined 12 of my colleagues as an original cosponsor of House Concurrent Resolution 211. This resolution calls upon the President to direct the Agency for International Development to work with international health organizations in achieving the goal of universal access to childhood immunization by the year 1990. The efforts of world health officials will concentrate on the eradication of six dangerous childhood diseases: tuberculosis, diphtheria, tetanus, whooping cough, polio, and measles.

A year ago this month I traveled to Ethiopia as a member of a congressional fact-finding delegation, with a number of members of the Select Committee on Hunger. The shock of seeing miasmatic men, women, and children in the grip of starvation was a soul-searing experience. We could not prevent this tragedy, which was due in large part to history, civil strife, and drought. But there is another tragedy continuing this very day, a malevolent and insidious one. Millions of children die each year from diseases that are entirely preventable. It is this needless human suffering that is the greater tragedy, because we have the immunizational know-how to stop these diseases right now.

The statistics on the six childhood diseases I mentioned and their effects on Third World children are well known, but I would like to reiterate just a few for the

RECORD. Only 2 children in every 10,000 die of measles in the United States, yet this affliction kills 3 of every 100 children in lesser developed countries. The percentage of children immunized against all six diseases in industrialized nations is more than twice as high as for those in the developing world. In 1984, less than 20 percent of the developing world's children were protected against all or most of these infections. Measles is a disease that kills 2 million children a year, tetanus 800,000, and whooping cough 600,000. These numbers are appalling and very discouraging. We must employ every means possible to reduce these numbers significantly.

This is a formidable challenge and raises specific questions. First, we must know what the needs are in developing countries, in terms of vaccines, medical personnel, logistics, and education. Second, we need to ask how we can implement a program that is sustainable, especially in the poorest countries, so that generation after generation can enjoy the benefits of immunization. And finally, we must ask what resources and efforts are necessary to reach our goal.

The costs of immunizing a child are small when you consider that the results pay huge dividends in terms of reduced future health-care costs, reduced infant mortality, and healthier children. High-level political support is essential if we are to make progress in immunizing all the world's children. If other countries, international organizations, and private voluntary organizations maintain a commitment to work with the United States, we can save these children. A redoubling of efforts by all the parties involved will set us on the road to reaching our goal—universal immunization.

Mr. BROOMFIELD. Mr. Speaker, I support House Concurrent Resolution 211 which calls upon the President to direct the Agency for International Development and other appropriate Federal agencies to work in a global effort to provide enhanced support toward the goal of universal access to childhood immunization by 1990.

The United Nations Children's Fund [UNICEF] reports that 4 million children die annually because they have not been immunized against the six major childhood diseases: polio, measles, whooping cough, diphtheria, tetanus, and tuberculosis. As the resolution states, less than one-fifth of children in the developing world are fully immunized against these diseases and each year over 5 million of the remaining children are permanently disabled and suffer diminished capacities to contribute to the economic, social, and political development of their countries. House Concurrent Resolution 211 targets an important and achievable goal of fully immunizing at least 80 percent of the annually projected population in developing countries.

Mr. Speaker, I would like to commend the sponsors of this resolution for their efforts, as well as the gentleman from New York [Mr. SOLOMON] for his thoughtful and constructive amendment that was adopted by the Foreign Affairs Committee

during its consideration of this matter. I urge my colleagues to support House Concurrent Resolution 211.

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

Mr. SMITH of New Jersey. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 211, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

□ 1420

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, December 12, 1985, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 20 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 5 o'clock and 2 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill, joint resolution, and concurrent resolution of the House of the following titles:

H.R. 2694. An act designating the U.S. Post Office Building located at 300 Packard Drive, Green Bay, WI, as the "John W. Byrnes Post Office and Federal Building";

H.J. Res. 450. Joint resolution to authorize and request the President to issue a proclamation designating April 20 through April 26, 1986 as "National Organ and Tissue Donor Awareness Week"; and

H. Con. Res. 230. Authorizing printing of additional copies of the transcript of hearings entitled "1984: Civil Liberties and the National Security State."

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

H.R. 1784. An act to authorize appropriations for fiscal year 1986 for the operation

and maintenance of the Panama Canal, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to the concurrent resolution (S. Con. Res. 85) "Concurrent resolution to authorize the compilation and printing of the Bicentennial edition of the Biographical Directory of the U.S. Congress."

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the text of the joint resolution (H.J. Res. 187) "Joint resolution to approve the 'Compact of Free Association', and for other purposes."

The message also announced that the Senate had passed bills, joint resolutions, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 475. An act to amend the Motor Vehicle Information and Cost Savings Act to require certain information to be filed in registering the title of motor vehicles, and for other purposes;

S. 1396. An act to settle unresolved claims relating to certain allotted Indian lands on the White Earth Indian Reservation, to remove clouds from the titles to certain lands, and for other purposes;

S. 1621. An act to amend title 25, United States Code, relating to Indian education programs, and for other purposes;

S.J. Res. 235. Joint resolution to designate the week of January 26, 1986, to February 1, 1986, as "Truck and Bus Safety Week";

S.J. Res. 240. Joint resolution opposing the Soviet Union's invasion and six-year occupation of Afghanistan against the national will of the Afghan people;

S. Con. Res. 91. Concurrent resolution to require publication in the CONGRESSIONAL RECORD of the costs incurred for processing mass-mail for individual Senators, Representatives, committees, and other offices.

REQUEST FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 486, FURTHER CONTINUING APPROPRIATIONS, 1986

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 486) making further continuing appropriations for fiscal year 1986, and ask for its immediate consideration in the House, any rule of the House to the contrary notwithstanding, and that debate be limited to 1 hour, the time to be equally divided and controlled by myself and the gentleman from Massachusetts [Mr. CONTE], and that the previous question shall be considered as ordered on the resolution to final passage without intervening motion.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read the joint resolution, as follows:

H.J. Res. 486

Resolved by the Senate and House of Representatives of the United States of America

in Congress assembled, That the joint resolution of December 13, 1985 (Public Law 99-179) is hereby amended by striking out "six o'clock post meridiem, eastern standard time, December 16, 1985" and inserting in lieu thereof "six o'clock post meridiem, eastern standard time, December 17, 1985".

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

At this point, a Republican Member has the right to object and the Chair recognizes the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. I thank the Speaker.

Mr. Speaker, reserving the right to object, I thank the Speaker for his courtesy, and I ask the gentleman from Mississippi if it would be in order for me to offer a motion to recommit in regard to the Synfuels Corporation.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the chairman.

Mr. WHITTEN. I thank the gentleman for yielding.

Mr. Speaker, it would depend upon the nature. If it is nongermane, we would not wish to agree in advance. I would be glad to discuss with the gentleman what he might have in mind.

Mr. CONTE. Will the gentleman amend his motion in order that it will make it in order to offer a motion to recommit? Because under the rule, under the motion that the gentleman has before the desk there, as I read it and understand it, it is without any intervening motions, and therefore my motion would be out of order. And this is a matter of life and death. If we do not get this opportunity, as the gentleman knows, we went with the other body in full conference, and it was brought up in the full conference. The other body is very interested in stopping the Synfuels Corporation for 24 hours, from letting out these contracts.

Mr. WHITTEN. The gentleman and I have worked together very closely, and I am sure we will continue to do so. But a general motion to recommit is one thing and a motion to recommit with instructions is another. I think we should discuss further what the gentleman might have in mind.

Mr. CONTE. It is very clear, Mr. Chairman, for I am only asking a motion to recommit with instructions in regard to this synfuels amendment. I could read the amendment to the gentleman and ask that he give us that opportunity.

Mr. WHITTEN. I would prefer the gentleman not ask that at this time even if we have to delay and recess a minute while we discuss it.

Mr. CONTE. I did not hear.

Mr. WHITTEN. I say I cannot agree offhand. I may be able to after discussing that with the gentleman.

Mr. CONTE. Can the gentleman withdraw his motion, Mr. WHITTEN?

Mr. Chairman, I have to protect myself to be able to offer the motion.

Mr. WHITTEN. May I say there are a whole lot of items in here. I have a little need to protect myself from that which I do not know is coming up. I think we are in the same situation. I have to, and so do you. But I would like to know what the gentleman has in mind.

Mr. CONTE. I am telling the gentleman what I have in mind. My motion will ask to recommit the bill, we could discuss that at that time. Only in that one particular area in regard to synfuels.

Mr. WOLPE. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I would be glad to yield to the gentleman from Michigan.

Mr. WOLPE. I thank the gentleman for yielding.

Mr. Speaker, it is my understanding that the gentleman from Massachusetts in his recommittal motion would be moving to simply prohibit the Corporation only for the period of the continuing resolution, 24 hours.

Mr. CONTE. That is right, that is all, extending it 24 hours, that it all.

Mr. WOLPE. I would hope that that would be acceptable to the chairman, because it really is a matter of life or death, if we do not have the prohibition, that money can be spent, up to \$1 billion.

Mr. WHITTEN. May I say that I happened to vote differently from my colleagues on this. It is not a personal matter with me at all. I am caught unaware of what is being offered.

Mr. Speaker, I ask unanimous consent to withdraw my request at the moment and bring it up again in about 30 minutes.

The SPEAKER. The gentleman has the right to withdraw his motion. It does not require a unanimous-consent request.

Mr. WHITTEN. Mr. Speaker, I withdraw my request at this time.

The SPEAKER. The gentleman from Mississippi withdraws his request.

INDIAN EDUCATION PROGRAMS AMENDMENTS

Mr. KILDEE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1621) to amend title 25, United States Code, relating to Indian education programs, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1621

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That section 1128 of Public Law 95-561 (25 U.S.C. 2008), as amended, is amended by—

(1) deleting "Indian students" in subsection (a)(1) and substituting in lieu thereof "eligible Indian students"; and

(2) deleting "Indian child" between the words "for each" and "attending such school", and "for an" and "in public school" in subsection (b), and substitute in lieu thereof "eligible Indian student"; and

(3) by adding the following new subsections:

"(f) In this section 'eligible Indian student' means a student who—

"(1) is a member of or is at least a one-fourth degree Indian blood descendant of a member of an Indian tribe which is eligible for the special programs and services provided by the United States through the Bureau of Indian Affairs to Indians because of their status as Indians, and

"(2) resides on or near an Indian reservation or meets the criteria for attendance at a Bureau off-reservation boarding school.

"(g)(1) An eligible Indian student may not be charged tuition for attendance at a Bureau or contract school. A student attending a Bureau school under clause 2(C) of this subsection may not be charged tuition.

"(2) The Secretary may permit the attendance at a Bureau school of a student who is not an eligible Indian student if—

"(A) the Secretary determines that the student's attendance will not adversely affect the school's program for eligible Indian students because of cost, overcrowding, or violation of standards,

"(B) the school board consents, and

"(C) the student is a dependent of a Bureau, Indian Health Service, or tribal government employee who lives on or near the school site, or

"(D) a tuition is paid for the student that is not more than that charged by the nearest public school district for out-of-district students. The tuition collected is in addition to the school's allocation under this section.

"(3) The school board of a contract school may permit students who are not eligible Indian students under this subsection to attend its contract school and any tuition collected for those students is in addition to funding under this section."

Sec. 2. Any other provision of law notwithstanding, the Secretary of the Interior shall count for funding purposes under section 1128 of Public Law 95-561 during the 1985-1986 academic year each student attending a Bureau or contract school during the count week for that year if the student (a) was counted for funding purposes under section 1128 for the 1984-1985 academic year and (b) is an eligible Indian student under the amendment to section 1128 in section 1 of this Act.

Sec. 3. The following provisions of law are hereby repealed—

(1) in the Act of March 1, 1907 (ch. 2285, 34 Stat. 1015) the first full paragraph on page 1018 (25 U.S.C. 288).

(2) in the Act of March 3, 1909 (ch. 263, 35 Stat. 781) the last two provisos in the second full paragraph on page 783 (25 U.S.C. 289).

(3) in the Act of March 27, 1918 (ch. 86, 40 Stat. 561) the third proviso in the paragraph under the heading "SUPPORT OF INDIAN SCHOOLS" on page 564 (25 U.S.C. 297)".

Mr. KILDEE. Mr. Speaker, S. 1621 passed unanimously in the Senate on De-

December 13. It would resolve a small but important problem which threatens the ability of about 900 students to continue attending Federal Indian schools. The need for the legislation arises from a 1918 statute which clouds the right of members of certain tribes to attend Indian schools if they have an insufficient quantum of Indian blood. This provision, ignored and forgotten for over 65 years, has suddenly been resurrected. To permit implementation of this outmoded provision now would cause a tragic disruption in the education of these students, many of whom have spent their entire academic careers in Federal Indian schools.

S. 1621 protects the status quo by continuing past practices and repealing the old, discredited provision. Students could qualify to attend Federal Indian schools either by virtue of possessing one-fourth degree of Indian blood of one or a combination of federally recognized tribes, or by being members of a federally recognized tribe. The measure also maintains the current practice of allowing children of Bureau of Indian Affairs and Indian Health Service employees who work on the reservation to attend schools near their homes. This second group of children, however, could not be counted for purposes of attracting BIA dollars.

The Congressional Budget Office has stated that there are no costs associated with this bill. The affected students have been attending Federal Indian schools and this measure simply protects their right to continue their educations without interruption. Appropriations will not be affected. There also will be no need for new construction or renovation since the schools are already accommodating these students. In fact, there may be a need for additional Federal expenditures if we do not rectify this situation because these students would be counted for the purposes of receiving impact aid, Johnson O'Malley, title IV—Indian Education Act, chapter 1 and other Federal moneys at any public school which they would attend.

Mr. Speaker, this bill has had strong bipartisan support at every step of its consideration. I urge its adoption.

Mr. HENDON. Mr. Speaker, I rise in strong support of S. 1621 which will provide BIA school funding for all Indian children and children of BIA and Indian Health Service [IHS] employees. I commend my colleague, the gentleman from Michigan, Mr. KILDEE, as well as my good friends, Mr. JEFFORDS and Mr. GOODLING, for their concern and swift action on behalf of our Indian children.

Mr. Speaker, passage of this legislation is essential because of recent attempts to deny funding for Indian children based on a blood quantum requirement found in a 1918 appropriation act. Prior to 1980, and for more than a century, BIA had always funded education services for Cherokee students regardless of blood quantum. In fact, a BIA pamphlet entitled "Statistics Concerning Indian Education," explains the unique relationship between the Cherokees and the BIA rather succinctly:

Congressional appropriations to the Bureau of Indian Affairs are limited to the education of children of one-fourth or more degree of Indian blood and native children in Alaska, except for the Cherokee Agency where children of less than one-quarter degree of Indian blood enrolled in the tribe may attend Federal schools. (page three, 1976 Edition)

The recent proposal to enforce the 1918 Appropriations Act language after 67 years of contrary practice is simply without reason. Since 1918, the Congress has passed at least six major acts dealing with education or eligibility for services and in each, without exception, tribal membership is the sole criterion. Importantly, all BIA services, except education, require tribal membership as the sole criterion for eligibility.

Surely, there is no good reason why an Indian child who lives on the reservation should be forced to attend a school other than the BIA school. Recent budgetary analyses clearly show that the cost to the Treasury would increase should these children be uprooted and sent off the reservation to public schools. In substance, it is illogical, presumably for budget-saving motives, to enforce a law which has been de facto repealed at least six times and which doesn't achieve any discernible goal.

Most importantly, and in the final analysis, we must take into account the Indian children, about 150 from Cherokee, who would become ineligible for funding at their present school and be forced to attend a different school. We cannot allow these children to be affected and I hope that all of my colleagues will join me in support of this crucial legislation.

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

GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill, S. 1621.

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

There was no objection.

WAIVING PRINTING ON PARCHMENT OF ENROLLED BILLS AND JOINT RESOLUTIONS DURING REMAINDER OF 1ST SESSION, 99TH CONGRESS

Mr. WRIGHT. Mr. Speaker, I call up from the Speaker's table the joint resolution (H.J. Res. 485) waiving the printing on parchment of enrolled bills and joint resolutions during the remainder of the 1st session of the 99th Congress, and ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read the joint resolution, as follows:

H.J. Res. 485

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That the requirement of sections 106 and 107 of title I, United States Code, that the enrollment of any bill or joint resolution originating in the House be printed on parchment be waived at the discretion of the Speaker, after consultation with the Minority Leader of the House for the duration of the first session of the Ninety-ninth Congress, and that any enrollment be in such form as may be certified by the Committee on House Administration to be truly enrolled.

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

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so to inquire of the majority leader whether or not this has been checked with the minority and cleared by the minority.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the majority leader.

Mr. WRIGHT. I thank the gentleman for yielding.

Mr. Speaker, indeed we did not offer this until it had been cleared by the minority leader. There is language in the resolution which expressly states that printing on parchment may be waived at the discretion of the Speaker after consultation with the minority leader.

Mr. WALKER. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid upon the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will state to the Members that they may now take 1 minute on special orders if they so desire.

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, December 12, 1985, the Chair declares a recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 10 minutes, p.m.) the House stood in recess subject to the call of the Chair.

□ 2215

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. KILDEE] at 10 o'clock and 19 minutes p.m.

**CONFERENCE REPORT ON
HOUSE JOINT RESOLUTION 465,
FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR
1986**

Mr. WHITTEN submitted the following conference report and statement on the concurrent resolution (H.J. Res. 465) making further continuing appropriations for the fiscal year 1986, and for other purposes:

CONFERENCE REPORT (H. REPT. 99-443)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.J. Res. 465) making further continuing appropriations for the 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 Senate recede from its amendments numbered 3, 5, 11, 15, 16, 27, 28, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 52, 53, 54, 55, 59, 63, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 106, 116, 121, and 134.

That the House recede from its disagreement to the amendments of the Senate numbered 9, 12, 17, 18, 19, 20, 21, 25, 61, 118, 119, and 120, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

(a) Such amounts as may be necessary for programs, projects, or activities provided for in the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1986 (H.R. 3037), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee on Conference (House Report Numbered 99-439), as filed in the House of Representatives on December 12, 1985, as if such Act had been enacted into law.

And the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

Delete the matter proposed by the House and stricken by the Senate and delete the matter proposed by the Senate; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

(b) such amounts as may be necessary for programs, projects or activities provided for in the Department of Defense Appropriations Act, 1986, at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriation Act:

An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1986, and for other purposes

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund; \$21,078,169,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund; \$15,917,144,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund; \$4,870,016,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund; \$17,744,770,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3019, and 3033 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to

the Department of Defense Military Retirement Fund; \$2,178,564,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Naval Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; \$1,267,734,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; \$272,250,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8019, and 8033 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; \$584,430,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 265, 3033, or 3496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; \$3,066,568,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 265, 8033, or 8496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United

States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; \$926,716,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$12,642,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; \$18,975,507,000, of which not less than \$1,471,600,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$3,787,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; \$24,477,071,000, of which not less than \$770,000,000 shall be available only for the maintenance of real property facilities, and of which \$100,000,000 shall be available only to reimburse United States Coast Guard Operating Expenses for operations and training relating to the Coast Guard's defense and military readiness missions: Provided, That of the total amount of this appropriation made available for the alteration, overhaul, and repair of naval vessels, not more than \$3,650,000,000 shall be available for the performance of such work in Navy shipyards: Provided further, That from the amounts of this appropriation for the alteration, overhaul and repair of naval vessels, funds shall be available for a test program to acquire the overhaul of four or more vessels by competition between public and private shipyards. The Secretary of the Navy shall certify, prior to award of a contract under this test, that the successful bid includes comparable estimates of all direct and indirect costs for both public and private shipyards. Competition under such test program shall not be subject to section 502 of the Department of Defense Authorization Act, 1981, as amended, or Office of Management and Budget Circular A-76: Provided further, That funds herein provided shall be available for payments in support of the LEASAT program in accordance with the terms of the Aide Memoire, dated January 5, 1981: Provided further, That obligations incurred or to be incurred hereafter for termination liability and charter hire in connection with the TAKX and T-5 programs, for which the Navy has already entered into agreement for charter and time charters including conversion or construction related to such agreements or charters shall, for the purposes of title 31, United States Code, (1) in regard to and so long as the Government remains liable for termination costs, be considered as obligations in the current Operation and Maintenance, Navy, appropriation account, to be held in reserve in the event such termination liability is incurred, in an amount equal to 10 per

centum of the outstanding termination liability, and (2) in regard to charter hire, be considered obligations in the Navy Industrial Fund with an amount equal to the estimated charter hire for the then current fiscal year recorded as an obligation against such fund. Obligations of the Navy under such time charters are general obligations of the United States secured by its full faith and credit.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; \$1,612,050,000, of which not less than \$238,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law, including the lease and associated maintenance of replacement aircraft for the CT-39 aircraft to the same extent and manner as authorized for service contracts by section 2306(g), title 10, United States Code; and not to exceed \$5,556,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; \$19,536,813,000, of which not less than \$1,385,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; \$7,432,569,000, of which not to exceed \$11,117,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided, That not less than \$91,147,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$780,100,000, of which not less than \$49,865,000, shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$894,950,000, of which not less than \$37,100,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance,

including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$57,200,000, of which not less than \$2,850,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$902,700,000, of which not less than \$22,200,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); \$1,652,800,000, of which not less than \$57,300,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; \$1,806,200,000, of which not less than \$37,000,000 shall be available only for the maintenance of real property facilities.

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses, in accordance with law, for construction, equipment, and maintenance of rifle ranges; the instruction

of citizens in marksmanship; the promotion of rifle practice; and the travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions; not to exceed \$920,000, of which not to exceed \$7,500 shall be available for incidental expenses of the National Board; and from other funds provided in this Act, not to exceed \$680,000 worth of ammunition may be issued under authority of title 10, United States Code, section 4311: Provided, That competitors at national matches under title 10, United States Code, section 4312, may be paid subsistence and travel allowances in excess of the amounts provided under title 10, United States Code, section 4313.

CLAIMS, DEFENSE

For payment, not otherwise provided for, of claims authorized by law to be paid by the Department of Defense (except for civil functions), including claims for damages arising under training contracts with carriers, and repayment of amounts determined by the Secretary concerned, or officers designated by him, to have been erroneously collected from military and civilian personnel of the Department of Defense, or from States, territories, or the District of Columbia, or members of the National Guard units thereof; \$143,300,000.

COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the United States Court of Military Appeals; \$3,200,000, and not to exceed \$1,500 can be used for official representation purposes.

TENTH INTERNATIONAL PAN AMERICAN GAMES

For logistical support and personnel services (other than pay and nontravel related allowances of members of the Armed Forces of the United States, except for members of the Reserve components thereof called or ordered to active duty to provide support for the Tenth International Pan American Games) provided by any component of the Department of Defense to the Tenth International Pan American Games; \$10,000,000.

ENVIRONMENTAL RESTORATION, DEFENSE

For the Department of Defense; \$379,100,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration and hazardous waste disposal operations, reduction and recycling of hazardous waste, research and development associated with hazardous wastes and removal of unsafe buildings and debris of the Department of Defense, or for similar purposes (including programs and operations at sites formerly used by the Department of Defense), transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense as the Secretary may designate, to be merged with and to be available for the same purposes and for the same time period as the appropriations of funds to which transferred: Provided further, That upon a determination that all or part of the funds transferred pursuant to this provision are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts,

and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$3,567,448,000, to remain available for obligation until September 30, 1988.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, as follows:

Chaparral program, \$57,500,000;
Other Missile Support, \$5,000,000;
Patriot program, \$963,400,000;
Stinger program, \$258,500,000;
Laser Hellfire program, \$234,200,000;
TOW program, \$190,500,000;
Pershing II program, \$236,300,000;
MLRS program, \$531,900,000;
Modification of missiles, \$196,800,000;
Spare and repair parts, \$312,000,000;
Support equipment and facilities, \$56,632,000;

In all: \$2,942,174,000, to remain available for obligation until September 30, 1988: Provided, That within the total amount appropriated, the subdivisions within this appropriation shall be reduced by \$100,558,000.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$4,748,771,000, to remain available for obligation until September 30, 1988.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized in military construction authorization Acts or authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of

title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$2,497,200,000, to remain available for obligation until September 30, 1988: Provided, That none of the funds provided herein may be obligated or expended for production base projects until the Secretary of the Army has submitted to the Committees on Appropriations of the House of Representatives and the Senate a specific funding and program plan for RDX modernization which responds to congressional requirements on program phasing and direction concerning full funding, and which provides for initiation of site specific work at Louisiana Army Ammunition Plant not later than June 30, 1986.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed two thousand four hundred and sixty-four passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, as follows:

Tactical and support vehicles, \$965,397,000;

Communications and electronics equipment, \$2,868,859,000;

Other support equipment, \$1,341,000,000;

Non-centrally managed items, \$105,300,000;

In all: \$5,275,556,000, to remain available for obligation until September 30, 1988: Provided, That within the total amount appropriated, the subdivisions within this appropriation shall be reduced by \$5,000,000.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; \$11,376,927,000, to remain available for obligation until September 30, 1988: Provided, That \$322,871,000 shall be available only for the procurement of nine new P-3C anti-submarine warfare aircraft: Provided further, That six P-3C aircraft shall be for the Naval Reserve.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare

parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interest therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, as follows:

Poseidon, \$5,001,000;
 TRIDENT I, \$36,226,000;
 TRIDENT II, \$581,986,000;
 Support equipment and facilities, \$17,107,000;
 Tomahawk, \$724,804,000;
 AIM/RIM-7 F/M Sparrow, \$359,200,000;
 AIM-9L/M Sidewinder, \$125,800,000;
 AIM-54A/C Phoenix, \$343,600,000;
 AIM-54A/C Phoenix advance procurement, \$24,800,000;
 AGM-84A Harpoon, \$314,873,000;
 AGM-88A HARM, \$236,000,000;
 SM-1 MR, \$20,300,000;
 SM-2 MR, \$509,719,000;
 SM-2 ER, \$303,200,000;
 Sidarm, \$30,500,000;
 Hellfire, \$51,768,000;
 Laser Maverick, \$173,458,000;
 IIR Maverick, \$27,809,000;
 Aerial targets, \$105,600,000;
 Drones and decoys, \$29,400,000;
 Other missile support, \$12,309,000;
 Modification of missiles, \$64,933,000;
 Support equipment and facilities, \$86,210,000;
 Ordnance support equipment, \$16,289,000;
 MK-48 ADCAP torpedo program, \$417,437,000;
 MK-46 torpedo program, \$125,115,000;
 MK-60 CAPTOR mine program, \$59,600,000;
 MK-30 mobile target program, \$18,600,000;
 MK-38 mini-mobile target program, \$3,499,000;
 Antisubmarine rocket (ASROC) program, \$15,551,000;
 Modification of torpedoes, \$115,055,000;
 Torpedo support equipment program, \$70,575,000;
 MK-15 close-in weapons system program, \$150,146,000;
 MK-75 gun mount program, \$17,905,000;
 MK-19 machine gun program, \$1,196,000;
 25mm gun mount, \$5,501,000;
 Small arms and weapons, \$11,305,000;
 Modification of guns and gun mounts, \$58,117,000;
 Guns and gun mounts support equipment program, \$1,200,000;
 Spares and repair parts, \$166,601,000;

In all: \$5,290,865,000, to remain available for obligation until September 30, 1988: Provided, That within the total amount appropriated, the subdivisions within this appropriation shall be reduced by \$147,430,000.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

TRIDENT ballistic missile submarine program, \$1,354,700,000;
 SSN-688 attack submarine program, \$2,609,600,000;
 Battleship reactivation program, \$469,000,000;

Aircraft carrier service life extension program, \$52,000,000;

CG-47 cruiser program, \$2,652,500,000;

DDG-51 destroyer program, \$74,000,000;

Provided, That the Secretary of the Navy shall select a second source, by the most expeditious means available, for the CG-47 and DDG-51 SPY-1 radar; AEGIS production test center, shipyard and shipboard combat system integration; AEGIS color graphic display systems; solid state frequency converters; and propellers in order to begin competition between the current contractors and the second source contractors in fiscal year 1988: Provided further, That any such selection shall not adversely affect the CG-47 and DDG-51 shipbuilding program schedule and costs;

LSD-41 landing ship dock program, \$403,400,000;

LHD-1 amphibious assault ship program, \$1,313,600,000;

MCM mine countermeasures ship program, \$197,200,000;

MSH coastal mine hunter program, \$184,500,000;

T-AO fleet oiler program, \$278,500,000;

T-AGOS ocean surveillance ship program, \$115,100,000;

T-AG acoustic research ship program, \$57,000,000;

ARTB nuclear reactor training ship conversion program, \$175,400,000;

T-ACS auxiliary crane ship conversion program, \$82,500,000;

T-AVB logistic support ship program, \$26,900,000;

LCAC landing craft program, \$307,000,000;

Strategic sealift program, \$228,400,000;

For craft, outfitting, post delivery, and cost growth, \$500,800,000;

In all: \$10,969,440,000, to remain available for obligation until September 30, 1990: Provided, That within the total amount appropriated, the subdivisions within this appropriation shall be reduced by \$112,660,000: Provided further, That additional obligations may be incurred after September 30, 1990, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction; and each Shipbuilding and Conversion, Navy, appropriation that is currently available for such obligations may also hereafter be so obligated after the date of its expiration: Provided further, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel: Provided further, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards: Provided further, That of the funds appropriated in fiscal year 1983 for the FFG-7 guided missile frigate program, \$40,000,000 previously available only for an X-band phased array radar shall be available for the fiscal year 1984 guided missile frigate program (FFG-61). The FFG-61 shall be equipped with the MK-92 fire control system, Phase II update.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance and ammunition (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed nine hundred and twenty-four passenger motor vehicles of which eight hundred and twenty-five shall be for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, as follows:

Ship support equipment, \$923,806,000;
 Communications and electronics equipment, \$2,096,302,000;
 Aviation support equipment, \$1,133,019,000;
 Ordnance support equipment, \$1,349,747,000;
 Civil engineering support equipment, \$232,558,000;
 Supply support equipment, \$58,917,000;
 Personnel and command support equipment, \$434,143,000;
 Spares and repair parts, \$279,838,000;
 Non-centrally managed items, \$125,300,000;

In all: \$6,377,630,000, to remain available for obligation until September 30, 1988: Provided, That within the total amount appropriated, the subdivisions within this appropriation shall be reduced by \$256,000,000.

COASTAL DEFENSE AUGMENTATION

For the augmentation of United States Coast Guard inventories to meet national security requirements, \$235,000,000, to remain available until expended: Provided, That these funds shall be for the procurement by the Department of Defense of vessels, aircraft, and equipment and for modernization of existing Coast Guard assets, to be made available to the Coast Guard for operation and maintenance.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including purchase of not to exceed two hundred and three passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands, and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; \$1,680,588,000, to remain available for obligation until September 30, 1988.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve

plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; \$23,546,447,000, to remain available for obligation until September 30, 1988, of which \$200,000,000 shall be available only to initiate the air defense aircraft competition authorized by law: Provided, That of the amounts appropriated not to exceed \$280,000,000 shall be available for competitive procurement of Air Force One mission replacement aircraft: Provided further, That none of the funds in this Act may be obligated on B-1B bomber production contracts if such contracts would cause the production portion of the Air Force's \$20,500,000,000 estimate for the B-1B bomber baseline costs expressed in fiscal year 1981 constant dollars to be exceeded: Provided further, That funds appropriated by this Act may be applied to a follow-on multiyear contract for F-16 production in which contract options shall be included to adjust the multiyear contract to accommodate the results of the air defense aircraft competition; such competition shall be completed no later than July 1, 1986, and a contract awarded within sixty days thereafter.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; \$8,433,177,000, to remain available for obligation until September 30, 1988.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed eight hundred and forty-nine passenger motor vehicles of which eight hundred and one shall be for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, as follows:

Munitions and associated equipment, \$1,239,877,000;
 Vehicular equipment, \$340,869,000;
 Electronics and telecommunications equipment, \$2,608,650,000;
 Other base maintenance and support equipment, \$4,626,287,000;
 Non-centrally managed items, \$54,700,000;
 In all: \$8,611,383,000, to remain available for obligation until September 30, 1988: Provided, That within the total amount appropriated, the subdivisions within this appropriation shall be reduced by \$259,000,000: Provided further, That no obligation may be incurred for the procurement of 30mm

armor piercing ammunition unless there is component breakout for the depleted uranium penetrator.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, as follows:

Army Reserve, \$365,000,000;
 Army National Guard, \$548,800,000, of which, subject to enactment of authorizing legislation, not more than \$40,000,000 may be used for minor projects to facilitate the delivery, storage, training and maintenance of Army National Guard equipment;
 Air National Guard, \$255,000,000;
 Naval Reserve, \$100,000,000;
 Marine Corps Reserve, \$70,000,000;
 Air Force Reserve, \$180,000,000;
 In all: \$1,518,800,000, to remain available for obligation until September 30, 1988.

PROCUREMENT, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed four hundred and ninety passenger motor vehicles of which two hundred and fifty-one shall be for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; \$1,302,740,000, to remain available for obligation until September 30, 1988.

DEFENSE PRODUCTION ACT PURCHASES

For purchases or commitments to purchase metals, minerals, or other materials by the Department of Defense pursuant to section 303 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093); \$31,000,000, to remain available for obligation until September 30, 1988.

NATO COOPERATIVE DEFENSE PROGRAMS

For acquisition of point air defense of United States airbases and other critical United States military facilities in Italy; \$15,000,000, to remain available for obligation until September 30, 1988.

TITLE IV

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$4,838,172,000, of which \$17,000,000 is available only for completing development, transitioning into low-rate initial production, and initial procurement of shipsets required to arm UH-60 Blackhawk helicopters with Hellfire missiles, to remain available for obligation until September 30, 1987.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law;

\$10,125,239,000, of which \$17,523,000 is available only for the Low Cost Anti-Radiation Seeker Program and \$5,500,000 is available only for the Laser Articulating Robotic System, to remain available for obligation until September 30, 1987.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$13,860,208,000, of which \$17,613,000 is available only for the Low Cost Seeker Program and \$5,000,000 is available only for the purpose of carrying out a research program to develop new and improved verification techniques to monitor compliance with any antisatellite weapon agreement that may be entered into by the United States and the Soviet Union, to remain available for obligation until September 30, 1987.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test, and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$6,668,386,000, of which \$700,000 shall be available only for the purpose of carrying out, through the Office of Technology Assessment, a comprehensive classified study to be submitted to the Appropriations Committees of the House of Representatives and the Senate, together with an unclassified version, no later than August 30, 1987, to determine the technological feasibility and implications, and the ability to survive and function despite a preemptive attack by an aggressor possessing comparable technology, of the Strategic Defense Initiative Program; and \$8,287,000 shall be available only for the joint Department of Defense-Department of Energy Conventional Munitions Technology Development Program, to remain available for obligation until September 30, 1987: Provided, That such amounts as may be determined by the Secretary of Defense to have been made available in other appropriations available to the Department of Defense during the current fiscal year for programs related to advanced research may be transferred to and merged with this appropriation to be available for the same purposes and time period: Provided further, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to carry out the purposes of advanced research to those appropriations for military functions under the Department of Defense which are being utilized for related programs to be merged with and to be available for the same time period as the appropriation to which transferred.

DIRECTOR OF TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director of Defense Test and Evaluation in the direction and supervision of test and evaluation, including initial operational testing and evaluation; and performance of joint testing and evaluation; and administrative expenses in connection therewith; \$118,500,000, to remain available for obligation until September 30, 1987.

**TITLE V
SPECIAL FOREIGN CURRENCY
PROGRAM**

For payment in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for expenses in carrying out programs of the Department of Defense, as authorized by law; \$2,100,000, to remain available for obligation until September 30, 1987: Provided, That this appropriation shall be available in addition to other appropriations to such Department, for payments in the foregoing currencies.

**TITLE VI
REVOLVING AND MANAGEMENT FUNDS
ARMY STOCK FUND**

For the Army stock fund; \$393,000,000.

NAVY STOCK FUND

For the Navy stock fund; \$638,500,000.

MARINE CORPS STOCK FUND

For the Marine Corps stock fund; \$37,700,000.

AIR FORCE STOCK FUND

For the Air Force stock fund; \$415,900,000.

DEFENSE STOCK FUND

For the Defense stock fund; \$149,700,000.

ADP EQUIPMENT MANAGEMENT FUND

For the purchase of automatic data processing (ADP) equipment; \$100,000,000.

**TITLE VII
RELATED AGENCIES**

**CENTRAL INTELLIGENCE AGENCY RETIREMENT
AND DISABILITY SYSTEM FUND**

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; \$101,400,000.

INTELLIGENCE COMMUNITY STAFF

For necessary expenses of the Intelligence Community Staff; \$22,083,000.

**TITLE VIII
GENERAL PROVISIONS**

SEC. 8001. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 8002. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8003. During the current fiscal year, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 3109 of title 5, United States Code, under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty stations and return as may be authorized by law: Provided, That such contracts may be renewed annually.

SEC. 8004. During the current fiscal year, provisions of law prohibiting the payment

of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense.

SEC. 8005. Appropriations for the Department of Defense for the current fiscal year and hereafter shall be available for: (a) expenses in connection with administration of occupied areas; (b) payment of rewards as authorized for the Navy by section 7209(a) of title 10, United States Code, for information leading to the discovery of missing naval property or the recovery thereof; (c) payment of deficiency judgments and interests thereon arising out of condemnation proceedings; (d) leasing of buildings and facilities including payment of rentals for special purpose space at the seat of government, and in the conduct of field exercises and maneuvers or, in administering the provisions of the Act of July 9, 1942 (56 Stat. 654; 43 U.S.C. 315a), rentals may be paid in advance; (e) payments under contracts for maintenance of tools and facilities for twelve months beginning at any time during the fiscal year; (f) maintenance of defense access roads certified as important to national defense in accordance with section 210 of title 23, United States Code; (g) the purchase of milk for enlisted personnel of the Department of Defense heretofore made available pursuant to section 202 of the Agricultural Act of 1949 (7 U.S.C. 1446a), and the cost of milk so purchased, as determined by the Secretary of Defense, shall be included in the value of the commuted ration; (h) payments under leases for real or personal property, including maintenance thereof when contracted for as a part of the lease agreement, for twelve months beginning at any time during the fiscal year; (i) the purchase of right-hand-drive vehicles not to exceed \$12,000 per vehicle; (j) payment of unusual cost overruns incident to ship overhaul, maintenance, and repair for ships inducted into industrial fund activities or contracted for in prior fiscal years: Provided, That the Secretary of Defense shall notify the Congress promptly prior to obligation of any such payments; (k) payments from annual appropriations to industrial fund activities and/or under contract for changes in scope of ship overhaul, maintenance, and repair after expiration of such appropriations, for such work either inducted into the industrial fund activity or contracted for in that fiscal year; and (l) payments for depot maintenance contracts for twelve months beginning at any time during the fiscal year.

SEC. 8006. Appropriations for the Department of Defense for the current fiscal year and hereafter shall be available for: (a) military courts, boards, and commissions; (b) utility services for buildings erected at private cost, as authorized by law, and buildings on military reservations authorized by regulations to be used for welfare and recreational purposes; and (c) exchange fees, and losses in the accounts of disbursing officers or agents in accordance with law.

SEC. 8007. The Secretary of Defense and each purchasing and contracting agency of the Department of Defense shall assist American small and minority-owned business to participate equitably in the furnishing of commodities and services financed with funds appropriated under this Act by increasing, to an optimum level, the resources and number of personnel jointly assigned to promoting both small and minority business involvement in purchases financed with funds appropriated herein, and by making available or causing to be made available to

such businesses, information, as far in advance as possible, with respect to purchases proposed to be financed with funds appropriated under this Act, and by assisting small and minority business concerns to participate equitably as subcontractors on contracts financed with funds appropriated herein, and by otherwise advocating and providing small and minority business opportunities to participate in the furnishing of commodities and services financed with funds appropriated by this Act.

SEC. 8008. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 8009. During the current fiscal year and hereafter:

(a) The President may exempt appropriations, funds, and contract authorizations, available for military functions under the Department of Defense, from the provisions of section 1512 of title 31, United States Code, whenever he deems such action to be necessary in the interest of national defense.

(b) Upon determination by the President that such action is necessary, the Secretary of Defense is authorized to provide for the cost of an airborne alert as an excepted expense in accordance with the provisions of section 3732 of the Revised Statutes (41 U.S.C. 11).

(c) Upon determination by the President that it is necessary to increase the number of military personnel on active duty subject to existing laws beyond the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel, as an excepted expense in accordance with the provisions of section 3732 of the Revised Statutes (41 U.S.C. 11).

(d) The Secretary of Defense shall immediately advise Congress of the exercise of any authority granted in this section, and shall report monthly on the estimated obligations incurred pursuant to subsections (b) and (c).

SEC. 8010. No part of the appropriations in this Act shall be available for any expense of operating aircraft under the jurisdiction of the armed forces for the purpose of proficiency flying, as defined in Department of Defense Directive 1340.4, except in accordance with regulations prescribed by the Secretary of Defense. Such regulations (1) may not require such flying except that required to maintain proficiency in anticipation of a member's assignment to combat operations and (2) such flying may not be permitted in cases of members who have been assigned to a course of instruction of ninety days or more.

SEC. 8011. No part of any appropriation contained in this Act shall be available for expense of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects in any one shipment having a net weight in excess of eighteen thousand pounds.

SEC. 8012. During the current fiscal year and hereafter, vessels under the jurisdiction of the Department of Transportation, the Department of the Army, the Department of the Air Force, or the Department of the Navy may be transferred or otherwise made available without reimbursement to any such agencies upon the request of the head of one agency and the approval of the agency having jurisdiction of the vessels concerned.

SEC. 8013. Not more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last

two months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of civilian components or summer camp training of the Reserve Officers' Training Corps, or the National Board for the Promotion of Rifle Practice, Army, or to the appropriations provided in this Act for Claims, Defense.

SEC. 8014. During the current fiscal year the agencies of the Department of Defense may accept the use of real property from foreign countries for the United States in accordance with mutual defense agreements or occupational arrangements and may accept services furnished by foreign countries as reciprocal international courtesies or as services customarily made available without charge; and such agencies may use the same for the support of the United States forces in such areas without specific appropriation therefor.

In addition to the foregoing, agencies of the Department of Defense may accept real property, services, and commodities from foreign countries for the use of the United States in accordance with mutual defense agreements or occupational arrangements and such agencies may use the same for the support of the United States forces in such areas, without specific appropriations therefor: Provided, That the foregoing authority shall not be available for the conversion of heating plants from coal to oil at defense facilities in Europe: Provided further, That within thirty days after the end of each quarter the Secretary of Defense shall render to Congress and to the Office of Management and Budget a full report of such property, supplies, and commodities received during such quarter.

SEC. 8015. During the current fiscal year and hereafter, appropriations available to the Department of Defense for research and development may be used for the purposes of section 2353 of title 10, United States Code, and for purposes related to research and development for which expenditures are specifically authorized in other appropriations of the Service concerned.

SEC. 8016. No part of any appropriation contained in this Act, except for small purchases in amounts not exceeding \$10,000 shall be available for the procurement of any article of food, clothing, cotton, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles), or specialty metals including stainless steel flatware, or hand or measuring tools, not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that satisfactory quality and sufficient quantity of any articles of food or clothing or any form of cotton, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, wool, or specialty metals including stainless steel flatware, grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters, and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto: Provided, That nothing herein shall preclude the procurement of specialty metals

or chemical warfare protective clothing produced outside the United States or its possessions when such procurement is necessary to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements or where such procurement is necessary in furtherance of the standardization and interoperability of equipment requirements within NATO so long as such agreements with foreign governments comply, where applicable, with the requirements of section 36 of the Arms Export Control Act and with section 2457 of title 10, United States Code: Provided further, That nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions: Provided further, That no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations: Provided further, That none of the funds appropriated in this Act shall be used except that, so far as practicable, all contracts shall be awarded on a formally advertised competitive bid basis to the lowest responsible bidder.

SEC. 8017. During the current fiscal year, appropriations available to the Department of Defense for pay of civilian employees shall be available for uniforms, or allowances therefor, as authorized by section 5901 of title 5, United States Code.

SEC. 8018. Funds provided in this Act for legislative liaison activities of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense shall not exceed \$13,334,000 for the current fiscal year: Provided, That this amount shall be available for apportionment to the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense as determined by the Secretary of Defense: Provided further, That costs for military retired pay accrual shall be included within this limitation.

SEC. 8019. Of the funds made available by this Act for the services of the Military Airlift Command, \$100,000,000 shall be available only for procurement of commercial transportation service from carriers participating in the civil reserve air fleet program; and the Secretary of Defense shall utilize the services of such carriers which qualify as small businesses to the fullest extent found practicable: Provided, That the Secretary of Defense shall specify in such procurement, performance characteristics for aircraft to be used based upon modern aircraft operated by the civil reserve air fleet.

(TRANSFER OF FUNDS)

SEC. 8020. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$950,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unfore-

seen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority.

(TRANSFER OF FUNDS)

SEC. 8021. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that transfers between a stock fund account and an industrial fund account may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8022. None of the funds available to the Department of Defense shall be utilized for the conversion of heating plants from coal to oil at defense facilities in Europe.

SEC. 8023. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

SEC. 8024. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services under the provisions of section 1079(a) of title 10, United States Code, shall be available for reimbursement of any physician or other authorized individual provider of medical care in excess of the eightieth percentile of the customary charges made for similar services in the same locality where the medical care was furnished, as determined for physicians in accordance with section 1079(h) of title 10, United States Code.

SEC. 8025. No appropriation contained in this Act may be used to pay for the cost of public affairs activities of the Department of Defense in excess of \$43,563,000: Provided, That costs for military retired pay accrual shall be included within this limitation.

SEC. 8026. None of the funds provided in this Act shall be available for the planning or execution of programs which utilize amounts credited to Department of Defense appropriations or funds pursuant to the provisions of section 37(a) of the Arms Export Control Act representing payment for the actual value of defense articles specified in section 21(a)(1)(A) of that Act: Provided, That such amounts shall be credited to the Special Defense Acquisition Fund, as authorized by law, or, to the extent not so credited shall be deposited in the Treasury as miscellaneous receipts as provided in section 3302(b) of title 31, United States Code.

SEC. 8027. No appropriation contained in this Act shall be available to fund any costs of a Senior Reserve Officers' Training Corps unit—except to complete training of person-

nel enrolled in Military Science 4—which in its junior year class (Military Science 3) has for the four preceding academic years, and as of September 30, 1983, enrolled less than (a) seventeen students where the institution prescribes a four-year or a combination four- and two-year program; or (b) twelve students where the institution prescribes a two-year program: Provided, That, notwithstanding the foregoing limitation, funds shall be available to maintain one Senior Reserve Officers' Training Corps unit in each State and at each State-operated maritime academy: Provided further, That units under the consortium system shall be considered as a single unit for purposes of evaluation of productivity under this provision: Provided further, That enrollment standards contained in Department of Defense Directive 1215.8 for Senior Reserve Officers' Training Corps units, as revised during fiscal year 1981, may be used to determine compliance with this provision, in lieu of the standards cited above.

SEC. 8028. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 1987.

SEC. 8029. None of the funds appropriated by this Act may be used to support more than 9,901 full-time and 2,603 part-time military personnel assigned to or used in the support of Morale, Welfare, and Recreation activities as described in Department of Defense Instruction 7000.12 and its enclosures, dated September 4, 1980.

SEC. 8030. All obligations incurred in anticipation of the appropriations and authority provided in this Act are hereby ratified and confirmed if otherwise in accordance with the provisions of this Act.

SEC. 8031. None of the funds appropriated by this Act or heretofore appropriated by any other Act shall be obligated or expended for the payment of anticipatory possession compensation claims to the Federal Republic of Germany other than claims listed in the 1973 agreement (commonly referred to as the Global Agreement) between the United States and the Federal Republic of Germany.

SEC. 8032. During the current fiscal year the Department of Defense may enter into contracts to recover indebtedness to the United States pursuant to section 3718 of title 31, United States Code.

SEC. 8033. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines:

(a) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work; or

(b) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(c) where the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements

of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8034. None of the funds appropriated by this Act shall be available to provide medical care in the United States on an inpatient basis to foreign military and diplomatic personnel or their dependents unless the Department of Defense is reimbursed for the costs of providing such care: Provided, That reimbursements for medical care covered by this section shall be credited to the appropriations against which charges have been made for providing such care, except that inpatient medical care may be provided in the United States without cost to military personnel and their dependents from a foreign country if comparable care is made available to a comparable number of United States military personnel in that foreign country.

SEC. 8035. None of the funds appropriated by this Act shall be obligated for the second career training program authorized by Public Law 96-347.

SEC. 8036. None of the funds appropriated or otherwise made available in this Act shall be obligated or expended for salaries or expenses during the current fiscal year for the purposes of demilitarization of surplus non-automatic firearms less than .50 caliber.

SEC. 8037. None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year, unless the Committees on Appropriations and Armed Services of the Senate and House of Representatives have been notified at least thirty days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement. Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

T-700 series aircraft engines;
MK-46 torpedo program;
Bradley Fighting Vehicle transmission;
M-1 tank chassis;
M-1 tank engine;
M-1 tank fire control components; and
LHD-1 amphibious assault ships.

SEC. 8038. None of the funds appropriated by this Act which are available for payment of travel allowances for per diem in lieu of subsistence to enlisted personnel shall be used to pay such an allowance to any enlisted member in an amount that is more than the amount of per diem in lieu of subsistence that the enlisted member is otherwise entitled to receive minus the basic allow-

ance for subsistence, or pro rata portion of such allowance, that the enlisted member is entitled to receive during any day, or portion of a day, that the enlisted member is also entitled to be paid a per diem in lieu of subsistence.

SEC. 8039. None of the funds appropriated by this Act shall be available to approve a request for waiver of the costs otherwise required to be recovered under the provisions of section 21(e)(1)(C) of the Arms Export Control Act unless the Committees on Appropriations have been notified in advance of the proposed waiver.

SEC. 8040. None of the funds appropriated by this Act shall be available for the transportation of equipment or materiel designated as Prepositioned Materiel Configured in Unit Sets (POMCUS) in Europe in excess of four division sets: Provided, That the foregoing limitation shall not apply with respect to any item of equipment or materiel which is maintained in the inventories of the Active and Reserve Forces at levels of at least 70 per centum of the established requirements for such an item of equipment or materiel for the Active Forces and 50 per centum of the established requirement for the Reserve Forces for such an item of equipment or materiel: Provided further, That no additional commitments to the establishment of POMCUS sites shall be made without prior approval of Congress.

SEC. 8041. (a) None of the funds in this Act may be used to transfer any article of military equipment or data related to the manufacture of such equipment to a foreign country prior to the approval in writing of such transfer by the Secretary of the military service involved.

(b) No funds appropriated by this Act may be used for the transfer of a technical data package from any Government-owned and operated defense plant manufacturing large caliber cannons to any foreign government, nor for assisting any such government in producing any defense item currently being manufactured or developed in a United States Government-owned, Government-operated, defense plant manufacturing large caliber cannons.

(TRANSFER OF FUNDS)

SEC. 8042. None of the funds appropriated in this Act may be made available through transfer, reprogramming, or other means for any intelligence or special activity different from that previously justified to the Congress unless the Director of Central Intelligence or the Secretary of Defense has notified the House and Senate Appropriations Committees of the intent to make such funds available for such activity.

SEC. 8043. Of the funds appropriated by this Act for strategic programs, the Secretary of Defense shall provide funds for the Advanced Technology Bomber program at a level at least equal to the amount provided by the committee of conference on this Act in order to maintain priority emphasis on this program.

SEC. 8044. None of the funds available to the Department of Defense during the current fiscal year shall be used by the Secretary of a military department to purchase coal or coke from foreign nations for use at United States defense facilities in Europe when coal from the United States is available.

SEC. 8045. None of the funds available to the Department of Defense shall be available for the procurement of manual typewriters which were manufactured by facilities locat-

ed within states which are Signatories to the Warsaw Pact.

SEC. 8046. None of the funds appropriated by this Act may be used to appoint or compensate more than 37 individuals in the Department of Defense in positions in the Executive Schedule (as provided in sections 5312-5316 of title 5, United States Code).

SEC. 8047. None of the funds appropriated by this Act shall be available to convert a position in support of the Army Reserve, Air Force Reserve, Army National Guard, and Air National Guard occupied by, or programmed to be occupied by, a (civilian) military technician to a position to be held by a person in an active Guard or Reserve status if that conversion would reduce the total number of positions occupied by, or programmed to be occupied by, (civilian) military technicians of the component concerned, below 66,086: Provided, That none of the funds appropriated by this Act shall be available to support more than 43,157 positions in support of the Army Reserve, Army National Guard or Air National Guard occupied by, or programmed to be occupied by, persons in an active Guard or Reserve status: Provided further, That none of the funds appropriated by this Act may be used to include (civilian) military technicians in computing civilian personnel ceilings, including statutory or administratively imposed ceilings, on activities in support of the Army Reserve, Air Force Reserve, Army National Guard or Air National Guard.

SEC. 8048. (a) 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.

(b) During fiscal year 1986, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to 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.

(c) The fiscal year 1987 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1987 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 1987.

(TRANSFER OF FUNDS)

SEC. 8049. Appropriations or funds available to the Department of Defense during the current fiscal year may be transferred to appropriations provided in this Act for research, development, test, and evaluation to the extent necessary to meet increased pay costs authorized by or pursuant to law, to be merged with and to be available for the same purposes, and the same time period, as the appropriation to which transferred.

SEC. 8050. None of the funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended during fiscal year 1986 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance unless in accordance with the terms and conditions specified by section 105 of the Intelligence Authorization Act (Public Law 99-169) for fiscal year 1986.

(TRANSFER OF FUNDS)

SEC. 8051. In addition to any other transfer authority contained in this Act, amounts

from working capital funds may be transferred to the Operation and Maintenance, Army, Navy, and Air Force appropriations contained in this Act to be merged with and to be available for the same purposes and for the same time period as the appropriation to which transferred: Provided, That such transfers shall not exceed \$168,200,000 for Operation and Maintenance, Army; \$420,300,000 for Operation and Maintenance, Navy; and \$164,000,000 for Operation and Maintenance, Air Force.

SEC. 8052. None of the funds made available by this Act shall be used in any way for the leasing to non-Federal agencies in the United States aircraft or vehicles owned or operated by the Department of Defense when suitable aircraft or vehicles are commercially available in the private sector: Provided, That nothing in this section shall affect authorized and established procedures for the sale of surplus aircraft or vehicles: Provided further, That nothing in this section shall prohibit the leasing of helicopters authorized by section 1463 of the Department of Defense Authorization Act of 1986.

SEC. 8053. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8054. No funds available to the Department of Defense during the current fiscal year may be used to enter into any contract with a term of eighteen months or more or to extend or renew any contract for a term of eighteen months or more, for any vessel, aircraft or vehicles, through a lease, charter, or similar agreement without previously having been submitted to the Committees on Appropriations of the House of Representatives and the Senate in the budgetary process. Further, any contractual agreement which imposes an estimated termination liability (excluding the estimated value of the leased item at the time of termination) on the Government exceeding 50 per centum of the original purchase value of the vessel, aircraft, or vehicle must have specific authority in an appropriation Act for the obligation of 10 per centum of such termination liability.

SEC. 8055. None of the funds appropriated in this Act may be obligated or expended in any way for the purpose of the sale, lease, rental, or excessing of any portion of land currently identified as Fort DeRussy, Honolulu, Hawaii.

SEC. 8056. None of the funds made available by this Act shall be available to operate in excess of 247 commissaries in the contiguous United States.

SEC. 8057. None of the funds provided in this Act shall be used to procure aircraft ejection seats manufactured in any foreign nation that does not permit United States manufacturers to compete for ejection seat procurement requirements in that foreign nation. This limitation shall apply only to ejection seats procured for installation on aircraft produced or assembled in the United States.

SEC. 8058. No more than \$166,766,000 of the funds appropriated by this Act shall be available for the payment of unemployment compensation benefits.

SEC. 8059. None of the funds appropriated by this Act should be obligated for the pay of any individual who is initially employed after the date of enactment of this Act as a technician in the administration and training of the Army Reserve and the maintenance and repair of supplies issued to the

Army Reserve unless such individual is also a military member of the Army Reserve troop program unit that he or she is employed to support. Those technicians employed by the Army Reserve in areas other than Army Reserve troop program units need only be members of the Selected Reserve.

SEC. 8060. None of the funds appropriated by this Act shall be used for the transfer of the Department of Defense Dependents Schools (DODDS) to the Department of Education.

SEC. 8061. None of the funds appropriated by this Act shall be used to purchase dogs or cats or otherwise fund the use of dogs or cats for the purpose of training Department of Defense students or other personnel in surgical or other medical treatment of wounds produced by any type of weapon: Provided, That the standards of such training with respect to the treatment of animals shall adhere to the Federal Animal Welfare Law and to those prevailing in the civilian medical community.

SEC. 8062. None of the funds made available by this Act shall be used to initiate full-scale engineering development of any major defense acquisition program until the Secretary of Defense has provided to the Committees on Appropriations of the House and Senate—

(a) a certification that the system or subsystem being developed will be procured in quantities that are not sufficient to warrant development of two or more production sources, or

(b) a plan for the development of two or more sources for the production of the system or subsystem being developed.

SEC. 8063. None of the funds appropriated by this Act shall be available to pay any member of the uniformed services for unused accrued leave pursuant to section 501 of title 37, United States Code, for more than sixty days of such leave, less the number of days for which payment was previously made under section 501 after February 9, 1976.

SEC. 8064. Within funds available under title II of this Act, but not to exceed \$100,000, and under such regulations as the Secretary of Defense may prescribe, the Department of Defense may, in addition to allowances currently available, make payments for travel and transportation expenses of the surviving spouse, children, parents, and brothers and sisters of any member of the Armed Forces of the United States, who dies as the result of an injury or disease incurred in line of duty to attend the funeral of such member in any case in which the funeral of such member is more than two hundred miles from the residence of the surviving spouse, children, parents or brothers and sisters, if such spouse, children, parents or brothers and sisters, as the case may be, are financially unable to pay their own travel and transportation expenses to attend the funeral of such member.

SEC. 8065. None of the funds available to the Department of Defense may be used for the floating storage of petroleum or petroleum products except in vessels of or belonging to the United States.

SEC. 8066. Of the funds made available to the Department of the Air Force in this Act, not less than \$3,000,000 shall be available for the Civil Air Patrol.

SEC. 8067. Funds available to the Department of Defense may be used by the Department of Defense for the use of helicopters and motorized equipment at Defense instal-

lations for removal of feral burros and horses.

SEC. 8068. So far as may be practicable, Indian labor shall be employed, and purchases of the products of Indian industry may be made in open market in the discretion of the Secretary of Defense: Provided, That the products must meet pre-set contract specifications.

(TRANSFER OF FUNDS)

SEC. 8069. Not to exceed \$100,000,000 may be transferred from the appropriation "Operation and Maintenance, Defense Agencies" to operation and maintenance appropriations under the military departments in connection with demonstration projects authorized by section 1092 of title 10, United States Code: Provided, That the Secretary of Defense shall promptly notify the Congress of any such transfer of funds under this provision: Provided further, That the authority to make transfers pursuant to this section is in addition to the authority to make transfers under other provisions of this Act.

SEC. 8070. None of the funds available for Defense installations in Europe shall be used for the consolidation or conversion of heating facilities to district heating distribution systems in Europe: Provided, That those facilities identified by the Department of the Army as of April 11, 1985, as being in advanced stages of negotiations shall be exempt from such provision: Provided further, That nothing in this section shall prohibit the conversion or consolidation of heating facilities to district heating distribution systems at Bad Kissingen, Hessen, in the Federal Republic of Germany.

SEC. 8071. None of the funds appropriated by this Act shall be available to compensate foreign selling costs as described in Federal Acquisition Regulation 31.205-38(b) as in effect on April 1, 1984.

SEC. 8072. Of the funds appropriated for the operation and maintenance of the Armed Forces, obligations may be incurred for humanitarian and civic assistance costs incidental to authorized operations, and these obligations shall be reported to Congress on September 30, 1986: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance in the Trust Territories of the Pacific Islands by using Civic Action Teams.

SEC. 8073. Notwithstanding any other provision of law, the Secretaries of the Army and Air Force may authorize the retention in an active status until age sixty of any officer who would otherwise be removed from an active status and who is employed as a National Guard or Reserve technician in a position in which active status in a reserve component of the Army or Air Force is required as a condition of that employment.

SEC. 8074. None of the funds available to the Department of Defense may be used to transport any chemical munitions into the Lexington-Blue Grass Army Depot for purposes of future demilitarization.

SEC. 8075. None of the funds appropriated by this Act may be obligated or expended for the purposes delineated in section 1002(e)(2) of the Department of Defense Authorization Act, 1985, without the prior notification to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8076. It is the sense of the Congress that the Secretary of Defense should formulate and carry out a program under which contracts awarded by the Department of Defense in fiscal year 1986 would, to the maximum extent practicable and consistent with existing law, be awarded to contractors who

agree to carry out such contracts in labor surplus areas (as defined and identified by the Department of Labor).

SEC. 8077. It is the sense of the Congress that competition, which is necessary to enhance innovation, effectiveness, and efficiency, and which has served our Nation so well in other spheres of political and economic endeavor, should be expanded and increased in the provision of our national defense.

SEC. 8078. Notwithstanding any other provision of law, each contract awarded by the Department of Defense in fiscal year 1986 for construction or services to be performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: Provided, That the Secretary of Defense may waive the requirements of this section in the interest of national security.

SEC. 8079. None of the funds appropriated by this Act shall be available to pay a dislocation allowance pursuant to section 407 of title 37, United States Code, in excess of one month's basic allowance for quarters.

SEC. 8080. None of the funds available to the Department of Defense shall be obligated or expended to contract out any activity currently performed by the Defense Personnel Support Center in Philadelphia, Pennsylvania: Provided, That this provision shall not apply after notification to the Committees on Appropriations of the House of Representatives and the Senate of the results of the cost analysis of contracting out any such activity.

SEC. 8081. None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 1415(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act, receives an enlistment bonus under section 308a or 308f of title 37, United States Code; nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Administrator of Veterans' Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Administrator pay such benefits to any such member.

SEC. 8082. Notwithstanding any other provision of this Act, no funds appropriated by this Act shall be expended for the research, development, test, evaluation or procurement for integration of a nuclear warhead into the Joint Tactical Missile System (JTACMS).

SEC. 8083. Under regulations prescribed by the Secretary of Defense, the Department of the Air Force and the Defense Logistics Agency may test a flat rate per diem system for military and civilian travel allowances: Provided, That per diem allowances paid under a flat rate per diem system shall be in an amount determined by the Secretary of Defense to be sufficient to meet normal and necessary expenses in the area in which travel is performed, but in no event will the

travel allowances exceed \$75 for each day in travel status within the continental United States: Provided further, That the test approved under this section shall expire upon the effective date of permanent legislation establishing a flat rate per diem system for both military and civilian personnel.

SEC. 8084. Notwithstanding any other provision of law, during fiscal year 1986, the Department of Defense is to conduct a pilot test project of providing home health care to dependents entitled to health care under section 1076 of title 10, United States Code: Provided, That such care is medically necessary or appropriate, more cost effective than to continue paying for otherwise authorized CHAMPUS benefits in medical facilities, and the beneficiary is not covered for such care under any other public or private health insurance plan.

SEC. 8085. Not more than \$2,744,293,000 of the funds appropriated by this Act may be obligated for permanent change of station travel (including all expenses of such travel for organizational movements): Provided, That assignments for temporary duty may not be increased in order to circumvent this limitation: Provided further, That this limitation may be exceeded only upon a determination and notification to the Congress by the Secretary of Defense that such action is necessary to meet national security requirements.

SEC. 8086. Funds appropriated in this Act shall be available for the payment of not more than 75 percent of the charges of a postsecondary educational institution for the tuition or expenses of an officer in the Ready Reserve of the Army National Guard or Army Reserve for education or training during his off-duty periods, except that no part of the charges may be paid unless the officer agrees to remain a member of the Ready Reserve for at least four years after completion of such training or education: Provided, That notwithstanding any other provision of law, those individuals who received assistance under the Army National Guard Assistance for Military Professional Development program and who forfeited money as a result of its cancellation on July 22, 1985, and who could not continue in this program, shall be reimbursed for the moneys they forfeited: Provided further, That no interest shall be paid on the amounts reimbursed.

SEC. 8087. None of the funds appropriated in this Act shall be used for professional surveying and mapping services performed by contract for the Defense Mapping Agency unless those contracts are procured in accordance with the selection procedures outlined pursuant to section 2855 of title 10, United States Code.

SEC. 8088. During the current fiscal year, effective January 1, 1985, the rate of the basic allowance for quarters authorized by section 403(a) of title 37, United States Code, which is payable to a member of the uniformed services who was entitled to that allowance on December 31, 1984, shall not be less than the rate of the basic allowance for quarters that was in effect for that member on December 31, 1984 (unless the member holds a lower grade than he held on that date or has had a change in dependent status from a "with dependents" status to a "without dependents" status).

SEC. 8089. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than ten Department of

Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate.

(TRANSFER OF FUNDS)

SEC. 8090. Upon a determination by the Secretary of Defense that such action will result in a more economical acquisition of automatic data processing equipment, funds provided in this Act under one appropriation account for the lease or purchase of such equipment may be transferred through the Automatic Data Processing Equipment Management Fund to another appropriation account in this Act for the lease or purchase of automatic data processing equipment to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred: Provided, That within thirty days after the end of each quarter the Secretary of Defense shall report transfers made under this section to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That the authority to transfer funds under this section shall be in addition to any other transfer authority contained in this Act.

SEC. 8091. Appropriations available to the Department of Defense during the current fiscal year shall be available, under such regulations as the Secretary of Defense may deem appropriate, to exchange or furnish mapping, charting, and geodetic data, supplies or services to a foreign country pursuant to an agreement for the production or exchange of mapping, charting, and geodetic data.

SEC. 8092. The lands described in Bureau of Land Management casefile AA-57372 shall be conveyed to the Municipality of Anchorage pursuant to the public interest land provisions of the North Anchorage Land Agreement if such lands are declared excess to the needs of the Army in Alaska.

SEC. 8093. Section 1411 of the Department of Defense Authorization Act, 1986, (Public Law 99-145) is amended to read as follows: "SEC. 1411. CONDITIONS ON SPENDING FUNDS FOR BINARY CHEMICAL MUNITIONS.

"(a) LIMITATION ON FISCAL YEAR 1986 FUNDS.—Funds appropriated pursuant to authorizations of appropriations in title I may not be used—

"(1) for procurement or assembly of binary chemical munitions (or components of such munitions); or

"(2) for establishment of production facilities necessary for procurement or assembly of binary chemical munitions (or components of such munitions), except in accordance with subsections (b), (c), (d), and (e).

"(b) NATO CONSULTATION.—Subject to subsections (c), (d), and (e), funds referred to in subsection (a) may be used for procurement or assembly of binary chemical munitions or for the establishment of production facilities necessary for the procurement or assembly of binary chemical munitions (or components of such munitions) if the President certifies to Congress that the United States—

"(1) has submitted to the North Atlantic Treaty Organization, a force goal stating the requirement for modernization of the United States proportional share of the NATO chemical deterrent with binary munitions and said force goal has been formally adopted by the North Atlantic Council;

"(2) has developed in coordination with the Supreme Allied Commander, Europe, a plan under which United States binary chemical munitions can be deployed under

appropriate contingency plans to deter chemical weapons attacks against the United States and its allies; and

"(3) has consulted with other member nations of the North Atlantic Treaty Organization (NATO) on that plan.

"(c) CONDITIONS FOR FINAL ASSEMBLY.—Funds referred to in subsection (a) may not be used for the final assembly of complete binary chemical munitions before October 1, 1987, and, subject to subsections (d) and (e), may only be used for such purpose on or after that date if—

"(1) a mutually verifiable international agreement concerning binary and other similar chemical munitions has not been entered into by the United States by that date;

"(2) the President, after that date, transmits to Congress a certification that—

"(A) final assembly of such complete munitions is necessitated by national security interests of the United States and the interests of other NATO member nations;

"(B) handling and storage safety specifications established by the Department of Defense with respect to such munitions will be met or exceeded;

"(C) applicable Federal safety requirements will be met or exceeded in the handling, storage, and other use of such munitions; and

"(D) the plan of the Secretary of Defense for destruction of existing United States chemical warfare stocks developed pursuant to section 1412 (which shall, if not sooner transmitted to Congress, accompany such certification) is ready to be implemented;

"(3) final 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 plan of the Secretary of Defense for land-based storage of such munitions within the United States during peacetime provides that the two components that constitute a binary chemical munition are to be stored in separate States; and

"(5) the plan of the Secretary of Defense for the transportation of such munitions within the United States during peacetime provides that the two components that constitute a binary munition are transported separately.

"(d) RESTRICTIONS ON PRODUCTION OF THE BIGEYE BOMB.—Except as provided below, none of the funds appropriated pursuant to authorizations of appropriations in title I may be used for procurement or assembly of the BIGEYE binary chemical bomb or for procurement of components for the BIGEYE bomb until 60 days after the Secretary of Defense has submitted a report describing—

"(1) the specific operational requirements which must be achieved by the BIGEYE system; and

"(2) the actual performance of the system during operational testing with respect to each of the operational test criteria; and

"(3) any exceptions to the operational criteria deemed acceptable by the Department of Defense.

"Subject to subsection (b) nothing in this subsection will prohibit the procurement of BIGEYE production facilities and associated equipment.

"(e) RESTRICTION ON PRODUCTION OF THE GB-2 ARTILLERY PROJECTILE.—None of the funds appropriated pursuant to authorizations in title I for procurement or assembly of the GB-2 artillery projectile may be obligated or expended before October 1, 1986.

"(f) SENSE OF CONGRESS.—It is the sense of Congress that existing unitary chemical munitions currently stored in the United States

and in European member nations of NATO should be replaced by modern, safer binary chemical munitions.

"(g) REPORT.—Not later than October 1, 1986, the President shall submit to Congress a report describing the results of consultations among NATO member nations concerning the organization's chemical deterrent posture. The report shall include descriptions of any consultations concerning—

"(1) efforts to provide key civilian workers at military support facilities in Europe—

"(A) with personal and collective equipment to protect against the use of chemical munitions; and

"(B) with the training required for the use of such equipment;

"(2) efforts to upgrade the chemical reconnaissance, decontamination, and protective capabilities of the military forces of each NATO member nation to a level adequate to meet the chemical threat identified in NATO intelligence estimates;

"(3) efforts to initiate a NATO-wide study of measures required to protect ports, airfields, logistics centers, and command and control facilities in European member nations of NATO against chemical attack; and

"(4) efforts to initiate a NATO-wide study of equitable and efficient sharing among NATO member nations of responsibilities with regard to deterring the use of chemical munitions in Europe."

SEC. 8094. None of the funds appropriated in this Act may be obligated or expended for procurement of C-12 aircraft unless such aircraft are procured through competitive procedures (as defined in section 2302(2) of title 10, United States Code), which shall be restricted to turboprop aircraft.

SEC. 8095. None of the funds in this Act may be obligated for procurement of 120mm mortars or 120mm mortar ammunition manufactured outside of the United States: Provided, That this limitation shall not apply to procurement of such mortars or ammunition required for testing, evaluation, type classification or equipping the Army's Ninth Infantry Division (Motorized).

SEC. 8096. Appropriations made available to the Department of Defense by this Act may be used at sites formerly used by the Department of Defense for removal of unsafe buildings or debris of the Department of Defense: Provided, That such removal must be completed before the property is released from Federal Government control, other than property conveyed to State or local government entities or native corporations.

SEC. 8097. None of the funds appropriated by this Act or any other Act may be obligated or expended to 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 October 3, 1985, a test against an object in space of a dedicated anti-satellite weapon.

SEC. 8098. Of the funds made available by this Act to the Department of the Army, \$7,200,000 shall be transferred to the Bureau of Land Management for the relocation of the district office at Fort Wainwright, Alaska.

SEC. 8099. None of the funds appropriated by this Act shall be used for the support of any nonappropriated fund activity of the Department of Defense that procures alcoholic beverages with nonappropriated funds for resale (including alcoholic beverages sold by the drink) on a military installation located in the United States, unless such al-

coholic beverages are procured in the State, or in the case of the District of Columbia, within the District of Columbia, in which the installation is located: Provided, That in a case in which a military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That not later than one year after the date of enactment of this Act, the Secretary shall transmit a report to the Congress concerning the implementation of this section.

(TRANSFER OF FUNDS)

SEC. 8100. The Secretary of Defense may transfer, not to exceed \$468,000,000 from the Foreign Currency Fluctuation, Defense account to appropriations provided in title II of this Act: Provided, That the Secretary of Defense shall report to the Committees on Appropriations of the House of Representatives and Senate of transfers made under this authority: Provided further, That funds so transferred shall be made available for the same time period and purpose as the appropriation to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority provided elsewhere in this Act.

SEC. 8101. Within the funds made available under title II of this Act, the military departments may use such funds as necessary, but not to exceed \$4,700,000, to carry out the provisions of section 430 of title 37, United States Code.

SEC. 8102. The amendments made to section 7572(b)(3) of title 10, United States Code, and to section 3 of Public Law 96-357 (10 U.S.C. 7572 note) by section 606 of the Department of Defense Authorization Act, 1986, shall apply to reimbursement of expenses incurred on or after October 1, 1985, by a member of a uniformed service on sea duty.

SEC. 8103. (a) In addition to other funds made available by this Act, \$6,306,906,000 shall be available for obligation and expenditure from prior year unobligated balances from the following accounts in the amounts specified:

	Prior Year Transfer
Aircraft Procurement, Army—1985/87	\$117,900,000
Missile Procurement, Army—1984/85	10,100,000
Missile Procurement, Army—1985/87	56,400,000
Procurement of Weapons and Tracked Combat Vehicles, Army—1984/86	336,500,000
Procurement of Weapons and Tracked Combat Vehicles, Army—1985/87	253,800,000
Procurement of Ammunition, Army—1984/86	30,400,000
Procurement of Ammunition, Army—1985/87	147,700,000
Other Procurement, Army—1984/86	81,000,000
Other Procurement, Army—1985/87	176,500,000
Aircraft Procurement, Navy—1984/86	60,800,000
Aircraft Procurement, Navy—1985/87	490,500,000
Weapons Procurement, Navy—1985/87	15,000,000
Shipbuilding and Conversion, Navy—1982/86	391,600,000
Shipbuilding and Conversion, Navy—1983/87	691,300,000
Shipbuilding and Conversion, Navy—1984/88	398,600,000
Shipbuilding and Conversion, Navy—1985/89	517,800,000
Other Procurement, Navy—1984/86	75,790,000
Other Procurement, Navy—1985/87	200,693,000
Procurement, Marine Corps—1985/87	47,717,000
Aircraft Procurement, Air Force—1984/86	246,400,000
Aircraft Procurement, Air Force—1985/87	864,000,000
Missile Procurement, Air Force—1984/86	29,400,000
Missile Procurement, Air Force—1985/87	53,400,000
Other Procurement, Air Force—1984/86	94,127,000
Other Procurement, Air Force—1985/87	253,349,000
Procurement, Defense Agencies—1984/86	15,000,000
Procurement, Defense Agencies—1985/87	21,000,000
Research, Development, Test and Evaluation, Army—1985/86	96,130,000
Research, Development, Test and Evaluation, Navy—1985/86	188,000,000
Research, Development, Test and Evaluation, Air Force—1985/86	264,000,000
Research, Development, Test and Evaluation, Defense Agencies—1985/86	82,000,000
TOTAL	\$6,306,906,000

(b) The foregoing unobligated balances in subsection (a) shall remain available for obligation only for the time period provided when originally appropriated, and may be transferred by the Secretary of Defense to

appropriations in titles I, II, III, IV, VI and VII as may be required for military personnel and other purposes, including those requirements that may be established by subsequent acts of Congress: Provided, That no funds may be transferred or obligated until 15 days after the Secretary of Defense notifies the Committees on Appropriations of the House and Senate of such transfers and obligations: Provided further, That \$852,100,000 shall be available only for the Mariner Fund and may not be obligated or expended for any purpose until enactment of legislation establishing a Mariner Fund program for construction and lease of militarily useful vessels and until 60 days after notification to the Committees on Appropriations of the House and Senate of the intent to obligate from such Fund: Provided further, That notwithstanding any other provision of this section, after May 1, 1986, obligations from the Military Personnel accounts contained in this Act shall not exceed a rate in excess of the rate required to limit total obligations to the obligation ceilings established by law for such accounts for fiscal year 1986: Provided further, That the transfer authority contained in this section shall be in addition to any other transfer authority contained in this Act.

SEC. 8104. None of the funds available to the Department of the Navy may be used to enter into any contract for the overhaul, repair, or maintenance of any naval vessel on the West Coast of the United States which includes charges for interport differential as an evaluation factor for award.

SEC. 8105. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be used for the installation, maintenance, and operation of a 22 $\frac{1}{2}$ x 36-inch perfecting web offset press with in-line folder procured by or for the Department of the Air Force under solicitation number F01600-85-B0021.

SEC. 8106. None of the funds made available by this Act may be used to alter the command structure for military forces in Alaska.

SEC. 8107. None of the funds appropriated in this Act may be obligated or expended to carry out a program to paint any naval vessel with paint known as organotin or with any other paint containing the chemical compound tributyltin until such time as the Environmental Protection Agency certifies to the Department of Defense that whatever toxicity as generated by organotin paints as included in Navy specifications does not pose an unacceptable hazard to the marine environment.

SEC. 8108. No funds appropriated under this Act for the Strategic Defense Initiative Program shall be earmarked by any agency of the United States Government or any contractor exclusively for contracts with non-United States contractors, subcontractors, or vendors, or exclusively for consortia containing non-United States contractors, subcontractors, or vendors, prior to source selection in order to meet a specific quota or allocation of funds to any allied nation. Furthermore, it is the sense of the Congress that, whenever possible, the Secretary of Defense and others should attempt to award Strategic Defense Initiative contracts to United States contractors, subcontractors, and vendors unless such awards would degrade the likely results obtained from such contracts: Provided, That allied nations should be encouraged to participate in the Strategic Defense Initiative research effort on a competitive basis and be awarded contracts on the basis of technical merit.

SEC. 8109. None of the funds appropriated pursuant to this Act to or for the use of the Department of Defense may be obligated or expended for any purpose unless such funds have been authorized to be appropriated for such purpose by law: Provided, That the preceding sentence does not apply to funds appropriated in this Act for Coastal Defense Augmentation; \$235,000,000.

SEC. 8110. Of the funds available in the Army Industrial Fund, \$25,000,000 shall be available to be used to implement immediately, or to transfer to another appropriation account in this Act to be used to implement immediately, the program proposed by the Department in its letter of August 30, 1985, from the Assistant Secretary of Defense for Acquisition and Logistics, to rehabilitate and convert current steam generating plants at defense facilities in the United States to coal burning facilities in order to achieve a coal consumption target of 1,600,000 short tons of coal per year above current consumption levels at Department of Defense facilities in the United States by fiscal year 1994: Provided, That anthracite or bituminous coal shall be the source of energy at such installations: Provided further, That during the implementation of this proposal, the amount of anthracite coal purchased by the Department shall remain at least at the current annual purchase level, 302,000 short tons.

SEC. 8111. The Secretary of Defense and the Administrator of the National Aeronautics and Space Administration will jointly determine which payloads will be launched on Titan II launch vehicles and certify by notice to the Congress that such launches are cost-effective as compared to launches by the space shuttle and do not diminish the efficient and effective utilization of the space shuttle capability: Provided, That this section may be waived only upon certification by the Secretary of Defense that certain classified payloads must be launched on the Titan II launch vehicle as opposed to the space shuttle, for national security reasons.

This Act may be cited as the "Department of Defense Appropriations Act, 1986"; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the subsection named in said amendment insert: (c); and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

"(d) Such amounts as may be necessary for programs, projects or activities provided for in the Department of the Interior and Related Agencies Appropriations Act, 1986, at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:"

An Act making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1986, and for other purposes.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT
MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management, \$398,566,000.

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, \$1,403,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 6901-07), \$105,000,000, of which not to exceed \$400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94-579 including administrative expenses and acquisition of lands or waters, or interest therein, \$2,300,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; \$56,114,000, to remain available until expended: Provided, That the amount appropriated herein for road construction shall be transferred to the Federal Highway Administration, Department of Transportation: Provided further, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315, et seq.), but not less than \$10,000,000 (43 U.S.C. 1901), and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, to remain available until expended: Provided, That not to exceed \$600,000 shall be available for administrative expenses: Provided further, That the dollar equivalent of value, in excess of the grazing fee estab-

lished under law and paid to the United States Government, received by any permittee or lessee as compensation for an assignment of a grazing permit or lease, or any grazing privileges or rights thereunder, and in excess of the installation and maintenance cost of grazing improvements provided for by the permittee in the allotment management plan or amendments or otherwise approved by the Bureau of Land Management, shall be paid to the Bureau of Land Management and disposed of as provided for by section 401(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701): Provided further, That if the dollar value prescribed above is not paid to the Bureau of Land Management, the grazing permit or lease shall be canceled.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93-153, to be immediately available until expended.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$10,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the United States Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed \$10,000: Provided, That appropriations herein made for the Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the General Fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": Provided further, That appropriations herein made may be expended for surveys of Federal lands of the United States and on a reimbursable basis for surveys of Federal lands of the United States and for protection of lands for the State of Alaska: Provided further, That an appeal of any reductions in grazing allotments on public rangelands must be taken

within thirty days after receipt of a final grazing allotment decision. Reductions of up to 10 per centum in grazing allotments shall become effective when so designated by the Secretary of the Interior. Upon appeal any proposed reduction in excess of 10 per centum shall be suspended pending final action on the appeal, which shall be completed within two years after the appeal is filed: Provided further, That appropriations herein made shall be available for paying costs incidental to the utilization of services contributed by individuals who serve without compensation as volunteers in aid of work of the Bureau.

Notwithstanding any other provision of this Act, in the event the sale, award, or operation of any timber sale or sales in the Medford (Oregon) District of the Bureau of Land Management is enjoined, stayed or otherwise delayed by reason of administrative appeal or judicial review, the Secretary of the Interior shall resell timber returned under provisions of the Federal Timber Contract Payment Modification Act to the extent necessary to achieve sale of the full annual allowable cut for fiscal years 1985 and 1986 in the Medford District. The Secretary shall determine the potential environmental degradation of timber sales returned pursuant to the Federal Timber Contract Payment Modification Act and shall characterize each sale's potential environmental impact as minimal, moderate, or serious. The Secretary must give resale priority to those sales with the least risk of potential environmental degradation. Sales that are reoffered may be modified, including minor additions. Any decision of the Secretary to resell such timber shall not be subject to judicial review.

UNITED STATES FISH AND WILDLIFE SERVICE
RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than \$3,300,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, \$301,222,000, of which \$4,420,000 to carry out the purposes of 16 U.S.C. 1535, shall remain available until expended; and of which \$5,665,000 shall be for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River, which will remain available until expended.

CONSTRUCTION AND ANADROMOUS FISH

For construction and acquisition of buildings and other facilities required in the conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; \$21,296,000, to remain available until expended, of which \$2,000,000 shall be available for expenses to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757g).

MIGRATORY BIRD CONSERVATION ACCOUNT

For an advance to the migratory bird conservation account, as authorized by the Act of October 4, 1971, as amended (16 U.S.C. 715k-3, 5), \$15,000,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, \$40,670,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), \$5,645,000.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 191 passenger motor vehicles of which 178 are for replacement only (including 67 for police-type use); purchase of 4 new aircraft for replacement only; acceptance of one donated aircraft as an addition; not to exceed \$300,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources.

NATIONAL PARK SERVICE**OPERATION OF THE NATIONAL PARK SYSTEM**

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed \$410,000 for the Roosevelt Campobello International Park Commission, \$490,000 for the Volunteers-in-the-Park program, not less than \$3,300,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, and \$175,000 for the National Capital Children's Museum and \$175,000 for the Arena Stage as if authorized by the Historic Sites Act of 1935 (16 U.S.C. 462(e)), \$627,763,000 without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451): Provided, That the Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of

possessory interests excluding depreciated book value of concessionaire investments without compensation: Provided further, That hereafter appropriations for maintenance and improvement of roads within the boundary of Indiana Dunes National Lakeshore shall be available for such purposes without regard to whether title to such road rights-of-way is in the United States: Provided further, That \$85,000 shall be available to assist the town of Harpers Ferry, West Virginia, for police force use: Provided further, That the educational center to be located at the Boot Mill Complex, Building No. 6, in the Lowell National Historical Park, Massachusetts, is hereby designated and shall be known as the "Paul E. Tsongas Industrial History Center": Provided further, That \$150,000 shall be available solely for the restoration and renovation of the Lonoke Depot in Lonoke, Arkansas.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, and grant administration, not otherwise provided for, \$11,096,000.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), \$24,945,000 to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1987.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), \$114,121,000, to remain available until expended, of which \$8,500,000 shall be derived by transfer from the National Park System Visitor Facilities Fund, including \$3,168,000 to carry out the provisions of sections 303 and 304 of Public Law 95-290; including, subject to authorization, \$8,100,000 be expended for engineering and construction of the Burr Trail National Rural Scenic Road in and adjacent to the Capitol Reef National Park and the Glen Canyon National Recreation Area and an interpretive center near the town of Boulder, Utah, such funds to be transferred to the State of Utah for accomplishment of these activities in accordance with the provisions of a cooperative agreement to be developed among the National Park Service, the Bureau of Land Management, Garfield County, and the State of Utah: Provided, That appropriations for maintenance and improvement of roads within Capitol Reef National Park and Glen Canyon National Recreation Area and construction and maintenance of an interpretive center shall hereafter be available for such purposes without regard to whether title to such road rights-of-way or lands for the interpretive center is in the United States: Provided further, That in the event the National Park Service fails to maintain the road as provided under the terms of said cooperative agreement, any rights-of-way which may be transferred to the National Park Service will revert to Garfield County: Provided further, That in the event of reversion of the road to Garfield County, the County shall provide payment to the United States of an amount based upon the depreciated value of the capital investment resulting from Federal funds expended on the road for construction purposes; and including \$2,000,000 to assist local communities to protect Mammoth Cave National Park from groundwater pol-

lution: Provided further, That the National Park Service share of the Mammoth Cave protection project shall not exceed 25 percentum: Provided further, That for payment of obligations incurred for continued construction of the Cumberland Gap Tunnel, as authorized by section 160 of Public Law 93-87, \$10,300,000, to be derived from the Highway Trust Fund and to remain available until expended to liquidate contract authority provided under section 104(a)(8) of Public Law 95-599, as amended, such contract authority to remain available until expended: Provided further, That funds made available pursuant to this Act for the Cumberland Gap Tunnel shall only be available when the States of Kentucky and Tennessee have entered into an agreement with the National Park Service to operate and maintain all portions of U.S. Route 25E, including the Tunnel, within the boundaries of the Cumberland Gap National Historic Park.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, \$98,400,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which \$50,000,000 is for the State Assistance program including \$1,650,000 to administer the program: Provided, That State administrative expenses associated with the State grant portion of the State Assistance program shall not exceed 15 percent: Provided further, That none of the State Assistance funds may be used as a contingency fund: Provided further, That of the amounts previously appropriated to the Secretary's contingency fund for grants to States, \$852,000 shall be available in 1986 for administrative expenses of the State grant program.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, \$4,800,000.

ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR COMMISSION

For the operation of the Illinois and Michigan Canal National Heritage Corridor Commission, \$250,000.

JEFFERSON NATIONAL EXPANSION MEMORIAL COMMISSION

For the operation of the Jefferson National Expansion Memorial Commission, \$75,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 1 aircraft and 286 passenger motor vehicles, of which 242 shall be for replacement only, including not to exceed 174 for police-type use and 6 buses; to provide, notwithstanding any other provision of law, at a cost not exceeding \$100,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service; options for the purchase of land at not to exceed \$1 for each option; and for the procurement and delivery of medical services within the jurisdiction of units of the National Park System: Provided, That any funds available to the

National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcement situations and conduct emergency search and rescue operations in the National Park System: Provided further, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to add industrial facilities to the list of National Historic Landmarks without the consent of the owner: Provided further, That the National Park Service may use helicopters and motorized equipment at Death Valley National Monument for removal of feral burros and horses: Provided further, That the loan ceiling established under section 4(b) of Public Law 97-310, the Wolf Trap Farm Park Act, as amended, is increased to \$9,500,000. Notwithstanding the loan repayment provisions of Public Law 97-310, the dollar amount of items paid for by the Wolf Trap Foundation from funds provided by the additional loan authority in this section that is subsequently reimbursed to the Foundation by a court award or insurance settlement shall be repaid to the Secretary of the Interior by the Wolf Trap Foundation within 90 days of the date of the court award or insurance settlement.

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; \$431,961,000: Provided, That \$52,324,000 shall be available only for cooperation with States or municipalities for water resources investigations: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality: Provided further, That in fiscal year 1986 and thereafter, all amortization fees resulting from the Geological Survey providing telecommunications services shall be deposited in a special fund to be established on the books of the Treasury and be immediately available for payment of replacement or expansion of telecommunications services, to remain available until expended: Provided further, That the Geological Survey is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed 16 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public

interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: Provided, That appropriations herein made shall be available for paying costs incidental to the utilization of services contributed by individuals who serve without compensation as volunteers in aid of work of the Geological Survey, and that within appropriations herein provided, Geological Survey officials may authorize either direct procurement of or reimbursement for expenses incidental to the effective use of volunteers such as, but not limited to, training, transportation, lodging, subsistence, equipment, and supplies: Provided further, That provision for such expenses or services is in accord with volunteer or cooperative agreements made with such individuals, private organizations, educational institutions, or State or local governments.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed 8 passenger motor vehicles for replacement only; \$168,018,000, of which not less than \$45,260,000 shall be available for royalty management activities including general administration: Provided, That notwithstanding any other provision of law, when in fiscal year 1986 and thereafter any permittee provides data and information to the Secretary pursuant to section 1352(a)(1)(C)(iii) of title 43, United States Code, the Secretary shall pay only the reasonable cost of reproducing such data and information: Provided further, That notwithstanding any other provision of law, funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d).

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations and research concerning the extraction, processing, use and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, \$134,255,000, of which \$79,537,000 shall remain available until expended.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: Provided, That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government

agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, \$85,153,000, including the purchase of not to exceed 14 passenger motor vehicles, of which 9 shall be for replacement only; and uniform allowances of not to exceed \$400 for each uniformed employee of the Office of Surface Mining Reclamation and Enforcement; and notwithstanding 31 U.S.C. 3302, an amount equal to receipts to the General Fund of the Treasury from performance bond forfeitures, estimated at \$500,000 in fiscal year 1986, to remain available until expended: Provided, That no funds shall be used to finalize or implement any proposed rule, or take any other action which would result in the adoption by the Office of Surface Mining Reclamation and Enforcement of a rule or regulation pursuant to section 507(a) of Public Law 95-87 which would require applicants to reimburse the Department of the Interior for costs incurred in the collection of application fees for permits to conduct surface coal mining and reclamation operations; for permits to conduct coal exploration; for processing mining plans; or for the review of surface coal mining and reclamation permits.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not more than 21 passenger motor vehicles, of which 15 shall be for replacement only, to remain available until expended, \$207,385,000, to be derived from receipts of the Abandoned Mine Reclamation Fund: Provided, That pursuant to Public Law 97-365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That of the funds made available to the States to contract for reclamation projects authorized in section 406(a) of Public Law 95-87, administrative expenses may not exceed 15 per centum: Provided further, That none of these funds shall be used for a reclamation grant to any State if the State has not agreed to participate in a nationwide data system established by the Office of Surface Mining Reclamation and Enforcement through which all permit applications are reviewed and approvals withheld if the applicants (or those who control the applicants) applying for or receiving such permits have outstanding State or Federal air or water quality violations in accordance with section 510(c) of the Act of August 3, 1977 (30 U.S.C. 1260(c)), including failure to abate cessation orders, outstanding civil penalties associated with such failure to abate cessation orders or uncontested past due Abandoned Mine Land fees: Provided further, That the Secretary of the Interior may deny fifty percent of an Abandoned Mine Reclamation fund grant, available to a State pursuant to title IV of Public Law 95-87, when pursuant to the procedures set forth in section 521 of the Act, the Secretary determines that a State is systematically

failing to adequately administer the enforcement provisions of the approved State regulatory program. Funds will be denied until such time as the State and the Office of Surface Mining Reclamation and Enforcement have agreed upon an explicit plan of action for correcting the enforcement deficiency. A State may enter into such agreement without admission of culpability. If a State enters into such agreement, the Secretary shall take no action pursuant to section 521(b) of the Act as long as the State is complying with the terms of the agreement. Provided further, That expenditure of moneys as authorized in section 402(g)(3) shall be on a priority basis with the first priority being protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices, as stated in section 403 of Public Law 95-87.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, \$897,312,000, of which not to exceed \$54,556,000 for higher education scholarships and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1987, and the funds made available to tribes and tribal organizations through contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall remain available until September 30, 1987. Provided, That this carryover authority does not extend to programs directly operated by the Bureau of Indian Affairs. Provided further, That not to exceed \$17,966,000 shall be obligated for automatic data processing in fiscal year 1986; and includes expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531 (25 U.S.C. 640d-18(a)), \$2,886,000, to remain available until expended; and an additional \$6,000,000 which, notwithstanding any other law, is immediately available for obligation before January 18, 1986, by the Secretary of the Interior through the Bureau of Indian Affairs only for the emergency provision of hay to Indians using the distribution formula of the Indian Acute Distress Donation Program to aid in maintaining foundation cattle herds in Montana, North Dakota, and South Dakota. The Secretary may, but is not required to, enter into contracts under section 102 of the Indian Self-Determination Act (88 Stat. 2206; 25 U.S.C. 450f) in connection with the appropriation made in this paragraph and no indirect cost or overhead shall be allowed under any such contract

from any appropriation. All costs incurred directly or indirectly by the Secretary in connection with the appropriation made in this paragraph for other than the direct cost of the hay and its transportation shall be met from other amounts appropriated for the operation of Indian programs. Any part of the appropriation made in this paragraph which is not expended by March 15, 1986, shall be deobligated and shall not be available for obligation or expenditure.

The Secretary of the Interior shall make a report or reports to Congress by September 1, 1986 on (1) the use of the appropriation in the preceding paragraph, (2) the impact of the drought disaster on the Indian reservations in Montana, North Dakota, and South Dakota, (3) long-term strategies to address the disaster on each of those reservations, and (4) the effectiveness of the carrying out of the roles (including resource management and the establishment, waiver, and collection of grazing fees and rents or other payments) of the Federal and tribal governments in ranching, agriculture, and other land use on Indian reservations throughout the United States with recommendations to improve that effectiveness.

None of the funds appropriated to the Bureau of Indian Affairs shall be expended as matching funds for programs funded under section 103(b)(2) of the Carl D. Perkins Vocational Education Act. Provided further, That no part of any appropriations to the Bureau of Indian Affairs shall be available to provide general assistance payments for Alaska Natives in the State of Alaska unless and until otherwise specifically provided for by Congress. Provided further, That notwithstanding any other provision of law, within fourteen days of the date of enactment of this Act the Snowflake Dormitory in Arizona shall be closed and thereafter no funds available to the Bureau of Indian Affairs shall be available to operate an educational or boarding program at that location. Provided further, That notwithstanding any law or regulation, in allocating funds for aid to public schools under the Act of April 16, 1934, as amended, the Secretary shall enter into contracts only for the provision of supplementary educational services for Indian children. Provided further, That the Secretary of the Interior shall transfer without cost to the Saint Labre Indian School of Ashland, Montana, the interests of the United States in the supplies and equipment acquired by or for the school during the period when it was financially aided by the Bureau of Indian Affairs.

CONSTRUCTION

For construction, major repair and improvement of irrigation and power systems, including architectural and engineering services by contract; acquisition of lands and interests in lands; preparation of lands for farming; and construction, repair, and improvement of Indian housing, \$101,054,000, to remain available until expended. Provided, That no funds shall be expended for land acquisition on behalf of the Covelo Indian Community until the Community has sufficient non-Federal funds, which when combined with the Federal funds, will complete the land acquisition. Provided further, That such amount includes \$22,000,000 for use by the Secretary to construct homes and related facilities for the Navajo and Hopi Indian Relocation Commission in lieu of construction by the Commission under section 15(d)(3) of the Act of December 22, 1974 (88 Stat. 1719; 25 U.S.C. 640d-14(d)(3)), and to ensure that a priority for the use of these funds is given to

Navajo families who are actual, physical residents of the Hopi Partitioned Lands on the date of enactment hereof, and to expedite relocations and construction under this proviso (1) with respect to any lands acquired pursuant to section 11(a) of the Act of December 22, 1974 (25 U.S.C. 640d-10(a)), the Secretary shall not be required to enter into contracts under section 102 of the Indian Self-Determination Act (88 Stat. 2206; 25 U.S.C. 450f) in carrying out this proviso, (2) the Secretary's authority under section 106(a) of the Indian Self-Determination Act (88 Stat. 2210; 25 U.S.C. 450j(a)) shall apply for contracts for construction under this proviso without regard to the status of the contractors with respect to any lands acquired pursuant to section 11(a) of the Act of December 22, 1974 (25 U.S.C. 640d-10(a)), (3) the Secretary may carry out construction and lease approvals or executions under this proviso without regard to the Commission's regulations and under such administrative procedures as the Secretary may adopt without regard to the rule-making requirements of any law, executive order, or regulation, (4) an action under this proviso is not a major Federal action for the purpose of the National Environmental Policy Act of 1969, as amended, and (5) after January 1, 1986, the Secretary may issue leases and rights-of-way for housing and related facilities to be constructed on the lands which are subject to section 11(h) of the Act of December 22, 1974, as amended (25 U.S.C. 640d-10(h)).

ROAD CONSTRUCTION

Not to exceed 5 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover roads program management costs and construction supervision costs of the Bureau of Indian Affairs. Provided, That \$3,200,000 of the contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund for road construction to serve the Navajo Reservation shall be used by the Secretary of the Interior for road construction projects to serve land transferred or acquired under the Act of December 22, 1974, as amended (88 Stat. 1712; 25 U.S.C. 640d et seq.). Provided further, That the foregoing shall not alter the amount of funds or contract authority that would otherwise be available for road construction to serve any Indian reservation or land other than the Navajo reservation.

ALASKA NATIVE ESCROW ACCOUNT

For the Federal contribution to the Alaska Native Escrow Account related to proceeds received by Federal agencies from lands or resources of lands after the date of withdrawal of the land for Native selection as authorized by Public Law 94-204, an amendment to the Alaska Native Claims Settlement Act (43 U.S.C. 1631-1641; 89 Stat. 1476), and Public Law 96-487, the Alaska National Interest Lands Conservation Act (94 Stat. 2497), \$7,877,000. Provided, That those funds appropriated hereunder which represent proceeds received from lands which have been conveyed on or before the date of enactment of this Act shall be distributed to the appropriate Native corporations pursuant to Public Law 96-487 immediately upon receipt in the escrow account. Provided further, That those funds which represent proceeds received from lands withdrawn for Native Selection but not yet conveyed on the date of the enactment of this Act will be held in the escrow account and invested until conveyance, and shall, during

the time that such funds are on deposit in the escrow account, be entitled to their share of the interest earned by the escrow account pursuant to the first proviso of section 2(b) of Public Law 94-204.

TRIBAL TRUST FUNDS

In addition to the tribal funds authorized to be expended by existing law, there is hereby appropriated not to exceed \$4,000,000 from tribal funds not otherwise available for expenditure.

REVOLVING FUND FOR LOANS

During fiscal year 1986, and within the resources and authority available, gross obligations for the principal amount of direct loans pursuant to the Indian Financing Act of 1974 (88 Stat. 77; 25 U.S.C. 1451 et seq.), shall not exceed \$16,300,000. Provided, That notwithstanding section 102 of the Indian Financing Act of 1974, as amended (25 U.S.C. 1462) and regulations restricting the purposes for loans under that Act, the Secretary may make a loan under title I of that Act to the Zuni Pueblo for the acquisition in trust for the Pueblo of private lands in the area known as Zuni Heaven in an amount not to exceed \$1,470,000.

INDIAN LOAN GUARANTY AND INSURANCE FUND

For payment of interest subsidies on new and outstanding guaranteed loans and for necessary expenses of management and technical assistance in carrying out the provisions of the Indian Financing Act of 1974, as amended (88 Stat. 77; 25 U.S.C. 1451 et seq.), \$2,210,000, to remain available until expended: Provided, That during fiscal year 1986, total commitments to guarantee loans pursuant to the Indian Financing Act of 1974 (88 Stat. 77; 25 U.S.C. 1451 et seq.), may be made only to the extent that the total loan principal, any part of which is to be guaranteed, shall not exceed resources and authority available.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans and the Indian loan guarantee and insurance fund) shall be available for expenses of exhibits; and purchase of not to exceed 150 passenger carrying motor vehicles, of which 100 shall be for replacement only.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of territories under the jurisdiction of the Department of the Interior, \$80,376,000, of which (1) \$77,903,000 shall be available until expended for technical assistance; repurchase premium, late charges, and payments of the annual interest rate differential required by the Federal Financing Bank, under terms of the second refinancing of an existing loan to the Guam Power Authority, as authorized by law (Public Law 98-454; 98 Stat. 1732); grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of the United States Virgin Islands, for construction of an extension to the Alexander Hamilton Airport runway, St. Croix: Provided, That issuance of such loan shall be contingent upon approval of a multiyear grant of Airport Improvement Program funds from the Federal Aviation Administration, and a written guarantee from the Government of the United States Virgin Islands as to the source of funds to be used for repayment of the loan; construction grants to the Government of Guam of \$4,583,000, as

authorized by law (Public Law 98-454; 98 Stat. 1732); direct grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272, and Public Law 98-454; 98 Stat. 1732); and (2) \$2,473,000 for fiscal year 1986 for salaries and expenses of the Office of Territorial and International Affairs, of which not to exceed \$1,000 shall be available during 1986 for official reception and representation expenses: Provided further, That the territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: Provided further, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, shall be audited by the General Accounting Office, in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23), as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 834): Provided further, That upon enactment of this Act the remaining balance of fiscal year 1985 funds provided in Public Law 98-473 for a grant to the College of the Virgin Islands Eastern Caribbean Center is released to the College of the Virgin Islands.

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495), grants for the expenses of the High Commissioner of the Trust Territory of the Pacific Islands; grants for the compensation and expenses of the Judiciary of the Trust Territory of the Pacific Islands; grants to the Trust Territory of the Pacific Islands, in addition to local revenues, for support of governmental functions; \$80,372,000, of which \$70,922,000 is for operations, and \$9,450,000 is for construction, to remain available until expended: Provided, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23), as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 834): Provided further, That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of the Interior, \$43,411,000, of which not to exceed \$10,000 may be for official reception and representation expenses: Provided, That notwithstanding any other provision of law, of the funds provided under this heading, not to exceed \$300,000 shall be used to pay or repay the costs of development of alternative winter stock water supplies by water users who have been deprived of winter stock water from the main channel of Willow Creek, Idaho, below Ririe Dam and Reservoir because of the operation of the dam and reservoir (hereinafter in this account referred to as claimants).

Any payment to a claimant made under this section shall constitute full settlement and satisfaction of all claims such claimant may have against the United States relating to the loss of winter stock water from

Willow Creek, Idaho. The provisions of this section shall not apply to any claim settled prior to the date of enactment of this Act.

The Secretary shall make a payment to a claimant only if—

(1) the claimant notifies the Secretary of his claim within six months after the date of enactment of this Act;

(2) the claimant provides an affidavit proving, to the satisfaction of the Secretary, his use of winter stock water from Willow Creek prior to December 31, 1979; and

(3) the claimant executes a waiver and release, in a manner satisfactory to the Secretary, of any and all claims against the United States relating to the loss of winter stock water from Willow Creek, Idaho. Such waiver and release shall be recorded in the county where the claimant's land is located.

Any claimant who has developed an alternate winter stock water supply since December 31, 1979, shall be eligible for a payment of an amount equal to the actual construction costs incurred by such claimant in the development of such supply, as determined by the Secretary.

Any claimant who has not developed an alternate winter stock water supply as of the date of enactment of this Act, shall be eligible for a payment of an amount equal to the funds necessary for the development of such supply, as determined by the Secretary. The Secretary's determination shall be based on the size and configuration of the claimant's land and on the size and type of the claimant's livestock operation.

Costs and expenses incurred by a claimant in the operation and maintenance of his alternate winter stock water supply shall not be reimbursable.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$20,378,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$16,214,000.

CONSTRUCTION MANAGEMENT

For necessary expenses of the Office of Construction Management, \$780,000: Provided, That the Secretary of the Interior shall submit to the House and Senate Committees on Appropriations a revised Memorandum of Agreement between the Bureau of Indian Affairs and the Office of Construction Management, vesting the program direction and control of the facility design, construction, repair, operation and maintenance programs of the Bureau in the Office of Construction Management, and a detailed plan for implementation of said Agreement, within 60 days of the enactment of this Act.

OFFICE OF THE SECRETARY

(SPECIAL FOREIGN CURRENCY PROGRAM)

For payment in foreign currencies which the Treasury Department shall determine to be excess to the normal requirement of the United States, for necessary expenses of the United States Fish and Wildlife Service and the National Park Service as authorized by law, \$1,000,000, to remain available until expended: Provided, That this appropriation shall be available, in addition to other appropriations, to such office for payment in the foregoing currencies (7 U.S.C. 1704).

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 5 additional aircraft, all of which shall be for replacement only: Provided, That no programs funded with appropri-

ated funds in the "Office of the Secretary", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods or volcanoes; for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primary State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That funds transferred pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, U.S.C.: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$300,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to

subscribers who are not members: Provided, That no funds available to the Department of the Interior are available for any expenses of the Great Hall of Commerce.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the preparation for, or conduct of, pre-leasing and leasing activities (including but not limited to: calls for information, tract selection, notices of sale, receipt of bids and award of leases) of lands within:

(a) An area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Atlantic Ocean, bounded by the following line: from the intersection of the seaward limit of the Commonwealth of Massachusetts territorial sea and the 71 degree west longitude line south along that longitude line to its intersection with the line which passes between blocks 598 and 642 on Outer Continental Shelf protraction diagram NK 19-10; then along that line in an easterly direction to its intersection with the line between blocks 600 and 601 of protraction diagram NK 19-11; then in a northerly direction along that line to the intersection with the 60 meter isobath between blocks 204 and 205 of protraction diagram NK 19-11; then along the 60 meter isobath, starting in a roughly southeasterly direction; then turning northeast and north until such isobath intersects the maritime boundary between Canada and the United States of America, then north northeasterly along this boundary until this line intersects the 60 meter isobath at the northern edge of block 851 of protraction diagram NK 19-6; then along a line that lies between blocks 851 and 807 of protraction diagram NK 19-6 in a westerly direction to the first point of intersection with the seaward limit of the Commonwealth of Massachusetts territorial sea; then southwesterly along the seaward limit of the territorial sea to the point of beginning at the intersection of the seaward limit of the territorial sea and the 71 degree west longitude line.

(b) The following blocks are excluded from the described area: In protraction diagram NK 19-10, blocks numbered 474 through 478, 516 through 524, 560 through 568, and 604 through 612; in protraction diagram NK 19-6, blocks numbered 969 through 971; in protraction diagram NK 19-5, blocks numbered 1005 through 1008; and in protraction diagram NK 19-8, blocks numbered 37 through 40, 80 through 84, 124 through 127, and 168 through 169.

(c) The following blocks are included in the described area: In protraction diagram NK 19-11, blocks numbered 633 through 644, 677 through 686, 721 through 724, 765 through 767, 809 through 810, and 853; in protraction diagram NK 19-9, blocks numbered 106, 150, 194, 238, 239, and 283; and in protraction diagram NK 19-6, blocks numbered 854, 899, 929, 943, 944, and 987.

(d) Blocks in and at the head of submarine canyons: An area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (45 U.S.C.

1331(a)), located in the Atlantic Ocean off the coastline of the Commonwealth of Massachusetts, lying at the head of, or within the submarine canyons known as Atlantis Canyon, Veatch Canyon, Hydrographer Canyon, Welker Canyon, Oceanographer Canyon, Gilbert Canyon, Lydonia Canyon, Alvin Canyon, Powell Canyon, and Munson Canyon, and consisting of the following blocks, respectively:

(1) On Outer Continental Shelf protraction diagram NK 19-1; blocks 36, 37, 38, 42-44, 80-82, 86-88, 124, 125, 130-132, 168, 169, 174-176, 212, 213.

(2) On Outer Continental Shelf protraction diagram NK 19-2; blocks 8, 9, 17-19, 51-52, 53, 54, 61-63, 95-98, 139, 140.

(3) On Outer Continental Shelf protraction diagram NK 19-10; blocks 916, 917, 921, 922, 960, 961, 965, 966, 1003-1005, 1009, 1011.

(4) On Outer Continental Shelf protraction diagram NK 19-11; blocks 521, 522, 565, 566, 609, 610, 653-655, 697-700, 734, 735, 741-744, 769, 778-781, 785-788, 813, 814, 822-826, 829-831, 857, 858, 866-869, 873-875, 901, 902, 910-913, 917, 945-947, 955, 956, 979, 980, 989-991, 999.

(5) On Outer Continental Shelf protraction diagram NK 19-12; blocks 155, 156, 198, 199, 280-282, 324-326, 369-371, 401, 413-416, 442-446, 450, 451, 489-490, 494, 495, 530, 531, 533-540, 574, 575, 577-583, 618, 619, 621-623, 626, 627, 662, 663, 665-667, 671, 672, 706, 707, 710, 711, 750, 751, 754, 755, 794, 795, 798, 799.

(e) Nothing in this section shall prohibit the lease of that portion of any blocks described in subsection (d) above which lies outside the geographical boundaries of the submarine canyons and submarine canyon heads described in subsection (d) above: Provided, That for purposes of this subsection, the geographical boundaries of the submarine canyons and submarine canyon heads shall be those recognized by the National Oceanographic and Atmospheric Administration, Department of Commerce, on the date of enactment of this Act.

(f) Nothing in this section shall prohibit the Secretary of the Interior from granting contracts for scientific study, the results of which could be used in making future leasing decisions in the planning area and in preparing environmental impact statements as required by the National Environmental Policy Act.

(g) References made to blocks, protraction diagrams, and isobaths are to such blocks, protraction diagrams, and isobaths as they appear on the map entitled Outer Continental Shelf of the North Atlantic from 39° to 45° North Latitude (Map No. MMS-10), prepared by the United States Department of the Interior, Minerals Management Service, Atlantic OCS Region.

SEC. 108. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance changing the name of the mountain located 63 degrees, 04 minutes, 15 seconds west, presently named and referred to as Mount McKinley.

SEC. 109. Notwithstanding any other provision of law, appropriations in this title shall be available to provide insurance on official motor vehicles, aircraft, and boats operated by the Department of the Interior in Canada and Mexico.

SEC. 110. No funds provided in this title may be used to detail any employee to an organization unless such detail is in accordance with Office of Personnel Management regulations.

SEC. 111. None of the funds provided by this Act shall be expended by the Secretary of

the Interior to promulgate final regulations concerning paleontological research on Federal lands until the Secretary has received the National Academy of Sciences' report concerning the permitting and post-permitting regulations concerning paleontological research and until the Secretary has, within 30 days, submitted a report to the appropriate committees of the Congress comparing the National Academy of Sciences' report with the proposed regulations of the Department of the Interior.

TITLE II—RELATED AGENCIES
DEPARTMENT OF AGRICULTURE
FOREST SERVICE
FOREST RESEARCH

For necessary expenses of forest research as authorized by law, \$126,283,000, of which \$6,840,000 shall remain available until expended for competitive research grants, as authorized by section 5 of Public Law 95-307.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others; and for forest pest management activities, \$57,986,000, to remain available for obligation until expended, to carry out activities authorized in Public Law 95-313: Provided, That a grant of \$3,000,000 shall be made to the State of Minnesota for the purposes authorized by section 6 of Public Law 95-495.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for liquidation of obligations incurred in the preceding fiscal year for forest fire protection and emergency rehabilitation, including administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", and "Land Acquisition", \$1,054,629,000, of which \$166,761,000, for reforestation, timber stand improvement, cooperative law enforcement, and maintenance of forest development roads and trails shall remain available for obligation until September 30, 1987: Provided, That the unobligated balances available September 30, 1985 and funds becoming available in fiscal year 1986 under the Act of October 14, 1980 (16 U.S.C. 1606), shall be transferred to and merged with the National Forest System appropriation account as of October 1, 1985: Provided further, That notwithstanding any other provision of law, subsection (e) of section 303 of the Act of October 14, 1980, as amended by the Act of January 6, 1983, Public Law 97-424 (16 U.S.C. 1606), is repealed and subsection (d) of section 303 of the Act of October 14, 1980, as amended by the Act of January 6, 1983, Public Law 97-424 (16 U.S.C. 1606), is amended to read as follows:

"(d) The Secretary of Agriculture is hereafter authorized to obligate such sums as are available in the Trust Fund (including any amounts not obligated in previous fiscal years) for—

(1) reforestation and timber stand improvement as specified in section (3)(d) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601 (d)); and

(2) properly allocable administrative costs of the Federal Government for the activities specified above."

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, for construction, \$223,865,000, to remain available until expended, of which \$27,449,000 is for construction and acquisition of buildings and other facilities; and \$196,416,000 is for construction of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: Provided, That funds becoming available in fiscal year 1986 under the Act of March 4, 1913 (16 U.S.C. 501), shall be transferred to the General Fund of the Treasury of the United States: Provided further, That road construction standards used to construct Forest Service roads, purchaser credit roads, or purchaser elect roads shall be applied, or other management initiatives or administrative cost-saving actions taken, including reductions in personnel or overhead charges, in fiscal year 1986 in a manner so as to achieve a 5 per centum reduction in the average cost per road mile as compared to fiscal year 1985: Provided further, That such actions shall be taken so as to achieve this 5 per centum reduction in each Forest Service region: Provided further, That notwithstanding any other provision of this Act or any other provision of law, \$9,915,000 of the contract authority available in the Federal Highway Trust Fund and not otherwise appropriated shall be available to the Forest Service for road construction to Forest Development Road Standards to serve the Mount St. Helens National Volcanic Monument, Washington: Provided further, That the foregoing shall not alter the amount of funds or contract authority that would otherwise be available for road construction to serve any State other than the State of Washington.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$28,300,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: Provided, That of the amount appropriated, \$3,900,000 shall be paid to Edwards Investments, an Idaho partnership, upon delivery of a quitclaim deed to the United States conveying acceptable title to all of Edwards Investments' interest in all of those portions of a former Chicago, Milwaukee, St. Paul, and Pacific Railroad right-of-way between Avery, Idaho and St. Regis, Montana that cross or adjoin Federal lands, including all of Edwards Investments' interests in all improvements on said right-of-way. Upon acquisition, some or all of the right-of-way may be used as a road and available for public travel where determined appropriate by the Chief of the Forest Service.

ACQUISITION OF LANDS FOR NATIONAL FORESTS,

SPECIAL ACTS

For acquisition of land within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, and Cleveland National Forests, California, as authorized by law, \$782,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands in accordance with the Act of December 4, 1967, as amended (16 U.S.C. 484a), all funds deposited by

State, county or municipal governments, public school districts or other public school authorities pursuant to that Act, to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement in accordance with section 401(b)(1), of the Act of October 21, 1976, Public Law 94-579, as amended, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, to remain available until expended.

MISCELLANEOUS TRUST FUNDS

For expenses authorized by 16 U.S.C. 1643(b), \$90,000, to remain available until expended, to be derived from the fund established pursuant to 16 U.S.C. 1643(b).

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 252 passenger motor vehicles of which 13 will be used primarily for law enforcement purposes and of which 233 shall be for replacement only; acquisition of 161 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed 2 for replacement only, and acquisition of 43 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (c) uniform allowances for each uniformed employee of the Forest Service, not in excess of \$400 annually; (d) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (e) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (f) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (g) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the National Forest System appropriation for the emergency rehabilitation of burned-over lands under its jurisdiction. The Secretary of Agriculture may authorize the expenditure of any no year appropriation available to the Forest Service for emergency actions related to emergency flood repair needs at the Monongahela National Forest and at the Parsons, West Virginia, Research Laboratory: Provided, That funds made available for such emergency actions shall be available for the payment of obligations incurred during the preceding fiscal year and funds expended pursuant to this provision must be replenished by a supplemental appropriation.

tion which must be requested as promptly as possible.

Appropriations and funds available to the Forest Service shall be available to comply with the requirements of section 313(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1323(a)).

The appropriation structure for the Forest Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Office of International Cooperation and Development in connection with forest and rangeland research, and technical information and assistance in foreign countries.

Funds previously appropriated for timber salvage sales may be recovered from receipts deposited for use by the applicable national forest and credited to the Forest Service Permanent Appropriations to be expended for timber salvage sales from any national forest: Provided further, That no less than \$24,000,000 shall be made available to the Forest Service for obligation in fiscal year 1986 from the Timber Salvage Sale Fund appropriation.

Provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) shall apply to appropriations available to the Forest Service only to the extent that the proposed transfer is approved by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 97-942.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Not to exceed \$900,000 shall be available from National Forest System appropriations or permanent appropriations for the specific purpose of removing slash and cull logs from the Bull Run, Oregon, watershed to preserve water quality and reduce fire hazards.

None of the funds made available under this Act shall be obligated or expended to adjust annual recreational residence fees to an amount greater than that annual fee in effect at the time of the next to last fee adjustment, plus 50 per centum. In those cases where the currently applicable annual recreational residence fee exceeds that adjusted amount, the Forest Service shall credit to the permittee that excess amount, times the number of years that that fee has been in effect, to offset future fees owed to the Forest Service.

Current permit holders who acquired their recreational residence permit after the next to last fee adjustment shall have their annual permit fee computed as if they had their permit prior to the next to last fee adjustment, except that no permittee shall receive an unearned credit.

Notwithstanding any delegations of authority provided for in regulations of the Department of Agriculture or in the Forest Service manual, the Chief of the Forest Service shall, personally and without aid of mechanical devices or persons acting on his behalf, execute (1) all deeds conveying federally owned land which exceeds \$250,000 in value, (2) all acceptances of options on lands to be acquired which exceed \$250,000 in value, (3) all recommendations that condemnation be initiated, (4) all letters accepting donations of land, (5) all decisions on

appeals of decisions related to land transactions made by regional foresters, and (6) land related transmittals to the House or Senate Committees on Appropriations, including all proposals for congressional action such as the acquisition of lands in excess of the approved appraised value, condemnation actions, and other items covered in reprogramming guidelines.

Funds available to the Forest Service shall be available to conduct a program of not less than \$3,400,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408.

DEPARTMENT OF THE TREASURY

ENERGY SECURITY RESERVE (INCLUDING RESCISSION)

Of the funds appropriated to the Energy Security Reserve by the Department of the Interior and Related Agencies Appropriations Act, 1980, (Public Law 96-126) and subsequently made available to carry out Part B of title I of the Energy Security Act (Public Law 96-294) by Public Laws 96-304, 96-514, and 98-473, the amounts available to the Board of Directors of the United States Synthetic Fuels Corporation and not obligated as of the date of enactment of this Act are rescinded, except that this rescission shall not apply to (1) funds made available for Clean Coal Technology by this Act; (2) such amounts as may be necessary to make payments for synthetic fuels projects or modules for which legally binding awards or commitments for financial assistance were entered into under title I of the Energy Security Act before the date of enactment of this Act; and (3) \$10,000,000 to be used to terminate the Corporation in accordance with subtitle J of the Energy Security Act: Provided, That to the extent that the Secretary of the Treasury may be required to take an action under section 131(q) of the Energy Security Act in connection with such awards or commitments, the Secretary shall complete such action within 30 days of enactment of this Act: Provided further, That the limitation in Public Law 98-473 on the initial use of \$5,700,000,000 of such funds only for obligation to synthetic fuel projects with Letters of Intent authorized by the Board of Directors of the United States Synthetic Fuels Corporation on or before June 1, 1984, is hereby repealed: Provided further, That of the funds in the Energy Security Reserve prior to the date of enactment of this Act \$400,000,000 shall be available for the Clean Coal Technology Program in the Department of Energy authorized under the Clean Coal Technology Reserve proviso of Public Law 98-473 for the purpose of conducting cost-shared Clean Coal Technology projects for the construction and operation of facilities to demonstrate the feasibility for future commercial applications of such technology, to remain available until expended, of which \$100,000,000 shall be immediately available; (2) an additional \$150,000,000 shall be available beginning October 1, 1986; and (3) an additional \$150,000,000 shall be available beginning October 1, 1987: Provided further, That the proviso in Public Law 98-473 depositing and retaining in the Clean Coal Technology Reserve \$750,000,000 of funds in the Energy Security Reserve rescinded by said Act is amended so as to reduce the current amount of such deposited and retained funds to \$350,000,000: Provided further, That notwithstanding section 191 of the Energy Security Act (Public Law 96-294), effective the

date of enactment of this Act, the Board may not make any legally binding awards or commitments for financial assistance (including any changes in an existing award or commitment) pursuant to the Energy Security Act for synthetic fuel project proposals, except that nothing in this Act shall impair or alter the powers, duties, rights, obligations, privileges, or liabilities of the Corporation, its Board or Chairman, or project sponsors in the performance and completion of the terms and undertakings of a legally binding award or commitment entered into prior to the date of enactment of the Act: Provided further, That (1) within 60 days of enactment of this Act, the Directors of the Synthetic Fuels Corporation shall terminate their duties under the Energy Security Act and be discharged; and (2) within 120 days of enactment of this Act, the Corporation shall terminate in accordance with Subtitle J of said Act: Provided further, That within 60 days of enactment of this Act (or earlier, in the event of absence of a Chairman of the Synthetic Fuels Corporation) the Secretary of the Treasury shall assume the duties of the Chairman: Provided further, That, notwithstanding any other provisions of law, the duties and responsibilities of the Secretary of the Treasury under Subtitle J of said Act or this Act may not be transferred to any other Federal department or agency: Provided further, That notwithstanding such termination, the Advisory Committee established under section 123 of the Energy Security Act (42 U.S.C. 8719) shall remain in effect to advise the Secretary of the Treasury regarding the administration of any contract or obligation of the Corporation pursuant to subtitle D of said Act: Provided further, That the Director of the Office of Personnel Management shall, before February 1, 1986, determine the amount of compensation rights which each Director, officer, or employee shall be legally entitled to under any contract in effect on the date of enactment of this Act: Provided further, That effective on the date of enactment of this Act, no change in any compensation or benefit in effect on the date of enactment of this Act shall be allowed or permitted, unless the Director of the Office of Personnel Management agrees that such change is reasonable: Provided further, That effective on the date of enactment of this Act, (1) no officer or employee of the Corporation shall receive a salary in excess of the rate of basic pay payable for level IV of the Executive Schedule under title 5 of the United States Code; and (2) the Corporation shall not waive any requirements in its By-Laws which are necessary for a Director, officer, or employee to qualify for pension or termination benefits under the By-Laws and written personnel policies and procedures in effect on the date of enactment of this Act: Provided further, That the Corporation, within 60 days of enactment, shall transmit to the Committee on Energy and Natural Resources of the Senate and to the Committee on Energy and Commerce and Committee on Banking, Housing and Urban Affairs of the House of Representatives a report (1) containing a review of implementation of its Phase I Business Plan dated February 19, 1985 and (2) fulfilling the requirements of section 126(b)(3) of the Energy Security Act (42 U.S.C. 8722(c)(3)).

Of the funds available from the Energy Security Reserve to the Secretary of Energy for alcohol fuel loan guarantees under Public Law 96-304, as amended by Public Laws 96-514, 97-12 and 97-394, the Secretary shall

provide a loan for odor abatement at an ethanol producing facility that has received financial assistance under title II of Public Law 96-294 and that was in operation on November 1, 1985: Provided, That—

(1) such loan shall not exceed 90 percent of the net cost of the odor abatement project and in no case shall the amount of such loan exceed \$3,000,000,

(2) the Secretary shall not provide such loan until the Secretary has received satisfactory assurances that a non-Federal share in the amount of 10 percent of the net cost of the odor abatement project is available,

(3) payment of principal under the loan shall not be due until the repayment in full of permanent financing guaranteed by the Department of Energy for the construction of such ethanol producing facility,

(4) interest shall accrue immediately upon receipt of the loan and payment of interest shall be made at regular intervals established by the Secretary but not to exceed the current average rate of outstanding marketable obligations of the United States with comparable maturities,

(5) the Secretary shall not make such loan until the Secretary has received satisfactory assurances that any expenses of operating equipment installed using funds made available under this loan shall be paid by the New Energy Corporation of Indiana,

(6) principal and interest payments made under this loan shall be repaid into the Alcohol Fuels Loan Guarantee Reserve, and

(7) the Secretary shall establish such other terms and conditions as the Secretary considers appropriate.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

Within 60 days following enactment of this Act, the Secretary of Energy shall, pursuant to the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901, et seq.), issue a general request for proposals for clean coal technology projects for which the Secretary of Energy upon review may provide financial assistance awards. Proposals for clean coal technology projects under this section shall be submitted to the Department of Energy within 60 days after issuance of the general request for proposals. The Secretary of Energy shall make any project selections no later than August 1, 1986: Provided, That the Secretary may vest fee title or other property interests acquired under cost-shared clean coal technology agreements in any entity, including the United States: Provided further, That the Secretary shall not finance more than 50 per centum of the total costs of a project as estimated by the Secretary as of the date of award of financial assistance: Provided further, That cost-sharing by project sponsors is required in each of the design, construction, and operating phases proposed to be included in a project: Provided further, That financial assistance for costs in excess of those estimated as of the date of award of original financial assistance may not be provided in excess of the proportion of costs borne by the Government in the original agreement and only up to 25 per centum of the original financial assistance: Provided further, That revenues or royalties from prospective operation of projects beyond the time considered in the award of financial assistance, or proceeds from prospective sale of the assets of the project, or revenues or royalties from replication of technology in future projects or plants are not cost-sharing for the purposes of this appropriation: Provided further, That other appropriated Federal funds are

not cost-sharing for the purposes of this appropriation: Provided further, That existing facilities, equipment, and supplies, or previously expended research or development funds are not cost-sharing for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, \$312,848,000, to remain available until expended, of which \$535,000 is for the functions of the Office of the Federal Inspector for the Alaska Natural Gas Transportation System established pursuant to the authority of Public Law 94-586 (90 Stat. 2908-2909), and \$8,230,000 to be derived by transfer from unobligated balances in the "Fossil energy construction" account, \$2,010,000 to be derived by transfer from the account entitled "Alternative fuels production", of which \$200,000 is derived from Public Law 98-146 for a wood pellet gasifier facility, and \$2,775,000 to be derived by transfer from amounts derived from fees for guarantees of obligations collected pursuant to section 19 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended (42 U.S.C. 5919), and deposited in the "Energy security reserve" established by Public Law 96-126: Provided, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: Provided further, That notwithstanding any other provision of law, funds appropriated under this head in Public Law 97-394 for a Western Hemisphere alternative fuels facility feasibility study, which remain unobligated, shall be available for carrying out any fossil energy research and development activities: Provided further, That \$15,000,000 of the sum provided under this heading shall be available for demonstration of the Kilgas coal gasification process, with the provision that the United States Treasury shall be repaid up to double the total Federal expenditure for such process from proceeds to the participants from the commercial sale, lease, manufacture, or use of such process.

Of the funds herein provided, \$29,000,000 is for implementation of the June, 1984 multiyear, cost-shared magnetohydrodynamics program targeted on proof-of-concept testing: Provided further, That 10 per centum private sector cash or in-kind contributions shall be required for obligations incurred in fiscal year 1986, 20 per centum private sector cash or in-kind contributions shall be required for obligations in fiscal year 1987, and for each subsequent fiscal year's obligations private sector contributions shall increase by 5 per centum over the life of the proof-of-concept plan: Provided further, That existing facilities, equipment, and supplies, or previously expended research or development funds are not cost-sharing for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice: Provided further, That cost-sharing shall not be required for the costs of constructing or operating government-owned facilities or for the costs of Government organizations, National Laboratories, or universities and such costs shall not be used in calculating the required

percentage for private sector contributions: Provided further, That private sector contribution percentages need not be met on each contract but must be met in total for each fiscal year.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserves activities, including the purchase of not to exceed 3 passenger motor vehicles, for replacement only, \$13,668,000, to remain available until expended.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, \$449,418,000, to remain available until expended: Provided, That pursuant to section 111(b)(1)(B) of the Energy Reorganization Act of 1974, as amended, 42 U.S.C. 5821(b)(1)(B), of the amount appropriated under this head, \$10,319,000 shall be available for a grant for basic industry research facilities located at Northwestern University without section 111(b)(2) of such Act being applicable: Provided further, That section 404 of Public Law 98-558 shall not be effective in any fiscal year in which the amount made available for low income weatherization assistance from appropriations under this head is less than 5 per centum above the amount made available in fiscal year 1985: Provided further, That \$7,500,000 of the amount provided under this heading shall be available for a research and development initiative with the National Laboratories for new technologies up to proof-of-concept testing to increase significantly the energy efficiency of processes that produce steel: Provided further, That obligation of funds for these activities shall be contingent on an agreement to provide cash or in-kind contributions to the initiative or to other collaborative research and development activities related to the purpose of the initiative equal to 30 percent of the amount of Federal government obligations: Provided further, That existing facilities, equipment, and supplies, or previously expended research or development funds are not acceptable as contributions for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice: Provided further, That the total Federal expenditure under this proviso shall be repaid up to one and one-half times from the proceeds of the commercial sale, lease, manufacture, or use of technologies developed under this proviso, at a rate of one-fourth of all net proceeds.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, \$24,623,000.

EMERGENCY PREPAREDNESS

For necessary expenses in carrying out emergency preparedness activities, \$6,044,000.

STRATEGIC PETROLEUM RESERVE

For expenses necessary to carry out the provisions of sections 151 through 166 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), \$113,043,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

Notwithstanding any other provision of law, the Secretary of Agriculture, at the request of the Secretary of Energy, may exchange agricultural products owned by the Commodity Credit Corporation for crude oil to be delivered to the Strategic Petroleum Reserve: Provided, That the Secretary of

Energy shall approve the quantity, quality, delivery method, scheduling, market value and other aspects of the exchange of such agricultural products: Provided further, That if the volume of agricultural products to be exchanged has a value in excess of the market value of the crude oil acquired by such exchange, then the Secretary of Agriculture shall require as part of the terms and conditions of the exchange that the party or entity providing such crude oil shall agree to purchase, within six months following the exchange, current crop commodities or value-added food products from United States producers or processors in an amount equal to at least one-half the difference between the value of the commodities received in exchange and the market value of the crude oil acquired for the Strategic Petroleum Reserve.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$60,682,000.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration 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 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

The Secretary of Energy may transfer to the Emergency Preparedness appropriation such funds as are necessary to meet any unforeseen emergency needs from any funds available to the Department of Energy from this Act.

The reporting requirement established by the last paragraph under the heading "Department of Energy Alternative Fuels Production" in an Act making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1980 (42 U.S.C. 5915 note; Public Law 96-126), is hereby repealed.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and V and section 338G of the Public Health Service Act with respect to the Indian Health Service, including hire of passenger motor vehicles and aircraft; purchase of reprints; purchase and erection of portable buildings; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary, \$823,133,000: Provided, That funds made available to tribes and tribal organizations through grants and contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall remain available until September 30, 1987. Funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available until September 30, 1987, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, construction of new facilities, or major renovation of existing Indian Health Service facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts, for scholarship programs under section 103 of the Indian Health Care Improvement Act and section 338G of the Public Health Service Act with respect to the Indian Health Service shall remain available for expenditure until September 30, 1987.

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of portable buildings, purchases of trailers and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, \$46,947,000, to remain available until expended: Provided, That the Rosebud, South Dakota, hospital shall be designed and constructed with a capacity of 35 beds.

ADMINISTRATIVE PROVISIONS

INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem equivalent to the rate for GS-18, and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902), and for expenses of attendance at

meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: Provided, That none of the funds appropriated under this Act to the Indian Health Service shall be available for the initial lease of permanent structures without advance provision therefor in appropriations Acts: Provided further, That non-Indian patients may be extended health care at all Indian Health Service facilities, if such care can be extended without impairing the ability of the Indian Health Service to fulfill its responsibility to provide health care to Indians served by such facilities and subject to such reasonable charges as the Secretary of Health and Human Services shall prescribe, the proceeds of which shall be deposited in the fund established by sections 401 and 402 of the Indian Health Care Improvement Act: Provided further, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: Provided further, That with the exception of service units which currently have a billing policy, the Indian Health Service shall not initiate any further action to bill Indians in order to collect from third-party payers nor to charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: Provided further, That notwithstanding any other provision of law, to satisfy the outstanding judgment against the Seattle Indian Health Board resulting from termination of its occupancy of the Kobe Park building in Seattle, Washington, \$180,000 shall be provided from the unobligated balance available to the Indian Health Service from prior years' appropriations. Such payment shall be made only if the owners of the Kobe Park Building Company accept the sum named as full satisfaction for current or future claims against the Seattle Indian Health Board and the individual members of the Board.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, the Indian Education Act, \$67,476,000 of which \$50,323,000 shall be for part A and \$14,820,000 shall be for parts B and C: Provided, That the amounts available pursuant to section 423 of the Act shall remain available for obligation until September 30, 1987.

OTHER RELATED AGENCIES

NAVAJO AND HOPÍ INDIAN RELOCATION COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Navajo and Hopi Indian Relocation Commission as authorized by Public Law 93-531, \$22,491,000 to remain available until expended, for operating expenses of the Commission: Provided, That notwithstanding any regulation to the contrary, the Commission shall notify the Secretary of the Interior by January 1, 1986, of those eligible relocatees who, as of November 30, 1985, were physically domiciled on the lands partitioned to the Hopi Tribe, who had applied by November 30, 1985, for relocation to the lands which are subject to section 11(h) of the Act of Decem-

ber 22, 1974, as amended (25 U.S.C. 640d-10(h)): Provided further, That none of the funds contained in this or any other Act may be used to evict any Navajo household who, as of November 30, 1985, is physically domiciled on the lands partitioned to the Hopi Tribe until such time as a new or replacement home is available for such household.

SMITHSONIAN INSTITUTION SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed ten years), and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; \$178,063,000 including not less than \$777,000 to carry out the provisions of the National Museum Act, \$175,000 to be made available to the trustees of the John F. Kennedy Center for the Performing Arts for payment to the National Symphony Orchestra and \$175,000 for payment to the Washington Opera Society for activities related to their responsibilities as resident entities of the Center, and such funds as may be necessary to support American overseas research centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That none of these funds shall be available to a Smithsonian Research Foundation.

MUSEUM PROGRAMS AND RELATED RESEARCH (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses for carrying out museum programs, scientific and cultural research, and related educational activities, as authorized by law, \$2,500,000, to remain available until expended and to be available only to United States institutions: Provided, That this appropriation shall be available, in addition to other appropriations to the Smithsonian Institution, for payments in the foregoing currencies: Provided further, That none of these funds shall be available to a Smithsonian Research Foundation: Provided further, That not to exceed \$500,000 may be used to make grant awards to employees of the Smithsonian Institution.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, \$5,551,000, to remain available until expended.

RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of restoration and renovation of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed \$10,000 for services as

authorized by 5 U.S.C. 3109, \$11,075,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses to construct, equip, and furnish the Center for African, Near Eastern, and Asian Cultures in the area south of the original Smithsonian Institution Building, \$4,000,000, to remain available until expended.

NATIONAL GALLERY OF ART SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase, or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$33,754,000, of which not to exceed \$2,200,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, \$3,300,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356), including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$3,392,000.

ENDOWMENT CHALLENGE FUND

For the purpose of an endowment challenge fund for the Woodrow Wilson International Center for Scholars, \$1,000,000, to remain available until September 30, 1988: Provided, That such sums shall become available only to the extent matched on a three-to-one basis by private funds: Provided further, That these funds may be invested in securities approved by the Board of Trustees

and the income from such investments may be used to support programs of the Center deemed appropriate by the Trustees and by the Director of the Center.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$137,260,000, of which \$121,678,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, of which not less than 20 per centum of the funds provided for section 5(c) shall be available for assistance pursuant to section 5(g) of the Act, and \$15,582,000 shall be available for administering the functions of the Act.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$29,400,000, to remain available until September 30, 1987, to the National Endowment for the Arts, of which \$20,580,000 shall be available for purposes of section 5(1): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ARTS AND ARTIFACTS INDEMNITY FUND

For payment of certified claims for losses or damages pursuant to the Arts and Artifacts Indemnity Act of 1975, \$300,000, to remain available until expended: Provided, That such funds shall be available to the National Endowment for the Arts for obligation only for claims for losses or damages which the Federal Council on the Arts and Humanities has certified as valid and reported to the Speaker of the House of Representatives and the President pro tempore of the Senate, as provided by the Act.

NATIONAL ENDOWMENT FOR THE HUMANITIES GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$110,818,000, of which \$96,618,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, of which not less than 20 per centum shall be available for assistance pursuant to section 7(f) of the Act, and \$14,200,000 shall be available for administering the functions of the Act.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$28,660,000, to remain available until September 30, 1987, of which \$17,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accept-

ed by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

There is hereby authorized a program to support artistic and cultural programs in the Nation's Capital to be established under the direction of the National Endowment for the Humanities. Not to exceed \$5,000,000 annually is authorized to provide grants for general operating support to eligible organizations located in the District of Columbia which are engaged primarily in performing, exhibiting and/or presenting arts.

Eligibility for grants shall be limited to not-for-profit, non-academic institutions of demonstrated national repute and is further limited to organizations having an annual operating budget in excess of \$1,000,000 for each of the three years prior to receipt of a grant. The following organizations are deemed eligible to receive grants under this section: Folger Theater, Corcoran Gallery of Art, Phillips Gallery, Arena Stage, the National Building Museum, the National Capital Children's Museum, the National Symphony Orchestra, the Washington Opera Society, and Ford's Theater.

The Chairman of the National Endowment for the Humanities shall establish an application process and shall, along with the Chairman of the National Endowment for the Arts and the Chairman of the Commission on Fine Arts determine the eligibility of applicant organizations in addition to those herein named.

Of the funds provided for grants, 70 per centum shall be equally distributed among all qualifying organizations and 30 per centum shall be distributed based on the size of an organization's total operating budget compared to the combined total of the operating budgets of all eligible institutions. No organization shall receive a grant in excess of \$500,000 in a single year.

An application process shall be established no later than March 1, 1986, and initial grants shall be awarded no later than June 1, 1986.

There is hereby appropriated \$2,000,000, to remain available until expended, to carry out the provisions of this section.

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, \$21,523,000: Provided, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$382,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing an Advisory Council on Historic

Preservation, Public Law 89-665, as amended, \$1,585,000: Provided, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, \$2,712,000.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), \$21,000, to remain available for obligation until September 30, 1987.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17(a) of Public Law 92-578, as amended, \$2,329,000 for operating and administrative expenses of the Corporation.

PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92-578, as amended, \$3,250,000, to remain available for obligation until expended.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96-388, \$2,125,000: Provided, That persons other than members of the United States Holocaust Memorial Council may be designated as members of committees associated with the United States Holocaust Memorial Council subject to appointment by the Chairman of the Council: Provided further, That any persons so designated shall serve without cost to the Federal Government.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretaries of the Interior and Agriculture for use for any sale hereafter made of unprocessed timber from Federal lands west of the 100th meridian in the contiguous 48 States which will be exported from the United States, or which will be used as a substitute for timber from private lands which is exported by the purchaser: Provided, That this limitation shall not apply to specific quantities of grades and species of timber which said Secretaries determine are surplus to domestic lumber and plywood manufacturing needs.

SEC. 303. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: Provided,

That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 304. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 305. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 306. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 307. Except for lands described by sections 105 and 106 of Public Law 96-560, section 103 of Public Law 96-550, section 5(d)(1) of Public Law 96-312, and except for land in the State of Alaska, and lands in the national forest system released to management for any use the Secretary of Agriculture deems appropriate through the land management planning process by any statement or other Act of Congress designating components of the National Wilderness Preservation System now in effect or hereinafter enacted, and except to carry out the obligations and responsibilities of the Secretary of the Interior under section 17(k)(1) (A) and (B) of the Mineral Leasing Act of 1920 (30 U.S.C. 226), none of the funds provided in this Act shall be obligated for any aspect of the processing or issuance of permits or leases pertaining to exploration for or development of coal, oil, gas, oil shale, phosphate, potassium, sulphur, gilsonite, or geothermal resources on Federal lands within any component of the National Wilderness Preservation System or within any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning in Executive Communication 1504, Ninety-sixth Congress (House Document numbered 96-119); or within any lands designated by Congress as wilderness study areas or within Bureau of Land Management wilderness study areas: Provided, That nothing in this section shall prohibit the expenditure of funds for any aspect of the processing or issuance of permits pertaining to exploration for or development of the mineral resources described in this section, within any component of the National Wilderness Preservation System now in effect or hereinafter enacted, any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning, within any lands designated by Congress as wilderness study areas, or Bureau of Land Management wilderness study areas, under valid existing rights, or leases validly issued in accordance with all applicable Federal, State, and local laws or valid mineral rights in existence prior to October 1, 1982: Provided further, That funds provided in this Act may be used by the Secretary of Agriculture in any area of National Forest lands or the Secretary of the Interior to issue under their existing authority in any area of National Forest or public lands withdrawn pursuant to this Act such permits as may be necessary to conduct prospecting, seismic surveys, and core sampling conducted by helicopter or other means not requiring construction of roads or improvement of existing roads or ways, for the purpose of gathering information about and in-

ventorying energy, mineral, and other resource values of such area, if such activity is carried out in a manner compatible with the preservation of the wilderness environment: Provided further, That seismic activities involving the use of explosives shall not be permitted in designated wilderness areas: Provided further, That funds provided in this Act may be used by the Secretary of the Interior to augment recurring surveys of the mineral values of wilderness areas pursuant to section 4(d)(2) of the Wilderness Act and acquire information on other national forest and public land areas withdrawn pursuant to this Act, by conducting in conjunction with the Secretary of Energy, the National Laboratories, or other Federal agencies, as appropriate, such mineral inventories of areas withdrawn pursuant to this Act as he deems appropriate. These inventories shall be conducted in a manner compatible with the preservation of the wilderness environment through the use of methods including core sampling conducted by helicopter; geophysical techniques such as induced polarization, synthetic aperture radar, magnetic and gravity surveys; geochemical techniques including stream sediment reconnaissance and x-ray diffraction analysis; land satellites; or any other methods he deems appropriate. The Secretary of the Interior is hereby authorized to conduct inventories or segments of inventories, such as data analysis activities, by contract with private entities deemed by him to be qualified to engage in such activities whenever he has determined that such contracts would decrease Federal expenditures and would produce comparable or superior results: Provided further, That in carrying out any such inventory or surveys, where National Forest System lands are involved, the Secretary of the Interior shall consult with the Secretary of Agriculture concerning any activities affecting surface resources: Provided further, That funds provided in this Act may be used by the Secretary of the Interior to issue oil and gas leases for the subsurface of any lands designated by Congress as wilderness study areas, that are immediately adjacent to producing oil and gas fields or areas that are prospectively valuable. Such leases shall allow no surface occupancy and may be entered only by directional drilling from outside the wilderness study area or other non-surface disturbing methods.

SEC. 308. None of the funds provided in this Act shall be used to evaluate, consider, process, or award oil, gas, or geothermal leases on Federal lands in the Mount Baker-Snoqualmie National Forest, State of Washington, within the hydrographic boundaries of the Cedar River municipal watershed upstream of river mile 21.6, the Green River municipal watershed upstream of river mile 61.0, the North Fork of the Tolt River proposed municipal watershed upstream of river mile 11.7, and the South Fork Tolt River municipal watershed upstream of river mile 8.4.

SEC. 309. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 310. Employment funded by this Act shall not be subject to any personnel ceiling or other personnel restriction for permanent or other than permanent employment except as provided by law.

SEC. 311. Notwithstanding any other provisions of law, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of

Energy, and the Secretary of the Smithsonian Institution, are authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the suppression, detection, and suppression of fires on any units within their jurisdiction.

SEC. 312. None of the funds provided by this Act to the United States Fish and Wildlife Service may be obligated or expended to plan for, conduct, or supervise deer hunting on the Lozahatchee National Wildlife Refuge.

SEC. 313. No funds appropriated by this Act shall be available for the implementation or enforcement of any rule or regulation of the United States Fish and Wildlife Service, Department of the Interior, requiring the use of steel shot in connection with the hunting of waterfowl in any State of the United States unless the appropriate State regulatory authority approves such implementation.

SEC. 314. None of the funds provided in this Act may be used to establish new grizzly bear populations in any unit of the National Park System or the National Forest System where no verified grizzly bear population currently exists. None of the funds provided in this Act may be used for augmentation in occupied areas of grizzly bear habitat unless an augmentation plan has been developed and made available for public review and comment in full compliance with the National Environmental Policy Act by all participating Federal agencies: Provided, That it is not intended to prohibit the preparation of proposals to augment existing grizzly bear populations in occupied grizzly bear habitat: Provided further, That such augmentation may be conducted only with funds specifically identified for such purpose in an agency budget justification and subsequently approved in a report accompanying an appropriation bill making appropriations for that agency, or with funds provided for through reprogramming procedures: Provided further, That notwithstanding any other provision of law, agencies included in this Act are authorized to reimburse permittees for such reasonable expenses as may be incurred as a result of moving permitted animals from one location to another, as may be required by the permitting agency, in order to prevent harassment and attacks by grizzly bears. Such expenses are to be determined by the agency responsible for the permitted action.

SEC. 315. Notwithstanding any other provision of law, section 8336(j)(3)(A) of title 5, United States Code is amended by striking "5 years" and inserting in lieu thereof "10 years".

SEC. 316. Section 317 of title III of the Act of December 30, 1982 (96 Stat. 1966), is amended by deleting the words "but before December 31, 1985".

SEC. 317. Funds available to the Department of the Interior and the Forest Service in fiscal year 1986 for the purpose of contracting for services that require the utilization of privately owned aircraft for the carriage of cargo or freight shall be used only to contract for aircraft that are certified as air-worthy by the Administrator of the Federal Aviation Administration as standard category aircraft under 14 CFR 21.183 unless the Secretary of the contracting department determines that such aircraft are not reasonably available to conduct such services.

SEC. 318. None of the funds made available to the Department of the Interior or the

Forest Service during fiscal year 1986 by this or any other Act may be used to implement the proposed jurisdictional interchange program until enactment of legislation which authorizes the jurisdictional interchange.

SEC. 319. Notwithstanding any other provision of law, any lease for those Federal lands within the Gallatin and Flathead National Forests which were affected by case CV-82-42-BU of the United States District Court for the District of Montana, Butte Division, for which the Secretary has directed or assented to the suspension of operations and production pursuant to section 39 of the Act of February 25, 1920 (30 U.S.C. 184) shall be excepted from the limits on aggregate acreage set out in that Act: Provided, That any person, association or corporation receiving relief under this section shall bring its aggregate acreage into compliance with the provisions of the Act of February 25, 1920 (30 U.S.C. 184) within six months from the date the suspension of operation and production ends.

SEC. 320. The provisions of section 2(a)(2)(A) of the Mineral Lands Leasing Act of 1920 (41 Stat. 437), as amended by section 3 of the Federal Coal Leasing Amendments Act of 1976 (90 Stat. 1083) shall not take effect until December 31, 1986.

SEC. 321. (a) None of the funds available to the Bureau of Indian Affairs for the construction of housing on lands acquired pursuant to section 11 of Public Law 93-531, as amended, shall be expended until a report is submitted to the House and Senate Committees on Appropriations detailing the proposed uses of such funds on the lands acquired pursuant to section 11 of Public Law 93-531.

(b) In addition to plans for housing, the report shall include a description of other services intended to be provided including, but not limited to, water, sewers, roads, schools, and health facilities. If such services are not to be provided the report shall describe alternative services available. The report shall further identify the proposed sites to which households will be relocated, including the distance from the Joint Use Area to such sites. This report shall be submitted no later than February 15, 1986, by the Navajo and Hopi Indian Relocation Commission and shall include the views of the Secretary of the Interior on the provision of housing and roads on the new lands.

SEC. 322. Notwithstanding any other provision of law, the limitation placed on the Secretary of the Interior by the last sentence of section 319 of "An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes", as enacted into law by Public Law 98-473 (98 Stat. 1837), shall remain in effect until Congress determines otherwise.

SEC. 323. The Secretary of the Interior, acting through the Bureau of Indian Affairs and in consultation and cooperation with the Secretary of Health and Human Services and the Secretary of Education, shall develop and begin implementation of a program which provides instruction in health promotion and disease prevention to juvenile Indians enrolled in schools operated by, or on behalf of, the Bureau of Indian Affairs. And the Senate Agree to the same.

SEC. 324. Public Law 96-388, as amended (36 U.S.C. 1401 et seq.), is further amended as follows:

(1) The first sentence of section 36 U.S.C. 1401 is amended to read: "There is hereby established as an independent Federal agency

the United States Holocaust Memorial Council (hereinafter in this chapter referred to as the "Council").";

(2) 36 U.S.C. 1407 is amended by adding the word "invest," after the word "administer," in the first sentence, and by adding the following new sentence as the penultimate sentence: "Funds donated to and accepted by the Council pursuant to this section are not to be regarded as appropriated funds and are not subject to any requirements or restrictions applicable to appropriated funds."; and

(3) By adding the following new sections at the end of 36 U.S.C. 1408:

"REPORT TO THE CONGRESS

The Executive Director shall make a full report annually to the Congress of his stewardship of the authority to construct, operate, and maintain the Holocaust Museum, including an accounting of all financial transactions involving donated funds.

AUDIT BY THE COMPTROLLER GENERAL; ACCESS TO RECORDS

Financial transactions of the Council, including those involving donated funds, shall be audited by the Comptroller General as requested by the Congress, in accordance with generally accepted auditing standards. In conducting any audit pursuant to this section, appropriate representatives of the Comptroller General shall have access to all books, accounts, financial records, reports, files and other papers, items or property in use by the Council, as necessary to facilitate such audit, and such representatives shall be afforded full facilities for verifying transactions with the balances."; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

(e) Such amounts as may be necessary for projects or activities provided for in the Department of Transportation and Related Agencies Appropriation Act, 1986, at a rate for operations and to the extent and in the manner provided for in the following Act; this subsection shall be effective as if it had been enacted into law as the regular appropriation Act:

AN ACT Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1986, and for other purposes.

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of Transportation, including not to exceed \$30,000 for allocation within the Department of official reception and representation expenses as the Secretary may determine, \$51,300,000, together with \$500,000 of the unobligated balances available under this head at the beginning of fiscal year 1986, and of which \$3,500,000 shall remain available until expended and shall be available for the purposes of the Minority Business Resource Center as authorized by 49 U.S.C. 332: Provided, That, notwithstanding any other provision of law, funds available for the purposes of the Minority Business Resource Center in this or any other Act may be used for business opportunities related to any mode of transportation.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, and university research and internships, to remain available until expended, \$3,500,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund not to exceed \$64,500,000 shall be paid, in accordance with law, from appropriations made available by this Act and prior appropriation Acts to the Department of Transportation, together with advances and reimbursements received by the Department of Transportation.

PAYMENTS TO AIR CARRIERS

For payments to air carriers of so much of the compensation fixed and determined under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), as is payable by the Department of Transportation, \$28,000,000, to remain available until expended.

COAST GUARD

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed eight passenger motor vehicles for replacement only; and recreation and welfare, \$1,652,000,000, of which \$10,000,000 shall be derived from unobligated balances of "Pollution fund" and of which \$15,000,000 shall be expended from the Boat Safety Account: Provided, That, notwithstanding any other provision of law, of the funds available under this head \$789,800,000 shall be available for compensation and benefits of military personnel: Provided further, That, of the funds available under this head, not less than \$328,000,000 shall be available for drug enforcement activities: Provided further, That the number of aircraft on hand at any one time shall not exceed two hundred and ten, exclusive of planes and parts stored to meet future attrition: Provided further, That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 103 except to the extent fees are collected from yacht owners and credited to this appropriation.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; to remain available until September 30, 1990, \$267,300,000: Provided, That the Secretary of Transportation shall issue regulations requiring that written warranties shall be included in all contracts with prime contractors for major systems acquisitions of the Coast Guard: Provided further, That any such written warranty shall not apply in the case of any system or component thereof that has been furnished by the Government to a contractor: Provided further, That the Secretary of Transportation may provide for a waiver of the requirements for a warranty where: (1) the waiver is necessary in the interest of the national defense

or the warranty would not be cost effective; and (2) the Committees on Appropriations of the Senate and the House of Representatives are notified in writing of the Secretary's intention to waive and reasons for waiving such requirements: Provided further, That the requirements for such written warranties shall not cover combat damage.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, \$5,200,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C., ch. 55), \$351,800,000.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services, \$61,502,000.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for basic and applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law, \$21,000,000, to remain available until expended: Provided, That there may be credited to this appropriation funds received from State and local governments, other public authorities, private sources and foreign countries, for expenses incurred for research, development, testing, and evaluation.

OFFSHORE OIL POLLUTION COMPENSATION FUND

For necessary expenses to carry out the provisions of title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Public Law 95-372), \$1,000,000, to be derived from the Offshore Oil Pollution Compensation Fund and to remain available until expended. In addition, to the extent that available appropriations are not adequate to meet the obligations of the Fund, the Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations in such amounts and at such times as may be necessary: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of \$60,000,000 in fiscal year 1986 for the "Offshore Oil Pollution Compensation Fund".

DEEPWATER PORT LIABILITY FUND

For necessary expenses to carry out the provisions of section 18 of the Deepwater Port Act of 1974 (Public Law 93-627), \$1,000,000, to be derived from the Deepwater Port Liability Fund and to remain available until expended. In addition, to the extent that available appropriations are not adequate to meet the obligations of the Fund, the Secretary of Transportation is authorized to issue, and the Secretary of the Treasury is authorized to purchase, without fiscal year limitation, notes or other obligations in such amounts and at such times as may be necessary: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of

\$50,000,000 in fiscal year 1986 for the "Deep-water Port Liability Fund".

BOAT SAFETY

(LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred for recreational boating safety assistance under Public Law 92-75, as amended, \$30,000,000, to be derived from the Boat Safety Account and to remain available until expended: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of \$30,000,000 in fiscal year 1986 for recreational boating safety assistance: Provided further, That no obligations may be incurred for the improvement of recreational boating facilities.

FEDERAL AVIATION ADMINISTRATION

HEADQUARTERS ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, of providing administrative services at the headquarters location of the Federal Aviation Administration, including but not limited to accounting, budgeting, personnel, legal, public affairs, and executive direction for the Federal Aviation Administration, \$64,400,000: Provided, That the Secretary of Transportation is authorized to transfer appropriated funds between this appropriation and the Federal Aviation Administration appropriation for operations: Provided further, That this appropriation shall be neither increased nor decreased by more than 2 per centum by any such transfers: Provided further, That any such transfers shall be reported to the Committees on Appropriations.

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development, and for establishment of air navigation facilities, and carrying out the provisions of the Airport and Airway Development Act, as amended, or other provisions of law authorizing obligation of funds for similar programs of airport and airway development or improvement; purchase of four passenger motor vehicles for replacement only, \$2,694,600,000, of which not to exceed \$446,000,000 shall be derived from the Airport and Airway Trust Fund: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities: Provided further, That none of these funds shall be available for new applicants for the second career training program.

FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities, including initial acquisition of necessary sites by lease or grant; engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations of officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 1990, \$993,000,000: Provided, That there may be credited to this appropriation funds re-

ceived from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That of the funds available under this head, \$10,000,000 shall be available for the Secretary of Transportation to enter into grant agreements with universities or colleges to conduct demonstration projects in the development, advancement, or expansion of airway science curriculum programs, and such funds, which shall remain available until expended, shall be made available under such terms and conditions as the Secretary of Transportation may prescribe, to such universities or colleges for the purchase or lease of buildings and associated facilities, instructional materials, or equipment to be used in conjunction with airway science curriculum programs.

RESEARCH, ENGINEERING AND DEVELOPMENT (AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, for research, engineering and development, in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301-1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant, to be derived from the Airport and Airway Trust Fund and to remain available until expended, \$190,000,000, together with \$15,000,000 to be transferred from unobligated balances of "Facilities and equipment", of which \$3,036,412 shall be available for icing and related next generation weather radar atmospheric research to be conducted by the University of North Dakota, \$2,000,000 shall be available for the Center for Research and Training in Information-based Aviation and Transportation Management at Barry University and \$2,000,000 shall be available for the Institute for Aviation Safety Research at Wichita State University: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering and development.

GRANTS-IN-AID FOR AIRPORTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for airport planning and development under section 14 of Public Law 91-258, as amended, and under other law authorizing such obligations, and obligations for noise compatibility planning and programs, \$693,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the commitments for which are in excess of \$925,000,000 in fiscal year 1986 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 506(e)(4) of the Airport and Airway Improvement Act of 1982.

OPERATION AND MAINTENANCE, METROPOLITAN WASHINGTON AIRPORTS

For expenses incident to the care, operation, maintenance, improvement, and protection of the federally-owned civil airports in the vicinity of the District of Columbia, including purchase of eight passenger motor vehicles for police use, for replacement only; purchase, cleaning, and repair of uniforms; and arms and ammunition, \$34,100,000:

Provided, That there may be credited to this appropriation funds received from air carriers, concessionaires, and non-federal tenants sufficient to cover utility and fuel costs which are in excess of \$6,682,000: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, or private sources, for expenses incurred in the maintenance and operation of the federally-owned civil airports.

CONSTRUCTION, METROPOLITAN WASHINGTON AIRPORTS

For necessary expenses for construction at the federally-owned civil airports in the vicinity of the District of Columbia, \$7,000,000, to remain available until September 30, 1988.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to section 1306 of the Act of August 23, 1958, as amended (49 U.S.C. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for aviation insurance activities under said Act.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

The Secretary of Transportation may hereafter issue notes or other obligations to the Secretary of the Treasury, in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury may prescribe. Such obligations may be issued to pay any necessary expenses required pursuant to any guarantee issued under the Act of September 7, 1957, Public Law 85-307, as amended (49 U.S.C. 1324 note). The aggregate amount of such obligations during fiscal year 1986 shall not exceed \$75,000,000. Such obligations shall be redeemed by the Secretary from appropriations authorized by this section. The Secretary of the Treasury shall purchase any such obligations, and for such purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force. The purposes for which securities may be issued under such Act are extended to include any purchase of notes or other obligations issued under the subsection. The Secretary of the Treasury may sell any such obligations at such times and price and upon such terms and conditions as he shall determine in his discretion. All purchases, redemptions, and sales of such obligations by such Secretary shall be treated as public debt transactions of the United States.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, and research of the Federal Highway Administration, not to exceed \$203,761,000, shall be paid, in accordance with law, from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: Provided, That not to exceed \$48,415,000 of the amount provided herein shall remain available until expended: Provided further, That all unobligated amounts made available under this head in prior fiscal years for the establishment and

implementation of a demonstration bonding program for economically and socially disadvantaged businesses shall remain available for such purposes until expended: Provided further, That, notwithstanding any other provision of law, there may be credited to this account funds received from States, counties, municipalities, other public authorities and private sources, for training expenses incurred for non-federal employees: Provided further, That none of the funds provided in this Act shall be used for the approval of, or to pay the salary of any person who approves projects to construct a landfill in the Hudson River as part of an Interstate System highway in New York City.

HIGHWAY SAFETY RESEARCH AND DEVELOPMENT (HIGHWAY TRUST FUND)

For necessary expenses in carrying out provisions of sections 307(a) and 403 of title 23, United States Code, to be derived from the Highway Trust Fund and to remain available until expended, \$8,500,000.

HIGHWAY-RELATED SAFETY GRANTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402, administered by the Federal Highway Administration, to remain available until expended, \$9,000,000 to be derived from the Highway Trust Fund: Provided, That not to exceed \$100,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses": Provided further, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of \$10,000,000 in fiscal year 1986 for "Highway-related safety grants".

HIGHWAY BEAUTIFICATION

Funds appropriated and obligated to carry out sections 131 and 136 of title 23, United States Code, which have been deobligated subsequent to enactment of this Act shall remain available until expended.

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

For necessary expenses of certain railroad-highway crossings demonstration projects as authorized by section 163 of the Federal-Aid Highway Act of 1973, as amended, to remain available until expended, \$16,000,000, of which \$10,666,667 shall be derived from the Highway Trust Fund: Provided, That the unobligated balance of funds appropriated in Public Law 93-98 for Wheeling, West Virginia, is hereby made available for allocation to carry out highway projects on the Federal-aid system in Wheeling, West Virginia at full federal expense.

FEDERAL-AID HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION) (HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, which are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, \$13,836,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of \$12,750,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 1986, except that

this limitation shall not apply to obligations for emergency relief under section 125 of title 23, United States Code, obligations under section 157 of title 23, United States Code, projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, subsections 131 (b) and (j) of Public Law 97-424, section 118 of the National Visitors Center Facilities Act of 1968, or section 320 of title 23, United States Code.

RIGHT-OF-WAY REVOLVING FUND (LIMITATION ON DIRECT LOANS) (HIGHWAY TRUST FUND)

During fiscal year 1986 and with the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed \$50,000,000.

MOTOR CARRIER SAFETY

For necessary expenses to carry out the motor carrier safety functions of the Secretary as authorized by the Department of Transportation Act (80 Stat. 939-940), \$13,900,000, of which \$953,000 shall remain available until expended, and not to exceed \$1,601,000 shall be available for "Limitation on general operating expenses".

MOTOR CARRIER SAFETY GRANTS (HIGHWAY TRUST FUND)

For necessary expenses to carry out provisions of section 402 of Public Law 97-424, \$17,000,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1989.

ACCESS HIGHWAYS TO PUBLIC RECREATION AREAS ON CERTAIN LAKES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of certain access highway projects, as authorized by section 155, title 23, United States Code, to remain available until expended, \$10,000,000, of which \$5,000,000 shall be derived from unobligated balances of "Research, training, and human resources".

BALTIMORE-WASHINGTON PARKWAY (HIGHWAY TRUST FUND)

For necessary expenses, not otherwise provided, to carry out the provisions of the Federal-Aid Highway Act of 1970, for the Baltimore-Washington Parkway, to remain available until expended, \$3,000,000 to be derived from the Highway Trust Fund and to be withdrawn therefrom at such times and in such amounts as may be necessary: Provided, That, notwithstanding subsection (b) of section 146 of the Federal-Aid Highway Act of 1970 and any agreement entered into under such subsection, the Secretary of the Interior shall not be required to convey to the State of Maryland any portion of the Baltimore-Washington Parkway located in the State of Maryland, and the State of Maryland shall not be required to accept conveyance of any such portion: Provided further, That funds authorized by such section may be expended without regard to any requirement of such an agreement that such portion of the Baltimore-Washington Parkway be conveyed to the State of Maryland.

WASTE ISOLATION PILOT PROJECT ROADS

For necessary expenses in connection with the upgrading of certain highways for the transportation of nuclear waste generated during defense-related activities, not otherwise provided for, \$7,000,000, to remain available until expended.

RAIL LINE CONSOLIDATION PROJECT (TRANSFER OF FUNDS)

For necessary expenses to carry out a project to consolidate two rail lines on a common alignment in the vicinity of

Orange, Texas, that demonstrates methods by which a rail line consolidation project will reduce motor vehicle traffic congestion and increase employment, to remain available until expended, \$4,000,000 to be derived from unobligated balances of "Research, training, and human resources".

AIRPORT-HIGHWAY DEMONSTRATION PROJECT (TRANSFER OF FUNDS)

For necessary expenses to carry out a highway project to depress a highway in Shawnee, Oklahoma, that demonstrates methods of improving air service to a small community by extension of a runway over a depressed road, to remain available until expended, \$1,350,000 to be derived from unobligated balances of "Research, training, and human resources".

EXPRESSWAY GAP CLOSING DEMONSTRATION PROJECT

For necessary expenses to carry out a highway construction project along State Route 113 in north-central California that demonstrates methods of reducing motor vehicle congestion and increasing employment, there is authorized to be appropriated \$23,500,000, to remain available until expended, of which \$9,000,000 is hereby appropriated: Provided, That such funds shall be exempt from any limitation on obligations for Federal-aid highways and highway safety construction programs.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

(INCLUDING TRANSFERS OF FUNDS)

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety and functions under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended), \$88,851,000, of which \$5,000,000 shall be derived from unobligated balances of "Research, training, and human resources", and of which \$29,894,000 shall be derived from the Highway Trust Fund: Provided, That not to exceed \$36,296,000 shall remain available until expended, of which \$14,833,000 shall be derived from the Highway Trust Fund: Provided further, That, of the funds available under this head, \$10,000,000 shall be available to implement the recommendations of the 1985 National Academy of Sciences report on trauma research: Provided further, That for the purpose of carrying out a national program to encourage the use of automobile passive restraints as authorized by 23 U.S.C. 403, an additional \$500,000 is available to be derived from unobligated balances of "Carpool and vanpool projects".

HIGHWAY TRAFFIC SAFETY GRANTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 406 and 408, and section 209 of Public Law 95-599, as amended, to remain available until expended, \$149,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which are in excess of \$126,500,000 in fiscal year 1986 for "State and community highway safety" authorized under 23 U.S.C. 402: Provided further, That none of these funds shall be used for construction, rehabilitation or remodeling costs or for office furnishings and fixtures for State, local, or private buildings or structures: Provided further, That none of

the funds in this Act shall be available for the planning or execution of programs the total obligations for which are in excess of \$28,800,000 for "Alcohol safety incentive grants" authorized under 23 U.S.C. 408: Provided further, That none of the funds in this Act shall be available for the planning or execution of programs authorized by section 209 of Public Law 95-599, as amended, the total obligations for which are in excess of \$5,000,000 in fiscal years 1983, 1984, 1985, and 1986: Provided further, That not to exceed \$5,000,000 shall be available for administering the provisions of 23 U.S.C. 402.

FEDERAL RAILROAD ADMINISTRATION OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$10,120,000.

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, \$27,764,000, of which \$1,500,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$10,600,000, to remain available until expended.

RAIL SERVICE ASSISTANCE

For necessary expenses for rail service assistance authorized by section 5 of the Department of Transportation Act, as amended, for Washington Union Station, as authorized by Public Law 97-125, and for necessary administrative expenses in connection with federal rail assistance programs not otherwise provided for, \$20,200,000, to remain available until expended: Provided, That none of the funds provided under this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and that no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: Provided further, That none of the funds in this Act shall be available for the acquisition, sale or transference of Washington Union Station without the prior approval of the House and Senate Committees on Appropriations: Provided further, That, of the funds available under this head, \$15,000,000 shall be available for allocation to the States under section 5(h)(2) of the Department of Transportation Act, as amended: Provided further, That, notwithstanding any other provision of law, a State may not apply for fiscal year 1986 funds available under section 5(h)(2) until such State has expended all funds granted to it in the fiscal years prior to the beginning of fiscal year 1981, other than funds not expended due to pending litigation: Provided further, That a State denied funding by reason of the immediately preceding proviso may still apply for and receive funds for planning purposes: Provided further, That, notwithstanding any other provision of law, of the funds available under section 5(h)(2), \$10,000,000 shall be made available for use under sections 5(h)(3)(B)(ii) and 5(h)(3)(C) of the Department of Transportation Act, as amended, notwithstanding the limitations set forth in section 5(h)(3)(B)(ii).

CONRAIL LABOR PROTECTION

Such sums as may be necessary shall be made available for necessary expenses of administration of section 701 of the Regional Rail Reorganization Act of 1973 by the Railroad Retirement Board.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.), \$12,500,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, the provisions of Public Law 85-804 shall apply to the Northeast Corridor Improvement Program: Provided further, That the Secretary may waive the provisions of 23 U.S.C. 322 (c) and (d) if such action would serve a public purpose: Provided further, That all public at grade-level crossings remaining along the Northeast Corridor upon completion of the project shall be equipped with protective devices including gates and lights.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

(INCLUDING TRANSFERS OF FUNDS)

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for operating losses incurred by the Corporation, capital improvements, and labor protection costs authorized by 45 U.S.C. 565, to remain available until expended, \$616,000,000, of which \$23,000,000 shall be derived from unobligated balances of "Conrail labor protection" and \$5,500,000 shall be derived from unobligated balances of "Rail labor assistance" as of September 30, 1985: Provided, That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status: Provided further, That the Secretary shall make no commitments to guarantee new loans or loans for new purposes under 45 U.S.C. 602 in fiscal year 1986: Provided further, That the incurring of any obligation or commitment by the Corporation for the purchase of capital improvements prohibited by this Act or not expressly provided for in an appropriation Act shall be deemed a violation of 31 U.S.C. 1341: Provided further, That no funds are required to be expended or reserved for expenditure pursuant to 45 U.S.C. 601(e): Provided further, That none of the funds in this or any other Act shall be made available to finance the rehabilitation and other improvements (including upgrading track and the signal system, ensuring safety at public and private highway and pedestrian crossings by improving signals or eliminating such crossings, and the improvement of operational portions of stations related to intercity rail passenger service) on the main line track between Atlantic City, New Jersey, and the main line of the Northeast Corridor, unless the Secretary of Transportation certifies that not less than 40 per centum of the costs of such improvements shall be derived from non-federal sources: Provided further, That, notwithstanding any other provision of law, the National Railroad Passenger Corporation shall not operate rail passenger service between Atlantic City, New Jersey, and the Northeast Corridor main line unless the Corporation's Board of Directors determines that revenues from such service have covered or exceeded 80 per centum of the short term avoidable costs of operating such service in the first year of operation and 100 per centum of the short term avoidable operating costs for each year thereafter: Provided further, That none of the funds provided in

this or any other Act shall be made available to finance the acquisition and rehabilitation of a line, and construction necessary to facilitate improved rail passenger service, between Spuyten Duyvil, New York, and the main line of the Northeast Corridor unless the Secretary of Transportation certifies that not less than 40 per centum of the costs of such improvement shall be derived from non-Amtrak sources.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING FUNDS

The total commitments to guarantee new loans pursuant to sections 511 through 513 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, shall not exceed \$4,000,000 of contingent liabilities for loan principal during fiscal year 1986: Provided, That the Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided further, That the aggregate amount of such notes or other obligations during fiscal year 1986 shall not exceed \$100,000,000.

REDEEMABLE PREFERENCE SHARES

Notwithstanding any other provision of law, the Secretary of Transportation is hereby authorized to expend proceeds from the sale of fund anticipation notes to the Secretary of the Treasury and any other moneys deposited in the Railroad Rehabilitation and Improvement Fund pursuant to sections 502, 505-507, and 509 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, and section 803 of Public Law 95-620, for uses authorized for the Fund, in amounts not to exceed \$33,500,000.

CONRAIL COMMUTER TRANSITION ASSISTANCE (TRANSFER OF FUNDS)

For necessary capital expenses of Conrail commuter transition assistance, not otherwise provided for, \$5,000,000 to be derived from unobligated balances of "Research, training, and human resources" and to remain available until expended.

URBAN MASS TRANSPORTATION ADMINISTRATION ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the urban mass transportation program authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), and 23 U.S.C. chapter 1, in connection with these activities, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, \$30,000,000, of which not to exceed \$650,000 shall be available for the Office of the Administrator.

RESEARCH, TRAINING, AND HUMAN RESOURCES

For necessary expenses for research, training, and human resources as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until expended, \$17,400,000: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities and private sources, for expenses incurred for training.

FORMULA GRANTS

For necessary expenses to carry out the provisions of sections 9 and 18 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), \$2,150,000,000, to remain available until expended.

DISCRETIONARY GRANTS

None of the funds in this Act shall be available for the implementation or execution of programs in excess of \$1,045,500,000 in fiscal year 1986 for grants under the contract authority authorized in section 21(a)(2)(B) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.).

LIQUIDATION OF CONTRACT AUTHORIZATION

For payment of obligations incurred in carrying out section 21(a)(2) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), administered by the Urban Mass Transportation Administration, \$775,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

INTERSTATE TRANSFER GRANTS—TRANSIT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of 23 U.S.C. 103(e)(4) related to transit projects, to remain available until September 30, 1987, \$218,750,000, of which \$18,750,000 shall be derived from unobligated balances of "Research, training, and human resources".

WASHINGTON METRO

For necessary expenses to carry out the provisions of section 14 of Public Law 96-184, \$227,000,000, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year except as herein-after provided.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$1,916,000 shall be available for administrative expenses which shall be computed on an accrual basis, including not to exceed \$3,000 for official entertainment expenses to be expended upon the approval or authority of the Secretary of Transportation: Provided, That Corporation funds shall be available for the hire of passenger motor vehicles and aircraft, operation and maintenance of aircraft, uniforms or allowances therefor for operation and maintenance personnel, as authorized by law (5 U.S.C. 5901-5902), and \$15,000 shall be available for services as authorized by 5 U.S.C. 3109.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, for expenses for conducting research and development and for grants-in-aid to carry out a pipeline safety program, as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674), \$19,300,000, of which

\$6,975,000 shall remain available until expended.

OFFICE OF THE INSPECTOR GENERAL SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$27,600,000.

TITLE II—RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$1,975,000.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), \$22,300,000, of which not to exceed \$500 may be used for official reception and representation expenses.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed \$1,500 for official reception and representation expenses, \$50,480,000, of which \$2,300,000 shall be derived from unobligated balances of "Payments for directed rail service": Provided, That joint board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their official duties as such.

PAYMENTS FOR DIRECTED RAIL SERVICE

None of the funds provided in this Act shall be available for the execution of programs the obligations for which can reasonably be expected to exceed \$1,000,000 for directed rail service authorized under 49 U.S.C. 11125 or any other legislation.

PANAMA CANAL COMMISSION

OPERATING EXPENSES

For operating expenses necessary for the Panama Canal Commission, including hire of passenger motor vehicles and aircraft; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); not to exceed \$10,000 for official reception and representation expenses of the Board; operation of guide services; residence for the Administrator; disbursements by the Administrator for employee and community projects; not to exceed \$1,000 for official reception and representation expenses of the Secretary; not to exceed \$25,000 for official reception and representation expenses of the Administrator; and to employ services as authorized by law (5 U.S.C. 3109); \$400,284,000, to be derived from the Panama Canal Commission Fund: Provided, That there may be credited to this appropriation funds received from the Panama Canal Commission's capital outlay account for expenses incurred for supplies and services provided for capital projects.

CAPITAL OUTLAY

For acquisition, construction, replacement, and improvement of facilities, struc-

tures, and equipment required by the Panama Canal Commission, including the purchase of not to exceed forty-four passenger motor vehicles for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama, the purchase price of which shall not exceed \$14,000 per vehicle); to employ services authorized by law (5 U.S.C. 3109); \$25,500,000 to be derived from the Panama Canal Commission Fund and to remain available until expended.

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

INVESTMENT IN FUND ANTICIPATION NOTES

For the acquisition, in accordance with section 509 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, and section 803 of Public Law 95-620, of fund anticipation notes, \$33,500,000.

UNITED STATES RAILWAY ASSOCIATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses to enable the United States Railway Association to carry out its functions under the Regional Rail Reorganization Act of 1973, as amended, to remain available until expended, \$2,400,000, of which not to exceed \$500 may be available for official reception and representation expenses.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

INTEREST PAYMENTS

For necessary expenses for interest payments, to remain available until expended, \$51,663,569: Provided, That these funds shall be disbursed pursuant to terms and conditions established by Public Law 96-184 and the Initial Bond Repayment Participation Agreement.

TITLE III—GENERAL PROVISIONS

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official departmental business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 302. Funds appropriated for the Panama Canal Commission may be apportioned notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 1341), to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law which are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents and (2) for transportation of said dependents between schools serving the area which they attend and their places of

residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18.

SEC. 305. None of the funds appropriated in this Act for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

SEC. 306. None of the funds provided in this Act may be used for planning or construction of rail-highway crossings under section 322(a) of title 23, United States Code, or under section 701(a)(5) or section 703(1)(A) of the Railroad Revitalization and Regulatory Reform Act of 1976 at the—

(1) School Street crossing in Groton, Connecticut; and

(2) Broadway Extension crossing in Stonington, Connecticut.

SEC. 307. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 308. None of the funds in this Act shall be used to assist, directly or indirectly, any State in imposing mandatory State inspection fees or sticker requirements on vehicles which are lawfully registered in another State, including vehicles engaged in interstate commercial transportation which are in compliance with Part 396—Inspection and Maintenance of the Federal Motor Carrier Safety Regulations of the United States Department of Transportation.

SEC. 309. None of the funds contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 310. Notwithstanding any other provision of law, total amounts of contract authority authorized for fiscal year 1986 in section 21(a)(2)(B) of the Urban Mass Transportation Act of 1964, as amended, shall be available for obligation through fiscal year 1989.

SEC. 311. None of the funds in this or any other Act shall be available for the planning or implementation of any change in the current federal status of the Transportation Systems Center.

SEC. 312. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 313. (a) For fiscal year 1986 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1985, no State shall obligate more than 40 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 25 per centum of the total amount distributed to all States under such subsection.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1986, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under section 104 of title 23, United States Code, and giving priority to those States which, because of statutory changes made by the Surface Transportation Assistance Act of 1982 and the Federal-Aid Highway Act of 1981, have experienced substantial proportional reductions in their apportionments and allocations; and

(3) not distribute amounts authorized for administrative expenses and the Federal Lands Highway Programs.

SEC. 314. None of the funds in this Act shall be available for salaries and expenses of more than one hundred thirty-eight political appointees in the Department of Transportation.

SEC. 315. Not to exceed \$1,700,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.

SEC. 316. The limitation on obligations for Federal-aid highways and highway safety construction programs for fiscal year 1986 shall not apply to obligations for the remaining approach and bridge removal work necessary to complete the new bridge alignment for the Zilwaukee Bridge.

SEC. 317. (a) Section 5(b)(2) of the Urban Mass Transportation Act of 1964 is amended by inserting after the first sentence the following new sentence: "Any funds apportioned for fiscal year 1982 or 1983 under subsection (a) for expenditure in an urbanized area with a population of less than 200,000 may be expended in an urbanized area with a population of 200,000 or more."

(b) Section 5(c)(4) of the Urban Mass Transportation Act of 1964 is amended by striking the period at the end of the first sentence, and inserting the following: "except that any fiscal year 1982 funds made available to a Governor under section 5(b)(2) of the Urban Mass Transportation Act of 1964, as amended, that are unobligated as of October 1, 1985, or become unobligated thereafter, shall remain available for expenditure under section 5 until October 1, 1986."

SEC. 318. Notwithstanding any other provision of law, within 60 days of the effective date of this Act the Urban Mass Transportation Administration shall reappportion under section 9 of the Urban Mass Transportation Act of 1964, as amended, those funds available for reappportionment pursuant to subsection (c)(4) of section 5 of that Act.

SEC. 319. None of the funds in this or any other Act shall be made available for the proposed Woodward light rail line in the Detroit, Michigan, area until a source of operating funds has been approved in accordance with Michigan law: Provided, That this limitation shall not apply to alternatives analysis studies under section 21(a)(2)(B) of the Urban Mass Transportation Act of 1964, as amended.

SEC. 320. The Secretary of Transportation shall enter into negotiations for full funding contracts with the appropriate local governmental authorities to construct (1) the minimum operable segment, MOS-1, of the downtown Los Angeles to San Fernando Valley Metro Rail project; (2) the north and south legs of the downtown component of metro-rail in Dade County, Florida; and (3) the downtown transit project (bus tunnel) in Seattle, Washington: Provided, That the Secretary shall commence negotiations with appropriate local authorities to enter into such contracts no later than 30 days after enactment and shall conclude such negotiations no later than 90 days after enactment: Provided further, That such contracts shall cover total project costs including federal financial participation consisting of fiscal year 1984 and fiscal year 1985 discretionary grants funding made available pursuant to section 331 of this Act, fiscal year 1986 discretionary grants funding in accordance with the accompanying Joint Explanatory Statement of the Managers, and future funding as made available by the Congress.

SEC. 321. The Urban Mass Transportation Administration shall enter into a contract with the Southern California Rapid Transit District to conduct a study of the potential methane gas risks relating to the proposed alignment of the Metro Rail project beyond the Minimum Operable Segment, MOS-1. None of the funds described in section 320 may be made available for any segment of the downtown Los Angeles to San Fernando Valley Metro Rail project unless and until the Southern California Rapid Transit District officially notifies and commits to the Urban Mass Transportation Administration that no part of the Metro Rail project will tunnel into or through any zone designated as a potential risk zone or high potential risk zone in the report of the City of Los Angeles dated June 10, 1985, entitled "Task Force Report on the March 24, 1985 Methane Gas Explosion and Fire in the Fairfax Area". Funds for this study, in an amount not to exceed \$1,000,000, shall be made available from funds previously allocated for the MOS-1 project, commencing within 30 days of enactment.

SEC. 322. The limitation on obligations for the Discretionary Grants Program of the Urban Mass Transportation Administration shall not apply to any authority under section 21(a)(2)(B) of the Urban Mass Transportation Act of 1964, as amended, previously made available for obligation.

SEC. 323. (a) Notwithstanding any other provision of law, the Secretary of Transportation may use not to exceed one-half of 1 percent of—

(1) the funds made available for fiscal year 1986 by section 21(a)(2)(B) of the Urban Mass Transportation Act of 1964, as amended, to carry out section 3 of such Act to contract with any person to oversee the construction of any major project under such section;

(2) the funds appropriated for fiscal year 1986 pursuant to section 21(a)(1) of the Urban Mass Transportation Act of 1964, as amended, to carry out section 9 of such Act

to contract with any person to oversee the construction of any major project under such section;

(3) the funds appropriated for fiscal year 1986 pursuant to section 21(a)(1) of the Urban Mass Transportation Act of 1964, as amended, to carry out section 18 of such Act to contract with any person to oversee the construction of any major project under such section;

(4) the funds appropriated for fiscal year 1986 pursuant to section 4(g) of the Urban Mass Transportation Act of 1964, as amended, to contract with any person to oversee the construction of any major public transportation project substituted for an Interstate segment withdrawn under section 103(e)(4) of title 23, United States Code; and

(5) the funds appropriated for fiscal year 1986 pursuant to the National Capital Transportation Act of 1969 to contract with any person to oversee the construction of any major project under such Act.

(b) Any contract entered into under subsection (a) shall provide for the payment by the Secretary of Transportation of 100 percent of the cost of carrying out the contract.

(c) This section shall take effect on October 1, 1985, and shall cease to be in effect at the close of September 30, 1986.

SEC. 324. (a) GENERAL RULE.—Tolls collected for motor vehicles on any bridge connecting the borough of Brooklyn, New York, and Staten Island, New York, shall only be collected for those vehicles exiting from such bridge in Staten Island.

(b) ENFORCEMENT.—The Secretary shall withhold 1 percent of the amount required to be apportioned to the State of New York under sections 104 and 144 of title 23, United States Code, on the first day of the fiscal year succeeding any fiscal year in which tolls collected for motor vehicles on the bridge referred to in subsection (a) are collected for those vehicles exiting from such bridge in the borough of Brooklyn.

(c) PERIOD OF APPLICABILITY.—This section shall apply on and after the 90th day following the date of enactment of this section, except that this section shall not apply after the date on which the Secretary publishes in the Federal Register a determination under subsection (d).

(d) REMOVAL OF LIMITATION.—

(1) DETERMINATION OF SECRETARY.—Subsections (a) and (b) shall cease to be in effect if, upon petition by the Governor of New York under paragraph (2), the Secretary determines that—

(A) a substantial loss of revenues has resulted from the limitation imposed by subsection (a), or

(B) such limitation has resulted in significant traffic problems,

and the Secretary publishes such determination in the Federal Register.

(2) PETITION.—The Governor of New York may petition the Secretary for a determination under paragraph (1) at any time after a period of six consecutive months in which tolls collected for motor vehicles on the bridge referred to in subsection (a) have been collected only for those vehicles exiting from such bridge in Staten Island.

SEC. 325. Notwithstanding section 127 of title 23, United States Code, the State of Wyoming may conduct a demonstration project for a period not to exceed two years in order to determine the effects on the National System of Interstate and Defense Highways located in Wyoming of the use of such highways by vehicles in excess of 80,000 pounds gross weight but meeting axle and bridge formula specifications in section 127 of title 23, United States Code.

SEC. 326. Section 18(e) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following: "For the purpose of this subsection, the term 'Federal funds or revenues' does not include funds received by a recipient of funds under this section pursuant to a service agreement with a State or local social service agency or a private social service organization."

SEC. 327. Section 119(d), 23 U.S.C. is amended by adding at the end of such section: "Notwithstanding any other provision of law, and for the purposes of this subsection, the phrase 'segments of the interstate system open to traffic' shall include a proposed four-lane, limited access highway, 6.4 miles in length, the construction of which will relocate to a southern alignment a portion of an existing interstate highway which was originally built without the aid of funds authorized by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, and which connects to the east with an interstate highway on which tolls are charged. The construction of the proposed highway shall include a bridge over the Monongahela River."

SEC. 328. (a) Title XI of the Federal Aviation Act of 1958 (49 App. U.S.C. 1501 et seq.) is amended by adding at the end thereof the following:

"AERONAUTICAL CHARTS AND MAPS

"SEC. 1118. Notwithstanding the provisions of section 1341 of title 31, United States Code, or any other provision of law, the United States Government shall enter into agreements to indemnify any person who publishes a chart or map for use in aeronautics from any claim, or portion of a claim, which arises out of such person's depiction on such chart or map of any defective or deficient flight procedure or airway, if such flight procedure or airway was—

"(1) promulgated by the Federal Aviation Administration;

"(2) accurately depicted on such chart or map; and

"(3) not obviously defective or deficient."

(b) The table of contents of the Federal Aviation Act of 1958 is amended by inserting immediately after the item relating to section 1117 the following:

"Sec. 1118. Aeronautical charts and maps."

SEC. 329. Notwithstanding section 108(b) of the Federal-Aid Highway Act of 1956, sums appropriated to the State of New York under 23 U.S.C. 104(b)(5)(A) during the fiscal year ending September 30, 1986, may be obligated for Interstate construction projects under section 108(b) of the Federal-Aid Highway Act of 1956 or for Interstate substitute highway projects under 23 U.S.C. 103(e)(4). Provided, That the withdrawal value for New York under 23 U.S.C. 103(e)(4) shall be reduced by the amounts obligated hereunder for Interstate highway substitute projects. The federal share of the cost to complete any such Interstate substitute highway projects to which this provision applies shall be 85 per centum. In carrying out this provision the State of New York and the Secretary of Transportation shall assign highest priority to the completion of Interstate construction projects. This section shall expire on October 1, 1986.

SEC. 330. Notwithstanding any other provision of law, none of the funds in this Act shall be available for the construction of the Central Automated Transit System (Downtown People Mover) in Detroit, Michigan: Provided, That the immediately preceding provision shall not apply to \$10,000,000 apportioned to the Detroit Department of Transportation.

SEC. 331. The Congress disapproves the proposed deferral D86-21, pertaining to the Urban Mass Transportation Administration, as set forth in the message of October 1, 1985, which was transmitted to the Congress by the President. This disapproval shall be effective upon enactment into law of this Act and the amount of the proposed deferral disapproved herein shall be made available for obligation.

SEC. 332. Section 201 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 711) is amended—

(1) in the first sentence of paragraph (2) of subsection (d) by inserting "freight" before "railroad"; and

(2) in the first sentence of subsection (e) by striking out "1985" and inserting in lieu thereof "1987".

SEC. 333. The Act approved July 28, 1937 (50 Stat. 535), is amended by striking out in the first paragraph thereof, "and approaches thereto" and by inserting at the end thereof "The States of Maine and New Hampshire are authorized to assume all construction, maintenance, and operational authority over the approach roads and grade separation structures in their respective areas. As provided in Maine Private and Special Law, Chapter 38, 1985, and New Hampshire Statutes, Chapter 415, 1985, the respective States shall require the Authority to provide Authority funds for capital improvements."

SEC. 334. Notwithstanding any other provision of law, the first sentence of section 125(b) of title 23, United States Code, is amended by inserting after "\$30,000,000" the following: "\$55,000,000 for projects in connection with disasters or failures occurring in calendar year 1985)".

SEC. 335. Notwithstanding any other provision of law or regulation, the Secretary of Transportation shall, within 30 days after enactment of this section, issue in the Federal Register a Notice of Intent to prepare an environmental impact statement for the construction of the north and south legs of the downtown component of metrorail in Dade County, Florida: Provided, That the absence of a federally-approved environmental impact statement for this project shall not preclude or delay the negotiations required under section 320 of this Act.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriation Act, 1986".

And the Senate agree to the same.

Amendment Numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by the House and stricken by the Senate, insert the following:

(h) For the purposes of Sec. 252(a)(6)(D)(i)(II) of Public Law 99-177, the section of the Statement of the Managers entitled "Definition of Program, Project, and Activity as provided by Public Law 99-177, the Balanced Budget and Emergency Deficit Control Act of 1985" shall be considered to be the reports filed by the Committees on Appropriations for the purpose of defining "Program, Project, and Activity".

And the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

In lieu of the first sum named in said amendment insert: \$1,065,000,000; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

(j) such amounts as may be necessary for projects or activities provided for in the Foreign Assistance and Related Programs Appropriations Act, 1986, at a rate for operations and to the extent in the following Act; this subsection shall be effective as if it had been enacted into law as the regular appropriation Act:

AN ACT making appropriations for foreign assistance and related programs for the fiscal year ending September 30, 1986, and for other purposes, namely:

TITLE I—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, \$109,720,549 for the General Capital Increase, as authorized by section 39 of the Bretton Woods Agreements Act, as amended (Public Law 79-171), to remain available until expended: Provided, That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed \$1,353,220,096.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, \$700,000,000, for the second installment of the United States contribution to the seventh replenishment, to remain available until expended: Provided, That no such payment may be made while the United States Executive Director to the International Bank for Reconstruction and Development is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE SPECIAL FACILITY FOR SUB-SAHARAN AFRICA

For payment to the Special Facility for Sub-Saharan Africa by the Secretary of the

Treasury, \$75,000,000, to remain available until expended: Provided, That funds made available under this heading shall be paid to the Special Facility for Sub-Saharan Africa no later than December 31, 1985.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

For payment to the International Finance Corporation by the Secretary of the Treasury, \$29,077,390, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the increase in the resources of the Fund for Special Operations, \$40,000,000, to remain available until expended; and \$38,000,983 for the United States share of the increase in paid-in capital stock to remain available until expended; and \$11,700,000 for the United States share of the capital stock of the Inter-American Investment Corporation to remain available until expended: Provided, That no such payment may be made while the United States Executive Director for the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director for the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such increase in capital stock in an amount not to exceed \$1,230,964,704.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, \$11,909,408 to remain available until expended; and for the United States contribution to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89-369), \$100,000,000 to remain available until expended: Provided, That none of the funds provided by the United States to the Asian Development Bank may be made available if the Republic of China (Taiwan) is denied any of the rights and privileges of full membership in the Asian Development Bank: Provided further, That no such payment may be made while the United States Director of the Bank is compensated by the Bank at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to the Bank in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital

portion of the United States share of such increase in capital stock in an amount not to exceed \$226,230,498.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, \$62,250,000, for the United States contribution to the fourth replenishment of the African Development Fund, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, \$16,188,910, to remain available until expended: Provided, That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$48,564,032.

PARTICIPATION IN INTERNATIONAL FINANCIAL INSTITUTIONS

(a) Titles I, II, and III of H.R. 2253 as reported on May 15, 1985 and section 3 of H.R. 1948 as introduced April 3, 1985, are hereby enacted.

(b) Section 102 of H.J. Res. 465 shall not apply with respect to the provisions enacted by this paragraph.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of sections 301 and 103(g) of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1983, \$277,922,475: Provided, That no funds shall be available for the United Nations Fund for Science and Technology: Provided further, That the total amount of funds made available by this paragraph shall be available only as follows: \$148,500,000 for the United Nations Development Program; \$48,150,000 for the United Nations Children's Fund; \$1,900,000 for the World Food Program; \$900,000 for the United Nations Capital Development Fund; \$250,000 for the United Nations Voluntary Fund for the Decade for Women; \$1,282,500 for the International Convention and Scientific Organization Contributions; \$1,800,000 for the World Meteorological Organization Voluntary Cooperation Program; \$17,715,000 for the International Atomic Energy Agency; \$9,000,000 for the United Nations Environment Program; \$900,000 for the United Nations Educational and Training Program for South Africa; \$1,429,975 for the United Nations Development Program Trust Fund to Combat Poverty and Hunger in Africa; \$225,000 for the United Nations Institute for Namibia; \$180,000 for the Convention on International Trade in Endangered Species; \$250,000 for

the World Heritage Fund; \$90,000 for the United Nations Voluntary Fund for Victims of Torture; \$225,000 for the United Nations Fellowship Program; \$400,000 for the Center on Human Settlements; \$14,725,000 for the Organization of American States; and \$30,000,000 for the International Fund for Agricultural Development (except that the funds provided by this paragraph for the International Fund for Agricultural Development shall not be made available to such organization until a budget request has been received by the Congress and the United States has entered into an agreement to participate in the second replenishment of the organization and, notwithstanding sections 451, 492(b), or 614 of the Foreign Assistance Act of 1961, or any other provision of law, such funds may be made available only for the second replenishment of the International Fund for Agricultural Development, except that to the extent that these funds cannot be so utilized, they shall revert to the Treasury as miscellaneous receipts).

**TITLE II—BILATERAL ECONOMIC ASSISTANCE
FUNDS APPROPRIATED TO THE PRESIDENT**

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1986, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Agriculture, rural development and nutrition, Development Assistance: For necessary expenses to carry out the provisions of section 103, \$699,995,900: Provided, That not less than \$5,000,000 shall be provided for new development projects of private entities and cooperatives utilizing surplus dairy products: Provided further, That not less than \$8,000,000 shall be provided for the Vitamin A Deficiency Program.

Population, Development Assistance: For necessary expenses to carry out the provisions of section 104(b), \$250,000,000: Provided, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to or information about access to, a broad range of family planning methods and services: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act.

Health, Development Assistance: For necessary expenses to carry out the provisions of section 104(c), \$200,824,200: Provided, That not less than \$12,500,000 shall be provided for child survival programs and activities.

Child Survival Fund: For necessary expenses to carry out the provisions of section 104(c)(2), \$25,000,000.

Education and human resources development, Development Assistance: For necessary expenses to carry out the provisions of section 105, \$169,949,700: Provided, That of

this amount not less than \$4,000,000 shall be made available only for the International Student Exchange Program.

Energy and selected development activities, Development Assistance: For necessary expenses to carry out the provisions of section 106, \$174,358,930: Provided, That not less than \$5,000,000 shall be made available only for cooperative projects among the United States, Israel and developing countries: Provided further, That up to \$2,280,000 may be made available for hybrid poplar energy farming in Nepal: Provided further, That up to \$1,200,000 may be made available for the establishment of land use management system in Costa Rica if requested by the Government of Costa Rica.

Central America Development Assistance: Of the funds appropriated to carry out the provisions of sections 103 through 106, not more than \$250,000,000 shall be available for Central America except as provided through the regular notification process of the Committees on Appropriations.

Private and Voluntary Organizations: None of the funds appropriated or otherwise made available in this Act for development assistance may be made available after January 1, 1986, to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: Provided, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in Title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 98-473) shall be superseded by the provisions of this section.

Science and technology, Development Assistance: For necessary expenses to carry out the provisions of section 106, \$10,790,000.

Private sector revolving fund: For necessary expenses to carry out the provisions of section 108 of the Foreign Assistance Act of 1961, as amended, not to exceed \$18,000,000 to be derived by transfer from funds appropriated to carry out the provisions of chapter 1 of part I of such Act, to remain available until expended. During fiscal year 1986, obligations for assistance from amounts in the revolving fund account under section 108 shall not exceed \$18,000,000.

Loan allocation, Development Assistance: In order to carry out the provisions of part I, the Administrator of the Agency responsible for administering such part may furnish loan assistance pursuant to existing law and on such terms and conditions as he may determine: Provided, That to the maximum extent practicable, loans to private sector institutions, from funds made available to carry out the provisions of sections 103 through 106, shall be provided at or near the prevailing interest rate paid on Treasury obligations of similar maturity at the time of obligating such funds: Provided further, That amounts appropriated to carry out the provisions of chapter 1 of part I which are provided in the form of loans shall remain available until September 30, 1987.

American schools and hospitals abroad: For necessary expenses to carry out the provisions of section 214, \$35,000,000.

International disaster assistance: For necessary expenses to carry out the provisions of section 491, \$22,500,000, to remain available until expended.

Sahel development program: For necessary expenses to carry out the provisions of sec-

tion 121, \$80,500,000, to remain available until expended: Provided, That no part of such appropriation may be available to make any contribution of the United States to the Sahel development program in excess of 10 percent of the total contributions to such program.

Payment to the Foreign Service Retirement and Disability Fund: For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, \$43,122,000.

Operating expenses of the Agency for International Development: For necessary expenses to carry out the provisions of section 667, \$376,350,000: Provided, That not more than \$20,000,000 of this amount shall be for Foreign Affairs Administrative Support: Provided further, That except to the extent that the Administrator of the Agency for International Development determines otherwise, not less than 10 per centum of the aggregate of the funds made available for the fiscal year 1986 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be made available only for activities of economically and socially disadvantaged enterprises (within the meaning of section 133(c)(5) of the International Development and Food Assistance Act of 1977), historically black colleges and universities, and private and voluntary organizations which are controlled by individuals who are black Americans, Hispanic Americans, or Native Americans, or who are economically and socially disadvantaged (within the meaning of section 133(c)(5) (B) and (C) of the International Development and Food Assistance Act of 1977). For purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women: Provided further, That not less than \$2,500,000 shall be used to carry out the purposes of section 636(d): Provided further, That not less than \$1,200,000 shall be available for the International Development Intern Program: Provided further, That none of the funds appropriated or made available (other than funds appropriated or made available by this paragraph) pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used for the operating expenses of the Agency for International Development: Provided further, That none of the funds in this Act may be used to relocate the Regional Inspector General's Office in Cairo to another country: Provided further, That after February 28, 1986, none of the funds appropriated by this paragraph shall be available for the operating expenses of the International Development Cooperation Agency.

Operating expenses of the Agency for International Development Office of Inspector General: For necessary expenses to carry out the provisions of section 667, \$21,050,000, which sum shall be available only for the operating expenses of the Office of the Inspector General notwithstanding sections 451 or 614 of the Foreign Assistance Act of 1961 or any other provision of law: Provided, That the full-time equivalent staff years for the Office of the Inspector General for fiscal year 1986 shall not be less than one hundred and ninety-three: Provided further, That up to three percent of the amount made available under the paragraph "Operating expenses of the Agency for International Development" may be transferred to and merged and consolidated with amounts made available under this paragraph.

Trade credit insurance program: During the fiscal year 1986, total commitments to guarantee or insure loans for the "Trade

credit insurance program" shall not exceed \$250,000,000 of contingent liability for loan principal.

Trade and development program: For necessary expenses to carry out the provisions of section 661, \$18,900,000.

Housing and other credit guaranty programs: During the fiscal year 1986, total commitments to guarantee loans shall not exceed \$152,000,000 of contingent liability for loan principal: Provided, That the President shall enter into commitments to guarantee such loans in the full amount by this paragraph, subject only to the availability of qualified applicants for such guarantees.

Economic support fund: For necessary expenses to carry out the provisions of chapter 4 of part II, \$3,700,000,000: Provided, That of the funds appropriated under this paragraph, not less than \$1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of enactment of this Act or by October 31, 1985, whichever is later: Provided further, That not less than \$815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, of which not less than \$115,000,000 shall be provided as a cash transfer in accordance with the provisions of section 202(b) of Public Law 99-83, and not less than \$200,000,000 shall be provided as a Commodity Import Program: Provided further, That it is the same sense of the Congress that the recommended levels assistance for Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty; and that Egypt and Israel are urged to continue their efforts to restore a full diplomatic relationship, including ambassadors, and achieve realization of the Camp David Accords: Provided further, That not less than \$250,000,000 of the funds appropriated under this paragraph shall be available only for Pakistan: Provided further, That any of the funds appropriated under this paragraph for El Salvador which are placed in the Central Reserve Bank of El Salvador shall be maintained in a separate account and not commingled with any other funds, except that such funds may be obligated and expended notwithstanding provisions of law, which are inconsistent with the cash transfer nature of this assistance, or which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Rept. No. 98-1159): Provided further, That pursuant to section 660(d) of the Foreign Assistance Act of 1961 up to \$1,000,000 of the funds appropriated under this paragraph shall be available to assist the Government of El Salvador's Special Investigative Unit for the purpose of bringing to justice those responsible for the murders of United States citizens in El Salvador: Provided further, That a report of the investigation shall be provided to the Congress: Provided further, That funds appropriated under this paragraph for Mozambique may be made available only for activities in support of the private sector: Provided further, That of the amounts made available by this paragraph for Mozambique, \$5,000,000 may not be made available until a democratic election has been held in Mozambique: Provided further, That of the funds provided under this paragraph only \$125,000,000 shall be made available for the Philippines: Provided further, That of the funds appropriated or otherwise made available under this heading, \$15,000,000 shall be made available

only for Cyprus (except that any offshore procurement must meet Agency for International Development procurement source and origin regulations): Provided further, That not less than \$15,000,000 of the funds provided under this paragraph shall be made available only for Ecuador, which sum shall be disbursed within thirty days of enactment of this Act: Provided further, That up to \$20,000,000 of the funds provided under this paragraph may be made available to carry out the Administration of Justice program pursuant to section 534 of the Foreign Assistance Act of 1961: Provided further, That not less than 35 percent of the funds allocated for the Human Rights Fund for South Africa shall be made available in accordance with section 802(d) of Public Law 99-83: Provided further, That the obligation of funds made available under this paragraph to finance tied aid credits shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFER OF FUNDS

Transfer of funds: Of the unobligated funds remaining from funds appropriated for the "Economic support fund" for Lebanon in Public Law 98-63, \$22,850,000 shall be transferred as follows: (1) \$12,500,000 to the "Child Survival Fund", (2) \$5,350,000 to "Internal Organizations and Programs" for the United Nations Children's Fund, and (3) to "International Narcotics Control: Provided, that except for such transfers", amounts remaining unobligated as of September 30, 1985, from funds appropriated for the "Economic Support Fund" for Lebanon in Public Law 98-63 shall, notwithstanding sections 451, 492(b), and 614 of the Foreign Assistance Act of 1961, or any other provision of law, be made available only for Lebanon: Provided further, That, to the extent that these funds cannot be used to provide assistance for Lebanon, they shall revert to the Treasury as miscellaneous receipts.

RESCISSION

Deobligation and rescission of funds: \$11,200,000 of the funds remaining in the "Syria Termination Account" created by Public Law 98-151 are deobligated and are rescinded: Provided, That the authority contained in sections 451, 492(b), and 614 of the Foreign Assistance Act of 1961, or any other provision of law, shall not be exercised to permit the use of funds remaining in the "Syria Termination Account" created by Public Law 98-151 for any other purposes than those for which the account was created.

INDEPENDENT AGENCIES

AFRICAN DEVELOPMENT FOUNDATIONS

For necessary expenses to carry out the provisions of title V of the International Security and Development Cooperation Act of 1980, Public Law 96-533, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, \$3,872,000.

INTER-AMERICAN FOUNDATION

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, \$11,969,000.

OVERSEAS PRIVATE INVESTMENT CORPORATION

The Overseas Private Investment Corporation is authorized to make such expenditures within the limits of funds available to

it and in accordance with law (including not to exceed \$35,000 for official reception and representation expenses), and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year.

During the fiscal year 1986 and within the resources and authority available, gross obligations for the amount of direct loans shall not exceed \$14,250,000.

During the fiscal year 1986, total commitments to guarantee loans shall not exceed \$142,500,000 of contingent liability for loan principal.

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), \$130,000,000: Provided, That none of the funds appropriated in this paragraph shall be used to pay for abortions.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out the provisions of section 481, \$57,529,000.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980, allowances as authorized by sections 5921 through 5925 of title 5, United States Code; hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code; \$338,930,000: Provided, That not less than \$12,500,000 shall be available for Soviet, Eastern European and other refugees resettling in Israel: Provided further, That these funds shall be administered in a manner that ensures equity in the treatment of all refugees receiving Federal assistance: Provided further, That no funds herein appropriated shall be used to assist directly in the migration to any nation in the Western Hemisphere of any person not having a security clearance based on reasonable standards to ensure against Communist infiltration in the Western Hemisphere: Provided further, That no more than \$8,150,396 of the funds appropriated under this heading shall be available for the administrative expenses of the Office of Refugee Programs of the Department of State: Provided further, That not more than \$2,500,000 of the funds appropriated under this heading shall be available for the orderly movement of overland Vietnamese refugees presently located at the Dong Ruk (Site 2) refugee camp in Thailand to a safe haven either in Thailand or in another location more directly under the control of the United States where they may be joined with other Vietnamese refugees: Provided further, That each of the earmarks contained in section 108 of Public Law 99-93 shall be reduced by 1.7 percent.

ANTI-TERRORISM ASSISTANCE

For necessary expenses to carry out the provisions of chapter 8 of part II, \$7,420,000.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551, \$34,000,000: Provided, That, notwithstanding sections 451,

492(b), or 614 of the Foreign Assistance Act of 1961, or any other provision of law, these funds may be used only as justified in the Congressional Presentation Document for fiscal year 1986: Provided further, That, to the extent that these funds cannot be used to provide for such assistance, they shall revert to the Treasury as miscellaneous receipts.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE

For necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, including administrative expenses and purchase of passenger motor vehicles for replacement only for use outside of the United States, \$782,000,000: Provided, That of the funds made available under this paragraph only \$40,000,000 shall be available for the Philippines: Provided further, That only \$215,000,000 shall be made available for Turkey: Provided further, That the reports required by section 702 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83) shall also be provided to the Committees on Appropriations: Provided further, That these reports shall supersede the reporting requirements relating to El Salvador contained in the last proviso of the paragraph under the heading "Military Assistance" contained in the joint resolution entitled "a joint resolution making urgent supplemental appropriations for the fiscal year ending September 30, 1984, for the Department of Agriculture", approved July 2, 1984 (Public Law 98-332) and section 533 of the Foreign Assistance and Related Programs Appropriations Act, 1985 (as enacted in Public Law 98-473): Provided further, That not less than \$40,000,000 of the funds made available under this paragraph shall be available only for Tunisia.

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541, \$54,489,500.

FOREIGN MILITARY CREDIT SALES

For expenses necessary to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, \$5,190,000,000, of which not less than \$1,800,000,000 shall be available only for Israel, not less than \$1,300,000,000 shall be available only for Egypt, and not less than \$325,000,000 shall be available only for Pakistan: Provided, That if the Government of Israel requests that funds be used for such purposes, up to \$150,000,000 of the amount of credits made available for Israel pursuant to this paragraph shall be available for research and development in the United States for the Lavi program, and not less than \$300,000,000 shall be for the procurement in Israel of defense articles and services, including research and development, for the Lavi program and other activities if requested by Israel: Provided further, That during fiscal year 1986, gross obligations for the principal amount of direct loans, exclusive of loan guarantee defaults, shall not exceed \$5,190,000,000: Provided further, That of the funds made available under this paragraph, only \$427,852,000 shall be available for Turkey: Provided further, That of the funds made available under this paragraph, only \$450,000,000 shall be available for Greece: Provided further, That of the funds provided under this paragraph only \$15,000,000 shall be made available for the Philippines: Provided further, That none of the funds made available under this paragraph shall be

available for Guatemala, unless the President makes the following certifications to the Congress:

(1) For Fiscal Year 1986, an elected civilian government is in power in Guatemala and has submitted a formal written request to the United States for the assistance, sales, or financing to be provided.

(2) For Fiscal Year 1986, the Government of Guatemala made demonstrated progress during the preceding year (A) in achieving control over its military and security forces, (B) toward eliminating kidnappings and disappearances, forced recruitment into the civil defense patrols, and other abuses by such forces of internationally recognized human rights, and (C) in respecting the internationally recognized human rights of its indigenous Indian population: Provided further, That not more than \$553,900,000 of the funds made available under this paragraph shall be available at concessional rates of interest: Provided further, That all country and funding level changes in requested concessional financing allocations shall be submitted through the regular notification process of the Committees on Appropriations: Provided further, That not less than \$27,000,000 of concessional credits shall be provided only for Tunisia.

SPECIAL DEFENSE ACQUISITION FUND

(LIMITATION ON OBLIGATIONS)

Not to exceed \$325,000,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act for the purposes of the Special Defense Acquisition Fund during fiscal year 1986.

TITLE IV—EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

LIMITATION ON PROGRAM ACTIVITY

During the fiscal year 1986 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed \$1,110,000,000: Provided, That during the fiscal year 1986, total commitments to guarantee loans shall not exceed \$12,000,000,000 of contingent liability for loan principal.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$18,357,000 (to be computed on an accrual basis) shall be available during the current fiscal year for administrative expenses, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed \$16,000 for official reception and representation expenses for members of the Board of Directors: Provided, That (1) fees or dues to international organizations of credit institutions engaged in

financing foreign trade, (2) necessary expenses (including special services performed on a contract or a fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Export-Import Bank or in which it has an interest, including expenses of collections of pledged collateral, or the investigation or appraisal of any property in respect to which an application for a loan has been made, and (3) expenses (other than internal expenses of the Export-Import Bank) incurred in connection with the issuance and servicing of guarantees, insurance, and reinsurance, shall be considered as nonadministrative expenses for the purposes of this paragraph.

TITLE V—GENERAL PROVISIONS

SEC. 501. None of the funds appropriated in this act (other than funds appropriated for "International organizations and programs") shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used in determining the feasibility of flood control, reclamation, and other water and related land resource programs and projects proposed for construction within the United States of America under the principles, standards and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962, et seq.) or Act amendatory of supplementary thereto.

SEC. 502. Except for the appropriations entitled "International disaster assistance" and "United States emergency refugee and migration assistance fund" not more than 15 per centum of any appropriation item made available by this Act for the current fiscal year shall be obligated during the last month of availability.

SEC. 503. None of the funds appropriated in this Act nor any of the counterpart funds generated as a result of assistance hereunder or any prior Act shall be used to pensions, annuities, retirement pay, or adjusted service compensation for any person heretofore or hereafter serving in the armed forces of any recipient country.

SEC. 504. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used for making payments on any contract for procurement to which the United States is a party entered into after the date of enactment of this Act which does not contain a provision authorizing the termination of such contract for the convenience of the United States.

SEC. 505. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

SEC. 506. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

SEC. 507. Of the funds appropriated or made available pursuant to this Act, not to exceed \$110,000 shall be for official residence expenses of the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

SEC. 508. Of the funds appropriated or made available pursuant to this Act, not to exceed \$10,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

SEC. 509. Of the funds appropriated or made available pursuant to this Act, not to exceed \$100,000 shall be for representation allowances for the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the total funds made available by this Act under the headings "Military Assistance" and "Foreign Military Credit Sales", not to exceed \$2,500 shall be available for entertainment expenses and not to exceed \$70,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed \$125,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed \$2,500 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of \$4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and development program", not to exceed \$2,000 shall be available for representation and entertainment allowances.

SEC. 510. None of the funds appropriated or made available (other than funds for "International organizations and programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used to finance the export of nuclear equipment, fuel, or technology.

SEC. 511. Funds appropriated by this act may not be obligated or expended to provide assistance to any country for the purpose of aiding the efforts of the government of such country to repress the legitimate rights of the population of such country contrary to the Universal Declaration of Human Rights.

SEC. 512. None of the funds appropriated or otherwise made available pursuant to this act shall be obligated or expended to finance directly any assistance or reparations to Angola, Cambodia, Cuba, Iraq, Libya, the Socialist Republic of Vietnam, South Yemen, or Syria.

SEC. 513. None of the funds appropriated or otherwise made available pursuant to this act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree.

SEC. 514. None of the funds made available by this act may be obligated under an appropriation account to which they were not appropriated without the written prior approval of the Appropriations Committees of both Houses of the Congress.

SEC. 515. Amounts certified pursuant to section 1311 of the Supplemental appropriations act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the paragraphs under "Agency for International Development" are, if deobligated, hereby continued available for the same period as the respective appropriations in such paragraphs for the same general purpose and for the same

country as originally obligated or for activities in the Andean region: Provided, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the deobligation or reobligation of such funds.

SEC. 516. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress.

SEC. 517. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act.

SEC. 518. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act.

SEC. 519. None of the funds appropriated or made available pursuant to this Act shall be available to any international financial institution whose United States governor or representative cannot upon request obtain the amounts and the names of borrowers for all loans of the international financial institution, including loans to employees of the institution, or the compensation and related benefits of employees of the institution.

SEC. 520. None of the funds appropriated or made available pursuant to this Act shall be available to any international financial institution whose United States governor or representative cannot upon request obtain any document developed by the management of the international financial institution.

SEC. 521. Section 620A(a) of the Foreign Assistance Act of 1961 is amended by inserting "the Export-Import Bank Act of 1945," after "the Peace Corps Act."

SEC. 522. None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity.

SEC. 523. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, and the African Development Fund to use the voice and vote of the United States

to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production of any commodity for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

SEC. 524. None of the funds made available under this Act for "Agriculture, rural development and nutrition, Development Assistance", "Population, Development Assistance", "Child Survival Fund", "Health, Development Assistance", "Education and human resources development, Development Assistance", "Energy and selected development activities, Development Assistance", "Science and technology, Development Assistance", "International organizations and programs", "American schools and hospitals abroad", "Sahel development program", "Trade and development program", "International narcotics control", "Economic support fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating Expenses of the Agency for International Development Office of Inspector General", "Anti-terrorism assistance", "Military assistance", "International military education and training", "Foreign military credit sales", "Inter-American Foundation", "African Development Foundation", "Peace Corps", or "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of material assistance, countries, or other operation not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings for the current fiscal year unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance.

SEC. 525. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

SEC. 526. None of the funds appropriated under this Act may be used to lobby for abortion.

SEC. 527. None of the funds appropriated or otherwise made available under this Act may be available for any country during any three-month period beginning on or after October 1, 1985, immediately following a certification by the President to the Congress that the government of such country is failing to take adequate measures to prevent narcotic drugs or other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse and Prevention Control Act of 1971 (21 U.S.C. 812)) which are cultivated, produced, or processed illicitly, on whole or in part, in such country, or transported through such country from being sold illegally within the jurisdiction of such country to the United States Government personnel or their dependents or from entering the United States unlawfully.

SEC. 528. Notwithstanding any other provision of law or this Act, none of the funds provided for "International organizations and programs" shall be available for the United States' proportionate share for any programs for the Palestine Liberation Organization, the Southwest African Peoples Or-

ganization, Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended.

SEC. 529. (a) Not later than January 31 of each year, or at the time of the transmittal by the President to the Congress of the annual presentation materials on foreign assistance, whichever is earlier, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate a full and complete report which assesses, with respect to each foreign country, the degree of support by the government of each such country during the preceding twelve-month period for the foreign policy of the United States. Such report shall include, with respect to each such country which is a member of the United Nations, information to be compiled and supplied by the Permanent Representative of the United States to the United Nations, consisting of a comparison of the overall voting practices in the principal bodies of the United Nations during the preceding twelve-month period of such country and the United States, with special notes of the voting and speaking records of such country on issues of major importance to the United States in the General Assembly and the Security Council, and shall also include a report on actions with regard to the United States in important related documents such as the Non-Aligned Communiqué. A full compilation of the information supplied by the Permanent Representative of the United States to the United Nations for inclusion in such report shall be provided as an addendum to such report.

(b) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to a country which the President finds, based on the contents of the report required to be transmitted under subsection (a), is engaged in a consistent pattern of opposition to the foreign policy of the United States.

SEC. 530. Notwithstanding any other provision of law, Israel may utilize any loan which is or was made available under the Arms Export Control Act and for which repayment is or was forgiven before utilizing any other loan made available under the Arms Export Control Act.

SEC. 531. In reaffirmation of the 1975 memorandum of agreement between the United States and Israel, and in accordance with section 1302 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83), no employee of or individual acting on behalf of the United States Government shall recognize or negotiate with the Palestine Liberation Organization or representatives thereof, as long as the Palestine Liberation Organization does not recognize Israel's right to exist, does not accept Security Council Resolutions 242 and 338, and does not renounce the use of terrorism.

SEC. 532. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Con-

gress declares that it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

SEC. 533. None of the funds made available in this Act shall be restricted for obligation or disbursement solely as a result of the policies of any multilateral institution.

SEC. 534. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent act unless such act specifically so directs.

SEC. 535. The Secretary of the Treasury and the Secretary of State are directed to submit to the Committees on Foreign Affairs and the Committees on Appropriations by February 1, 1986, a report on the domestic economic policies of those nations receiving economic assistance, either directly or indirectly from the United States including, where appropriate, an analysis of the foreign assistance program conducted by these recipient nations.

SEC. 536. None of the funds appropriated or otherwise made available pursuant to this Act for "Economic Support Fund" or for "Foreign Military Credit Sales" shall be obligated or expended for Lebanon except as provided through the regular notification process of the Committees on Appropriations.

SEC. 537. Of the funds made available by this Act for Jamaica and Peru, not more than 50 per centum of the funds made available for each country shall be obligated unless the President determines and reports to the Congress that the Governments of these countries are sufficiently responsive to the United States Government concerns on drug control and that the added expenditures of the funds for that country are in the national interest of the United States: Provided, That this provision shall not be applicable to funds made available to carry out section 481 of the Foreign Assistance Act of 1961: Provided further, That assistance may be provided to Bolivia for Fiscal Year 1986, under chapter 2 (relating to grant military assistance), chapter 4 (relating to the economic support fund), and chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961, and under chapter 2 of the Arms Export Control Act (relating to foreign military sales financing), only under the following conditions:

For Fiscal Year 1986—
(A) up to 50 percent of the aggregate amount of such assistance allocated for Bolivia may be provided at any time after the President certifies to the Congress that the Government of Bolivia has enacted legislation that will establish its legal coca requirements, provide for the licensing of the number of hectares necessary to produce the legal requirement, and make unlicensed coca production illegal; and

(B) the remaining amount of such assistance may be provided at any time following a certification pursuant to subparagraph (A) if the President certifies to the Congress that the Government of Bolivia achieved the eradication targets for the calendar year 1985 contained in its 1983 narcotics agreements with the United States.

SEC. 538. None of the funds available in this Act may be used to make available to El Salvador any helicopters or other aircraft, and licenses may not be issued under section 38 of the Arms Export Control Act for

the export to El Salvador of any such aircraft, unless the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate are notified at least fifteen days in advance in accordance with the procedures applicable to notifications.

SEC. 539. Funds provided in this Act for Guatemala may not be provided to the Government of Guatemala for use in its rural resettlement program, except through the regular notification procedures of the Committees on Appropriations.

SEC. 540. (a) The Secretary of the Treasury shall instruct the United States Executive Directors of the Multilateral Development Banks to—

(1) vigorously promote a commitment of these institutions to add or strengthen professionally trained staff to undertake environmental review of projects; or have development management plans to substantially increase the environmentally trained staff engaged in review of the ecological impacts of prospective projects;

(2) vigorously promote changes in these institutions in their preparation of projects and country programs that will encourage staff and borrower countries to—

(A) actively and regularly involve environmental and health ministers, or comparable representatives, in the preparation of environmentally sensitive projects and in bank-supported country program planning and strategy sessions;

(B) actively and regularly use the resources of available nongovernmental conservation and indigenous peoples' organizations, and consistent with international procurement policies, in the preparation of environmentally sensitive projects and in bank-supported country program planning and strategy sessions;

(3) vigorously promote a commitment of these institutions to increase the proportion of their lending programs supporting environmentally beneficial projects and project components, resource rehabilitation projects and project components, protection of indigenous peoples, and appropriate or light capital technology projects. Examples of such projects include small scale mixed farming and multiple cropping; agroforestry; programs to promote kitchen gardens; watershed management and rehabilitation; high yield woodlots; integrated pest management systems; dune stabilization programs; programs to improve energy efficiency; energy efficient technologies such as small scale hydro projects, rural solar energy systems, and rural and mobile telecommunications systems; and improved efficiency and management of irrigation systems.

(4) vigorously promote the establishment within the Economic Development Institute of the World Bank to institute a component which provides training in environmental and natural resource planning and program development;

(5) ensure that there is a thorough evaluation within the U.S. Government of the potential environmental problems, and the adequacy of measures to address these problems, associated with all proposed loans for projects involving large impoundments of rivers in tropical countries; penetration roads into relatively undeveloped areas; and agricultural and rural development programs; the potential environmental problems to be addressed in such evaluations shall include those relating to deterioration of water quality, siltation, spread of water borne diseases, forced resettlement, deforestation, threats to the land, health and culture of indigenous peoples, top soil management,

water logging and salinization in irrigation projects, and pesticide misuse and resistance;

(6) call for, by May 31, 1986, separate and special meetings of each of the Boards of Executive Directors of these institutions to discuss their environmental performance, and ways in which this performance can be improved, including alternative projects considered and alternative configurations of projects with specific attention to environmental problems associated with the following categories of projects: large impoundments of rivers in tropical countries; penetration roads into relatively undeveloped areas; agriculture and rural development projects; and

(7) in preparation for the meetings referred to in clause (6), the United States Executive Directors of the Multilateral Development Banks shall request the preparation of reviews by the International Bank for Reconstruction and Development and the Inter-American Development Bank from available information, of their environmental performance over the past decade with respect to the categories of projects referred to in clause (6); the United States Executive Directors shall request that these reviews specifically discuss the environmental problems explicitly referred to in clause (5).

(b) The Secretary of the Treasury shall prepare and submit to the Committees on Appropriations by March 31, 1986, a report documenting the progress the Multilateral Development Banks have made in implementing the environmental reform measures described in clauses (1) through (4) of subsection (a).

(c) The Secretary of the Treasury and the Secretary of State shall undertake initiatives, in addition to those described in clause (6) of subsection (a) to discuss measures to improve the environmental performance of the Multilateral Development Banks with the representatives, and with the ministries from which they receive their instructions, of other donor nations to these institutions.

(d) In the report of the Secretary of the Treasury required by subsection (b) regarding the implementation of staffing measures suggested in clause (1) of subsection (a), the Secretary of the Treasury shall specifically discuss the International Bank for Reconstruction and Development's progress in adding environmentally trained professionals, or in developing and implementing alternative plans for environmental staffing in each of the Bank's six regional offices to review projects for their prospective ecological impacts.

SEC. 541. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for

any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations. The Congress reaffirms its commitments to population, development assistance and to the need for informed voluntary family planning.

SEC. 542. Not less than \$15,000,000 of the aggregate amount of funds appropriated by this Act to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961 and chapter 4 of part II of that Act, shall be available for the provision of food, medicine, or other humanitarian assistance to the Afghan people, notwithstanding any other provision of law.

SEC. 543. None of the funds provided in this Act shall be available for the Sudan if the President determines that the Sudan is acting in a manner that would endanger the stability of the region, or the Camp David peace process.

SEC. 544. The President shall make available to the Cambodian non-communist resistance forces not less than \$1,500,000 nor more than \$5,000,000 of the funds appropriated by this Act for "Military Assistance" and for the "Economic Support Fund", notwithstanding any other provision of law: Provided, That funds appropriated by this Act for this purpose shall be obligated in accordance with the provisions of section 906 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83).

SEC. 545. (a) SENSE OF CONGRESS.—It is the sense of Congress that no foreign military sales financing appropriated by this Act may be used to finance the procurement by Jordan of United States advanced aircraft, new air defense weapons systems, or other new advanced military weapons systems, and no notification may be made pursuant to section 36(b) of the Arms Export Control Act with respect to a proposed sale to Jordan of United States advanced aircraft, new air defense systems, or other new advanced military weapons systems, unless Jordan is publicly committed to the recognition of Israel and to negotiate promptly and directly with Israel under the basic tenets of United Nations Security Council Resolutions 242 and 338.

(b) CERTIFICATION.—Any notification made pursuant to section 36(b) of the Arms Export Control Act with respect to a proposed sale to Jordan of United States advanced aircraft, new air defense systems or other new advanced military weapons, must be accompanied by a Presidential certification of Jordan's public commitment to the recognition of Israel and to negotiate promptly and directly with Israel under the basic tenets of United Nations Security Council Resolutions 242 and 338.

SEC. 546. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

SEC. 547. Of the amounts made available by this Act for military assistance and financing for El Salvador under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 and under the Arms Export Control Act, \$5,000,000 may not be expended until the President reports, following the conclusion of the Appeals process in the case of Captain Avila, to the Committees on Appropriations that the Government of El Salvador has (1) substantially concluded all in-

vestigative action with respect to those responsible for the January 1981 deaths of the two United States land reform consultants Michael Hammer and Mark Pearlman and the Salvadoran Land Reform Institute Director Jose Rodolfo Viera, and (2) pursued all legal avenues to bring to trial and obtain a verdict of those who ordered and carried out the January 1981 murders.

SEC. 548. It is the sense of the Congress that all countries receiving United States foreign assistance under the "Economic Support Fund", "Foreign Military Credit Sales", "Military Assistance" program, "International Military Education and Training", Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) development assistance programs, or trade promotion programs should fully cooperate with the international refugee assistance organizations, the United States, and other governments in facilitating lasting solutions to refugee situations. Further, where resettlement to other countries is the appropriate solution, such resettlement should be expedited in cooperation with the country of asylum without respect to race, sex, religion, or national origin.

SEC. 549. Any joint resolution introduced on or after February 1, 1986, which states that the Congress objects to the proposed sale to Jordan of advanced weapons systems, including advanced aircraft and advanced air defense systems (submitted to the Congress on October 21, 1985), shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

SEC. 550. (a) The Congress finds that—

(1) the United Nations Children's Fund (UNICEF) reports that four million children die annually because they have not been immunized against the six major childhood diseases: polio, measles, whooping cough, diphtheria, tetanus, and tuberculosis;

(2) at present less than 20 percent of children in the developing world are fully immunized against these diseases;

(3) each year more than five million additional children are permanently disabled and suffer diminished capacities to contribute to the economic, social and political development of their countries because they have not been immunized;

(4) ten million additional childhood deaths from immunizable and potentially immunized diseases could be averted annually by the development of techniques in biotechnology for new and cost-effective vaccines;

(5) the World Health Assembly, the Executive Board of the United Nations Children's Fund, and the United Nations General Assembly are calling upon the nations of the world to commit the resources necessary to meet the challenge of universal access to childhood immunization by 1990;

(6) the United States, through the Centers for Disease Control and the Agency for International Development, joined in a global effort by providing political and technical leadership that made possible the eradication of smallpox during the 1970's;

(7) the development of national immunization systems that can both be sustained and also serve as a model for a wide range of primary health care actions is a desired outcome of our foreign assistance policy;

(8) the United States Centers for Disease Control headquartered in Atlanta is uniquely qualified to provide technical assistance for a worldwide immunization and eradication effort and is universally respected;

(9) at the 1984 Bellagio Conference it was determined that the goal of universal childhood immunization by 1990 is indeed achievable;

(10) the Congress, through authorizations and appropriations for international health research and primary health care activities and the establishment of the Child Survival Fund, has played a vital role in providing for the well-being of the world's children;

(11) the Congress has expressed its expectation that the Agency for International Development will set as a goal the immunization by 1990 of at least 80 percent of all the children in those countries in which the Agency has a program; and

(12) the United States private sector and public at large have responded generously to appeals for support for national immunization campaigns in developing countries.

(b)(1) The Congress calls upon the President to direct the Agency for International Development, working through the Centers for Disease Control and other appropriate Federal agencies, to work in a global effort to provide enhanced support toward achieving the goal of universal access to childhood immunization by 1990 by—

(A) assisting in the delivery, distribution, and use of vaccines, including—

(i) the building of locally sustainable systems and technical capacities in developing countries to reach, by the appropriate age, not less than 80 per centum of their annually projected target population with the full schedule of required immunizations; and

(ii) the development of a sufficient network of indigenous professionals and institutions with responsibility for developing, monitoring, and assessing immunization programs and continually adapting strategies to reach the goal of preventing immunizable diseases; and

(B) performing, supporting, and encouraging research and development activities, both in the public and private sector, that will be targeted at developing new vaccines and at modifying and improving existing vaccines to make them more appropriate for use in developing countries.

(2) In support of this global effort, the President should appeal to the people of the United States and the United States private sector to support public and private efforts to provide the resources necessary to achieve universal access to childhood immunization by 1990.

Sec. 551. The foreign debt burdens of many Third World nations have contributed to their economic decline and inability to engage in a significant economic recovery;

The United States foreign military assistance loan programs, which have had very high interest rates in past years, have contributed to the security of our friends and allies, but also have played a contributing role in adding to the debt burdens of many of our friends and allies;

United States foreign aid has, among its major objectives, the enhancement of the military and economic security of our friends and allies and our own security;

A foreign assistance program which adds significantly to the debt burdens of our friends and allies by forcing the weaker of those nations to use funds which could be used for development for repayment of loans impairs their economic development unnecessarily and is not in either their or our interest;

The past few years have seen several positive legislative steps taken to alleviate the FMS loan-related debt burdens of our friends and allies by reducing interest rates, stretch-

ing out the repayment period of these loans, and by increasing the level of MAP grants and forgiven FMS credits;

These steps have helped to ease these problems in the short term, but the long-term debt servicing problems of our friends and allies remain;

It would be in the best interests of our friends and allies to alleviate their debt burdens brought about by past loans and to bring about a more streamlined and straightforward approach to their programs in this area;

Such streamlined, straightforward programs would make it easier to develop country programs and would ease current pressures on the United States to grant to aid recipients the most favorable terms on their military loan programs: Now therefore

(1) it is the sense of the Congress that a more simplified, streamlined, straightforward foreign military assistance program is in the national interest and in the interest of the military and economic security of our friends and allies throughout the world;

(2) that greater concessionality only to match economic need as appropriate should be incorporated into future military assistance programs;

(3) that FMS loan programs extending the repayment period beyond the useful life of the items to be purchased could tend to increase the long-term debt burdens of our friends and allies;

(4) that the FMS concessional loan program contains a significant grant element in the recipient nation and that the Congress should actively consider replacing this program with a more straightforward approach;

(5) the President is urged to propose, in the next formal Congressional Presentation for Security Assistance Programs, reforms and refinements in the foreign military assistance programs along these lines for consideration by the appropriate committees of the Congress.

Sec. 552. (a) Notwithstanding any other provision of law, the President is authorized—

(1) to deny nondiscriminatory (most-favored-nation) trade treatment to the products of Afghanistan and thereby cause such products to be subject to the rate of duty set forth in column number 2 of the Tariff Schedules of the United States; and

(2) to deny credit, credit guarantees, and investment guarantees to, or for the benefit of, Afghanistan under any Federal program.

(b) If the President has not denied nondiscriminatory trade treatment to the products of Afghanistan before the date that is 45 days after the date of enactment of this joint resolution, the President shall submit to the Congress on such date * * *

This subsection may be cited as the "Foreign Assistance and Related Programs Appropriations Act, 1986".

And the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 106. Notwithstanding any other provision of this joint resolution, and in addition to amounts appropriated elsewhere, there are appropriated \$40,000,000, to remain available until expended, for "Watershed and Flood Prevention Operations" for emergency measures as provided in sections 401 and 403-405 of the Agricultural

Credit Act of 1978 (16 U.S.C. 2201 and 2203-2205).

And the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 107. Notwithstanding any other provision of this joint resolution, not to exceed an additional \$9,549,000 (from assessments collected from farm credit system banks) shall be obligated during the current fiscal year for administrative expenses, as authorized under 12 U.S.C. 2249: Provided, That hereafter the Comptroller General or his duly authorized representatives shall have access to and the right to examine all books, documents, papers, records, or other recorded information within the possession or control of the Federal land banks and Federal land bank associations, Federal intermediate credit banks and production credit associations and banks for cooperatives.

And the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 108. (a) Notwithstanding any provision of title I of the Local Public Works Capital Development and Investment Act of 1976, as amended (Public Law 94-369) or any other provision of law, any funds authorized and appropriated under title I of such Act, as amended, in any fiscal year for projects in: (1) New York, New York but currently obligated and not disbursed, shall be obligated and expended during fiscal years 1986 and 1987 for any authorized project in New York, New York under title I of such Act, as amended or for any authorized project in New York, New York under title I of the Public Works and Economic Development Act of 1965, as amended; (2) New Jersey but currently obligated and not disbursed, shall be obligated and expended during fiscal years 1986 and 1987 for the rehabilitation and renovation of Buildings 1002, 1006 and such other structures at Camp Kilmer, Edison, New Jersey as may be agreed upon between Middlesex County and the Department of Defense for use as a shelter for the homeless in Middlesex County, New Jersey; (3) California but currently obligated and not disbursed, shall be obligated and expended during fiscal years 1986 and 1987 for infrastructure projects and economic development activities at the site of the abandoned General Motors plant in the city of South Gate, California; (4) Alabama but currently obligated and not disbursed, shall be obligated and expended during fiscal years 1986 and 1987 for infrastructure projects and related economic development activities for the Jasper Industrial Park at Jasper, Alabama; and (5) Illinois but currently obligated and not disbursed, shall be obligated and expended during fiscal years 1986 and 1987 for (i) the restoration, rehabilitation and renovation of existing buildings and structures within the Illinois and Michigan Canal National Heritage Corridor, and (ii) a \$400,000 grant to the Will County Development Company for the establishment of a revolving loan fund.

(b) The project for flood control, Red Rock Dam and Lake, Iowa authorized by the Flood Control Act approved June 28, 1938, is

modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers to acquire from willing sellers fee simple interest in real property which is subject to periodic flooding in connection with the operation of the project, using funds heretofore and hereafter appropriated.

(c) In addition, for the Economic Development Administration, "Economic development assistance programs"; \$8,500,000, to remain available until expended, of which \$4,000,000 is for a grant to Lexington County, South Carolina, for all expenditures related to the development of a state-of-the-art fiber optics/medium power cable research and development facility in Lexington County; and of which \$4,500,000 is for a grant to the City of Fort Worth for the continued renovation, construction, rehabilitation and establishment of economic development facilities and related infrastructure activities of the Fort Worth Stockyards project.

(d) In addition, for the United States Information Agency, "Educational and Cultural Exchange Programs"; \$2,500,000 for reimbursement of expenses for international games for the handicapped as authorized by section 207 of Public Law 99-93: Provided, That reimbursement for each organization conducting such games shall not exceed the total amount of necessary and reasonable expenses incurred by such organization in excess of donations and government services furnished.

And the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 110. (a) Notwithstanding any other provision of this joint resolution, no funds made available to the Department of Justice during fiscal year 1986 shall be used to implement, or to adopt as a permanent rule, New Offense Example 363, providing coverage for "insider trading" offenses, of 28 C.F.R. section 2.20.

(b) This section shall become effective upon the date of enactment of this joint resolution and shall expire 180 days after the effective date of this joint resolution: Provided, That this section shall not apply to any case pending before the United States Parole Commission as of the effective date of this joint resolution.

And the Senate agree to the same.

Amendment numbered 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 111. (a) For an additional amount for the Commission on the Bicentennial of the United States Constitution, "Salaries and Expenses", authorized by Public Law 98-101 (97 Stat. 719-723), \$12,000,000 to remain available until expended.

(b) Section 5 of Public Law 98-101 (97 Stat. 719) is amended—

(1) in section (b), by striking out "up to five persons."; and

(2) in paragraph (2) of subsection (e), by striking out "the services" through the end of such paragraph and inserting in lieu thereof "services".

(c) Notwithstanding section 5(a) of Public Law 98-101 (97 Stat. 719), the rate of pay of the staff director of the Commission on the

Bicentennial of the United States Constitution shall not exceed 95 per cent of the rate of basic pay for level 1 of the Executive Schedule pursuant to section 5312 of title 5, United States Code.

And the Senate agree to the same.

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 112. None of the funds appropriated to the Legal Services Corporation for fiscal years prior to fiscal year 1986 and carried over into fiscal year 1986, either by the Corporation itself or by any recipient of such funds, may be expended, unless such funds are expended in accordance with all of the restrictions and provisions of Public Law 99-180 of December 13, 1985, except that such funds may be expended for the continued representation of aliens prohibited by said Act where such representation commenced prior to January 1, 1983, or as approved by the Corporation.

And the Senate agree to the same.

Amendment numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment insert: 113; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the first section number named in said amendment insert: 114; and the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment insert: 115; and the Senate agree to the same.

Amendment numbered 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows:

In lieu of the first section number named in said amendment insert: 116; and the Senate agree to the same.

Amendment numbered 56:

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment, insert: 117; and the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

In lieu of the first section number named in said amendment insert: 118; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 119. Notwithstanding any other provision of this joint resolution, up to

\$8,000,000 of the funds appropriated for the Veterans Administration under the heading "Medical care" in Public Law 99-160 may be transferred to and merged with the funds provided under the heading "General operating expenses".

Sec. 120. Notwithstanding any other provision of law or this joint resolution, the Administrator of Veterans Affairs shall delegate to hospital directors the authority to administer not less than 15 of the new fiscal year 1985 major construction projects and not less than 10 of the new fiscal year 1986 major construction projects in the manner and under the conditions established for the delegation of the nursing home care construction projects at Ann Arbor, Tampa, and Fresno. The Administration shall submit to the Committees on Appropriations of the House of Representatives and the Senate a list of the proposed delegations not later than 15 days after enactment of this joint resolution. The Administrator shall, within available resources, provide additional funds and personnel ceilings to each hospital director with a delegated project for necessary and adequate engineering, contracting, and other technical support. The delegation of authority for actual construction of said facilities shall be at the discretion of the selected hospital directors.

And the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

Sec. 121. None of the funds made available by this or any other Act for fiscal year 1986 to the Office of the Secretary, Department of the Interior, shall be expended to submit to the United States District Court for Eastern California any settlement with respect to Westlands Water District v. United States, et al., (CV-F-81-245-EDP) until: (1) April 15, 1986, and (2) until the Congress has received from the Secretary and reviewed for a period of 30 days a copy of the proposed settlement agreement which has been approved and signed by the Secretary.

And the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows:

Delete the matter proposed by the House and stricken by the Senate and delete the matter proposed by the Senate in said amendment; and the Senate agree to the same.

Amendment numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 122. Appropriations and funds available to the United States Fish and Wildlife Service shall be available for, and the Secretary of the Interior shall immediately resume preparation of, all environmental assessments and statements that are necessary prerequisites to the translocation of a portion of the existing population of Southern sea otters (*Enhydra lutris nereis*) to one or more locations within their historic range in accordance with the recovery plan for such species. In preparing such assessments and statements the Secretary shall consider section 10(j) of the Endangered

Species Act (16 U.S.C. 1539(j)) as well as pending legislation that would amend such Act: Provided, That the Secretary of the Army is directed to accomplish emergency bank stabilization, shore protection, and flood control work to protect public-owned property in the vicinity of Jarvis Avenue, Fargo Avenue, North Shore Avenue, Rosemont Avenue, Burger Park, North Sheridan Road, and Lake Michigan in Chicago, Illinois, at full Federal expense using funds heretofore and hereafter appropriated at an estimated cost of \$1,000,000.

And the Senate agree to the same.

Amendment numbered 102:

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 123. No penalty shall be applied nor any State or agency agreement terminated pursuant to sections 1512, 1515, or 1521 of the Public Health Service Act during fiscal year 1986, nor if appropriations under title XV of that Act are reauthorized by August 15, 1986, shall any agency be required to take action to anticipate termination of financial assistance under that title. Sums appropriated by the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1986, for the award of grants under section 1516 of the Public Health Service Act may be used for grants under that section to State agencies that were authorized to receive grants for fiscal year 1982 under section 935(b) of the Omnibus Budget Reconciliation Act of 1981: Provided, That no sums may be obligated under the authority of this sentence after the date upon which a law is enacted to extend the authority to appropriate amounts to carry out title XV of such Act.

And the Senate agree to the same.

Amendment numbered 103:

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment, as follows:

In lieu of the first section number named in said amendment insert: 124; and the Senate agree to the same.

Amendment numbered 104:

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 125. Notwithstanding any other provision of this joint resolution, the Secretary of Health and Human Services shall extend, for one additional year, approval of the municipal health services demonstration projects located in Baltimore, Cincinnati, Milwaukee, and San Jose authorized under section 402(a) of the Social Security Amendments of 1967.

And the Senate agree to the same.

Amendment numbered 105:

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 126. From the amounts awarded to a State from its allotment under section 2003 of the Social Security Act for fiscal year 1986, the State shall use to maintain and improve the availability and quality of training provided under section 401(b)(1),

98 Stat. 2196, such sums as the State may determine to be required.

And the Senate agree to the same.

Amendment numbered 107:

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment insert: 127; and the Senate agree to the same.

Amendment numbered 108:

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 128. Notwithstanding any other provisions of this joint resolution or any other provision of law, any student residing in an area designated as a natural disaster area pursuant to a provision of Federal law may apply or reapply for a Pell Grant under subpart 1 of part A of title IV of the Higher Education Act of 1965 and be eligible for and receive a Pell award based on income earned in calendar year 1985 instead of 1984 if individuals whose incomes are taken into account in determining the student's eligibility for and amount of a Pell Grant have been unable to pursue normal income-producing activities in 1985 as a result of the natural disaster.

And the Senate agree to the same.

Amendment numbered 109:

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: 129; and the Senate agree to the same.

Amendment numbered 110:

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment, insert: 130; and the Senate agree to the same.

Amendment numbered 111:

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

Sec. 131. Notwithstanding any other provision of this joint resolution, there is appropriated \$150,000 for fiscal year 1986 for the establishment and operation of the Biomedical Ethics Board and the Biomedical Ethics Advisory Committee pursuant to section 381 of the Public Health Service Act.

And the Senate agree to the same.

Amendment numbered 112:

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows:

In lieu of the first section number named in said amendment, insert: 132; and the Senate agree to the same.

Amendment numbered 113:

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment, as follows:

In lieu of the first section number named in said amendment, insert: 133; and the Senate agree to the same.

Amendment numbered 114:

That the House recede from its disagreement to the amendment of the Senate num-

bered 114, and agree to the same with an amendment, as follows:

In lieu of the first section number named in said amendment, insert: 134; and the Senate agree to the same.

Amendment numbered 115:

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

Sec. 135. Notwithstanding any other provision of this joint resolution or any other Act, the Department of the Navy is authorized, within existing appropriations, to expend such sums as are necessary to effectuate a settlement with the State of Washington of back tax liabilities arising out of Federal construction and procurement projects in Washington State. Such settlement may be negotiated directly between the Department of the Navy and the State of Washington, notwithstanding the fact that the liability of the Department of the Navy may be derivative from persons contracting with the Department.

And the Senate agree to the same.

Amendment numbered 117:

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

Sec. 136. Effective on and after January 1, 1986, section 908(b) of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1), is amended by striking out "30 percent" in paragraphs (1) and (2) and inserting in lieu thereof "40 percent".

And the Senate agree to the same.

Amendment numbered 122:

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment, as follows:

In lieu of the first section number named in said amendment, insert: 137; and the Senate agree to the same.

Amendment numbered 123:

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: 138; and the Senate agree to the same.

Amendment numbered 124:

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: 139; and the Senate agree to the same.

Amendment numbered 125:

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: 140; and the Senate agree to the same.

Amendment numbered 126:

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment, as follows:

In lieu of the first section number named in said amendment insert: 141; and the Senate agree to the same.

Amendment numbered 127:

That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment, as follows:

In lieu of the first section number named in said amendment insert: 142; and the Senate agree to the same.

Amendment numbered 128:

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment, as follows:

In lieu of the first section number named in said amendment insert: 143; and the Senate agree to the same.

Amendment numbered 129:

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment, as follows:

In lieu of the first section number named in said amendment insert: 144; and the Senate agree to the same.

Amendment numbered 130:

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment, as follows:

In lieu of the first section number named in said amendment insert: 145; and the Senate agree to the same.

Amendment numbered 131:

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 146. Notwithstanding any other provision of law, the Administrator of the General Services Administration and the Secretary of Commerce are hereby authorized, for the purposes of supporting the United States' international trade position, to locate the International Trade Administration Boston District Office in the new World Trade Center, Boston, Massachusetts. A report shall be made to the Committees on Appropriations no later than February 1, 1986, detailing the steps taken and agreements reached to achieve this move.

And the Senate agree to the same.

Amendment numbered 132:

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows:

In lieu of the first section number named in said amendment insert: 147; and the Senate agree to the same.

Amendment numbered 133:

That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment, as follows:

In lieu of the first section number named in said amendment insert: 148; and the Senate agree to the same.

Amendment numbered 135:

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: 149; and the Senate agree to the same.

For the entire resolution and Senate amendments:

JAMIE L. WHITTEN
(except for amendment No. 4 only in regard to chemical weapons, strategic defense initiative,

and unobligated balances set aside; amendment No. 5; and amendment No. 47)

EDWARD P. BOLAND,
WILLIAM H. NATCHER,
NEAL SMITH,
SIDNEY R. YATES
(except Nos. 4 and 117),

DAVID R. OBEY
(except Nos. 4, 117, and 122),

EDWARD R. ROYBAL
(except No. 4),

TOM BEVILL,
BILL CHAPPELL,
WILLIAM LEHMAN,
JULIAN C. DIXON,
VIC FAZIO,
W.G. (BILL) HEFNER,
SILVIO O. CONTE
(except Nos. 4 and 117),

JOSEPH M. McDADE,
JOHN T. MYERS,
LARRY COUGHLIN,
RALPH REGULA,
VIRGINIA SMITH,
JOE SKEEN,

Solely for consideration of Senate amendments numbered 1, and 19 through 23, and modifications committed to conference:

BOB TRAXLER,
MATTHEW F. McHUGH,
DANIEL K. AKAKA,
WESLEY W. WATKINS,
RICHARD J. DURBIN,
HAROLD ROGERS,

Solely for consideration of Senate amendments numbered 4, 5, and 33 through 48, and modifications committed to conference:

JOHN P. MURTHA,
NORMAN D. DICKS,
CHARLES WILSON,
LES AU COIN,
BILL YOUNG,
CLARENCE MILLER,
BOB LIVINGSTON,

Solely for consideration of Senate amendments numbered 7, 60 through 65, and 67 through 100, and modifications committed to conference:

JOHN P. MURTHA,
NORMAN D. DICKS,
LES AU COIN,

Solely for consideration of Senate amendments numbered 8, 118, 119, 120, 121, and 122, and modifications committed to conference:

MARTIN O. SABO,
WILLIAM H. GRAY III,
BOB CARR,
RICHARD J. DURBIN,
ROBERT J. MRAZEK,
C. PURSELL,
FRANK R. WOLF,

Solely for consideration of Senate amendments numbered 14, 52, 53, 54, 55, and 56, and modifications committed to conference:

MATTHEW F. McHUGH,
CHARLES WILSON,
WILLIAM H. GRAY III,
ROBERT J. MRAZEK,

Managers on the Part of the House.

MARK O. HATFIELD
(except No. 4),
TED STEVENS,
LOWELL P. WEICKER, Jr.,
JAMES A. McCLURE,
THAD COCHRAN,
MARK ANDREWS,
JIM ABDNOR,

ROBERT KASTEN,
ALFONSE D'AMATO,
MACK MATTINGLY,
WARREN B. RUDMAN,
ARLEN SPECTER,
JOHN C. STENNIS,
ROBERT C. BYRD,
DANIEL K. INOUE,
J. BENNETT JOHNSTON,
QUENTIN N. BURDICK
(but not with respect to congressional honoraria No. 117),
DENNIS DECONCINI,
FRANK R. LAUTENBERG,
TOM HARKIN,

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 amendments of the Senate to the joint resolution (H.J. Res. 465) making further continuing appropriations for the 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.

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES

Amendment No. 1: Provides that programs, projects, or activities provided for in Agriculture, Rural Development, and Related Agencies Appropriation Act of 1986 (H.R. 3037) shall be available to the extent and in the manner provided for in the conference report and joint explanatory statement of the managers (H. Rept. 99-439), filed in the House of Representatives on December 12, 1985, as if such Act had been enacted into law. The House resolution provided for a rate of operations based on the House passed bill and the Senate amendment provided for a rate of operations based on the Senate passed bill.

COMMERCE, JUSTICE, STATE AND JUDICIARY

Amendment No. 2: Deletes language proposed by the House and stricken by the Senate which would have funded the Departments of Commerce, Justice, State, the Judiciary, and Related Agencies at the levels in H.R. 2965 as passed the House, and deletes language proposed by the Senate which would have funded these departments and agencies at the levels in the conference report on H.R. 2965. The President signed H.R. 2965 into law on December 13, 1985 (Public Law 99-180). Therefore, language specifying funding levels for these departments and agencies in this joint resolution is unnecessary.

Amendment No. 3: Deletes language proposed by the Senate that the conference report on H.R. 2965 be considered as including Senate Amendment No. 134.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT

Amendment No. 4: Section 101(b) of House Joint Resolution 465 provides appropriations for programs, projects and activities provided for in the Department of Defense Appropriations Act, 1986. The House version of the joint resolution provides appropriations for programs, projects and activities at a rate of operations and to the extent and in the manner provided for in H.R. 3629 as passed the House of Represent-

atives on October 30, 1985. The Senate version of the joint resolution provides appropriations for these programs, projects and activities at the rate and in the manner provided for in H.R. 3629 as reported to the Senate on November 6, 1985, with certain additional provisions and exceptions provided for in the joint resolution.

The conference agreement on House Joint Resolution 465 incorporates some of the provisions of both the House and Senate versions of the Department of Defense Appropriations Act, 1986, and has the effect of enacting the Act into law. The language and allocations set forth in House Report 99-332 and Senate Report 99-176 should be complied with unless specifically addressed in

this joint resolution and statement of the managers to the contrary. The Department of Defense Appropriations Act, 1986, put in place by this joint resolution incorporates the following agreements of the managers.

TITLE I—MILITARY PERSONNEL

The conferees agree to the following amounts for the Military Personnel accounts:

(In thousands of dollars)

	Budget	House	Senate	Conference
SUMMARY				
MILITARY PERSONNEL, ARMY	22,712,000	21,761,423	21,109,765	21,078,169
MILITARY PERSONNEL, NAVY	17,221,400	16,472,073	15,838,363	15,917,144
MILITARY PERSONNEL, MARINE CORPS	5,217,400	5,041,377	4,835,456	4,870,016
MILITARY PERSONNEL, AIR FORCE	19,187,900	18,341,185	17,688,587	17,744,770
RESERVE PERSONNEL, ARMY	2,394,400	2,159,254	2,203,014	2,178,564
RESERVE PERSONNEL, NAVY	1,353,600	1,297,123	1,264,334	1,267,734
RESERVE PERSONNEL, MARINE CORPS	290,000	278,842	272,200	272,250
RESERVE PERSONNEL, AIR FORCE	622,500	597,153	583,330	584,430
NATIONAL GUARD PERSONNEL, ARMY	3,430,800	3,238,217	3,062,098	3,066,568
NATIONAL GUARD PERSONNEL, AIR FORCE	995,100	953,204	926,516	926,716
TOTAL, MILITARY PERSONNEL	73,425,100	70,139,851	67,783,663	67,906,361

The following items represent language as agreed to by the conferees:

MILITARY PAY RAISE

The conferees agree to a reduction of \$1,887,500,000 from requested amounts associated with the October 1, 1985, military pay raise. Funding for this requirement is discussed further under the heading Availability of Unobligated Balances later in the statement of the managers.

MILITARY/CIVILIAN WORKYEAR REDUCTIONS

The Senate reduced military personnel funding by \$330,191,000 and civilian personnel funding by \$477,500,000 as a result of its recommendation to hold workyears at fiscal year 1985 levels. The Senate recommendations are based on its contention that the Department is overstaffed in headquarters and administrative personnel. The conferees agree that reductions are available in these areas, but believe that levels recommended by the Senate would not be achievable in one fiscal year. The conferees agree to a reduction of \$217,100,000 in the military personnel accounts. The conferees direct that any decreases in end strength below authorization as a result of this funding reduction must come from headquarters and administrative staff functions. In addition, the conferees recommended a reduction of \$477,500,000 in Operation and Maintenance funding for improved productivity. The conferees encourage the Secretary of Defense to apply this adjustment by using sound management techniques that encourage productivity and quality improvement. The conferees agree that this reduction should be, but is not required to be, applied against civilian personnel workyears.

PERMANENT CHANGE OF STATION TRAVEL

The conferees agree to total funding of \$2,744,293,000 for Permanent Change of Station (PCS) travel for fiscal year 1986. In addition the conferees have agreed to a general provision (Section 8085) which places a ceiling of a like amount on funds to be obligated by the Department for PCS Travel in fiscal year 1986. The funds provided for PCS Travel are sufficient to initiate all new PCS programs and allowances contained in the appropriation request. The conferees

agree that the Department may initiate the PCS reimbursements which a newly authorized for fiscal year 1986, but only from within the funding ceiling allowed in this Bill. If additional funds are required to initiate these new programs, they should only be derived through a reduction in PCS moves or costs. The following chart identifies the funds requested and appropriated for specific new PCS initiatives in fiscal year 1986.

PCS REIMBURSEMENTS

(In thousands of dollars)

	Budget	Conference
Household Goods Weights	242,300	126,600
New PCS Reimbursements	0	0
Temporary Lodging Entitlement	132,472	132,472
Junior Enlisted Dependent Travel	21,051	17,556
Travel to Designated Place	15,325	12,781
Dependent Under 2 Mileage	10,100	8,423
All Other PCS Items	2,446,461	2,446,461
Total PCS	2,867,709	2,744,293

Insofar as the increase to Household Goods Weight Allowances is concerned, the conferees agree that the Department may only increase weight allowances as follows: junior enlisted personnel with dependents to 5,000 pounds and junior enlisted with no dependents may increase up to 1,500 pounds in all situations. No other increases may be funded until the Department and GAO completed their respective reviews of the PCS program and the Congress has received and approved a funding request.

ARMY ENLISTMENT BONUS/NEW ARMY COLLEGE FUND DUPLICATION

The Senate included a general provision prohibiting payment of an Army College Fund kicker to any service member who also receives an enlistment bonus, and expressed concern that duplication of these two programs is excessive to the needs of the Army. This provision would apply only to these service members who contract to enlist on or after the date of enactment of this Act. The House did not address this issue. The Senate also reduced the Army's enlistment bonus request by \$8,000,000, based on a

lower accession mission due to increased retention. The conferees accept the Senate general provision but reduce the Army's enlistment bonus request by only \$2,000,000, as proposed by the House, to allow additional funding flexibility which may be required as a result to this modification.

The conferees realize that the impact of such a change in the Army's overall enlistment benefits package cannot be quantified without data based on actual Army experience. The conferees expect to be kept fully informed regarding the Army's accession programs, and will continue to examine this issue during its consideration of the fiscal year 1987 budget request.

TUITION ASSISTANCE

The House included report language directing the Department of Defense to provide guidance to all Services to implement a uniform policy which would allow students under the DOD tuition assistance program to utilize any educational institutions accredited by the Department of Education and the Council on Postsecondary Accreditation. The Senate did not address this issue. The conferees agree with the House position.

GUARD/RESERVE FORCES

The conferees agree to a reduction of \$195,530,000 from requested amounts resulting from authorization reductions in full-time reserve end strengths. The conferees also agree that the Department should make every effort within available resources to increase drilling reserve average strengths above the minimums required in the 1986 Defense Authorization. Additionally, the Civilian Technician strengths addressed below are the basis for the Technician floor as established in Section 8047.

The following table summarizes strength levels as agreed to by the conferees.

FISCAL YEAR 1986 GUARD/RESERVE STRENGTHS

	Budget	Authorization	Conferees
Selected Reserve (average strength):			
Army Reserve	291,921	290,639	290,639
Navy Reserve	134,400	134,212	134,212

FISCAL YEAR 1986 GUARD/RESERVE STRENGTHS—
Continued

	Budget	Authoriza- tion	Conferees
Marine Corps Reserve	41,900	41,900	41,900
Air Force Reserve	75,600	75,600	75,600
Army National Guard	444,000	440,025	440,025
Air National Guard	108,700	108,700	108,700
Total	1,096,521	1,091,076	1,091,076
Full-Time Reserve (end strength):			
Army Reserve	14,714	12,157	12,157
Navy Reserve	19,510	19,010	19,010
Marine Corps Reserve	1,475	1,475	1,475
Air Force Reserve	635	635	635
Army National Guard	30,679	23,731	23,731
Air National Guard	7,269	7,269	7,269

FISCAL YEAR 1986 GUARD/RESERVE STRENGTHS—
Continued

	Budget	Authoriza- tion	Conferees
Total	74,282	64,277	64,277
Military (Civilian) Technicians:			
Army Reserve	7,623	7,623	7,623
Air Force Reserve	9,042	9,042	9,042
Army National Guard	24,129	26,629	26,629
Air National Guard	22,792	22,792	22,792
Total	63,586	66,086	66,086

MANAGEMENT OF RESERVE FORCES FULL-TIME
SUPPORT PROGRAMS

The House included report language directing the Department of Defense not to allow further conversions of civilian technicians to AGR status until a report is submitted to the Committee outlining the Department's efforts to resolve the problems associated with the full-time support program and the House Appropriations Committee responds to such report. The Senate did not address this issue. The conferees agree to the House language.

MILITARY PERSONNEL, ARMY

The conferees agree to provide \$21,078,169,000 instead of \$21,761,423,000 as recommended by the House and \$21,109,765,000 as recommended by the Senate. Details of the adjustments are as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
VHA WINDFALL		-8,000	-12,100	-10,000
Military pay raise	601,157	541,041		
RENT PLUS TO VHA IN ALASKA/HAWAII SAVINGS		-2,500		
DEPENDENT UNDER 2 MILEAGE	4,400		3,667	3,667
HOUSEHOLD GOOD WEIGHTS	95,000	43,700	79,207	48,600
RETIRED PAY ACCRUAL	5,650,951	4,833,690	4,748,551	4,748,551
OVERSEAS HOUSING ALLOWANCES	98,714	97,714	98,714	97,714
AVERAGE END STRENGTHS—GROWTH	44,000	22,000	44,000	22,000
SELECTIVE REENLISTMENT BONUS	158,703	149,203	135,504	140,504
ENLISTMENT BONUS	115,400	113,400	107,400	113,400
OFFICER AVERAGE PAY RATES	4,736,478	4,721,478	4,721,478	4,721,478
PCS REIMBURSEMENTS		42,500		
SUBSISTENCE-IN-KIND	406,538	406,538	394,138	394,138
TEMPORARY LODGING EXPENSE	53,680	53,680	44,769	53,680
JUNIOR ENLISTED DEPENDENT TRAVEL	9,230	9,230	7,697	7,697
TRAVEL TO A DESIGNATED PLACE	6,075	6,075	5,066	5,066
ALL OTHER ITEMS	10,731,674	10,731,674	10,731,674	10,731,674
TOTAL, MILITARY PERSONNEL, ARMY	22,712,000	21,761,423	21,109,765	21,078,169

MILITARY PERSONNEL, NAVY

The conferees agree to provide \$15,917,144,000 instead of \$16,472,073,000 as recommended by the House and \$15,838,363,000 as recommended by the Senate. Details of the adjustments are as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
VHA WINDFALL		-10,100	-19,650	-15,000
MILITARY PAY RAISE	429,483	386,535		
RENT PLUS TO VHA IN ALASKA/HAWAII SAVINGS		-2,300		
DEPENT UNDER 2 MILEAGE	2,100		1,754	1,754
HOUSEHOLD GOOD WEIGHTS	43,200	21,700	36,029	24,100
RETIRED PAY ACCRUAL	4,160,052	3,551,923	3,498,852	3,498,852
FUNDED TRAVEL—SHIP O/H		-1,900	-1,900	-1,900
MILITARY PERSONNEL ADJUSTMENTS	9,150,339	9,150,339	8,962,992	9,033,139
AUTHORIZED END STRENGTH GROWTH	162,400	115,400	162,400	162,400
SELECTIVE REENLISTMENT BONUS	269,554	268,804	228,740	238,740
AVERAGE STRENGTH GROWTH	37,000	22,000	37,000	37,000
TEMAC FUNDING	23,000		23,000	13,000
PCS REIMBURSEMENTS		25,400		
UNEMPLOYMENT COMPENSATION	31,980	31,980	28,980	28,980
SUBSISTENCE-IN-KIND	351,291	351,291	336,091	336,091
TEMPORARY LODGING EXPENSE	35,621	35,621	29,708	35,621
JUNIOR ENLISTED DEPENDENT TRAVEL	3,300	3,300	2,752	2,752
TRAVEL TO A DESIGNATED PLACE	2,800	2,800	2,335	2,335
PCS MOVES—MANAGEMENT			10,000	
ALL OTHER ITEMS	2,519,280	2,519,280	2,519,280	2,519,280
TOTAL, MILITARY PERSONNEL, NAVY	17,221,400	16,472,073	15,838,363	15,917,144

MILITARY PERSONNEL, MARINE CORPS

The conferees agree to provide \$4,870,016,000 instead of \$5,041,377,000 as recommended by the House and \$4,835,456,000 as recommended by the Senate. Details of the adjustments are as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
VHA WINDFALL		-3,000	-4,800	-4,000
MILITARY PAY RAISE	136,491	122,842		
DEPENDENT UNDER 2 MILEAGE	100		80	80
HOUSEHOLD GOOD WEIGHTS	15,600	7,700	13,009	8,600
RETIRED PAY ACCRUAL	1,297,896	1,106,022	1,090,896	1,090,896
FY 1985 RETENTION CARRYOVER		33,000		33,000
SELECTIVE REENLISTMENT BONUS	104,253	101,753	94,472	94,472
MILITARY PERSONNEL ADJUSTMENTS	2,828,524	2,828,524	2,814,811	2,818,624
AUTHORIZED END STRENGTH GROWTH	10,700	4,700	10,700	10,700
PCS REIMBURSEMENTS		16,000		
UNEMPLOYMENT COMPENSATION	17,614	17,614	14,614	14,614
SUBSISTENCE-IN-KIND	100,586	100,586	97,886	97,886
TEMPORARY LODGING EXPENSE	8,171	8,171	6,815	8,171
JUNIOR RELISTED DEPENDENT TRAVEL	2,221	2,221	1,853	1,853
TRAVEL TO A DESIGNATED PLACE	750	750	626	626
ALL OTHER ITEMS	694,494	694,494	694,494	694,494
TOTAL, MILITARY PERSONNEL, MARINE CORPS	5,217,400	5,041,377	4,835,456	4,870,016

MILITARY PERSONNEL, AIR FORCE

The conferees agree to provide \$17,744,770,000 instead of \$18,341,185,000 as recommended by the House and \$17,688,587,000 as recommended by the Senate. Details of the adjustments are as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
VHA WINDFALL		-5,900	-13,350	-9,500
MILITARY PAY RAISE	510,061	459,055		
RENT PLUS TO VHA IN ALASKA/HAWAII SAVINGS		-2,500		
DEPENDENT UNDER 2 MILEAGE	3,500		2,922	2,922
HOUSEHOLD GOOD WEIGHTS	88,500	40,800	73,808	45,300
RETIRED PAY ACCRUAL	4,816,907	4,079,198	4,051,307	4,051,307
MILITARY PERSONNEL ADJUSTMENTS	10,446,035	10,446,035	10,316,904	10,356,035
AUTHORIZED PERSONNEL END STRENGTH GROWTH	100,500	49,500	100,500	100,500
SELECTIVE REENLISTMENT BONUS	100,283	97,783	91,284	94,284
RETENTION/LONGEVITY GROWTH	21,700	10,700	21,700	21,700
PCS REIMBURSEMENTS		66,100		
OFFICER MANYEARS			-27,900	
UNEMPLOYMENT COMPENSATION	39,021	39,021	27,021	27,021
SUBSISTENCE-IN-KIND	141,809	141,809	137,609	137,609
TEMPORARY LODGING EXPENSE	35,000	35,000	29,190	35,000
JUNIOR ENLISTED DEPENDENT TRAVEL	6,300	6,300	5,254	5,254
TRAVEL TO A DESIGNATED PLACE	5,700	5,700	4,754	4,754
PCS MOVES-MANAGEMENT			-5,000	
ALL OTHER ITEMS	2,872,584	2,872,584	2,872,584	2,872,584
TOTAL, MILITARY PERSONNEL, AIR FORCE	19,187,900	18,341,185	17,688,587	17,744,770

RESERVE PERSONNEL, ARMY

The conferees agree to provide \$2,178,564,000 instead of \$2,159,254,000 as recommended by the House and \$2,203,014,000 as recommended by the Senate. Details of the adjustments are as follows:

[In thousand of dollars]

	Budget	House	Senate	Conference
SURPLUS FUNDING	50,000	30,000	50,000	30,000
MILITARY PAY RAISE	54,686	49,217		
RETIRED PAY ACCRUAL	603,447	443,820	513,247	513,247
AGR END STRENGTH GROWTH	80,661	29,261	35,061	29,261
BRANCH OFFICERS BASIC COURSE	32,451	27,451	32,451	27,451
RESERVE INCENTIVES		6,350		6,350
SUBSISTENCE-IN-KIND			-900	-900
ALL OTHER ITEMS	1,573,155	1,573,155	1,573,155	1,573,155
TOTAL, RESERVE PERSONNEL, ARMY	2,394,400	2,159,254	2,203,014	2,178,564

RESERVE PERSONNEL, NAVY

The conferees agree to provide \$1,267,734,000 instead of \$1,297,123,000 as recommended by the House and \$1,264,334,000 as recommended by the Senate. Details of the adjustments are as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
TAR END STRENGTH GROWTH	58,172	53,672	51,372	53,672
MILITARY PAY RAISE	29,366	26,429		
RETIRED PAY ACCRUAL	334,628	284,488	281,528	281,528
RESERVE INCENTIVES		1,100		1,100

[In thousands of dollars]

	Budget	House	Senate	Conference
ALL OTHER ITEMS	931,434	931,434	931,434	931,434
TOTAL, RESERVE PERSONNEL, NAVY	1,353,600	1,297,123	1,264,334	1,267,734

RESERVE PERSONNEL, MARINE CORPS

The conferees agree to provide \$272,250,000 instead of \$278,842,000 as recommended by the House and \$272,200,000 as recommended by the Senate. Details of the adjustments are as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
MILITARY PAY RAISE	6,400	5,760		
RETIRED PAY ACCRUAL	71,450	60,882	60,050	60,060
RESERVE INCENTIVES		50		50
ALL OTHER ITEMS	212,150	212,150	212,150	212,150
TOTAL, RESERVE PERSONNEL, MARINE CORPS	290,000	278,842	272,200	272,250

RESERVE PERSONNEL, AIR FORCE

The conferees agree to provide \$584,430,000 instead of \$597,153,000 as recommended by the House and \$583,330,000 as recommended by the Senate. Details of the adjustments are as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
MILITARY PAY RAISE	14,370	12,933		
RETIRED PAY ACCRUAL	155,531	130,521	130,731	130,73
RESERVE INCENTIVES		1,100		1,10
ALL OTHER ITEMS	452,599	452,599	452,599	452,59
TOTAL, RESERVE PERSONNEL, AIR FORCE	622,500	597,153	583,330	584,43

NATIONAL GUARD PERSONNEL, ARMY

The Conferees agree to provide \$3,066,568,000 instead of \$3,238,217,000 as recommended by the House and \$3,062,098,000 as recommended by the Senate. Details of the adjustments are as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
MILITARY PAY RAISE	79,802	71,822		
RETIRED PAY ACCRUAL	898,792	835,558	757,192	757,192
AGR END STRENGTH	203,942	64,312	60,042	64,312
DRILLING RESERVE AVG. STRENGTH	1,698,925	1,716,986	1,698,925	1,698,925
RESERVE INCENTIVES		200		200
SUBSISTENCE-IN-KIND			— 3,400	— 3,400
ALL OTHER ITEMS	549,339	549,339	549,339	549,339
TOTAL, NATIONAL GUARD PERSONNEL, ARMY	3,430,800	3,238,217	3,062,098	3,066,568

NATIONAL GUARD PERSONNEL, AIR FORCE

The Conferees agree to provide \$926,516,000 instead of \$953,204,000 as recommended by the House and \$926,516,000 as recommended by the Senate. Details of the adjustments are as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
MILITARY PAY RAISE	25,684	23,116		
RETIRED PAY ACCRUAL	267,136	227,608	224,436	224,436
RESERVE INCENTIVES		200		200
SUBSISTENCE-IN-KIND			— 200	— 200
ALL OTHER ITEMS	702,280	702,280	702,280	702,280
TOTAL, NATIONAL GUARD PERSONNEL, AIR FORCE	995,100	953,204	926,516	926,716

TITLE II—OPERATION AND MAINTENANCE

The conferees agree to the following amounts for the Operation and Maintenance accounts:

[In thousands of dollars]

	Budget	House	Senate	Conference
OPERATION AND MAINTENANCE—SUMMARY				
ARMY	20,190,630	18,659,638	19,043,039	18,975,507
NAVY	25,797,700	23,862,002	24,528,310	24,477,071
MARINE CORPS	1,667,400	1,615,128	1,609,000	1,612,050
AIR FORCE	20,924,400	19,507,572	19,468,901	19,536,813
DEFENSE AGENCIES	7,568,900	7,340,076	7,479,956	7,432,569
ARMY RESERVE	779,600	774,980	793,100	780,100
NAVY RESERVE	954,500	896,415	896,700	894,950
MARINE CORPS RESERVE	61,600	57,120	57,200	57,200
AIR FORCE RESERVE	907,700	896,844	910,200	902,700
ARMY NATIONAL GUARD	1,605,200	1,646,305	1,656,500	1,652,800
AIR NATIONAL GUARD	1,830,100	1,803,862	1,806,200	1,806,200
NATIONAL BOD FOR THE PROMOTIN OF RIFLE PRACTICE, ARMY	920	820	920	920
CLAIMS, DEFENSE	158,300	148,300	143,300	143,300
COURT OF MILITARY APPEALS	3,200	3,200	3,200	3,200
PAN AMERICAN GAMES		10,000	10,000	10,000
ENVIRONMENT RESTORATION, DEFENSE			429,100	379,100
(BY TRANSFER)		(329,100)		
GRAND TOTAL, OPERATION AND MAINTENANCE	82,450,150	77,222,362	78,835,626	78,664,480

The following items represent agreements of the conferees:

AUTHORIZATION COMPLIANCE

The amounts recommended by the conferees for each Operation and Maintenance appropriation are, for the most part, at or below the authorized level for those accounts. The exceptions to this compliance with authorization are in the Guard and Reserve accounts and result from the conferees' attempts to improve the capabilities of the reserve components. The conferees were able to fund some high priority readiness items which were not in the Authorization package by offsetting these readiness initiatives with reductions against lower priority or over-budgeted programs. The conferees agree not to apply all of the Authorization non-programmatic reductions in the Operation and Maintenance accounts, because this would have resulted in a "double-dip" against many of the specific program reductions agreed to by the conferees. The Department is directed, where appropriate, to consider the unspecified Authorization cuts when applying the conference reductions.

DRUG INTERDICTION

PATROL AIRCRAFT FOR CUSTOMS SERVICE

The conferees agree to provide \$6,000,000 for modification of two patrol (P-3A) aircraft to be transferred to the Customs Service instead of \$7,427,000 as provided by the Senate. Any additional funds required to complete modification of these aircraft should be provided within available resources.

DEPARTMENT OF DEFENSE DRUG INTERDICTION MISSIONS

The conferees provide nearly \$300,000,000 to enhance drug interdiction efforts of the Department of Defense. The conferees strongly believe that the Department can and should play a major role in helping to minimize the importation of illegal drugs.

In addition to specific enhancements of drug interdiction contained in this conference report, the conferees provide an appropriation of \$35,000,000 to Aircraft Procurement, Air Force to initiate the formation of a drug interdiction element or elements within the Air Force. This level of funding will allow the Air Force to commence the configuration of one AC-130H-30 pressurized drug surveillance aircraft and to establish an appropriate command and control element for the drug interdiction mission within the Air Force.

The conferees believe that the Air Force special operations forces would be the appropriate choice to carry out this new mission. The conferees note that the provisions of the Posse Comitatus Act require that support to civilian law enforcement be provided with no degradation to service combat readiness. Although the Department has considered other approaches, the conferees strongly believe that the best balance of providing peacetime drug interdiction and building wartime combat capability is to purchase and configure the initial AC-130H-30 special operations aircraft for both missions. The conferees believe that this approach will be the most cost-effective in meeting both the drug interdiction and Posse Comitatus objectives of the Department.

To this end, the conferees believe that this new drug interdiction initiative is compatible with and addresses the need for the replacement of aging AC-130 gunships. The configuration of replacement AC-130 pressurized gunships can provide an ideal surveillance and detection aircraft with sensors, communications, and other equipment that is also compatible with the drug interdiction assistance mission. The conferees believe it is important for the Air Force to move promptly to establish this new drug interdiction program. Accordingly, the conferees direct the Air Force to take the necessary steps to ensure delivery of the first AC-130H-30 pressurized drug interdiction aircraft no later than January 31, 1987. The configuration and schedule for this initial aircraft is predicated on the use of a currently available C-130H-30 stretched variant, in order to permit a pressurized drug interdiction/gunship aircraft. Older gunship configurations are unpressurized and thereby unsuitable for the drug interdiction role and are severely limited in the gunship role. The first aircraft shall be a fully operational drug interdiction aircraft with maximum subsystems integration possible to permit contingency installation of remaining gunship-peculiar equipment in wartime or other national emergency.

The conferees recognize the contracted nature of this schedule and therefore direct the Air Force to immediately proceed with the contracting necessary to assure the needed priorities for the radar and subsystems, CFE airframes and equipment, and other such means of expediting delivery of the aircraft. The conferees strongly support the national consensus for a swift response to the need for DOD assistance against the

drug threat. In this regard, the Department should consider budgeting for an additional nine pressurized drug surveillance aircraft in fiscal years 1987 and 1988, in order to allow the Air Force to perform its priority role in assisting the overall drug interdiction effort.

CUSTOMS SERVICE DRUG INTERDICTION PROGRAM

The conferees agree with the Senate position to allocate \$7,900,000 in contract savings to purchase two additional Blackhawk helicopters to replace two older Blackhawk helicopters which the Senate directed the Army to transfer to the Customs Service Drug Interdiction Program.

STOCK FUNDS REFUNDS

The House refunded a total of \$2,425,000,000 from Defense Department stock funds to the Operation and Maintenance accounts as a result of reduced fuel prices and excess cash balances. In addition, the House directed the Stock Funds to reduce cash reserves from 11 to 5 days. The Senate refunded a total of \$1,774,900,000 for the same reasons; however, the Senate reductions were based on different assumptions. Additionally, the Senate directed the Departments to study the proposal to reduce cash reserves from 11 to 5 days.

The conferees agree to a total refund of \$2,043,600,000 to the Operation and Maintenance accounts. This refund assumes that the Department has overestimated fuel prices by \$435,500,000. The conferees also agree that the stock funds will experience cash excesses in fiscal year 1986 in an amount equal to the excess cash earned in fiscal year 1985 (above the amounts assumed when the fiscal year 1986 budget was prepared), and have reduced stock fund cash balances by \$1,608,100. Included in this reduction is the Army Aviation spares refund addressed in the Senate report. The conferees did not agree to the House position to refund from the stock funds refunds directly to the Operation and Maintenance account for Navy real property maintenance, Marine Corps Reserve material readiness items, or Air Force depot maintenance. Finally, the conferees agree that the Department should study the House proposal to reduce stock fund cash reserves from 11 to 5 days and submit a report to the Committees by February 15, 1986.

INDUSTRIAL FUNDS

The House recommended refunds from Defense Department Industrial Funds to the Operation and Maintenance accounts of

\$940,000,000 based on net operating results in fiscal year 1985 in excess of estimates made by the Department in the fiscal year 1986 request. The Senate recommended reductions of \$200,000,000 for the same reason, but based on the Department's latest estimates on net operating results. The conferees agree that the appropriate refund amount to the Operation and Maintenance accounts is \$400,000,000. This refund is based on the Defense estimates for excess fiscal year 1985 net operating results of \$200,000,000 but assumes that fiscal year 1986 rates are overpriced by a like amount and that the Industrial Funds will experience another \$200,000,000 excess in net operating results in fiscal year 1986. The conferees do not agree to the House recommendation to refund \$71,000,000 from the Industrial Funds directly to Navy Operation and Maintenance for Depot Maintenance.

REAL PROPERTY MAINTENANCE

The conferees agree to increase funding for Real Property Maintenance by \$114,500,000 from the budget request instead of \$175,500,000 as recommended by the Senate. The conferees further agree with the Senate language requiring all funding identified in the justification material for recurring maintenance projects be used for only that purpose. Further, the additional funding provided in excess of the budget request shall be used for recurring maintenance except that \$5,928,000 shall be available for projects associated with Hurricane Elena damage as identified in the Senate report.

RECRUITING AND ADVERTISING

The conferees agree to a total reduction of \$35,550,000 to recruiting and advertising resources. This is \$13,450,000 below the Senate and \$13,750,000 above the House amounts. The conferees question the Army's minimum desired goal of 59% of high quality non-prior service accessions, considering the minimum requirement of the Marine Corps is 35% and the two services are similar in their requirements for technical expertise. As such, the conferees direct the Office of the Secretary of Defense to examine whether the Army's minimum quality requirement should be higher than the Marine Corps and report its results to the Committees on Appropriations by May 1, 1986.

ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) TESTING AND RESEARCH

The House provided \$15,000,000 for the Army to begin testing recruits for Acquired Immune Deficiency Syndrome (AIDS). The Senate provided \$67,600,000 for all the Services to begin testing all military for AIDS. The Senate also included \$52,600,000 in Army Research and Development funds for research on AIDS. The conferees agree to provide a total of \$55,100,000 for testing for AIDS, broken out as follows:

Army	\$42,600,000
Navy	5,000,000
Air Force	5,000,000
Army National Guard	2,500,000
Total	55,100,000

The conferees agree that the Department of Defense must submit to the Committees on Appropriation a comprehensive AIDS Testing policy by February 1, 1986.

The conferees agree to provide \$40,000,000 to the Army for research on AIDS. The conferees insist that the Department of Defense work, to the maximum extent possible, with the National Institutes of Health

in developing AIDS testing and research programs.

PROFESSIONAL DEVELOPMENT EDUCATION ISSUES

The Senate reduced \$13,923,000 from the various Services' professional education programs based on a Defense Inspector General report which cited serious problems with how education requirements are determined and how officers educated under this program are not effectively utilized. The House did not address this issue. The conferees agree to a reduction of \$11,423,000, but direct that, to the extent possible, the cuts not be applied against in-house professional education programs, such as the Naval Post Graduate School.

FLAT RATE PER DIEM

The conferees agree to a reduction of \$6,400,000 instead of the \$11,800,000 as provided by the Senate. The conferees further agree to the Senate general provision (Sec. 8083) on flat rate per diem with the understanding this provision is intended to be in effect throughout the period covered by this Act.

PUBLIC AFFAIRS AND LEGISLATIVE LIAISON LIMITATIONS

The conferees agree with the Senate that public affairs and legislative liaison activities should not be held to fiscal year 1985 levels. However, the following public affairs and legislative liaison programs are reduced due to excessive program growth:

	Public Affairs	Legislative Liaison
Army	0	-\$50,000
Defense Agencies	-\$50,000	-\$50,000
Total	-\$50,000	-\$100,000

MEDICAL READINESS

The conferees agree to increase funding for medical readiness by \$125,900,000 instead of \$235,500,000 as proposed by the Senate. The conferees recognize the critical need for improving wartime medical readiness. Funds will provide for requirements for two Army MASH units, one combat support hospital, two medical evacuation units, two Navy fleet hospitals, and one Air Force 500 bed hospital. In addition, funding provides \$20,000,000 to further reduce the backlog of Army maintenance and repair projects at medical facilities in Central Europe below the levels programmed in the fiscal year 1986 budget request.

The conferees direct that this funding is contingent upon the Assistant Secretary of Defense for Health Affairs submitting a plan and funding profile to the Committees on Appropriations by March 15, 1986, which describes the unfunded requirement for wartime medical readiness and how the requirement will be satisfied.

The conferees further agree with the House report language on medical readiness in the European Command (EUCOM)

PREFINANCING NATO REPAIR PROJECTS

The conferees agree to permit the Defense Department to continue to prefinance NATO repair projects in fiscal year 1986. The conferees are concerned that by prefinancing repair projects, the United States is not reimbursed for projects that are eligible for and should be funded with NATO Infrastructure funds. The conferees direct the U.S. European Command (EUCOM) to submit a report to the Committees on Appropriations by May 1, 1986, to include for fiscal years 1983 through 1985 a list of

repair projects and associated costs: (1) for which the Department has applied for NATO Infrastructure funding; (2) that were determined eligible for NATO Infrastructure funding; (3) that were prefinanced with operating funds; and (4) that were recouped by NATO Infrastructure funds. The conferees also direct EUCOM to report on the status of the fiscal year 1986 repair project and associated costs by May 1, 1986.

COMPETITIVE RATE PROGRAM

The conferees agree with the report language of the Senate regarding any future change in the existing rate system for Alaska and Hawaii.

PRICE OF TOBACCO PRODUCTS

The conferees agree to delete the Senate provision requiring the Department to increase the price of tobacco products and also have restored associated funding. The conferees are concerned about the health issues surrounding tobacco products and the military, and direct the Assistant Secretary of Defense for Health Affairs to submit a report on his recommendation concerning this vital issue by March 1, 1986. This report should include a study to determine the effects of cigarette prices on military consumption patterns, the health of military personnel, and the economic cost to the military and society. Additionally, the conferees direct the Defense Department to report on the economic impact of increasing the price of tobacco products in commissaries and exchanges, and of including state and local taxes in the price of tobacco products. Further, the Department should inform the Committees of the status of an internal Defense Department proposal to discontinue the sale of cigarettes in commissaries.

CONTRACTING OUT LIBRARIES

The House requested that the Department of Defense ensure that if contractors are used to provide technical library services, their practices take into account national security concerns. The Senate did not address this issue. The conferees accept the House position, with clarifying language as follows:

The conferees are concerned that the Department of Defense may be contracting with corporations, partnerships, associations, or individuals who are not employees of the Department of Defense, for the management of technical libraries, including proprietary data and information that is classified or of a sensitive nature. The conferees request that if the Department considers the use of outside contractors in providing technical library services, it must ensure their practices take into account national security concerns.

REPORT ON COST SAVINGS UNDER CONTRACTING OUT PROCEDURES

The House requested the Secretary of Defense to submit a report on cost savings resulting from efforts contracted to the private sector since January 1, 1981. The Senate considered this reporting requirement excessive. The conferees agree the requirement for a report on the experience of the Department of Defense since October 1, 1983, on the conversion to contractor operation, commercial, or industrial type functions which had previously been performed by Department of Defense personnel, is not excessive and is requested by April 15, 1985.

CONTRACTED ADVISORY AND ASSISTANCE SERVICES

The House directed the Department of Defense to revise the definitions of contracted advisory and assistance services and submit the fiscal year 1987 budget exhibits based on the new definitions. The Senate did not address this issue. The conferees agree with the House language and further agree that this requirement does not affect the execution of the fiscal year 1986 program. The language refers to the preparation and execution of fiscal year 1987 and future budgets.

NONREIMBURSABLE DETAILS OF DOD PERSONNEL

The conferees agree with the House position on limiting nonreimbursable details of

Department of Defense personnel. While the conferees agree that, in general, non-reimbursable details are improper, there are limited circumstances in which they may still be allowed. If the detail is in fulfillment of a specific personnel development, or career enhancement program, or to a headquarters, or appropriate Office of the Secretary of Defense level, it would not be subjected to this limitation.

SPECIAL OPERATIONS FORCES

The conferees agree with the language included in the House report concerning Special Operations Forces, with the exceptions that (1) there is no personnel ceiling placed on the 23rd Air Force, (2) the reports requested by the House should be submitted

to the Congress no later than March 1, 1986, and (3) the report addressing the feasibility of creating a single command structure for Special Operations should also address options other than creation of a subordinate command of JCS.

CIVILIAN WORKYEAR REDUCTIONS

Reductions made in reference to civilian workyear reductions are discussed in the Military Personnel section of this report.

OPERATION AND MAINTENANCE, ARMY

The conferees agree to provide \$18,975,507,000 instead of \$18,659,638,000 as recommended by the House and \$19,043,039,000 as recommended by the Senate. Details of the adjustments are as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
OPERATION AND MAINTENANCE, ARMY				
STOCK FUND FUEL (REFUND)	441,237	400,237	412,537	406,387
STOCK FUND PRICE REESTIMATE	2,695,941	2,210,541	2,318,241	2,318,241
FOREIGN CURRENCY EXCHANGE RATE		-462,400	-418,400	-418,400
INDUSTRIAL FUND—REFUND	1,941,256	1,761,256	1,881,256	1,821,256
INFLATION REESTIMATE	322,599	311,599	311,599	311,599
DEPOT MAINTENANCE	1,688,000	1,699,000	1,699,000	1,699,000
EXPENSE/INVESTMENT CRITERIA CHANGE	164,100	31,000	31,000	31,000
REAL PROPERTY MAINTENANCE	1,607,400	1,632,400	1,657,400	1,632,400
CIVILIAN PAY REDUCTION RESTORATION	-262,400	-131,200		
UNEMPLOYMENT COMPENSATION (NAFE)	13,459	12,163	13,459	12,163
CLASSIFIED PROGRAMS		-2,735	-3,240	-4,240
BASE OPERATING SUPPORT		-30,000	-30,000	-30,000
FORCE MODERNIZATION	564,200	534,200	433,100	483,100
COMMAND AND CONTROL	932,600	922,600	922,600	922,600
COMMUNICATIONS		-10,000	-10,000	-10,000
ADP MANAGEMENT		-15,000		-2,300
IMPROPER USE OF O&M FUNDS		-15,000		
YEAR END SPENDING		-6,000		
PERSONAL SERVICES CONTRACTING	19,000	16,000	19,000	19,000
CONTRACT STUDIES		-5,000		-2,500
ADMINISTRATION	658,700	638,700	638,700	638,700
PRODUCTIVITY	5,288,484	5,188,484	5,288,484	5,288,484
RECRUITING/ADVERTISING	290,800	273,800	266,800	273,800
ADMINISTRATION/SUPERVISION	7,000	4,000	7,000	7,000
OTHER COMBAT EQUIPMENT ACTIVITIES	154,600	152,600	154,600	154,600
MECHANIZATION OF THE CORPS OF ENGINEERS	3,400	2,400	2,400	2,400
DISPLACED EQUIPMENT	238,100	235,100	238,100	238,100
INFRASTRUCTURE SUPPORT	2,200	1,200	1,200	1,200
CONTRACTING INITIATIVES	5,000		5,000	5,000
CAPITAL EXPENSE EQUIPMENT	6,800	5,800	6,800	6,800
OTHER PERSONNEL ACTIVITIES	41,900	39,900	41,900	41,900
CIVILIAN TRAINING	6,000	5,000	6,000	6,000
OPERATIONAL SUPPORT	6,800	3,800	6,800	6,800
AREA ORIENTED DEPOT MODERNIZATION	6,000	4,000	6,000	6,000
AUDIT FOLLOW-UP		-10,000		
AAFES LEASE PAYMENTS		-1,000		
DESIGN COSTS OF NONAPPROPRIATED FUND PROJECTS		-1,000		
FAMILY ACTION PROGRAMS		-10,000	-24,500	-20,000
FINANCIAL MANAGEMENT		-5,000		
EXCESS PROPERTY		-5,000		
INVENTORY CONTROL		15,000		
BASE OPERATIONS—EUROPE HOMES	6,086	2,586	6,086	2,586
MORALE, WELFARE & RECREATION	503,586	479,086	503,586	499,086
REICHEL FACILITY—RUG AND SHOE FACTORY	15,300	14,800	15,300	14,800
WESTCOM HEADQUARTERS	2,041	305	2,041	305
WARTIME HOST NATION	8,800	4,400	8,800	8,800
AUTOMATIC TELEPHONE SWITCH	10,000		10,000	10,000
HISTORIAN PROGRAM	4,428	3,628	4,428	3,628
DRUG TESTING	9,800	11,300	9,800	11,300
SGT. YORK OPERATING SUPPORT	69,800			
AIDS TESTING		15,000	42,600	42,600
MEDICAL ENHANCEMENTS		40,000		20,000
LEGISLATIVE LIAISON ACTIVITIES		-140		-50
PUBLIC AFFAIRS ACTIVITIES		-385		
PROFESSIONAL EDUCATION			-4,708	-4,708
AVIATION SPARE REFUND			-98,000	-98,000
ARMY LIFE CYCLE SUPPORT SOFTWARE			-1,143	-1,143
ARMY DEPOT SYSTEM REORGANIZATION			-1,200	-1,200
AUDIOVISUAL ACTIVITIES TRANSFER			1,000	1,000
ENVIRONMENTAL RESTORATION			-128,400	-128,400
COMMISSARY SUBSIDY			-32,700	
MEDICAL READINESS			63,100	39,200
DIVAD REPLACEMENT			4,800	4,800
READINESS INITIATIVES			1,87,000	137,000
CIVILIAN WORKYEAR REDUCTION			-149,800	-149,800
ALL OTHER ITEMS	2,717,613	2,717,613	2,717,613	2,717,613

[In thousands of dollars]

	Budget	House	Senate	Conference
TOTAL, ARMY	20,190,630	18,659,638	19,043,039	18,975,507

ARMY READINESS INITIATIVES

The conferees agree to provide \$137,000,000 for Army readiness initiatives instead of \$187,000,000 as recommended by the Senate. The conferees understand this funding will be used to enhance unit training, and provide for necessary equipment and supplies for force protection and organizational clothing and equipment.

MEDICAL ENHANCEMENTS

The conferees agree to provide \$20,000,000 to the Army for the enhancement of medical staffing. Based on the recent review of Madigan Army Medical Center citing a severe shortage in nursing staff, the conferees direct that \$7,700,000 of this funding be

used to satisfy the shortage of nursing and ancillary staff at Madigan.

WARTIME HOST NATION SUPPORT

The conferees agree to provide \$8,800,000 in operation and maintenance funding for Wartime Host Nation Support, \$4,400,000 above the House level. The conferees agree with the direction included in the Senate report restricting the use of the funds only for the Host Nation Support program and instructing the Army to budget for operations in the fiscal year the units are activated.

ARMY REDUCTIONS FOR ADP MANAGEMENT

The conferees agree to a reduction of \$2,300,000 for management of automatic data processing (ADP) to be applied to the

Army's National Training Center Feedback System.

YUMA PROVING GROUNDS

The conferees agree to the Senate Report language contained in the continuing resolution which allows the Army to move forward with contract support functions at Yuma Proving Grounds under the conditions established in the Senate report accompanying H.J. Res. 465.

OPERATION AND MAINTENANCE, NAVY

The conferees agree to provide \$24,477,071,000 instead of \$23,862,002,000 as recommended by the House and \$24,528,310,000 as recommended by the Senate. Details of the adjustments are as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
OPERATION AND MAINTENANCE NAVY				
STOCK FUND FUEL—REFUND	1,906,303	1,728,303	1,786,603	1,757,453
STOCK FUND PRICE REESTIMATE	3,440,203	2,651,303	2,759,803	2,707,803
INFLATION REESTIMATE	379,000	364,000	364,000	364,000
FOREIGN CURRENCY EXCHANGE RATE		-242,800	-198,800	-198,800
INDUSTRIAL FUND—REFUND	7,663,222	7,194,222	7,593,222	7,523,222
DEPOT MAINTENANCE (AIRCRAFT-VEHICLES)	2,027,200	2,047,200	2,047,200	2,047,200
REAL PROPERTY MAINTENANCE	801,000	846,000	851,000	846,000
PRODUCTIVITY	2,880,708	2,831,308	2,880,708	2,880,708
PAY REDUCTION RESTORATION	-345,700	-172,850		
UNEMPLOYMENT COMPENSATION (NAFE)	2,500	2,175	2,500	2,175
EXPENSE/INVESTMENT CRITERIA CHANGE	223,300	42,100	42,100	42,100
MILITARY PERSONNEL	30,000	10,900	10,900	10,900
CLASSIFIED PROGRAMS		-4,612	-4,612	-4,112
FLEET COMMANDS AND STAFF	105,623	97,919	104,623	103,523
SPECIALIZED TRAINING	166,300	165,300	165,300	165,300
INACTIVE SHIP REWORK	75,422	422	422	422
BASE OPERATING SUPPORT		-35,000	-35,000	-35,000
NAVAL SEA SYSTEMS COMMAND	1,766,697	1,736,697	1,736,697	1,736,697
TRAINING SUPPORT	376,900	375,900	375,900	375,900
CNO STAFF OFFICES	48,375	46,755	47,375	46,755
MILITARY PERSONNEL COMMAND	117,386	112,386	112,386	112,386
EXCESS PROPERTY		-5,000		
ADP MANAGEMENT		-25,000	-25,000	-25,000
IMPROPER USE OF O&M FUNDS		-20,000		
CONTRACT STUDIES		-10,000		-5,000
NAVAL SPACE COMMAND	17,857	16,857	16,857	16,857
CRUISE MISSILE	87,183	86,183	86,183	86,183
AUDIT FOLLOWUP		-10,000		
YEAR END SPENDING		-10,000		
SMALL CLUBS		-1,000		
FINANCIAL MANAGEMENT		-10,000		
SEALIFT	573,400	557,400	573,400	573,400
COMMAND AND CONTROL	651,600	636,600	636,600	636,600
COMMUNICATIONS		-11,000	-11,000	-11,000
SUBMARINE INACTIVATIONS	61,641	29,641	61,641	61,641
T-AGOS OPERATIONS	38,232	33,232	38,232	38,232
MCM OPERATIONS	800		800	
AIRCRAFT MOD INSTALLATIONS	268,112	258,112		258,112
STATION HOSPITALS	165,406	165,294	165,406	165,294
MANPOWER ENGINEERING CENTER	20,353	20,028	20,353	20,028
NAVAL AUDIT SERVICE	26,346	25,846	26,346	25,846
COMMAND HEALTH CARE	519,287	518,237	519,287	518,237
LAW ENFORCEMENT PERSONNEL ON NAVAL VESSELS		15,000	15,000	15,000
READY RESERVE FLEET DISPOSAL		3,600		3,600
LEGISLATIVE LIAISON ACTIVITIES		-65		
PUBLIC AFFAIRS ACTIVITIES		-135		
RECRUITING/ADVERTISING		-2,500	-4,000	-3,250
PROFESSIONAL EDUCATION			-3,585	-3,585
TRANSPORTATION			-13,000	-13,000
NAVY MATERIAL COMMAND			-20,040	-15,000
STEAMING HOURS			-85,000	-65,000
AUDIOVISUAL ACTIVITIES			1,000	1,000
ENVIRONMENTAL RESTORATION			-42,900	-42,900
COAST GUARD REIMBURSEMENT		100,000		100,000
AIDS			11,000	5,000
P-3A MODIFICATIONS			3,747	3,000
COMMISSARY SUBSIDY			-1,600	
CIVILIAN WORKYEAR REDUCTION			-54,900	-54,900

[In thousands of dollars]

	Budget	House	Senate	Conference
ALL OTHER ITEMS	1,703,044	1,703,044	1,703,044	1,703,044
TOTAL, NAVY	25,797,700	23,862,002	24,528,310	24,477,071

STEAMING HOURS

The conferees agree to reduce funding for steaming hours by \$65,000,000 instead of \$85,000,000 as provided by the Senate. The conferees further agree with the Senate report language which expresses concern with the Navy's continued overallocation of steaming hours to the deployed fleet. The conferees believe the Navy should make every attempt to stay within the budget request of 50.5 steaming days per quarter for the deployed fleet and the historical experience of 27.4 steaming days per quarter for the non-deployed fleet. If additional steaming days become available during fiscal year 1986, they should be allocated to the non-deployed fleet.

FLEET COMMANDS AND STAFF

The conferees agree to a reduction of \$1,050,000 for the Navy's Fleet Commands and Staff based on the Navy's insistence on funding fiscal year 1985 audiovisual activities for the Fleet Commands and Staff after the Congress specifically reduced this program in fiscal year 1985.

While the conferees agree to restore \$6,654,000 of the reduction made by the House, the conferees direct that funds shall not be moved into or out of this account without prior approval of Congress. Furthermore, the conferees wish to make it understood that the way in which the Navy internally reprograms and shifts funding in the administrative and associated activities account is of Congressional concern and will be monitored by the House and Senate Defense Appropriations subcommittee in fiscal year 1986.

SHIP REPAIR AND MAINTENANCE POLICY

The House included report language which opened up Selected Restricted Availabilities (SRAs) on a coast-wide basis. The Senate included a general provision which expressed the sense of the Senate to encourage competition while recognizing personnel impacts. The Senate provision also called for opening up repair work on Naval Reserve Ships to coast-wide bids.

The conferees agree with the intent of the sense of the Congress bill language proposed by the Senate to encourage competition while recognizing personnel impact. Since the language does not pertain to the use of funds, the conferees have included the intent of the discussion of ship maintenance policy in this statement of the managers.

The primary objection to expansion of ship repair work for short-term maintenance projects is that the personnel impact could be substantial. The conferees understand that the nature of Navy service fre-

quently requires personnel to spend extended periods of time away from their families which has become the most significant personnel retention impediment. Performance of short-term maintenance in homeport permits Navy personnel to be with their families periodically. This consideration has driven Navy policy toward retention of such short-term ship work to homeport.

Although the conferees are understanding of the personnel concerns, there is also a recognition that expanded competition beyond the homeport is an effective means to instill competition in the industry, achieve lower costs, and retain the broadest possible industrial mobilization base. For shorter term maintenance work, the personnel and expanded competition objectives can be conflicting.

The conferees believe that the Navy should endeavor to maximize competition for ship repair with the objective of attaining lowest cost while remaining cognizant of personnel impact. In this regard, consideration of the competitive contract bidding methodology should be determined on the basis of the nature of the work to be performed, independent of duration.

The Navy has repeatedly testified to the critical need to retain the ship repair industrial base. The dearth of work planned for the current and future years for non-homeport yards will make it difficult to achieve the dual objectives of retaining industrial capacity and the current Navy personnel policy. As an interim measure, until the Navy has established a competitive contract bidding methodology for all forms of ship maintenance based on the nature and scope of the work to be performed, the Navy should endeavor to implement increased competition in short-term maintenance and repair contracts, where feasible, with a goal of competing twenty-five percent on a coastwide basis.

Since there is a marginal personnel impact for SRA and PMA Navy Reserve fleet ship repair conducted outside the homeport area, the Navy should contract for such work through coast-wide bidding procedures. The exception to this approach would be for those Naval Reserve vessels which do not share a homeport with the active Navy fleet.

CERTIFICATION OF PRIVATE YARDS

The House included language which directed the Navy to cease providing the use of Navy piers and drydocks to private shipyards to perform ship maintenance and repair projects, unless no such facilities are available in other private shipyards. The Senate did not address this issue. The con-

ferees agree that there are instances where, for operational, security or other mission reasons, the Navy desires to contract out ship repair work to be performed at Navy yards. The conferees agree that in these circumstances, the Navy may award contracts to ship repair facilities who do not own their own piers or drydocks. Additionally, the conferees agree that ship repair facilities which lease piers or docks from other concerns should be eligible for repair work.

PUBLIC/PRIVATE SHIP REPAIR COMPETITION

The House included language to provide for a test program to require the overhaul of two or more vessels by competition between public and private shipyards. The Senate language called for six or more ships. The conferees agree to a competition between four or more ships.

COAST GUARD OPERATING EXPENSES

The House included a provision providing \$100,000,000 to the Navy to transfer to Coast Guard operating accounts. The Senate did not address this issue. The conferees agree to add \$100,000,000 to the Operation and Maintenance, Navy account. The conferees agree that these funds shall be used by the Navy to reimburse the Coast Guard for expenses related to training of the Coast Guard and maintenance by the Coast Guard of equipment which would be available to carry out missions determined by the Navy in the event of hostilities. The conferees also agreed to fund additional Coast Guard equipment as addressed in the Procurement section of the Conference Report and Statement of Managers.

ROTATION OF SES IN THE NAVY

The House requested the Secretary of the Navy to delay the implementation of his plan to rotate Senior Executive Service members throughout the Navy. The Senate did not address this issue. The conferees agree with the House position. The conferees believe this issue requires the benefit of hearings and further review by the cognizant congressional committees before implementation to determine its impact on program turbulence. The conferees would be greatly concerned if the Secretary of the Navy implemented a program to rotate Senior Executive Service members before hearings can be held.

OPERATION AND MAINTENANCE, MARINE CORPS

The conferees agree to provide \$1,612,050,000 instead of \$1,615,128,000 as recommended by the House and \$1,609,000,000 as recommended by the Senate. Details of the adjustments are as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
OPERATION AND MAINTENANCE, MARINE CORPS				
STOCK FUND FUEL—REFUND	37,700	35,400	35,900	35,650
STOCK FUND PRICE REESTIMATE	240,790	212,790	212,790	212,790
FOREIGN CURRENCY EXCHANGE RATE		-11,200	-11,200	-11,200
REAL PROPERTY MAINTENANCE	242,000	248,000	248,000	248,000
EXPENSE/INVESTMENT CHANGE	15,400	2,900	2,900	2,900

(In thousands of dollars)

	Budget	House	Senate	Conference
PAY REDUCTION RESTORATION	-15,500	-7,750		
PRODUCTIVITY	453,152	446,452	453,152	453,152
IMPROPER USE OF O&M FUNDS		-2,000		
O&M OF NEW EQUIPMENT/INITIAL ISSUE EQUIPMENT	55,861	54,861	55,861	54,861
RECRUITING/ADVERTISING		-2,300	-1,000	-1,700
AUTHORIZATION ADJUSTMENT		-22		
TRANSPORTATION			-15,600	-10,600
INFLATION			-1,000	-1,000
MILITARY END STRENGTH			-1,400	-1,400
CIVILIAN WORKYEAR REDUCTION			-7,400	-7,400
ALL OTHER ITEMS	637,997	637,997	637,997	637,997
TOTAL, MARINE CORPS	1,667,400	1,615,128	1,609,000	1,612,050

OPERATION AND MAINTENANCE, AIR FORCE

The Conferees agree to provide \$19,536,813,000 instead of \$19,507,672,000 as recommended by the House and \$19,468,901,000 as recommended by the Senate. Details of the adjustments are as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
OPERATION AND MAINTENANCE, AIR FORCE				
STOCK FUND FUEL—REFUND	2,251,970	2,022,870	2,089,170	2,056,020
STOCK FUND PRICE REESTIMATE	1,950,768	1,614,268	1,751,968	1,701,968
FOREIGN CURRENCY EXCHANGE RATES		-269,200	-225,200	-225,200
INDUSTRIAL FUND—REFUND	2,303,800	2,083,800	2,233,800	2,163,800
INFLATION REESTIMATE	191,239	178,239	178,239	178,239
REAL PROPERTY MAINTENANCE	1,500,300	1,535,300	1,535,300	1,535,300
PAY REDUCTION RESTORATION	-201,900	-100,950		
EXPENSE/INVESTMENT CRITERIA CHANGE	82,100	15,500	15,500	15,500
UNEMPLOYMENT COMPENSATION (NAFE)	12,137	9,224	12,137	9,224
PRODUCTIVITY	4,122,192	4,041,792	4,122,192	4,122,192
MILITARY PERSONNEL	18,860	-240	-240	-240
SPACE OPERATIONS, ETC	972,240	922,240	922,240	922,240
INVENTORY CONTROL POINT	571,733	566,733	571,733	571,733
INVENTORY CONTROL AUDIT		-10,000		
LOGISTICS SUPPORT	205,415	203,415	205,415	205,415
BASE OPERATIONS SUPPORT		-30,000	-30,000	-30,000
CLASSIFIED PROGRAMS		-1,885	-1,046	-785
ADMINISTRATION	596,300	591,300	596,300	596,300
TRAINING AND PERSONNEL	1,390,270	1,388,470	1,390,270	1,390,270
COMMUNICATIONS DIVESTITURE SAVINGS		-10,000		
NORTH WARNING RADAR	368,056	361,856	361,856	361,856
CONTRACTOR SUPPORT	37,720	17,720	17,720	17,720
STRATEGIC SUPPORT		-5,000		
SOFTWARE MODERNIZATION		-2,000		
MEDICAL	1,273,800	1,270,550	1,273,800	1,272,550
MANAGEMENT OF ADP		-25,000		-6,800
IMPROPER USE OF O&M FUNDS		-10,000		
AUDIT FOLLOW-UP		-10,000		
YEAR END SPENDING		-4,000		
GOLF COURSES		-5,000		
TAC DEPLOYMENT COSTS	10,790	9,590	10,790	9,590
AIR BASE SURVIVABILITY	40,000	24,000	40,000	34,000
I-S/A AMPE	58,000		58,000	
TELEPHONE SYSTEM UPGRADES (SCOPE DIAL/SCOPE EXCHANGE)	10,800	3,300	10,800	3,300
HISTORIAN PROGRAM	6,634	5,634	6,634	5,634
SERVICE WIDE SUPPORT	376,239	373,139	376,239	373,139
DEPARTMENTAL HEADQUARTERS	104,992	102,312	104,992	102,312
COMMAND AND CONTROL		-20,000	-20,000	-20,000
LEGISLATIVE LIAISON ACTIVITIES		-120		
DRUG INTERDICTION			2,100	
MEDICAL READINESS			5,600	5,600
PROFESSIONAL EDUCATION			-5,000	-2,500
PUBLIC AFFAIRS ACTIVITIES		-130		
FLAT RATE PER DIEM			-10,800	-5,400
TRANSPORTATION			-28,000	-28,000
NATO AWACS			-4,486	
KC-135 FLYING HOURS			-86,700	-22,000
EDS			-4,500	-2,250
COMPTROLLER CONTRACT			-3,959	-2,759
COMMISSARY SUBSIDY			-43,400	
COMPONENT REPAIR			-334,000	-167,000
USAFE			-50,000	-25,000
AUDIOVISUAL TRANSFER			3,000	8,000
CIVILIAN WORKYEAR REDUCTION			-157,600	-157,600
RECRUITING AND ADVERTISING			-3,000	-1,500
AIDS			9,000	5,000
CIVILIAN TRAINING			6,000	3,000
NON-LETHAL AID TO AFGHANISTAN			10,000	10,000
ENVIRONMENTAL TRANSFER			-96,000	-96,000
STUDS			-20,000	-20,000
ALL OTHER ITEMS	2,669,945	2,669,945	2,669,945	2,669,945
TOTAL, AIR FORCE	20,924,400	19,507,672	19,468,901	19,536,813

AIRCRAFT ENGINE COMPONENT REPAIR

The conferees agree to reduce funding for aircraft engine component repair by \$167,000,000 instead of \$334,000,000 as recommended by the Senate. The conferees further agree that the Air Force was not justified in requesting funding in fiscal year 1986 for a deficiency which was funded in fiscal year 1985, but have recommended the lower reduction so as not to create a depot maintenance backlog. The conferees direct the Air Force to provide more detailed and appropriate justification for depot maintenance activities in the fiscal year 1987 budget request.

KC-135 FLYING HOURS

The Senate, based on a Defense Inspector General report, reduced fiscal year 1986 KC-135 flying hours from 157,165 to 115,185 which resulted in a cut of \$86,700,000 from Operation and Maintenance, Air Force. The House did not address this issue. The conferees, based on further discussions with Defense Inspector General and Air Force personnel, have agreed to a reduction of \$22,000,000 which equates to a flying hour decrease of 9,800. The conferees have concluded that KC-135 flying hour requirements have been overstated, especially in the overhead and training categories.

MANAGEMENT OF ADP

The House recommended a decrease of \$25,000,000 as a result of a non-programmatic Authorization reduction of ADP manage-

ment. The Senate did not address this decrease, but instead made other specific reductions. The conferees agreed to a specific reduction of \$6,800,000 against ADP Management associated with the Command ADP Modernization Program (CAMP). Since CAMP procurement funds have been eliminated by the Department in the outyears, the conferees agree the fiscal year 1986 Operation and Maintenance funding is not required.

USAFE

The Senate reduced funding for USAFE by \$50,000,000. The House did not address the issue. The conferees agree to a \$25,000 reduction for USAFE to streamline administrative headquarters activities in Europe.

EUROPEAN DISTRIBUTION SYSTEM

The Senate reduced the European Distribution System (EDS) program by 4,500,000 based on the rationale that the Air Force has overstated the peacetime mission requirements of this wartime system. Additionally, the Senate questioned the fact that this system flies preset/predetermined routes on a regular basis, often with little or no cargo. Also, the Senate questioned whether the use of the system solely by the Air Force is the most efficient use of Government resources. The House did not address this issue. The conferees have agreed to a reduction of \$2,250,000 which should still allow EDS crews to meet or exceed their minimum proficiency requirements. Furthermore, the conferees agree that the

Air Force should not fly regularly scheduled routes, except on a short term basis for training purposes. Finally, the conferees agree that, in peacetime EDS should be available for use by all United States military components in the European theatre. In fiscal year 1986, this use should be on a space-available basis. In fiscal year 1987, the Air Force should develop an operational plan, in conjunction with the U.S. European Command to provide theatre airlift support. The conferees agree that the Air Force should not consider increases in EDS flying hours unless they are associated with this multi-service mission.

AIR FORCE COMPTROLLER CONTRACT SERVICES

The conferees agree to a reduction of \$2,759,000 to the Air Force for comptroller contract services in fiscal year 1986. This is \$1,200,000 above the Senate and \$2,759,000 below the House. The conferees direct the Air Force to demonstrate the productivity improvements and how manpower can be streamlined as a result of this effort with a report to the Committees on Appropriations by May 1, 1986.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

The conferees agree to provide \$7,432,569,000 instead of \$7,340,076,000 as recommended by the House and \$7,479,956,000 as recommended by the Senate. Details of the adjustments are as follows:

	Budget	House	Senate	Conference
OPERATION AND MAINTENANCE, DEFENSE AGENCIES				
FOREIGN CURRENCY EXCHANGE RATE		-14,400	-14,400	-14,400
STOCK FUND PRICE REESTIMATE	130,203	41,203	116,203	116,203
OSD—GENERAL REDUCTION	134,756	133,756	134,756	134,756
OSD—CONTRACT STUDIES AND ANALYSIS	18,638	16,320	18,638	16,320
PAY REDUCTION RESTORATION	-151,400	-75,700		
ORGANIZATION OF JCS—SPECIAL FUND	50,000			
ORGANIZATION OF JCS—GENERAL REDUCTION	379,236	368,018	379,236	379,236
DEFENSE LOGISTICS AGENCY	1,701,770	1,694,504	1,701,770	1,701,770
WASHINGTON HEADQUARTERS SERVICES	94,004	88,304	94,004	88,304
YEAR END SPENDING		-7,000		
ADP MANAGEMENT		-10,000		
SMALL CLUBS		-1,000		
BASE OPERATIONS SUPPORT	200,200	190,200	190,200	190,200
INVENTORY CONTROL		-5,000		
AMERICAN FORCES INFORMATION SERVICE	56,433	54,433	56,433	56,433
DOD DEPENDENT SCHOOLS	664,070	653,770	664,070	658,070
MEDICAL INFORMATION SYSTEMS	81,763	78,763	81,763	81,763
DEFENSE COMMUNICATION AGENCY/DCA	280,612	276,612	280,612	280,612
CLASSIFIED ACTIVITIES		-18,048	-20,526	-16,653
PRODUCTIVITY		-38,700		
CONTRACT STUDIES		-10,000		
IMPROPER USE OF O&M FUNDS		-2,000		
EXPENSE/INVESTMENT CRITERIA CHANGE	16,000	3,000	3,000	3,000
REAL PROPERTY MAINTENANCE	83,800	83,800	103,800	83,800
STUDY OF JOINT-DUTY CAREER SPECIALTY		100		100
DEFENSE AUDIOVISUAL AGENCY	21,936	11,936		
DEFENSE NUCLEAR AGENCY—TRAVEL	3,299	2,757	3,299	2,757
DEFENSE CONTRACT AUDIT AGENCY—HEADQUARTERS	173,082	172,882	173,082	172,882
AID TO AFGHANISTAN		10,000		
DLA—PROCUREMENT TECH. ASSISTANCE PROGRAM	2,000	7,500	5,000	7,500
DIS—BACKLOG		20,000	20,000	20,000
DEFENSE COMMUNICATIONS AGENCY—CINC INITIATIVES	4,182			
COMMAND AND CONTROL		-10,000	-10,000	-10,000
LEGISLATIVE LIAISON ACTIVITIES		-175		-50
PUBLIC AFFAIRS ACTIVITIES		-75		-50
INFLATION			-4,500	-4,500
CHAMPUS			-15,000	-15,000
FLAT RATE PER DIEM			-1,000	-1,000
ENVIRONMENTAL TRANSFER			-43,400	-42,400
CIVILIAN WORKYEAR REDUCTION			-107,800	-107,800
RECRUITING AND ADVERTISING			-7,100	-7,100
FAMILY ADVOCACY			-4,000	-4,000
PEER REVIEW			7,500	7,500
QUALITY ASSURANCE			50,000	30,000
ALL OTHER ITEMS	3,624,316	3,624,316	3,624,316	3,624,316
TOTAL DEFENSE AGENCIES	7,568,900	7,340,076	7,479,956	7,432,569

DEPARTMENT OF DEFENSE DEPENDENT SCHOOLS

The House provided a total reduction of \$10,300,000 to the Department of Defense Dependent Schools (DODDS). This was based on a reduction of \$7,100,000 for the Master Teacher Program and \$3,200,000 for a Department of Defense Inspector General report. The Senate did not address this issue. The conferees agree on a reduction of \$6,000,000.

Investigation into the reduction of \$7,100,000 for the Master Teacher Program revealed that included in this number is \$6,250,000 to purchase computers for classrooms. A classroom computer purchase was approved by the Defense Resources Board for fiscal year 1987. However, the conferees agree that \$3,500,000 of the \$7,100,000 reduced for the Master Teacher Program, should be reinstated to purchase computers for the classroom. The conferees believe the funding provided here is adequate for the total program requirements, and no funds to purchase computers for classrooms should be included in the fiscal year 1987 budget request.

AUDIOVISUAL ACTIVITIES

Based on the disestablishment of the Defense Audiovisual Agency (DAVA), the House reduced the DAVA budget by \$10,000,000, leaving \$11,936,000 for reprogramming to other services and Agencies receiving the DAVA workload. The Senate reduced the DAVA budget by \$21,936,000 and provided a total of \$5,000,000 to the Services for audiovisual activities.

The conferees agree to reduce the DAVA budget by \$21,936,000 and provided a total of \$10,000,000 to the Services for audiovisual activities, as follows:

Army	\$1,000,000
Navy	1,000,000
Air Force	8,000,000

Total 10,000,000

The conferees believe the Services and the Armed Forces Information Service can provide the necessary audiovisual operations, at the same level provided by DAVA, within the funds provided in this Bill.

QUALITY ASSURANCE

The conferees agree to appropriate \$30,000,000 to fund quality assurance and quality enhancement programs at the Defense Logistics Agency. This funding is to provide training for contract management and quality assurance personnel to ensure the Department receives quality products from commercial sources.

FAMILY ADVOCACY

The conferees agree to the Senate's position on the Department of Defense Family Advocacy Program. The conferees agree that the Family Advocacy Program is a health care program and should not be transferred to the force management and personnel directorate.

OPERATION AND MAINTENANCE, ARMY RESERVE

The conferees agree to provide \$780,100,000 instead of \$774,980,000 as recommended by the House and \$793,100,000 as recommended by the Senate. Details of the adjustments are as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
OPERATION AND MAINTENANCE, ARMY RESERVE				
STOCK FUND FUEL-REFUND	24,730	23,630	23,630	23,630
STOCK FUND PRICE REESTIMATE	137,241	119,041	119,041	119,041
CIVILIAN PAY RESTORATION	-12,400	-3,100		
EXPENSE/INVESTMENT CRITERIA CHANGE	200			
ANTITERRORISM INITIATIVES		4,700	4,700	4,700
TRAINING ASSISTANCE BY READINESS GROUPS		1,000	1,000	1,000
UPGRADE OF COMMUNICATIONS		1,200	1,200	1,200
AGR END STRENGTH REDUCTION—O&M SUPPORT	8,389	7,069	8,389	8,389
MILITARY END STRENGTH			-5,400	-4,000
RECRUITING AND ADVERTISING	52,900	52,900	48,400	50,650
OVER 40 MEDICAL SCREENING			700	
FORCE STRUCTURE INITIATIVE			22,900	6,950
ALL OTHER ITEMS	568,540	568,540	568,540	568,540
TOTAL, ARMY RESERVE	779,600	774,980	793,100	780,100

OPERATION AND MAINTENANCE, NAVY RESERVE

The conferees agree to provide \$894,950,000 instead of \$896,415,000 as recommended by the House and \$896,700,000 as recommended by the Senate. Details of the adjustments are as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
OPERATION AND MAINTENANCE, NAVY RESERVE				
STOCK FUND FUEL—REFUND	139,284	132,284	132,284	132,284
STOCK FUND PRICE REESTIMATE	233,679	193,079	193,079	193,079
EXPENSE/INVESTMENT CRITERIA CHANGE	17,700	3,400	3,400	3,400
REAL PROPERTY MAINTENANCE	37,381	40,881	44,381	40,881
PAY REDUCTION RESTORATION	-2,700		-675	
PRODUCTIVITY	67,051	65,351	65,351	65,351
AUTHORIZATION ADJUSTMENT		-10		
MILITARY END STRENGTH			-400	-400
RECRUITING AND ADVERTISING	17,100	17,100	13,600	15,350
ALL OTHER ITEMS	445,005	445,005	445,005	445,005
TOTAL, NAVY RESERVE	954,500	896,415	896,700	894,950

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

The conferees agree to provide \$57,200,000 as recommended by the Senate instead of \$57,120,000 as recommended by the House. Details of the adjustment are as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
OPERATION AND MAINTENANCE, MARINE CORPS RESERVE				
STOCK FUND FUEL—REFUND	21,596	17,396	17,396	17,396
PAY REDUCTION RESTORATION	-200	-50		
PRODUCTIVITY	4,110	3,810	3,810	3,810

[In thousands of dollars]

	Budget	House	Senate	Conference
EXPENSE/INVESTMENT CRITERIA CHANGE	100			
AUTHORIZATION ADJUSTMENT		-30		
ALL OTHER ITEMS	35,994	35,994	35,994	35,994
TOTAL, MARINE CORPS RESERVE	61,600	57,120	57,200	57,200

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

The conferees agree to provide \$902,700,000 instead of \$896,844,000 as recommended by the House and \$910,200,000 as recommended by the Senate. Details of the adjustments are as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
OPERATION AND MAINTENANCE, AIR FORCE RESERVE				
STOCK FUND FUEL—REFUND	137,734	130,334	130,334	130,334
STOCK FUND PRICE REESTIMATE	71,055	64,055	64,055	64,055
EXPENSE/INVESTMENT CRITERIA CHANGE	1,000	200	200	200
PAY REDUCTION RESTORATION	-14,000	-3,500		
PRODUCTIVITY	330,174	317,674	317,674	317,674
SPECIAL OPERATIONS FORCES READINESS ENHANCEMENT	15,735	22,035	22,035	22,035
AUTHORIZATION ADJUSTMENT		44		
REAL PROPERTY MAINTENANCE			7,500	
F-4 UPGRADE			2,400	2,400
ALL OTHER ITEMS	366,002	366,002	366,002	366,002
TOTAL, AIR FORCE RESERVE	907,700	896,844	910,200	902,700

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

The conferees agree to provide \$1,652,800,000 instead of \$1,646,305,000 as recommended by the House and \$1,656,500,000 as recommended by the Senate. Details of the adjustments are as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD				
STOCK FUND FUEL—REFUND	63,448	49,348	49,348	49,348
STOCK FUND PRICE REESTIMATE	434,795	406,795	406,795	406,795
EXPENSE/INVESTMENT CRITERIA CHANGE	5,000	1,000	1,000	1,000
CIVILIAN TECHNICIANS	653,372	688,372	688,372	688,372
FEDERAL FUNDING FOR ARMORY OPERATIONAL COSTS		20,000		20,000
MOD & REPAIR OF OFFICE FOR FULL-TIME NATL GUARD PER		6,000	6,000	6,000
PARTIAL FED FUNDING FOR MAJOR REPAIR & RENOVATION		7,000		7,000
PAY REDUCTION RESTORATION	-25,900	-6,475		
PRODUCTIVITY		-200	-200	-200
AUTHORIZATION ADJUSTMENT		-20		
MILITARY END STRENGTH			-7,700	-6,000
RECRUITING AND ADVERTISING	39,200	39,200		38,200
ROLAND MAINTENANCE			15,000	4,100
FORCE STRUCTURE INITIATIVE			20,000	4,100
AIDS			5,000	2,500
ENVIRONMENTAL PROJECTS			400	400
ALL OTHER ITEMS	435,285	435,285	435,285	435,285
TOTAL, ARMY NATIONAL GUARD	1,605,200	1,646,305	1,656,500	1,652,800

NATIONAL GUARD ARMORY OPERATION AND MAINTENANCE

The House included \$33,000,000 to fund the modification and repair of armory office and work space resulting from increased Federal missions, major repair and renovations to the armories, and to offset armory operating costs resulting from the influx of Federal equipment and full-time Federal personnel. The Senate included only \$6,000,000 for this purpose. The conferees agree to the House position concerning funding, but direct the Department to request only such funds in fiscal year 1987 that are sufficient to match the growth in funding by the states over fiscal year 1986 levels for these purposes.

ENVIRONMENTAL PROJECTS

The conferees agree to the increase of \$400,000 as recommended by the Senate for the continuation of the program to conduct engineering projects coordinated with State and other Federal agencies at national or state parks and forests. To amplify on the parameters of the test, the conferees agree that such projects must be restricted within the United States and territories. The test projects selected must enhance military related training and must not compete with projects which would otherwise be performed by private concerns. The conferees agree that the Army National Guard should begin budgeting this important program in fiscal year 1987.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

The conferees agree to provide \$1,806,200,000 as recommended by the Senate instead of \$1,803,862,000 as recommended by the House. Details of the adjustments are as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
OPERATION AND MAINTENANCE, AIR NATIONAL GUARD				
STOCK FUND FUEL—REFUND	364,580	344,580	344,580	344,580
STOCK FUND PRICE REESTIMATE	140,361	124,961	124,961	124,961
PAY REDUCTION RESTORATION	-26,800	-6,700	-4,400	4,400
PRODUCTIVITY	703,855	696,855	696,855	696,855
EXPENSE/INVESTMENT CRITERIA CHANGE	4,800	900	900	900
AUTHORIZATION ADJUSTMENT		-38		
ALL OTHER ITEMS	643,304	643,304	643,304	643,304
TOTAL AIR NATIONAL GUARD	1,830,100	1,803,862	1,806,200	1,806,200

T-39 AIRCRAFT

The House and Senate have agreed that the Air Force must retire the Air National Guard's T-33 aircraft fleet in fiscal year 1986 and replace it with 45 T-39 aircraft. The conferees wish to clarify that this action is intended to provide an interim capability until such time that the Air Force budgets for and deploys a permanent replacement aircraft that fully meets the requirements of both the active and guard forces for electronic countermeasures training. As part of this interim measure, the Air Force should also phase out the T-33s in the active inventory as soon as possible, and

either replace them with T-39 aircraft or provide the Guard with sufficient T-39s to accomplish the mission for the total force. The conferees further agree to the House language that allows transfer of leased C-21A aircraft to the Air National Guard for Detachment One, Andrews Air Force Base, Maryland, unless C-21A aircraft are purchased for this purpose in the Guard and Reserve equipment appropriation.

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

The conferees agree to provide \$920,000 as recommended by the Senate instead of \$820,000 as recommended by the House.

CLAIMS, DEFENSE

The conferees agree to provide \$143,300,000 as recommended by the Senate instead of \$148,300,000 as recommended by the House.

ENVIRONMENTAL RESTORATION, DEFENSE

The conferees agree to provide \$379,100,000 in budget authority instead of \$329,100,000 by transfer as recommended by the House or \$429,100,000 as recommended by the Senate.

TITLE III—PROCUREMENT

The conferees agree to the following amounts for the Procurement accounts:

[In thousands of dollars]

	Budget	House	Senate	Conference
SUMMARY				
ARMY:				
AIRCRAFT	3,892,500	3,337,300	3,504,200	3,567,448
TRANSFER FROM OTHER ACCOUNTS		(217,600)	(101,800)	
MISSILES	3,386,700	2,939,232	3,056,050	2,942,174
TRANSFER FROM OTHER ACCOUNTS		(124,500)	(49,700)	
WEAPONS, TRACKED COMBAT VEHICLES	5,739,100	3,749,004	4,629,900	4,748,771
TRANSFER FROM OTHER ACCOUNTS		(806,896)	(240,800)	
AMMUNITION	2,635,000	1,858,200	2,588,213	2,497,200
TRANSFER FROM OTHER ACCOUNTS		(215,200)	(209,900)	
OTHER	5,712,800	4,809,986	5,214,730	5,275,556
TRANSFER FROM OTHER ACCOUNTS		(297,400)	(238,000)	
TOTAL ARMY	21,366,100	16,693,722	18,993,093	19,031,149
TRANSFER FROM OTHER ACCOUNTS		(1,661,596)	(840,200)	
TOTAL FUNDING AVAILABLE	21,366,100	18,355,318	19,833,293	19,031,149
NAVY:				
AIRCRAFT	12,062,600	10,446,400	10,289,651	11,376,927
TRANSFER FROM OTHER ACCOUNTS		(594,600)	(566,382)	
WEAPONS	5,627,900	5,093,733	5,372,563	5,290,865
TRANSFER FROM OTHER ACCOUNTS		(109,600)	(15,000)	
SHIPS	11,411,600	8,648,900	9,598,900	10,969,440
TRANSFER FROM OTHER ACCOUNTS		(2,058,500)	(1,057,600)	
OTHER	6,601,200	5,682,694	6,463,560	6,377,630
TRANSFER FROM OTHER ACCOUNTS		(312,762)	(221,000)	
COASTAL DEFENSE AUGMENTATION			375,000	235,000
MARINE CORPS	1,726,800	1,610,749	1,689,982	1,680,588
TRANSFER FROM OTHER ACCOUNTS		(85,717)	(31,056)	
TOTAL NAVY	37,430,100	31,482,476	33,414,656	35,695,450
TRANSFER FROM OTHER ACCOUNTS		(3,161,179)	(1,891,038)	
TOTAL FUNDING AVAILABLE	37,430,100	34,643,655	35,305,694	35,695,450
AIR FORCE:				
AIRCRAFT	26,165,500	20,722,700	24,142,651	23,546,447
TRANSFER FROM OTHER ACCOUNTS		(1,458,300)	(648,000)	
MISSILES	10,862,700	8,043,527	8,770,831	8,433,177
TRANSFER FROM OTHER ACCOUNTS		(155,000)	(64,400)	
OTHER	9,538,000	7,890,918	8,831,674	8,611,383
TRANSFER FROM OTHER ACCOUNTS		(347,476)	(282,000)	
TOTAL AIR FORCE	46,566,200	36,657,145	41,745,156	40,591,007
TRANSFER FROM OTHER ACCOUNTS		(1,960,776)	(994,400)	
TOTAL FUNDING AVAILABLE	46,566,200	38,617,921	42,739,556	40,591,007
NATIONAL GUARD AND RESERVE COMPONENTS:				
TRANSFER FROM OTHER ACCOUNTS		582,000	2,063,800	1,518,800
		(8,000)	(178,400)	
TOTAL FUNDING AVAILABLE		590,000	2,242,200	1,518,800
DEFENSE AGENCIES	1,391,900	1,181,869	1,426,914	1,302,740

[In thousands of dollars]

	Budget	House	Senate	Conference
TRANSFER FROM OTHER ACCOUNTS		(36,000)	(36,000)	
TOTAL FUNDING AVAILABLE	1,391,900	1,217,869	1,462,914	1,302,740
DEFENSE PRODUCTION ACT PURCHASES	59,000		31,000	31,000
NATO COOPERATIVE DEFENSE PROGRAMS			15,000	15,000
TOTAL NOA	106,813,300	86,597,212	98,064,619	98,420,146
TRANSFER FROM OTHER ACCOUNTS		(6,827,551)	(3,940,038)	
TOTAL FUNDING AVAILABLE	106,813,300	93,424,763	102,004,657	98,420,146

INFLATION SAVINGS

The conferees recommend \$1,036,000,000 in fiscal year 1985 inflation savings to adjust for the fact that actual inflation rates were lower than those originally estimated and funded for that year, as proposed by the House. Of this amount, \$116,000,000 is reflected in agreed upon adjustments to individual Air Force aircraft procurement programs.

The conferees, in addition, recommend an \$800,000,000 decrease in the fiscal year 1986, 30 percent, inflation premium budgeted for the major procurement accounts, instead of

\$1,702,000,000 as proposed by the House. The conferees understand that there is no consensus on the best index for accurately forecasting major procurement program inflation costs. That issue currently is under intensive review. The conferees strongly support the full funding principle to include the use of a properly adjusted inflation premium. The recommendation is intended to remove excess inflation adjustments for the major procurement accounts, but at the same time to ensure that adequate funds are included to cover future inflation costs.

BINARY CHEMICAL MUNITIONS

The House bill included no funds for production of chemical weapons or for related production facilities. The House bill also included a general provision incorporating the restrictive language in the House-passed authorization bill. The Senate bill included the budget request of \$65,346,000 for production of the GB-2 artillery projectile and the Bigeye bomb and \$98,300,000 for production facilities and prove-out.

The conference agreement provides the following funding:

	Budget	House	Senate	Conference
Weapons:				
GB-2 155mm Artillery Proj.	\$21,700,000		\$21,700,000	\$21,700,000
Bigeye Bomb:				
Navy	21,531,000		21,531,000	¹ 3,000,000
Air force	22,115,000		22,115,000	¹ 3,000,000
Subtotal, Production	65,346,000		65,346,000	27,700,000
Production Facilities:				
Bigeye QI Facility	48,000,000		48,000,000	48,000,000
Bigeye Fill/Lap Facility	28,300,000		28,300,000	28,300,000
Bigeye Metal Parts Facility	17,600,000		17,600,000	17,600,000
Components Prove-out	4,400,000		4,400,000	4,400,000
Subtotal, Production Facilities	98,300,000		98,300,000	98,300,000
Total	163,646,000		163,646,000	126,000,000

¹ Funded in Research, Development, Test and Evaluation, Navy.

The conference agreement also includes a general provision (Sec. 8093) which amends section 1411 of the Department of Defense Authorization Act, 1986 (P.L. 99-145). Section 1411 applies conditions on spending funds for binary chemical munitions. The conference agreement makes three substantive changes to the original section 1411. First, obligation of all funds is made subject to an additional requirement (b)(1) that the President certify to the Congress that a force goal stating the requirement for modernization of the United States share of NATO chemical deterrent has been submitted to NATO and formally adopted by the North Atlantic Alliance.

Second, obligation of funds for Bigeye components is subject to the requirement (d) that the Secretary of Defense submit a report describing the operational requirements for Bigeye, actual performance of Bigeye during operational testing with respect to the requirements, and any exceptions deemed acceptable. Obligation for Bigeye components may occur no sooner than 60 days after submission of the report. The conferees agree that the report required by section 1411(d) will be submitted to the Comptroller General for review and certification. The conferees urge the Department to cooperate with the General Accounting Office during Bigeye testing and

to fully share data from prior tests so that this review and certification may be expedited. The \$6,000,000 included in the bill for Bigeye, while authorized in title I of the Authorization Act (procurement), is appropriated in Research, Development, Test and Evaluation, Navy since it will be used for additional operational test and evaluation. The conferees agree that the restrictions included in the revised section 1411(d) shall apply to the \$6,000,000 appropriated in RDT&E, Navy.

Third, none of the funds included for procurement of the GB-2 artillery projectile may be obligated before October 1, 1986, and then only when the provisions of subsection (b) ("NATO Consultation") are satisfied. Final assembly of the GB-2 may not occur before October 1, 1987 and then only when the provisions of subsection (c) ("Conditions for Final assembly") are satisfied. The conferees agree that the GB-2 artillery projectile be procured on a fully funded basis, consistent with Departmental policy.

The conferees agree that, by funding production facilities in the accompanying bill, the restrictions on the \$10,800,000 for related construction in the statement of managers on the Military Construction Appropriation Act, 1986 are lifted.

MINORITY BUSINESS PARTICIPATION

The conferees reiterate the House's concern and expectations regarding expanded opportunities for minority businesses and historically black colleges and universities. Additionally, the conferees agree with the House language requesting a detailed plan to meet the stated goal for expanded participation.

NAVSTAR GLOBAL POSITIONING SYSTEM
USER EQUIPMENT

The conferees regard the successful operation of the Global Positioning System (GPS) Joint User Equipment Program as essential, and therefore direct the Department of Defense not to develop any GPS user equipment outside the sponsorship, direction, and coordination of the Joint Program Office. The intention of the conferees is to ensure the successful implementation of programs within the responsibility of the Office, and not to expand its responsibilities to cover management of equipment for special uses, such as range, advance technology, mapping, special forces, and classified applications.

SOURCES OF BALL BEARINGS

High precision ball bearings are a necessity in the manufacture of jet engines and other high technology devices. The confer-

ees are concerned over availability of ball bearings, and over the possible use of ball bearings of foreign manufacture in critical weapons systems and components. The conferees direct the Department to study and report not later than June 30, 1986 on this subject. The report is to include: an assessment of the criticality of the ball bearing in-

dustry to national defense; an assessment of the current strength and long term economic viability of the U.S. ball bearing industry; an analysis of the extent to which ball bearings of foreign manufacture are used in weapons systems and components procured by DOD; an assessment of the implications for readiness and sustainability of using ball

bearings of foreign manufacture; and an analysis of the feasibility of restricting DOD to using ball bearings of domestic manufacture only.

AIRCRAFT PROCUREMENT, ARMY

The conferees agree to the following amounts for the Aircraft Procurement, Army, account:

(In thousands of dollars)

	Budget	House	Senate	Conference
AIRCRAFT PROCUREMENT, ARMY				
Aircraft				
FIXED WING:				
C-12 CARGO AIRPLANE		12,000		12,000
ROTARY:				
EH-60A HELICOPTER (QUICKFIX) (MYP)	118,600	37,500	54,300	110,200
EH-60A HELICOPTER (QUICKFIX) (MYP) (PY TRANSFER)		(64,300)	(64,300)	
EH-60A HELICOPTER (QUICKFIX) (MYP) (AP-CY)	24,400	24,400	24,400	24,400
AH-64 ATTACK HELICOPTER (APACHE)	1,178,200	1,137,300	1,143,200	1,137,300
AH-64 ATTACK HELICOPTER (APACHE) (AP-CY)	55,300	55,300	46,100	55,300
UH-60A (BLACK HAWK) (MYP)	267,000	220,800	260,900	228,700
UH-60A (BLACK HAWK) (MYP) (AP-CY)	199,000	199,000	199,000	199,000
TOTAL, AIRCRAFT	1,842,500	1,686,300	1,727,900	1,766,900
MODIFICATION OF AIRCRAFT:				
OV-1 SURVEILLANCE AIRPLANE (MOHAWK)	27,700	22,700	22,700	22,700
RC-12D RECON AIRPLANE	500	500	500	500
RV-1 RECON AIRPLANE	500	500	500	500
AHIS ATTACK HELICOPTER (COBRA-TOW)	124,500	104,500	114,500	134,500
AHIS ATTACK HELICOPTER (COBRA-TOW) (PY TRANSFER)		(20,000)		
CH-47 CARGO HELICOPTER (MYP)	253,300	222,500	216,400	233,900
CH-47 CARGO HELICOPTER (MYP) (PY TRANSFER)		(11,200)	(17,500)	
CH-47 CARGO HELICOPTER (MYP) (AP-CY)	124,800	124,800	124,800	124,800
CH-54 CARGO HELICOPTER (TARHE)	500	500	500	500
UH-1 UTILITY HELICOPTER (IROQUOIS)	12,200	12,200	12,200	12,200
UH-60A (BLACK HAWK) MODS	15,400	14,200	15,400	14,200
ARMY HELICOPTER IMPROVEMENT PROGRAM (AHIP)	158,800	146,800	83,800	174,700
ARMY HELICOPTER IMPROVEMENT PROGRAM (AHIP) (AP-CY)	51,800	50,000	20,000	20,900
AIRBORNE AVIONICS	1,000	1,000	1,000	1,000
MODIFICATIONS UNDER \$900,000 (AIRCRAFT)	100	100	100	100
ACFT 9WW	17,000	17,000	17,000	17,000
TOTAL, MODIFICATION OF AIRCRAFT	788,100	717,300	629,400	757,500
SPARES AND REPAIR PARTS	949,700	849,700	849,700	849,700
Support Equipment and Facilities				
OTHER SUPPORT:				
AVIONICS SUPPORT EQUIPMENT	67,800	51,700	57,800	67,800
AVIONICS SUPPORT EQUIPMENT (PY TRANSFER)		(16,100)		
COMMON GROUND EQUIPMENT	35,000	35,000	35,000	35,000
AIR TRAFFIC CONTROL	9,400	9,400	9,400	9,400
SYNTHETIC FLIGHT TRAINING SYSTEMS	131,600	122,100	131,600	122,100
INDUSTRIAL FACILITIES	61,900	61,900	61,900	61,900
WAR CONSUMABLES	6,500	6,500	6,500	6,500
UNDISTRIBUTED REDUCTION		-10,000		
TOTAL, SUPPORT EQUIPMENT AND FACILITIES	312,200	276,600	302,200	302,700
INFLATION REESTIMATES FOR FY86		-5,000	-5,000	-5,000
INFLATION PREMIUM, FY86		-81,600		-38,352
PRIOR YEAR PROGRAM SAVINGS		-40,000		
(PY TRANSFER)		(40,000)		
FY85 INFLATION FAIRNESS ADJUSTMENT		-66,000		-66,000
(PY TRANSFER)		(66,000)		
TOTAL, AIRCRAFT PROCUREMENT, ARMY	3,892,500	3,337,300	3,504,200	3,567,448
TRANSFER FROM OTHER ACCOUNTS		(217,600)	(101,800)	
TOTAL FUNDING AVAILABLE	3,892,500	3,554,900	3,606,000	3,567,448

PRIOR YEAR SAVINGS

The conferees recognize \$117,900,000 in prior year savings in Army Aircraft Procurement. The sources and uses of these savings are identified in this Statement of the Managers under the heading "Availability of Unobligated Balances."

ARMY HELICOPTER IMPROVEMENT PROGRAM (AHIP)

The conferees agree to provide a total of \$195,600,000 which includes \$174,700,000 to fully fund 39 AHIPs and to extend the budgeted funded delivery period by 3

months, and \$20,900,000 for advance procurement of 31 additional sets of long lead materials. This advanced procurement funding level, combined with materials currently on contract, will support production of 48 units in fiscal year 1987 as permitted by a recent Departmental decision memorandum.

The conferees note that the extra funding available by reducing the 1986 program from 56 to 39 will provide for procurement of maintenance sets and other support equipment associated with restricting the

fielding to the field artillery aerial observer mission.

SYNTHETIC FLIGHT TRAINING SYSTEMS

The conferees agree to delete advance procurement funding which was improperly budgeted. The conferees agree, however, that this action shall not result in termination of any current contracts. If there is a demonstrated and justified need for advance procurement funds, the Committees agree that a new P-1 line may be established using internal reprogramming procedures with prior notification. The conferees are in

agreement that all future simulator procurement be budgeted on a full-funding basis.

AH-64 APACHE ATTACK HELICOPTER

The conferees acknowledge the late receipt of a proposal to procure the AH-64 airframe and target acquisition/designation system under multiyear contracts. No such multiyear procurement is approved at this time due to the continuing difficulties in achieving rate production and uncertainties about the total AH-64 program and its stability. To preserve the option of having a multiyear contract, the conferees provide the full \$55,300,000 for advance procurement as proposed by the House.

The conferees agree that a proposal to enter one or both of the proposed multiyear contracts may be considered as part of a 1986 supplemental or may be proposed as a new start in fiscal year 1987. Any such proposal should be substantiated by comparable, negotiated contract data.

The conferees agree that 18 AH-64s from the 1986 program will be provided for the Army National Guard as provided in the authorization legislation.

UH-60 BLACKHAWK

The conferees agree to provide \$228,700,000 for 80 UH-60s which shall include two for the Customs Service drug interdiction program as proposed by the Senate. The conferees agree not to provide

the \$32,200,000 as budgeted and recommended by the Senate for special operations forces modifications. The conferees understand that additional research and development is required for the UH-60 as well as the CH-47 modifications proposed, and procurement is premature at this time.

The conferees agree to allocating \$7,900,000 in contract savings to procure 2 additional helicopters to replace older ones which are to be transferred to the Customs Service Drug Interdiction Program, as proposed by the Senate.

MISSILE PROCUREMENT, ARMY

The conferees agree to the following amounts for Missile Procurement, Army:

[In thousands of dollars]

	Budget	House	Senate	Conference
MISSILE PROCUREMENT, ARMY				
Other Missiles				
SURFACE-TO-AIR MISSILE SYSTEM:				
CHAPARRAL	110,400	37,200	110,400	57,500
OTHER MISSILE SUPPORT	5,000	5,000	5,000	5,000
PATRIOT	983,400	967,400	974,600	963,400
STINGER	304,100	244,100	258,500	258,500
PERSHING II	334,700	334,700	236,300	236,300
AIR-TO-SURFACE MISSILE SYSTEM:				
LASER HELLFIRE SYSTEM	250,700	250,700	234,200	234,200
ANTI-TANK/ASSAULT MISSILE SYSTEM:				
TOW 2	226,900	159,300	177,650	168,500
TOW 2 (AP-CY)	22,000	22,000	22,000	22,000
MULTIPLE LAUNCH ROCKET SYSTEM (MYP)	507,800	450,600	459,900	490,900
MULTIPLE LAUNCH ROCKET SYSTEM (MYP) (PY TRANSFER)		(46,500)	(24,700)	
MULTIPLE LAUNCH ROCKET SYSTEM (MYP) (AP-CY)	41,000	41,000	41,000	41,000
TOTAL, OTHER MISSILES	2,786,000	2,512,000	2,519,550	2,477,300
Modification of Missiles				
MODIFICATIONS:				
PATRIOT	17,200	17,200	17,200	17,200
CHAPARRAL	112,900	112,900	112,900	112,900
HAWK	54,100	54,100	49,300	49,300
TOW	37,800	37,800	17,400	17,400
TOTAL, MODIFICATION OF MISSILES	222,000	222,000	196,800	196,800
SPARES AND REPAIR PARTS	322,000	312,000	312,000	312,000
SUPPORT EQUIPMENT AND FACILITIES:				
AIR DEFENSE TARGETS	21,000	21,000	21,000	21,000
ITEMS LESS THAN \$900,000 (MISSILES)	3,800	3,732	3,800	3,732
PRODUCTION BASE SPT	29,900	29,900	29,900	29,900
OTHER PRODUCTION CHARGES	2,000	2,000	2,000	2,000
TOTAL, SUPPORT EQUIPMENT AND FACILITIES	56,700	56,632	56,700	56,632
COMPONENT BREAKOUT		-10,000		-10,000
INFLATION REESTIMATES FOR FY86		-4,000	-4,000	-4,000
INFLATION PREMIUM, FY86		-71,400		-33,558
PRIOR YEAR PROGRAM SAVINGS		-25,000	-25,000	
(PY TRANSFER)		(25,000)	(25,000)	
FY85 INFLATION FAIRNESS ADJUSTMENT		-53,000		-53,000
(PY TRANSFER)		(53,000)		
TOTAL, MISSILE PROCUREMENT, ARMY	3,386,700	2,939,232	3,056,050	2,942,174
TRANSFER FROM OTHER ACCOUNTS		(124,500)	(49,700)	
TOTAL FUNDING AVAILABLE	3,386,700	3,063,732	3,105,750	2,942,174

PRIOR YEAR SAVINGS

The conferees recognize \$66,500,000 in prior year savings in Army Missile Procurement. The sources and uses of these savings are identified in this Statement of the Managers under the heading "Availability of Unobligated Balances."

CHAPARRAL

The conferees agree to provide \$57,500,000 for Chaparral, instead of \$37,200,000 as proposed by the House or \$110,400,000 as proposed by the Senate. These funds will allow continuation of the program, to include some of the non-recurring production costs

of the new Rosette Scan Seeker (RSS). This reduction is without prejudice, in anticipation of completion of the scheduled testing later in the year. Accordingly, no recurring production funding is provided.

PATRIOT AIR DEFENSE SYSTEM

The conferees agree to provide \$963,400,000 instead of the \$967,400,000 proposed by the House or the \$974,600,000 proposed by the Senate. The conferees agree that the separate savings identified by each committee are achievable.

STINGER

The conferees agree to provide \$258,500,000 as proposed by the Senate to procure at least 3,439 Stinger missiles, instead of \$244,100,000 as proposed by the House. The conferees recognize that the agreed sum exceeds authorization, but are concerned over providing air defense assets, especially following cancellation of DIVAD. The Army is directed to obtain authorization before obligating or expending funds in excess of the sum currently authorized.

The conferees agree with the Senate position requiring a review of the continued sole source procurement of the Stinger missile.

The conferees agree to provide \$168,500,000 for production of TOW-II, in-

stead of \$159,300,000 as proposed by the House or \$177,650,000 as proposed by the Senate. The conferees direct the Army to procure the maximum possible number of missiles, with 14,000 as a goal.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

The conferees agree to the following amounts for Procurement of Weapons and Tracked Combat Vehicles, Army:

[In thousands of dollars]

	Budget	House	Senate	Conference
PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEH				
TRACKED COMBAT VEHICLES:				
CARRIER, COMMAND POST LIGHT, FT, M577A2	23,600	23,600	44,100	33,600
CARRIER, PERSONNEL, FT, ARM, M113A2	82,900	82,900	144,000	122,900
BRADLEY FIGHTING VEHICLES (MYP)	1,007,000	909,300	958,100	931,000
BRADLEY FIGHTING VEHICLES (MYP) (PY TRANSFER)		(21,700)		
BRADLEY FIGHTING VEHICLES (MYP) (AP-CY)	27,600	23,600	24,900	22,300
BRADLEY FVS TRAINING DEVICES	79,400	79,400	79,400	79,400
FIELD ARTILLERY AMMUNITION SUPPORT VEH	101,500	70,200	101,500	70,200
RECOVERY VEHICLE, MED, FT, M88A1	215,800	181,600	215,800	211,400
RECOVERY VEHICLE, MED, FT, M88A1 (PY TRANSFER)		(2,800)		
ABRAMS TANK SERIES ROLL (MYP)	1,749,600	1,478,400	1,348,200	1,556,300
ABRAMS TANK SERIES ROLL (MYP) (PY TRANSFER)		(77,900)	(77,900)	
ABRAMS TANK SERIES ROLL (MYP) (AP-CY)	359,200	344,000	316,800	316,800
M60 SERIES TANK TRAINING DEVICES	20,400	20,400	20,400	20,400
M1 SERIES TANK TRAINING DEVICES	65,600	65,600	65,600	65,600
MODIFICATION OF TRACKED COMBAT VEHICLES:				
CARRIER, MOD	56,200	56,200	56,200	56,200
FIST VEHICLE (MOD)	80,800	76,100	80,800	76,100
BFVS SERIES (MOD)	19,000	5,300	19,000	12,000
HOWITZER, MED SP FT 155MM M109 SER(MOD)	25,400	15,700	25,400	15,700
ARMORED VEH LAUNCH BRIDGE (AVLB) (MOD)	20,400	20,400	20,400	20,400
TANK, CMBT, FT, 105MM GUN, M60SER(MOD) (MYP)	130,600	113,600	110,600	110,600
105MM TANK GUN (MOD)	6,000			
TANK, M1 SERIES (MOD)	70,100	47,500	64,200	64,200
TANK M1 SERIES (MOD) (PY TRANSFER)		(7,000)		
ROBOTIC OBST BREACHING ASSULT TANK (MOD)	17,800	9,600	9,600	9,600
SUPPORT EQUIPMENT AND FACILITIES:				
SPARES AND REPAIR PARTS	649,000	628,000	628,000	628,000
VALUE ENGINEERING	1,000	1,000	1,000	1,000
ITEM LESS THAN \$900,000 (TCV-WTCV)	800	800	800	800
PRODUCTION BASE SUPPORT (TCV-WTCV)	95,800	82,200	90,800	90,800
PRODUCTION BASE SUPPORT (TCV-WTCV) (PY TRANSFER)		(8,600)		
TOTAL, TRACKED COMBAT VEHICLES	4,905,500	4,335,400	4,425,600	4,515,300
WEAPONS AND OTHER COMBAT VEHICLES:				
SERGEANT YORK DIVAD GUN	406,500			
SERGEANT YORK DIVAD GUN (GENERAL REDUCTION)		-256,517		
SERGEANT YORK DIVAD GUN (PY TRANSFER)		(256,517)		
SERGEANT YORK DIVAD GUN (AP-CY)	11,000			
SERGEANT YORK DIVAD GUN (AP-CY) (GENERAL REDUCTION)		-104,479		
SERGEANT YORK DIVAD GUN (AP-CY) (PY TRANSFER)		(104,479)		
FOLLOW-ON AIR DEFENSE GUN				150,000
FOLLOW-ON AIR DEFENSE EQUIPMENT (PY TRANSFER)			(150,000)	
ARMOR MACHINE GUN, 7.62MM M240	27,100	27,100	27,100	27,100
SQUAD AUTOMATIC WEAPON (SAW) 5.56MM	14,500			
SQUAD AUTOMATIC WEAPON (SAW) 5.56MM (GENERAL REDUCTION)		-12,900	-1,900	
SQUAD AUTOMATIC WEAPON (SAW) 5.56MM (PY TRANSFER)		(12,900)	(12,900)	
GRENADE LAUNCHER, AUTO, 40MM, MK19-3	9,000	9,000	9,000	9,000
LAUNCHER, SMOKE GRENADE	2,100	2,100	2,100	2,100
MORTAR, 81MM, XM252	6,100	6,100	6,100	6,100
MOTAR, 120MM	5,000	5,000		5,000
M16 RIFLE	39,300	35,000	35,000	35,000
PERSONAL DEFENSE WEAPON, 9MM	7,500	7,500	7,500	7,500
VEH RAPID FIRE WPN SYS-BUSHMASTER (MYP)	45,600	45,600	38,700	35,700
VEH RAPID FIRE WPN SYS-BUSHMASTER (MYP) (AP-CY)	8,300	3,700	5,000	5,000
TANK MUZZLE BORESIGHT DEVICE	4,600		4,600	4,600
MODIFICATION OF WEAPONS AND OTHER COMBAT VEH:				
DIVAD (MODS)	500			
HOWITZER, 155MM, M114A2 (MOD)	1,700	1,700	1,700	1,700
M16A1 RIFLE MODS	3,300	3,300	3,300	3,300
MODIFICATIONS UNDER \$900,000 (WOCV-WTCV)	800	800	800	800
SUPPORT EQUIPMENT AND FACILITIES:				
SPARES AND REPAIR PARTS	183,600	29,000	29,000	29,000
SPARES AND REPAIR PARTS (GENERAL REDUCTION)		-125,000		
SPARES AND REPAIR PARTS (PY TRANSFER)		(125,000)		
ITEMS LESS THAN \$900,000 (WOCV-WTCV)	2,900	2,900	2,900	2,900
PRODUCTION BASE SUPPORT (WOCV-WTCV)	51,400	15,400	51,400	51,400
(PY TRANSFER)		(36,000)		
5.56 CARBINE XM4	2,800			
TOTAL, WEAPONS AND OTHER COMBAT VEHICLES	833,600	-304,696	211,300	376,200
INFLATION REESTIMATES FOR FY86				
INFLATION PREMIUM, FY86		-7,000	-7,000	-7,000
PRIOR YEAR PROGRAM SAVINGS		-120,700		-56,729
(PY TRANSFER)		(75,000)		
FY 85 INFLATION FAIRNESS ADJUSTMENT		-79,000		-79,000
(PY TRANSFER)		(79,000)		
TOTAL, PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES	5,739,100	3,749,004	4,629,900	4,748,771

[In thousands of dollars]

	Budget	House	Senate	Conference
TRANSFER FROM OTHER ACCOUNTS		(806,896)	(240,800)	
TOTAL FUNDING AVAILABLE	5,739,100	4,555,900	4,870,700	4,748,771

PRIOR YEAR SAVINGS

The conferees recognize \$590,300,000 in prior year savings in Army Procurement of Weapons and Tracked Combat Vehicles. The sources and uses of these savings are identified in this Statement of the Managers under the heading "Availability of Unobligated Balances."

M-1 TANK

The conference agreement funds 840 tanks in fiscal year 1986 as proposed by the House. The conferees agree that no basic multiyear contract for the tank program may provide a procurement rate greater than 720 per year, but that options for higher annual procurement may be established. Beyond fiscal year 1986, exercising these contract options must be approved by the Committees on Appropriations of the House and Senate.

DIVAD FOLLOW-ON

The conferees agree to provide \$150,000,000 to procure off-the-shelf air defense equipment to be identified later by the Department. Such procurement shall be subject to standard reprogramming procedures, as specified by the Senate.

PROCUREMENT OF AMMUNITION, ARMY

The conferees agree to the following amounts for Procurement of Ammunition, Army:

[In thousands of dollars]

	Budget	House	Senate	Conference
PROCUREMENT OF AMMUNITION, ARMY				
AMMUNITION				
ATOMIC MATERIEL:				
NUCLEAR WEAPONS SUPPORT MATERIEL	5,200	5,200	5,200	5,200
CONTROLLED ITEMS:				
CTG, 5.56MM, BALL M193	18,100	18,100	18,100	18,100
CTG, 5.56MM, BLANK M200	12,000	12,000	12,000	12,000
CTG, 5.56MM, BLK M200, LKD F/SAW	2,200	2,200	3,000	2,200
CTG, 5.56MM, 4 BALL M855/1 TRCR M856 LKD	9,600	9,600	9,600	9,600
CTG, 5.56MM, BALL M16-A2	25,000	25,000	25,000	25,000
CTG, 5.56MM, TRACER M16-A2	6,500	6,500	6,500	6,500
GENERAL REDUCTION 5.56 MM		-10,000		-10,000
CTG, 7.62MM, TRCR M62 LKD	500	500	500	500
CTG, 7.62MM, 4 BALL M80/1 TRCR M62 LKD	25,000	25,800	25,800	25,800
CTG, 7.62MM, BALL M80 LKD/M13	700	700	700	700
CTG, 7.62MM, LKD 4 BALL ITRACER OHF	1,400	2,000	2,000	2,000
CTG, 7.62MM, SPEC BALL M118	1,900	1,900	1,900	1,900
CTG, CAL 22, BALL LR	2,700	2,700	1,600	1,600
CTG, 9MM, BALL	1,400	1,400	1,400	1,400
CTG, CAL 45, BALL M1911	2,200	2,200	2,200	2,200
CTG, CAL 45, MATCH GRADE	800	800	100	100
CTG, CAL 50, LKD 4 BALL/1 TRCR W/M15A2L	9,600	11,300	11,300	11,300
CTG, CAL 50, APIT, M20 LKD	1,400	1,400	1,400	1,400
CTG, CAL 50, BALL LKD	2,400	3,800	3,800	3,800
CTG, CAL 50, BLK, M1A1, LKD W/M9LK F/M2	15,000			
CTG, CAL 50, LKD TRACER M17	4,100			
CTG, CAL 50, LKD 4 BALL/1 TRACER W/M9 L	44,400	48,000	48,000	48,000
CTG, 20MM, LKD TP-1 M220 SERIES MLB M14A	19,300	7,900	7,900	7,900
CTG, 25MM, HEI-T M792 W/F	18,900	18,900	18,900	18,900
CTG, 25MM, APDS-T M791 W/M28 (MYP)	11,100	11,100	11,100	11,100
CTG, 25MM, TPT LKD M793 MLB M28	37,700	37,700	37,700	37,700
CTG, 30MM, LKD HEDP M789 W/FUZE (MYP)	26,000	5,000	5,000	5,000
CTG, 30MM, LKD TP M788 (MYP)	3,800	9,300	9,300	9,300
CTG, 40MM, TP-T M813 F/SGT YORK (MYP)	11,300			
CTG, 40MM, HE W/PROX M822	31,000			
CTG, 40MM, HEDP M430	48,800	35,800	43,500	43,500
CTG, 40MM, TP F/MK19	4,800	4,800	4,800	4,800
CTG, 40MM, PRAC M781	6,000	4,600	4,600	4,600
CTG, 75MM, BLANK, M337A1 F/HOWITZER	2,800	2,800	2,800	2,800
CTG, 81MM, ILLUM IUK XM853	15,700		15,700	
CTG, 81MM, HE IUK W/FUZE	31,700		31,700	
CTG, 81MM, SMK RP IUK XM819	12,400		12,400	
CTG, 81MM, IMP 1/10 RANGE TNG XM880	2,400		2,400	
CTG, SUB CAL 22, PRAC CHG=2 M745M	1,100	1,100	1,100	1,100
MORTAR AMMO		96,200		96,200
CTG, 4.2-INCH, ILLUM, W/FUZE	27,300			
CTG, 4.2-INCH, SMOKE, WP	6,700			
CTG, 105MM, HEAT MP T M456A2	47,200	41,600	41,600	41,600
CTG, 105MM, TP-T, M490	51,200	14,600	32,100	32,100
CTG, 105MM, TRACE-P FOR M833	2,300	2,300	2,300	2,300
CTG, 105MM, DS-TP M724	89,400	89,200	89,400	89,400
CTG, 105MM, APFSDS-T M833	46,800	42,300	46,800	42,300
CTG, 120MM APFSDS-T M829	59,700	75,000	75,000	75,000
CTG, 120MM HEAT-MP-T, M830 (MYP)	27,300	31,000	27,300	31,000
CTG, 120MM TP-T XM831 (MYP)	29,600	29,600	29,600	29,600
CTG, 120MM TPCSDS-T, M865 (MYP)	29,700	35,000	35,000	35,000
CTG, 120MM, HE W/MULTI/OPTION FUZE	30,300			
CTG, 120MM, ILLUM	4,000			
CTG, 120MM, SMOKE	11,200			

[In thousands of dollars]

	Budget	House	Senate	Conference
PROJ. 155MM, HE, ICM M483 (MYP)	299,800	181,100	299,800	269,800
PROJ. 155MM, SMK, WP, M825	16,300	10,000	16,300	13,100
PROJ. 155MM, HE, ADAM M731 (MYP)	26,500	14,600	26,500	20,600
PROJ. 155MM, HE, RAAMS M741 (MYP)	71,600	45,800	71,600	48,700
PROJ. 155MM, HE, COPPERHEAD (EA)	235,000	220,800		220,800
(PY TRANSFER)			(167,613)	
CHARGE, PROPELLING, 155MM, GREEN BAG M3	27,700		24,400	12,200
CHARGE, PROPELLING, 155MM, WHITE BAG M4	30,400			
CHARGE, PROPELLING, 155MM, RED BAG M203	20,400	20,400	20,400	20,400
CHARGE, PROPELLING, 155MM, WHITE BAG M11	17,800	17,800		
PROJ. 8-INCH, HE, ICM (DP), M509		50,000	50,000	50,000
PROJ. 8-INCH, HE, RAP, M650		10,000	10,000	10,000
CHARGE, PROPELLING, 8-INCH WB, M188	29,200	29,200		
FUZE, MTSQ M577/M577A1	49,300	40,200	49,300	49,300
FUZE, MTSQ M582/M582A1	10,500	10,500	10,500	10,500
PRIMER, PERC, M62	2,900	2,900	2,900	2,900
GROUND IMP MINE SCAT SYS AP M74 (MYP)	14,500			
GROUND IMP MINE SCAT SYS AT M75 (MYP)	26,500			
CANISTER MINE PRACTICE XM88 (VOLCANO)	1,500		1,500	
CANISTER MINE (VOLCANO) XM87	2,600		2,600	
MINE, AT, BLU-91/8 (VOLCANO) (MYP)	12,600		12,600	
MINE, AP, BLU-92/8 (VOLCANO) (MYP)	5,000		5,000	
MTR RKT 5 IN MK22 MOD 4 (EA)	5,400	5,400	5,400	5,400
LINE CHARGE M58A3 (MICLIC) (EA)	12,300	12,300	12,300	12,300
LINE CHARGE INERT M68A2 (MICLIC) (EA)	1,200	1,200	1,200	1,200
MODULAR PACK MINE SYSTEM	36,000		36,000	
DEMOLITION MUNITIONS & OTHER	16,500	16,500	16,500	16,500
DEMO KIT BANGALORE TORPEDO	3,000	3,000	3,000	3,000
LIGHTWEIGHT MULTI-PURPOSE SYSTEM	107,600	41,600	59,200	59,200
LIGHT WGT MULTI PURPOSE SYSTEM TRNR	3,100	3,100	3,100	3,100
HYDRA 70 RKT, MPSM HE M261 WHD (MYP)	28,900	28,900	28,900	28,900
HYDRA 70 RKT, MPSM PRAC M267 WHD	5,400	5,400	5,400	5,400
GRENADE, HAND, ALL TYPES	33,000	33,000	33,000	33,000
SIGNALS, ALL TYPES	33,500	14,900	14,900	14,900
SIMULATORS, ALL TYPES	28,700	19,900	19,900	19,900
GENERAL INCREASE/WAR RESERVE AMMO		162,100	400,000	200,000
MISCELLANEOUS:				
AMMO COMPONENTS/SUPPORT, ALL TYPES	21,300	21,300	21,300	21,300
ITEMS LESS THAN \$900,000 (MISC-AMMO)	3,700	3,700	3,700	3,700
SPARES AND REPAIR PARTS	1,000	1,000	1,000	1,000
AMMUNITION PECULIAR EQUIPMENT	5,200	5,200	5,200	5,200
NITROGUANIDINE (LB)	25,000	25,000	25,000	25,000
COMP A-5	9,100		9,100	
COMP C-4	9,000		9,000	
COMP B	4,400		4,400	
PBX 0280	1,600		1,600	
CYCLOTOL 70/30	2,800		2,800	
COMP LX-14	5,800		5,800	
AMMO 9WW/ELT	1,700	1,700	1,700	1,700
CLASSIFIED PROGRAMS	21,700		21,700	21,700
TOTAL, AMMUNITION	2,266,600	1,825,400	2,122,600	2,001,200
AMMUNITION PRODUCTION BASE SUPPORT				
PRODUCTION BASE SUPPORT:				
PROVISION OF INDUSTRIAL FACILITIES	280,600	167,600	288,000	276,100
COMPONENTS FOR PROVE-OUT	14,000	9,600	14,000	14,000
LAYAWAY OF INDUSTRIAL FACILITIES	22,500	22,500	22,500	22,500
JEFFERSON PROVING GROUND MODERNIZATION	2,000	2,000	2,000	2,000
CHEMICAL DEMILITARIZATION PROGRAM	49,300	49,300	81,300	81,300
PRODUCTION BASE MODERNIZATION			103,100	103,100
TOTAL, AMMUNITION PRODUCTION BASE SUPPORT	368,400	251,000	510,900	499,000
INFLATION REESTIMATES FOR FY86		-3,000	-3,000	-3,000
GENERAL REDUCTION, PY TRANSFER			-8,387	
(PY TRANSFER)			(8,387)	
PRIOR YEAR INFLATION SAVINGS		-78,000		
(PY TRANSFER)		(78,000)		
PRIOR YEAR PROGRAM SAVINGS		-137,200	-33,900	
(PY TRANSFER)		(137,200)	(33,900)	
TOTAL, PROCUREMENT OF AMMUNITION, ARMY	2,635,000	1,858,200	2,588,213	2,497,200
TRANSFER FROM OTHER ACCOUNTS		(215,200)	(209,900)	
TOTAL FUNDING AVAILABLE	2,635,000	2,073,400	2,798,113	2,497,200

PRIOR YEAR SAVINGS

The conferees recognize \$178,100,000 in prior year savings in Army Ammunition Procurement. The sources and uses of these savings are identified in this Statement of the Managers under the heading "Availability of Unobligated Balances."

MORTAR AMMUNITION

The conference agreement provides a lump sum of \$96,200,000 for mortar ammu-

munition, as proposed by the House. The conferees are in agreement that the Army shall submit a report to the Appropriations Committees for approval of the allocation of this sum. Such allocation shall include the two 81mm training rounds and 120mm mortar ammunition.

155MM ICM

The conferees agreement provides \$269,000,000 for procurement of the 155mm

Improved Conventional Munition. The Army has had serious start-up problems at the integrated production facility which manufactures this round which have resulted in delayed deliveries. The Army has turned top management attention to this problem and has made some progress; however, the conferees believe this effort must continue until the new plant is fully on-line. The conferees therefore direct that no more than \$181,100,000 may be obligated until

the Army conducts a thorough investigation of this situation and reports to the Appropriations Committees on specific problems, proposed solutions, and implementation plans and schedules.

COPPERHEAD

The conference agreement funds 6,900 projectiles for \$220,800,000 as proposed by the House. The conferees are in agreement that the Department shall submit for approval a report to the Committees on Appropriations of the House and Senate on the cost effectiveness of establishing a second source for Copperhead prior to entering such a contract. The conferees are in agreement that the Committees will respond to such a report within thirty days after submittal of this report.

The conferees agree that the \$69,900,000 proposed for transfer to the 1986 program by the Senate may be used for the 1985 Copperhead program as requested by the Army.

MODULAR MINE PACK SYSTEM (MOPMS)

The conferees agree that no procurement funding for MOPMS in fiscal year 1986 is necessary because of program delays. Unobligated funds available in fiscal year 1985 (\$16,500,000) may be used to initiate procurement in fiscal year 1986 when testing is complete, the item is type-classified, and the required report is submitted to the committees. Additionally, a portion of the unallocated add-on may be used for MOPMS procurement if necessary. The conference action is taken without prejudice to the program.

LIGHTWEIGHT MULTIPURPOSE SYSTEM

The conference agreement provides sufficient funds in this program for the Army to

exercise the second year production option for the AT-4 at the most economic production rate. The conferees agree that the DT/OT testing of the M72E4 be completed and the item be type-classified using available funds, with the understanding that this is done without expectation of subsequent procurement by the Department of Defense.

105MM TRAINING AMMUNITION

The conferees note that contracts for funds appropriated last year for the initial procurement of the XM-901 105mm tank training round have not yet been issued contract. This round has many advantages over the current round, including ballistic match. In order to verify these advantages, the conferees direct that the Army procure at least 55,000 XM-901 105mm tank training rounds using available unobligated funds in fiscal years 1984 and 1985. The Army is further directed to report to the Committee on the results of operational experience and plans for procurement in the future.

PROVISION OF INDUSTRIAL FACILITIES

The conference agreement provides the following amounts for items in conference:

	House	Senate	Conference
Binary chemical facilities		\$93,900	\$93,900
Explosive stockpiling-related project		3,200	
General reduction	\$15,900		
Holston RDX/HMX projects	7,600		6,300
RDX facility at Louisiana AAP		15,000	

[In thousands of dollars]

	Budget	House	Senate	Conference
Other Procurement, Army				
Tactical and Support Vehicles				
Tactical vehicles:				
Chassis trailer gen 2 1/2 ton 2W, M200A1	7,600	7,600	7,600	7,600
Dolly set, trans shelter, 7 1/2 t, M1022 2	5,500	5,500	5,500	5,500
Motorcycle, GED, 2W, rough terrain	5,600	2,000		2,000
Semitrailer, BB/cont 34T M872 C/S	3,400	3,400	3,400	3,400
Semitrailer, LB, 12T M270A1-M269A1	9,300	9,300	9,300	9,300
Semitrailer, low bed, 40T M870 (C/S)	12,200	12,200	12,200	12,200
Semitrailer, low bed HET, XM1000	11,200	11,200	200	
Semitrailer, tank, 5000G	19,800	19,800	19,800	19,800
Trailer, cargo 3/4T, 2W, M101A2 W/E	5,300	5,300	5,300	5,300
Trailer, cargo, 1 1/2 T, 2W, M105A2	11,100	11,100	11,100	11,100
Trailer tank water 400G 1 1/2 T 2W M149A1	4,000	4,000	4,000	4,000
HI mob multi-purp wheel veh (hmmwv) (mvp)	326,000	313,914	326,000	313,914
Fast attack vehicle	3,100			
PY transfer reduction		-7,400		
(PY transfer)		(7,400)		
Small unit support vehicle (susv)	14,800	13,800	14,800	13,800
Truck, 5t, 6x6, abt (mvp)	225,300	217,186	252,300	217,186
Truck, 10t, 8x8, abt (mvp)	128,700	116,397	128,700	116,397
Truck, tractor, yard type, M878 (C/S)	3,100	3,100	3,100	3,100
Modification of in-service equipment	100	100	100	100
Shop equipment, auto maint & rep	900	900	900	900
Items less than \$900,000 (tac veh)	1,700	1,700	1,700	1,700
Non-tactical vehicles:				
Passenger carrying vehicles	30,000	30,000	30,000	30,000
General purpose vehicles	39,900	39,900	39,900	39,900
Special purpose vehicles	13,000	13,000	13,000	13,000
Support equipment and facilities:				
Spares and repair parts	135,200	135,200	135,200	135,200
Total, tactical and support vehicles	1,016,800	969,197	1,024,100	965,397
Communications and Electronics Equipment				
Telecomm equip—read comm comm:				
JCSE equipment (USREDCOM)	300	300	300	300
Classified project 9ww	14,200	14,200	14,200	14,200
Telecomm equip—joint tactical comm prog:				
Mod rcd rfc term (mrtt)	39,900	8,500	36,200	36,200

BINARY CHEMICAL FACILITIES

The binary chemical munitions program is discussed at the beginning of the procurement section of this statement of managers.

RDX MODERNIZATION

The conferees are dissatisfied with the Army's response to previous direction to decide expeditiously on the number and location of additional RDX manufacturing facilities and to present a budget and program plan to accomplish this objective. The recently completed cost-benefit analysis explored alternatives, but the Army still has not submitted a plan which is responsive to Congressional requirements and direction. In order to expedite this effort, and get site specific work started at the first location (Louisiana Army Ammunition Plant), the conferees have agreed to bill language restricting the use of all production base projects funded in the bill. The language follows:

Provided, That none of the funds provided herein may be obligated or expended for production base projects until the Secretary of the Army has submitted to the Committees on Appropriations of the House and Senate a specific funding and program plan for RDX modernization which responds to Congressional requirements on program phasing and direction concerning full funding, and which provides for initiation of site specific work at Louisiana Army Ammunition Plant not later than June 30, 1986.

OTHER PROCUREMENT, ARMY

The conferees agree to the following amounts for Other Procurement, Army:

[In thousands of dollars]

	Budget	House	Senate	Conference
DIG group multiplexer (DGM)	20,400	20,400	20,400	20,400
RPTR/term assemblgs	15,700	15,700	15,700	15,700
Radio terminals an/trc-170	29,200	29,200	29,200	29,200
Unit level switches	31,400		10,800	10,600
Com sys con el an/tyq-16	15,900	15,900	15,900	15,900
DIG nsec vter ta-954	4,000	4,000	4,000	4,000
ANDVT-lac term, cv-3591	4,000	4,000	4,000	4,000
Lightweight digital facsimile	7,400			
MOB subscriber eqp	335,300	335,300		335,300
(PY transfer)			(238,000)	
MOD of in-svc eq (tri-lac)	22,500	22,500		22,500
Telecomm equip-combat support comm:				
Comm sys (htld)	8,500		8,500	8,500
SINGARS (roll)	231,300	172,951	102,300	102,300
SINGARS (roll) (py transfer)		(22,100)		
Snap		15,400		15,400
Communications central, AN/TSC-99	11,700		11,700	
IMP M radio family	26,600	20,100	26,600	26,600
PWR supply PP-6148/U	900	900	900	900
Radio set an/prc-70	11,600	11,600	11,600	11,600
Antenna group OE-254	2,500	2,500	2,500	2,500
Small unit trans an/prc-68	1,000	1,000	1,000	1,000
Teletypewriter terminal an/ugc-74	4,200		4,200	2,100
MOD of in-svc equip (csc)	26,000	11,800	26,000	18,900
RDF comm (s.w. Asia)	19,500	19,500	19,500	19,500
Items less than \$900,000 (CSC-C-E)	10,100	7,100	10,100	7,100
Spec ops comm sup elmt	7,300	6,341	11,330	11,330
Telecomm Equip—NMCS Wide Support, Army				
Telecomm Equip—Starcom Non-DCS:				
Ar Telecom auto pr (atcap)	9,200	9,200	9,200	9,200
C-E facilities/projects	20,500	17,100	20,500	18,800
Southcom C3 upgrade	26,900	26,900	13,800	13,800
Electromag comp prog (emcp)	600	600	600	600
Long-haul com (DCS):				
Autodin (DCS)	4,800	4,800	4,800	4,800
Defense data network (DDN)	6,500	6,500	6,500	6,500
Transmission media (eucom)	16,200	16,200	16,200	16,200
Transmission media (pacom)	30,900	30,900	30,900	30,900
WW tech con imp pr (WWTCIP)	5,300	5,300	5,300	5,300
Telecomm equip—satcom-grd environ:				
Digital equipment (dscs)	40,000	40,000	40,000	40,000
Interconnect facility (dscs)	7,900	7,900	7,900	7,900
Jam resistant secure com (jrsc)	22,900	19,585	22,900	19,585
Med sat term an/gsc	62,100	62,100	62,100	62,100
Spnd spec mul acc (dscs)	23,000	17,970	23,000	17,970
Dscs operations control sys (dscs)	40,400	22,281	40,400	31,300
Mod in-svc equip (dscs)	8,500	8,500	8,500	8,500
Mpk sat uhf term, an/psc-3	3,900	3,900	3,900	3,900
Veh sat uhf term, an/vsc-7	1,400	1,400	1,400	1,400
Single channel object tact term (scott)	83,400			
Mod in-svc equip (tac sat)	53,400	53,400	53,400	53,400
Telecomm equip-eucom C3 system:				
Eucom C3 (nws)	98,600	65,700	98,600	98,600
Eucom alternate spt hq (ash)	11,500	7,700	11,500	7,700
Telecomm equip-comsec equipment:				
Auto key dc kgx-93/tsec	4,300	4,300	4,300	4,300
Sec vo imprv prg (comsec)	8,400	8,400	18,400	12,000
Loop key gen tsec/kg-82	2,100	2,100	2,100	2,100
Key var gen tsec/kg-83	400	400	400	400
Ded loop encryp dev kg-84	21,800	21,800	39,800	31,800
Tnk encrp dev tsec/kg-93	2,200	2,200	2,200	2,200
Tsec/kg-94	7,800	7,800	7,800	7,800
Int lev 1 set tsec/st-34	800	800	800	800
Dig sub voice tsec/ky-68	2,000	2,000	2,000	2,000
Tsec/ky-90	5,400	5,400	5,400	5,400
Key generator, tsec/kg-87	2,000	2,000	2,000	2,000
Comsec module, tsec/kgv-13	5,100		5,100	3,800
Freq module, kgv-10/tsec	18,200	13,900	1,000	13,900
Elec tran dev kyk-13/tsec	1,500	1,500	1,500	1,500
Net con dev kyx-15/tsec	1,800	1,800	1,800	1,800
Speech secur eq tsec/ky-57	31,500	31,500	56,200	35,000
Tsec/kyv-5 (vactor) secure equip	900	900	900	900
Tempest (comsec)	1,100	1,100	1,100	1,100
Tsec/kgv-11/secure module	1,300	1,300	1,300	1,300
Umstead CC (ci-11-1)	3,000	3,000	3,000	3,000
Umstead RT (ci-11-2)	6,800	6,800	6,800	6,800
Batson II, tsec/ci-14	8,400	8,400	8,400	8,400
Items less than \$900,000 (comsec)	4,500	4,500	4,500	4,500
Telecomm equip—base comm:				
Base comm (conus)	34,600	34,600	34,600	34,600
Base comm (eucom)	6,800	6,800	6,800	6,800
Base comm (pacom)	4,000	4,000	4,000	4,000
Da comd + con sys (daccs)	10,300	10,300	10,300	10,300
Army opns ctr	5,000	5,000	5,000	5,000
Pentagon telecom ctr (plc)	9,800	9,800	9,800	9,800
Tmode for telecomm:				
Tmode modernization	27,000	27,000	27,000	27,000
Other elect sys/equip—intelligence support:				
Trailblazer	38,400	19,200	19,200	19,200

[In thousands of dollars]

	Budget	House	Senate	Conference
Tac elec surv sys	15,800	15,800	15,800	15,800
Manpack radio df system (mrdls)	7,000	7,000	7,000	7,000
Team pack	6,000	6,000	6,000	6,000
Mod in ser eq (int spl)	20,200	20,200	20,200	20,200
Reserve tactical intel enhancement	900	900	900	900
Items less than \$900,000 (int spl-c-E)	4,700	4,700	4,700	4,700
Ft Devens training support	400	400	400	400
Trojan	5,300	5,300	5,300	5,300
Intelligence data handling system (idhs)	24,300	24,300	24,300	24,300
Tech recon and surv sys (tecras)	7,900	7,900	7,900	7,900
Items less than \$900,000 (gdp-c-E)	4,600	4,600	4,600	4,600
Other Elect Sys Equip—Gen Def Intel Prog				
Other Elect Sys/Equip—AUTO DATA PROCESS SYS:				
VERT INSTL AUTO BASELINE (VIALE-BASOPS)	18,700	18,700	18,700	18,700
VERTICAL FORCE DEVELOP. MIS	6,300	6,300	6,300	6,300
BATTERY COMPUTER SYSTEM	17,700	17,000	17,700	17,700
ARMY DATA DISTRIBUTION SYSTEM-ADDS	21,600	21,600	21,600	21,600
USAREUR TACTICAL AUTOMATION	2,200	2,200	2,200	2,200
LIFE CYCLE SOFTWARE SUP. (ICSS)	3,500	3,500	3,500	3,500
ADPE FOR NON TAC MGT INFO SYS	9,400	22,700	33,000	32,900
ADPE FOR NON TAC MGT INFO SYS (PY TRANSFER)		(10,200)		
DIGITAL MESSAGE DEVICE	13,200			
FIRE SUPPORT TEAM DIGITAL MESSAGE	17,200	17,200	17,200	17,200
MANUEVER CONTROL SYS	72,300	10,687	72,300	60,000
MOD IN-SVC CMD/CONTROL (C2)	2,900	2,900	2,900	2,900
CORPS/THEATER ADP SVC CTR (CTASC)	8,900		8,900	
TACT ARMY CMBT COMPT SY (TACCS)	44,700	44,700	44,700	44,700
COMPUTER BALLISTICS: MORTAR XM-23	6,000	6,000	6,000	6,000
CSS LOG APPLC AUTO MARK/READ SYMBS (LOG MA)	10,600	10,600	10,600	10,600
WW MIL COM & CONT SYS ADPE	7,100	7,100	7,100	7,100
UNIT LEVEL COMPUTER (ULC)	5,500	5,500	5,500	5,500
ADV FA TACTICAL DATA SYSTEM		25,574		25,574
AUDIO VISUAL:				
AFRTS (AUDIO VISUAL)	4,300	4,300	7,800	7,800
DIG STRG & RTRVL ENGRG DATA SYS (DSREDS)	25,300	25,300	24,300	24,300
ITEMS LESS THAN \$900,000 (A/V-C-E)	14,300	11,300	14,300	11,300
OTHER ELECT SYS/EQUIP - ELECTRONIC WARFARE:				
COUNTERMEASURES SET AN/TLO-17A	5,700	5,700	5,700	5,700
TACJAM, AN/MLQ-34	19,000	19,000	19,000	19,000
EW (HTLD)	5,200	5,200	5,200	5,200
MOD IN-SVC EQUIP (EW)	2,100	2,100	2,100	2,100
ITEMS LESS THAN \$900,000 (EW-C-E)	2,900	2,900	2,900	2,900
OTHER ELECT SYS/EQUIP—TACTICAL ELECTRONIC:				
CHARGER, RADIAC DETECTOR PP-4370/PD	3,800			
BATTERY CHARGER PP-7286/U	3,500	3,500	3,500	3,500
POWER SUPPLY, PP-6224	1,900	1,900	1,900	1,900
COMPUTER/INDICATOR CP-696/PD	4,000	4,000	4,000	4,000
METEOROLOGICAL DATA SYS (FAMAS)	33,100	33,100	33,100	33,100
GROUND LASER LOCATOR DESIGNATOR (GLLD)	45,100	45,100	45,100	45,100
INTRUSION DETECTION DEVICES	16,600	16,600	16,600	16,600
NAVSTAR GLOBAL POSITIONING SYSTEM	9,700	2,400		9,700
NAVSTAR GLOBAL POSITIONING SYSTEM (PY TRANSFER)		(7,300)		
POSITION/AZIMUTH DETERMINING SYS (PADS)	36,400		36,400	20,000
TAM-6 NIGHT SIGHT MAINTENANCE FACILITY	4,200	4,200	4,200	4,200
AN/TAM-3 TEST SET, NIGHT VISION SIGHT	2,300	2,300	2,300	2,300
NIGHT VISION GOGGLES	65,000	65,000	65,000	65,000
NIGHT VISION SIGHT INDIV WPN AN/PVS-4	9,900	9,900	9,900	9,900
POSITION LOCATION REPORTING SYS (PLRS)	45,100	45,100	45,100	45,100
RADIAC SET AN/VDR-2	2,000	2,000	2,000	2,000
REMBASS	22,000	22,000	22,000	22,000
RPV TA/DESIGN AERIAL RECON SYS (TADARS)	134,600	66,000	66,000	66,000
TACTICAL DOSIMETER, IM-185	2,400			
MODIFICATION OF IN-SERVICE EQ (TAC EL)	3,500	3,500	3,500	3,500
ITEMS LESS THAN \$900,000 (TACT ELEC-C-E)	14,500	9,500	14,500	9,500
TMDE FOR TACTICAL ELECTRONICS:				
TEST STA, ELECTRONIC EQUIP, AN/USM-410	8,900	8,900	8,900	8,900
TMDE FOR STE/ICE	5,600	5,600	5,600	5,600
CORE ELECTRONIC AUTO TEST (STE-X)	8,500	8,500	8,500	8,500
OTHER ELECT SYS/EQUIP—SUP EQUIP AND FAC:				
SPARES AND REPAIR PARTS (TELECOM)	215,400	189,400	200,300	189,400
SPARES AND REPAIR PARTS (COMESC)	14,600	14,600	14,600	14,600
SPARES AND REPAIR PARTS (OTHER)	218,000	196,400	210,700	196,400
WAR RESERVE SPARES	32,800	18,000	32,800	18,000
SPECIAL PROGRAMS	95,000	95,000	95,000	95,000
QUICK RETURN ON INVESTMENT (QRIP) PGM	500	500	500	500
PRODUCTIVITY INVESTMENT FUNDING	40,700	40,700	40,700	40,700
PROD ENHANCING CAP INVESTMENT PROG (PECP)	1,000	1,000	1,000	1,000
PRODUCTION BASE SUPPORT (C-E)	5,500	5,500	5,000	5,000
TOTAL, COMMUNICATIONS AND ELECTRONIC EQUIPMENT	3,306,300	2,731,789	2,639,630	2,868,859
Other Support Equipment				
CHEMICAL DEFENSIVE EQUIPMENT:				
SIM DET CHEM AGENT AUTO ALARM XM81	4,700	4,700	4,700	4,700
DECONTAMINATE APP PWR DR LT WT XM17	6,400	6,400	6,400	6,400
MASK, PROTECTIVE NBC	30,300	30,300	30,300	30,300
CHEMICAL AGENT MONITOR	19,400	19,400	19,400	19,400
SIMP COLL PROT EQUIP XM20	3,900	3,900	3,900	3,900
MODULAR/COLL PROT EQUIP FOR VV AND S	3,100	3,100	3,100	3,100

[In thousands of dollars]

	Budget	House	Senate	Conference
GEN SET, SMOKE, MECH: PUL JET, XM157	4,200	4,200	4,200	4,200
BRIDGING EQUIPMENT:				
BOAT, BRIDGE ERECTION, DE, 27 FT	25,400	25,400	25,400	25,400
BRIDGE, FLOAT-RIBBON, INTERIOR BAY	7,100	7,100	7,100	7,100
BRIDGE, FLOAT-RIBBON, RAMP	3,800	3,800	3,800	3,800
BRIDGE, FLOAT-RIBBON, TRANSPORTER	18,000	18,000	18,000	18,000
ITEMS LESS THAN \$900,000 (BRIDGING)	900	900	900	900
ENGINEER (NON-CONSTRUCTION) EQUIPMENT:				
GEMSS AUX MINE DISPNSR XM138 (FLIPPER)	2,000	2,000	2,000	2,000
DISPENSER MINE XM139	2,500			
LAUCHER, MINE CLEARING LINE CHARGE	1,400	1,400	1,400	1,400
MARKING SYCS, CLEAR LANE	3,000	3,000	3,000	3,000
E DET SET, MINE, MET/NON-MET, AN/PRS-8	8,100	8,100	8,100	8,100
MINE CLEARING ROLLER	3,500	3,500	3,500	3,500
REMOTE CONTROL UNIT (MOPMS)	4,600	4,600	4,600	4,600
M-9 ARMORED COMBAT EARTHMOVER (ACE)	65,000	30,000	42,400	42,400
M-9 ARMORED COMBAT EARTHMOVER (ACE) (PY TRANSFER)		(12,400)		
ITEMS LESS THAN \$900,000 (ENG NON COSTR)	1,900	1,900	1,900	1,900
COMBAT SERVICE SUPPORT EQUIPMENT:				
AIR CONDITIONERS VARIOUS SIZE/CAPACITIES	19,100	19,100	19,100	19,100
FIELD KITCHENS, MOBILE, TRL MTD	5,300	5,300	5,300	5,300
DIVING EQUIPMENT	400	400	400	400
FIRETRUCKS	8,600	8,600	8,600	8,600
TAG PRINTING AND BINDING EQUIPMENT	5,400	5,400	5,400	5,400
HALON RECHARGE SERVICE KIT	2,100	2,100	2,100	2,100
ITEMS LESS THAN \$900,000 (CCS-EQ)	10,000	10,000	10,000	10,000
MODIFICATIONS OF IN SERVICE EQUIP (CSE)	3,800	3,800	3,800	3,800
PETROLEUM EQUIPMENT:				
TANK ASSEMBLY FAB COLL POL 50000 G	5,100	5,100	5,100	5,100
TANK ASSEMBLY FAB COLLAPSIBLE POL 10000G	5,800	5,800	5,800	5,800
TANK UNIT TRLR MTD 600 GAL	1,900	1,900	1,900	1,900
PUMP ASSY LIQ GAS WHL 4 IN OUT 350 GPM	5,800	5,800	5,800	5,800
SWA PETROLEUM DISTRIBUTION SYSTEM	38,900	38,900	38,900	38,900
ITEMS LESS THAN \$900,000 (POL)	1,600	1,600	1,600	1,600
LOG UNIT PRODUCTIVITY SYS (LUPS)			53,700	
WATER EQUIPMENT:				
WTR PUR UNIT REV OS 200/3000 GPM TK MID	14,000	14,000	14,000	14,000
WATER PUR UNIT, REV OSMOSIS, 600GH	24,000	24,000	24,000	24,000
TACTICAL WATER DISTR SYS	8,300	8,300	8,300	8,300
TANK, FABRIC, COLL, WTR, SEMI-TRLR MTD	1,600	1,600	1,600	1,600
SMALL MOBILE WATER CHILLER (SMWC)	2,200	2,200	2,200	2,200
PUMP CENTRIFUGAL 65GPM	3,400	3,400	3,400	3,400
ITEMS LESS THAN \$900,000 (WATER EQ)	1,900	1,900	1,900	1,900
MEDICAL EQUIPMENT:				
DEPLOYABLE MEDICAL SYSTEM (DMS)	84,400	84,400	132,100	96,700
CBT SOP EQUIP MEDICAL	77,500	77,500	104,600	98,700
MEDICAL SUPPORT EQUIPMENT	83,900	83,900	83,900	83,900
MAINTENANCE EQUIPMENT:				
SHOP EQ CONTACT MAINTENANCE TK MTD (MP)	27,000	27,000	27,000	27,000
WELDING SHOP, TRAILER MTD	9,800	9,800	9,800	9,800
SHOP EQ ELECTRICAL RPR SEMI-TRL MTD	13,500	13,500	13,500	13,500
CALIBRATION SET SUPPORT	7,700	7,700	7,700	7,700
ITEMS LESS THAN \$900,000 (MAIN EQUIP)	9,500	9,500	9,500	9,500
CONSTRUCTION EQUIPMENT:				
TRACTOR FULL TRACKED LOW SPEED DD MED	26,400	26,400	26,400	26,400
SMALL EMPLACEMENT EXCAVATOR (SEE)	25,300	25,300	25,300	25,300
ITEMS LESS THAN \$900,000 (CONSTRUCTION)	7,700	7,700	7,700	7,700
RAIL FLOAT CONTAINERIZATION EQUIPMENT:				
LANDING, CRAFT, UTILITY	22,900	22,900	22,900	22,900
RO/RO DISCHARGE PLATFORM	11,800	11,800	11,800	11,800
CAUSEWAY STSYSTEMS	13,400	13,400	13,400	14,400
MODIFICATIONS OF IN-SERV EQ (FLOAT/RAIL)	1,000	1,000	1,000	1,000
ITEMS LESS THAN \$900,000 (FLOAT & RAIL)	4,200	4,200	4,200	4,200
GENERATORS:				
GEN AND ASSOCIATED EQUIP	99,400	99,400	99,400	99,400
MATERIEL HANDLING EQUIPMENT:				
TRUCK, FORK LIFT, GE, PT, 6000 LB	13,500	13,500	13,500	13,500
TRUCK, FORK LIFT, GE, SRT, 2000 LB	2,900	2,900	2,900	2,900
TRUCK, FORK, DE, PT, RT, 6000 LB	26,300	18,000		
TRUCK, FORK LIFT, ELEC, SRT, 6000 LB	4,600	4,600	4,600	4,600
TRUCK, FORK LIFT, ELC, SRT, FRT/SIDE LDR	2,000	2,000	2,000	2,000
TRUCK, FORK LIFT, ELEC, SRT, 4000 LB	12,900	12,900	12,900	12,900
65 TON CRANE	6,200	6,200	6,200	6,200
ITEMS LESS THAN \$900,000 (MHE)	6,000	6,000	6,000	6,000
SPARES AND REPAIR PARTS	37,700	37,700	37,700	37,700
AREA ORIENTED DEPOT UPGRADE	73,800	63,800	63,800	63,800
VALUE ENGINEERING (VE)	600	600	600	600
PROJECT RESHAPE (HQ DARCOM)	14,600	6,000	6,000	6,000
PRODUCTION BASE SUPPORT (OTH)	7,900	7,900	7,900	7,900
SPECIAL EQUIPMENT FOR USER TESTING	11,200	11,200	11,200	11,200
HOST NATION SUPPORT—EUROPE	58,200		58,200	41,000
NATIONAL TRAINING CTR SUP	13,300	13,300	13,300	13,300
SWA STAGING BASES	6,400	6,400	6,400	6,400
TRAINING DEVICES, NONSYSTEM	177,800	177,800	177,800	177,800
ARAPHO		5,000		5,000
TOTAL OTHER SUPPORT EQUIPMENT	1,389,700	1,272,100	1,450,700	1,341,000
NON-CENTRALLY MANAGED ITEMS		105,300	105,300	105,300
INFLATION REESTIMATES FOR FY86		-5,000	-5,000	-5,000

(In thousands of dollars)

	Budget	House	Senate	Conference
PRIOR YEAR INFLATION SAVINGS (PY TRANSFER)		-174,000		
		(174,000)		
PRIOR YEAR PROGRAM SAVINGS (PY TRANSFER)		-89,400		
		(89,400)		
TOTAL OTHER PROCUREMENT, ARMY TRANSFER FROM OTHER ACCOUNTS	5,712,800	4,809,986	5,214,730	5,275,556
		(297,400)	(238,000)	
TOTAL FUNDING AVAILABLE	5,712,800	5,107,386	5,452,730	5,275,556

PRIOR YEAR SAVINGS

The conferees recognize \$257,500,000 in prior year savings in Army Other Procurement. The sources and uses of these savings are identified in this Statement of the Managers under the heading "Availability of Unobligated Balances."

FIVE TON TRUCKS

The conferees agree to the House allowance for procurement of five ton trucks and further agree that additional five ton trucks may be procured for the Army National Guard with funds appropriated under "National Guard and Reserve Equipment."

XM-1000 SEMITRAILER

The conferees deny without prejudice the budgeted procurement funding for the XM-1000 in recognition of program delays. If procurement can be justified in fiscal year 1986, after successful completion of testing, a reprogramming will be considered.

FREQUENCY MODULE, KGV-10/TSEC

The conferees agree to provide \$13,900,000 as proposed by the House instead of the \$1,000,000 proposed by the Senate. The conferees direct the Army to apply excess funds available from these funds due to schedule slippages in the SINGARS program to the purchase of KY-57 (Vinson) devices to provide additional communications security capability for the existing VRC-12 series radios which will now be retained longer.

MODULAR RECORD TERMINAL

The conferees recommend \$36,200,000 for a more cost effective alternative to the Single Subscriber Terminal, with the understanding that the Army already is evaluating such alternatives. The conferees direct that none of the recommended funds be obligated until the Army submits a report to the Defense Appropriations Subcommittees of each House including the results of the evaluation, a recommendation for a more cost effective program, and the rationale for such recommendation. The conferees agree that no funding is provided for modular tactical communications centers as proposed by the Senate.

MOBILE SUBSCRIBER EQUIPMENT

The conferees recommend \$335,000,000 for Mobile Subscriber Equipment as proposed by the House.

The conferees are concerned about the capability of the Army to manage the frequency and power management problems associated with the equipment of a mobile, cellular phone system in rapidly changing tactical situations where large numbers of other critical electronic emitter and receivers are used. The conferees therefore direct the Army to report by May 1, 1986 to the Defense Appropriations Subcommittees of the House and Senate on its plans to develop, demonstrate, and employ a frequency management capability for its mobile subscriber equipment.

TELETYPEWRITER TERMINAL AN/UGC-74

The conferees recommend \$2,100,000 for the Teletypewriter Terminal AN/UGC-74 Program and direct that none of these terminal be utilized in a program that provides for their operation solely as a printer.

AN/USC-28 SATELLITE COMMUNICATIONS SET

The conferees agree to provide \$19,585,000 for Jam Resistant Secure Communications and \$17,970,000 for Spread Spectrum Multiple Access modems (AN/USC-28) as proposed by the House. The conferees understand that the 1986 program requirements have already been purchased using excess fiscal year 1985 funds.

The conferees are concerned about the Department's long term plans for the development of a universal modem, and therefore direct the Department to submit a report to the Defense Appropriations Subcommittees of the House and Senate by April 1, 1986, including its plan for procurement and fielding of a universal modem, which fully considers the sizable sunk costs in existing hardware and software.

COMSEC MODULE, TSEC/KGV-13

The conferees recommend \$3,800,000 for COMSEC module, TSEC/KGV-13 with the understanding that a revised schedule will permit obligation of these funds in fiscal year 1986. The reduction from the budget request is based on an estimated downward revision in unit costs and is made without prejudice.

MANEUVER CONTROL SYSTEM

The conferees recommend \$60,000,000 for the Maneuver Control System (MCS). The conferees are concerned about the relatively high cost of military standard equipment and direct that provision of military standard equipment be limited to the training base and to the forward deployed and early deploying active component forces for the European, Korean, and Southwestern Asian Theaters. The conferees intend that (1) military standard equipment for these forces will be supplemented with nondevelopmental (NDI) equipment, (2) other active forces will be equipped entirely with NDI equipment, and (3) military standard equipment will be redistributed to the reserve component forces when the active forces are re-equipped under the Army Command and Control System (ACCS) program. The conferees direct that, to achieve greatest economy, priority should be given to acquiring the remaining military standard equipment in fiscal year 1986. For the remainder of the program equipment, procedures should be established to ensure that procurement and the ability to field this equipment is synchronized.

The conferees direct the Army to report to the Defense Appropriations Subcommittees of the House and Senate prior to obligation, but no later than March 1, 1986, on its proposed procurement and distribution plans of both military standard and NDI equipment for this program.

The conferees are aware that the MCS program has been developed and tested on an evolutionary basis and intend that the continuing development of the MCS will provide critical learning experience for the follow-on ACCS program. The conferees therefore direct that procurement be planned for completion in fiscal year 1987 and that fielding of this equipment be done expeditiously. An aggressive test and evaluation program should be established to ensure maximum transfer of MCS experience to the follow-on ACCS program. The success of this program is of interest to the conferees. Reports on its status should therefore be made from time to time to the Defense Appropriations Subcommittees of the House and Senate.

FIRE SUPPORT SYSTEM MODERNIZATION

The conferees agree to provide \$25,574,000 for maximizing the near fire support command and control fielded capabilities in accordance with a Congressionally-approved plan which will culminate in the ultimate system for the 1990's. However, the Army's Light Divisions are of primary and immediate concern. These Divisions have the unique mission requirement to deploy on short notice by air transport, fully prepared to carry out a variety of missions in low to high intensity conflicts. Since the Light Divisions currently have no automated fire support system, the conferees agree that these procurement funds are provided solely for the Light Divisions.

In response to repeated requests by Light Division Commanders for a Lightweight Fire Support System, the Army equipped the 9th Division with a system specifically designed for this mission in October 1985. This system will undergo Operational Testing between February and April 1986.

The Conferees direct the Army to report on the test results of the lightweight system test program, and submit a proposed overall transition plan for achieving near-term improvements to the fielded systems of both the Light and Heavy Divisions. Obligation of these funds is contingent on Congressional review of test results and approval of the transition plan.

POSITIONING/AZIMUTH DETERMINING SYSTEM

The conferees recommend \$20,000,000 for the Positioning/Azimuth Determining System (PADS) with the intention that a minimum production level for PADS be maintained for one year.

The conferees are concerned that the Army has no definite plan for the use of the various positioning/azimuth determining systems both currently in the inventory and in development. The conferees therefore direct the Army by March 1, 1986, to submit to the Defense Appropriations Subcommittees of the House and Senate a detailed and comprehensive report including a definition of the current and future roles of all positioning/azimuth determining systems in the

inventory or underdevelopment, the procurement plans for each system by fiscal year, a cost-benefit analysis of life cycle costs supporting the planned use of each system, and a description and justification of plans for transition from one system to its successor system.

HOST NATION SUPPORT

The conferees recommend \$41,000,000 for Host Nation Support-Europe. This recom-

mondation reflects the conferees' continued support of the Host Nation Support program, revised activation schedules, the offer of the German government to prefinance construction of facilities for activated units, and the availability of unobligated balances for this program appropriated in fiscal years 1984 and 1985.

The conferees agree with the Senate direction to restrict the use of funds only for the Host Nation Support program, and the

House direction for the Army to submit a report on its plans to synchronize future estimates of requirements with activation schedules, and to include details in future budget requests on the relationship of requirements to activation and operational schedules.

AIRCRAFT PROCUREMENT, NAVY

The conferees agree to the following amounts for Aircraft Procurement, Navy:

[In thousands of dollars]

	Budget	House	Senate	Conference
AIRCRAFT PROCUREMENT, NAVY				
BA-1 COMBAT AIRCRAFT:				
A-6E (ATTACK) INTRUDER.....	202,582	293,282		293,282
(PY TRANSFER)			(202,582)	
A-6E (ATTACK) INTRUDER (AP-CY).....	11,600	20,900		20,900
(PY TRANSFER)			(11,600)	
EA-6B (ELECTRONIC WARFARE) PROWLER.....	446,298	436,098		436,098
EA-6B (ELECTRONIC WARFARE) PROWLER (PY TRANSFER).....		(3,400)		
EA-6B (ELECTRONIC WARFARE) PROWLER (AP-CY).....	33,000	33,000	24,800	24,800
AV-8B (V/STOL).....	892,459	637,259	821,459	821,459
AV-8B (V/STOL) (PY TRANSFER).....		(139,200)		
AV-8B (V/STOL) (AP-CY).....	86,569	86,569	86,569	86,569
F-14A (FIGHTER) TOMCAT.....	653,615	553,615	649,090	649,090
F-14A (FIGHTER) TOMCAT (AP-CY).....	148,200	124,200	124,200	124,200
F/A-18 (FIGHTER) HORNET.....	2,493,741	2,153,741	2,267,900	2,267,900
F/A-18 (FIGHTER) HORNET (PY TRANSFER).....		(118,000)		
F/A-18 (FIGHTER) HORNET (AP-CY).....	268,130	210,130	210,130	210,130
CH/MH-53E (HELICOPTER) SUPER STALLION (MYP).....	260,053	235,053	235,053	235,053
CH/MH-53E (HELICOPTER) SUPER STALLION (MYP) (AP-CY).....	33,300	33,300	33,300	33,300
AH-1T (HELICOPTER) SEA COBRA.....	201,982	201,982	198,500	198,500
SH-60B (ASW HELO) SEAHAWK.....	315,580	202,980	250,080	249,980
SH-60B (ASW HELO) SEAHAWK (PY TRANSFER).....		(47,000)		
SH-60B (ASW HELO) SEAHAWK (AP-CY).....	54,900	54,900	54,900	54,900
CV ASW HELO (AP-CY).....	30,000	30,000	30,000	30,000
P-3C (PATROL) ORION (MYP).....	329,871	322,871		322,871
P-3C (PATROL) ORION (MYP) (AP-CY).....	156,600	106,600		106,600
E-2C (EARLY WARNING) HAWKEYE.....	328,360	316,460		320,900
E-2C (EARLY WARNING) HAWKEYE (PY TRANSFER).....		(6,000)	(320,900)	
E-2C (EARLY WARNING) HAWKEYE (AP-CY).....	31,300	31,300		31,300
(PY TRANSFER)			(31,300)	
SH-2F (ASW HELO) SEASPRITE.....	69,900	60,900	60,900	60,900
TOTAL, BA-1 COMBAT AIRCRAFT.....	7,048,040	6,145,140	5,482,979	6,578,732
BA-2 AIRLIFT AIRCRAFT:				
UC-12B/CX.....	26,867	26,867	26,867	26,867
C-20A.....		40,000	40,000	40,000
C-2 (MYP).....	134,936	134,936	134,936	134,936
C-2 (MYP) (AP-CY).....	35,200	35,200	35,200	35,300
TOTAL, BA-2 AIRLIFT AIRCRAFT.....	197,003	237,003	237,003	237,003
BA-3 TRAINER AIRCRAFT:				
T-34C.....	49,431	24,731	24,731	24,731
ADVERSARY (F-16).....	115,673	115,673	115,673	115,673
TOTAL, BA-3 TRAINER AIRCRAFT.....	165,104	140,404	140,404	140,404
BA-4 OTHER AIRCRAFT:				
E-6A.....	297,300	297,300		297,300
E-6A (AP-CY).....	58,300	58,300		58,300
VH-60.....	102,800	102,800	102,800	102,800
TOTAL, BA-4 OTHER AIRCRAFT.....	458,400	458,400	102,800	458,400
BA-5 MODIFICATION OF AIRCRAFT:				
A-3 SERIES.....	5,359	5,359	5,359	5,359
A-4 SERIES.....	16,972	10,272	10,272	10,272
A-6 SERIES.....	240,536	230,936	224,115	230,936
EA-6 SERIES.....	45,394	38,594	45,394	38,594
A-7 SERIES.....	29,983	10,783	7,569	7,569
AV-8 SERIES.....	8,123	8,123	8,123	8,123
F-4 SERIES.....	5,012	3,712	3,712	3,712
RF-4 SERIES.....	2,469	2,469	2,469	2,469
F-14 SERIES.....	158,752	158,752	158,752	158,752
F-8 SERIES.....	100	100	100	100
F-5 SERIES.....	1,682	1,682	1,682	1,682
OV-10 SERIES.....	51,506	51,506	51,506	51,506
F-18 SERIES.....	17,814	17,814	17,814	17,814
H-46 SERIES.....	136,995	134,995	134,995	134,995
H-53 SERIES.....	40,255	40,255	40,255	40,255
SH-60 SERIES.....	1,635	1,635	1,635	1,635
H-1 SERIES.....	75,419	75,419	75,419	75,419
H-2 SERIES.....	33,851	33,851	33,851	33,851
H-3 SERIES.....	97,990	96,690	96,690	96,690
EP-3 SERIES.....	38,531	38,531	38,531	38,531
P-3 SERIES.....	152,889	152,889	396,089	396,089

[In thousands of dollars]

	Budget	House	Senate	Conference
S-3 SERIES	284,291	293,591	284,291	293,591
E-2 SERIES	72,062	65,662	65,662	65,662
TRAINER A/C SERIES	5,283	4,983	4,983	4,983
EC-130 SERIES	6,471	6,471	6,471	6,471
C-130 SERIES	12,485	12,485	12,485	12,485
KC-TANKER CONVERSION			110,000	110,000
FEWSG	22,673	22,673	22,673	22,673
CARGO/TRANSPORT A/C SERIES	6,939	6,939	6,939	6,939
VARIOUS	15,625	15,625	4,625	4,625
POWER PLANT CHANGES	8,339	8,339	8,339	8,339
MISC FLT SAFETY/OPER NECESSITY CHANGES	4,334	4,334	4,334	4,334
COMMON ECM EQUIPMENT	242,021	242,021	165,368	192,021
COMMON AVIONICS CHANGES	23,927	23,927	23,927	23,927
UNDISTRIBUTED REDUCTION		-30,000		
TOTAL, BA-5 MODIFICATION OF AIRCRAFT	1,865,717	1,791,417	2,074,429	2,110,403
BA-6 AIRCRAFT SPARES:				
SPARES AND REPAIR PARTS	1,463,662	1,325,162	1,425,162	1,325,162
SPARES AND REPAIR PARTS (PY TRANSFER)		(100,000)		
BA-7 AIRCRAFT SUPPORT EQUIPMENT AND FACIS:				
COMMON GROUND EQUIPMENT	684,820	684,820	668,520	668,520
AIRCRAFT INDUSTRIAL FACILITIES	57,132	57,132	57,132	57,132
WAR CONSUMABLES	65,042	65,042	60,242	60,242
OTHER PRODUCTION CHARGES	57,680	55,980	55,980	55,980
UNDISTRIBUTED REDUCTION		-64,800		
TOTAL, BA-7 AIRCRAFT SUPPORT EQUIPMENT AND FACIS	864,674	798,174	841,874	841,874
INFLATION REESTIMATES FOR FY86		-15,000	-15,000	-15,000
INFLATION PREMIUM, FY86		-253,300		-119,051
FY85 INFLATION FAIRNESS ADJUSTMENT		-181,000		-181,000
(PY TRANSFER)		(181,000)		
TOTAL, AIRCRAFT PROCUREMENT, NAVY	12,062,600	10,446,400	10,289,651	11,376,927
TRANSFER FROM OTHER ACCOUNTS		(594,600)	(566,382)	
TOTAL FUNDING AVAILABLE	12,062,600	11,041,000	10,856,033	11,376,927

PRIOR YEAR SAVINGS

The conferees recognize \$551,300,000 in prior year savings in Navy Aircraft Procurement. The sources and uses of these savings are identified in this Statement of the Managers under the heading "Availability of Unobligated Balances."

CH-53E HEAVY LIFT HELICOPTER

The conferees agree that the CH-53E engines be procured under a multiyear contract as proposed by the House.

P-3C ANTISUBMARINE WARFARE AIRCRAFT

The conferees agree to an allowance of \$322,871,000 to procure nine P-3C aircraft and \$106,600,000 for P-3C advance procurement. The conferees direct that six of the nine P-3C aircraft shall be for the Naval Reserve.

NAVY TANKER AIRCRAFT

The conferees agree with the Senate allowance of \$110,000,000 for tanker aircraft modifications to support deployed carrier based fighter aircraft. The conferees believe the conversion of used commercial aircraft into tankers is substantially less costly than the procurement of new tanker aircraft. Accordingly, the conferees direct the Navy to request bids for used commercial aircraft that can be converted into aerial refueling tankers.

P-3C AIRCRAFT MODIFICATIONS

The conferees agree to the allowance of \$396,089,000 for P-3C modifications. With respect to the P-3C modification program, the conferees direct the Department, with the available funds, to procure 33 additional

update III modifications kits for a total of 48 aircrafts; to allot \$27,500,000 to procure AN/AQA-7 systems with expanded channel capacity and compatibility with the planned advanced acoustic sensors. The conferees direct the Navy to procure sufficient test models of both the AN/AQA-7 improved processor system and improved display system in order to determine fleet operability and suitability. Upon completion of this evaluation, the Navy should obtain the technical data package and compete future procurements. Additionally, the conferees direct that \$3,000,000 be made available to modify P-3A aircraft to be turned over to the Customs Service for drug interdiction.

WEAPONS PROCUREMENT, NAVY

The conferees agree to the following amounts to Weapons Procurement, Navy:

[In thousands of dollars]

	Budget	House	Senate	Conference
WEAPONS PROCUREMENT, NAVY				
BA-1 BALLISTIC MISSILES:				
BALLISTIC MISSILES				
UGM-73A (C-3) POSEIDON	5,001	5,001	5,001	5,001
UGM-96A (C-4) TRIDENT I	66,226	36,226	36,226	36,226
TRIDENT II	312,686	312,686	312,686	312,686
TRIDENT II (AP-CY)	269,300	269,300	269,300	269,300
MODIFICATION OF MISSILES:				
UGM-73A (C-3) POSEIDON MODS	15,006			
SUPPORT EQUIPMENT AND FACILITIES:				
MISSILE INDUSTRIAL FACILITIES	4,501	4,501	4,501	4,501
ASTRONAUTICS	12,606	12,606	12,606	12,606
TOTAL, BA-1 BALLISTIC MISSILES	685,326	640,320	640,320	640,320
BA-2 OTHER MISSILES:				
STRATEGIC MISSILES:				
BGM-109 TOMAHAWK	670,204	670,204	670,204	670,204
BGM-109 TOMAHAWK (AP-CY)	64,600	54,600	54,600	54,600
TACTICAL MISSILES:				
AIM/RIM-7 F/M SPARROW	359,200	345,379	359,200	359,200

(In thousands of dollars)

	Budget	House	Senate	Conference
AIM/RIM-7 F/M SPARROW (AP-CY).....	9,500			
AIM-9L/M SIDEWINDER.....	85,800	125,800	125,800	125,800
AIM-9L/M SIDEWINDER (AP-CY).....	8,000			
AIM-54A/C (PHOENIX).....	343,600	250,700	343,600	343,600
AIM-54A/C (PHOENIX) (AP-CY).....	38,300	24,800	24,800	24,800
AGM-84A HARPOON.....	314,873	314,873	314,873	314,873
AGM-88A HARM.....	258,000	236,000	242,214	236,000
SM-1 MR.....	26,438	17,738	20,300	20,300
SM-1 MR (AP-CY).....	9,500			
SM-2 MR.....	509,719	509,719	509,719	509,719
SM-2 ER.....	312,235	312,235	303,200	303,200
RAM.....	44,713	15,000		
SIDEARM.....	20,500	20,500	30,500	30,500
HELLFIRE.....	55,068	55,068	51,768	51,768
LASER MAVERICK.....	194,258	173,458	173,458	173,458
IIR MAVERICK.....	27,809	27,809	27,809	27,809
AERIAL TARGETS.....	105,600	105,600	105,600	105,600
DRONES AND DECOYS.....	29,400	29,400	29,400	29,400
OTHER MISSILE SUPPORT.....	12,309	12,309	12,309	12,309
MODIFICATION OF MISSILES:				
TOMAHAWK MODS.....	2,500	2,500	2,500	2,500
AIM/RIM-7E/F SPARROW MOD.....	2,302	2,302	2,302	2,302
AIM-9 SIDEWINDER MOD.....	30,317	20,317	25,271	20,317
AIM-54A/C PHOENIX MOD.....	13,205	13,205	13,205	13,205
AGM-84A HARPOON MOD.....	9,507	9,507	9,507	9,507
STANDARD MISSILES MOD.....	17,102	17,102	21,802	17,102
SUPPORT EQUIPMENT AND FACILITIES:				
WEAPONS INDUSTRIAL FACILITIES.....	18,908	18,908	24,908	24,908
FLEET SATELLITE COMMUNICATIONS.....	56,300	56,300	56,300	56,300
DEFENSE METEOROLOGICAL SATELLITE PROGRAM.....	8,802	5,002	5,002	5,002
ORDNANCE SUPPORT EQUIPMENT:				
ORDNANCE SUPPORT EQUIPMENT.....	71,889	16,289	16,289	16,289
TOTAL, BA-2 OTHER MISSILES.....	3,730,458	3,462,624	3,576,440	3,560,572
BA-3 TORPEDOES AND RELATED EQUIPMENT:				
TORPEDOES AND RELATED EQUIPMENT:				
TORPEDO MK-48 ADCAP.....	417,437	417,437	417,437	417,437
TORPEDO MK-46 (MYP).....	105,515	101,515	101,515	101,515
TORPEDO MK-46 (MYP) (AP-CY).....	23,600	23,600	23,600	23,600
MK-60 CAPTOR.....		59,600		59,600
MOBILE TARGET MK-30 (MYP).....	20,600	16,600	18,600	18,600
MK-38 MINI MOBILE TARGET.....	3,499	3,499	3,499	3,499
ASROC.....	15,551	15,551	15,551	15,551
MOD OF TORPEDOES AND RELATED EQUIP:				
MOBILE MINE MK-67.....	23,727		3,714	3,714
MOBILE MINE MK-67 (PY TRANSFER).....		(22,600)		
TORPEDO MK-46 MODS (MYP).....	91,935	85,735	85,735	85,735
TORPEDO MK-46 MODS (MYP) (AP-CY).....	8,400	8,400	8,400	8,400
CAPTOR MODS.....	15,705	15,705	15,705	15,705
SWIMMER WEAPONS SYSTEM.....	1,501	1,501	1,501	1,501
SUPPORT EQUIPMENT:				
TORPEDO SUPPORT EQUIPMENT.....	47,417	47,417	47,417	47,417
ASW RANGE SUPPORT.....	23,158	23,158	23,158	23,158
TOTAL, BA-3 TORPEDOES AND RELATED EQUIPMENT.....	798,045	819,718	765,832	825,432
BA-4 OTHER WEAPONS:				
GUNS AND GUN MOUNTS:				
MK-15 CLOSE IN WEAPONS SYSTEM.....	150,146	150,146	150,146	150,146
MK-75 76MM GUN MOUNT.....	20,005	15,005	17,905	17,905
MK-19/40MM MACHINE GUN.....	1,196	1,196	1,196	1,196
25MM GUN MOUNT.....	5,501	5,501	5,501	5,501
SMALL ARMS AND WEAPONS.....	11,305	11,305	11,305	11,305
MODIFICATION OF GUNS AND GUN MOUNTS:				
CIWS MODS.....	37,111	37,111	37,111	37,111
5"/54 GUN MOUNT MODS.....	14,104	14,104	14,104	14,104
3"/50 GUN MOUNT MODS.....	700	700	700	700
MK 75 76MM GUN MOUNT MODS.....	4,201	4,201	4,201	4,201
MODS UNDER \$900,000.....	2,001	2,001	2,001	2,001
SUPPORT EQUIPMENT:				
GUN SUPPORT EQUIPMENT.....	1,200	1,200	1,200	1,200
TOTAL, BA-4 OTHER WEAPONS.....	247,470	242,470	245,370	245,370
BA-5 SPARES & REPAIR PARTS:				
SPARES AND REPAIR PARTS.....	166,601	166,601	166,601	166,601
UNDISTRIBUTED REDUCTION.....		-25,000		-12,500
INFLATION REESTIMATES FOR FY86.....		-7,000	-7,000	-7,000
INFLATION PREMIUM, FY86.....		-119,000		-55,930
PRIOR YEAR PROGRAM SAVINGS.....		-15,000	-15,000	
(PY TRANSFER).....		(15,000)	(15,000)	
FY85 INFLATION FAIRNESS ADJUSTMENT.....		-72,000		-72,000
(PY TRANSFER).....		(72,000)		
TOTAL, WEAPONS PROCUREMENT, NAVY.....	5,627,900	5,093,733	5,372,563	5,290,865
TRANSFER FROM OTHER ACCOUNTS.....		(109,600)	(15,000)	
TOTAL FUNDING AVAILABLE.....	5,627,900	5,203,333	5,387,563	5,290,865

PRIOR YEAR SAVINGS

The conferees recognize \$15,000,000 in prior year savings in Navy Weapons Procurement. The sources and uses of these savings are identified in this Statement of the Managers under the heading "Availability of Unobligated Balances."

PHOENIX

The conferees agree to provide \$343,600,000 for Phoenix missiles as proposed by the Senate, instead of \$250,700,000 as proposed by the House.

The House had deleted \$92,900,000 requested in the budget for establishing a second source to produce Phoenix missiles. The Senate had included those funds. The conferees agree with the Senate position with the following provisos:

1. The results of the Phase II analysis of Phoenix second sourcing now being conducted by the Navy are to be submitted to the Committees on Appropriations of the House and Senate, supported by an OSD GAIG review of the analysis, and by written proposals from prospective second source suppliers.

2. The Secretary of Defense is to provide certification that the underlying procurement program for Phoenix is supportable in the current five-year defense plan.

3. No more than \$60,000,000 of the \$92,900,000 may be obligated or expended

for long lead materials and test equipment associated with second sourcing. The remaining \$32,900,000 may not be obligated or expended until pending reprogramming action FY 85-86PA has been approved by the Congress. Consideration of that reprogramming will be made following receipt of the documentation cited in points 1 and 2, above.

4. If the Phase II analysis does not clearly support the establishment of a second source, all materials purchased with the \$60,000,000 hereby released shall be applied to fiscal year 1988 procurement, with corresponding reductions in the fiscal year 1987 request.

The conferees emphasize their agreement with, and commitment to, competition in defense procurements. On the other hand, it is reasonable to require study and analysis which firmly show that the considerable expense of establishing a second source will be more than offset by reductions in future prices.

STANDARD MISSILE

The conferees agree to provide \$20,300,000 for Standard Missile-1, Medium Range as proposed by the Senate instead of \$17,738,000 as proposed by the House. This includes funds for the final year of the SM-1 motor multiyear procurement. These motors will be used for the SM-1 modification program.

ROLLING AIRFRAME MISSILE

The conferees agree to provide no funds for Rolling Airframe Missile (RAM) as proposed by the Senate, instead of \$15,000,000 as proposed by the House. The conferees note the availability of unobligated prior year funds in the RAM program which can be used for production preparation. As an indication of support for RAM, the conferees have agreed to provide the full budgeted amount for RAM development in the RDT&E, Navy, appropriation. The conferees also deleted, without prejudice, the initial production funding for RAM launchers and fire controls as proposed by the Senate.

MK-67 SUBMARINE LAUNCHED MOBILE MINE

The conferees agree to provide \$3,714,000 for the MK-67 Submarine Launched Mobile Mine as proposed by the Senate. The conferees are concerned about the slippage in deliveries and the technical problems associated with this important program. The conferees are hopeful that the Navy will get this program back on track in the near future. Once this is accomplished, the conferees would consider a reprogramming action to maintain program continuity during the fiscal year 1986 delivery period.

SHIPBUILDING AND CONVERSION, NAVY

The conferees agree to the following amounts for Shipbuilding and Conversion, Navy:

(In thousands of dollars)

	Budget	House	Senate	Conference
SHIPBUILDING AND CONVERSION, NAVY				
BA-1 FLEET BALLISTIC MISSILE SHIPS:				
TRIDENT (NUCLEAR)	1,283,600	816,700	1,196,600	1,196,600
TRIDENT (NUCLEAR) (PY TRANSFER)		(373,900)		
TRIDENT (NUCLEAR) (AP-CY)	248,200	248,200	158,100	158,100
TOTAL, BA-1 FLEET BALLISTIC MISSILE SHIPS	1,531,800	1,064,900	1,354,700	1,354,700
BA-2 OTHER WARSHIPS:				
SSN-688 CLASS SUBMARINE (NUCLEAR)	2,123,200	1,954,000	2,123,200	2,123,200
SSN-688 CLASS SUBMARINE (NUCLEAR) (PY TRANSFER)		(159,200)		
SSN-688 CLASS SUBMARINE (NUCLEAR) (AP-CY)	585,200	585,200	486,400	486,400
BATTLESHIP REACTIVATION				469,000
BATTLESHIP REACTIVATION (PY TRANSFER)		(469,000)		
BATTLESHIP REACT (AP-CY)	53,500			
BATTLESHIP REACT (AP-CY) (PY TRANSFER)			(53,500)	
CV SLEP (AP-CY)	133,400	133,400	52,000	52,000
CG-47 AEGIS CRUISER (MYP)	133,400	133,400	52,000	52,000
CG-47 AEGIS CRUISER (MYP) (PY TRANSFER)		(585,200)		
CG-47 AEGIS CRUISER (MYP) (AP-CY)	14,600	14,600	14,600	14,600
DDG-51 (AP-CY)	164,300		14,700	74,000
DDG-51 (AP-CY) (PY TRANSFER)		(124,000)		
TOTAL, BA-2 OTHER WARSHIPS	5,825,800	4,745,400	5,328,800	5,857,100
BA-3 AMPHIBIOUS SHIPS:				
LSD-41 LANDING SHIP DOCK	414,400	384,500		403,400
LSD-41 LANDING SHIP DOCK (PY TRANSFER)		(18,900)	(404,600)	
LHD-1 AMPHIBIOUS ASSAULT SHIP	1,148,600	1,110,100	1,148,600	1,148,000
LHD-1 AMPHIBIOUS ASSAULT SHIP (PY TRANSFER)		(37,900)		
LHD-1 AMPHIBIOUS ASSAULT SHIP (AP-CY)	358,600	165,600	165,600	165,600
TOTAL, BA-3 AMPHIBIOUS SHIPS	1,921,600	1,660,200	1,314,200	1,717,000
BA-4 MINE WARFARE + PATROL SHIPS:				
MCM MINE COUNTERMEASURES SHIP	334,100		197,200	197,200
(PY TRANSFER)			(80,600)	
MCM MINE COUNTERMEASURES SHIP (AP-CY)		15,000		
MSH-1 COASTAL MINE HUNTER	184,500	184,500	184,500	185,500
TOTAL, BA-4 MINE WARFARE + PATROLS SHIPS	518,600	199,500	381,700	381,700
BA-5 AUXILIARIES, CRAFT + PY PROG COSTS:				
TAO FLEET OILER	328,500	197,900	263,300	278,500
TAO FLEET OILER (PY TRANSFER)		(80,600)		
TAGOS SURTASS SHIP	113,900	60,900	113,900	113,900
TAGOS SURTASS SHIP (PY TRANSFER)		(28,700)		
TAGOS SURTASS SHIP (AP-CY)	1,200		1,200	1,200
TAG ACOUSTIC RESEARCH SHIP	68,900		40,000	57,000
TAG ACOUSTIC RESEARCH SHIP (PY TRANSFER)		(40,000)		
ARTB NUCLEAR REACTOR TRAINING SHIP CONV	26,500	26,500	190,000	175,400

[In thousands of dollars]

	Budget	House	Senate	Conference
TACS CRANE SHIP (CONV).....	82,500	74,000	74,000	82,500
TACS CRANE SHIP (CONV) (PY TRANSFER).....		(8,500)	(8,500)	
TAVB (CONV).....	26,900	26,900	26,900	26,900
LCAC LANDING CRAFT.....	276,200	276,200		276,200
(PY TRANSFER).....			(276,200)	
LCAC LANDING CRAFT (AP-CV).....	30,800	30,800		30,800
(PY TRANSFER).....			(30,800)	
STRATEGIC SEALIFT.....	203,400	173,100		228,400
STRATEGIC SEALIFT (PY TRANSFER).....		(55,300)	(203,400)	
SERVICE CRAFT.....	79,500	41,800	37,700	62,700
SERVICE CRAFT (PY TRANSFER).....		(37,700)		
LANDING CRAFT.....	34,400		34,400	
LANDING CRAFT (PY TRANSFER).....		(11,000)		
OUTFITTING.....	228,500	228,500	228,500	228,500
POST DELIVERY.....	112,600	84,000	112,600	112,600
POST DELIVERY (PY TRANSFER).....		(28,600)		
COST GROWTH.....			97,000	97,000
TOTAL, BA-5 AUXILIARIES, CRAFT + PY PROG COSTS.....	1,613,800	1,220,600	1,219,500	1,771,600
INFLATION PREMIUM, FY86.....		-241,700		-112,600
TOTAL, SHIPBUILDING AND CONVERSION, NAVY.....	11,411,600	8,648,900	9,598,900	10,969,440
TRANSFER FROM OTHER ACCOUNTS.....		(2,058,500)	(1,057,600)	
TOTAL FUNDING AVAILABLE.....	11,411,600	10,707,400	10,656,500	10,969,440

PRIOR YEAR SAVINGS

The conferees recognize \$1,999,300,000 in prior year savings in Navy Shipbuilding & Conversion. The sources and uses of these savings are identified in this Statement of the Managers under the heading "Availability of Unobligated Balances."

CG-47 AEGIS CRUISER

The conferees agree to an allowance of \$2,637,900,000 to procure three CG-47 AEGIS Cruisers.

The conferees also include bill language which directs the Navy to select a second source, by the most expeditious means available, for the SPY-1 radar, AEGIS combat system components, shipyard/shipboard and production test center integration, AEGIS color graphic display systems, solid state frequency converters and propellers.

It is the conferees' intention that the necessary funds be made available for the second source selection to be fully established in order to begin competition between the current sole source contractors and the second source contractors in fiscal year 1988 provided that any such selection shall not adversely affect the CG-47 and DDG-51 shipbuilding program schedule and costs.

It is also the conferees intention that this second source procurement direction include the DDG-51 destroyer program.

DDG-51 DESTROYER

The conferees agree to an allowance of \$74,000,000 for DDG-51 advance procurement. The advance procurement funds shall be available only for acquisition of components which require excessive production lead times to support early delivery of the fiscal year 1987 DDG-51 ships. The Navy is optimistic that DDG-51 construction time will be shortened compared to the CG-47 ships. Consequently the outyear budget plan should be realigned to assure compli-

ance with the full funding policy. To the extent that future advance funding estimates exceed the amount of this allowance, the Navy should revise its budget plan to reflect full funding instead of major component incremental financing. Adoption of this financial benchmark will demonstrate the validity of estimated construction schedule improvements.

In its review of prior year funds, the conferees learned that significant cost growth could be incurred on the DDG-51 lead ship due to propulsion system price increases. As a result of testing delays on the Rankine Cycle Energy Recovery System (RACER), the ship construction schedule could slip more than a year and cost increases may be incurred in excess of 15 percent of basic construction cost. In view of the cost and schedule impact, Navy should discontinue plans for RACER installation on the lead ship. Concurrent with the ongoing RACER test program, the Navy should continue development of RACER installation plans for future Navy ship construction programs.

MCM MINE COUNTERMEASURES SHIPS

The conferees agree to the allowance of \$197,200,000 for the construction of two MCM mine countermeasures ships. The conferees, in accord with the Navy's revised program, direct the Department to utilize fiscal year 1985 MCM funds to permit a three ship acquisition program in fiscal year 1986.

T-AGOS OCEAN SURVEILLANCE SHIPS

The conferees agree to the Senate position which approves the construction of one monohull vessel and one SWATH hull vessel provided that the contract obligation for engines will be deferred until the Navy has determined which ship type has been selected for the fiscal year 1986 and 1987 construction plans.

SERVICE CRAFT

The conferees agree to the allowance of \$62,700,000 for service craft programs. The conferees also agree that \$25,000,000 of the allotted service craft funds is intended to be the ceiling price for the torpedo range tender which is to be designed to commercial standards. The conferees also agree that the obligation of these funds is subject to authorization approval.

STRATEGIC SEALIFT

The conferees agree to the allowance of \$228,400,000 for the Strategic Sealift program. Of the amounts available, the Navy may use funds to reengine and modernize vessels procured. Upon enactment of legislation authorizing a "Mariner Fund" for the construction and charter of commercial vessels, the conferees agree that the Navy may charter any vessels modernized through these strategic sealift funds, provided such authority is granted. It is the conferees intent to begin the charter program as soon as possible after authorization is enacted thereby generating early revenues to the Marine Fund. Approval for modernization of vessels procured under this section should be considered an exception, not a precedent.

COST GROWTH

The conferees agree to an allowance of \$97,000,000 to cover the cost overruns associated with the MCM mine countermeasures ship program as proposed by the Senate.

FFG-7 GUIDED MISSILE FRIGATE

The conferees agree to the bill language proposed by the Senate which formally completes the funding transfer of \$40,000,000 to the FFG-61 program and removes the legislative restriction.

OTHER PROCUREMENT, NAVY

The Conferees agree to the following amounts for Other Procurement, Navy:

[In thousands of dollars]

	Budget	House	Senate	Conference
OTHER PROCUREMENT NAVY				
BA-1 SHIP SUPPORT EQUIPMENT:				
SHIP PROPULSION EQUIPMENT:				
LM-2500 GAS TURBINE.....	13,335	13,335	13,335	13,335

[In thousands of dollars]

	Budget	House	Senate	Conference
ALLISON 501K GAS TURBINE.....	15,534	15,534	15,534	15,534
LM2500 SPECIAL SUPPORT EQUIPMENT.....	940	940	940	940
STEAM PROPULSION IMPROVEMENT PROGRAM.....	6,830	6,830	6,830	6,830
OTHER PROPULSION EQUIPMENT.....	19,903	19,903	19,903	19,903
OTHER PROPULSION EQUIPMENT (PY TRANSFER).....		(391)		
GENERATORS:				
OTHER GENERATORS.....	15,997	15,997	15,997	15,997
PUMPS:				
OTHER PUMPS.....	11,573	11,573	11,573	11,573
AIR COMPRESSORS:				
HIGH PRESSURE AIR COMPRESSOR.....	3,336	3,336	3,336	3,336
PROPELLERS:				
SUBMARINE PROPELLERS.....	3,018	3,018	3,018	3,018
OTHER PROPELLERS AND SHAFTS.....	11,492	11,492	10,492	10,492
NAVIGATION EQUIPMENT:				
ELECTRICALLY SUSPENDED GYRO NAVIGATOR.....	36,818	36,818	36,818	36,818
CARRIER NAVIGATION SYSTEM.....	9,499		(6,296)	6,296
CARRIER NAVIGATION SYSTEM (PY TRANSFER).....				
OTHER NAVIGATION EQUIPMENT.....	16,070	16,070	16,070	16,070
UNDERWAY REPLENISH EQUIP:				
UNDERWAY REPLENISHMENT EQUIPMENT.....	8,457	8,457	8,457	8,457
PERISCOPES:				
TYPE 18 PERISCOPE.....	16,200	16,200	16,200	16,200
TYPE 8 PERISCOPES.....	143	143	143	143
PERISCOPES AND ACCESSORIES.....	5,399	5,399	5,399	5,399
OTHER SHIPBOARD EQUIPMENT:				
FIREFIGHTING EQUIPMENT.....	5,093	5,093	5,093	5,093
COMMAND AND CONTROL SWITCHBOARDS.....	10,585	10,585	10,585	10,585
POLLUTION CONTROL EQUIPMENT.....	9,286	9,286	9,286	9,286
SUBMARINE SILENCING EQUIPMENT.....	18,032	18,032	18,032	18,032
SURFACE SHIP SILENCING EQUIPMENT.....	3,379	3,379	3,379	3,379
SUBMARINE BATTERIES.....	8,267	8,267	8,267	8,267
STRATEGIC PLATFORM SUPPORT EQUIPMENT.....	56,455	56,455	56,455	56,455
DSSP EQUIPMENT.....	11,262	11,262	11,262	11,262
SEALIFT SUPPORT EQUIPMENT.....	58,972	70,972	58,972	70,972
MINESWEEPING CABLE.....	5,669	5,669	5,669	5,669
HM + E ITEMS UNDER 900K.....	10,752	10,752	10,752	10,752
SURFACE IMA.....	6,986	6,986	6,986	6,986
RADIOLOGICAL CONTROLS.....	2,317	2,317	2,317	2,317
MINI/MICROMINI ELECTRONIC REPAIR.....	1,028	1,028	1,028	1,028
CHEMICAL WARFARE DETECTORS.....	15,386	15,386	15,386	15,386
SUBMARINE LIFE SUPPORT SYSTEM.....	13,429			6,500
SUBMARINE LIFE SUPPORT (PY TRANSFER).....		(6,500)		
HM&E ENGINEERED MAINTENANCE.....	8,407	8,407	8,407	8,407
REACTOR PLANT EQUIPMENT:				
REACTOR POWER UNITS.....	163,368	163,368	163,368	163,368
REACTOR COMPONENTS.....	227,754	227,754	227,754	227,754
OCEAN ENGINEERING:				
MAN IN THE SEA.....	868	868	868	868
DIVING AND SALVAGE EQUIPMENT.....	8,250	8,250	8,250	8,250
DIVING AND SALVAGE EQUIPMENT (PY TRANSFER).....		(779)		
NAVAL SPECIAL WARFARE EQUIPMENT.....	30,797	30,797	30,797	30,797
SMALL BOATS:				
SMALL BOATS.....	14,777	14,777	14,777	14,777
TRAINING EQUIPMENT:				
NEW SHIPS TRAINING EQUIP.....	19,572	19,572	19,572	19,572
OTHER SHIPS TRAINING EQUIPMENT.....	10,876	10,876	10,876	10,876
PRODUCTION FACILITIES EQUIPMENT:				
CALIBRATION EQUIPMENT.....	1,052	1,052	1,052	1,052
PRODUCTION SUPPORT FACILITIES.....	5,794	5,794	5,794	5,794
TOTAL, BA-1 SHIP SUPPORT EQUIPMENT.....	922,957	910,840	898,619	923,806
BA-2 COMMUNICATIONS + ELECTRONICS EQUIPMENT				
SHIP RADARS:				
AN/SPS-67.....	9,207	6,138	9,207	9,207
AN/SPS-40.....	14,776	14,776	14,776	14,776
AN/SPS-48.....	67,484	67,484	67,484	67,484
AN/SPS-49.....	14,127	14,127	14,127	14,127
AN/SYS-1.....	13,073	10,648	10,648	12,256
AN/SYS-1 (PY TRANSFER).....		(1,608)		
MK 23 TARGET ACQUISITION SYSTEM.....	19,934	19,934	19,934	19,934
RADAR SUPPORT.....	24,989	24,989	24,989	24,989
SHIP SONARS:				
AN/SQS-26/53/53a.....	7,872	7,872	7,872	7,872
AN/SQS-53B.....	30,876	30,876	30,876	30,876
AN/BQQ-5.....	100,976	99,257	99,257	99,257
TB-16 TOWED ARRAY (MYP).....	1,515	1,515	1,515	1,515
SURF SONAR WINDOWS AND DOMES.....	8,535	8,535	8,535	8,535
SONAR SUPPORT EQUIPMENT.....	11,843	11,843	11,843	11,843
SONAR SWITCHES AND TRANSDUCERS.....	40,320	38,994	38,994	40,320
SONAR SWITCHES AND TRANSDUCERS (PY TRANSFER).....		(1,326)		
FBM SYSTEM SONARS.....	13,352	13,352	13,352	13,352
ASW ELECTRONIC EQUIPMENT:				
SUBMARINE ACOUSTIC WARFARE SYSTEMS.....	10,434	10,434	10,434	10,434
AN/SLQ-25 (NIXIE).....	11,525	11,525	11,525	11,525
ACOUSTIC COMMUNICATIONS.....	411	411	411	411
SSUBMARINE ADVANCED COMBAT SYSTEM.....	2,849			
SOSUS.....	85,824	85,824	85,824	85,824
AN/SQR-17 ACOUSTIC PROCESSOR.....	15,249	22,049	15,249	22,049

[In thousands of dollars]

	Budget	House	Senate	Conference
AN/SQR-18 TOWED ARRAY SONAR	41,692	41,692	30,892	41,692
AN/SQR-15 TOWED ARRAY SONAR	1,918	1,918	1,918	1,918
AN/SQR-19 TOWED ARRAY SONAR	146,507	146,507	146,507	146,507
SURTASS	19,417	19,417	19,417	19,417
ASW OPERATIONS CENTER	30,008	27,408	27,408	27,608
ASW OPERATIONS CENTER (PY TRANSFER)		(200)		
CARRIER ASW MODULE	31,483	31,085	31,085	31,483
CARRIER ASW MODULE (PY TRANSFER)		(398)		
ELECTRONIC WARFARE EQUIPMENT:				
AN/SLQ-32	102,377	97,337	97,337	97,337
AN/SLQ-17	14,229	14,229	14,229	14,229
AN/WLR-1	3,533	3,533	3,533	3,533
AN/WLR-8	3,011	3,011	3,011	3,011
ICAD SYSTEMS	4,822			4,822
ICAD SYSTEMS (PY TRANSFER)		(4,822)		
OFFBOARD DECEPTION DEVICES	22,163	22,163	22,163	22,163
EW SUPPORT EQUIPMENT	21,502	21,502	21,502	21,502
FLEET EW SUPPORT GROUP	1,716	1,716	1,716	1,716
C3 COUNTERMEASURES	8,458	8,458	8,458	8,458
RECONNAISSANCE EQUIPMENT:				
COMBAT CRYPTOLOGIC SUPPORT CONSOLE	4,012	4,012	4,012	4,012
COMBAT OF	25,071	25,071	25,071	25,071
OUTBOARD	36,381	36,381	36,381	36,381
NAVAL INTELLIGENCE PROCESSING SYSTEM	15,624	15,624	15,624	15,624
SUBMARINE SURVEILLANCE EQUIPMENT:				
AN/WLQ-4 DEPOT	5,441	5,441	5,441	5,441
AN/WLQ-4 IMPROVEMENTS	2,452	2,452	2,452	2,452
AN/BRD-7/8/9	12,774	12,774	12,774	12,774
AN/BLD-1 (INTERFEROMETER)		11,800	11,800	11,800
SUBMARINE SUPPORT EQUIPMENT PROGRAM	4,481	4,481	4,481	4,481
OTHER SHIP ELECTRONIC EQUIPMENT:				
NAVY TACTICAL DATA SYSTEM	130,869	130,869	130,869	130,869
TACTICAL FLAG COMMAND CENTER	20,768	20,768	20,768	20,768
MINESWEEPING SYSTEM REPLACEMENT	3,494	3,494	3,494	3,494
OMEGA SHIPBOARD EQUIPMENT	1,619	1,619	1,619	1,619
NAVSTAR GPS RECEIVERS	24,763	16,525	20,763	20,763
NAVSTAR GPS RECEIVERS (PY TRANSFER)		(4,238)		
HF LINK-11 DATA TERMINALS	3,862	3,862	3,862	3,862
ARMED FORCES RADIO AND TV	6,943	6,943	6,943	6,943
STRATEGIC PLATFORM SUPPORT EQUIPMENT	193,814	193,814	193,814	193,814
TRAINING EQUIPMENT:				
OTHER NAVELEX TRAINING EQUIPMENT	132	132	132	132
OTHER NAVSEA TRAINING EQUIPMENT	4,639	4,568	4,568	4,639
OTHER NAVSEA TRAINING EQUIPMENT (PY TRANSFER)		(71)		
AVIATION ELECTRONIC EQUIPMENT:				
MATCAL	16,320	16,320	16,320	16,320
SHIPBOARD AIR TRAFFIC CONTROL	13,330	13,330	13,330	13,330
AUTOMATIC CARRIER LANDING SYSTEMS	9,176			
TACAN	4,831	4,831	4,831	4,831
ARI STATION SUPPORT EQUIPMENT	12,179	10,481	10,481	11,477
AIR STATION SUPPORT EQUIPMENT (PY TRANSFER)		(996)		
MICROWAVE LANDING SYSTEM	7,355			
FACSFAC	49,325	16,865	16,865	16,865
RADAR AIR TRAFFIC CONTROL	1,494	1,494	1,494	1,494
MK XII AIMS IFF	2,737	2,737	2,737	2,737
OTHER SHORE ELECTRONIC EQUIPMENT:				
NAVAL SPACE SURVEILLANCE SYSTEM	3,060	3,060		
SPACE SYSTEM PROCESSING	2,133		2,133	2,133
MULTOTS	565	565	565	565
NCCS ASHORE	34,978	34,978	34,978	34,978
RADIAC	8,624	8,624	8,624	8,624
REMOTE SENSORS	1,578	1,578	1,578	1,578
GPETE	28,640	28,640	28,640	28,640
INTEG COMBAT SYS TEST FACILITY	5,260	5,260	5,260	5,260
CALIBRATION STANDARDS	6,965	6,965	6,965	6,965
EMI CONTROL INSTRUMENTATION	9,972	9,972	9,972	9,972
SHORE ELECTRONIC ITEMS UNDER 900K	5,142	5,142	5,142	5,142
SHIPBOARD COMMUNICATIONS:				
SHIPBOARD HF COMMUNICATIONS	13,582	5,000	5,000	5,000
SHIPBOARD UHF COMMUNICATIONS	7,283	7,283	7,283	7,283
FLIGHT DECK COMMUNICATIONS	6,227	6,227	6,227	6,227
PORTABLE RADIOS	3,693	3,693	3,693	3,693
SHIPBOARD COMMUNICATIONS AUTOMATION	15,967	11,367	15,967	15,967
SHIP BOARD COMMUNICATIONS AUTOMATION (PY TRANSFER)		(4,600)		
SHIP COMM ITEMS UNDER \$900K	7,693	7,693	7,693	7,693
SEALIFT SHIP COMMUNICATIONS	4,828	4,828	4,828	4,828
SUBMARINE COMMUNICATIONS:				
ELF COMMUNICATIONS	13,223	13,223	13,223	13,223
SHORE LF/VLF COMMUNICATIONS	19,330	19,330	19,330	19,330
VERDIN	16,096	16,096	16,096	16,096
SSN INTEGRATED COMMUNICATIONS	1,695	1,695	1,695	1,695
SUBMARINE COMMUNICATIONS ANTENNAS	15,455	15,455	15,455	15,455
DATA COLLECTION AND RECORD SYSTEM	979	979	979	979
CIRCUIT MAYFLOWER	254	254	254	254
SATELLITE COMMUNICATIONS:				
SATCOM SHIP TERMINALS	46,175	42,747	42,747	46,041
SATCOM SHIP TERMINALS (PY TRANSFER)		(3,294)		
SATCOM SHORE TERMINALS	22,902	22,902	22,902	22,902
SHORE COMMUNICATIONS:				
JCS COMMUNICATIONS EQUIPMENT	1,405	1,405	1,405	1,405

[In thousands of dollars]

	Budget	House	Senate	Conference
ELECTRICAL POWER SYSTEMS.....	132	132	132	132
SHORE HF COMMUNICATIONS.....	29,995	29,995	29,995	29,995
JOINT TACTICAL COMMUNICATIONS (TRI-TAC).....	26,713	26,713	26,713	26,713
ASHORE MOBILE COMMUNICATIONS VANS.....	6,031	6,031	6,031	6,031
WORLDWIDE WIDEBAND COMMUNICATIONS.....	2,088	2,088	2,088	2,088
DEFENSE DATA NETWORK.....	2,783	2,783	2,783	2,783
WWWCCS COMMUNICATIONS EQUIPMENT.....	1,099	1,099	1,099	1,099
SHORE COMMUNICATIONS AUTOMATION.....	9,892	9,892	9,892	9,892
SHORE COMM ITEMS UNDER 900K.....	3,146	3,146	3,146	3,146
CRYPTOGRAPHIC EQUIPMENT:				
SINGLE AUDIO SYSTEM.....	18,153	18,153	18,153	18,153
TSEC/KY-71/72 (STU-II/STU-IIM).....	15,760	222	3,100	15,760
TSEC/KY-71/72 (STU-IIM) (PY TRANSFER).....				
TSEC/KG-84.....	27,080	27,080	37,080	27,080
TSEC/KY-57/58 (VINSON).....	25,017	25,017	25,017	25,017
TSEC/KYV-5 (ANDVT).....	4,629	4,629	4,629	4,629
TSEC/KW-46.....	14,283	14,283	14,283	14,283
TSEC/KG-72/KGV-14 (FDCS).....	1,363	1,363	1,363	1,363
TSEC/KG-81 (WALBURN).....	5,251	5,251	5,251	5,251
TSEC/KG-44 (DMSP).....	7,893	7,893	7,893	7,893
TSEC/KG-58/KGV-6 (PLRS).....	9,483	9,483	9,483	9,483
TRI-TAC CRYPTO (TENLEY).....	11,928	11,928	11,928	11,928
TSEC/KY-67 (BANCROFT).....	13,474	13,474	13,474	13,474
TSEC/KGV-11.....	4,455	4,455	4,455	4,455
COMMON FILL DEVICES.....	1,997	1,997	1,997	1,997
SIGNAL SECURITY.....	1,891	1,891	1,891	1,891
CRYPTOGRAPHIC ITEMS UNDER 900K.....	5,500	5,500	5,500	5,500
CRYPTOLOGIC EQUIPMENT:				
CRYPTOLOGIC COMMUNICATIONS EQUIPMENT.....	4,871	4,871	4,871	4,871
SHIPS SIGNAL EXPLOITATION SPACE.....	4,771	4,771	4,771	4,771
CRYPTOLOGIC ITEMS UNDER 900K.....	6,016	6,016	6,016	6,016
CRYPTOLOGIC RESERVES EQUIPMENT.....	824	824	824	824
CRYPTOLOGIC FIELD TRAINING EQUIPMENT.....	2,065	2,065	2,065	2,065
SHORE CRYPTOLOGIC SUPPORT SYSTEM.....	2,273	2,273	2,273	2,273
OTHER ELECTRONIC SUPPORT:				
ADVANCE BASE FUNCTIONAL COMPONENTS.....	76	76	76	76
ELEC ENGINEERED MAINTENANCE (NAVSEA).....	5,339	5,339	5,339	5,339
ELEC ENGINEERED MAINTENANCE (NAVELEX).....	2,128	2,128	2,128	1,128
9TH BATTALION C&E EGYPT.....			2,000	2,000
TOTAL, BA-2 COMMUNICATIONS + ELECTRONICS EQUIPMENT.....	2,153,996	2,057,202	2,063,327	2,096,302
BA-3 AVIATION SUPPORT EQUIPMENT				
SONOBUOYS:				
AN/SSQ-36 (BT).....	2,384	2,384	2,384	2,384
AN/SSQ-53 (DIFAR).....	142,954	129,154	142,954	142,954
AN/SSQ-57 (SPECIAL PURPOSE).....	3,137	3,137	3,137	3,137
AN/SSQ-62 (DICASS).....	27,005	27,005	27,005	27,005
AN/SSQ-77 (VLAD).....	82,104	59,404	82,104	82,104
AN/SSQ-86 (DLC).....	3,036	3,036	3,036	3,036
SIGNAL UNDERWATER SOUND (SUS).....	1,351	1,351	1,351	1,351
LOW COST SONOBUOY.....	11,080	46,080	46,080	46,080
AIR LAUNCHED ORDNANCE:				
SKIPPER.....	27,616	27,616	27,616	27,616
GENERAL PURPOSE BOMBS.....	148,560	148,560	148,560	148,560
LASER GUIDED BOMB KITS.....	22,150		22,150	22,150
WALLEYE.....	37,595	37,595	37,595	37,595
ROCKEYE.....	8,829	8,829	8,829	8,829
ZUNI ROCKET.....	20,669	20,669	20,669	20,669
2.75 INCH ROCKET.....	27,997	27,997	27,997	27,997
PARACHUTE FLARES.....	2,052	2,052	2,052	2,052
MACHINE GUN AMMUNITION.....	27,042	21,042	13,800	13,800
PRACTICE BOMBS.....	76,527	60,027	60,027	60,027
CARTRIDGES + CARTRIDGE ACTUATED DEVICES.....	29,937	29,937	29,937	29,937
AIRCRAFT ESCAPE ROCKETS.....	8,055	8,055	8,055	8,055
AIRBORNE EXPENDABLE COUNTERMEASURES.....	91,688	91,688	82,588	82,588
MARINE LOCATION MARKERS.....	7,788	7,788	7,788	7,788
DEFENSE NUCLEAR AGENCY MATERIAL.....	2,186	2,186	2,186	2,186
BIGEYE CHEMICAL WEAPON.....	21,531		21,531	
JATOS.....	15,550	14,550	11,900	14,550
GATOR.....	44,662			
MISC AIR LAUNCHED ORDNANCE.....	186	186	186	186
WAR RESERVE MUNITIONS.....			75,000	50,000
AIRCRAFT SUPPORT EQUIPMENT:				
WEAPONS RANGE SUPPORT EQUIPMENT.....	85,858	85,858	85,858	85,858
EXPEDITIONARY AIRFIELDS.....	2,876	2,876	2,876	2,876
AIRCRAFT REARMING EQUIPMENT.....	78,995	46,995	78,995	46,995
CATAPULTS AND ARRESTING GEAR.....	27,463	26,087	26,087	26,087
METEOROLOGICAL EQUIPMENT.....	2,364	2,364	2,364	2,364
OTHER PHOTOGRAPHIC EQUIPMENT.....	1,698	1,698	1,698	1,698
MISC SURVIVAL EQUIPMENT.....	17,705	16,817	16,817	16,817
AIRBORNE MINE COUNTERMEASURES.....	22,967	22,967	22,967	22,967
LAMPS MK III SHIPBOARD EQUIPMENT.....	42,683	42,683	42,683	42,683
REWSOM PHOTOGRAPHIC EQUIPMENT.....	2,393	2,393	2,393	2,393
STOCK SURVEILLANCE EQUIPMENT.....	2,256	2,256	2,256	2,256
OTHER AVIATION SUPPORT EQUIPMENT.....	3,089	3,089	3,089	3,089
MOBILE VAN AMLM SPT. UNIT.....		4,300		4,300
TOTAL, BA-3 AVIATION SUPPORT EQUIPMENT.....	1,184,018	1,040,711	1,204,600	1,133,019

[In thousands of dollars]

	Budget	House	Senate	Conference
BA-4 ORDNANCE SUPPORT EQUIPMENT				
SHIP GUN AMMUNITION:				
5 /38 GUN AMMUNITION.....	4,490	4,490	4,490	4,490
5 /54 GUN AMMUNITION.....	67,018	67,018	67,018	67,018
5 INCH GUIDED PROJECTILE.....	104,294	104,294	104,294	104,294
16 INCH GUN AMMUNITION.....	7,940	2,940	2,940	2,940
CIWS AMMUNITION.....	35,247	35,247	35,247	35,247
76MM GUN AMMUNITION.....	17,343	17,343		
OTHER SHIP GUN AMMUNITION.....	18,445	17,745	17,745	17,745
SHIP GUN SYSTEM EQUIPMENT:				
GUN FIRE CONTROL EQUIPMENT.....	34,799	34,799	34,799	34,799
COAST GUARD GUN SYSTEM.....	28,801	28,801	28,801	28,801
SHIP MISSILE SYSTEMS EQUIPMENT:				
MK 92 FIRE CONTROL SYSTEM.....	2,856	2,856	2,856	2,856
HARPOON SUPPORT EQUIPMENT.....	12,999	12,999	12,999	12,999
TERRIER SUPPORT EQUIPMENT.....	112,060	112,060	112,060	112,060
TARTAR SUPPORT EQUIPMENT.....	106,833	106,833	106,833	106,833
POINT DEFENSE SUPPORT EQUIPMENT (MYP).....	43,842	43,842	11,842	11,842
AIRBORNE ECM/ECCM.....	1,044	1,044	1,044	1,044
AEGIS SUPPORT EQUIPMENT.....	61,785	61,785	61,785	61,785
SURFACE TOMAHAWK SUPPORT EQUIPMENT.....	86,572	86,572	86,572	86,572
SUBMARINE TOMAHAWK SUPPORT EQUIPMENT.....	19,021	19,021	19,021	19,021
VERTICAL LAUNCH SYSTEM.....	127,372	127,372	127,372	127,372
FBM SUPPORT EQUIPMENT:				
STRATEGIC PLATFORM SUPPORT EQUIPMENT.....	168,885	168,885	168,885	168,885
ASW SUPPORT EQUIPMENT:				
MK 117 FIRE CONTROL SYSTEM.....	59,965	59,965	59,965	59,965
SUBMARINE ASW SUPPORT EQUIPMENT.....	25,724	25,724	25,724	25,724
SURFACE ASW SUPPORT EQUIPMENT.....	20,810	20,810	20,810	20,810
MK 116 FIRE CONTROL SYSTEM.....	25,652	25,652	25,652	25,652
ASW RANGE SUPPORT EQUIPMENT.....	7,035	7,035	7,035	7,035
OTHER ORDNANCE SUPPORT EQUIPMENT:				
EXPLOSIVE ORDNANCE DISPOSAL EQUIP.....	11,043	8,436	8,436	10,125
EXPLOSIVE ORDNANCE DISPOSAL EQUIP (PY TRANSFER).....		(1,689)		
SWIMMER WEAPONS SYSTEMS.....	1,151	1,151	1,151	1,151
UNMANNED SEABORNE TARGET.....	7,786	7,786	7,786	7,786
ANTI-SHIP MISSILE DECOY SYSTEMS.....	4,606	4,606	4,606	4,606
CALIBRATION EQUIPMENT.....	3,276	3,276	3,276	3,276
STOCK SURVEILLANCE EQUIPMENT.....	2,109	2,109	2,109	2,109
OTHER ORDNANCE TRAINING EQUIPMENT.....	1,492	1,492	1,492	1,492
OTHER EXPENDABLE ORDNANCE:				
SMALL ARMS AND LANDING PARTY AMMO.....	18,768	18,768	18,768	18,768
PYROTECHNIC AND DEMOLITION MATERIAL.....	25,491	25,491	25,491	25,491
QUICKSTRIKE.....	50,482		35,679	39,679
(PY TRANSFER).....		(35,679)		
FLEET MINE SUPPORT EQUIPMENT.....	25,184	25,184	25,184	25,184
MINE NEUTRALIZATION DEVICES.....	3,208	3,208	3,208	3,208
DEFENSE NUCLEAR AGENCY MATERIAL.....	7,892	7,892	7,892	7,892
SHIPBOARD EXPENDABLE COUNTERMEASURES.....	33,191	33,191	33,191	33,191
WAR RESERVE MUNITIONS.....			25,000	20,000
TOTAL, BA-4 ORDNANCE SUPPORT EQUIPMENT.....	1,396,511	1,337,722	1,349,058	1,349,747
BA-5 CIVIL ENGINEERING SUP EQUIPMENT:				
CIVIL ENGINEERING SUPPORT EQUIPMENT:				
PASSENGER CARRYING VEHICLES.....	10,059	10,059	10,059	10,059
ARMORED SEDANS.....	95	95	95	95
TRUCKS.....	38,126	38,126	38,126	38,126
TRAILERS.....	4,043	4,043	4,043	4,043
CRUSH, MIX, BATCH, PAVE EQUIPMENT.....	4,673	4,673	4,673	4,673
DRILLING AND BLASTING EQUIPMENT.....	2,654	2,654	2,654	2,654
EARTH MOVING EQUIPMENT.....	11,430	11,430	11,430	11,430
LIGHTING AND POWER GENERATING EQUIP.....	3,513	3,513	3,513	3,513
MISC CONSTRUCTION AND MAINTENANCE EQUIP.....	3,541	3,541	3,541	3,541
FIRE FIGHTING EQUIPMENT.....	7,093	7,093	7,093	7,093
WEIGHT HANDLING EQUIPMENT.....	13,241	13,241	13,241	13,241
AMPHIBIOUS EQUIPMENT.....	72,998	72,998	72,998	72,998
COMBAT CONSTRUCTION SUPPORT EQUIPMENT.....	9,521	9,521	9,521	9,521
MOBILE UTILITIES SUPPORT EQUIPMENT.....	2,928	2,928	2,928	2,928
FLEET MOORINGS.....	7,336	7,336	7,336	7,336
POLLUTION CONTROL EQUIPMENT.....	2,653	2,653	2,653	2,653
FLEET HOSPITALS.....	27,654	27,654	27,654	27,654
9TH BATTALION EGYPT.....			11,000	11,000
TOTAL, BA-5 CIVIL ENGINEERING SUP EQUIPMENT.....	221,558	221,558	232,558	232,558
BA-6 SUPPLY SUPPORT EQUIPMENT:				
SUPPLY SUPPORT EQUIPMENT:				
FORKLIFT TRUCKS.....	9,064	9,064	9,064	9,064
OTHER MATERIALS HANDLING EQUIPMENT.....	3,326	3,326	3,326	3,326
AUTOMATED MATERIALS HANDLING SYSTEMS.....	12,917	12,917	12,917	12,917
POLLUTION CONTROL EQUIPMENT.....	2,288	2,288	2,288	2,288
SPECIAL PURPOSE SUPPLY SYSTEMS.....	34,900	31,322	31,322	31,322
TOTAL, BA-6 SUPPLY SUPPORT EQUIPMENT.....	62,495	58,917	58,917	58,917
BA-7 PERSONNEL AND COMM SUPPORT EQUIPMENT:				
TRAINING DEVICES:				
SURFACE SONAR TRAINERS.....	40,492	40,492	40,492	40,492
SUBMARINE SONAR TRAINERS.....	6,923	6,923	6,923	6,923
SURFACE COMBAT SYSTEM TRAINERS.....	23,694	23,694	23,694	23,694

(In thousands of dollars)

	Budget	House	Senate	Conference
SUBMARINE COMBAT SYSTEM TRAINERS.....	11,916	11,916	11,916	11,916
SHIP SYSTEM TRAINERS.....	15,268	15,268	15,268	15,268
TRAINING SUPPORT EQUIP.....	2,353	2,353	2,353	2,353
TRAINING DEVICE MODIFICATIONS.....	6,666	6,666	6,666	6,666
COMMAND SUPPORT EQUIPMENT.....				
MEDICAL SUPPORT EQUIPMENT.....	17,223	17,223	105,623	61,423
INTELLIGENCE SUPPORT EQUIPMENT.....	56,905	53,021	53,021	53,021
ITEMS UNDER 900K.....	1,218	1,218	1,218	1,218
OCEANOGRAPHIC SUPPORT EQUIPMENT.....			14,000	14,000
PHYSICAL SECURITY EQUIPMENT.....	17,226	17,226	17,226	17,226
COMPUTER ACQUISITION PROGRAM.....				
COMPUTER ACQUISITION PROGRAM.....	176,523	176,523	176,523	176,523
PRODUCTIVITY PROGRAMS.....				
PRODUCTIVITY INVESTMENT FUND (PIF).....	3,420	3,420	3,420	3,420
TOTAL, BA-7 PERSONNEL AND COMM SUPPORT EQUIPMENT.....	379,827	375,943	478,343	434,143
BA-8 SPARES & REPAIR PARTS.....				
SPARES AND REPAIR PARTS.....	279,838	279,838	279,838	279,838
UNDISTRIBUTED REDUCTION.....		-495,000		-250,000
NON-CENTRALLY MANAGED ITEMS.....		125,300	125,300	125,300
INFLATION REESTIMATES FOR FY86.....		-6,000	-6,000	-6,000
PRIOR YEAR INFLATION SAVINGS.....		-168,000	-168,000	
(PY TRANSFER).....		(168,000)	(168,000)	
PRIOR YEAR PROGRAM SAVINGS.....		-56,337	-53,000	
(PY TRANSFER).....		(56,337)	(53,000)	
TOTAL, OTHER PROCUREMENT NAVY.....	6,601,200	5,682,694	6,463,560	6,377,630
TRANSFER FROM OTHER ACCOUNTS.....		(312,762)		
TOTAL FUNDING AVAILABLE.....	6,601,200	5,995,456	6,684,560	6,377,630

PRIOR YEAR SAVINGS

The conferees recognize \$276,483,000 in prior year savings in Navy other Procurement. The sources and uses of these savings are identified in this Statement of the Managers under the heading "Availability of Unobligated Balances."

AN/SPS-67

The conferees direct the Navy to maximize savings in this program by beginning competitive procurement in fiscal year 1987.

AN/SQR-19 TOWED ARRAY SONAR

The conferees direct the Navy to conclude its testing of both versions of AN/SQR-19 systems currently being designed or produced to determine the acceptability of these towed array systems as soon as possible. Based on these determinations, the Navy should then proceed with its competitive procurement of the fiscal year 1986 AN/SQR-19 program.

NAVAL RESERVE ON-BOARD TRAINER

The conferees agree to the House position which provides \$6,800,000 to procure three shipboard antisubmarine warfare training systems service test models of a modification to the AN/SQR-17A to provide on-board training capability for Naval Reserve Force ships. This procurement action should include the development of a technical data package in order that follow-on production can be competitively procured.

SQ-89 ACOUSTIC VIDEO GENERATORS

The conferees are totally dissatisfied with the egregiously inadequate progress toward establishing competition for this equipment. The conferees expect full and immediate compliance with the December 11, 1985 Assistant Secretary of the Navy (Shipbuilding and Logistics) memorandum to the Commander, Naval Sea Systems Command which directs that an industry brief be made no later than the week of January 27, 1986; that Draft specifications be issued to industry for review prior to the aforementioned industry briefing; that contract award be made no later than September 1,

1986 and the procurement strategy include development of a second source.

The conferees agree in principle with the above mentioned memorandum direction. However, based upon the Department's failure to comply with the conferees' direction of fiscal year 1985, the conferees remain skeptical. Accordingly, the conferees additionally direct that the specifications for this program be reviewed simultaneously by both industry and the Specification Advocate General. Additionally, the conferees direct the contract award scheduled for September 1, 1986, include both the leader and the follower (second source).

Although the conferees agree not to place restrictions on the procurement of the SQ-89, the conferees intend to closely monitor this program during the course of fiscal year 1986. Hopefully, this issue will be resolved and not have to be resurrected as it was during this year's appropriations process.

MK-92 UPGRADE (CORT)

The conferees agree that the Navy should proceed with MK-92 CORT upgrade production for the FFG-7 class frigate. Concurrent with the FFG-61 procurement, the Navy should proceed with both its test and evaluation plan and the contract option for six backfit alterations valued at a warranted fixed price of \$9,000,000 per unit excluding spares and Navy support costs. Funds appropriated for this section are adequate to fund this program in fiscal year 1986.

SONOBUOYS

The conferees agree to the AN/SSQ-53 and AN/SSQ-77 sonobuoy funding as proposed by the Senate which includes \$36,500,000 in "industrial surge" capability.

The conferees agree to the use of industrial surge for this program as an exception to their general belief that industrial surge should be used sparingly and only in special situations. The limited shelf life of these sonobuoys persuades the conferees that establishing the surge capability is a reasonable alternative to building war reserve inventories.

QUICKSTRIKE MINE

The conferees agree to an allowance of \$39,679,000 for the Quickstrike mine program. The conferees commend the Navy's efforts to substantially reduce Quickstrike program costs through competition. In an effort to capitalize on these savings, the conferees agree to an appropriation of funds which will provide for the procurement of Quickstrike mines above the fiscal year 1986 budget request. In that regard, the conferees direct the Department to procure, with the funding provided, as many Quickstrike mines as possible by either renegotiating and exercising current contract options, since larger quantities are involved, or revising the current procurement strategy to obtain the most efficient and cost effective procurement.

COASTAL DEFENSE AUGMENTATION

The conferees agree to an appropriation of \$235,000,000 for procurement of vessels, aircraft, and equipment to be acquired by the Navy to augment the Coast Guard inventory. Funds shall be available for such procurements as determined by the Coast Guard, but shall include the following items:

The conferees agree that the Navy should

Program	Quantity	Amount
Medium range recovery helicopter.....	2	\$25,400,000
Bouy tender service life extension.....	3	42,000,000
C-130 aircraft.....	2	36,000,000
140 foot icebreaking tug.....	1	20,000,000
Forward looking airborne radar/C-130 modification.....	18	34,600,000
110 foot patrol boats to replace 95 foot PB's.....	12	77,000,000
Total Coastal Defense Augmentation.....		\$235,000,000

Additional funds as may be required are to be derived by reprogramming from unobligated balances of appropriations available to the Coast Guard.

The Navy should consider the procedure outlined in the Senate report pertaining to the use of this account in the future for the budgeting of alterations to Coast Guard air-

craft, vessels, and equipment rather than the Navy other procurement account.

As reflected in the Navy Operation and Maintenance section, the conferees agree to \$100,000,000, for Coast Guard Operating Ex-

penses as recommended by the House. However such sums shall be paid by the Navy for expenses related to training of the Coast Guard and maintenance by the Coast Guard of equipment which would be available to

carry out missions determined by the Navy to be necessary in the event of hostilities.

PROCUREMENT, MARINE CORPS

The Conferees agree to the following amounts for Procurement, Marine Corps:

[In thousands of dollars]

	Budget	House	Senate	Conference
PROCUREMENT, MARINE CORPS				
Ammunition				
LINEAR CHARGES:				
LINEAR CHARGE HE C4/TLR	3,194	3,194	3,194	3,194
SMALL ARMS AMMUNITION:				
CTG 5.56MM BALL M855	9,648	9,648	9,648	9,648
CTG 5.56MM TRACER M856	741	741	741	741
CTG 9MM BALL XM882	643	643	643	643
MACHINE GUN AMMO:				
CTG 5.56MM LINKED M855	5,958	5,958	5,958	5,958
CTG 25MM APDS-T M791	3,049	3,049	3,049	3,049
CTG 25MM HEI-T M792	6,053	6,053	6,053	6,053
CTG 40MM LINKED M430	15,320	15,320	15,320	15,320
CTG 7.62MM LINKED M80	4,552	4,552	4,552	4,552
MORTAR AMMUNITION:				
CTG 60MM HE M888	11,662	11,662	11,662	11,662
CTG 60MM SMOKE WP M302	1,321	1,321	1,321	1,321
CTG 81MM HE M374	20,306	20,306	20,306	20,306
GRENADERS:				
GRENAD SMOKE SCREEN L8A3	1,160	1,160	1,160	1,160
SIGNAL ILLUM WSP M127	1,042	1,042	1,042	1,042
ROCKETS:				
ROCKET SMAW	52,431	52,431	52,431	52,431
ROCKET 5 INCH MOTOR	4,075	4,075	4,075	4,075
LIGHT ANTI ARMOR WEAPON XM	733	733	733	733
TRAINING AMMUNITION:				
CTG 25MM TP-T M793	4,835	4,835	4,835	4,835
ROCKET 83MM PRACTICE	13,405	13,405	13,405	13,405
CTG 5.56MM BLANK LKD (F/SAW) M200	3,258	3,258	3,258	3,258
CTG 5.56MM BLANK M200	3,052	3,052	3,052	3,052
CTG 7.62MM BLANK LINKED	1,993	1,993	1,993	1,993
CTG 105MM TPDS-T M724	2,423	2,423	2,423	2,423
155MM AMMUNITION:				
PROJ 155MM ADAM-L M692	38,872	38,872	38,872	38,872
PROJ 155MM ADAM-S M731	41,835	41,835	41,835	41,835
PROJ 155MM RAAMS-L M718	13,960	13,960	13,960	13,960
PROJ 155MM RAAMS-S M741	15,645	15,645	15,645	15,645
PROJ 155MM SMK WP SCREENING	9,324	9,324	9,324	9,324
CHARGE PROP 155MM WHITE BAG M4A2	25,830	25,830	25,830	25,830
PROJ 155MM HE ICM (DP) M483	55,218	55,218	55,218	55,218
CHARGE PROP 155MM GREEN BAG M3A1	5,277	5,277	5,277	5,277
CHARGE PROP 155MM RED BAG M119A2	8,664	8,664	8,664	8,664
GENERAL INCREASE		25,000	25,000	25,000
ANTI-ARMOR AMMUNITION:				
COPPERHEAD, 155MM PROJ	52,100	45,400	52,100	52,100
8 INCH AMMUNITION:				
PROJ 8 INCH ICM	11,238	11,238	11,238	11,238
FUZES:				
FUZE MECHANICAL TIME M577	19,615	19,615	19,615	19,615
FUZE MECHANICAL TIME M582	1,770	1,770	1,770	1,770
PRIMER PERCUSSION M82	1,569	1,569	1,569	1,569
FUZE PD M739A1	8,306	8,306	8,306	8,306
AMMO MODERNIZATION	5,718	5,718	5,718	5,718
OTHER SUPPORT:				
ITEMS LESS THAN \$900,000	3,123	3,123	3,123	3,123
TOTAL, AMMUNITION	488,918	507,218	513,918	513,918
Weapons and Tracked Combat Vehicles				
TRACKED COMBAT VEHICLES:				
MODIFICATION KITS	1,093	1,093	1,093	1,093
M60 MINE PLOW	4,430		4,430	
GENERAL REDUCTION		-4,900		
(PY TRANSFER)		(4,900)		
RECOVERY VEHICLE	4,544	4,544	4,544	4,544
ARMORED VEHICLE LAUNCHED BRIDGE	8,640	8,640	8,640	8,640
ITEMS LESS THAN \$900,000	1,479	1,479	1,479	1,479
ARTILLERY AND OTHER WEAPONS:				
BATTERY COMPUTER SYSTEM AN/GYK-29	32,345	32,345	32,345	32,345
M198 HOWITZER, MEDIUM, TOWED 155MM	21,001	28,001	28,001	28,001
ITEMS LESS THAN \$900,000	1,869	1,869	1,869	1,869
WEAPONS:				
PERSONAL DEFENSE WEAPON (9MM)	2,970	2,970	2,970	2,970
MACHINE GUN, LIGHT, SQUAD, AUTO (SAW)	3,292			
GENERAL REDUCTION		-3,056	-3,056	
(PY TRANSFER)		(3,056)		
M16A2 RIFLE 5.56MM	14,093	14,093	14,093	14,093
MK-19 MACHINE GUN, 40MM	1,000	1,000	1,000	1,000
EOD EQUIPMENT	717	717	717	717
83MM LAUNCHER ASSAULT ROCKET (SMAW)	4,676	4,676	4,676	4,676

[In thousands of dollars]

	Budget	House	Senate	Conference
TOTAL, WEAPONS AND TRACKED COMBAT VEHICLES.....	102,149	93,471	102,801	101,427
Guided Missiles and Equipment				
GUIDED MISSILES:				
HAWK.....	139,976	139,976	139,976	139,976
HAWK MOD.....	39,078	39,078	39,078	39,078
STINGER.....	59,397	59,397	59,397	59,397
TOW.....	44,505	44,505	34,505	39,505
OTHER SUPPORT:				
MODIFICATION KITS.....	712	712	712	712
TOTAL GUIDED MISSILES AND EQUIPMENT.....	283,668	283,668	273,668	278,668
Communications and Electronics				
MANPACK RADIOS:				
MANPACK RADIOS AND EQUIPMENT.....	12,656	12,656	12,656	12,656
VEHICLE MOUNTED RADIOS AND EQUIPMENT:				
VEHICLE MTD RADIOS AND EQUIP.....	10,592	10,592	10,592	10,592
TELEPHONE AND TELETYPE EQUIPMENT:				
UNIT LEVEL CIRCUIT SWITCH (ULCS).....	18,600	12,600	11,950	12,600
UNIT LEVEL CIRCUIT SWITCH (ULCS) (PY TRANSFER).....		(7,000)		
ULCS LIFE CYCLE SUPPORT.....	17,053		7,453	15,361
ULCS LIFE CYCLE SUPPORT (PY TRANSFER).....		(11,761)		
AN/TGC-1 TACTICAL COMM CENTER.....	3,970	3,970	3,970	3,970
REPAIR AND TEST EQUIPMENT:				
AN/USM-323 ELECTRONIC GENERATOR SIGNAL.....	5,580	5,580	5,580	5,580
SHOP SETS ELECTRONIC.....	5,306	5,306	5,306	5,306
AUTOMATIC TEST EQUIPMENT SYSTEM.....	5,186	5,186	5,186	5,186
ELECTRONIC TEST EQUIPMENT.....	1,000	1,000	1,000	1,000
OTHER COMM/ELEC EQUIPMENT:				
PP-7333 POWER SUPPLY.....	3,813	3,813	3,813	3,813
AN/GXC-7A FACSIMILE SET.....	6,725	6,725	6,725	6,725
ANDVT/TACTERM.....	1,513	1,513	1,513	1,513
OTHER SUPPORT (TEL):				
TEST CALIBRATION AND MAINT SUPPORT.....	1,000	1,000	1,000	
MODIFICATION KITS.....	3,600	3,600	3,600	3,600
ITEMS LESS THAN \$900,000.....	927	927	927	927
COMMAND AND CONTROL SYSTEMS (NON-TEL):				
POSITION LOCATION REPORTING SYS (PLRS).....	59,084	59,084	59,084	59,084
TACTICAL AIR OPS MODULE (TAOM).....	86,300	75,300	75,300	75,300
RADAR AND EQUIPMENT (NON-TEL):				
AN/TPS-59 DECOY.....	9,109	9,109	9,109	9,109
AN/PPN-19 RADAR TRANSPONDER BEACON.....	13,192	13,192	13,192	13,192
INTELL/COMM EQUIPMENT (NON-TEL):				
REMOTE SENSOR EQUIPMENT.....	691	691	691	691
AN/TMQ-31 METEOROLOGICAL DATA SYSTEM (MDS).....	13,338	13,338	13,338	13,338
REPAIR AND TEST EQUIPMENT (NON-TEL):				
ELECTRONIC TEST EQUIPMENT.....	1,000	1,000	1,000	1,000
OTHER COMM/ELEC EQUIPMENT (NON-TEL):				
AN/TAS-4 NIGHT VISION SIGHT (TOW).....	10,473	10,473	10,473	10,473
PRODUCTIVITY INVESTMENT.....	516	516	516	516
AUTOMATED DATA PROCESSING EQUIPMENT.....	15,016	15,016	15,016	15,016
OTHER SUPPORT (NON-TEL):				
TEST CALIBRATION AND MAINT SUPPORT.....	1,582	1,582	1,582	1,582
MODIFICATION KITS.....	8,433	8,433	8,433	8,433
ITEMS LESS THAN \$900,000.....	388	388	388	388
TOTAL, COMMUNICATIONS AND ELECTRONICS.....	316,643	282,590	282,393	297,951
Support Vehicles				
ADMINISTRATIVE VEHICLES:				
COMMERCIAL PASSENGER VEHICLES.....	2,702	2,702	2,702	2,702
COMMERCIAL CARGO VEHICLES.....	21,121	20,121	21,121	20,121
TACTICAL VEHICLES:				
HIGH MOB MULTI-WHEELED VEH (HMMWV) (MYP).....	121,666	121,666	121,666	121,666
AIR-CRASH FIRE & RESCUE VEH.....	1,006	1,006	1,006	1,006
TRUCKS 5-TON (ALL TYPES).....	39,689	39,689	39,689	39,689
5 TON RETROFIT.....	17,878	17,878	17,878	17,878
LOGISTICAL VEHICLE SYSTEM (LVS).....	71,440	69,520	69,520	69,520
TRAILERS (ALL TYPES).....	10,544	10,544	10,544	10,544
LUBRICATING AND SERVICING UNIT POWER.....	2,018	2,018	2,018	2,018
OTHER SUPPORT:				
MODIFICATION KITS.....	4,339	4,339	4,339	4,339
ITEMS LESS THAN \$900,000.....	1,410	1,410	1,410	1,410
TOTAL, SUPPORT VEHICLES.....	293,813	290,893	291,893	290,893
Engineer and Other Equipment				
ENGINEER AND EQUIPMENT:				
ENVIRONMENTAL CONTROL EQUIP.....	2,653	2,653	2,653	2,653
MOTORIZED ROAD GRADER.....	8,370	8,370	8,370	8,370
TRACTORS (ALL TYPES).....	20,560	20,560	17,560	17,560
RUNAWAY SWEEPER, VACUUM.....	2,268	2,268	2,268	2,268
SHOP EQUIP, GEN PUR, REPAIR, SEMI-TRLR.....	1,729	1,729	1,729	1,729
CONTAINER HANDLER, RT 50,000LB.....	7,729	7,729	7,729	7,729
CH-53E HELICOPTER SLING.....	953	953	953	953
FORKLIFTS (ALL TYPES).....	11,090	11,090	11,090	11,090
BATH SHOWER UNIT EXPEDITIONARY FIELD.....	2,349	2,349	2,349	2,349
REFRIGERATION UNIT, F/RIGID BOX.....	1,212	1,212	1,212	1,212

(In thousands of dollars)

	Budget	House	Senate	Conference
REFRIGERATOR, RIGID BOX	1,364	1,364	1,364	1,364
WATER PURIFICATION UNIT - REV OSMOSIS	20,612	20,612	20,612	20,612
FUEL, WATER, PUMP AND STORAGE MODULE	4,168	4,168	4,168	4,168
FUEL SYS AMPHB ASSAULT 60,000 GAL	5,882	5,882	5,882	5,882
HELICOPTER EXPEDIENT REFUELING SYSTEM	652	652	652	652
BOAT, BRIDGE ERECTION	5,220	5,220	5,220	5,220
MEDIUM GIRDER BRIDGE	11,122	11,122	11,122	11,122
POWER EQUIPMENT ASSORTED	8,526	8,526	8,526	8,526
ELECTRICAL POWER DISTRIBUTION SYSTEM	9,022	9,022	9,022	9,022
MATERIALS HANDLING EQUIPMENT:				
COMMAND SUPPORT EQUIPMENT	788	788	788	788
GARRISON MOBILE ENGINEER EQUIP	6,331	6,331	6,331	6,331
TELEPHONE SYSTEM	4,300	4,300	4,300	4,300
MATERIEL HANDLING EQUIPMENT	1,509	1,509	1,509	1,509
GENERAL PROPERTY:				
TRN DEVICES (AUDIO VISUAL)	1,635	1,635	1,635	1,635
TRN DEVICES (SIMULATORS)	10,408	10,408	10,408	10,408
SHELTER FAMILY	17,575	17,575	17,575	17,575
CONTAINER FAMILY	6,969	6,969	6,969	6,969
CHEMICAL ALARM SYSTEM	1,872	1,872	1,872	1,872
DECONTAMINATING APPARATUS	1,201	1,201	1,201	1,201
SANITATION SET, FIELD KITCHEN	1,166	1,166	1,166	1,166
OTHER SUPPORT:				
MODIFICATION KITS	2,764	2,764	2,764	2,764
ITEMS LESS THAN 900,000	3,477	3,477	3,477	3,477
TOTAL, ENGINEER + OTHER EQUIPMENT	185,476	185,476	182,476	182,476
SPARES AND REPAIR PARTS	56,133	56,133	56,133	56,133
NON-CENTRALLY MANAGED ITEMS		9,700	9,700	9,700
INFLATION REESTIMATES FOR FY86		-2,000	-2,000	-2,000
INFLATION PREMIUM, FY 86		-37,400	-	-17,578
PRIOR YEAR PROGRAM SAVINGS		-28,000	-28,000	-
(PY TRANSFER)		(28,000)	(28,000)	-
FY85 INFLATION FAIRNESS ADJUSTMENT		-31,000	-	-31,000
(PY TRANSFER)		(31,000)	-	-
TOTAL, PROCUREMENT, MARINE CORPS	1,726,800	1,610,749	1,689,982	1,680,588
TRANSFER FROM OTHER ACCOUNTS		(85,717)	(31,056)	-
TOTAL FUNDING AVAILABLE	1,726,800	1,696,466	1,721,038	1,680,588

PRIOR YEAR SAVINGS

The conferees recognize \$47,717,000 in prior year savings in Marine Corps Procurement. The sources and uses of these savings are identified in this Statement of the Managers under the heading "Availability of Unobligated Balances."

UNIT LEVEL CIRCUIT SWITCHES (ULCS)

The conference agreement provides \$15,361,000 in Procurement, Marine Corps, and \$6,200,000 in Other Procurement, Air Force for only 4 baseline first article AN/TTC-42 switches and associated first article production and test costs. The conferees

direct that no other TTC-42's be funded in fiscal year 1986, and that further procurement of this switch should await successful completion of first article testing. The conference agreement also provides for procurement of the SB-3865 for the Army, Air Force, and Marine Corps as budgeted.

The conferees direct the Department of Defense to report to the Defense Appropriations Subcommittees on the systems competitively selected for procurement as the unit level circuit switches. This report, on the basis of contract award, should also outline the outyear procurement program and

rationalize any differences from the Department's switch architecture report as requested by the House.

81MM MORTAR AMMUNITION

The conferees are in agreement with Senate report language allowing procurement of both the Improved 81mm high explosive mortar ammunition and the older version.

AIRCRAFT PROCUREMENT, AIR FORCE

The conferees agree to the following amounts for Aircraft Procurement, Air Force.

(In thousands of dollars)

	Budget	House	Senate	Conference
AIRCRAFT PROCUREMENT, AIR FORCE				
Combat Aircraft				
ACM INTEGRATION	122,800	100,000	100,000	100,000
B-1B (MVP)	5,461,800	4,861,800	5,261,800	5,161,800
(PY TRANSFER)		(300,000)		
TACTICAL FORCES:				
F-15 C/D/ E	1,902,900	1,757,300	1,757,300	1,757,300
F-15 C/D/E (PY TRANSFER)		(2,300)		
F-15 C/D/E (AP-CY)	236,000	210,000	210,000	210,000
F-16 C/D/ (MYP)	2,386,700	2,485,100	2,583,500	2,596,400
F-16 (MYP) (PY TRANSFER)		(66,300)		
F-16 C/D/ (MYP) (AP-CY)	553,100	553,100	535,700	535,700
AIR DEFENSE COMPETITION		200,000	200,000	200,000
OTHER COMBAT AIRCRAFT:				
KC-10A (ATCA) (MYP)	238,800	191,300	198,800	204,800
KC-10A (ATCA) (MYP) (PY TRANSFER)		(18,600)		
KC-10A (ATCA) (MYP) (AP-CY)	208,200	184,500	208,200	226,800
(PY TRANSFER)			(18,600)	
MC-130H	73,600	55,000	55,000	55,000
MC-130H (AP-CY)	5,900	5,900	5,900	5,900
TOTAL, COMBAT AIRCRAFT	11,639,800	10,604,000	11,116,200	11,053,700

	Budget	House	Senate	Conference
Airlift/Tanker Aircraft				
STRATEGIC AIRLIFT:				
C-5B	1,942,100	1,587,900	1,840,100	1,809,300
C-5B (PY TRANSFER)		(85,600)		
3C-5B (AP-CY)	326,000	311,900	326,000	326,000
Tactical Airlift				
OTHER AIRLIFT:				
C-20A	168,800	154,000		154,000
(PY TRANSFER)			(160,800)	
TOTAL, AIRLIFT/TANKER AIRCRAFT	2,436,900	2,053,800	2,166,100	2,289,300
Trainer Aircraft				
UPT TRAINERS:				
T-46A (NGT)	142,800	125,300		130,600
T-46A (GT) (PY TRANSFER)		(5,300)	(125,300)	
T-46A (NGT) (AP-CY)	63,300	63,300		63,300
(PY TRANSFER)			(63,300)	
TOTAL, TRAINER AIRCRAFT	206,100	188,600		193,900
Other Aircraft				
HELICOPTERS:				
HH-60	94,000	93,400	23,000	55,000
HH-60 (AP-CY)	22,000	12,000	12,000	12,000
MISSION SUPPORT AIRCRAFT:				
AIR FORCE ONE REPLACEMENT				280,000
AF ONE REPLACEMENT (PY TRANSFER)			(280,000)	
AC-130H DRUG INTERDICTION AIRCRAFT				35,000
AEROSTAT REPLACEMENT			4,500	
AURORA	80,100			
TR-1/U-2	343,900	300,200	290,656	300,200
TR-1/U-2 (AP-CY)		9,000	9,000	9,000
TOTAL, OTHER AIRCRAFT	540,000	414,600	339,156	691,200
Modification on In-Service Aircraft				
SATSTRATEGIC AIRCRAFT:				
B-52	463,600	416,500	459,500	451,200
B-52 (PY TRANSFER)		(8,000)		
Fb-111	13,200	13,200	13,200	13,200
B-1b	5,100			31,400
TACTICAL AIRCRAFT:				
A-7	3,400	3,400	81,400	60,000
A-10	87,800	74,200	72,000	72,000
A-10 (PY TRANSFER)		(3,500)		
F/RF-4	174,200	168,200	194,300	190,100
F/RF-4 (PY TRANSFER)		(3,700)		
F-5	25,732	25,732	25,732	25,732
F-15	141,800	141,800	141,000	141,000
F-16	73,700	54,900	52,300	52,300
F-16 (PY TRANSFER)		(9,400)		
F-111	294,500	294,500	294,500	295,500
TR-1A	11,700	11,700	11,700	11,700
AIRLIFT AIRCRAFT:				
C-5	9,800	9,800	9,800	9,800
C-141	2,100	2,100	2,100	2,100
TRAINER AIRCRAFT:				
T-38	40,100	26,400	36,200	36,200
OTHER AIRCRAFT:				
KC-10A (ATCA)	4,300	1,000	1,000	1,000
C-12	5,000	5,000	5,000	5,000
C-130	201,000	201,300	191,000	200,700
C-130 (PY TRANSFER)		(8,800)		
C-135	868,100	852,500	852,500	852,500
E-3	33,400	33,400	33,400	33,400
E-4	20,400	20,100	20,100	20,100
HH-53 AIRCRAFT	26,400	76,400	51,400	76,400
OTHER AIRCRAFT	133,200	133,200	133,200	133,200
ACP COMM. UPGRADE			50,000	50,000
OTHER MODIFICATIONS:				
CLASSIFIED PROJECTS	144,385	112,385	112,385	112,385
CIVIL RESERVE AIRLIFT FLEET (CRAF):				
CIVIL RESERVE AIRLIFT FLEET (CRAF)	164,900	164,000	158,800	158,800
DRUG INTERDICTION AIRCRAFT			47,900	
UNDISTRIBUTED REDUCTION		150,000		
TOTAL, MODIFICATION OF IN-SERVICE AIRCRAFT	2,917,817	2,692,617	3,050,417	3,034,717
SPARES AND REPAIR PARTS	4,934,581	3,412,281	4,560,181	3,975,000
AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES:				
COMMON GROUND EQUIPMENT	630,997	506,297	630,997	556,297
COMMON GROUND EQUIPMENT (PY TRANSFER)		(50,000)		
INDUSTRIAL RESPONSIVENESS	89,200	40,800	74,200	54,200
WAR CONSUMABLES	86,400	86,400	86,400	86,400
OTHER PRODUCTION CHARGES	2,683,705	2,354,205	2,161,600	2,235,410
TOTAL, AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES	3,490,302	2,987,702	2,953,197	2,932,307
ALR-74 RWR		320,800		

	Budget	House	Senate	Conference
ALR-74 RWR (PY TRANSFER)		(167,800)		
ENVIRONMENTAL FUND TRANSFER			-10,600	-10,600
INFLATION REESTIMATES FOR FY86		-32,000	-32,000	-32,000
INFLATION PREMIUM, FY86		-549,100		-258,077
PRIOR YEAR PROGRAM SAVINGS		-406,000		
(PY TRANSFER)		(406,000)		
FY85 INFLATION FAIRNESS ADJUSTMENT		-323,000		-323,000
(PY TRANSFER)		(323,000)		
TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	26,165,500	20,722,700	24,142,651	23,546,447
TRANSFER FROM OTHER ACCOUNTS		(1,458,300)	(648,000)	
TOTAL FUNDING AVAILABLE	26,165,500	22,181,000	24,790,651	23,546,447

PRIOR YEAR SAVINGS

The conferees recognize \$1,110,400,000 in prior year savings in Air Force Aircraft Procurement. The sources and uses of these savings are identified in this Statement of the Managers under the heading "Availability of Unobligated Balances."

B-1B

The conferees agree to provide \$5,161,800,000, a reduction of \$300,000,000. No B-1B production funds in any fiscal year are to be used for retrofit modifications. Instead the conferees have provided a separate allowance of \$31,400,000 in the modification program. The conferees further agree to the reprogramming and reporting requirements in the Senate report.

F-16

The conferees agree to provide \$2,596,400,000, a reduction of \$240,300,000. The conferees have included bill language which allows award of the F-16 multiyear contract and directs that it contain priced contract options which can accommodate the results of the air defense competition.

AIR DEFENSE COMPETITION

The conferees agree to both the House and Senate report language on the air defense competition for approximately 300 air defense fighters competitively selected from among the F-16, F-20, and any other candidate deemed suitable by the Air Force. The Air Force must follow the acquisition strategy required in the Senate report, using a common cost base for bids as required by the House. The conferees expect this competition to be expedited, and have included bill language which requires the Air Force to make a source selection by July 1, 1986, with contract award to follow within sixty days. The bill appropriates \$200,000,000 for this purpose in fiscal year 1986. As mentioned in the F-16 section of this report, the conferees have also approved the F-16 multiyear initiative because of the expedited air defense aircraft competition. The Air Force is encouraged to consider innovative pricing approaches for any aircraft in the competition.

KC-10

The conferees agree to provide \$204,800,000, a budget reduction of \$34,000,000, and \$226,800,000 for advance procurement. The Air Force should notify Congress if it proposes to extend the KC-10 production line for additional tankers to meet strategic bomber refueling requirements.

C-5B

The conferees agree to provide \$1,809,300,000, a budget reduction of \$132,800,000. This is \$30,800,000 below the Senate allowance to reduce excessive engineering change order funding. The conferees also agree to the provision of \$326,000,000 for advance procurement of 21 C-5B aircraft in fiscal year 1987. The con-

ferees believe that \$177,100,000 of C-5B contract reserves for inflation as documented by the Congressional Budget Office is excess to current cost projections. Due to the possible adverse impact on program execution if a reduction were made at this time, the conferees recommend that such reserves be retained in the C-5B program. The Director of the Office of Management and Budget should formally propose rescission of all excess budget authority in amounts equal to contract adjustments under the current C-5B economic price adjustment contract clause once such adjustments are made in any fiscal year.

T-46 AIRCRAFT

The Air Force has testified on the need to replace obsolete training aircraft operated by the Air Force Air Training Command. The Congress has responded to this need and ratified this requirement by providing over \$600,000,000 in T-46A research and development and procurement funds to date. The conferees have agreed to provide not only full funding for the fiscal year 1986 T-46 procurement, except for a minor inflation adjustment, but have also fully funded the advance procurement needed to procure T-46 aircraft in fiscal year 1987. The conferees expect the Air Force to budget for and procure T-46 aircraft in fiscal year 1987, where firm fixed price contract options are available, and in subsequent years to meet this critical and well justified requirement.

HH-60 SEARCH AND RESCUE HELICOPTER

The conferees agree to an appropriation of \$55,000,000 for production start-up costs and procurement of three helicopters to fill the combat search and rescue mission, instead of \$93,400,000 recommended by the House or \$23,000,000 recommended by the Senate. The amounts agreed to are sufficient to begin an austere version HH-60A production program to provide minimum capability with approximately 63 helicopters and a total cost of not more than \$500,000,000. The Air Force should consider this to be a design-to-cost objective.

The initial funding level is intended for costs related to the airframe, engines, and navigation systems costs as well as nonrecurring engineering expenses. All production tooling expenses are to be assumed by the airframe prime contractor. The conferees expect the Navy to coordinate its search and rescue program with the Air Force to optimize commonality.

AIR FORCE ONE

The conferees agree to the Senate funding level and its conditions for Air Force One replacement aircraft and reiterate the procurement design-to-cost objective, which excludes future R&D expense. While also excluded from the design-to-cost objective, initial spares requirements should be accommodated from within appropriated spares funding levels. The Air Force should obtain approval from the House and Senate Armed

Services Committees for this procurement program. The conferees also expect advance written notification to Congress prior to contract award.

B-1B MODIFICATIONS

The current Air Force plan would fund \$186,200,000 for B-1B retrofit modifications within the B-1B production program. The conferees feel that such costs are more appropriately funded from the allowances for modification of in-service aircraft. Consequently, \$31,400,000 is recommended for B-1B retrofit modifications based on analysis of the aircraft modification installation schedule.

OTHER MODIFICATIONS

The conferees agree to the following adjustments in various Air Force modification line items that were in conference:

(dollars in millions)

B-52 ALCM	-\$4.1
B-52 Strategic Radar	-8.3
A-7 Guard/Reserve	+56.6
A-10 GAO Savings	-13.6
A-10 TEMS	-2.2
F-4 GAO Savings	-6.0
F-4 INS/HUD	+92.0
F-4E ALR-74	-10.9
RF-4E ALR-74	-55.0
F-4 Simulator, ALR-74	-4.2
F-15 Mark XII IFF	-8
F-16 GAO Savings	-18.8
F-16 ALR-74	-2.6
T-38 GAO Savings	-3.9
C-130 GAO Savings	-10.6
MC-130H Remodification	+10.3
HH-53 SOF	+50.0
ACP Upgrade	+50.0

SPARES AND REPAIR PARTS

The conferees agree to provide \$3,975,000,000, a reduction of \$959,581,000 of which \$158,700,000 relates to initial spares and \$800,881,000 relates to replenishment spares. The conferees agree to the language in both the House and Senate reports. Future budgets to Congress should clearly identify valid unfunded requirements that would be satisfied if surplus spares funds became available after the budget was submitted. Such unfunded requirements should be reviewed and validated by the Office of the Secretary of Defense during the annual budget review process.

The primary deficiency of the Air Force centrally managed spares requirements determination system is the excessive budget lead time required for future program cost projections. Over the past several years, requirements and cost projections have varied significantly from the actual spares consumption data. Adoption of the financial technique of stock funding repairables would assign financial and requirements responsibility to the spares consumer and significantly shorten budget lead time for cost estimates. Consequently, the conferees encourage the Air Force to consider stock

funding of repairables to be managed at least at the major command level.

OTHER PRODUCTION CHARGES

The conferees agree to provide \$2,235,410,000, a budget reduction of \$448,295,000. The reduction includes \$39,800,000 in the fiscal year 1986 ALQ-131 program, \$59,000,000 related to production slip of the ALQ-184 ECM pod, \$1,000,000 related to ALR-74, \$43,000,000 related to PLSS, \$44,000,000 related to ECM power management, and \$261,495,000 related to classified programs.

ALR-74 RADAR WARNING RECEIVER

The conferees agree to the following reductions related to the ALR-74 production slip, which have been applied to the line items indicated:

FISCAL YEAR 1986

[dollars in millions]

F-16 Advance Procurement.....	\$17.4
F-4E Modification.....	10.9
RF-4E Modification.....	55.0
F-4 Simulator Modification.....	4.2
F-16 Modification.....	2.6
Other Production Charges.....	1.0
Initial Spares.....	12.1

Total..... 103.2

The conferees recognize that approximately \$56,900,000 in fiscal year 1984 appropriations will be used to repackaging the ALR-56 radar warning receiver so that a competition between ALR-56M and ALR-74 may be conducted in the future.

ELECTRONIC COUNTER MEASURE (ECM) EQUIPMENT

The conferees have agreed to substantial funding reductions in the Airborne Self Pro-

tection Jammer (ASPJ), ALQ-119/184 pod, ALQ-131 pod, and ALR-74 radar warning receiver equipment due to inability to achieve production objectives. The budgets for these items were based on overly optimistic assessments of production capability in order to capitalize on emerging technologies. The conferees understand the need to counter the emerging threat, but future support for ECM programs will be contingent upon production feasibility. Consequently, the Air Force should realign its planning to achieve realistic production schedules for this equipment.

MISSILE PROCUREMENT, AIR FORCE

The conferees agree to the following amounts for Missile Procurement, Air Force:

[In thousands of dollars]

	Budget	House	Senate	Conference
MISSILE PROCUREMENT, AIR FORCE				
BALLISTIC MISSILES				
STRATEGIC: PEACEKEEPER (M-X).....	3,037,280	1,746,000	1,746,000	1,746,000
FORCE MODERNIZATION: MISSILE REPLACEMENT EQUIPMENT-STRAT.....	86,701	66,701	66,701	66,701
TOTAL, BALLISTIC MISSILES.....	3,123,981	1,812,701	1,812,701	1,812,701
OTHER MISSILES				
STRATEGIC: AIR LAUNCH CRUISE MISSILE.....	33,440	33,440	33,440	33,440
TACTICAL:				
AIM-7F/M SPARROW.....	82,300	70,400	82,300	82,300
AIM-9L/M SIDEWINDER.....	43,300	81,300	81,300	81,300
AGM-130 POWERED GBU-15.....	48,500	20,000	20,000	20,000
AGM-65D MAVERICK.....	488,989	430,889	393,989	430,889
AGM-88A HARM.....	470,107	438,107	448,407	438,107
RAPIER.....	7,581	3,581	7,581	7,581
AMRAAM.....	366,489		149,989	149,989
AMRAAM (AP-CY).....	65,900		30,000	59,400
(PY TRANSFER).....			(29,400)	
GRD LAUNCH CRUISE MISSILE.....	544,093	534,093	534,093	534,093
GRD LAUNCH CRUISE MISSILE (AP-CY).....	9,772	9,772	9,772	9,772
TARGET DRONES: TARGET DRONES.....	35,898	35,898	35,898	35,898
TACTICAL DRONES:				
INDUSTRIAL FACILITIES.....	12,926	12,926	12,926	12,926
MISSILE REPLACEMENT EQUIPMENT-TACT.....	14,451	14,451	14,451	14,451
CLASSIFIED PROGRAM.....	663,000	533,000	633,000	505,900
TOTAL, OTHER MISSILES.....	2,895,746	2,218,857	2,488,146	2,417,046
MODIFICATION OF IN-SERVICE MISSILES				
CLASS IV: CLASS IV.....	92,749	92,749	90,800	90,800
CLASS V: LGM-30F/G MINUTEMAN II/III.....	13,540	8,440	83,540	43,440
UPDATE:				
AGM-88A HARM.....	3,000	3,000	3,000	3,000
UPDATED ALCM.....	16,498	16,498	16,498	16,498
GRD LAUNCH CRUISE MISSILE UPDATE.....	8,707	8,707	8,707	8,707
TOTAL, MODIFICATION OF IN-SERVICE MISSILES.....	134,494	129,394	202,545	162,445
MISSILE SPARES PLUS REPAIR PARTS: SPARES AND REPAIR PARTS.....	539,258	461,170	465,258	461,170
OTHER SUPPORT				
SPACE PROGRAMS:				
SPACEBORNE EQUIP (COMSEC).....	36,346	36,346	36,346	36,346
GLOBAL POSITIONING (MYP).....	197,398	197,398	197,398	197,398
SPACE LAUNCH SUPPORT.....	295,999	260,999	260,999	260,999
DEF METEOROLOGICAL SAT PROG (MYP).....	53,979	53,979	43,379	43,379
DEFENSE SUPPORT PROGRAM.....	131,282	131,282	131,282	131,282
DEFENSE SATELLITE COMM SYSTEM (MYF).....	135,506	135,506	135,506	135,506
DEFENSE SATELLITE COMM SYSTEM (MYP) (AP-CY).....	13,660	13,660	13,660	13,660
AF SATELLITE COMM SYSTEM.....	34,384	34,384	34,384	34,384
SPACE DEFENSE SYSTEM.....	83,016			
SPACE DEFENSE SYSTEM (AP-CY).....	14,900			
SPACE BOOSTERS.....	126,894	6,894	80,000	80,000
SPACE BOOSTERS (AP-CY).....		114,000	46,894	46,894
SPACE SHUTTLE.....	22,073	22,073	22,073	22,073
SPECIAL PROGRAMS:				
OTHER PROGRAMS.....	170,024	170,024		
FOREST GREEN.....	4,749	4,749	4,749	4,749
IONDS (MYP).....	45,835	45,835	45,835	45,835
SPECIAL PROGRAMS.....	1,915,800	1,661,600	1,885,200	1,834,900
SPECIAL PROGRAMS (PY TRANSFER).....		(1,000)		

[In thousands of dollars]

	Budget	House	Senate	Conference
SPECIAL UPDATE PROGRAMS.....	887,376	927,476	927,476	927,476
TOTAL, OTHER SUPPORT.....	4,169,221	3,816,205	3,850,181	3,814,881
GENERAL REDUCTION, PY TRANSFER (PY TRANSFER).....		-4,000		
INFLATION REESTIMATES FOR FY86.....		(-4,000)		
INFLATION PREMIUM, FY86.....		-13,000	-13,000	-13,000
PRIOR YEAR PROGRAM SAVINGS (PY TRANSFER).....		-227,800		-107,066
FY85 INFLATION FAIRNESS ADJUSTMENT (PY TRANSFER).....		-35,000	-35,000	
		(35,000)	(35,000)	
		-115,000		-115,000
		(115,000)		
TOTAL, MISSILE PROCUREMENT, AIR FORCE TRANSFER FROM OTHER ACCOUNTS.....	10,862,700	8,043,527	8,770,831	8,433,177
		(155,000)	(64,400)	
TOTAL FUNDING AVAILABLE.....	10,862,700	8,198,527	8,835,231	8,433,177

PRIOR YEAR SAVINGS

The conferees recognize \$82,800,000 in prior year savings in Air Force Missile Procurement. The sources and uses of these savings are identified in this Statement of the Managers under the heading "Availability of Unobligated Balances."

ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE

The conferees agree to provide \$149,989,000 for Advanced Medium Range Air-to-Air Missile (AMRAAM) and \$59,400,000 for AMRAAM Advance Procurement as proposed by the Senate.

MINUTEMAN II/III

The conferees agree to provide \$43,400,000 for Minuteman II/III modifications. This is an increase of \$35,000,000 over the House al-

lowance to extend the Minuteman Extended Survivable Power (MESP) program starting in 1986. No funds are provided for lead acid batteries.

COMPLEMENTARY EXPENDABLE LAUNCH VEHICLES

The conferees agree to funding levels and distributions proposed by the Senate. This includes \$80,000,000 for procurement of 1 fully funded Complementary Expendable Launch Vehicle and \$46,894,000 in advance procurement for 1987.

The conferees agree that the CELV program of no more than 10 Titan 34D7s shall be fully funded but may be executed as a multi-year procurement if proposed to and approved by Congress.

The conferees further agree that the Air Force should include a program profile and description with its multi-year justification to both the House and Senate Defense Appropriations Subcommittees and that it should incorporate the policy guidance provided in the House report to this bill to include holding four CELV's in reserve, and the Senate language in the report accompanying the Continuing Resolution (S. Rpt. 99-210), Contract restructuring should explicitly accommodate, using priced contract options, the requirement of holding four CELV's in reserve.

OTHER PROCUREMENT, AIR FORCE

The conferees agree to the following amounts for Other Procurement, Air Force:

[In thousands of dollars]

	Budget	House	Senate	Conference
OTHER PROCUREMENT, AIR FORCE MUNITIONS AND ASSOCIATED EQUIPMENT				
ROCKETS AND LAUNCHERS:				
2.75 INCH ROCKET MOTOR.....	22,276	22,276	22,276	22,276
GTR-18 MISSILE SIMULATOR.....	1,987	1,987	1,987	1,987
ROCKET TRAINING 35MM.....	1,692	1,692	1,692	1,692
ITEMS LESS THAN \$900,000.....	4,601	4,601	4,601	4,601
CARTRIDGES (THOUSANDS):				
9 MM PARABELLUM.....	1,178	1,178	1,178	1,178
5.56 MM.....	4,522	4,522	4,522	4,522
20 MM TRAINING.....	1,530	1,530	1,530	1,530
30 MM TRAINING.....	100,425	88,625	91,625	88,625
30 MM API.....	30,613	19,813	30,613	30,613
30 MM API (PY TRANSFER).....		(10,800)		
40 MM TP GRENADES.....	3,533	3,533	3,533	3,533
40 MM HE GRENADES.....	16,613	16,613	16,613	16,613
CART CHAFF RR-170.....	17,823	17,823	17,823	17,823
CART CHAFF, RR-136.....	546	546	546	546
SIGNAL MK-4 MOD 3.....	1,681	1,681	1,681	1,681
MXU-4A ENGINE STARTER.....	4,972	4,972	4,972	4,972
CART IMP 3000 FT/LBS.....	4,281	3,181	3,181	3,181
ITEMS LESS THAN \$900,000.....	8,650	8,650	8,650	8,650
BOMBS:				
MK-82 INERT/BDU-50.....	13,386	13,386	13,386	13,386
DURANDAL.....	94,502	86,602	68,000	80,600
TIMER ACTUATOR FIN FUZE.....	1,963			
BSU-49 INFLATABLE RETARDER.....	34,703	31,233	34,703	31,233
BSU-50 INFLATABLE RETARDER.....	10,231	10,231	10,231	10,231
BOMB 2000 LB HIGH EXPLOSIVE.....	34,056	31,856	31,856	31,856
CLUSTER BOMB, MK-20 (ROCKEYE).....	4,397	4,397	4,397	4,397
LASER BOMB GUIDANCE KIT.....	103,677			
GBU-15.....	127,894	37,902	106,700	85,000
BOMB PRACTICE 25 POUND.....	20,892	20,892	20,892	20,892
BOMB PRACTICE BDU-38.....	5,421	5,421	5,421	5,421
BOMB, PRACTICE MK-106.....	1,303	1,303	1,303	1,303
MK-84 BOMB—EMPTY.....	6,810	6,810	6,810	6,810
CBU-89 (TMD/GATOR).....	202,015	172,015	172,015	172,015
CBU-87 (COMBINED EFFECTS MUNITION).....	552,934	330,534	552,934	400,000
BIGEYE.....	22,115			
ITEMS LESS THAN \$900,000.....	1,531	1,531	1,531	1,531
TARGETS:				
AERIAL TOW TARGET.....	8,398	6,798	6,798	6,798

[In thousands of dollars]

	Budget	House	Senate	Conference
ITEMS LESS THAN \$900,000	292	292	292	292
OTHER ITEMS:				
FLARE, IR MJU-7B	13,346	13,346	13,346	13,346
FLARE, PARA, LUU-4B	1,401	1,401	1,401	1,401
FLARE, IR MJU-2	3,109	3,109	3,109	3,109
M-206 CARTRIDGE FLARE	1,445	1,445	1,445	1,445
SIGNAL, SMOKE/ILLUM MK-6	1,959	1,959	1,959	1,959
SIGNAL SMOKE AND ILLUMINATING	2,450	2,450	2,450	2,450
MC-3468, RETARD DEVICE	1,878	1,878	1,878	1,878
RAPID MUNITIONS ASSEMBLY	3,925	2,825	2,825	2,825
SPARES AND REPAIR PARTS	9,547	7,147	7,147	7,147
MODIFICATIONS	687	687	687	687
ITEMS LESS THAN \$900,000	21,334	19,034	19,034	19,034
FUZES:				
FMU-130	8,427			
FMU-112/FMU-139	61,725	41,725	41,725	41,725
ITEMS LESS THAN \$900,000	184	184	184	184
OTHER WEAPONS:				
M-203 GRENADE LAUNCHER	771	771	771	771
MACHINE GUN, 7.62MM, M-60	3,764	3,764	3,764	3,764
GAU-5 MACHINE GUN	1,367	1,367	1,367	1,367
40MM MACHINE GUN, MK-19	4,221	4,221	4,221	4,221
9MM HANDGUN	6,776	6,776	6,776	6,776
WAR RESERVE MUNITIONS			50,000	40,000
TOTAL, MUNITIONS AND ASSOCIATED EQUIPMENT	1,621,759	1,078,515	1,440,496	1,239,877
VEHICULAR EQUIPMENT				
PASSENGER CARRYING VEHICLES:				
SEDAN, 4 DR 4x2	1,938	1,938	1,938	1,938
STATION WAGON, 4x2	2,183	2,183	2,183	2,183
BUS, 28 PASSENGER	4,818	4,818	4,818	4,818
BUS INTERCITY	1,754	1,754	1,754	1,754
BUS, 44 PASSENGER	2,779	2,779	2,779	2,779
AMBULANCE, BUS	2,150	2,150	2,150	2,150
CARGO + UTILITY VEHICLES:				
TRUCK, STAKE/PLATFORM	6,758	6,758	6,758	6,758
TRUCK, CARGO-UTILITY, 3/4T, 4x4	4,503	4,503	4,503	4,503
TRUCK, CARGO-UTILITY, 1/2T, 4x2	4,446	4,446	4,446	4,446
TRUCK, PICKUP, 1/2T, 4x2	6,463	6,463	6,463	6,463
TRUCK, PICKUP, COMPACT	6,417	6,417	6,417	6,417
TRUCK MULTI-STOP 1 TON 4x2	11,737	11,737	11,737	11,737
TRUCK, PANEL, 4x2	3,541	3,541	3,541	3,541
SHOP VAN 4x4	869	869	869	869
TRUCK CARRYALL	7,541	7,541	7,541	7,541
COMMERCIAL UTILITY CARGO VEHICLE	3,610	3,610	3,610	3,610
TRUCK, CARGO, 2 1/2T, 6x6, M-35	15,588	15,588	15,588	15,588
TRUCK CARGO 5T M-923, M-925	17,088	17,088	17,088	17,088
SEMI-TRAILER, 20T	352	352	352	352
HIGH MOBILITY VEHICLE (MYP)	15,300	15,300	15,300	15,300
TRUCK TRACTOR 5T M-932 (MYP)	978	978	978	978
TRUCK TRACTOR, OVER 5T	4,382	4,382	4,382	4,382
TRUCK WRECKER	369	369	369	369
TRUCK WRECKER 5T M936 (MYP)	3,903	3,903	3,903	3,903
TRUCK, DUMP 5 TON	8,149	8,149	8,149	8,149
TRUCK, UTILITY	2,238	2,238	2,238	2,238
ITEMS LESS THAN \$900,000	8,358	8,358	8,358	8,358
SPECIAL PURPOSE VEHICLES:				
TRUCK MAINT, 4x2	2,552	2,552	2,552	2,552
TRUCK, MAINT, 4x4	1,222	1,222	1,222	1,222
TRUCK, MAINT, HI-REACH	2,066	2,066	2,066	2,066
TRUCK, TELEPHONE MAINTENANCE	3,778	3,778	3,778	3,778
TRUCK, TANK, 1200 GAL	1,992	1,992	1,992	1,992
TRUCK TANK FUEL R-9	23,645	23,645	23,645	23,645
TRUCK, TANK, FUEL, M-49	1,786	1,786	1,786	1,786
TRUCK, TANK, LIQ NIT, C-5	467	467	467	467
TRACTOR, A/C TOW, MB-4	2,854	2,854	2,854	2,854
TRACTOR, TOW, FLIGHTLINE	3,853	3,853	3,853	3,853
TRACTOR, WHEELED, INDUSTRIAL	1,915	1,915	1,915	1,915
TRACTOR, DOZER	2,443	2,443	2,443	2,443
VEHICLE, LAW ENFORCEMENT	2,342	2,342	2,342	2,342
TRUCK, DEMINERAL WATER, 2600 GAL	942	942	942	942
TRUCK HI LIFT C5	119	119	119	119
TRUCK HI LIFT 3T	186	186	186	186
TRUCK, HI LIFT, 9T	162	162	162	162
TRUCK REFUSE	1,793	1,793	1,793	1,793
TRUCK HYDRANT FUEL	3,877	3,877	3,877	3,877
TRAILER WATER M149	153	153	153	153
TRAILER FUEL A1B	201	201	201	201
SEMI TRAILER COMPRESSED GAS	2,725	2,725	2,725	2,725
SEMI TRAILER TANK UDMH	137	137	137	137
DOLLY M832	427	427	427	427
TRACTOR WHEELED W DOZER	360	360	360	360
ITEMS LESS THAN \$900,000	7,530	7,530	7,530	7,530
FIRE FIGHTING EQUIPMENT:				
TRUCK CRASH P-4/P-19	23,807	23,807	23,807	23,807
TRUCK CRASH P-15	3,494	3,494	3,494	3,494
TRUCK CRASH P-2	8,201	8,201	8,201	8,201
TRUCK WATER P-18	3,866	3,866	3,866	3,866
TRUCK, PUMPER, P-8	1,852	1,852	1,852	1,852

[In thousands of dollars]

	Budget	House	Senate	Conference
TRUCK, PUMPER, P-12	205	205	205	205
TRUCK CRASH P-10	406	406	406	406
TRUCK CRASH P-13/P-20	494	494	494	494
ITEMS LESS THAN \$900,000	839	839	839	839
MATERIALS HANDLING EQUIPMENT:				
TRUCK F/L 4,000 LB GED/DED 144"	2,188	2,188	2,188	2,188
TRUCK, F/L 6000 LB	4,934	4,934	4,934	4,934
TRUCK, F/L 10,000 LB	10,941	10,941	10,941	10,941
TRUCK F/L LARGE CAPACITY AT	627	627	627	627
TRUCK, F/L 15000 LB	760	760	760	760
LARGE CAPACITY LOADER	4,250	4,250	4,250	4,250
25K A/C LOADER	6,279	6,279	6,279	6,279
TRACTOR, WHSE, 4,000 LB	849	849	849	849
CONTAINER, LIFT, TRUCK	4,453	4,453	4,453	4,453
ITEMS LESS THAN \$900,000	2,658	2,658	2,658	2,658
BASE MAINTENANCE SUPPORT:				
LOADER, SCOOP	3,601	3,601	3,601	3,601
LOADER, SCOOP, W/BACKHOE	699	699	699	699
DISTRIBUTOR, WATER 1500 GALLON	3,460	3,460	3,460	3,460
CLEANER, RUNWAY/STREET	6,032	6,032	6,032	6,032
ROLLER, VIBRATING	650	650	650	650
TRUCK DUMP 22T	860	860	860	860
GRADER, ROAD, MOTORIZED	3,110	3,110	3,110	3,110
CRANE, 7-50 TON	3,133	3,133	3,133	3,133
EXCAVATOR, DED, PT	4,305	4,305	4,305	4,305
WATERCRAFT	4,295	4,295	4,295	4,295
SPARES AND REPAIR PARTS	4,512	4,512	4,512	4,512
MODIFICATIONS	197	197	197	197
ITEMS LESS THAN \$900,000	7,173	7,173	7,173	7,173
UNDISTRIBUTED REDUCTION		-20,000		
TOTAL, VEHICULAR EQUIPMENT	340,869	340,869	320,869	340,869
ELECTRONICS AND TELECOMMUNICATIONS EQUIPMENT				
COMM SECURITY EQUIPMENT (COMSEC):				
SPACE SYSTEMS (COMSEC)	33,497	33,497	33,497	33,497
TEMPEST EQUIPMENT	546	546	546	546
TAC SECURE VOICE	13,201	13,201	13,201	13,201
DCS SECURE VOICE (COMSEC)	27,685	27,685	27,685	27,685
SECURE DATA	40,990	40,990	40,990	40,990
TRI-TAC (COMSEC)	28,633	28,633	28,633	28,633
SPARES AND REPAIR PARTS	7,563	7,563	7,563	7,563
MODIFICATIONS (COMSEC)	282	282	282	282
INTELLIGENCE PROGRAMS:				
INTELLIGENCE DATA HANDLING SYS	29,427	29,427	29,427	29,427
INTELLIGENCE TRAINING EQUIPMENT	9,101	9,101	9,101	9,101
INTELLIGENCE COMM EQUIP	4,585	4,585	4,585	4,585
COBRA SHOE	2,973	2,973	2,973	2,973
ITEMS LESS THAN \$900,000	6,375	6,375	6,375	6,375
ELECTRONICS PROGRAMS:				
TRAFFIC CONTROL/LANDING	4,981	4,981	4,981	4,981
TACTICAL AIR CONTROL SYS IMPROVE	95,408	84,408	84,408	84,408
TACAN		8,000	8,000	8,000
WEATHER OBSERV/FORCAST	31,639	31,639	31,639	31,639
DEFENSE SUPPORT PROGRAM	117,825	117,825	117,825	117,825
OTH-B RADAR	237,036	167,036	167,036	167,036
SACDIN	1,129	1,129	1,129	1,129
SAC COMMAND AND CONTROL	11,123	11,123	11,123	11,123
CHEYENNE MOUNTAIN COMPLEX	61,039	54,136	54,136	54,136
PAVE PAWS/SLBM WARNING SYSTEMS	9,025	9,025	9,025	9,025
BMUEWS MODERNIZATION	70,754	38,250	70,754	70,754
SPACETRACK	10,067	10,067	10,067	10,067
NAVSTAR GPS	7,351	7,351	7,351	7,351
USAF COMMAND/CONTROL SYSTEM	12,076	12,076	8,700	8,700
PACAF COMMAND/CONTROL	9,897	9,897	9,897	9,897
DEFENSE METEOROLOGICAL SAT PROG	9,998	9,998	9,998	9,998
CARIBBEAN BASIN RADAR NETWORK	4,400	4,400	4,400	4,400
MARS/USAF-FAA RADAR UPGRADE	16,598	2,798	16,598	2,798
TAC SIGINT SUPPORT	34,671	34,671	34,671	34,671
DIST ERLY WARNING RDR/NORTH WARNING	8,858	(8,858)	8,858	8,858
DIST ERLY WARNING RDR/NORTH WARNING (PY TRANSFER)				
TRANSPORT GROUND INTERCEPT FACIL	17,464	17,464	17,464	17,464
TR-1 GROUND STATIONS	74,605	64,605	64,605	64,605
AIR BASE SURVIVABILITY	1,567	1,567	1,567	1,567
TEREC GROUND PROCESSOR	4,056	4,056	4,056	4,056
IMAGERY TRANS	37,460	20,000	20,000	20,000
TACTICAL WARNING SYSTEMS SUPPORT	390	390	390	390
NORTH ATLANTIC DEFENSE C3	22,362	22,362	22,362	22,362
SPECIAL COMM-ELECTRONICS PROJECTS:				
AUTOMATIC DATA PROCESSING EQUIP	170,528	148,028	170,528	163,128
WWMCCS ADPE	36,361	36,361	36,361	36,361
MAC COMMAND AND CONTROL SUPPORT	13,320	13,320	13,320	13,320
GLCM COMMUNICATIONS	14,471	14,471	14,471	14,471
AIR BASE DEFENSE/AF PHYS SECURITY	52,508	52,508	52,508	52,508
WEAPONS STORAGE/SECURITY	2,944	2,944	2,944	2,944
RANGE IMPROVEMENTS	105,173	90,173	90,173	90,173
HF RADIO CONSOLIDATION	9,768	9,768	9,768	9,768
RADAR BOMB SCORER	9,100	9,100	9,100	9,100
PLSS	25,123	25,123	25,123	25,123
C3 COUNTERMEASURES	21,388	21,388	21,388	21,388

[In thousands of dollars]

	Budget	House	Senate	Conference
SPACE SHUTTLE	4,978	4,978	4,978	4,978
BASE LEVEL DATA AUTO PROGRAM	64,904	47,904	47,904	47,904
SATELLITE CONTROL FACILITY	66,262	66,262	66,262	66,262
CONSTANT WATCH	15,924	15,924	15,924	15,924
CONSOLIDATED SPACE OPS CENTER	17,613	17,613	17,613	17,613
CMD CENTER PROCESSING/DISPLAY SYS	2,552	2,552	2,552	2,552
HAMMER ACE	831	831	831	831
SAMTO TEST RANGES I&M	32,144	22,144	22,144	22,144
EMP HARDENING	12,685	12,685	12,685	12,685
AIR FORCE COMMUNICATIONS:				
PROGRAM 698AJ	1,965	1,965	1,965	1,965
INFORMATION TRANSMISSION SYSTEMS	5,748	5,748	5,748	5,748
TELEPHONE EXCHANGE	52,926	52,926	52,926	52,926
JOINT TACTICAL COMM PROGRAM	161,927	160,227	160,227	160,227
USREDCOM	2,971	2,971	2,971	2,971
USCENTCOM	26,063	26,063	26,063	26,063
AUTOMATED TELECOMMUNICATIONS PRG	19,114	19,114	19,114	19,114
TELETYPEWRITER EQUIPMENT	11,724	11,724	11,724	11,724
SATELLITE TERMINALS	65,071	65,071	65,071	65,071
DCA PROGRAMS:				
WIDEBAND SYSTEMS UPGRADE	45,708	45,708	45,708	45,708
MINIMUM ESSENTIAL EMER COMM NET	14,385	14,385	14,385	14,385
DCS SECURE VOICE EQUIPMENT	18,380	18,380	18,380	18,380
ORGANIZATION AND BASE:				
TACTICAL C-E EQUIPMENT	17,946	17,946	17,946	17,946
PRODUCTIVITY INV TELECOM	16,431	16,431	16,431	16,431
RADIO EQUIPMENT	38,609	38,609	38,609	38,609
FIBER OPTICS	1,430	1,430	1,430	1,430
TV EQUIPMENT (AFRTV)	4,493	4,493	4,493	4,493
CCTV/AUDIOVISUAL EQUIPMENT	4,657	4,657	4,657	4,657
E AND I REQUIREMENTS	10,795	10,795	10,795	10,795
SPARES AND REPAIR PARTS	398,494	364,644	383,494	370,000
ITEMS LESS THAN \$900,000	15,468	15,468	15,468	15,468
MODIFICATIONS:				
COMM-ELECTRONICS CLASS IV	39,446	39,446	39,446	39,446
TRAFFIC CONTROL/LANDING	3,418	3,418	3,418	3,418
TACTICAL EQUIPMENT	25,393	25,393	25,393	25,393
ANTIJAM VOICE	19,007	19,007	19,007	19,007
TOTAL, ELECTRONICS AND TELECOMMUNICATIONS EQUIPMENT	2,816,783	2,544,608	2,648,344	2,608,650
OTHER BASE MAINTENANCE AND SUPPORT EQUIPMENT				
TEST EQUIPMENT:				
BASE/ALC CALIBRATION PACKAGE	52,827	45,027	10,000	45,027
NEWARK AFS CALIBRATION PACKAGE	3,359	3,359	3,359	3,359
TEST EQUIPMENT—GEN PURP	39,744	34,544	34,544	34,544
ITEMS LESS THAN \$900,000	42,008	35,008	35,008	35,008
PERSONAL SAFETY AND RESCUE EQUIP:				
LIFE RAFT, 20 MAN	989	989	989	989
AUTOMATIC LIFE PRESERVER	3,681	3,681	3,681	3,681
NIGHT VISION GOGGLES	8,355	8,355	8,355	8,355
CHEMICAL/BIOLOGICAL DEF PRG	81,233	81,233	81,233	81,233
ITEMS LESS THAN \$900,000	6,966	6,966	6,966	6,966
DEPOT PLANT AND MATERIALS HANDLING EQ:				
BASE MECHANIZATION EQUIPMENT	37,499	37,499	37,499	37,499
AIR TERMINAL MECHANIZATION EQUIP	1,215	1,215	1,215	1,215
ITEMS LESS THAN \$900,000	18,476	13,476	13,476	13,476
ELECTRICAL EQUIPMENT:				
GENERATORS—MOBILE ELECTRIC	30,098	30,098	30,098	30,098
FLOOD LIGHTS	10,691	7,745	10,691	7,745
ITEMS LESS THAN \$900,000	479	479	479	479
BASE SUPPORT EQUIPMENT:				
MEDICAL/DENTAL EQUIPMENT	132,339	120,039	136,639	135,739
AIR BASE SURVIVABILITY	36,747	36,747	21,900	21,900
COB ESSENTIAL FACILITIES	11,642	11,642	11,642	11,642
BARRIER, AIRCRAFT ARRESTING SYSTEM	185	185	185	185
PALLET, AIR CARGO, 108" x 88"	2,730	2,730	2,730	2,730
NET ASSEMBLY, 108" x 88"	3,306	3,306	3,306	3,306
PUMPS AND COMPRESSORS	1,282	1,282	1,282	1,282
MOBILITY CONTAINERS	2,058	2,058	2,058	2,058
BLADDERS FUEL	2,710	2,710	2,710	2,710
TACTICAL SHELTER	17,822	17,822	17,822	17,822
PHOTOGRAPHIC EQUIPMENT	6,486	6,486	6,486	6,486
PRODUCTIVITY INVESTMENTS	928	928	928	928
MOBILITY EQUIPMENT	43,068	43,068	43,068	43,068
WARTIME HOST NATION SUPPORT	5,069	5,069	5,069	5,069
SPARES AND REPAIR PARTS	14,297	14,297	14,297	14,297
ITEMS LESS THAN \$900,000	17,832	15,032	15,032	15,032
SPECIAL SUPPORT PROJECTS:				
INTELLIGENCE PRODUCTION ACTIVITY	18,889	18,889	18,889	18,889
SCIENTIFIC/TECHNICAL INTELLIGENCE	4,588	4,588	4,588	4,588
TECH SURV COUNTERMEASURES EQ	4,939	4,939	4,939	4,939
DEFENSE DISSEMINATION SYSTEM	21,357	15,467	12,457	12,457
AF TECHNICAL APPLICATION CENTER	15,878	15,878	15,878	15,878
PHOTO PROC/INTERPRET SYS	11,301	10,001	10,001	10,001
SELECTED ACTIVITIES	3,933,131	3,702,651	3,896,381	3,865,051
SPECIAL UPDATE PROGRAM	86,482	86,482	86,482	86,482
INDUSTRIAL PREPAREDNESS	14,326	2,497	14,326	2,497
MISC EQUIPMENT	6,508	6,508	6,508	6,508
MODIFICATIONS	5,069	5,069	5,069	5,069

[In thousands of dollars]

	Budget	House	Senate	Conference
TOTAL, OTHER BASE MAINTENANCE AND SUPPORT EQUIPMENT.....	4,758,589	4,466,044	4,638,265	4,626,287
UNDISTRIBUTED REDUCTION.....		-237,000		-250,000
NON-CENTRALLY MANAGED ITEMS.....		54,700	54,700	54,700
INFLATION REESTIMATES FOR FY86.....		-9,000	-9,000	-9,000
PRIOR YEAR INFLATION SAVINGS.....		-242,000	-242,000	
(PY TRANSFER).....		(242,000)	(242,000)	
PRIOR YEAR PROGRAM SAVINGS.....		-85,818	-40,000	
(PY TRANSFER).....		(85,818)	(40,000)	
TOTAL, OTHER PROCUREMENT, AIR FORCE.....	9,538,000	7,890,918	8,831,674	8,611,383
TRANSFER FROM OTHER ACCOUNTS.....		(347,476)	(282,000)	
TOTAL FUNDING AVAILABLE.....	9,538,000	8,238,394	9,113,674	8,611,383

PRIOR YEAR SAVINGS

The conferees recognize \$347,476,000 in prior year savings in Air Force Other Procurement. The sources and uses of these savings are identified in this Statement of the Managers under the heading "Availability of Unobligated Balances."

30MM API

The conferees agree to House bill language requiring component breakout of the depleted uranium penetrator for 30mm armor piercing ammunition.

COMBINED EFFECTS MUNITION

The conferees are in agreement that competition for CEM procurement shall be continued in fiscal year 1986 with the funding provided.

MAR USAF/FAA RADAR UPGRADE

The conferees agree to the House allowance of \$2,798,000 for the joint USAF/FAA

minimally attended radar upgrade due to contract award schedule delay beyond the current fiscal year. The Air Force is requested to report to the Appropriations Committees by March 1, 1986, on the requirements for the upgrade, revised acquisition plans, and an assessment of future program growth potential. The report should include an estimate of total program cost and a comparison of the life cycle of unattended versus minimally attended radar sites.

AUTOMATIC DATA PROCESSING EQUIPMENT

The conferees agree to provide \$163,128,000, which includes reductions of \$1,400,000 in the "MAJCOM Link" and \$6,000,000 in the Air Staff "Improved Service Program". No funds in any Air Force appropriation should be obligated on the Improved Service Program or other Air Staff office automation until the Secretary of the Air Force has approved an Air Staff auto-

mation master plan which addresses requirements and funding for each major Air Staff organization.

NORTHEAST REGIONAL COMMUNICATIONS CENTER

The conferees agree that no funds are provided in this bill for construction at Hawley, Massachusetts, or other locations on privately owned land, of the Northeast Regional Communications Center. The conferees also agree that if further consideration is given to construct such a facility only land presently owned by the Federal Government should be considered as sites.

NATIONAL GUARD AND RESERVE EQUIPMENT

The conferees agree to the following amounts for Reserve and National Guard:

[In thousands of dollars]

	Budget	House	Senate	Conference
NATIONAL GUARD AND RESERVE EQUIPMENT, DEFENSE				
RESERVE, ARMY:				
MISCELLANEOUS EQUIPMENT.....			575,400	350,000
TRUCK SLEP.....			15,000	15,000
PY PROGRAM SAVINGS.....		-150,400		
(PY TRANSFER) (DIVAD).....			(150,400)	
TOTAL, RESERVE ARMY.....			440,000	365,000
RESERVE, NAVY:				
MISCELLANEOUS EQUIPMENT.....		20,000	230,000	75,000
UH-60 HELICOPTER.....		25,000	25,000	25,000
TOTAL, RESERVE NAVY.....		45,000	255,000	100,000
RESERVE, MARINE CORPS:				
MISCELLANEOUS EQUIPMENT.....		20,000	100,000	30,000
TANKER AIRCRAFT.....		40,000	40,000	40,000
TOTAL, RESERVE MARINE CORPS.....		60,000	140,000	70,000
RESERVE, AIR FORCE:				
MISCELLANEOUS EQUIPMENT.....			100,000	30,000
C-130H AIRCRAFT.....		120,000	130,000	150,000
(PY TRANSFER).....			(20,000)	
TOTAL, RESERVE AIR FORCE.....		120,000	230,000	180,000
ARMY NATIONAL GUARD:				
MISCELLANEOUS EQUIPMENT.....		100,000	500,000	350,000
CHAPARRAL MISSILE.....			58,400	58,400
IMPROVED TOW (MOD).....		15,000	28,200	28,200
M198 HOWITZER, TOWED.....			30,000	30,000
TRAINING DEVICES, NONSYSTEM.....		50,000	50,000	50,000
TRUCK SLEP.....			32,000	32,000
TOTAL, ARMY NATIONAL GUARD.....		165,000	698,000	548,800
AIR NATIONAL GUARD:				
Miscellaneous Equipment.....		30,000	150,000	75,000
C-130 AIRCRAFT.....		150,000	150,000	150,000
C-12J AIRCRAFT.....		18,000		18,000
C-131 AIRCRAFT MODIFICATIONS.....		2,000		12,000

[In thousands of dollars]

	Budget	House	Senate	Conference
GENERAL REDUCTION (C-131 MODS)		-8,000		
C-131 MOD (PY TRANSFER)		(8,000)	(8,000)	
TOTAL AIR NATIONAL GUARD		192,000	300,000	255,000
TOTAL NATIONAL GUARD AND RESERVE EQUIPMENT DEFENSE		582,000	2,063,800	1,518,800
TRANSFER FROM OTHER ACCOUNTS		(8,000)	(178,400)	
TOTAL FUNDING AVAILABLE		590,000	2,242,200	1,518,800

ARMY NATIONAL GUARD

The conferees agree to provide language in the bill enabling the use of \$40,000,000 provided to the Army National Guard for minor projects to facilitate delivery, storage, training and maintenance of National Guard equipment as proposed by the Senate. The conferees added bill language providing that the proposed projects are subject to authorization.

AIR NATIONAL GUARD

The conferees agree to provide \$75,000,000 for procurement of miscellaneous equipment for the Air National Guard. Of the amount authorized and appropriated for the Air National Guard, \$25,000,000 shall be used for an Air Combat Maneuvering System as identified in the Senate report.

C-131 MODIFICATIONS

The conferees agree to provide \$12,000,000 to modify 3 C-131 aircraft in fiscal year

1986. The fiscal year 1985 funds are now available for transfer, as indicated elsewhere in this report. The conferees also agree to the Senate conditions for modification of C-131 aircraft for the Air National Guard. These three aircraft are to be assigned to units in the states of South Carolina, Indiana, and Oregon.

PROCUREMENT, DEFENSE AGENCIES

The conferees agree to the following amounts for Procurement, Defense Agencies:

[In thousands of dollars]

	Budget	House	Senate	Conference
PROCUREMENT, DEFENSE AGENCIES				
MAJOR EQUIPMENT, OSD: MAJOR EQUIPMENT, OSD/WHIS	59,439	59,439	59,439	59,439
MAJOR EQUIPMENT, DCA:				
VEHICLES	220	220	220	220
OTHER CAPITAL EQUIPMENT	5,580	5,580	5,580	5,580
MAJOR EQUIPMENT, DCA:				
WWMCCS ADP SYSTEMS	14,828	14,828	14,828	14,828
DEFENSE SWITCHING NETWORK	10,831	10,831	10,831	10,831
ITEMS LESS THAN \$900,000 EACH	43,676	43,676	35,776	43,676
MAJOR EQUIPMENT, DLA:				
MATERIALS HANDLING EQUIPMENT	13,634	10,634	10,634	10,634
VEHICLES	1,870	1,870	1,870	1,870
MECHANIZED MATERIALS HANDLING SYS.	16,431	16,431	16,431	16,431
ADP EQUIPMENT	74,602	74,602	54,602	54,602
TELECOMMUNICATIONS EQUIPMENT	11,014	11,014	11,014	11,014
OTHER MAJOR EQUIPMENT	6,780	6,780	6,780	6,780
MAJOR EQUIPMENT, DMA:				
ADP EQUIPMENT	16,767	16,767	16,767	16,767
VEHICLES	342	342	342	342
OTHER CAPITAL EQUIPMENT	26,639	26,639	26,639	26,639
AF PHASE IV COMPUTER	4,164	4,164	4,164	4,164
PASS REPLACEMENT	2,663	2,663	2,663	2,663
MAJOR EQUIPMENT, DIS:				
VEHICLES	1,686	1,686	1,686	1,686
OTHER DIS EQUIPMENT		5,000	5,000	5,000
MAJOR EQUIPMENT, USUHS: ITEMS LESS THAN \$900,000 EACH	743	743	743	743
MAJOR EQUIPMENT, DCA: ITEMS LESS THAN \$900,000 EACH	7,588	7,588	7,588	7,588
MAJOR EQUIPMENT, DAVA: ITEMS LESS THAN \$900,000 EACH	481	481	481	481
MAJOR EQUIPMENT, DIG: ITEMS LESS THAN \$900,000 EACH	45	45	45	45
CLASSIFIED PROGRAMS	1,071,877	886,846	1,159,791	991,717
NON-CENTRALLY MANAGED ITEMS		10,000	10,000	10,000
INFLATION REESTIMATES FOR FY86		-1,000	-1,000	-1,000
PRIOR YEAR INFLATION SAVINGS		-36,000	-36,000	
(PY TRANSFER)		(36,000)	(36,000)	
TOTAL, PROCUREMENT, DEFENSE AGENCIES	1,391,900	1,181,869	1,426,914	1,302,740
TRANSFER FROM OTHER ACCOUNTS		(36,000)	(36,000)	
TOTAL FUNDING AVAILABLE	1,391,900	1,217,869	1,462,914	1,302,740

PRIOR YEAR SAVINGS

The conferees recognize \$36,000,000 in prior year savings in Defense Agencies Procurement. The sources and uses of these savings are identified in this Statement of the Managers under the heading "Availability of Unobligated Balances."

DCA CINC INITIATIVES

The conferees agree to restore the Senate reduction of \$7,900,000 for the Defense Communications Agency CINC Initiatives program. The conferees understand there are a number of critical requirements that

necessitate funding in fiscal year 1986. The conferees direct the Department of Defense to budget for these procurement and operations requirements in the appropriate service requests in fiscal year 1987 rather than budget for them in this account and as a contingency fund.

DEFENSE PRODUCTION ACT PURCHASES

The conference agreement provides \$31,000,000 as proposed by the Senate.

NATO COOPERATIVE DEFENSE PROGRAMS

The conferees agree to provide \$15,000,000 for the acquisition of point air defense of United States air bases and other critical United States military facilities in Italy as proposed by the Senate in the Continuing Resolution (H.J. Res. 465). Enabling bill language has been added.

TITLE IV—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conferees agree to the following amounts for the Research, Development, Test and Evaluation accounts:

[In thousands of dollars]

	Budget	House	Senate	Conference
RECAPITULATION				
TOTAL, RDTE, ARMY	5,279,900	4,436,475	4,841,169	4,838,172
TRANSFER FROM OTHER ACCOUNTS		(110,530)	(265,000)	
TOTAL, RDTE, NAVY	11,264,300	9,462,631	10,104,594	10,125,239
TRANSFER FROM OTHER ACCOUNTS		(271,496)	(183,000)	
TOTAL, RDTE, AIR FORCE	15,578,500	13,217,177	13,861,113	13,860,208
TRANSFER FROM OTHER ACCOUNTS		(359,000)	(256,000)	
TOTAL, RDTE, DEFENSE AGENCIES	7,053,900	5,943,038	7,033,745	6,668,386
TRANSFER FROM OTHER ACCOUNTS		(179,112)	(51,000)	
TOTAL, RDTE, DIRECTOR OF TEST AND EVALUATION	103,500	93,500	143,500	118,500
TOTAL, RDTE	39,280,100	33,152,821	35,984,121	35,610,505
TRANSFER FROM OTHER ACCOUNTS		(920,138)	(755,000)	
TOTAL FUNDING AVAILABLE	39,280,100	34,072,959	36,739,121	35,610,505

The conferees agree to the following language:

INDEPENDENT RESEARCH AND DEVELOPMENT BID AND PROPOSAL

The conferees agree with the House proposal that the ceiling for fiscal year 1986 for Independent Research and Development (IR&D) and Bid and Proposal (B&P) be set at \$5,200,000,000. The conferees agree that an independent review of the IR&D/B&P program is required, as proposed by the House, particularly in light of recent allegations of improper charges to IR&D and B&P accounts by a major contractor.

NATO COOPERATIVE R&D

The conferees agree to provide \$125,000,000 for NATO Cooperative R&D and Testing programs, instead of \$250,000,000 as proposed by the Senate and no funds as proposed by the House. These

funds are to be equally divided among the Army; Navy; Air Force; Defense Agencies; and Director, Test and Evaluation, Defense, RDT&E accounts.

The conferees note that the fiscal year 1986 Defense Authorization Act provided for a total of \$250,000,000 in general authorization for this initiative. The conferees express their support for this important R&D program, and hope that it provides the basis for increased standardization and interoperability between the U.S. and our NATO allies in the field of armaments development and acquisition.

The Department of Defense should report back to the Committees on Appropriations of the House and Senate on the programs and projects initiated with the \$125,000,000 fiscal year 1986 appropriation for NATO Cooperative R&D. Should the Department of Defense require additional funds, not to

exceed the authorized amount, for this effort in fiscal year 1986, a prior approval reprogramming request must be submitted.

MANAGEMENT OF MEDICAL R&D

The conferees endorse the language of House Report 99-332, page 285, regarding Management of Medical R&D. The conferees direct that management responsibility for Infectious Disease and Combat Casualty Care be returned to USDR&E, effective immediately, with the sole exception that management responsibility for research on acquired immune deficiency syndrome shall lie with the Assistant Secretary for Health Affairs.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

The conferees agree to the following amounts for Research, Development, Test and Evaluation, Army:

[In thousands of dollars]

	Budget	House	Senate	Conference
RESEARCH DEVELOPMENT TEST AND EVAL. ARMY				
Technology Base:				
IN-HOUSE LAB INDEPENDENT RESEARCH	25,280	25,280	25,280	25,280
DEFENSE RESEARCH SCIENCES	236,869	220,180	235,000	234,500
UNIVERSITY RESEARCH INITIATIVES	6,126	6,126	6,126	6,126
MATERIALS	12,380	12,380	12,380	12,380
ATMOSPHERIC INVESTIGATIONS	6,896	5,000	6,396	5,500
NUCLEAR WEAPONS EFFECTS/FLUIDICS	8,461	8,461	8,461	8,461
AIRCRAFT WEAPONS TECHNOLOGY	3,321	3,321	3,321	3,321
AIRCRAFT AVIONICS TECHNOLOGY	9,766	9,000	9,000	9,000
AERONAUTICAL TECHNOLOGY	31,171	26,771	30,000	27,500
AIRDROP TECHNOLOGY	2,061	2,061	2,061	2,061
MISSILE TECHNOLOGY	31,504	26,504	31,504	29,000
LASER WEAPON TECHNOLOGY	21,392	21,392	21,392	21,392
TANK AND AUTOMOTIVE TECHNOLOGY	22,226	22,226	22,226	22,226
SMALL CAL AND FIRE CNTRL TECHNOLOGY	12,794	11,294	12,044	11,500
BALLISTICS TECHNOLOGY	48,424	43,424	47,424	43,424
CHEMICAL AND SMOKE MUNITIONS	14,062	14,062	14,062	14,062
JOINT SERVICE SMALL ARMS PROGRAM (JSSAP)	6,542	5,542	6,542	5,542
COMMUNICATIONS TECH	21,403	16,403	19,403	17,403
COMBAT SURVEILL TARGET ACQUIS & IDENT	4,407	4,407	4,407	4,407
MIL ENVIRONMENTAL CRITERIA DEV	3,096	3,096	3,096	3,096
ELECTRICAL AND ELECTRONIC DEVICES	22,871	21,371	21,247	21,247
CHEM BIOLOGICAL DEF/GEN INVEST	41,724	39,724	39,724	39,724
MAPPING—GEODESY	10,364	8,864	9,635	8,864
NIGHT VISION INVESTIGATIONS	22,077	20,577	22,077	21,000
HUMAN FACTORS ENG SYS DEV	15,269	14,269	14,000	14,000
HUMAN PERFORMANCE EFFECT/SIMULATION	6,788	5,288	5,323	5,288
MOBILITY AND WEAPONS EFFECTS TECH	13,363	12,300	12,000	12,000
ENVIRONMENTAL QUALITY TECH	8,912	8,912	8,912	8,912
MANPOWER/PERSONNEL/TRAINING	8,016	7,516	8,016	7,516
CLOTHING EQUIP AND SHELTER TECH	10,537	10,537	9,023	9,023
JT SVC FOOD SYS TECH	6,432	5,932	6,432	5,932
COMPUTER AND INFORMATION SCIENCE	2,216	2,216	2,216	2,216
MONOSYSTEMS TRAINING DEVICES TECH (NSTD)	5,103	5,103	5,103	5,103
COLD REGIONS ENGINEERING TECHNOLOGY	6,819	6,819	6,819	6,819
MILITARY FACILITIES ENGINEERING TECHNOLOGY	5,253	5,253	5,253	5,253
MOBILITY EQUIPMENT TECHNOLOGY	13,627	13,627	13,627	13,627
MED DEFENSE AGAINST CHEM AGENTS	32,309	30,309	32,309	31,309
TACTICAL ADP TECH	9,066	7,500	6,066	6,500
MILITARY DISEASE HAZARDS TECH	28,990	24,490	26,490	27,490
COMBAT CASUALTY CARE TECH	8,892	8,892	8,892	8,892

(In thousands of dollars)

	Budget	House	Senate	Conference
COMBAT MAXILLOFACIAL INJURY	2,167	2,167	2,167	2,167
SYSTEMS HEALTH HAZARD PREVENT TECH	19,461	19,461	19,461	19,461
ENERGY TECH APPL FOR MILITARY FACIL	2,230	2,230	2,230	2,230
CLASSIFIED PROGRAMS	45,765	42,265	42,265	42,265
TOTAL, TECHNOLOGY BASE	876,432	812,552	849,412	833,019
Advance Technology Development:				
MATERIALS AND STRUCTURES ADVANCED DEVELOPMENT	14,437	14,437	14,437	14,437
FUELS AND LUBRICANTS ADVANCED DEVELOPMENT	3,384	3,384	3,384	3,384
AIRCRAFT POWER PLANTS AND PROPULSION	21,833	19,833	19,833	19,833
AIRCRAFT WEAPONS	6,946	6,946	6,946	6,946
AIRCRAFT AVIONICS EQUIPMENT	10,970	10,970	10,970	10,970
ROATRY WING CONTROLS/ROTORS/STRUCTURES	31,104	17,104	17,104	17,104
SYNTHETIC FLIGHT SIMULATORS DEVELOPMENT	12,613	12,613	12,613	12,613
AIRDROP ADVANCEMENT	3,854	3,854	3,854	3,854
NDE AVIATION AND NAVIGATION EQUIPMENT	3,089	3,089	3,089	3,089
TERMINALLY GUIDED PROJECTILES	17,409	15,000	11,000	15,000
MSL/ROCKET COMPONENTS	42,836	18,912	34,872	18,912
BATTLEFIELD ENVIRONMENT SIMULATION	2,570	2,570	1,000	1,000
ARMY DEVEL & EMPLOYMENT ACTIVITY-ADEA	9,705	9,705	9,705	9,705
ADVANCED LAND MOB SYSTEMS CONCEPTS	16,474	16,474	16,474	16,474
LANDMINE WARFARE/BARRIER DEV	11,267	11,267	11,267	11,267
JOINT SERVICE SMALL ARMS PROGRAM (JSSAP)	3,463	3,463	3,463	3,463
COMBAT VEHICLE PROPULSION SYS	14,967	11,697	11,697	11,697
CMBT VEH TURRET AND CHASSIS SYSYS	17,036	17,036	17,036	17,036
COMBAT VEHICLE ARMOR/ANTI ARMOR	11,363	11,363	11,363	11,363
ADV PROPULSION/LAUNCH SYS FOR MUN	8,233	8,233	8,233	8,233
AMMUNITION LOGISTICS	2,035	2,035	1,000	1,500
NIGHT VISION ADVANCED DEVELOPMENT	33,622	30,622	33,622	31,622
TAC CMD COMMO & COMPUTER (C4) INTEGRATN	31,774	29,774	26,529	26,529
MANPOWER AND PERSONNEL	16,938	12,938	15,000	14,000
ENGINEERING SYSTEMS	3,450	3,450	1,950	1,950
HUMAN FACTORS ENGINEERING APPLICATIONS	1,961	1,961		
HUMAN FACTOR IN TNG/OPER EFFECT	11,511	9,011	11,000	9,011
ADV ELECTRONIC DEVICES DEV	9,730	9,730	9,730	9,730
EDUCATION AND TRAINING	11,846	11,846	11,846	11,846
TRAINING SIMULATION	5,494	5,494	5,494	5,494
TEST MEASUREMENT & DIAGNOSTIC EQUIPMENT DEVEL	7,235	7,235	5,411	5,411
TECHNICAL VULNERABILITY REDUCTION	4,305	4,305	4,305	4,305
DEMILITARIZATION CONCEPTS	9,575	9,575	9,575	9,575
DOD SOFTWARE INITIATIVES (STARS)	52,000	42,000	42,000	42,000
TACTICAL ROBOTIC SYSTEMS	26,496	16,496	10,000	12,000
CB DEF/SMK ADV TECHNOLOGY DEMONSTRATIONS	3,045	3,045	3,045	3,045
ELECTRONIC WARFARE FEASIBILITY DEVELOPMENT	8,643	8,643	7,243	7,243
NONSYSTEMS MEDICAL MATERIAL DEVELOPMENT	16,221	16,221	16,221	16,221
MEDICAL CHEM DEFENSE LIFE SUPPORT MAT	22,612	22,612	22,612	22,612
NONTACTICAL ADP TECHNOLOGY	218	218		
CLASSIFIED PROGRAMS	51,084	19,328	19,284	19,328
TOTAL, ADVANCE TECHNOLOGY DEVELOPMENT	593,348	484,792	484,477	470,072
Strategic Programs:				
WORLDWIDE MILITARY CMD&CNT SYS INF SYS	30,914	30,914	30,914	30,914
CLASSIFIED PROGRAMS	204,743	198,743	198,743	198,743
TOTAL, STRATEGIC PROGRAMS	235,657	229,657	229,657	229,657
Tactical Programs:				
AIR MOBILITY SUPPORT	15,472	11,472	8,379	3,379
JOINT SURVIVABILITY INVESTIGATIONS	900	900	900	900
ADVANCED ROTORCRAFT TECH INTEGRATION/LHX	75,528	15,000	55,528	45,000
AIRDROP EQUIPMENT SYSTEMS	1,877	1,877	1,000	1,000
ANTI-TACTICAL MISSILE (ATM)	62,760	62,760	62,760	62,760
SURF-TO-SURF MSL ROCKET SYS	30,622	30,622	30,622	30,622
WEAPONS AND AMMUNITION	798	798	798	798
ADVANCED ANTI TANK WEAPON	81,077	61,077	61,077	61,077
LETHAL CHEMICAL MUNITIONS CONCEPTS	20,387		20,387	20,387
LANDMINE/BARRIER SYS	28,424	25,424	23,000	23,000
SMOKE MUNITIONS AND MATERIEL CONCEPTS	12,672	11,672	8,672	8,672
ARTILLERY/MORTAR AMMO DEVELOPMENT	10,157	10,157	10,157	10,157
TANK/FIGHTING VEHICLE AMMO DEVELOPMENT	5,734	5,734	5,734	5,734
MOBILE PROTECTED GUN PROGRAM	9,802			
ELECTRIC POWER SOURCES	11,258	11,258	11,258	11,258
PHYSICAL SECURITY	4,416	4,416	4,416	4,416
IDENTIFICATION FRIEND OR FOE EQUIP DEVEL	20,693	18,693	18,693	18,693
AIRCRAFT SURVIVABILITY EQUIPMENT	8,611	8,611	8,611	8,611
ARMY DATA DISTRIBUTION SYSTEM (ADDS)	38,016	38,016	38,016	38,016
ELECT WFR VULNERABILITY/SUSCEPTIBILITY	23,791	23,791	22,791	22,791
CHEMICAL/BIO DETECTION WARM/SAMP MAT CONCEPTS	15,192	15,192	15,192	15,192
CML BIO PROTECTIVE MATERIEL CONCEPTS	9,341	9,341	9,341	9,341
REMOTELY PILOTTED VEHICLES/DRONES	20,977	16,000	16,000	16,000
COMBAT SUPPORT EQUIPMENT	28,363	28,363	25,363	25,363
COMBAT MEDICAL MATERIAL	9,379	9,379	9,379	9,379
SINGLE CHANNEL GRD/ABN RADIO SUB-SYS	2,265	2,265	2,265	2,265
SOLDIER SUPPORT/SURVIVABILITY	6,657	5,000	6,000	5,000
DRUG AND VACCINE DEVELOPMENT	16,932	16,932	16,932	16,932
MEDICAL DEFENSE AGAINST CHEM WARFARE	31,019	31,019	31,019	31,019
COMBAT SERVICE SUPPORT CONTROL SYS	980	980	980	980
AIRCRAFT WEAPONS	12,672	12,672	12,672	12,672
AIR MOBILITY SUPPORT EQUIPMENT	2,600	2,600	2,600	2,600

[In thousands of dollars]

	Budget	House	Senate	Conference
ADVANCED ATTACK HELICOPTER (AH-64)	17,506		17,506	10,000
AIRCRAFT PROPULSION SYSTEMS	70,791	70,791	50,791	70,791
SYNTHETIC FLIGHT TRAINING SYSTEMS	7,863	7,863	7,863	7,863
AIRDROP EQUIP DEVELOPMENT	3,141	3,141	3,141	3,141
ARMY HELICOPTER IMPROVEMENT PROG	6,802	6,802	6,802	6,802
AIRCRAFT COMPONENT IMPROVEMENT PROGRAM	16,158	16,158	16,158	16,158
STINGER	18,583	23,583	18,583	23,583
PATRIOT (SAM-D)	53,077	53,070	53,070	53,070
HELIBORNE MISSILE-HELLFIRE	6,213	6,213	3,392	5,000
HELLFIRE ON BLACKHAWK		20,000		17,000
GRASS BLADE	10,878	10,878	10,878	10,878
DIVISION AIR DEFENSE GUN	43,176			
JOINT TACTICAL MISSILE SYSTEM-ARMY (JTACMS-A)	154,805	130,000	130,000	130,000
INFANTRY SUPPORT WEAPONS	24,003	18,603	24,003	24,003
INFANTRY SUPPORT WEAPONS (PY TRANSFER)		(5,400)		
MOBILITY	15,486	5,486	1,000	1,000
SMOKE MUNITIONS & MATERIEL	6,024	6,024	6,024	6,024
COUNTERMINE AND BARRIERS	10,417	6,870	5,617	8,000
COUNTERMINE AND BARRIERS (PY TRANSFER)		(1,130)		
FIGHTING VEHICLE SYS	2,228	2,228		
LANDMINE WARFARE	7,954	7,954	7,954	7,954
M1 E1 DEVELOPMENT PROGRAM	3,898	3,898	18,898	18,898
FIELD ARTILLERY AMMUNITION	62,590	27,722	52,790	27,722
105MM TANK AMMUNITION	1,543	1,543	1,543	1,543
COMM ENGINEERING DEV	10,716	10,716	10,716	10,716
JT TAC INFO DIST SYS (JTIDS)	12,243	12,243	12,243	12,243
UNATTENDED GROUND SENSORS	2,940	1,000		500
MODULAR INTEGRATED COMM AND NAVIGATION SYS	5,007	5,007	5,007	5,007
RADIOLOGICAL DEFENSE EQUIPMENT	664	664	664	664
NIGHT VISION DEVICES	14,567	14,567	14,567	14,567
AIRCRAFT SURVIVABILITY EQUIPMENT	24,777	22,500	22,000	22,500
ARMY CMD AND CONTROL SYSTEM (ACCS) SYS ENGR	9,896	9,896	9,896	9,896
COMBAT FEEDING, CLOTHING AND EQUIPMENT	4,461	3,461	5,000	4,000
TACTICAL ELECTRIC POWER SOURCES	10,122	10,122	10,122	10,122
GENERAL COMBAT SUPPORT	14,822	14,822	14,298	14,298
PHYSICAL SECURITY	6,496	6,496	6,496	6,496
EDUCATION AND TRAINING	6,611	6,611	6,611	6,611
SPECIAL PURPOSE DETECTORS	3,256	3,256	3,256	3,256
CMC BIO DETECTION WARNING & TRG MATERIAL	23,081	23,081	23,081	23,081
CHEM BIO PROTECTIVE MATERIEL	15,585	15,585	15,585	15,585
EUCOM C3 SYSTEMS	1,961	1,961	1,961	1,961
CLASSIFIED PROGRAMS	377,967	228,650	322,737	296,137
CLASSIFIED PROGRAMS	237,899	201,291	217,319	209,305
DIVAD ALTERNATIVES				41,000
DIVAD ALTERNATIVES (TRANSFER)			(176,000)	
ADV COMPOSITE AIRFRAME PROG			2,500	
TOTAL, TACTICAL PROGRAMS	2,366,366	1,880,512	2,076,023	2,069,243
TRANSFER FROM OTHER ACCOUNTS		(6,530)	(176,000)	
Intelligence & Communications:				
MAPPING AND GEODESY	4,205	4,205	3,225	3,225
AIRCRAFT AVIONICS	2,238	2,238	2,238	2,238
MAPPING AND GEODESY	3,430	3,430	2,254	2,254
NAVSTAR GLOBAL POS SYS (USER EQ)	11,271	11,271	11,271	11,271
LONG-HAUL COMMUNICATIONS (DCS)	4,312	4,312	4,312	4,312
SATCOM GROUND ENVIRONMENT	26,755	26,755	59,555	59,555
CLASSIFIED PROGRAMS	16,280	16,280	16,280	16,280
TOTAL, INTELLIGENCE AND COMMUNICATIONS	68,491	68,491	99,135	99,135
COMMAND AND CONTROL	5,799	5,799	5,799	5,799
REMOTELY PILOTED VEHICLES	30,014	23,114	23,114	23,114
DIVISION AIR DEFENSE COMMAND AND CONTROL	33,040	33,040	33,040	33,040
AUTOMATIC TEST EQUIPMENT DEVELOPMENT	21,310	21,310	16,310	18,310
SINGLE CHANNEL GRD/ABN RADIO SUB ENG	12,874	12,874	12,874	12,874
MEDICAL CHEMICAL DEFENSE LIFE SPT MAT	7,680	7,680	7,680	7,680
DRUG AND VACCINE DEVELOPMENT	10,497	10,497	10,497	10,497
JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM	43,818	33,818	43,818	43,818
JT INTEROP OF TAC CMD & CONT SYS (JINTACCS)	8,381	8,381	6,481	7,000
JT CB CONTACT POINT TEST AND ASSESSMENT	2,402	2,402	2,402	2,402
HV ANTI-TANK ASSAULT WPN SYS (TOW)	11,836	11,836	11,836	11,836
ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	35,574	10,000	35,574	20,000
MED ANTI-TANK ASSAULT WPN (H)	3,842	3,000	2,000	2,500
CHAPARRAL	17,666	17,666	17,666	17,666
SAM HAWK/HAWK IMP PROG	5,212	5,212	5,212	5,212
COMBAT VEHICLE IMPROVEMENT PROGRAM	72,743	65,000	65,000	65,000
MANEUVER CONTROL SYSTEM (MCS)	8,636	8,636	8,636	8,636
155MM SELF-PROPELLED HOWITZER IMPROVEMENTS	26,105	26,105	26,105	26,105
EQUIPMENT UPGRADE	30,805	30,805	30,805	30,805
JOINT TACTICAL COMMO PROGRAM (TRI-TAC)	30,560	30,560	30,560	30,560
Defensewide Mission Support:				
TARGET MISSILES	6,051	5,000	4,000	4,000
NONSYSTEMS TRAINING DEVICES (NSTD) DEV	5,863	5,863	4,901	4,901
NON-SYSTEM TNG DEVICES ENGR	43,636	43,636	40,636	42,636
METEOROLOGICAL EQUIPMENT SYSTEMS	6,447	6,447	4,859	4,859
AVIATION ENGINEERING FLIGHT ACTIVITY	11,720	9,720	9,720	9,720
KWAJALEIN MISSILE RANGE	161,624	154,024	154,024	154,024
SUPPORT OF DEVELOPMENT TESTING	58,671	56,671	56,671	56,671
MATERIEL SYSTEMS ANALYSIS	15,930	15,930	15,930	15,930
EXPLOITATION OF FOREIGN ITEMS	3,569	3,569	3,569	3,569

[In thousands of dollars]

	Budget	House	Senate	Conference
SUPPORT OF OPERATIONAL TESTING	54,855	54,855	52,000	52,000
THREAT SIMULATORS FOR TESTING	36,149	33,000	30,149	33,000
PROGRAM-WIDE ACTIVITIES	183,766	173,766	165,000	170,000
INTL COOPERATIVE RESEARCH AND DEV	947	947	947	947
TECHNICAL INFO ACTIVITIES	6,265	6,265	6,265	6,265
DARCOM MAJOR RANGE/TEST FACIL	373,054	357,054	350,000	354,000
MUNITIONS-NATO ST02N DOD EFFEC SAFETY STDS	11,626	11,626	11,626	11,626
DOD HIGH ENERGY LASTER SYSTEMS TEST FAC	20,184	20,184	20,184	20,184
PRODUCTIVITY INVESTMENTS	23,335	21,000	21,000	21,000
MTG HQ (RESEARCH/DEVELOPMENT)	11,852	11,852	11,852	11,852
INDUSTRIAL PREPAREDNESS	104,062	92,062	92,062	92,062
TOTAL, DEFENSEWIDE MISSION SUPPORT	1,139,606	1,083,471	1,055,395	1,069,246
CERAMIC ROTARY VALVES			870	
CONSULTANTS, STUDIES & ANALYSES		-10,000	-2,000	-10,000
RESTORATION OF CIVILIAN PAY REDUCTION			33,600	16,800
MEDICAL RESEARCH/AIDS			52,600	40,000
GUARD/RESERVE UNIQUE R&D		5,000	5,000	5,000
GENERAL REDUCTION		-10,000		-5,000
PRIOR YEAR INFLATION SAVINGS		-40,000	-40,000	
(PY TRANSFER)		(40,000)	(40,000)	
INFLATION ESTIMATES FOR FY 1986		-4,000	-4,000	-4,000
PRIOR YEAR PROGRAM SAVINGS		-45,000	-49,000	
(PY TRANSFER)		(45,000)	(49,000)	
REPROGRAMMING DENIALS		-19,000		
(PY TRANSFER)		(19,000)		
NATO COOPERATIVE R&D PROGRAMS			50,000	25,000
TOTAL, RESEARCH DEVELOPMENT TEST AND EVAL, ARMY	5,279,900	4,436,475	4,841,169	4,838,172
TRANSFER FROM OTHER ACCOUNTS		(110,530)	(265,000)	
TOTAL FUNDING AVAILABLE	5,279,900	4,547,005	5,106,169	4,838,172

DEFENSE RESEARCH SCIENCES

The conferees agree to provide \$234,500,000 for Defense Research Sciences, of which \$5,000,000 shall be used only for aviation research at Wichita State University, and \$3,500,000 shall be used only for computer research and related purposes at the University of Nevada, Las Vegas.

MILITARY DISEASE HAZARDS TECHNOLOGY

The conferees agree to provide \$27,490,000 for Military Disease Hazards Technology, of which \$2,000,000 shall be used only for neurotoxin research at the University of Kansas.

TERMINALLY GUIDED PROJECTILES

The conferees agree to provide \$15,000,000 for Terminally Guided Projectiles as proposed by the House, instead of \$11,000,000 as proposed by the Senate. The funds provided are to be used solely for the SADARM project; requests for funds for the CGSP and Guidance & Control Production projects are denied.

The conferees also agree to provide \$21,000,000 in the Field Artillery Ammunition program for SADARM, for a total of \$36,000,000. The conferees share the reservations expressed by the House concerning SADARM's technical maturity and readiness to enter full-scale engineering development (ED). It is noted that the issuance of a Request for Proposals (RFP) for ED of SADARM has been delayed, and the program schedule has slipped accordingly. Consequently, the conferees direct the Army to fashion the forthcoming RFP to provide for an ED program which is augmented in the early phases by concurrent gun firings of modified advance development (AD) hardware. Said modifications are to be those related to improvement of reliability and to refinement of algorithms for improvement of single shot probability of kill. Simultaneously with conduct of these gun firings, ED may proceed through component and subsystem development and qualification, and demonstration of the full-up ED system. Completion of a program of well in-

strumented gun firings of modified AD hardware before the end of ED subsystem qualification will significantly reduce the risks associated with the remainder of development, as will full consideration of the results and implications of the current Air Force testing program known as Chicken Little. The conferees direct that no funds be obligated or expended for materials required for the final phase of ED, system qualification in DT/OT II, until approved by the Committees on Appropriations of the House and Senate. Such approval will be contingent upon a satisfactory Critical Design Review (CDR) conducted by the Army at the end of demonstration of the full-up ED system. A satisfactory CDR will have addressed, among other issues, reliability, single shot probability of kill, resistance to countermeasures, accuracy of delivery methods, and lethality at required ranges. Transition to DT/OT II shall be made on the basis of specific technical accomplishment and risk reduction, rather than on an arbitrary calendar date.

The conferees direct that at least two prime competing contractors shall be involved in the two phase process described above, and that the Army plan for eventual production by at least two prime contractors.

The conferees agree that integration of SADARM with both the MLRS and the 155mm howitzer may be pursued with fiscal year 1986 funds.

The conferees recognize that the foregoing directives may add to the cost, and lengthen the duration, of the ED program currently planned by the Army. By the same token, continuing to support at least two competing prime contractors through development and into production may increase funding needs. On the other hand, these increased costs are viewed as a prudent investment which will be recouped through lower procurement costs and lower technical and financial risks. Further, the conferees insist that the program schedule be structured realistically and prudently.

MISSILE/ROCKET COMPONENTS

The conferees agree to provide \$18,912,000 for Missile/Rocket Components as proposed by the House, instead of \$34,872,000 as proposed by the Senate. The funds are specified for projects within the program as follows:

D085—Demonstration of Advanced Radar Techniques.....	\$1,412,000
D087—Missile Rocket Components	192,000
D261—Fiber Optics Guidance.....	6,450,000
D263—Kinetic Energy Missile	5,858,000
D271—Multirole Survivable Missile	5,000,000

Funds for D272, Joint Service Imaging Infrared Seeker, are specifically denied.

ADVANCED ROTORCRAFT TECHNOLOGY
INTEGRATION/LHX

The conferees agree to provide \$45,000,000 for Advanced Rotorcraft Technology Integration (ARTI)/LHX, instead of \$15,000,000 as proposed by the House or \$55,528,000 as proposed by the Senate. The conferees emphasize that the funds provided are for advanced development only, and that no funds will be provided in the future for full scale development until the Army has better justified the LHX program. The funds are provided with the understanding that the program will be continued in fiscal year 1986 as presently structured by the Army with a reasonable level of competition being maintained in both elements of the program.

The conferees are concerned that the program is not well defined and that its cost could be significantly underestimated. For these reasons, the Army is directed to prepare for submission to the Committees on Appropriations of the House and Senate by August 1, 1986, a complete report on the program, describing the concept of operation, procurement strategy, quantities of aircraft to be procured, schedule, and program cost.

The Secretary of Defense, for his part, is to submit a separate report to the Commit-

tees on Appropriations of the House and Senate by August 1, 1986, certifying the accuracy of the Army's cost estimates. That report should be based on an independent assessment of Army cost estimates for the LHX helicopter as well as for potential alternative programs and should be conducted by the Cost Analysis Improvement Group within the Office of the Secretary of Defense. This analysis should verify whether the LHX can be procured for an average unit flyaway cost of \$5,300,000 in fiscal year 1984 dollars as currently projected by the Army.

The Army should also reexamine its plan to retain two airframe design teams for 18 months during the full scale development phase, should that phase be funded. The conferees agree that steps should be taken to determine the most efficient and cost effective means to design the competitive airframes in less time and to include this plan in the August 1, 1986 report.

Further Congressional approval of this program may be contingent on the establishment of a cost ceiling for the LHX to be derived from the data provided by August 1, 1986. If the Army fails to present a cost estimate that is attainable, the Committees will consider terminating the program in acting on the fiscal year 1987 request.

AIRCRAFT PROPULSION SYSTEMS

The conferees agree to provide \$70,791,000 for Aircraft Propulsion Systems, as proposed by the House instead of \$50,791,000 as proposed by the Senate.

The funds provided are for continued development of the T-800 engine. Army plans envision funding two contractor teams through the preliminary flight rating stage of LHX full-scale development. The Senate report directed that the down selection to one team should be made in fiscal year 1986. While sympathetic to the Senate view that this will reduce development costs, the conferees agree that insufficient data will be available for the Army to make an informed decision. The potential for far larger savings in the production phase will be increased by continuing competition for as long as possible in the development phase. Therefore, the conferees agree that the Senate directive is rescinded, and that down selection will not be required to take place in fiscal year 1986.

HELLFIRE ON BLACKHAWK

The conferees agree to provide \$17,000,000 for Hellfire on Blackhawk, instead of \$20,000,000 as proposed by the House or no funds as proposed by the Senate. The funds provided are to be used to complete remain-

ing development tasks for arming Blackhawk helicopters with Hellfire missiles, to transition into low-rate initial production, and to procure the first lot of shipsets. Subsequent funding for procurement is to be included in the Aircraft Procurement, Army account.

Language has been provided in the bill specifying that \$17,000,000 of Army RDT&E funds are available only for the purposes stated above.

FIELD ARTILLERY AMMUNITION

The conferees agree to provide \$27,722,000 for Field Artillery Ammunition as proposed by the House, instead of \$52,790,000 as proposed by the Senate. The funds are specified for projects within the program as follows:

D175—Field Artillery Fuzes.....	\$6,501,000
D286—Field Artillery Ammunition (NATO).....	221,000
D644—Generic SADARM.....	21,000,000

Funds for D652, Light Artillery Guided Projectile, are specifically denied.

Language concerning SADARM is provided above under Terminally Guided Projectiles.

ADVANCED FIELD ARTILLERY TACTICAL DATA SYSTEM

The Army has requested \$35,574,000 for the continued development of the Advanced Field Artillery Tactical Data System (AFATDS). The conferees are fully supportive of the effort to upgrade Army's fire support command and control posture. However, improvements in the fielded system are of more immediate and primary concern.

As specified in the Defense Department-approved Mission Element Needs Statement (MENS), such improvements are to be accomplished in gradual step progression with proven technology toward the ultimate aim of achieving the advanced capabilities of the ultimate system. Plans to accomplish these goals must maximize the near-term capabilities of the Light Divisions in parallel with block improvements in the fielded systems of the Heavy Divisions. The current program therefore, must be returned to a more equitable balance between near term and long term objectives.

Accordingly, the conferees agree to provide \$20,000,000 in RDT&E for the continued development of AFATDS, and \$25,574,000 in procurement to maximize the fielded capability of the Light Divisions. The conferees support the on-going AFATDS software program through completion of the Concept Evaluation Phase (CEP) within the \$49,500,000 contract cell-

ing established by the Army. The Army is directed to submit for approval of the Committees on Appropriations of the House and Senate a comprehensive program status report, detailed plans for achieving the objective system requirements, and a schedule for bringing AFATDS under the required ASARC/DSARC review process by August 1, 1986.

DIVAD ALTERNATIVES

The conferees agree to provide \$41,000,000 for examination of alternatives for DIVAD instead of no funds as proposed by the House or the transfer of \$176,000,000 of prior year funds as proposed by the Senate. Information provided by the Army indicated that evaluation of off-the-shelf alternatives would require \$41,000,000. The conferees agree that such evaluation should take place as rapidly as possible, and direct the Army to complete that evaluation expeditiously.

ADVANCED COMPOSITE AIRFRAME PROGRAM

The conferees agree to provide no additional funds for the Advanced composite Airframe Program (ACAP) as proposed by the House, instead of \$2,500,000 as proposed by the Senate. The conferees believe that ACAP is adequately funded under the Advanced Structures project, and note that ACAP funding will receive a considerable increase in FY 1987.

Should the Army desire to accelerate ACAP static and fatigue testing as proposed by the Senate during fiscal year 1986, it should submit a prior approval reprogramming.

CERAMIC ROTARY VALVES

The conferees agree to provide no funds for Ceramic Rotary Valves, but agree that the Army may use \$870,000 of available RDT&E funds to initiate in fiscal year 1986 a follow-on test of a multi-cylinder engine using ceramic elements for rotating valves, provided that evaluation of the single-cylinder engine is favorable.

PRIOR YEAR SAVINGS

The conferees recognize \$96,130,000 in prior year savings in Research, Development, Test and Evaluation, Army. The sources and uses of these savings are identified in this Statement of Managers under the heading "Availability of Unobligated Balances."

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

The conferees agree to the following amounts for Research, Development, Test and Evaluation, Navy:

[In thousands of dollars]

	Budget	House	Senate	Conference
RESEARCH DEVELOPMENT TEST AND EVAL. NAVY				
TECHNOLOGY BASE:				
UNIVERSITY RESEARCH.....	6,250	6,250	6,250	6,250
IN-HOUSE INDEPEND LAB RES.....	26,277	26,277	26,277	26,277
DEFENSE RESEARCH SCIENCES.....	339,176	329,071	333,208	333,208
TACT DIRECTED ENERGY TECH.....	10,834	7,000	7,000	7,000
AIRCRAFT TECHNOLOGY.....	23,102	23,102	23,102	23,102
MISSILE PROPULSION TECH.....	10,503	10,503	10,503	10,503
SURF/AEROSPACE WPNRY TECH.....	27,218	27,218	27,218	27,218
NUCLEAR PROPULSION TECH.....	49,018	49,018	49,018	49,018
SHIP AND SUBMARINE TECH.....	25,272	25,272	25,272	25,272
UNDERSEA WARFARE WPNRY TECH.....	44,181	44,181	37,000	44,181
U/S TARGET SURV TECH.....	44,495	44,495	44,495	44,495
SURF/AEROSP TGT SURV TECH.....	32,240	32,240	32,240	32,240
COMMAND AND CONTROL TECH.....	28,943	24,443	24,443	24,443
COUNTERMEASURES TECH.....	27,005	27,005	25,000	25,000
M C AIR-GROUND TECHNOLOGY.....	18,499	14,499	14,499	14,499

[In thousands of dollars]

	Budget	House	Senate	Conference
HUMAN FACTORS&SIM TECH	7,652	7,652	7,652	7,652
BIOMEDICAL TECH	8,906	8,906	8,906	8,906
OCEAN AND ATMOS SUPT TECH	27,095	27,095	27,095	27,095
LOGISTICS TECH	13,311	13,311	13,311	13,311
MATERIALS TECH	33,004	33,004	33,004	33,004
ELEX DEVICE TECH	24,898	24,898	24,898	24,898
PERSONNEL & TRNG TECH	5,062	5,062	5,062	5,062
CHEM/BIOL/RADIOL DEF TECH	4,765	4,765	4,765	4,765
LAB INDEP EXPLORATORY DEV	15,463	15,463	14,500	14,500
TOTAL, TECHNOLOGY BASE	853,169	830,730	824,718	831,899
ADVANCE TECHNOLOGY DEVELOPMENT:				
AVIONICS	4,909		3,500	1,750
AIR/OCEAN TACT APPLIC	8,946	5,819	8,946	6,750
ADV A/C PROPUL SYS	8,841	3,000	3,000	3,000
AVIATION LIFE SUPT SYS	1,377	860	1,377	1,377
ADV A/C SUBSYSTEMS	4,684	4,684	4,684	4,684
ERASE	10,149	10,149	10,149	10,149
ASM TECH	8,973	1,973		
SHIP PROP SYS (ADV)	30,664	30,664	27,664	30,664
ADV COMPUTER TECH	14,555	12,055	10,547	10,547
ELECTRIC DRIVE	9,762	9,762	9,762	9,762
CONVENTIONAL MUNITIONS	30,334	20,168	25,334	22,000
JOINT SERV EOD DEV (ADV)	10,898	7,898	10,898	9,398
HUMAN FACTORS ENG DEVEL	2,116	2,116	2,116	2,116
ASW OCEANOGRAPHY	6,376	6,376	6,376	6,376
MEDICAL DEVELOPMENT (ADV)	14,653	12,719	14,653	12,719
MINPWR CONTROL SYST DEV	4,099	4,099	3,599	3,599
ADV MARINE BIOLOGICAL SYS	5,477	5,477	5,477	5,477
GENERIC LOGISTICS R&D	8,886	5,000		5,000
OCEAN ENG TECH DEVELOP	13,083	13,083	13,083	13,083
EDUCATION & TRAINING	4,667	2,800	3,667	3,000
ENVIRONMENTAL PROTECTION	8,347	8,347	8,347	8,347
NAVAL SPECIAL WARFARE	11,862	9,554	9,862	9,554
ADV MANPOWER TRAINING SYS	6,144	2,933	6,144	2,933
TRAINING DEVICE TECH	8,679	7,567	8,679	8,000
NAV LOGISTICS PRODUCTIVITY	968	968	468	800
TOTAL, ADVANCE TECHNOLOGY DEVELOPMENT	239,449	188,071	198,332	191,085
STRATEGIC PROGRAMS:				
SPACE TECHNOLOGY	14,002	14,002	14,002	14,002
TRIDENT II	2,165,615	2,103,597	2,130,615	2,117,106
STRATEGIC TECH SUPPORT	3,882	3,882	3,882	3,882
FBM SYSTEM	33,550	33,550	33,550	33,550
SSBN SECURITY PROGRAM	38,591	38,591	38,591	38,591
TRIDENT I	47,195	38,195	38,195	38,195
ELF COMMUNICATIONS	28,283	28,283	28,283	28,283
NAVY STRATEGIC COMM	125,839	119,161	125,839	125,839
NAV SPASUR	954	954	954	954
MEECN	1,615	1,615	1,615	1,615
WIS MODERNIZATION	22,504		15,000	15,000
TOTAL, STRATEGIC PROGRAMS	2,482,030	2,381,830	2,430,526	2,417,017
TACTICAL PROGRAMS:				
ABN ELECTRONIC WARFARE EQ	61,587	61,587	61,587	61,587
T45-TS	114,128	114,128	114,128	114,128
CV ASW MODULE	5,022	4,259	4,259	4,259
A/C SYSTEMS (ADV)	5,894	5,894	5,894	5,894
AIR ASW	6,778	4,778	4,778	4,778
JVX	603,743	569,543	583,743	580,000
A-6E IMPROV	237,952	232,052	187,952	232,052
ABN MINE COUNTERMEASURES	14,148	14,148	14,148	14,148
TAC AIR RECON	6,906	6,906	2,317	2,377
A/C SURVIV & VULNER	14,825	14,825	14,825	14,825
RETRACT YELLOW	25,728	5,000	5,000	5,000
ADV SUR/AIR MISSLE (ASAM)	41,510	25,000	25,000	25,000
LOW COST ANTI-RADIATION SEEKER	16,523	17,523	16,523	17,523
SUBMARINE ASW STDOFF WPN	75,328	75,328	75,328	75,328
BGAAWC	11,183	5,000	11,183	8,000
SURFACE MCM	24,908	24,908	24,908	24,908
SUB SONAR DEVEL (ADV)	22,414	12,506	12,506	12,506
SURFACE SHIP TORP DEF	45,199	40,199	40,199	40,199
CATAPULTS	3,418			
SHIPBD SYS COMP DEV	21,427	15,427	15,427	15,427
SHIPBOARD DAMAGE CONTROL	32,320	23,606	25,000	23,606
ADV COMMAND DATA SYS	2,595			
SUB ARCTIC WF/SPT EQUIP PR	9,748	9,748	9,748	9,748
PILOT FISH	93,964	93,964	93,964	93,964
NON ACOUSTIC ASW	22,104	22,104	22,104	22,104
ADV ASW TARGET	12,646	7,550	12,646	9,400
SHIP SYS ENGR STDs	4,673		2,000	2,000
RETRACT JUNIPER	25,368	25,368	25,368	25,368
RADIOLOGICAL CONTROL	3,585	2,196	2,196	2,196
LINK DOGWOOD	26,247	26,247	26,247	26,247
SURFACE ASW	17,649	17,649	17,649	17,649
SUB HULL ARRAY DEV (ADV)	13,206	8,211	8,211	8,211
ADV SUB SYS DEVEL	180,586	163,000	180,586	170,000
SUB TAC W/F SYS (ADV)	23,171	23,171	23,171	23,171

(In thousands of dollars)

	Budget	House	Senate	Conference
SHIP DEVELOPMENT (ADV)	14,639	13,657	13,657	13,657
SURF SHIP NAVIG SYS	2,841		2,000	1,000
ATTACK SUBMARINE DEV	33,139	33,139	33,139	33,139
ADV NUC REACT COMP SYS DEV	120,175	120,175	120,175	120,175
SHIBD PHYSICAL SECURITY	3,703	3,703	3,703	3,703
CHALK EAGLE	68,783	68,783	68,783	68,783
A4W/A1G NUC PROP PLNT	3,327	3,327	3,327	3,327
COMBAT SYSTEM INTEGRATION	22,383	22,383	22,383	22,383
DDG-51	100,836	89,000	89,000	89,000
JOINT ADV SYS	132,348			
MINE DEVELOPMENT	1,964	4,464	4,464	4,464
ALWT (ADV)	10,113		7,000	
MC ASSAULT VEHICLES	10,407	10,407	10,407	10,407
TAC NUC DEVELOPMENT	9,721	7,846	9,721	8,300
GRD COMBAT/SUPP ARMS SYS	17,129	16,129	13,129	13,129
OCEAN ENGR SYS DEV	1,380	1,380	1,380	1,380
ANTI SUB W/F SIGN PROC	15,535	15,535	15,535	15,535
FLEET TAC D&E PROGRAM	3,880	2,000	2,000	2,000
COMMAND & CONTROL SYS (ADV)	42,973	30,473	30,473	30,473
CONTAINER OFFLOAD & TRNSFR SYS	1,515	1,515	1,515	1,515
NAVY ENERGY PROGRAM (ADV)	18,576	18,576	18,576	18,576
FACILITIES IMPROV	7,279	7,279	7,279	7,279
MERSHIP NAV AUX PROG	6,031	6,031	6,031	6,031
COMBAT SERVICES SUP (ADV)	9,356	9,356	9,356	9,356
MC INTELL/ELEC WARFARE SYS	70	70	70	70
CHALK CORAL	3,039	3,039	3,039	3,039
LINK HAZEL	23,564	23,564	23,564	23,564
LINK LAUREL	35,345	35,345	35,345	35,345
ARIADNE	2,185	2,185	2,185	2,185
LINK SPRUCE	67,352		35,000	35,000
RETRACT MAPLE	8,247	8,247	9,747	9,747
NCCS SE&J	7,181	7,181	7,181	7,181
ASW SURVEILLANCE	19,458	17,458	17,458	17,458
LRAP	15,678	15,678	15,678	15,678
SPECIAL PROCESSES	49,532	49,532	49,532	49,532
RDSS	15,380			
AVIONICS DEV	14,965	14,965	14,965	14,965
IFF SYS DEV	17,477	17,477	17,477	17,477
LAMPS III	16,006	14,100	1,906	14,100
HELICOPTER DEVELOPMENT	7,902	7,902	7,902	7,902
AV8B (ENG)	72,078	55,178	72,078	66,000
SUPPORT EQUIPMENT	16,428	13,128	14,494	16,428
SUPPORT EQUIPMENT (PY TRANSFER)		(3,300)		
S-3 WPN SYS IMP S-3()	15,955	15,955	15,955	15,955
AIR OCEAN EQUIP ENG	2,468	2,468	2,468	2,468
ABN ASW DEVELOPMENTS	6,136	6,136	6,136	6,136
A/C IR SIGN SUPPRESSION	3,945	2,000	2,000	2,000
P-3 MODERNIZATION PROG	48,725	48,725	31,295	37,000
ABN EW ENG	62,198	62,298	60,000	62,198
ASPJ	24,985	19,169	24,985	21,000
CV IZ ASW HELD	12,722	12,722	12,722	12,722
A/C PROPULSION (ENG)	44,866	44,866	44,866	44,866
EW SIMULATOR DEV	40,275	36,000	36,000	36,000
C/MH-53E	2,300	1,500	2,300	2,300
C/MH-53E (PY TRANSFER)		(800)		
ACOUSTIC SRCH SENSORS (ENG)	42,630	30,630	30,630	30,630
AVIATION LIFE SUPRT SYS	32,809	20,000	30,000	27,500
A/C ENGINES COMP IMP PROG	65,843	64,943	65,843	65,843
A/C ENGINES COMP IMP PROG (PY TRANSFER)		(900)		
MK92 PCS UPGRADE	13,326	13,326	13,326	13,326
AEIS AREA AIR DEF	11,081	9,927	11,081	11,081
AEIS AREA AIR DEF (PY TRANSFER)		(1,154)		
CG-47 PRODUCT IMPROVEMENT	48,506	29,006	44,506	35,000
LINK ASH	13,636	13,636	13,636	13,636
AMRAAM	17,051	5,000	5,000	5,000
VERTICAL LAUNCHING SYS	29,566	29,566	29,566	29,566
AAM SYSTEMS ENGINEERING	13,589	13,589	10,000	13,589
VLS ASROC	37,444	37,444	37,444	37,444
CWS (PHALANX)	7,612	7,612	4,771	4,771
NATO SEA SPARROW	8,047	3,047	3,047	3,047
SM-2 (N)	9,756		7,256	3,000
STANDARD MSL IMPROVEMENTS	47,185	47,185	47,185	47,185
TOMAHAWK	68,798	63,000	63,000	63,000
5" ROLLING AIR FRAME MSLE	10,948	10,948	3,948	10,948
SSN-688 VLS	25,699	25,699	25,699	25,699
NEW THREAT UPGRADE	54,034	54,034	54,034	54,034
SUBMARINE COMM	4,426	4,426	4,426	4,426
SUB SONAR DEVELOP (ENG)	40,299	40,299	40,299	40,299
AIR CONTROL ENG	20,335	20,335	20,335	20,335
BR/CW COUNTERMEASURES	6,079	6,079	6,079	6,079
EMSP	99,277	91,912	99,277	95,500
RADAR SURVEILLANCE EQUIP	6,330	6,330	6,330	6,330
ADV TACT RAD	2,909			
INTELLIGENCE SYSTEMS	901	901	901	901
SUB SURV EQUIP PROG (ENG)	19,429	13,747	15,429	13,747
SHIP SURVIVABILITY	5,904	5,904	5,904	5,904
CIC CONVERSION	29,204	29,204	29,204	29,204
SUB HULL ARRAY DEV (ENG)	25,974		25,974	13,000
SUBACS (ENG)	205,205			
SSN-21 COMBAT SYSTEMS (A-E)		60,000	200,000	200,000

[In thousands of dollars]

	Budget	House	Senate	Conference
SUB TAC W/F SYSTS (ENG)	49,798	37,798	37,798	37,798
SHPBDO PHYS SECURITY (ENG)	4,617	4,617	3,617	3,617
SHIP SYBSYS DEV/LBTS	89,418	80,000	120,000	109,000
NATO SEA GNAT	2,284	2,284	2,284	2,284
SHPBDO EW IMPROV	63,776	63,776	63,776	63,776
TACT EMBEDDED COMP PROG	19,169	9,169	9,169	9,169
AN/SQS-S3C	37,713	37,713	37,713	37,713
LINK BIRCH	4,078	4,078	4,078	4,078
MINE DEVEL (ENG)	9,367	9,367	9,367	9,367
NAVAL GUNNERY IMPROVEMENT	15,870	9,870	9,870	9,870
UNGUIDED CONVENT A/L WPNS	4,678	4,678	4,678	4,678
SAL GP/EOI SENS DEVEL	48,717	44,717	44,717	44,717
BOMB-FUZE IMPR	5,672	5,672	5,672	5,672
MK 50 TORP (ALWT)	158,290	158,290	158,290	158,290
JOINT SERV EOD DEV (ENG)	4,405	4,405	4,405	4,405
MC ASSAULT VEHICLES	45,653	16,802	16,802	16,802
GRD COMBAT/SUP ARMS SYS	8,686	8,686	7,186	7,186
MK 48 ADCAP (ENG)	63,470	63,470	63,470	63,470
ASW OCEANOGRAPHIC EQUIP	506	506	506	506
CHALK BANYAN	5,826	5,826	5,826	5,826
NAVY ENERGY PROGRAM (ENG)	9,799	9,799	9,799	9,799
COMMAND & CONTROL SYS (ENG)	66,173	49,173	49,173	49,173
TACTAS (AN-SQR-19)	16,200	10,000	10,000	10,000
SURFACE W/F TRAINING DEV	25,821	23,410	23,274	23,274
SURFACE W/F TRAINING DEV (PY TRANSFER)		(2,142)		
COMBAT SERVICES SUPP	3,638	3,638	3,638	3,638
INTELL/ELECT W/F SYS	14,159	14,159	14,159	14,159
COMMAND/CONT/COMM SYS	18,906	18,906	18,906	18,906
REGIONAL TACTICAL SURV	56,225	56,225	56,225	56,225
INTELLIGENCE (ENG)	12,421	12,421	9,921	9,921
MEDICAL DEV (ENG)	1,380	1,380	1,380	1,380
JINTACCS	5,622	2,480	5,622	2,480
JINTACCS MC	2,945	1,668	2,945	1,668
FLT TACT D&E	17,197	14,197	14,197	14,197
EMI AND SPECTRUM CONTROL	3,870	2,297	3,870	2,800
MANAG & TECH SUPPORT	11,063	8,063	8,063	8,063
C2 SURV/RECONN SPT	3,979	3,979	3,979	3,979
MC TAC EXPLOIT NAT CAP	415	415	415	415
A6 SQUADRONS	19,205	18,500	12,196	18,500
F/A-18 SQUADRONS	58,314	58,314	65,000	58,314
EARLY WARNING ACFT SQDONS	23,666	23,666	23,666	23,666
AVIATION SUPPORT CVW	1,785	1,785	1,785	1,785
FLT TELECOM (TAC)	72,697	41,000	41,000	41,000
SUBMARINES	3,756		3,756	
UNDERSEAS SURVEILLANCE SYS	25,217	25,217	25,217	25,217
SURTASS	2,186	2,186	2,186	2,186
SPECIAL PROJECTS	20,513	14,002	20,513	17,000
NAVY COVER & DECEPT PROG	25,585	25,584	25,584	25,584
ELECTRONIC WARFARE SPT	8,573	8,573	8,573	8,573
COUNTER C3 DEV	22,563	22,563	22,563	22,563
HARM IMPROVEMENT	2,636	2,636	2,636	2,636
JTIDS	184,646			
ASW COMBAT SYS INTEG	12,271	12,271	12,271	12,271
ACFT EQ REL/MAINT PROG	7,852	7,852	7,852	7,852
SUBMARINE SILENCING	31,638	31,638	31,638	31,638
MODULAR GUIDED WPN IMPR	7,682			
LAB FLEET SUPPORT	6,158	6,158	6,158	6,158
F-14 D	348,065	348,065	345,000	348,065
TACTICAL INTELL PROC SUP	1,456	1,456	1,456	1,456
EW COUNTER RESPONSE	80,168	80,168	78,204	78,204
OPERATIONAL REACTOR DEV	12,719	12,719	12,719	12,719
MARINE CORPS TELECOM	3,587	3,587	3,587	3,587
GRD COMBAT/SUP ARMS SYS	43,800	41,800	41,800	41,800
COMBAT SERVICES SUP	1,449	1,449	1,449	1,449
INTELL/ELECT WARFARE SYS	1,163	1,163	1,163	1,163
COMMAND/CONT/COMM SYS	39,064	39,064	39,064	39,064
M/C TECH SPT C/G SYS	4,094	4,094	4,094	4,094
TRI-TAC-MC	11,939	11,939	6,057	9,000
HY130 STEEL			5,000	
NAVAL OCEANOGRAPHY			5,900	5,900
WHITEHALL QUICK REACTION SURV SYS		20,000		20,000
WALLOPS ISLAND TEST RANGE		4,000		4,000
SKIPPER/PRACTICE BOMB		10,000		10,000
GENERAL REDUCTION, EW PROGRAMS		-30,000		-15,000
TAIL CONTROL SPARROW		5,000		5,000
CLASSIFIED PROGRAM		1,500		
GUIDED PROJECTILE		2,500		2,500
TOTAL, TACTICAL PROGRAMS	6,160,962	5,109,983	5,385,043	5,389,900
INTELLIGENCE AND COMMUNICATIONS:				
ADV NAVIG DEVELOPMENT	1,941	1,941	1,541	1,541
NAVIGATION SYSTEMS	920	920	920	920
EHF SATCOM	45,437	39,700	39,700	39,700
NAVSTAR GPS	70,079	62,079	62,079	62,079
C2 SYSTS PLAN/ENG SUPP	5,466	5,466	5,466	5,466
SATELLITE COMMUNICATIONS	17,973	17,973	17,973	17,973
MILSTAR JOINT PROJ OFFICE	4,418	4,418	4,418	4,418
CLASSIFIED PROGRAMS	557,773	380,973	517,773	450,973
(PY TRANSFER)		(27,200)		

[In thousands of dollars]

	Budget	House	Senate	Conference
TOTAL, INTELLIGENCE & COMMUNICATIONS	704,007	513,470	649,870	583,070
DEFENSEWIDE MISSION SUPPORT:				
RANGE INST & SYS DEV	8,382	8,382	8,382	8,382
TARGET SYSTEMS DEV	109,012	99,012	99,012	99,012
TRNG & PERS SYS DEV	3,086	2,000	3,086	2,000
STUDIES & ANAL SUP/MC	1,785	1,785	1,785	1,785
STUDIES & ANAL SUP/NAVY	3,977	3,689	3,977	3,689
MCOAG	3,714	3,078	3,714	3,714
CENTER FOR NAVAL ANAL/NAVY	21,813	15,563	19,813	17,500
MC OPERATIONAL T&E	2,317	2,317	2,317	2,317
TECH INFO SERVICES	2,744	2,244	2,244	2,244
AUTEC	51,914	43,197	43,197	43,197
DEVELOPMENT CENTER SUPPORT	3,958	3,958	3,958	3,958
INTERNATIONAL RDT&E	2,436	1,836	1,836	1,836
MOBILE SEA RANGE	5,268	5,268	5,268	5,268
RD&E LAB & FAC MGMT SPT	66,278	58,000	57,978	57,978
RD&E INSTRUM & MATL SPT	20,321	19,321	19,321	19,321
RD&E SHIP & AIRCRAFT SPT	84,293	78,293	78,293	78,293
TEST AND EVAL SPT	294,480	294,480	292,000	292,000
OT&E CAPABILITY	6,503	6,503	6,503	6,503
PRODUCTIVITY IMPROVEMENT	2,855			
WEATHER SERVICE	1,146	1,146	1,146	1,146
DEF METEOROLOG SATELL PROG	55,975	40,975	55,975	45,975
MANUFACTURING TECH	72,426	52,000	52,000	52,000
TOTAL, DEFENSEWIDE MISSION SUPPORT	824,683	743,047	761,805	748,118
GENERAL REDUCTION		-37,500		-37,500
RESTORATION OF CIVILIAN PAY REDUCTION			3,300	1,650
GENERAL REDUCTION CONSULTANTS/STUDIES ANALYSIS		-20,000	-5,000	-20,000
PRIOR YEAR INFLATION SAVINGS		-60,000	-60,000	
(PY TRANSFER)		(60,000)	(60,000)	
INFLATION ESTIMATES FOR FY 1986		-11,000	-11,000	-11,000
PRIOR YEAR PROGRAM SAVINGS		-176,000	-123,000	
(PY TRANSFER)		(176,000)	(123,000)	
NATO COOPERATIVE R&D PROGRAMS			50,000	25,000
BIGEYE OPERATIONAL TESTING				6,000
TOTAL, RESEARCH DEVELOPMENT AND EVAL NAVY	11,264,300	9,462,631	10,104,594	10,125,239
TRANSFER FROM OTHER ACCOUNTS		(271,496)	(183,000)	
TOTAL FUNDING AVAILABLE	11,264,300	9,734,127	10,287,594	10,125,239

MEDICAL DEVELOPMENT (ADVANCED)

The conferees agree to provide \$12,719,000 for Medical Development (Advanced) as proposed by the House instead of \$14,653,000 as proposed by the Senate. The conferees note that Project M0097, Air Crew Impact Injury Prevention, continues to be of special interest to the Congress, and therefore the Navy is directed to allocate no less than \$2,350,000 of this appropriation to this project in fiscal year 1986.

ORGANOTIN ANTI-FOULING PAINT

The conferees agree that no less than the budgeted amount of \$1,695,000 be allocated by the Navy in fiscal year 1986 for continued research into the environmental and public health effects of organotin anti-fouling paint, as proposed by the House. The conferees believe that the effects of organotin on marine life have not been adequately determined, and consequently agree to a provision in the bill, as proposed by the Senate, which prohibits the navy from using such paints until the Environmental Protection Agency certifies that the environmental and public health risks are at an acceptable level.

TRIDENT II

The conferees agree to provide \$2,117,106,000 for the Trident II/D-5 Weapon System program instead of \$2,103,597,000 as proposed by the House and \$2,130,615,000 as proposed by the Senate. The Navy is directed to allocate the reduction in such a way as to maintain the current schedule for missile flight testing. If this cannot be accomplished with available funds, the Navy should submit a reprogramming request.

The conferees endorse the proposal by the Senate to consolidate Navy and Air Force penetration aids research into a single, joint program. The conferees direct OSD to re-examine the feasibility of a joint Navy/Air Force penetration aids research program, and report to the Appropriations Committees of the House and Senate no later than June 1, 1986.

NAVY STRATEGIC COMMUNICATIONS

The conferees agree to provide \$125,839,000 for Navy Strategic Communications as proposed by the Senate, instead of \$119,161,000 as proposed by the House. The Navy is to allocate no less than \$12,678,000 of this amount for the Strategic Survivable and Enduring Communications (STRAT-SEC) project.

WIS MODERNIZATION

The conferees agree to provide \$15,000,000 for Navy participation in modernization of the Worldwide Military Command and Control System Information System (WIS) as proposed by the Senate instead of no funds as proposed by the House. The conferees also grant approval to Reprogramming No. 85-62PA, which proposed to use \$14,000,000 from fiscal year 1985 appropriated funds to initiate Navy participation in the program.

V-22 OSPREY

The conferees agree to provide \$580,000,000 for the V-22 Osprey program, instead of \$569,543,000 as proposed by the House and \$583,743,000 as proposed by the Senate. Furthermore, the conferees understand that the Navy is considering the use of a fixed-price type contract for this work. The conferees endorse House language which concludes that significant technical

risk remains in the V-22 program, and therefore urge the Navy to weigh carefully the risks involved in using a fixed-price contract in this case.

LOW COST ANTI-RADIATION SEEKER

The conferees agree to provide \$17,523,000 as proposed by the House, instead of \$16,523,000 as proposed by the Senate, for Low Cost Anti-Radiation Seeker (LCS) in Navy RDT&E, and \$17,613,000 for Low Cost Seeker in Air Force RDT&E. The combined sum shall be applied only to the LCS development now being pursued by the Naval Weapons Center (NWC), China Lake, California. Language to this effect has been provided in the bill.

The conferees specifically endorse the language of House Report 99-332, page 308, pertaining to the LCS program. In addition, the conferees note with approval that the original program plan required the involvement of two competing contractors. It is clear that rapid technical progress and lower future costs demand continued competition. Accordingly, the conferees direct that NWC continue to execute a program involving two competing contractors.

AAAM/ASAM

The conferees agree to provide \$25,000,000 for the Advanced Air-to-Air Missile/Advanced Surface-to-Air Missile program. The conferees also agree that the allocation of these funds should be as directed in the Senate report.

ADVANCED ASW TARGET

The conferees agree to provide \$9,400,000 for Advanced ASW Target instead of \$7,550,000 as proposed by the House and

\$12,646,000 as proposed by the Senate. The conferees endorse House language which emphasizes the need to accelerate development of an advanced torpedo testing target, and therefore direct that \$3,000,000 of these funds be applied to accelerate development of the Advanced Stored Chemical Energy Propulsion System (AD-SCEPS).

SHIPBOARD DAMAGE CONTROL

The conferees recommend \$23,606,000 for Shipboard Damage Control as proposed by the House, rather than \$25,000,000 as proposed by the Senate. Further, the conferees endorse the Senate position on the EMPRESS II project (electromagnetic pulse radiation environment simulator for ships). The conference recommendation will fund EMPRESS II at the fiscal year 1985 level of effort.

SSN-21 BUDGETING

The conferees agree to House language directing the consolidation of program elements for the SSN-21 attack submarine, with the proviso that reactor development work may be excepted from the consolidation.

SHIP DEVELOPMENT (ADVANCED)

The conferees agree to provide \$13,657,000 for Ship Development (Advanced), as proposed by both the House and the Senate. This amount involves a reduction of \$982,000 as directed by the Department of Defense Authorization Act, 1986. However, the conferees do not agree to Senate language directing that the reduction be applied specifically toward termination of the EMSEDE project, but instead allow the Navy flexibility to allocate the reduction.

ADVANCED LIGHTWEIGHT TORPEDO (ADVANCED)

The conferees agree to provide no funds for Advanced Lightweight Torpedo (Advanced) as proposed by the House, instead of \$7,000,000 as proposed by the Senate. The ALWT (Advanced) program was proposed in fiscal year 1986 to initiate certain classified improvements to the ALWT warhead.

While the conferees are not opposed to incremental improvements to the ALWT, they are not inclined to start them in fiscal year 1986. The Navy should resubmit this program for funding in future years, and clearly define why ALWT warhead improvement is required for advanced threats.

TOMAHAWK THEATER MISSION PLANNING CENTER

The conferees agree to House language directing that the Tomahawk Theater Mission Planning Center be fully funded at the budget level of \$14,967,000, and that programming changes as described in the House report be instituted in the fiscal year 1987 budget.

AV-8B

The conferees agree to provide \$66,000,000 for AV-8B instead of \$55,178,000 as proposed by the House and \$72,078,000 as proposed by the Senate. This reduction should be applied solely against the night attack project and not against the TAV-8B or other efforts. Should the Navy require additional funds to execute this project during fiscal year 1986, the conferees would consider a reprogramming request.

CG-47 PRODUCT IMPROVEMENT

The conferees agree to provide \$35,000,000 for CG-47 Product Improvement instead of \$29,006,000 as proposed by the House and \$44,506,000 as proposed by the Senate. The conferees also support House language which expresses concern over increase in

cost and scope in the program. It appears that this expansion of effort is due to the Navy's desire to transition a number of improvements in the DDG-51 AEGIS Combat System to the CG-47. The conferees support the introduction of VLS, the SPY-1B radar, UYQ-21 consoles, and UYK-43B computers to the CG-47 class, and direct the Navy to allocate the reduction so that these programs are unaffected.

SUBMARINE HULL ARRAY DEVELOPMENT (ENGINEERING)

The conferees agree to provide \$13,000,000 for Submarine Hull Array Development (Engineering) instead of no funds as proposed by the House and \$25,974,000 as proposed by the Senate. The Navy is directed to apply the majority of these funds to continue advanced development; however, some funds may be used for full scale development (FSD) preparation. The conferees share the concerns expressed by the House that commitment to FSD should not occur prior to approval by the Defense Acquisition Review Council at Milestone II.

SSN-21 COMBAT SYSTEM

The conferees agree to provide \$200,000,000 for the SSN-21 Combat System as proposed by the Senate instead of \$60,000,000 as proposed by the House. This level of funding is proposed for the authorized program due to Navy concerns that funding reductions might cause shipbuilding delays.

The conferees strongly criticize both the Navy and the Office of the Secretary of Defense for the weak management evidenced in this program, and insist that the Department of Defense incorporate whatever changes are necessary to ensure that these problems do not recur in the future. The conferees expect stronger performance particularly in the areas of financial management and technical risk management.

SHIP SUBSYSTEMS DEVELOPMENT/LBTS

The conferees agree to provide \$109,000,000 for Ship Subsystems Development/LBTS, instead of \$80,000,000 as proposed by the House or \$120,000,000 as proposed by the Senate. The Senate added \$40,000,000 to continue competitive contract design for the SSN-21 New Design Attack Submarine program. The additional \$29,000,000 provided for this program element above the authorization is solely for continuation of competitive contract design for the SSN-21 through the first three quarters of fiscal year 1986.

The Navy should submit a reprogramming during fiscal year 1986 to cover the balance of the funding requirement for this effort. Funds budgeted for other ship contract design programs are to be used solely for those programs, and not diverted to support SSN-21 competitive contract design, unless those ships are not included in the fiscal year 1987 budget submission.

The conferees agree to the Senate language directing that at least \$5,000,000 be provided for an AO oiler design project. This will provide five AO-177 class oilers with a design enlargement from a 120,000-barrel capacity to a 180,000-barrel capacity.

SURFACE WARFARE TRAINING DEVICES

The conferees agree to provide \$23,274,000 for Surface Warfare Training Devices as proposed by the Senate instead of \$23,410,000 as proposed by the House. However, the conferees do not endorse Senate language specifically directing the deletion of funding for the Surface Tomahawk Trainer project. The Navy is provided the flexibility to allocate the reduction.

MARINE CORPS LIGHTWEIGHT BATTLEFIELD SURVEILLANCE RADAR

With regard to the Lightweight Battlefield Surveillance Radar (LBSR), the conferees direct that the Marine Corps review the suitability of the Air Force's in-development PPS-22 Intruder Detection System and report to the House and Senate Committees on Appropriations by June 15, 1986. The PPS-22 development is being managed by the Army and it appears that the PPS-22 modified would provide the Marine Corps with an earlier capability plus providing interservice interoperability and hardware commonality.

HY-130 STEEL

The conferees agree to provide no funds for HY-130 Steel as proposed by the House instead of \$5,000,000 as proposed by the Senate. The conferees will consider a reprogramming if the Navy determines that acceleration would be desirable.

WALLOPS ISLAND TEST RANGE

The conferees agree to provide \$4,000,000 for the Wallops Island Test Range as proposed by the House, instead of no funds as proposed by the Senate. However, the conferees believe that the Wallops Island Test Range could be more efficiently utilized to support Navy test and evaluation activities. Prior to the obligation or expenditure of these additional funds, the Navy and NASA should submit to the Committees on Appropriations of the House and Senate a utilization plan for this expansion in Navy test and evaluation activity.

TAIL CONTROL SPARROW

The conferees agree to provide \$5,000,000 for the Tail Control Sparrow as proposed by the House, instead of no funds as proposed by the Senate. These funds are to be used for guidance and ECCM improvements to the Sparrow missile.

The conferees acknowledge the potential application of generic low cost radiation seeker technology to the Sparrow airframe, for use of Sparrow as a dual-role anti-radiation missile. The conferees are willing to entertain a fiscal year 1986 reprogramming action to initiate such a program.

WHITEHALL QUICK REACTION SURVEILLANCE SYSTEM

The conferees agree to provide \$20,000,000 for Whitehall Quick Reaction Surveillance System as proposed by the House instead of no funds as proposed by the Senate. These funds are for the first year of a three year lease, on a turnkey basis, of four systems together with vessels and crews. The conferees direct the Navy to enter into a lease arrangement not later than February 28, 1986, instead of December 31, 1985 as originally directed by the House.

CENTER FOR NAVAL ANALYSES

The conferees agree to provide \$17,500,000 for the Center for Naval Analyses, instead of \$15,563,000 as proposed by the House or \$19,813,000 as proposed by the Senate. The conferees also agree that the Navy should submit a prior approval reprogramming to Congress should this level of funding prove inadequate.

ADVANCED CHEMICAL WEAPONS RESEARCH

The conferees direct the Navy and Air Force to report to the House and Senate Committees on Appropriations on their plans for undertaking research into future binary chemical munitions delivery mechanisms by March 15, 1986. After that date, the Committees would entertain a repro-

gramming request to implement such a plan.

PRIOR YEAR SAVINGS

The conferees recognize \$188,000,000 in prior year savings in Research, Development, Test and Evaluation, Navy. The sources and uses of these savings are identified in this Statement of Managers under

the heading "Availability of Unobligated Balances."

MANUFACTURING TECHNOLOGY

LASER ARTICULATING ROBOTIC SYSTEM

The conferees agree with the House directives concerning the Laser Articulating Robotic System (LARS), and agree that of the funds provided for P.E. 7.80.11N, Manufac-

turing Technology, a total of \$5,500,000 be provided for the LARS program. Language has been provided in the bill to this effect.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

The conferees agree to the following amounts for Research, Development, Test and Evaluation, Air Force:

[In thousands of dollars]

	Budget	House	Senate	Conference
RESEARCH DEVELOPMENT TEST AND EVAL, AF				
TECHNOLOGY BASE:				
IN-HOUSE LAB INDEPENDENT RESEARCH	17,444	16,000	17,000	16,000
DEFENSE RESEARCH SCIENCES	206,334	198,000	201,334	206,000
UNIVERSITY RESEARCH	6,250	6,250	6,250	6,250
GEOPHYSICS	38,614	38,614	38,614	38,614
MATERIALS	54,769	52,269	53,000	52,600
AEROSPACE FLIGHT DYNAMICS	67,545	67,545	67,545	67,545
AEROSPACE BIOTECHNOLOGY	50,840	47,340	48,000	47,500
AEROSPACE PROPULSION	62,609	62,609	62,609	62,609
AEROSPACE AVIONICS/VHSI CIRCUITS	74,806	60,000	60,000	60,000
TRAINING/SIMULATION TECH	25,236	25,236	25,236	25,236
CIVIL ENGINEERING & ENVIRONMENTAL QA	7,125	7,125	7,125	7,125
ROCKET PROPULSION	41,661	39,661	39,661	39,661
ADVANCED WEAPONS	37,020	35,500	35,500	35,500
CONVENTIONAL MUNITIONS	44,819	40,819	44,819	40,819
COMMAND/CONTROL/COMMUNICATION	80,720	76,720	76,720	76,720
PERS UTILIZATION TECH	9,421	8,421	9,421	8,421
TOTAL TECHNOLOGY BASE	825,213	782,109	792,834	790,600
ADVANCE TECHNOLOGY DEVELOPMENT:				
LOGISTICS RESEARCH & DEV RQMTS	12,736	9,736	9,736	9,736
AUTOMATION OF TECHNICAL INFORMATION	5,382			
ACFT PROPULSION SUBSYS INTEGRATION	27,493	27,493	27,493	27,493
ADV AVIONICS FOR ACFT	22,651	22,651	21,651	21,651
FLT VEHICLE TECHNOLOGY	22,884	16,884	22,334	20,000
RECON SENSORS/PROCESSING TECHNOLOGY	9,182	6,000	6,000	6,000
AEROSPACE STRUCTURES/MATERIALS	23,596	18,596	18,596	18,596
AVIATION TURBINE FUEL TECHNOLOGY	4,671	3,671	4,671	3,671
ADV TURBINE ENGINE GAS GENERATOR	29,656	27,656	27,656	27,656
WEAPON SYSTEM POWER	1,947	1,947	1,267	1,267
DOD COMMON PROG LANGUAGE (ADA) ADV DEV	7,460	7,460	7,460	7,460
ADVANCED SIMULATOR TECHNOLOGY	4,410	4,410	4,410	4,410
CREW SYSTEMS TECHNOLOGY	12,754	11,000	12,054	11,500
ACFT NON-NUCLEAR SURVIVABILITY	3,278	3,278	3,278	3,278
ADV FIGHTER TECH INTEGRATION	22,276	19,776	19,776	19,776
LINCOLN LABORATORY	26,363	22,000	25,000	23,000
ADVANCED SYSTEM INTEGRATION DEMO	36,327			
INTELS/ICNIA		60,000	32,767	45,000
CARTOG APPLICATIONS-TAC & STRAT SYS	1,409	1,409	1,409	1,409
SPACE & MSL ROCKET PROPULSION	8,381	3,381	3,381	3,381
ADV MSL SUBSYSTEM DEMONSTRATION	1,209			
ADVANCED TECHNOLOGY CRUISE MISSILE	7,677	7,677	7,677	7,677
HYPERVELOCITY MISSILE	10,763	10,763	10,763	10,763
ADVANCED SPACECRAFT TECH	9,700	7,000	7,000	7,000
ADV MILITARY SPACEFLIGHT TECHNOLOGY	916			
APACE SYS ENVIRON INTERACTIONS TECH	4,954	3,954	3,954	3,954
MSL SURVEILLANCE TECH	11,550	11,550	11,550	11,550
VERY HIGH SPEED INTEGRATED CIRCUITS	193,776	211,276	175,500	207,276
NON-DESTRUCTIVE INSPECTION AD DEV	980			
CONVENTIONAL WEAPONS	28,590	26,590	25,590	25,590
ADVANCED RADIATION TECH	19,749	9,749	19,749	14,749
MANPOWER & PERSONNEL SYS TECH	2,199	2,199	2,199	2,199
WEATHER SYSTEMS	3,963	3,963	3,463	3,463
ELECTRONIC WARFARE TECHNOLOGY	29,436	29,436	29,436	29,436
CIVIL/ENVIRONMENTAL ENGR TECH	11,488	11,488	11,485	11,485
FIBER OPTICS DEVELOPMENT	3,861	3,861	3,461	3,461
ADVANCED COMMUNICATIONS TECHNOLOGY	4,895	4,895	4,895	4,895
ADVANCED COMPUTER TECHNOLOGY	8,643	7,500	7,500	7,500
ELECTRO/OPTICAL WARFARE	15,818	15,818	15,818	15,818
CHEMICAL WARFARE DEFENSE	6,165	6,165	5,000	5,000
COUNTER/COUNTERMEASURES /ADV DEV	14,444	13,444	13,444	13,444
TRAINING SYSTEMS TECHNOLOGY	2,324	2,324	2,324	2,324
DOD SOFTWARE ENGINEERING INSTITUTE	11,742	11,742	11,742	11,742
COMD/CNTRL/COMM ADV DEV	26,273	16,273	16,273	16,273
TOTAL ADVANCE TECHNOLOGY DEVELOPMENT	713,971	685,015	637,762	670,883
STRATEGIC PROGRAMS:				
ADVANCED STRATEGIC MISSILE SYSTEMS	173,934	163,934	163,934	163,934
SRAM II	78,958	35,000	35,000	35,000
ATMOSPHERIC SURVEILLANCE TECH	4,978	4,978	4,978	4,978
WWMCCS ARCHITECTURE	8,036	8,036	8,036	8,036
B-1B	367,438	280,438	280,438	280,438
COMMON STRATEGIC ROTARY LAUNCHER	72,629	72,629	72,629	72,629
ICBM MODERNIZATION	1,580,824	1,483,600	1,274,824	1,480,800
(PY TRANSFER) TO SMALL ICBM			(256,000)	
STRAT CONV STANDOFF CAPA (SCSC)	71,787	36,000	36,000	36,000

[In thousands of dollars]

	Budget	House	Senate	Conference
AIR LAUNCHED CRUISE MISSILE	14,179	11,179	11,179	11,179
SPACE DEFENSE SYS.	149,934	149,934	182,834	165,000
SYSTEMS SURVIVABILITY (NUC AFFECTS)	7,927	7,927	7,927	7,1927
B-52 SQUADRONS	16,047	14,347	13,207	13,207
KC-135 SQUADRONS	968	968	968	968
MINUTEMAN SQUADRONS	31,203	6,003	6,000	6,000
PACCS/WWABNCP SYS EC-135 CL V MODS	5,163	4,163	4,163	4,163
SAC COMMUNICATIONS	10,625	10,625	7,589	7,589
NCMC - TW/AA SYSTEMS	57,445	52,445	52,445	52,445
NCMC - SPACE DEFENSE SYSTEMS	72,996	57,996	62,996	57,996
BALLISTIC MSL TAC WING/ATK ASSES SYS	2,655	2,155	2,155	2,155
TW/AA INTERFACE NETWORK	1,468	1,468	1,468	1,468
JOINT SURVEILLANCE SYSTEM	3,069	3,069	2,069	2,069
SURVEILL RADAR STATIONS/SITES	20,215	20,215	20,215	20,215
DEW RADAR STATIONS	40,914	40,914	40,914	40,914
CONUS OVER-THE-HORIZON RADAR	67,457	67,457	67,457	67,457
BALLISTIC MSL EARLY WING SYSTEM	12,966	12,966	12,966	12,966
SPACETRACK	9,613	9,613	9,613	9,613
DEFENSE SUPPORT PROGRAM	79,592	79,592	79,568	79,568
SLBM RADAR WARNING SYSTEMS	8,235	8,235	8,235	8,235
INTEGRATED OPER NUDETS DETECT SYS	20,538	20,538	20,538	20,538
COMD CTR PROCESS/DISPLAY SYS	14,807	14,807	14,807	14,807
MINIMUM ESSENTIAL EMER COMM NETWORK	97,199	87,199	187,199	102,199
WWMCCS INFORMATION SYSTEM	8,100	5,000	5,000	5,000
WWMCCS INFORMATION SYSTEM - JPMO	88,721	78,721	63,721	63,721
MILSTAR SAT COMM SYS (AF TERMINALS)	132,095	132,095	128,095	130,000
MILSTAR COMM SAT SYSTEM	345,696	345,696	345,696	345,696
THEATER NUC WPN STORAGE&SEC SYS	1,045	1,045	1,045	1,045
AIR FORCE ONE			20,000	20,000
CLASSIFIED PROGRAMS	2,049,652	2,049,652	2,049,652	2,049,652
CLASSIFIED PROGRAMS	14,677	14,677	14,677	14,677
TOTAL, STRATEGIC PROGRAMS	5,743,785	5,395,316	5,320,237	5,420,284
TACTICAL PROGRAMS:				
ADVANCED TACTICAL FIGHTER	242,852	169,852	140,000	169,852
ADV TACTICAL AIR RECONNAISSANCE SYS	20,339	10,000	10,000	10,000
JNT SERVICE ADV VERT LIFT ACFT (JVK)	4,901	2,500	2,500	2,500
AIR BASE SURVIVABILITY & RECOVERY	6,178	6,178	5,011	5,011
LOW COST SEEKER	17,613	17,613	17,613	17,613
ADV ATTACK WEAPONS	19,113	19,113	19,113	19,113
DOD PHYSICAL SECURITY EQ-EXTERIOR	1,010	1,010	1,010	1,010
COMBAT IDENTIFICATION TECHNOLOGY	8,763	8,763	8,763	8,763
C3CM ADVANCED SYSTEMS	3,463	3,463	2,000	2,000
JT SURV. TGT ATK RADAR SYS (JSTARS)	3,200	3,200	3,200	3,200
ACFT AVIONICS EQUIPMENT DEVELOPMENT	29,397	29,397	29,397	29,397
F-100 DURABILITY	2,899	2,899	2,899	2,899
AIRCRAFT EQUIPMENT DEV	8,779	8,779	8,799	8,779
ENGINE MODEL DERIVATIVE PROG	122,854	62,854	62,854	62,854
INTEGRATED DIGITAL AVIONICS	11,763	8,000	8,000	8,000
EW COUNTER RESPONSE	37,193	30,000	30,000	30,000
NUCLEAR WEAPONS SUPPORT	2,035	2,035	2,035	2,035
ALTERNATE FIGHTER ENGINE	33,353	33,353	33,353	33,353
C-17 PROGRAM	453,681	383,681	383,681	383,681
INFRARED SEARCH & TRACK SYS	23,657	23,657	23,657	23,657
MODULAR AUTOMATIC TEST EQUIPMENT	9,962	9,962	9,962	9,962
NIGHT PRECISION ATTACK	40,849	40,849	40,849	40,849
ACFT ENGINE COMPONENT IMPROVE PROG	138,574	110,144	138,574	125,000
T-46A	54,287	54,287	54,287	54,287
ADV MED RANGE AIR-TO-AIR MSL	101,382	101,382	101,382	101,382
JOINT TACTICAL FUSION PROGRAM	26,920	20,520	26,920	23,720
GRD LAUNCHED CRUISE MSL	685	685	685	685
C/B DEFENSE EQUIPMENT	22,488	22,488	22,488	22,488
ARMAMENT ORDNANCE DEVELOPMENT	17,563	17,563	17,563	17,563
SUBMUNITIONS	43,910	38,910	38,910	38,910
WIDE-AREA ANTI-ARMOR MUNITION	15,811	12,558	12,558	12,558
AIR BASE SURVIVABILITY & RECOVERY	21,900	21,900	19,900	19,900
AEROMEDICAL SYSTEMS DEVELOPMENT	8,049	8,049	8,049	8,049
LIFE SUPPORT SYSTEM	16,779	16,779	15,672	15,672
OTHER OPERATIONAL EQUIPMENT	17,087	17,087	16,939	16,939
RECONNAISSANCE EQUIPMENT	7,820	7,820	7,820	7,820
DOD PHYSICAL SECURITY EQ-EXTERIOR	15,733	15,733	15,733	15,733
TAC C3 COUNTER-MEASURES	17,441	17,441	16,462	16,462
COMBAT IDENTIFICATIONS SYSTEMS	13,164	13,164	13,164	13,164
SURFACE DEF SUPPRESSION	54,980	30,000	30,000	30,000
AIRBORNE SELF-PROTECTION JAMMER	11,220	5,000	5,000	5,000
PROTECTIVE SYSTEMS	65,792	50,792	65,792	65,792
TACTICAL PROTECTIVE SYSTEMS	75,709	55,709	55,709	55,709
COMPUTER RESOURCES MGT TECH	14,011	14,011	12,011	12,011
PRECISION LOCATION STRIKE SYSTEM	63,081	53,081	63,081	63,081
INTELLIGENCE EQUIPMENT	13,481	13,481	13,481	13,481
COMBAT HELICOPTER MODERNIZATION	14,100	14,100		10,000
JT TAC INFO DIST SYS	91,675			
SIDE LOOKING AIRBORNE RADAR (SLAR)	20,667	20,667	20,667	20,667
JSTARS	260,221			
JT INTEROPERABILITY TAC COMB/CNTRL	9,141	9,141	9,141	9,141
F-111 SQUADRONS	54,535	48,500	48,500	48,500
F-15 SQUADRONS	252,142	237,142	237,142	237,142
A-10 SQUADRONS	3,102	3,102	2,000	3,102
F-16 SQUADRONS	94,859	84,000	68,459	68,459

[In thousands of dollars]

	Budget	House	Senate	Conference
F-4G WILD WEASEL SQUADRONS	36,707	28,707	36,707	36,707
F-4G WILD WEASEL SQUADRONS (PY TRANSFER)		(8,000)		
TACTICAL AGM MISSILES	3,926	2,000	2,000	2,000
AIR FORCE TENCAP	250	250	250	250
OVERSEAS AIR WEAPON CONT SYS	3,068	3,068	3,068	3,068
TACTICAL AIR CONTROL SYSTEM	20,075	20,075	15,075	15,075
AIR BORNE WARNING & CONTROL SYS	137,302	122,000	122,000	122,000
TACTICAL AIRBORNE CMD & CONTROL SYS	8,151	8,151	5,000	8,151
ADV COMM SYS	123,785	113,785	113,785	113,785
TAC AIR INTELL SYS ACTYS	2,191	2,191	2,191	2,191
TACTICAL RECON IMAGERY EXPLOITATION	7,691	7,691	7,691	7,691
BASE COMM—TACTICAL AIR FORCES	899	899	899	899
JT TACTICAL COMM PROG (TRI-TAC)	4,947	4,947	4,947	4,947
SATELLITE COMMUNICATIONS TERMINALS	7,569	7,569	5,000	5,000
ELECTRIC COMBAT INTEL SPT	1,593	1,593	1,593	1,593
MAC COMMAND/CONTROL SYS	11,441	11,441	8,000	8,000
SPECIAL OPERATIONS FORCES	13,993	10,000	10,000	10,000
F-4 AIR DEFENSE		22,000		15,000
CLASSIFIED PROGRAMS	666,386	339,755	402,700	411,555
LIQUID SYNTHETIC FUEL			4,500	4,500
PAVE TIGER (RPV)		15,000		15,000
GENERAL REDUCTION, EW PROGRAMS		-30,000		-30,000
TOTAL, TACTICAL PROGRAMS	3,792,137	2,703,516	2,748,171	2,784,357
INTELLIGENCE AND COMMUNICATIONS:				
SPACE COMMUNICATIONS	45,012	43,012	43,012	43,012
DEF SATELLITE COMM SYS	6,930	6,930	6,930	6,930
AIR FORCE COMMUNICATIONS	978			
LONG-HAUL COMMUNICATIONS (DCS)	11,543	11,543	11,543	11,543
ELECTROMAG COMPATIBILITY ANAL CTR	7,191	7,191	7,191	7,191
TRAFFIC CNTRL/APPROACH/LANDING SYS	29,517	21,714	21,714	21,714
PRECISION TACTICAL APPROACH GUIDANCE (PTAG)			3,000	3,000
NAVSTAR GLOBAL POS SYS (USER EQ)	28,691	28,691	28,691	28,691
NAVSTAR GPS (SPACE/GRD SEGMENTS)	48,527	45,527	45,527	45,527
GEN INTELLIGENCE SKILL TNG	5,300	5,300	5,300	5,300
CLASSIFIED PROGRAMS	2,091,755	1,772,955	2,085,171	1,972,155
(PY TRANSFER)		(5,000)		
CLASSIFIED PROGRAMS	107,388	107,388	107,388	107,388
I-S/A AMPE DEVELOPMENT		31,400		31,400
TOTAL, INTELLIGENCE & COMMUNICATIONS	2,382,832	2,081,651	2,365,467	2,283,851
DEFENSEWIDE MISSION SUPPORT:				
CONCEPT DEVELOPMENT	3,028	3,028	2,000	2,000
SPACE TEST PROGRAM	70,434	68,434	68,434	68,434
SATELLITE SYS SURVIVABILITY	4,273	4,273	4,273	4,273
ADV AERIAL TARGETS DEV	13,505	13,505	13,505	13,505
FLIGHT SIMULATOR DEVELOPMENT	155,315	132,000	132,000	132,000
VARIABLE IN-FLT TEST ACFT (VISTA)	391	391		391
SPACE SHUTTLE	132,007	132,007	132,007	132,007
LOGISTICS TECH FOR WEAPONS SYSTEMS	6,750	6,750	6,750	6,750
WEATHER SYSTEMS	13,078	10,578	8,078	8,078
RANGE IMPROVEMENT	62,166	54,000	54,000	54,000
ELECTROMAG RADIATION TEST FACIL	3,376	3,376	3,376	3,376
IMPROVED CAPABILITY FOR RDT + E	46,417	46,417	46,417	46,417
PROJECT AIR FORCE	17,445	17,445	18,245	18,245
SCQ/COMD SPT—TELECOM	6,550	6,550	6,550	6,550
RANCH HAND II EPIDEMIOLOGY STUDY	4,695	4,695	4,695	4,695
NAV/RADAR/SLED TRACK TEST SPT	28,319	20,319	20,319	20,319
ACQUISITION AND COMMAND SUPPORT	366,620	346,620	346,620	346,620
TEST AND EVALUATION SPT	431,594	421,594	421,594	421,594
ADV SYS ENGINEERING/PLAN	3,895	2,000	2,000	2,000
ROTB& AIRCRAFT SUPPORT	59,820	57,000	57,000	57,000
PRODUCTIVITY INVESTMENTS	7,009	3,009	3,009	3,009
PRODUCT PERFORMANCE AGMT CNTR (PPAC)	975	975		
SATELLITE CONTROL FACILITY	83,122	73,122	73,122	73,122
SPACE BOOSTERS	221,393	214,193	221,393	221,393
CONSOLIDATED SPACE OPERATORS CENTER	87,415	87,415	87,415	87,415
DEF METEOROLOGICAL SATELLITE PROG	71,309	56,309	61,309	56,309
SPACE LAUNCH SUPPORT	79,232	79,232	79,232	79,232
INVENTORY CONTROL POINT OPERATIONS	4,034	4,034	3,000	3,000
DE"OT MAINTENANCE (NON-IF)	489			
INDUSTRIAL PREPAREDNESS	104,540	64,540	64,540	64,540
PRODUCT/RELIABLE/AVAIL/MAINTAIN PROG	17,365	14,365	14,365	14,365
LOGISTICS C3I SYSTEM	9,933	8,500	8,500	8,500
SERVICE-WIDE SUPPORT	196			
PRODUCTIVITY INVESTMENTS	978			
INTERNATIONAL ACTIVITIES	2,894	2,894	2,894	2,894
TOTAL, DEFENSEWIDE MISSION SUPPORT	2,120,562	1,959,570	1,966,642	1,962,033
CONSULTANTS, STUDIES & ANALYSES		-25,000	-25,000	-25,000
UNDISTRIBUTED REDUCTION "ASSESSMENTS"		-25,000		-10,000
ENVIRONMENT RESTORATION FUND TRANSFER			-5,400	
RESTORATION OF CIVILIAN PAY REDUCTION			24,400	12,000
GENERAL REDUCTION		-70,000		-40,000
PRIOR YEAR INFLATION SAVINGS		-100,000		
(PY TRANSFER)		(100,000)		
INFLATION ESTIMATES FOR FY 1986		-14,000		-14,000
PRIOR YEAR PROGRAM SAVINGS		-156,000		

[In thousands of dollars]

	Budget	House	Senate	Conference
(PY TRANSFER)		(246,000)		
NATO COOPERATIVE R&D PROGRAMS			50,000	25,000
TOTAL, RESEARCH DEVELOPMENT TEST AND EVAL, AF	15,578,500	13,217,177	13,861,113	13,860,208
TRANSFER FROM OTHER ACCOUNTS		(359,000)	(256,000)	
TOTAL FUNDING AVAILABLE	15,578,500	13,576,177	14,117,113	13,860,208

DEFENSE RESEARCH SCIENCES

The conferees agree to provide \$206,000,000 for Defense Research Sciences, of which \$6,500,000 shall be used only for research and related purposes at Iowa State University.

VERY HIGH SPEED INTEGRATED CIRCUITS

The conferees agree to provide \$207,276,000 for Very High Speed Integrated Circuits, of which \$13,500,000 shall be used only for engineering research and related purposes at Northeastern University in Massachusetts.

ICBM MODERNIZATION

The conferees agree to provide \$1,480,800,000 for ICBM Modernization, instead of \$1,483,600,000 as proposed by the House and \$1,274,824,000 as proposed by the Senate. The approved distribution of ICBM modernization funds is provided below:

Peacekeeper	\$734,100,000
Small ICBM	624,500,000
Hard Silo Technology	102,200,000
Deep Basing	20,000,000

The conferees direct the Air Force to submit to the Appropriations Committees of the House and Senate a full accounting of all small ICBM guidance funds and contracts, and also the report requested by the Senate on the requirement for maintenance of three alternative guidance contracts during FY 1986. Senate language prohibiting the obligation or expenditure of funds on one of the three alternate guidance systems is modified to permit obligation, but not expenditure, of such funds until this report is submitted.

The conferees agree to provide \$102,200,000 for Hard Silo Technology, as proposed by the Senate, instead of \$70,000,000 as proposed by the House. Of the additional \$32,200,000 provided for Hard Silo Technology above the House allotment, \$17,200,000 is for additional risk reduction and test bed restoration tasks described in the Senate report. A total of \$15,000,000 is solely for construction, test and evaluation of a double-walled cofferdam constructed of reinforced slipform concrete, as described in the House report. The evaluation effort should be conducted in accordance with the direction provided in the House report, except that the Air Force shall be the planning and management agent for the program. No funds for this project are to be drawn from the Defense Nuclear Agency appropriation.

NCMC/SPACE DEFENSE SYSTEMS

The conferees agree to provide \$57,996,000 for NCMC/Space Defense Systems as proposed by the House, instead of \$62,996,000 as proposed by the Senate. This program funds both the Mission Control Center (MCC) for the U.S. Anti-Satellite (ASAT) system and also the operation of the Prototype Mission Operations Center (PMOC) which supports the U.S. ASAT test program.

The conferees agree that this reduction shall be applied against the mission control center, and that the MCC should not be funded at this time.

ASAT TESTING

The conferees agree to the House position that no fiscal year 1986 funds are to be used for testing of anti-satellite weapons against objects in space. Bill language has been provided which further prohibits obligation or expenditure of funds provided by this or any other Act for such testing until the President certifies to Congress that the Soviet Union has conducted after October 3, 1985, a test against an object in space of a dedicated anti-satellite weapon.

ADVANCED TACTICAL FIGHTER**INEWS/ICNIA PROGRAM**

The conferees agree to provide \$169,852,000 for the Advanced Tactical Fighter (ATF) as proposed by the House, instead of \$140,000,000 as proposed by the Senate. The conferees agree to provide \$140,000,000 for the Joint Advanced Fighter Engine (JAFE) program, \$16,852,000 for the airframe demonstration/validation effort and \$13,000,000 for avionics development, to include PAVE PILLAR and VHSIC technology insertion.

The conferees endorse the position of the Senate that cost, as well as technology, must be given priority attention in the development of the ATF. The conferees support the decision of the Air Force to adopt a unit flyaway cost goal of \$35,000,000 for ATF, expressed in 1985 dollars, and admonish the Air Force to hold to that goal. The conferees agree to the Senate position directing the submission of an annual report on ATF developmental and total acquisition costs, beginning with the FY 1987 budget submission.

Following completion of the defense authorization, the Air Force informed the appropriations committees that it intended to fund ATF avionics development (including Pave Pillar and VHSIC technology insertion) out of the newly created INEWS/ICNIA program, rather than from the ATF program. Further, it was learned that the Air Force proposed funding two new projects within the ATF authorization not previously identified as requirements in the FY 1986 budget submission—AMRAAM Compressed Carriage Demonstration (ACCD) and radar/EO sensor, at \$4,000,000 each.

The conferees object to the Air Force's funding ATF avionics development outside the ATF line item. The conferees direct that \$13,000,000 for ATF avionics development be funded out of the ATF line item, and that no funds be provided for the ACCD and radar/EO projects.

The conferees have funded INEWS/ICNIA at \$45,000,000 instead of \$60,000,000 as proposed by the House and \$32,767,000 as proposed by the Senate. The change from the authorized level of funding reflects the transfer of ATF avionics development funds back to the ATF line item.

The conferees agree to a general reduction of \$30,000,000 against Air Force electronic warfare programs, as authorized, and a general reduction of \$15,000,000 against Navy electronic warfare programs. The conferees note that the authorization made no provision for a Navy portion of INEWS/ICNIA funds. In light of that oversight, the conferees recommend a smaller general reduction against Navy electronic warfare programs of \$15,000,000.

F-4 AIR DEFENSE

The conferees agree to provide \$15,000,000 for F-4 Air Defense, instead of \$22,000,000 as proposed by the House or no funds as proposed by the Senate. These funds are to be used only for developing F-4 avionics upgrades. The conferees direct the Air Force to study and report on the cost effectiveness of reengineering the F-4. Should the results be favorable, the Committees on Appropriations will entertain a reprogramming request.

DEFENSE METEOROLOGICAL SATELLITE PROGRAM

The conferees agree to provide \$56,309,000 for the Defense Meteorological Satellite Program (DMSP) as proposed by the House, instead of \$61,309,000 as proposed by the Senate. The conferees understand that the full authorization for the program is required to deliver DMSP satellite S-15 in FY 1990, the prototype Block 5D-3 satellite.

Should the Air Force insist that the survivability upgrades proposed for DMSP are essential, and that its outyear space launch program will include the transition of the DMSP from the Atlas E to the Titan II launch vehicle, the conferees would be willing to entertain a reprogramming to keep the S-15 available for launch in FY 1990 on a Titan II.

"ASSESSMENTS" IN RDT&E**DEVELOPMENT PLANNING ACTIVITIES**

The conferees agree to a general reduction of \$10,000,000 against "assessments" made by the Air Force against RDT&E programs to fund development planning activities, instead of \$25,000,000 as proposed by the House. The conferees direct the Air Force to place the balance of \$15,000,000 which would have been "assessed" into a new separate program element for development planning activities. These activities must be budgeted and justified on their merits in future years. The conferees concur in the House directive which requires a report on the distribution of pro rata reductions.

I-S/A AMPE

The conferees agree with the House funding level of \$31,400,000 for Inter-Service/Agency Automated Message Processing Equipment (I-S/A AMPE), and the transfer of the program from Operation and Maintenance to RDT&E, Air Force. The Senate report expressed concern with the Air Force decision to award only one contract for this program. Therefore, the conferees direct the Department of Defense Inspector Gen-

eral to conduct a thorough review of the propriety of the Air Force's action, and the feasibility and life-cycle cost effectiveness of awarding a second contract. The findings of this study should be reported to the Committees on Appropriations of the House and the Senate no later than March 15, 1986. The conferees further direct the Secretary of Defense to develop a firm I-S/A AMPE 8-year funding profile to be submitted by March 15, 1986. The conferees agree that these directives shall not impact upon the ongoing contract efforts.

PRIOR YEAR SAVINGS

The conferees recognize \$264,000,000 in prior year savings in Research, Development, Test and Evaluation, Air Force. The sources and uses of these savings are identified in this Statement of Managers under the heading "Availability of Unobligated Balances."

ADVANCED CHEMICAL WEAPONS RESEARCH

The conferees direct the Navy and Air Force to report to the House and Senate Committees on Appropriations on their plans for undertaking research into future

binary chemical munitions delivery mechanisms by March 15, 1986. After that date, the Committees would entertain a reprogramming request to implement such a plan.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

The conferees agree to the following amounts for Research, Development, Test and Evaluation, Defense Agencies:

[In thousands of dollars]

	Budget	House	Senate	Conference
RESEARCH DEVELOPMENT TEST AND EVAL DEF AGENCIES				
TECHNOLOGY BASE:				
DEFENSE RESEARCH SCIENCES.....	92,600	84,000	86,600	92,000
IN-HOUSE LAB INDEPENDENT RESEARCH.....	1,981	1,791	1,981	1,850
UNIVERSITY RESEARCH.....	6,250	6,250	6,250	6,250
UNIVERSITY RESEARCH INITIATIVES.....			75,000	75,000
TECHNICAL STUDIES.....	1,800	1,500	1,500	1,500
STRATEGIC TECHNOLOGY.....	254,400	247,900	259,900	259,900
TACTICAL TECHNOLOGY.....	102,000	102,000	102,000	102,000
PARTICLE BEAM TECHNOLOGY.....	21,500	21,500	21,500	21,500
INTEGRATED COMD/CONTROL TECH.....	53,000	53,000	53,000	53,000
MATERIALS PROCESSING TECH.....	33,000	33,000	31,000	31,000
NUCLEAR MONITORING.....	19,400	19,400	22,400	20,900
DEFENSE NUCLEAR AGENCY.....	384,361	325,214	374,361	373,550
POLYGRAPH.....		590	590	590
TOTAL, TECHNOLOGY BASE.....	970,292	896,145	1,036,082	1,039,040
ADVANCE TECHNOLOGY DEVELOPMENT:				
SURVEILLANCE, ACQSM, TRACK & KILL ASSESSMENT.....	1,386,344	1,386,344	1,386,344	1,386,344
DIRECTED ENERGY WEAPONS.....	965,441	965,441	965,441	965,441
KINETIC ENERGY WEAPONS.....	859,724	859,724	859,724	859,724
SYSTEMS CONCEPTS AND BATTLE MANAGEMENT.....	243,300	243,300	243,300	243,300
SURVIVABILITY, LETHALITY & KEY SPT TECHNOLOGY.....	258,153	258,153	258,153	258,153
SDI—GENERAL REDUCTION.....		-1,212,962	-750,000	-962,962
JOIN DOD—DOE MUNITIONS TECH DEV.....	8,413	5,000	10,000	8,287
EXP EVAL OF MAJOR INNOVATIVE TECH.....	175,249	161,349	203,249	183,249
SPECIAL TECHNOLOGY OFFICE/USDR&E.....	4,177	4,177	4,177	4,177
COUNTER INSURGENCY & SPECIAL TECHNOLOGY.....	11,421	11,421	11,421	11,421
COMMAND AND CONTROL RESEARCH.....	2,313	2,313	2,313	2,313
TOTAL, ADVANCE TECHNOLOGY DEVELOPMENT.....	3,914,535	2,684,260	3,194,122	2,959,447
STRATEGIC PROGRAMS:				
ISLAND SUN.....	17,000	17,000	14,500	14,500
NMCS—WIDE SUPPORT.....	43,498	38,498	38,498	38,498
WWMCS SYSTEM ENGINEER.....	21,254	21,254	21,254	21,254
MINIMUM ESSENTIAL EMER COMM NETWORK.....	12,398	12,398	12,398	12,398
TOTAL, STRATEGIC PROGRAMS.....	94,150	89,150	86,650	86,650
TACTICAL PROGRAMS:				
CINC C2 INITIATIVES.....	2,083	2,083	2,083	2,083
C3 INTEROPERABILITY (JOINT TACTICAL C3 AGCY).....	72,152	62,152	62,152	62,152
MANAGEMENT HEADQUARTERS (JTC3A).....	1,472	1,472	772	772
JOINT ADVANCED SYSTEMS.....		300,000	300,000	300,000
COMMON JTIDS.....		200,000	200,000	200,000
JSTARS.....		60,000	240,221	200,221
TOTAL, TACTICAL PROGRAMS.....	75,707	625,707	805,228	765,228
INTELLIGENCE & COMMUNICATIONS:				
MAP/CHART/GEODESY.....	975	975	975	975
MAP/CHART/GEODESY INV/PROTOTYPE DEV.....	20,197	18,197	18,197	18,197
MAP/CHART/GEODESY ENGR DEV/TEST.....	3,092	3,092	3,092	3,092
SUPPORT OF THE NCS.....	5,686	5,686	5,686	5,686
LONG-HAUL COMMUNICATION (DCS).....	18,935	16,935	16,935	16,935
CLASSIFIED PROGRAMS.....	1,089,730	933,054	1,042,098	1,039,227
CLASSIFIED PROGRAMS.....	737,118	695,318	719,718	735,318
(PY TRANSFER).....		(101,112)		
TOTAL, INTELLIGENCE & COMMUNICATIONS.....	1,875,733	1,673,257	1,806,701	1,819,430
DEFENSEWIDE MISSION SUPPORT:				
TECHNICAL SUPPORT TO USDR/E.....	23,593	23,093	23,093	23,093
GENERAL SUPPORT FOR PA/E.....	3,489	2,989	2,489	2,489
SUPPORT TO POLICY.....	6,445	6,300	6,000	6,000
GENERAL SUPPORT FOR NET ASSESSMENT.....	4,032	4,032	4,032	4,032
GENERAL SUPPORT FOR MRA/L.....	3,117	3,117	3,000	3,000
CRITICAL TECHNOLOGY.....	2,792	2,792	2,792	2,792
TECHNICAL ANALYTICAL SUPPORT.....	16,001	15,001	15,001	15,001
TAPISTRY.....	2,793		2,793	
BLACKLITE.....	4,000	4,000		4,000
DEFENSE TECHNICAL INFO CENTER.....	21,656	20,000	19,056	19,056

[In thousands of dollars]

	Budget	House	Senate	Conference
INFORMATION ANALYSIS CENTERS	6,550	4,500	6,300	4,500
MANAGEMENT HEADQUARTERS SDI	9,222	9,222	9,222	9,222
MGT HQ (RESEARCH/DEVELOPMENT)	13,148	12,148	12,148	12,148
INDUSTRIAL PREPAREDNESS	5,000	2,080	5,000	5,000
TECHNOLOGY TRANSFER FUNCTIONS	1,645	1,645	1,645	1,645
TOTAL, DEFENSEWIDE MISSION SUPPORT	123,483	110,919	116,349	111,978
CONSULTANTS, STUDIES & ANALYSES		-10,000	-10,000	-10,000
GENERAL REDUCTION		-42,000	-1,587	-122,587
RESTORATION OF CIVILIAN PAY REDUCTION			1,200	600
FY-1986 INFLATION SAVINGS		-6,400		-6,400
PRIOR YEAR PROGRAM SAVINGS (PY TRANSFER)		-47,000	-51,000	
PRIOR YEAR INFLATION SAVINGS (PY TRANSFER)		(47,000)	(51,000)	
NATO COOPERATIVE R&D PROGRAMS		-31,000		
		(31,000)		
			50,000	25,000
TOTAL, RESEARCH DEVELOPMENT TEST + EVAL, DEF AGENCIES	7,953,900	5,943,038	7,033,745	6,668,386
TRANSFER FROM OTHER ACCOUNTS		(179,112)	(51,000)	
TOTAL FUNDING AVAILABLE	7,053,900	6,122,150	7,084,745	6,668,386
DIRECTOR OF TEST AND EVALUATION, DEFENSE FOREIGN WEAPONS EVALUATION	17,010	17,010	17,010	17,010
NATO COOPERATIVE R&D TESTING			50,000	25,000
TEST AND EVALUATION	86,490	76,490	76,490	76,490
TOTAL, DIRECTOR OF TEST & EVALUATION, DEFENSE	103,500	93,500	143,500	118,500

DEFENSE RESEARCH SCIENCES

The conferees agree to provide \$92,000,000 for Defense Research Sciences, of which \$1,000,000 shall be used only for advanced semiconductor research at the Oregon Graduate Center, \$1,000,000 shall be used only for research at Oklahoma State University, and \$5,000,000 shall be used only for development and acquisition, and related activities, of a supercomputer with capabilities equal to or better than those of the Tesseract model parallel supercomputer, being developed by Floating Point Systems for use in basic research at Cornell University.

DEFENSE NUCLEAR AGENCY

The conferees agree to provide \$373,550,000 for Defense Nuclear Agency, of which \$5,000,000 is to be used for development and acquisition, and related activities, of a supercomputer with capabilities equal or better than those of the Tesseract model parallel supercomputer, being developed by Floating Point Systems for use in basic research at Cornell University; and of which \$11,100,000 shall be used only for microelectronic engineering and imaging sciences, and related purposes, at the Rochester Institute of Technology, Rochester, New York.

STRATEGIC DEFENSE INITIATIVE

The conferees agree to provide \$2,750,000,000 for the Strategic Defense Initiative (SDI) instead of \$2,500,000,000 as proposed by the House and \$2,962,962,000 as proposed by the Senate. The conferees also agree to provide, separate from these amounts, \$9,222,000 for SDI Headquarters Management as proposed by the House instead of \$9,000,000 as proposed by the Senate.

In addition, the conferees agree that the Department of Defense should not establish

quotas, goals, or allocations as funding set-asides for offshore vendors concerning SDI research, and that whenever possible, SDI contracts should be awarded to U.S. contractors, subcontractors, and vendors, subject to the merit of these proposals. However, it is the sense of the Congress to encourage Allied participation in the SDI program on a competitive basis. These provisions, as proposed by the Senate, have been included in the bill.

SDI STUDIES AND ANALYSIS

The conferees note that the Office of Technology Assessment (OTA) has been conducting studies and analysis on the Strategic Defense Initiative at the request of the Congress. OTA has conducted reviews of the SDI research program, and issued reports on their findings pursuant to Congressional direction.

OTA will continue to study and review the SDI program, and is funded to do so under legislative branch appropriations. The conferees encourage OTA to continue the valuable work they are providing the Congress on the SDI research program.

The conferees agree to amend the House requirement for a study on SDI to be conducted by the National Academy of Sciences, and instead direct OTA to conduct this study. The study shall include an analysis of the feasibility of meeting SDI computer software requirements. Language has been provided in the bill specifying that \$700,000 for this study shall be made available from funds provided for RDT&E, Defense Agencies.

MANAGEMENT SAVINGS BY SECRETARY OF DEFENSE

On May 14, 1985 the Secretary of Defense recommended a reduction of \$100,000,000 to the Research, Development, Test and Eval-

uation, Defense Agencies funding already available in fiscal year 1985 as an offset against this fiscal year 1986 request. The Secretary stated that "savings of this nature are usually identified in the normal course of consideration of the Department's budget by the Congress and are reflected as legitimate financing adjustments in the appropriation bill."

The Secretary has since indicated that the allocation of this reduction to the National Security Agency by the House is incorrect. The conferees therefore agree that the reduction is not to be applied to NSA funding. Rather, it is reflected temporarily as a general reduction to the Research, Development, Test and Evaluation, Defense Agencies account with the understanding that the Secretary must submit a prior approval reprogramming specifying the source of the appropriations and management savings which will offset this unallocated cut to the Research, Development, Test and Evaluation, Defense Agencies account.

PRIOR YEAR SAVINGS

The conferees recognize \$82,000,000 in prior year savings in Research, Development, Test and Evaluation, Defense Agencies. The sources and uses of these savings are identified in this Statement of Managers under the heading "Availability of Unobligated Balances."

TITLE VI—REVOLVING AND MANAGEMENT FUNDS

The conferees agree to the following amounts for the revolving and management fund accounts:

[In thousands of dollars]

	Budget	House	Senate	Conference
Revolving and Management Funds:				
ARMY STOCK FUND	442,000	393,000	393,000	393,000
NAVY STOCK FUND	716,500	616,500	638,500	638,500
MARINE CORPS STOCK FUND	42,700	37,700	37,700	37,700
AIR FORCE STOCK FUND	464,900	415,900	415,900	415,900

[In thousands of dollars]

	Budget	House	Senate	Conference
DEFENSE STOCK FUND	193,500	149,700	174,500	149,700
MARINER FUND			(852,100)	
ADP EQUIPMENT MANAGEMENT FUND			150,000	100,000
TOTAL REVOLVING AND MANAGEMENT FUNDS	1,859,600	1,612,800	1,809,600	1,734,800
TRANSFER FROM OTHER ACCOUNTS			(852,100)	
TOTAL FUNDING AVAILABLE	1,859,600	1,612,800	2,661,700	1,734,800

The following items represent language as agreed to by the conferees:

ARMY STOCK FUND

The conferees agree to provide \$393,000,000 as recommended by the House and the Senate.

NAVY STOCK FUND

The conferees agree to provide \$638,500,000 as recommended by the Senate instead of \$616,500,000 as recommended by the House.

The conferees agree with the Senate recommendation to make available \$59,000,000 from within Navy Stock Fund peacetime inventory build funds to procure supplies for the Reserve Naval Construction Force.

MARINE CORPS STOCK FUND

The conferees agree to provide \$37,700,000 as recommended by the House and the Senate.

DEFENSE STOCK FUND

The conferees agree to provide \$149,700,000 as recommended by the House instead of \$174,500,000 as recommended by the Senate.

AIR FORCE STOCK FUND

The conferees agree to provide \$415,900,000 as recommended by the House and the Senate.

MARINER FUND

The conferees agree to delete the Mariner Fund account proposed by the Senate. Instead, Section 8103 dedicates \$852,100,000 as a portion of the prior year unobligated balances, and makes obligations contingent upon enactment of authorizing legislation and subsequent review by the Appropriations Committees. This matter is further explored under the heading "Availability of Unobligated Balances" in the General Provisions section of this statement.

ADP EQUIPMENT MANAGEMENT FUND

The conferees agree to provide \$100,000,000 instead of the \$150,000,000 as recommended by the Senate. Details of the adjustments are as follows:

MANAGEMENT OF GENERAL PURPOSE AUTOMATIC DATA PROCESSING RESOURCES

The conferees agree that the House and Senate have identified persisting problems with the Defense Department's management of ADP resources. They stem from deficiencies of both a management and fiscal nature.

Management Reforms.—The conferees agree that management of general purpose automatic data processing resources, including those covered by the Warner amendment, should be immediately consolidated under the policy oversight of the Comptroller of the Defense Department. The Comptroller must demonstrate during the fiscal year 1987 appropriation hearings that aggressive action is being taken to address concerns raised by the Appropriations Committees related to the management of these resources. The conferees recognize that Department-wide participation is necessary,

but the Comptroller should enforce standards and policies through the Major Automated Information System Review Council. The House agrees to waive the following Defense Department reporting requirements to the Congress since the Comptroller is expected to develop the necessary internal management tools to accomplish the objectives of the House report: delegation of oversight authority, new starts of major automated information systems, logistics systems, lease/purchase criteria, buyout of uneconomical ADP leases funded in operating appropriations, buyout of uneconomically leased office automation equipment, Pentagon automation, ADP acquisition training, local area networks, and software obsolescence. The Secretary of Defense should report by April 15, 1986 on the Defense Department's implementation of the management system to achieve these objectives.

The conferees agree to the House reporting requirements pertaining to automated logistics systems, collocation of ADP and telecommunications centers, and supercomputers. The conferees expect the Comptroller to make a good faith effort to improve ADP budget justification material submitted with the fiscal year 1987 budget, and to work with the Appropriations Committee staffs to achieve complete and standard justification for the fiscal year 1988 budget. The conferees also agree to the House language on TRIMIS, DEERS, ADPER, CAMIS, NALCOMIS, NICADMM, Phase IV, and AFLC Modernization.

Fiscal Reforms.—The Senate proposed establishment of a DoD ADP management fund in an attempt to redress financial disincentives which currently adversely affect cost effective acquisition of DoD ADP equipment. The conferees agree both to establishment of an ADP management fund, to be initially capitalized at \$100,000,000, and to a general provision allowing DoD to move funds between appropriations in order to achieve the Congressional mandate that DoD general purpose ADP equipment be acquired in the most cost-effective manner. This DoD fund and attendant transfer authority in the general provision must be managed by the Office of the Secretary of Defense as envisioned by the Senate report. It cannot be delegated. The Department must ensure that a properly documented audit trail exists for all resources consumed using these authorities, to ensure strict internal control of resources and to facilitate future Congressional evaluation of the effectiveness of these initiatives. The Secretary of Defense should include a recommendation for continuation or termination of the management fund and its attendant transfer authority to accompany submission of the fiscal year 1989 budget to Congress.

The conferees direct that each service apply the necessary amount of procurement funds in fiscal year 1986 to meet programmed requirements of the Congressionally directed buyout of uneconomically

leased ADP equipment funded in the Operation and Maintenance appropriations. Further, the conferees direct that no funds will be diverted from the buyout of uneconomical leases for other purposes or programs. The Department should also use the newly created ADP management fund and attendant transfer authority to ensure that uneconomical ADP leasing in any DoD appropriation or fund ceases.

TITLE VII—RELATED AGENCIES

INTELLIGENCE COMMUNITY STAFF

The conferees agree to provide \$22,083,000 for the Intelligence Community Staff as proposed by the House instead of \$22,283,000 as proposed by the Senate.

TITLE VIII—GENERAL PROVISIONS

The conferees agree to the following language in the General Provisions:

RESTRICTIONS ON SUPPORT FOR MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA

The House bill contained a provision (Sec. 8050) prohibiting material assistance to the Nicaraguan democratic resistance by the Central Intelligence Agency, the Department of Defense, or any other entity of the United States government involved in intelligence activities. The House provision also stated that this prohibition did not impair or affect the authority of the Nicaraguan Humanitarian Assistance Office to administer humanitarian assistance to the Nicaraguan democratic resistance under the terms and conditions specified in the Supplemental Appropriations Act, 1985 (P.L. 99-88). The Senate bill did not include any type of prohibition concerning funds for Nicaragua, relying on restrictions in the authorizing Act.

The conferees have included new language (Sec. 8050) which prohibits the expenditure of any funds or the providing of any assistance to the Nicaraguan democratic resistance other than to the extent provided for and under the terms and conditions specified by Section 105 of the Intelligence Authorization Act (P.L. 99-169) for fiscal year 1986. This provision permits the exchange of information with the Nicaraguan democratic resistance and permits a specified classified amount of funds for communications equipment and related training for the Nicaraguan democratic resistance. The conferees also note that this section will not impair or affect the authority of the Nicaraguan Humanitarian Assistance Office to administer humanitarian assistance to the Nicaraguan democratic resistance.

FORT DERUSSY

The House included a provision prohibiting the sale, lease, rental or excessing of any portion of Fort DeRussy, Honolulu, Hawaii. The Senate included a provision permitting the sale of up to 45 acres of land on Fort DeRussy to the city or county of Honolulu or the state of Hawaii. The conferees agreed with the House provision (Sec. 8055).

However, the conferees agree that the Department of Defense should study the availability of excess land on Fort DeRussy and the possible civic (non-commercial) uses the property could support. The Department should report to the cognizant congressional committees by April 15, 1986, where the committees are urged to take action on the sale of the property.

UNEMPLOYMENT COMPENSATION

The conferees agree to a general provision (Sec. 8057) that limits payments to the Department of Labor for unemployment compensation costs to \$166,766,000, instead of the House limitation of \$189,300,000 and the Senate limitation of \$171,300,000.

DISTRICT HEATING

The conferees agree to the Senate provision on district heating (Sec. 8070). This provision provides an exception to allow the conversion or consolidation of heating facilities to district heating distribution systems at Bad Kissingen, Hessen, in the Federal Republic of Germany. The conferees reached the decision only with the understanding that the Department would immediately initiate the conversion to coal of steam plants in the CONUS, as discussed elsewhere in this report.

LOCAL HIRE

The conferees agree to the Senate general provision (sec. 8078) with an amendment stating the provision should be in effect only in fiscal year 1986. Further, the conferees agree that on union contract jobs a worker released by the union should be considered a resident of Alaska.

CHAMPUS HOME HEALTH CARE

The conferees agree to the general provision (Sec. 8084) included in the House bill with clarifying language which stipulates this program will cover home health care when CHAMPUS determines it is more cost effective than care which would otherwise be covered by CHAMPUS in medical facilities.

The conferees want it to be clear the intent of the provision is to save funds by identifying the most cost effective means for health care coverage to be provided by the government. Further, the conferees agree this will be a two year test and should not be considered a permanent change in CHAMPUS benefits.

READY RESERVE TUITION ASSISTANCE

The conferees agree to the Senate provision (Sec. 8086) on tuition assistance for the Ready Reserve. The conferees agree that the purpose of this tuition assistance is to provide for part-time education and degree programs, and should not be used for full-time degree programs which are provided by the Veterans Administration through GI Bill benefits.

ARMY LANDS CONVEYANCE

The conferees agree to Senate bill language (Sec. 8092) which directs that a sanitary landfill site on Fort Richardson in Alaska be conveyed to the Municipality of Anchorage if the site is declared excess to the needs of the Army. The language agreed to by the conferees is intended only to ensure that the landfill site, if excessed, is conveyed to the Municipality of Anchorage as public interest land. It has no bearing on any dispute over the legal effect of other provisions of the public interest lands section of the North Anchorage Land Agreement (NALA)—including the allocation of subsurface revenues among various native corporations.

DEBRIS REMOVAL

The Senate included a general provision which allows the removal of unsafe and unsightly buildings and debris from sites formerly used by the Department of Defense. The House did not address this issue. The conferees agree to a general provision (Sec. 8096) that allows the removal of unsafe buildings or debris, provided that it is done before the property leaves federal government control, unless the property is owned by a state or local government or native corporations.

SALE OF ALCOHOLIC BEVERAGES

The conferees agree to the Senate provision (Sec. 8099) which requires the Department to procure alcoholic beverages from the states in which Defense installations are located.

DEPENDENT STUDENTS TRAVEL

The Senate included a general provision (Sec. 8101) which places a limitation on the amount of funds available for Dependent Student Travel, and also denies travel under this program in the continental United States. The House removed this provision from its bill. The Conferees agree to continue the limitation at \$4,700,000, but have deleted the CONUS travel restrictions.

AVAILABILITY OF UNOBLIGATED BALANCES

The conferees agree to set aside prior year unobligated balances of appropriations and retain them for anticipated requirements of the Defense Department, including military personnel costs and other needs, some of which may be established by subsequent acts of Congress. Under prescribed procedures, these unobligated balances, totaling \$6,306,906,000, may be transferred by the Secretary of Defense to the major appropriation accounts and obligated only upon 15-day prior notification to the House and Senate Appropriations Committees. Section 8103 of the bill also provides that the availability of these unobligated balances is not extended beyond the time period specified when they were appropriated.

In notifying the Appropriations Committees of intent to transfer and obligate any prior year balances under this authority, the conferees instruct the Secretary to adhere to established reprogramming procedures. In this respect, full budget justifications should be submitted and, when required, additional time granted if needed by the Committees to permit adequate review and analysis and, if necessary, hearings on requirements and both programmatic and budgetary impacts.

The estimated costs of the October 1, 1985, military pay raise will be a clear requirement covered by the unobligated balances set aside. Estimated costs are \$1,887,000,000, but the conferees will expect the Department of Defense to absorb as much of this cost as possible with the reduced budget resources available to it for fiscal year 1986—resources that will be reduced further under deficit reduction legislation just enacted by Congress.

The conferees recognize there may be substantial funding adjustments established by legislation that may be introduced in the 99th Congress. For example, savings were anticipated by Congress in its passage of the fiscal year 1986 Defense Authorization Act based on proposals for military retirement changes. That Act established ceilings on the military personnel accounts reflecting estimated cost savings, and funding in the accompanying Defense Appropriations Bill conforms to those limitations. It is not possible at this juncture to determine the cost

effects of the eventual retirement reform legislation.

Accordingly, the conferees have included a provision as proposed by the Senate that requires a reduction in military personnel account obligations after May 1, 1985, to achieve a spending rate that will not exceed the obligation ceilings of the authorization act. Such reductions would require substantial personnel cuts in the absence of the anticipated legislation affecting retirement payment savings.

The following table details the program sources of prior year unobligated balances:

Appropriation and Line Item

	Amount
Aircraft Procurement, Army, 1985/1987:	
EH-60	\$64,300,000
AH-1S	20,000,000
CH-47	17,500,000
GPS	16,100,000
Total	117,900,000
Missile Procurement, Army, 1984/1986:	
MLRS	10,100,000
Missile Procurement, Army, 1985/1987:	
MLRS	31,400,000
Prior Year Savings	25,000,000
Total	56,400,000
Procurement of Weapons and Tracked Combat Vehicles, 1984/1986:	
DIVAD	256,600,000
DIVAD DMPE	20,800,000
DIVAD Spares	2,100,000
DIVAD Adv. Proc.	4,400,000
M-1	52,600,000
Total	336,500,000
Procurement of Weapons and Tracked Combat Vehicles, 1985/1987:	
DIVAD Adv. Proc.	100,000,000
DIVAD Spares	46,500,000
DIVAD DMPE	36,000,000
M-1	25,300,000
SAW	12,900,000
BFV-ISU	21,700,000
M-88	2,800,000
M-60 PBS	8,600,000
Total	253,800,000
Procurement of Ammunition, Army, 1984/1986:	
Prior Year Inflation	30,000,000
DIVAD	400,000
Total	30,400,000
Procurement of Ammunition, Army, 1985/1987:	
DIVAD	37,700,000
Prior Year Inflation	48,000,000
120mm	28,100,000
Prior Year Savings	33,900,000
Total	147,700,000
Other Procurement, Army, 1984/1986:	
FAV	2,000,000

		Amount		Amount		Amount	
Prior Year Inflation		79,000,000		Landing Craft		T-46 EPA	
Total		81,000,000		Post Delivery		B-52 Mod DoD Rev	
Other Procurement,				Total		KC-135 Mod DoD Rev	
Army, 1985/1987:				398,600,000		Common Ground Equip..	
FAV		5,400,000		Shipbuilding and Conver-		ALQ-131 ECM Pod	
ADPE (CAMIS)		10,200,000		sion, Navy, 1985/1989:		C-130H	
NAVSTAR GPS		7,300,000		Trident		C-131 Mod	
M-9 ACE		12,400,000		CG-47		Total	
Prior Year Inflation		95,000,000		DDG-1		864,000,000	
Prior Year Savings		46,200,000		LSD-41		Missile Procurement, Air	
Total		176,500,000		LPD SLEP		Force, 1984/1986:	
Aircraft Procurement,				T-AO		AMRAAM	
Navy, 1984/1986:				T-AGOS		Total	
EA-6B		1,000,000		T-AGS		Missile Procurement, Air	
AV-8B		16,500,000		T-ACS		Force, 1985/1987:	
F/A-18		10,900,000		Post Delivery		Prior Year Savings	
SH-2F		6,400,000		Total		Reprogramming Denial ..	
Mods		20,300,000		517,800,000		Total	
Aircraft Support Fac		1,500,000		Other Procurement, Navy,		53,400,000	
Uncommitted		4,200,000		1984/1986:		Other Procurement, Air	
Total		60,800,000		AN/SYS ()		Force, 1984/1986:	
Aircraft Procurement,				NAVSEA Tng Equip		MARS Radar	
Navy, 1985/1987:				Air Station Support		Prior Year Inflation	
A-6E		4,700,000		SATCOM Ship Termi-		Total	
EA-6B		4,200,000		nals		94,127,000	
AV-8B		139,200,000		Explosive Ord Disposal ..		Other Procurement, Air	
F/A-18		176,200,000		Prior Year Inflation		Force, 1985/1987:	
CH-53E		6,500,000		Total		30mm API	
SH-60		49,300,000		75,790,000		DEW Radar	
E-2C		7,300,000		Other Procurement, Navy,		MARS Radar	
SH-2F		6,700,000		1985/1987:		Prior Year Inflation	
Mods		92,900,000		Other Propulsion Equip..		Prior Year Savings	
Aircraft Support Fac		3,500,000		Carrier Nav System		Total	
Total		490,500,000		Sub Life Support		253,349,000	
Weapons Procurement,				Diving/Salvage Equip		Procurement, Defense	
Navy, 1985/1987: Prior				AN-SYS ()		Agencies, 1984/1986:	
Year Savings		15,000,000		Sonar Switches		Prior Year Inflation	
Shipbuilding and Conver-				ASW Ops Center		Procurement, Defense	
sion, Navy, 1982/1986:				Carrier ASW Module		Agencies, 1985/1987:	
SSN-688		66,300,000		ICAD Systems		Prior Year Inflation	
CG-47		125,000,000		NAVSTAR GPS		Total	
FFG		40,100,000		Air Station Spt Equip		96,130,000	
T-AO		19,000,000		TSEC/KY-71/72		Research, Development,	
Outfitting		3,800,000		Explosive Ord Disposal ..		Test and Evaluation,	
Post Delivery		700,000		Quickstrike		Army, 1985/1986:	
Escalation		136,700,000		Prior Year Inflation		Infantry Supt Wpns	
Total		391,600,000		Prior Year Savings		Countermines & Bar-	
Shipbuilding and Conver-				Total		riers	
sion, Navy 1983/1987:				200,693,000		Prior Year Savings	
Trident		134,900,000		Procurement, Marine		Prior Year Inflation	
Battleship		5,000,000		Corps, 1985/1987:		Reprogramming Denial ..	
CVN		304,000,000		PLOW		Total	
CG-47		163,200,000		SAW		96,130,000	
FFG		20,100,000		ULCS-LCS		Research, Development,	
T-AO		11,000,000		Prior Year Savings		Test and Evaluation,	
T-AH		5,800,000		Total		Navy, 1985/1986:	
Service Craft		3,900,000		47,717,000		Support Equipment	
Outfitting		5,600,000		Aircraft Procurement, Air		C/MH-53E	
Post Delivery		9,500,000		Force, 1984/1986:		A/C Engines Comp Impr	
Escalation		28,300,000		B-1 Overtarget Res		Pro	
Total		691,300,000		Engine Costs		Prior Year Savings	
Shipbuilding and Conver-				ALR-74		Prior Year Inflation	
sion, Navy, 1984/1988:				EPA Savings		Total	
Trident		151,900,000		DoD Revision		188,000,000	
CG-47		94,600,000		KC-10 EPA		Research, Development,	
LSD-41		6,000,000		C-130H		Test and Evaluation,	
LHD-1		37,900,000		Total		Air Force, 1985/1986:	
T-AO		26,400,000		246,400,000		F-4G Wild Weasel	
T-AH		2,200,000		Aircraft Procurement, Air		Squad	
T-AKR		12,600,000		Force, 1985/1987:		Prior Year Inflation	
Service Craft		44,000,000		B-1 Overtarget Res		Prior Year Savings	
				F-15 DoD Revision		Total	
				F-16 ASPJ		264,000,000	
				Engine Costs		Research, Development,	
				ALR-74		Test and Evaluation,	
				EPA Savings		Defense Agencies,	
				DoD Revision		1985/1986:	
				KC-10 EPA		Prior Year Savings	
						51,000,000	

Prior Year Inflation	Amount 31,000,000
Total	82,000,000

MARINER FUND

The conferees agree to designate within the set-aside for unobligated balances that \$852,100,000 shall be available for a revolving Mariner Fund for the construction and lease of cargo vessels configured for the military sealift mission. No funds could be transferred to the Mariner Fund nor obligated for any purpose without enactment by Congress of legislation establishing the Mariner fund program. Further, no funds could be obligated without notice to the House and Senate Appropriations Committees and after a 60-day review period following that notification.

It is the conferees' intent that, in the event of enabling legislation, the Appropriations Committees will have ample time to conduct hearings and otherwise review and approve any obligations for ship construction under the Mariner Fund mechanism. The conferees endorse the goal of establishing a modern sealift fleet, operating under revenue-producing charters and immediately available for military use in event of emergencies. However, full Congressional review at both the authorization and appropriations level is essential to assure the most cost-effective use of any funds made available to the Mariner Fund.

The concept of this build and charter program is patterned after President Eisenhower's Mariner program to construct ships for commercial operation which may be used for military sealift. This is a cost effective alternative to the construction of ships which are placed in an inactive status with the Ready Reserve Fleet. The Navy has been procuring used commercial vessels for retention in the inactive fleet; but the supply of militarily useful ships is dwindling. Although there is an excess of commercial tonnage on the world economy today, there is a severe shortage of vessels which are of the size, capacity and speed requirements for military sealift needs. Consequently, the Navy would be responsible for administering the Fund and selecting the types of vessels to be built under the Mariner Fund which maximize military utility while retaining commercial cost effectiveness features. Subsequent to the enactment of the authorizing legislation, but prior to obligation of funds, the Navy is required to provide a report to the Appropriations Committees on the types of vessels selected.

In addition to the \$852,100,000 which may be made available, the authorizing legislation should identify the source of other revenues to maintain the program. Specifically, the legislation should provide for the lease of vessels constructed to the bidder of the highest competitive lease payment to the Fund. Similarly, construction contracts should be competitively awarded to the lowest bidder. In addition, such revenues as may accrue from repayment of construction differential subsidies should be permitted by the authorizing legislation to revert to the Mariner Fund. Consideration should also be given to the use of funds from the sale of such vessels constructed under the Mariner Fund, provided that the ships are at least five years old prior to sale.

After authorization is enacted, no funds shall be obligated until 60 days after notification to the House and Senate Appropriations Committees of the Navy's intent to incur contract obligations. The conferees direct that the following shipbuilding funds

are not to be obligated without such approval. Although previously identified as a portion of the unobligated balances earlier in this statement, these funds are specifically earmarked for the Mariner Fund.

Shipbuilding and conversion, Navy

Fiscal Year 1983:	
Trident Submarine	\$134,900,000
CVN Aricraft Carrier	304,000,000
CG-47 Cruiser	163,200,000
FFG-7 Frigate	20,100,000
Service Craft	4,000,000
Fiscal Year 1984: Trident	
Submarine	151,900,000
Fiscal Year 1985: DDG-51	
Destroyer	74,000,000
Total	852,100,000

INTERPORT DIFFERENTIAL

The Senate continued the provision (Sec. 8104) first included in the fiscal year 1985 Supplemental which prohibits the Navy from considering charges for interport differentials as an evaluation factor for ship repair contract awards. The House did not include this provision. The conferees believe there is insufficient data available to determine whether the use of the differential is appropriate. The conferees direct the Department to initiate a test through fiscal year 1986 to determine the effects of the differential on competition and the cost of ship repair. To that end the conferees have agreed to apply the prohibition against use of the interport differential to the West coast only. This action will allow the Navy to compare results on the West coast, without the differential, against those of the East and Gulf coasts with the differential.

GUNTER AIR FORCE BASE PRINTING PRESS

The conferees agree with the Senate position and include a provision (Sec. 8105) prohibiting funding for the installation, maintenance and operation of the printing press recently purchased for the Gunter Air Force Base. The conferees direct that the Air Force report to the House and Senate Appropriations Committees by February 1, 1986, on how it will dispose of the printing press.

COMMAND STRUCTURE

The conferees are concerned with recent decisions to reorganize headquarters commands without full congressional consultation prior to approval. This is especially disconcerting when it results in additional bureaucratic layers. However, the conferees agree to delete that portion of the Senate general provisions which restricts funding of the reorganized Atlantic Command because of the danger of disrupting operations of the Command. The conferees agree to prohibit the alteration of the present structure of U.S. military forces in Alaska as proposed by the Senate (Sec. 8107).

CONVERSION OF DOMESTIC MILITARY FACILITIES TO COAL-BURNING FACILITIES

The conferees agree to a new general provision (Sec. 8110) on the use of coal in the United States. Specifically, in order to fully promote greater reliance on domestic energy resources, the conferees direct the Department of Defense to implement immediately its proposal to rehabilitate and convert current steam generating plants at defense facilities in the United States to coal burning facilities. This is directed in order to achieve a coal consumption target of 1,600,000 short tons of coal per year above current consumption levels at DoD facilities in the United States by fiscal year 1994. Further, the conferees direct that anthra-

cite or bituminous coal shall be the source of energy at such installations.

During the implementation of this proposal, the amount of anthracite coal purchased by the Department shall remain at least at the current annual purchase level, 302,000 short tons. In order to maintain this level, the Department shall begin immediate stockpiling within the continental United States, and it shall vigorously pursue those rehabilitation projects which can convert to anthracite coal usage.

The Conferees direct that \$25,000,000 in the Army Industrial Fund shall be available to initiate this conversion proposal. Moreover, the Department shall have the authority to fund from within this amount any expenses incurred in the administrative support of this effort. The Conferees further direct the department to present a comprehensive plan for this coal conversion proposal and to include appropriate funding in future budget submissions.

TITAN II EXPENDABLE LAUNCH VEHICLES

The conferees agree that the joint DOD-NASA determination of which Department of Defense payloads will be launched on Titan II expendable launch vehicles will be made and reported to the Congress within 180 days of enactment. (Sec. 8111)

TITLE IX—COUNTERTERRORISM CONTINGENCY FUND

In his Annual Report to the Congress, the Secretary of Defense stated that "the United States will continue to seek a more active defense against terrorist attacks throughout the world." The conferees fully support maintaining an active defense against terrorism and believe that counterterrorism programs should be given a top priority since the terrorist threat is most likely one to be faced by the U.S. in the near term. Since the Secretary of Defense specifically requested that the \$100,000,000 provided by the Senate not be appropriated, the conferees reluctantly agree to delete Title IX from the bill. However, in order to ensure that these critical programs are adequately financed, by March 31, 1986, the Secretary of Defense is directed to submit a report to the House and Senate Committees on Appropriations identifying what funds are included in the fiscal year 1987 budget request for contingency operations against the threat of or use of violence against United States personnel or property.

Amendment No. 5: Deletes Senate language which deleted sections 8097, 8098, 8099, and 8100 of the Department of Defense Appropriation Act, 1986 as passed the House on October 30, 1985 and section 8090 of the Act as reported to the Senate on November 6, 1985. These provisions pertain to the several procurement reform issues which were deleted from the Act.

DISTRICT OF COLUMBIA

Amendment No. 6: Changes subsection designation from "(d)" to "(c)" and provides that programs, projects, or activities provided for in the District of Columbia Appropriations Act for fiscal year 1986 (H.R. 3067) shall be available to the extent and in the manner provided for in the conference report and joint explanatory statement of the managers (H. Rept. 99-419), as filed in the House of Representatives on December 5, 1985, as if such Act had been enacted into law and provides that the appropriation for the Federal contribution to the District of Columbia for the "Criminal Justice Initiative" under Amendment No. 2 of H.R. 3067 shall be "\$13,860,000" instead of

"\$14,010,000" as proposed by the Senate. The House bill provided for a rate of operations based on the House-passed bill.

APPROPRIATIONS FOR THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

Amendment No. 7: Section 101(d) of House Joint Resolution 465 provides appropriations for programs, projects and activities provided for in the Department of the Interior and Related Agencies Appropriations Act, 1986. The House version of the joint resolution provides appropriations for programs, projects, or activities at a rate for operations and to the extent and in the manner provided for in H.R. 3011 as passed the House of Representatives on July 31, 1985. The Senate version of the joint resolution provides appropriations for these programs, projects, and activities at a rate for operations and to the extent and in the manner provided for in H.R. 3011 as reported to the Senate on September 24, 1985.

The conference agreement on House Joint Resolution 465 incorporates some of the provisions of both the House and Senate versions of the Department of the Interior and Related Agencies Appropriations Act, 1986, and has the effect of enacting the Act into law. The language and allocations set forth in House Report 99-205 and Senate Report 99-141 shall be complied with unless specifically addressed to the contrary in this joint resolution and accompanying statement of the managers. The Department of the Interior and Related Agencies Appropriations Act, 1986, put in place by this joint resolution, incorporates the following agreements of the managers:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT MANAGEMENT OF LANDS AND RESOURCES

Appropriates \$398,566,000 instead of \$378,556,000 as proposed by the House and \$403,998,000 as proposed by the Senate.

The net decrease from the amount proposed by the Senate includes: decreases of \$600,000 in oil and gas leasing; \$220,000 in oil shale and tar sands leasing; \$348,000 in withdrawal processing and review; \$4,748,000 in wild horse and burro management; \$841,000 in grazing management; \$1,000,000 in noxious weed control; \$300,000 to restore FTE's to the fiscal year 1985 level in wildlife habitat management; \$350,000 for the automated land and mineral record system in Alaska; \$500,000 for building maintenance and \$500,000 for transportation maintenance; and increases of \$100,000 in the amount reduced by the Senate to complete cost recovery regulations; \$1,000,000 to provide better protection of rare cultural resources; \$750,000 to protect designated wilderness areas as well as wilderness study areas; \$925,000 for recreation management and \$1,200,000 for the lower 48 states cadastral survey.

The managers agree that the desert land entry activity is to continue at the fiscal year 1985 level. The increase over the budget request for additional FTE's in wildlife habitat management is for priority wildlife management projects.

There is \$330,000 within available funds to support the President's Commission on Americans Outdoors.

Within available funds there is \$50,000 for the Barstow Way Station; \$25,000 for the Calico Early Man Site and \$100,000 for Soda Springs. There is also \$925,000 within available funds to implement resource management plans for Steese NCA and the White Mountains NRA.

Bill language relating to the proposed Bureau of Land Management/Forest Service interchange has been moved to title III.

The managers agree that an increase of \$500,000 is provided within available funds for hazardous waste control activities.

CONSTRUCTION AND ACCESS

Appropriates \$1,403,000 for construction and access as proposed by the Senate instead of \$1,203,000 as proposed by the House.

PAYMENTS IN LIEU OF TAXES

Appropriates \$105,000,000 for Payments in Lieu of Taxes as proposed by the Senate instead of \$102,900,000 as proposed by the House.

LAND ACQUISITION

Appropriates \$2,300,000 for land acquisition instead of \$2,800,000 as proposed by the House and nothing as proposed by the Senate. The amount made available includes \$1,000,000 for the Steens Mountain Recreation Area, \$300,000 for acquisition management, \$500,000 for the King Range Conservation Area and \$500,000 for wilderness inholdings.

OREGON AND CALIFORNIA GRANT LANDS

Appropriates \$56,114,000 for the Oregon and California Grant Lands instead of \$66,140,000 as proposed by the House and \$54,443,000 as proposed by the Senate. The changes from the House amount include a decrease of \$8,355,000 related to Forest Service activities which are included under the Forest Service and a decrease of \$1,671,000 from the amount included by the House to maintain the 1985 program level in all activities. Included in the appropriation is \$500,000 for anadromous fish initiatives and \$150,000 for restoring recreation projects in Western Oregon.

RANGE IMPROVEMENTS

The managers agree to provide \$10,000,000 as proposed by the Senate.

The managers have agreed to retain House bill language concerning grazing subleasing. New regulations have been promulgated and the managers want to ensure that they provide adequate control. To that end, the managers have agreed to ask the GAO to review subleasing and advise the Committees on the extent of the practice and the adequacy of the regulations.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

The managers have agreed to delete bill language proposed by the House regarding recovery of costs associated with preparation of environmental impact statements. The managers encourage the authorizing committees to review this matter and propose an appropriate resolution.

ADMINISTRATIVE PROVISIONS

The managers have agreed to bill language that will allow the Secretary of the Interior to resell timber within the Medford, Oregon BLM District, without further judicial review, that has been returned pursuant to the Federal Timber Contract Payment Modification Act if, as a result of administrative appeal or judicial review, there is a delay in the sale or award of timber, and only to the extent necessary to achieve sale of the allowable cut.

The language directs that the Secretary consider the environmental consequences of each sale and categorize each sale's environmental impact as minimal, moderate, or serious. Sales made pursuant to this section shall be made according to their relative environmental impacts. Once reoffered sales are defined and their degree of environmen-

tal impact assigned, they shall be available for public review for a period of 30 days before being reoffered.

The managers believe this is an appropriate resolution of last resort but want to emphasize the importance of resolving, at the local level, the many complicated and controversial issues involving competing and best use. Therefore, the BLM is directed to continue the consensus-building process it has pursued with local environmental and industry organizations. Specifically, the BLM should consider continuing the citizen participation committee, or other similar forum, by which management, planning and analysis information might be shared in order to lay a foundation for the next planning cycle. The Bureau shall report the results of its community participation efforts to the House and Senate Committees on Appropriations prior to their fiscal year 1987 budget hearings.

U.S. FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

Appropriates \$301,222,000 for resource management instead of \$317,202,000 as proposed by the House and \$303,522,000 as proposed by the Senate. The above amount includes decreases from the Senate of \$500,000 to expand public use programs on refuges, \$1,500,000 from the accelerated refuge maintenance management program, \$1,000,000 from hatchery maintenance, \$250,000 for fishery management activities, \$250,000 from operational and maintenance needs of the fishery research program, \$750,000 for refuge operation and maintenance, \$50,000 for law enforcement activities in the Caribbean, \$50,000 for the CITES permitting process, \$1,000,000 from administrative costs, \$410,000 for endangered species recovery, and \$110,000 from endangered species research; increases of \$1,000,000 to study the relationship between avian disease outbreaks and environmental contaminants, \$500,000 for Great Lakes Laboratory research as stated in the House report, \$150,000 for additional staff at the Gainesville Research Laboratory, \$70,000 for acid rain monitoring equipment at the Wellsboro National Fishery Research and Development Laboratory, \$1,100,000 for a forensics laboratory, \$500,000 for endangered species grants for the states, and \$250,000 for endangered species listing.

The Wellsboro acid rain monitoring program is to be closely coordinated with those of other federal agencies such as the Forest Service. The managers agree that the Fish and Wildlife Service should submit to the House and Senate Committees on Appropriations its plans for the forensics laboratory prior to implementation so that the Committees may review the site plans and schedules.

Within the \$6,926,000 provided for endangered species recovery there is \$300,000 for the peregrine falcon, \$50,000 for the grizzly bear, \$150,000 for Hawaiian forest birds, \$100,000 for the whooping crane, \$20,000 for the California brown pelican and \$200,000 for Upper Colorado River fish studies. The managers agree that within endangered species research there is \$110,000 for the Puerto Rico aviary, \$150,000 for black footed ferret research, \$100,000 for whooping crane research, and \$80,000 for Florida panther research.

The managers agree that the Fish and Wildlife Service should review the condition of the Nashua NH hatchery and make repairs as necessary. There is within available hatchery maintenance and operations funds

\$480,000 for Norfolk NFH and \$200,000 for Greers Ferry NFH. The managers agree that there is \$120,000 within available funds for the Upper Colorado River Federal-State working group.

Although administrative savings cannot be accumulated to offset future year budget needs, the managers agree that the Fish and Wildlife Service should document its administrative savings and report to the Committees no later than May 15, 1986 its anticipated administrative savings for fiscal year 1986.

There is \$330,000 with available funds to support the Presidential Commission on American Outdoors.

The managers agree that not less than \$3,300,000 for high priority projects within the scope of the approved budget shall be carried out by the Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408.

The funds provided for Great Lakes research are for research only and are not to be available for the Great Lakes Indian Treaty settlement.

The managers agree to provide no funding for the Animal Damage Control program. Instead, funds are provided to the Department of Agriculture. The managers anticipate that such a transfer will result in a more cost-effective program.

The managers agree with the Senate proposal for research on alternative non-toxic shot, including cost-sharing if feasible.

CONSTRUCTION AND ANADROMOUS FISH

Appropriates \$21,296,000 instead of \$18,209,000 as proposed by the House and \$15,033,000 as proposed by the Senate. The net increase of \$3,087,000 above the House position includes increases of \$600,000 for construction at Cape Charles NWR, Va and \$3,097,000 for high priority construction on Alaskan wildlife refuges; and a decrease of \$610,000 for the Northeast Fishery Center laboratory.

Language is included to earmark \$2,000,000 for Anadromous Fish Grants.

MIGRATORY BIRD CONSERVATION ACCOUNT

Appropriates \$15,000,000 as an advance to this account instead of \$10,000,000 as proposed by the House and \$20,000,000 as proposed by the Senate. The Migratory Bird Conservation Commission (MBCC) should consider acquisitions in the Anderson-Tully, Cache, and White River areas.

LAND ACQUISITION

Appropriates \$40,670,000 instead of \$45,970,000 as proposed by the House and \$32,570,000 as proposed by the Senate. The following table shows the allocation agreed to by the managers.

Acquisition management....	\$1,600,000
American crocodile, FL	1,500,000
Bon Secour NWR, AL	1,000,000
Cape Charles NWR, VA	2,640,000
Coachella Valley/fringe-toed lizard, CA	5,000,000
Connecticut Coastal NWR, CN	1,030,000
Florida panther, Fakahatchee Strand NWR, FL	3,000,000
Great Swamp NWR, NJ	1,000,000
Hawaii forest birds, HI	6,000,000
Lower Rio Grande, TX	5,000,000
Lower Suwannee, FL	2,500,000
Minnesota Valley NWR, MN	2,000,000
Minnesota Elk Wildlife Refuge, WY	1,400,000
National Key Deer, FL	2,000,000
Steigerwald Lake Wetlands (Kerr Estate), OR..	600,000

Willapa NWR, WA	3,400,000
Inholdings	1,000,000
Total	40,670,000

Language proposed by the House to make the land acquisition at Cape Charles NWR, VA subject to authorization is deleted. The managers request that the Fish and Wildlife Service provide the House and Senate Committees on Appropriations assurance that the wildlife resource values of proposed land acquisitions in Puerto Rico at Cartegena and Tortuguero Lagoons will not be impaired if the Service does not proceed with the acquisition. The managers agree that within funds available for acquisition management there is \$100,000 to undertake a survey of the exterior boundary of the Tensas River NWR.

ADMINISTRATIVE PROVISIONS

The managers have agreed to delete House proposed bill language mandating repayment of funds advanced to or spent by the Fish and Wildlife Service for costs of the Fish and Wildlife Foundation.

The managers understand that the Foundation and the Service are establishing an agreement as to what the Foundation may do with funds advanced by the Service. The managers request that that agreement be submitted to the Committees with the fiscal year 1987 budget together with an evaluation of the legal requirement for the Foundation to repay all funds transferred to the Foundation, such as land acquisition funds that may pass through the Foundation.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

Appropriates \$627,763,000 for Operation of the National Park System instead of \$628,996,000 as proposed by the House and \$619,548,000 as proposed by the Senate.

The change from the Senate includes increases of \$500,000 for the Student Conservation Association; \$320,000 for Illinois and Michigan Canal Corridor; \$260,000 for interpretation and visitor services for Lowell National Historic Park; \$200,000 so that a new Park Police rookie class may be conducted; \$290,000 for Route 209 maintenance; \$4,626,000 for maintenance to restore the fiscal year 1985 level; \$1,088,000 to add nine parks to those where air quality monitoring is being conducted; \$150,000 for an airplane and pilot in Alaska; \$11,000 for U.S. ICOMOS; \$175,000 for Folger Theater; \$175,000 for Corcoran Gallery; \$175,000 for Phillips Gallery; \$175,000 for Arena Stage; \$175,000 for the National Building Museum; \$175,000 for the National Capital Children's Museum and \$450,000 for repairs and rehabilitation of William McKinley's tomb; and decreases of \$80,000 for restoration of big-horn sheep at Yosemite NP; \$400,000 for Yosemite NP, Mariposa Grove and building removal; and \$250,000 for Grand Canyon NP trail maintenance.

The managers agree that within available funds there is \$46,000 for Allegheny Portage NHS; \$250,000 for trail maintenance at Grand Canyon NP; \$400,000 for Yosemite NP for Mariposa Grove and for building removal; and \$100,000 to remove non-salvageable structures at Delaware Water Gap.

There is \$330,000 within available funds to support the Presidential Commission on Americans Outdoors.

The managers agree that improvements can be made in the allocation of cyclic maintenance and other funds appropriated to regional offices for distribution to various park units. The Park Service has acknowledged this in a letter to the Chairmen of the

Interior and Related Agencies appropriations subcommittees. In part, the letter reads as follows:

I would like to take the opportunity to comment on language included in the Senate Report on the Department of the Interior and Related Agencies Appropriation Bill for fiscal 1986 relating to the Cyclic Maintenance Program of the National Park Service.

Specifically, the Committee expressed its view that the Service has used cyclic maintenance funds for work that is inconsistent with the criteria established for the program. In addition, the Committee concluded that part of this problem stemmed from management of the program by the Regional Offices. The Committee recommended that \$40 million from Regionally managed programs be allocated to park base budgets.

These are serious concerns, and I have taken steps to determine to what extent they represent the exception rather than the rule. Our examination of the cyclic maintenance projects programmed in fiscal 1985 shows that the Service did redirect cyclic funds to construct several small maintenance structures in two parks, and in other instances used funds for work which would be more appropriately categorized as repair and rehabilitation. Although this work was accomplished within available authorities and did represent high priority needs, I acknowledge that improvements are needed in the definition and management of the Cyclic Maintenance Program.

To this end, I am directing that several steps be taken by field managers. Currently, the budget formulation process for the Cyclic Maintenance Program varies from Region to Region. In the near future, we will update guidelines and instructions for developing and executing the Cyclic Maintenance Program that will ensure consistency among Regions. Project requirements, based on strict program criteria, will be projected over a 10-year cycle and form the basis for annual funding allocations. Execution of the program will be closely monitored and appropriate reports submitted to the Appropriations Committees. Finally, we will more clearly differentiate the amounts budgeted for those projects which are cyclic in nature and those projects which are intended to repair and rehabilitate structures. The fiscal 1987 budget will reflect these improvements.

The Committee will monitor the Service's progress in improving the distribution of funds to the individual units.

The managers agree to the addition of an airplane and pilot for Alaska with the understanding that they will not be used to interfere with legal subsistence users.

The managers agree to a continuation of the Youth Conservation Corps program from within available funds at a level of \$3,300,000.

The managers agree within available park operating funds there are increases of \$157,000 for Jean Lafitte NP; \$150,000 for Saguaro NM; \$600,000 for Glen Canyon NRA; and \$150,000 for New River Gorge NR. Further, not to exceed \$150,000 shall be available to study the feasibility of several management alternatives to protect and interpret resources near Almo, Idaho, and \$150,000 shall be available for the completion of a historic structures report for the New River Gorge NR.

NATIONAL RECREATION AND PRESERVATION

Appropriates \$11,096,000 instead of \$11,467,000 as proposed by the House and

\$10,828,000 as proposed by the Senate. The managers agree that in addition to the amount proposed by the Senate there is \$168,000 for the recreation programs and \$100,000 for a national inventory of trails. The Park Service is encouraged to seek private sources of funds to assist in developing the national inventory of trails.

HISTORIC PRESERVATION FUND

The managers have agreed to provide \$20,535,000 for state historic preservation grants and \$4,410,000 for the National Trust for Historic Preservation.

VISITOR FACILITIES FUND

The managers have agreed to transfer the Visitor Facilities Fund amounts to the National Park Service, to be managed as part of the normal construction program. Despite the best efforts of all involved, the managers have concluded that the projects can be managed more effectively through the Service. The National Park Foundation is invited to continue to participate in the project selection process.

CONSTRUCTION

Appropriates \$114,121,000 instead of \$104,069,000 as proposed by the House and \$86,220,000 as proposed by the Senate.

The managers agree on the following increases to the budget request:

Boston NHP, MA (Bldg. 28).....	\$1,333,000
Cuyahoga Valley NRA (\$1,287,000):	
Erosion control	500,000
Everett road covered bridge.....	15,000
Coonrad ranger station and communications center	87,000
Everett village structures stabi- lization	235,000
Construction of three bridges...	450,000
Delaware Water Gap NRA.....	1,700,000
Faneuil Hall, Boston NHP (plan- ning).....	600,000
Gateway NRA, NY—Great Kills seawall repairs and new bath house.....	5,100,000
Golden Gate NRA, CA—Phil Burton Memorial.....	750,000
Gulf Islands NS, FL—visitor center.....	2,800,000
Hot Springs NP, AR—Fordyce bath house.....	2,100,000
Johnstown Flood NM, PA—visi- tor center planning	429,000
Lowell NHS, MA—Boott Mill complex, bldg. No. 6.....	3,360,000
Lowell Historic Preservation Commission	3,168,000
Mammoth Cave NP, KY—(water project).....	2,000,000
Voyageurs NP, MN—Kettle Falls Hotel, phase II, utilities for new units.....	1,065,000
William Howard Taft home, res- toration.....	850,000
Yellowstone National Park—re- habilitation of visitor facilities ..	6,540,000
Grand Canyon, AZ, power system—North Rim.....	3,900,000
Apostle Islands NL, WI.....	458,000
Burr Trail Scenic Road—Glen Canyon NRA and Capitol Reef NP, UT.....	8,100,000
Kenai Fjords, AK, visitor facility and storage/maintenance facili- ty.....	750,000
Sitka NP, Russian Bishop's House.....	742,000
Klondike Gold Rush NHP— buildings restoration.....	820,000
Federal Hall National Memorial, NY.....	1,000,000

Jean Lafitte NP, LA:

Eunice cooperative unit—A&E ..	250,000
Chalmette and Barataria—In- terpretive exhibits and A/V programs.....	561,000
Natchez Trace Parkway—Pal- metto crossing (\$1,180,000) and the Bay Springs area access (\$300,000).....	1,480,000
Buffalo National River.....	900,000
Fort Larned NHS, KS—Block- house reconstruction	262,000
Project planning	3,850,000
Advance planning	1,900,000
Visitor facilities fund	8,500,000

Within available planning funds there is \$350,000 for Women's Rights NHP and \$988,000 for Fort Union Trading Post in North Dakota. No funds are provided for the Arctic NP, AK. The funds for the Burr Trail are provided subject to authorization. The managers are confident that the authorizing committees will consider and resolve the authorization issue in a timely manner.

The Visitor Facility Fund projects provided for by transfer are as printed in the Senate Report.

The managers have agreed to continue development at Buffalo National River next year.

LAND ACQUISITION AND STATE ASSISTANCE

Appropriates \$98,400,000 instead of \$115,762,000 as proposed by the House and \$75,400,000 as proposed by the Senate. The following table shows the allocation agreed to by the managers:

Assistance to States:	
Matching grants.....	\$48,350,000
Administrative expenses.....	1,650,000
Total, assistance to States.....	50,000,000
National Park Service:	
Acquisition management	5,000,000
Appalachian Trail.....	7,000,000
Big Cypress NP.....	2,000,000
Big Thicket NP.....	2,000,000
Cuyahoga Valley NRA.....	4,500,000
Delaware Water Gap NRA	3,500,000
Golden Gate NRA (Marin County).....	2,000,000
Lake Clark NPP, AK.....	1,500,000
New River Gorge NP, WV.....	300,000
North Cascades, WA.....	1,000,000
Olympic NP.....	1,000,000
Point Reyes NS.....	1,000,000
Salinas NM, NM.....	600,000
San Antonio Missions NHS.....	2,000,000
Santa Monica Mountains NRA	8,000,000
Sleeping Bears Dunes NL.....	1,500,000
Inholdings	3,000,000
Emergencies, hardships, deficiencies, and relo- cations.....	2,500,000
Subtotal NPS.....	48,400,000
Total, National Park Service.....	98,400,000

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

Appropriates \$4,800,000 for the John F. Kennedy Center for the Performing Arts as proposed by the Senate instead of \$4,529,000 as proposed by the House.

JEFFERSON NATIONAL EXPANSION MEMORIAL COMMISSION

Appropriates \$75,000 for the Jefferson National Expansion Memorial Commission as proposed by the House instead of nothing as proposed by the Senate.

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

Appropriates \$431,961,000 for surveys, investigations, and research instead of \$428,098,000 as proposed by the House and \$437,655,000 as proposed by the Senate. The decrease below the amount proposed by the Senate consists of increases of \$500,000 for Geographic Information Systems (GIS); \$600,000 for the geothermal program; and \$2,500,000 for beginning a National water quality assessment; and decreases of \$2,000,000 for SLAR; \$1,500,000 for earthquake hazards investigations; \$1,800,000 for mineral resource surveys in Alaska; \$1,500,000 for study of erosion of coastal barriers in Louisiana; and \$2,494,000 for research and technical development grants under the Water Resources Research Act of 1984.

The managers agree that \$600,000 provided for mineral resource surveys in the Steese and White Mountain areas of Alaska is to be used for State of Alaska assistance to the Geological Survey and that the Geological Survey will complete the studies within available funds and in time for the Bureau of Land Management to meet the 1988 deadline for land-use decisions for these areas.

The managers agree that the Survey is to proceed within available funds to prepare a new estimate of offshore oil and gas resources in cooperation with the Minerals Management Service.

The managers agree that \$750,000 included for the core hydrologic program is for ground water research at the Oregon Graduate Center.

The managers agree to provide \$2,500,000 to begin a National water quality assessment program with the understanding that the Survey, and the Department, will endeavor to redirect existing water programs, strengthen existing programs that support water quality assessment, and obtain significant funding from other Federal agencies with water quality interests and responsibilities so that incremental increased funding for this important program can be kept to the lowest possible levels.

Bill language is included establishing a special fund in the Treasury for replacement and expansion of telecommunications facilities, as proposed by the Senate.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

Appropriates \$168,018,000 for leasing and royalty management instead of \$165,118,000 as proposed by the House and \$170,267,000 as proposed by the Senate. The decreases under the amount proposed by the Senate consist of \$2,014,000 for geological and geophysical data acquisition and \$235,000 for the Royalty Management Advisory Committee. The managers agree that if the Secretary of the Interior determines the need for an advisory committee it should be funded from within available resources. The managers expect MMS to be the lead agency and to cooperate fully with the Geological Survey in the estimating of offshore oil and gas resources. Further, the managers expect the MMS to use Geological Survey expertise to the maximum extent feasible on issues involving OCS research, including allowing

the Survey to bid on proposed work. Available "in-house" expertise should be considered before outside contractors are used.

Bill language is also included which requires permittees to supply geological and geophysical data to the Secretary of the Interior as a condition of the permit. The managers have agreed to delete bill language proposed by the House requiring the deduction of the cost of production, collection and distribution of revenues from Federal onshore mineral leasing operations before they are distributed to the States.

No additional funds are provided for late interest payments to States as proposed by the House. The managers agree that within available funds the Minerals Management Service should pay the penalties for late payments to States and Indian allottees. If the new Minerals Management computer system and upgrades outlined in the reprogramming request in 1984 do not result in timely payments of royalties to States and Indian allottees, consideration will be given to a supplemental request for such funds. Due to this action the bill language providing the authority for late interest payments to States has been revised and is included under Leasing and Royalty Management.

Bill language is included under Administrative Provisions which prohibits the use of funds for leasing in the North Atlantic-Georges Bank planning area as proposed by the House.

The managers have agreed that negotiations should continue between the Secretary and members of the California delegation and members from the appropriate committees of jurisdiction. The managers hope that these negotiations provide the appropriate range of advice to the Secretary as he strives to seek consensus. The outgoing negotiations process must continue so this longstanding dispute can be resolved.

If after a reasonable period there is no agreement between the parties, Congress may reconsider this matter. During negotiations and for the balance of fiscal year 1986, the Department of the Interior may proceed with preliminary sales steps including a Call for Information, and Nominations for OCS lease sales in the Southern, Central and Northern California Planning Areas.

BUREAU OF MINES

Appropriates \$134,255,000 for mines and minerals instead of \$122,298,000 as proposed by the House and \$131,445,000 as proposed by the Senate.

The change from the amount proposed by the Senate in health and safety technology consists of increases of \$600,000 for respirable dust research resulting in a total increase of \$2,200,000 over the budget request for respirable dust research to be conducted at Pennsylvania State University, West Virginia University, University of Minnesota, and the Massachusetts Institute of Technology; \$1,250,000 for work in ground control to accelerate mountain bump research and accelerate work in tomography; \$1,000,000 for post-disaster research; \$1,000,000 for industrial hazards for research in robotics; and \$1,000,000 for methane control. The managers agree that within available funds \$300,000 is to be used for a Coal Mine Injury Analysis Study at Pennsylvania State University.

In mining technology the change from the Senate recommendation consists of an increase of \$1,000,000 for proof-of-concept validation and a decrease of \$500,000 for research in in-situ leaching.

In minerals and materials the change from the Senate recommendation consists

of decreases of \$1,000,000 for research at the Idaho National Engineering Laboratory and \$500,000 for additional minerals and materials research.

In minerals information and analysis the change from the Senate recommendation consists of decreases of \$500,000 for the Alaska Field Operations Center; \$500,000 for data analysis; and a \$40,000 technical adjustment. The managers agree that within the funds available to the Alaska Field Operations Center, \$185,000 will be used for field testing of a Bureau-developed polymer-screen-dewatering technique at placer mining sites in Alaska.

The managers agree that the Bureau of Mines should continue to fund the 31 Mineral Institutes. The \$8,000,000 provided includes \$4,650,000 to be divided equally among the 31 Mineral Institutes; \$350,000 for administration and \$3,000,000 for a competitive research program among the institutes. In respect to the competitive research program, it is the managers' expectation that there will be open competition among all 31 Mineral Institutes for these funds with the focus being on the highest priority research problems.

Language is included which earmarks \$79,537,000 to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

Appropriates \$85,153,000 for regulation and technology instead of \$85,538,000 as proposed by the House and \$85,038,000 as proposed by the Senate. The change from the amount proposed by the Senate is for an increase of \$115,000 for 2 additional FTE's, resulting in a total of 10 additional FTE's, to be used to assist States when their programs falter. Of the 10 FTE's, no more than 6 are to be stationed in Oklahoma to ensure a smooth transition for Federal primacy to State primacy. The remaining FTE's are to be divided between the Eastern and Western field centers. The managers expect OSM to utilize some of these individuals to conduct special studies and to notify the Congress on a quarterly basis on the location of the 10 FTE's and the tasks for which they are responsible.

The managers agree that in respect to the development of the applicant/violator computer system, OSM is to report to the appropriate Committees of the House and Senate on the milestones established for computer development and the progress made in meeting these milestones. OSM is to utilize the guidelines for computer development printed in the House report to the maximum extent feasible.

Bill language is included which prohibits OSM from using funds to finalize or implement any proposed rule or regulation which would require operators to reimburse the Interior Department for the cost of processing applications. The managers agree that study of this area is necessary and request that OSM report to Congress on its findings from the planning, development, and review of such rule or regulation.

ABANDONED MINE RECLAMATION FUND

Appropriates \$207,385,000 for the Abandoned Mine Reclamation Fund instead of \$233,585,000 as proposed by the House and \$191,295,000 as proposed by the Senate. The change from the amount proposed by the Senate consists of increases of \$10,000,000 for State Reclamation Program Grants; \$6,000,000 for the Rural Abandoned Mine Program; \$94,000 to restore the 5 percent

pay reduction for General Administration; and a decrease of \$4,000 for the undistributed reduction in the budget request.

The managers agree that within available funds in Federal Reclamation Projects \$330,000 is to be used to maintain 40 FTE's in Wilkes Barre, PA. The Office of Surface Mining is to focus attention on processes which have demonstrated possible long-term or permanent control of bacterial action and acid formation on lands to be reclaimed under the AML program. In this regard, OSM is to report to the Committees on its findings as they relate to the administration of these bacterial control processes.

The managers have deleted bill language which would have stipulated that no State would receive a reclamation grant if its prior year unobligated balances of the amount granted was not less than the amount of the grant obligated in the immediately preceding year. Due to the reduced amount for State Reclamation Grants, the managers agree that OSM should use State obligation rates as one of the criteria for determining the fiscal year 1986 grants to the States. OSM is to keep updated obligation records of the States and report to the Committees on a quarterly basis on the progress made by States in obligating prior year unobligated balances. In order to accurately reflect State obligation rates, this report should contain information on date of request for such funds by the State and date of issuance of such funds by OSM. The managers agree that if the States can demonstrate a capability to use additional funds, the Committees will consider providing these funds in the next relevant appropriations bill.

Bill language is included which restricts the use of funds for a reclamation grant to any State if it does not agree to participate in a nationwide data system established by the Office of Surface Mining Reclamation and Enforcement. This language is in no way contrary to the decision in *Save Our Cumberland Mountain Inc., et al. v. Hodel, et al.*, Civil Action No. 81-2134 (D.D.C.) (Parker, J.), or otherwise affects the substance and scope of action required under Section 510(c) of the Act of August 3, 1977. The bill also provides that the Secretary of the Interior may deny fifty percent of an Abandoned Mine Reclamation Fund grant to a State when it is inadequately enforcing the Surface Mining Act or its approved State regulatory program. States are provided the opportunity of entering into an agreement with the Office of Surface Mining to correct these deficiencies with the understanding that entering into such agreement is not an admission of culpability and the Secretary will not take action pursuant to section 521(b).

The bill does not include language which would require the Secretary's discretionary fund to be apportioned based on the Abandoned Mine Lands Inventory. The managers direct the Office of Surface Mining to submit an analysis of the merits of all allocation formulas which have been generally discussed to date or which it wishes to propose prior to hearings on the fiscal year 1987 OSM budget. During this review, OSM should consider a formula which would give priority to States that have good obligation rates.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Appropriates \$897,312,000 for operation of Indian programs instead of \$857,303,000 as proposed by the House and \$877,780,000 as

proposed by the Senate. The changes from the amount proposed by the Senate include: increases of \$400,000 for weighted student unit enhancement, \$540,000 for school program expansions, \$450,000 for institutionalized handicapped (\$300,000 in education and \$150,000 in social services), \$500,000 for student transportation, \$318,000 for Johnson-O'Malley educational assistance, \$100,000 for special higher education, \$100,000 for upgrading equipment at Southwestern Indian Polytechnic Institute, \$122,000 for tribal courts, \$500,000 for general assistance payments, \$500,000 for training and technical assistance, \$500,000 for Navajo and Hopi relocation, \$236,000 for reforestation, \$449,000 for forest inventories and plans, \$400,000 for timber sales administration, \$1,600,000 for high priority water resource studies (including \$364,000 for the Flathead Tribe), an additional \$390,000 for U.S.-Canada Pacific Salmon Treaty (for a total of \$1,400,000), \$347,000 for tribal hatchery operations, including \$17,000 for the Mescalero hatchery, \$48,000 for the Quinault NPH, \$145,000 for the Klamath conservation program, \$1,000,000 for Phase II mineral assessments, \$100,000 for the Hopi Tribe's renegotiation of a coal lease, \$1,340,000 for litigation support, \$500,000 for Area Office facilities management staffing (to maintain the twenty positions proposed to be cut), \$2,000,000 related to quarters rentals, and \$247,000 for facilities operation and maintenance; and decreases of \$746,000 for school board expenses, \$100,000 for declining enrollment adjustment, \$100,000 for education base adjustment, \$500,000 for other social services, \$400,000 for Choctaw land acquisition (transferred to the land acquisition account), \$200,000 to the one-time grant to the Crownpoint Institute of Technology, \$17,000 for the Mescalero hatchery, and \$102,000 to management and administration.

With regard to the Klamath conservation program, the Bureau is directed to submit to the House and Senate Appropriations Committees within 30 days a report detailing what the required program is for the existing treaty rights program, not including the 700,000 acres of ceded land in dispute.

The managers agree the within available trust responsibility funds, \$315,000 is to be used to conduct a survey of hazardous waste sites.

Bill and report language are included under the Office of Construction Management regarding the BIA facilities program.

Bill language is included providing that Johnson-O'Malley funds shall be used for supplementary educational services only. The managers expect the regulations to be revised accordingly, and the Bureau to report on any savings incurred as a result, after the initial year of operation under such revised regulations.

The managers expect the National Ironworker Training Program to be funded at \$440,000, and the program to continue to be operated as it has in the past. The Alchey-Williams Creek complex should be maintained at the 1985 level. The facilities management area office staffing is to be removed from the priority system.

The Bureau is directly to provide the amount required for tribal contractor employee pay raises from available funds.

The Bureau is requested to review the proposed distribution of school board expenses. The managers direct that other education funds shall not be used to pay school board legal fees. The Bureau should ensure that all school boards are aware of and abide by 18 U.S.C. 1913.

All contract support costs associated with pass-through funds from the Department of Education should be supported from Department of Education resources.

Once the Pinon, AZ public school expansion is completed, and assuming it then has adequate space for all local students, the managers agree that the Bureau shall operate the Pinon Boarding School only as a peripheral dormitory.

The managers agree that \$500,000 of central office law enforcement funds shall be redistributed as directed in the Senate report. Within employment development, \$1,238,200 is provided to continue the United States Educational Technical Center, and \$100,000 for the United Sioux Tribes' employment assistance contract.

Within general administration funds, \$270,000 is provided for the Congressional and Legislative Affairs office.

The managers disagree with the Bureau's directive grandfathering all contract support funds on an individual contract basis, and expect the Bureau and Inspector General's office to review these costs, determine new rates, recover overpayments from prior years, and carry out any other requirements with respect to contract support.

Bill language is included providing a cap on ADP expenditures. The managers repeat their direction, which evidently was not understood by the Bureau, that no other funds or "assessments" are to be made for ADPL expenditures.

Bill language is included mandating closure of the Snowflake dormitory in Arizona.

Bill language proposed by the Senate regarding a limitation on general assistance funds has not been included. However, the managers agree that this is not an entitlement program and the Bureau is directed to take every reasonable step to ensure that general assistance payments do not exceed the budgeted amount.

Bill language is included, as proposed by the Senate, providing \$6,000,000 for obligation before January 18, 1986, for the emergency provision of hay in Montana, North Dakota, and South Dakota.

No further contract for law enforcement shall be made by the Bureau with the Navajo Tribe unless the tribe agrees to provide required law enforcement services on the new lands taken into trust for the Navajo Tribe under the Navajo and Hopi Indian Relocation Act.

CONSTRUCTION

Appropriates \$101,054,000 for construction instead of \$45,195,000 as proposed by the House and \$141,254,000 as proposed by the Senate. The net decrease below the Senate consists of increases of \$400,000 for advance planning and design for the St. Francis School and \$2,400,000 for land acquisition, and a decrease of \$43,000,000 for housing associated with the Navajo and Hopi Indian Relocation program.

The managers have included bill language and report language under the Office of Construction Management with respect to reorganization of the Bureau's construction program.

For all new school construction projects, the managers direct that the Bureau provide cost estimates based on modular as well as conventional construction. The Bureau should expedite redesign of the Two Eagle River and Rocky Boys high schools, assuming at least partial use of modular facilities. The managers agree that a modular multipurpose room is provided for the Bullhead school from available facility improvement and repair funds. The Bureau shall submit a

report to the Committees on Appropriations on the Oglala community school. Such report shall include a full discussion of the current facility, repairs made to date, the feasibility of further repairs to standard, and the disposition of the current facility should new construction be proposed rather than renovation.

Due to the late release of funds appropriated in fiscal year 1985 for continued construction of the Navajo Indian Irrigation project, the managers have not provided additional funds for this year. The managers remain committed to completion of this project and urge the Department to request funds in fiscal year 1987 so that the project may proceed without interruption. The managers agree with the statements in the Senate report with respect to the Milk River irrigation project and the Miner Flat Dam and Canyon Day irrigation project.

The allocation for housing includes the reduction in contract support proposed by the Senate. The managers agree that overhead costs directly associated with housing construction or repair are allowable charges to the contract, but that other items allowed in general contract support are not permissible.

Language is included which provides \$22,000,000 for use by the Secretary of the Interior to construct homes and related facilities for the Navajo and Hopi Indian Relocation Commission in lieu of construction by the Commission. This language ensures that a priority for the use of these funds is given to Navajo families who are actual, physical residents of the Hopi Partitioned Land. In addition, with respect to lands acquired pursuant to section 11(a) of the Act of December 22, 1974, the Secretary shall not be required to enter into contracts under section 102 of the Indian Self-Determination Act and the Secretary's authority under section 106 of said Act also shall apply. The language provides that the Secretary is not constrained in carrying out construction, lease approvals, or executions by the Commission's regulations. The managers expect that the Secretary will use the plans developed by the Commission for the new lands and work with the Commission to ensure swift execution of the development of the new lands. The bill language also states that any action under this proviso is not a major action with respect to the National Environmental Policy Act of 1969, as amended, in order to facilitate an orderly development of the new lands. Authority is provided for the Secretary to issue leases and rights-of-way for housing and related facilities to be constructed on the new lands only. Language has also been included in this Act requiring a report by February 15, 1986 from the Navajo and Hopi Indian Relocation Commission, with the review and comment of the Secretary of the Interior, on how the BIA construction monies will be spent in respect to lands acquired pursuant to section 11(a) of the Act of December 22, 1974. The requirement for this report will not delay relocation to the new lands because it is a document that the Commission has been developing for some time and the managers understand that it can be submitted within the time requirement.

The BIA shall ensure that the Blackfeet Housing Improvement Program, within its regular allocation, builds at least three houses this year and two next year for the victims of the 1974 flood.

With respect to the Covelo Indian Community land acquisition, bill language has been included requiring that the tribe

obtain sufficient funds from non-Federal sources to meet the remainder of the cost before the Federal funds are committed. An amount of \$400,000 is included for land acquisition for the Mississippi Band of Choctaw Indians.

ROAD CONSTRUCTION

Appropriates no funds as proposed by the Senate instead of \$785,000 proposed by the House.

The managers have included bill language earmarking \$3,200,000 of the funds available to the Navajo area under the Federal Lands Highway Program for use on the new lands.

The managers do not agree to reprogramming funds provided for construction of a road from AZ Route 264 toward Hard Rocks via Rocky Ridge. Neither do the managers agree to any use of the funds for other than the specified route.

ALASKA NATIVE ESCROW ACCOUNT

Appropriates \$7,877,000 for the Alaska Native Escrow Account as proposed by the Senate instead of no funds as proposed by the House.

The managers expect that in accordance with the policy of making the Native corporations whole as proposed by the 1980 amendment to the Alaska Native Claims Settlement Act, the Department of the Interior will calculate interest on the principal owed under the amendment as if the principal had been invested in short-term public debt obligations of the United States in accordance with the established practices of the Bureau of Indian Affairs pursuant to the Act of June 24, 1938. The BIA approach includes the periodic addition of accrued interest to principal. The Secretary is directed to report on the progress toward resolving the interest issue by May 31, 1986.

REVOLVING FUND FOR LOANS

Permits the award of \$1,470,000 for a loan to the Zuni Pueblo instead of no funds as proposed by the House and an unspecified amount as proposed by the Senate.

The managers agree that the Zuni Pueblo must be able to demonstrate to the satisfaction of the Secretary the ability to repay the loan prior to any loan approval.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

Appropriates \$80,376,000 for administration of territories instead of \$74,752,000 as proposed by the House and \$80,366,000 as proposed by the Senate. The changes from the amount proposed by the Senate include an increase of \$500,000 for hospital equipment for the Northern Marianas hospital, and a decrease of \$490,000 for a grant to the Eastern Caribbean Center, College of the Virgin Islands.

Bill language is included directing the Secretary to release immediately the remaining fiscal year 1985 grant funds for the Eastern Caribbean Center, College of the Virgin Islands.

The managers agree that within technical assistance funds, up to \$500,000 may be used for maintenance of the existing power plant in Palau. The \$1,500,000 provided for the American Samoa administration building will be the final contribution from the Federal government for this purpose.

With regard to the loan to the Virgin Islands government for construction of the extension of the Alexander Hamilton airport runway on St. Croix, the managers expect the terms of the loan to be negotiated by the Department of the Interior and the government of the Virgin Islands. The managers do not expect to fund the entire

cost of this project, and expect the government of the Virgin Islands to continue to seek other funding, including FAA funds.

TRUST TERRITORY OF THE PACIFIC ISLANDS

Appropriates \$80,372,000 instead of \$107,972,000 as proposed by the House and \$78,172,000 as proposed by the Senate.

The net increase from the amount proposed by the Senate includes: increases of an additional \$300,000 for the College of Micronesia; \$250,000 for Trust Territory general administration; \$142,000 for prior service benefits; \$408,000 for the Federated States of Micronesia operations; \$3,000,000 for Phase I of the Palau hospital; \$1,500,000 for the Bikini Atoll Rehabilitation Committee; \$250,000 for design and planning of the base camp for the clean up of Bikini Atoll; and decreases of \$250,000 for contract management, operation and training of the Palau hospital, \$400,000 for the operation, maintenance, and purchase of a temporary generator for Palau, \$2,500,000 for a prior service benefit trust fund, and \$500,000 from the funds provided for the FSM power upgrade project. The managers agree that \$250,000 for contract management, operation and training for the Palau hospital are included within available funds. The funds for maintenance of the existing powerplant in Palau shall be provided from technical assistance funds.

The total cost for the Palau hospital will be \$10,000,000 with the remaining \$5,000,000 for Phase II to be provided in subsequent appropriations Acts.

The managers remain committed to providing funds for capitol relocation for the Federated States of Micronesia, the Marshall Islands and Palau. The Federated States of Micronesia is ready to proceed with construction of its capitol and the managers expect budget requests for the capitol to be submitted pursuant to implementation of the Compact of Free Association.

\$1,500,000 is provided for the Bikini Atoll Rehabilitation Committee. The managers expect the Committee to complete its work and make a final recommendation so clean-up plans can proceed. \$250,000 is provided for the Secretary to contract for initial planning for a base camp on Eneu Island for the eventual cleanup of Bikini. No funds have been provided for the Enjebi Trust Fund or the Prior Service Benefit Trust Fund. The managers remain committed to the eventual resettlement of Enjebi Islands, and to providing for future costs of the prior service benefits program, and will address these items again when the Compact is implemented.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

Appropriates \$43,411,000 instead of \$40,856,000 as proposed by the House and \$44,673,000 as proposed by the Senate.

The managers have agreed to the following distribution of funds:

Secretary's office	\$1,435,000
Executive Secretary	211,000
Congressional and Legislative Affairs	1,100,000
Equal opportunity	1,300,000
Public Affairs	700,000
Small and Disadvantaged Business Utilization	400,000
A/S Water and Science	750,000
A/S Lands and Minerals	790,000
A/S Fish and Wildlife and Parks	771,000
A/S Indian Affairs	743,000
A/S Territorial and International Affairs	551,000

A/S Policy, Budget and Administration	795,000
Environmental Project Review	1,500,000
Acquisition and property management	1,350,000
Office of Personnel	1,620,000
Administrative Services	3,250,000
Information resources management	4,700,000
Policy analysis	2,300,000
Office of Budget	1,525,000
Financial management	1,020,000
Hearings and Appeals	5,800,000
Aircraft Services	1,900,000
Central Services	8,900,000

Total..... 43,411,000

Bill language is included to permit up to \$300,000 to be used to pay or repay the costs of development of alternative winter stock water supplies by water users who have been deprived of winter stock water from the main channel of Willow Creek, Idaho.

The managers are concerned about the billing practices of the Office of the Secretary for central administrative services provided to small independent agencies. The managers agree these charges must reflect actual cost of the services provided, and not be arbitrarily established.

OFFICE OF THE SOLICITOR

Appropriates \$20,378,000 for the Office of Solicitor as proposed by the Senate instead of \$20,266,000 as proposed by the House.

OFFICE OF THE INSPECTOR GENERAL

Appropriates \$16,214,000 instead of \$15,117,000 as proposed by the House and \$16,908,000 as proposed by the Senate.

CONSTRUCTION MANAGEMENT

Appropriates \$780,000 for the Office of Construction Management instead of \$87,890,000 as proposed by the House and \$660,000 as proposed by the Senate.

Bill language has been included directing the Secretary of the Interior to submit a new memorandum of agreement (MOA) between the Bureau of Indian Affairs (BIA) and the Office of Construction Management (OCM) to the House and Senate Appropriations Subcommittees on Interior for their approval. The MOA should state that OCM shall have complete control over the BIA facilities management and construction programs, as specified in the 1978 memorandum of agreement between OCM and BIA. This control shall include approval over the apportionment and allocation of funds and FTE's for the BIA facilities programs, including the Albuquerque and area office staffs as well as facilities operations and maintenance and facilities improvement and repair programs. The MOA shall also state that OCM shall have the primary responsibility for planning and directing the necessary reorganization of the BIA facilities programs to permit implementation of management improvements developed to date. Along with the MOA, the Secretary shall submit for the Subcommittees' approval a detailed plan for completing the facilities program reorganization, and for turning control of the program back to BIA, with specific dates for accomplishment of all goals. The Secretary shall also submit quarterly written status reports on implementation of the plan and the MOA to the Subcommittees, within ten calendar days of the end of each quarter. The MOA and plan shall be submitted to the Subcommittees no later than 60 days after enactment of this Act.

If the Secretary, BIA or OCM fail to meet any of these requirements, the Committees will take action at the earliest possible opportunity to eliminate funding for the appropriate Secretarial staff, BIA facilities staff and OCM staff, establish a new office to carry out the Committees' directives, and transfer all BIA facilities funding to that office until the Committees' directives are accomplished.

**OFFICE OF THE SECRETARY
(SPECIAL FOREIGN CURRENCY PROGRAM)**

Provides \$1,000,000 for payment in foreign currencies for the U.S. Fish and Wildlife Service and the National Park Service as proposed by the Senate.

DEPARTMENT-WIDE PROVISIONS

Language proposed by the House prohibiting exchanges of National Park System or United States Fish and Wildlife Refuge System lands has been stricken.

The managers agree that the required consultation process regarding land exchanges in units of the National Wildlife Refuge and Park systems agreed to last year should be done in a satisfactory manner. It is the intent of the consultation requirement that the appropriate Committees have a meaningful opportunity to review and oversee land exchange proposals involving these two systems. Notification of the Committees at an early stage of a land exchange proposal is required to achieve this intent.

The managers have agreed to maintain the House proposed language relating to Mount McKinley. Section 112 is included to prevent final regulations concerning paleontological research on Federal lands until the Secretary has received a National Academy of Sciences report on regulations concerning paleontological research.

TITLE II—RELATED AGENCIES

**DEPARTMENT OF AGRICULTURE
FOREST RESEARCH**

Appropriates \$126,283,000 for forest research instead of \$124,989,000 as proposed by the House and \$125,420,000 as proposed by the Senate. The changes from the amount proposed by the House are: an increase of \$2,840,000 for competitive grants; and decreases of \$488,000 to renewable resource economics, \$1,000,000 to acid rain research, and \$58,000 to recreation research.

The managers agree the following specific amounts are included within the available funds: within trees and timber management, an additional \$150,000 for the FIR project, \$250,000 for the Institute of Tropical Forestry, Puerto Rico, \$98,000 for Sewanee, TN, and \$75,000 for Moscow, ID; within watershed management and rehabilitation, \$250,000 for the Institute of Tropical Forestry, P.R.; within recreation research, a \$100,000 increase for urban forestry; and within forest products and harvesting, \$250,000 for tropical harvest and utilization research, Madison, WI. The managers also agree that within the amount provided for forest inventory and analysis, there is an increase of \$209,000 for Anchorage, AK, and in the wildlife, range, and fish habitat research program, the range evaluation project is restored to \$590,000; there is \$75,000 for the Skagit River Bald Eagle Natural Area; and the anadromous fish research program at Juneau, AK will remain intact.

The Forest Service is directed to develop a program plan to shift funding from the FIR program when it is completed to the COPE program.

In the acid rain research program, the managers expect the Forest Service to

ensure that high altitude, western and mid-western areas receive adequate attention.

The authority to administer the \$6,840,000 Competitive Research Grants program included in this Appropriations Act for fiscal year 1986 shall be carried out by the Office of Competitive Grants which currently is part of the Office of Grants and Program Systems. The \$6,840,000 for conducting this program will be available until expended. Forest Service employees are to be eligible to compete for these funds. There are over 60 forestry schools and all of the land grant universities in the United States that can also compete for these grants.

The Committee recommends that these grants be targeted to mission oriented basic research in the following areas: (1) improved harvesting, processing, and utilization of the timber resource, with special emphasis on the chemical, mechanical, and engineering properties of wood and wood materials; and (2) forestry biology including biotechnology. Funds are to be divided equally between these two areas.

STATE AND PRIVATE FORESTRY

Appropriates \$57,986,000 instead of \$56,193,000 as proposed by the House and \$55,786,000 as proposed by the Senate. The increases over the amount proposed by the Senate are \$2,000,000 for urban forestry, and \$200,000 for the Gifford Pinchot Institute.

Within the total of \$495,000 provided for the Gifford Pinchot Institute, the Forest Service is expected to accomplish \$30,000 in required scheduled maintenance.

NATIONAL FOREST SYSTEM

Appropriates \$1,054,629,000 for the National forest system instead of \$1,035,433,000 as proposed by the House and \$1,070,146,000 as proposed by the Senate. The changes from the amount proposed by the House are as follows: increases of \$237,000 for minerals, \$574,000 for real estate management, \$3,165,000 for land line location, \$4,948,000 for fire protection, \$7,000,000 for cooperative law enforcement, \$2,619,000 for road maintenance, \$500,000 for trail maintenance, \$21,053,000 for timber sales (including \$250,000 for Helistat, \$6,640,000 for pay, \$21,000 for the Alaska Land Use Council, \$9,275,000 for the Oregon and California lands, and \$4,867,000 for timber sales preparation), \$7,375,000 for reforestation, \$5,803,000 for timber stand improvement, \$348,000 for nurseries, \$1,142,000 for recreation use, \$1,807,000 for wildlife and fish habitat improvement, \$1,648,000 for range management, and \$6,000,000 for forest level information processing; and decreases of \$1,041,000 to soil, water and air management, \$4,018,000 to general administration, \$10,000,000 for pay, and \$30,000,000 for reforestation trust fund offset.

Within available funds in the soil, water and air management program, \$240,000 is included for a National Academy of Sciences study of Mono Lake in California, pursuant to the California Wilderness Act of 1984.

Within National Forest System funds, \$330,000 is available to support the Presidential Commission on Americans Outdoors.

The Forest Service is directed to work with groups such as Ducks Unlimited, Rocky Mountain Bighorn Society, Martin Marietta Corp., Bass Anglers Sportsman Society, Trout Unlimited, the Sport Fishing Institute, State fish and wildlife agencies, other Federal agencies such as Bonneville Power Administration and others, to match

the \$950,000 increase to the habitat improvement program. The funds should be devoted primarily to projects improving habitat on the ground. The Forest Service should report to the Committees no later than June 1, 1986, on the resulting program.

Bill language proposed by the Senate is included, extending indefinitely the authority of the Secretary of Agriculture to spend money from the reforestation trust fund, and merging the fund with the National Forest System account.

The allowance provides funding for a timber sales program of 11.4 bbf, essentially a continuation of the actual sales offerings from fiscal year 1985. For example, region 6 sales will be at a level of 4.9 bbf of net merchantable sawtimber, of which 2.45 bbf will be derived from timber volume returned pursuant to the Federal Timber Contract Payment Modification Act (FTCPMA), and regions 1 and 4 will continue at the approximate 1985 levels. The managers have been able to reduce program costs by providing for a higher level of reoffer volume (3.2 bbf nationwide) than was assumed in the budget and by providing for additional salvage volume. The remainder of the volume is to be distributed nationwide in a balanced manner by the Forest Service.

The managers direct the Forest Service to provide the Committees with detailed information for contracts returned under the FTCPMA, at least at the Forest level. The information should enable the Committees to assess the rate at which additional reoffer volume should continue and the related cost.

The managers agree that the Forest Service has until May 31, 1986, to complete its review of the minimum bid rate system and submit that to the Committees for review.

CONSTRUCTION

Appropriates \$223,865,000 for construction instead of \$183,785,000 as proposed by the House and \$219,608,000 as proposed by the Senate. Changes from the amount proposed by the Senate include: increases of \$2,740,000 for recreation facilities and \$1,379,000 for recreation roads in the Clear Creek Recreation Area, AL, \$561,000 for recreation facilities and \$330,000 for recreation trails in the Mount St. Helens National Volcanic Monument, \$600,000 for recreation facilities in the Mount Hood NF, OR, \$3,427,000 for other high priority recreation facilities, and \$3,270,000 for trail construction; and decreases of \$350,000 for the Cradle of Forestry, NC, \$100,000 for the Tonto NF, AZ sheep crossing bridge, and \$7,600,000 related to the proposed timber sales program.

The amount provided for trail construction is for the highest priority projects and is not limited to foot trails only.

The three projects included in the budget in the Tongass NF, AK are included in the recommended amount.

Bill language is included providing that \$9,915,000 for road construction in the Mount St. Helens National Volcanic Monument shall be derived from the Federal Highway Trust Fund.

The managers have provided Forest Service road construction and reconstruction funding to support the timber program level of 11.4 bbf sales offerings. The managers have been able to reduce the road budget by substituting additional reoffer volume for new sales volume and by directing the Forest Service to achieve a 5 percent reduction in the average cost per road mile as compared to fiscal year 1985. These anti-

pated savings are included in the managers' allowance.

LAND ACQUISITION

Appropriates \$28,300,000 instead of \$29,500,000 as proposed by the House and \$18,025,000 as proposed by the Senate. The following table shows the allocation agreed to by the managers:

Acquisition management.....	\$3,500,000
Forest Service acquisitions:	
Appalachian Trail.....	700,000
Columbia Gorge (Gifford Pin-	
chot and Mount Hood NF).....	1,200,000
Green Mountain NF, VT.....	6,700,000
Huron NF, MI-Au Sable River	
(Wakeley tract).....	800,000
Lake Tahoe.....	3,000,000
Nantahala NF, NC.....	1,000,000
Sawtooth NRA, ID.....	2,000,000
Wayne NF.....	2,000,000
Wilderness inholdings.....	2,500,000
Endangered species habitat.....	1,000,000
Edwards Investments.....	3,900,000

Total..... 28,300,000

No funds are provided for "Weeks Act" acquisition in the Wayne NF. Within the amount available for wilderness inholdings, \$350,000 is for the Strawberry Mountain Wilderness Area.

Bill language is included providing \$3,900,000 in payment to Edwards Investments for its interest in a former railroad right-of-way, including all improvements thereon.

YOUTH CONSERVATION CORPS

Appropriates no funds for Youth Conservation Corps, as proposed by the Senate, instead of \$10,000,000 as proposed by the House.

The managers have agreed to a \$10,000,000 YCC program, to be provided from available funds in the Fish and Wildlife Service (\$3,300,000), National Park Service (\$3,300,000), and the Forest Service (\$3,400,000).

ACQUISITION OF LANDS FOR NATIONAL FORESTS, SPECIAL ACTS

Appropriates \$782,000 for acquisition of lands, as proposed by the Senate, instead of \$780,000 as proposed by the House.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

A provision limiting increases in recreational residence fees has been included, as proposed by the Senate. However, the managers understand the Forest Service and the permit holders are close to agreeing on a new fee system. The managers expect both sides to cooperate fully in reaching an early agreement, and based on this expectation, the managers agree that this language will not be carried in next year's Act. However, if an agreement is not reached by that time, the managers will address this issue in order to resolve it as quickly as possible.

Language is included, as proposed by the Senate, requiring the Chief of the Forest Service to sign personally certain documents relating to land transactions.

Language is included, as proposed by the Senate, providing authority for \$24,000,000 to be provided for the timber sales program from the timber salvage sale fund.

Language is included, providing authority for the Forest Service to use \$3,400,000 in funds available to it to carry out a Youth Conservation Corps program as if authorized by law.

Language is included giving the Secretary of Agriculture authority to transfer \$1,500,000 from no-year funds available to him in this Act for emergency flood repairs

in the Monongahela NF and the Parsons, WV, Forest Research Laboratory. The managers expect a supplemental request to be forthcoming to replenish the amount extended pursuant to this authority.

DEPARTMENT OF THE TREASURY ENERGY SECURITY RESERVE (INCLUDING RESCISSION)

The managers agree to rescind all funds appropriated to the Energy Security Reserve except \$400,000,000 for a clean coal technology program to be administered by the Secretary of Energy in the Department of Energy, and \$10,000,000 for expenses incidental to the closing of the Synthetic Fuels Corporation (SFC). Of the \$400,000,000, \$100,000,000 will be immediately available, \$150,000,000 will be available beginning on October 1, 1986, and \$150,000,000 will be available beginning on October 1, 1987. The remaining funds in the "Clean Coal Technology Reserve" are reduced to \$350,000,000.

With regard to the Synthetic Fuels Corporation, the managers agree to bill language that:

(1) rescinds all unobligated funds except those noted above for clean coal technology and SFC close-out costs, as of the date of enactment of this Act,

(2) the Board of Directors may not make any legally binding awards or commitments for financial assistance as of the date of enactment of this Act,

(3) the Directors must terminate their duties and be discharged within 60 days of enactment,

(4) the Corporation terminates within 60 days of enactment,

(5) within 60 days, the Secretary of the Treasury assumes the duties of Chairman,

(6) the Director of Office of Personnel Management shall determine compensation rights of each Director, officer, and employee by February 1, 1986,

(7) effective on enactment, no pay levels shall be above level IV of the Executive Schedule and no existing pension or termination benefits or personnel policies may be changed, and

(8) a final report is due to Congress by September 15, 1986.

Language is also included as proposed by the Senate providing for a loan of up to \$3,000,000 to an existing ethanol plant for odor abatement equipment. The facility has a current government loan guarantee under title II of the Energy Security Act, and funds would be provided from a loan guarantee reserve already available to the Secretary of Energy. The loan is for the purpose of protecting the government from a possible default payment of approximately \$127 million if the plant cannot operate.

DEPARTMENT OF ENERGY CLEAN COAL TECHNOLOGY

The managers have agreed to a \$400,000,000 Clean Coal Technology program as described under the Department of the Treasury, Energy Security Reserve. Bill language is included which provides for the selection of projects no later than August 1, 1986. Within that period, a general request for proposals must be issued within 60 days and proposals must be submitted to the Department within 60 days after issuance of the general request for proposals. Language is also included allowing the Secretary of Energy to vest title in interests acquired under agreements in any entity, including the United States, and delineating cost-sharing requirements. Funds for these activities and projects are made available to

the Clean Coal Technology program in the Energy Security program.

It is the intent of the managers that contributions in the form of facilities and equipment be considered only to the extent that they would be amortized, depreciated or expensed in normal business practice. Normal business practice shall be determined by the Secretary and is not necessarily the practice of any single proposer. Property which has been fully depreciated would not receive any cost-sharing value except to the extent that it has been in continuous use by the proposer during the calendar year immediately preceding the enactment of this Act. For this property, a fair use value for the life of the project may be assigned. Property offered as a cost-share by the proposer that is currently being depreciated would be limited in its cost-share value to the depreciation claimed during the life of the demonstration project. Furthermore, in determining normal business practice, the Secretary should not accept valuation for property sold, transferred, exchanged, or otherwise manipulated to acquire a new basis for depreciation purposes or to establish a rental value in circumstances which would amount to a transaction for the mere purpose of participating in this program.

The managers agree that, with respect to cost-sharing, tax implications of proposals and tax advantages available to individual proposers should not be considered in determining the percentage of Federal cost-sharing. This is consistent with current and historical practices in Department of Energy procurements.

It is the intent of the managers that there be full and open competition and that the solicitation be open to all markets utilizing the entire coal resource base. However, projects should be limited to the use of United States mined coal as the feedstock and demonstration sites should be located within the United States.

The managers agree that no more than \$1,500,000 shall be available in FY 1986 and \$2,000,000 each year thereafter for contracting, travel, and ancillary costs of the program, and that manpower costs are to be funded under the fossil energy research and development program.

The managers direct the Department, after projects are selected, to provide a comprehensive report to the Congress on proposals received.

The managers also expect the request for proposals to be for the full \$400,000,000 program, and not only for the first \$100,000,000 available in fiscal year 1986.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT (INCLUDING TRANSFER OF FUNDS)

Appropriates \$312,848,000 for fossil energy research and development instead of \$299,534,000 as proposed by the House and \$292,228,000 as proposed by the Senate. In addition to the new appropriations, \$8,230,000 is transferred from fossil energy construction as proposed by the Senate instead of \$12,760,000 as proposed by the House, and \$2,010,000 is transferred from alternative fuels production as proposed by Senate instead of \$2,137,000 as proposed by the House. The increase in the new appropriation amount above the Senate amount consists of increases of \$1,500,000 for Carbondale Coal Technology Laboratory; \$620,000 for Ames Laboratory (for a total of \$1,240,000 for Ames); \$1,000,000 for advanced combustors in advanced combustion technology; \$11,000,000 for the 7.5 megawatt phosphoric acid fuel cell technology;

\$1,000,000 for solid oxide fuel cells; \$9,000,000 for testing of gas clean-up systems at the Waltz Mill, PA, gasifier; \$1,000,000 for eastern oil shale; and \$6,000,000 for deletion of management initiative savings; and decreases of \$3,000,000 for on-site fuel cell technology; \$1,500,000 for turbine technology in heat engines; \$3,000,000 for the ash agglomerating gasifier PDU; \$2,000,000 for eastern Devonian shales gas recovery; and \$1,000,000 for general plant construction projects.

The managers agree not to earmark additional funds from within available funds for Ames laboratory, the consortium for fossil fuel liquefaction, or for liquefaction by pyrolysis, as originally proposed by the Senate.

The managers agree that an addition \$4,000,000 is to be provided from available funds for the University of North Dakota Energy Research Center (UNDERC) for a total funding levels of \$6,165,000 and that none of these additional funds should be from coal preparation technology.

Further, the managers agree that new cooperative agreements for UNDERC and Western Research Institute (WRI) should be negotiated to extend through the end of fiscal year 1992 as proposed by the Senate at the levels indicated in the Senate report (Senate Report 99-141). These levels are in addition to any funds provided by the Department in competitive processes.

The managers agree that \$2,000,000, in addition to currently unobligated fiscal year 1985 funds, should be provided for the 11 megawatt fuel cell program to continue inverter and stack technology work through the development of stack configuration "B". This funding is a continuation of existing efforts to develop the system and the Department should promptly modify the existing contract with International Fuel Cells (IFC) to include FY 1985 funds already appropriated and FY 1986 funds provided in this Act.

The managers agree that of the \$3,000,000 added above the budget for the oil shale program, \$2,000,000 is to augment the eastern oil shale technology base and \$1,000,000 is for oil shale extraction research to be administered by the Idaho Operations Office. The Department, through the Morgantown Energy Technology Center, is directed, within available funds, to study and report to the Committees on the feasibility of establishing and operating a generic oil shale test facility.

Language is included in the bill deriving \$200,000 of transferred funds from a wood pellet gasifier facility as proposed by the Senate.

Language is also included in the bill providing that funds made available for demonstration of the Kilgas coal gasification process be repaid up to double the amount appropriated. The Department should move promptly to provide funds necessary to continue the Kilgas project.

Bill language is included providing for implementation of the multiyear plan for magnetohydrodynamics (MHD) which includes cost-sharing by private industry. The managers agree that if the Department's multiyear plan is significantly delayed because of failure to provide adequate and timely funding at a level approximately the same as that in this Act, modifications will be made in cost-sharing requirements. The managers also agree that the costs of fabricating equipment to be tested in government-owned facilities and not intended to be installed as a permanent part of the facility

are to be included in amounts that require cost-sharing and that the costs of installing and testing such equipment shall be costs of the government-owned facility and not subject to cost-sharing.

ENERGY CONSERVATION

Appropriates \$449,418,000 for energy conservation instead of \$468,326,000 as proposed by the House and \$436,587,000 as proposed by the Senate. The increase above the amount proposed by the Senate consists of increases of \$200,000 for windows and daylighting in building systems; \$2,000,000 for the Urban Consortium; \$500,000 for heat pumps in technology and consumer products; \$900,000 for mercury isotope separation; \$7,500,000 for a cost-shared steel industry initiative; \$250,000 for nickel-cadmium battery research; \$500,000 for the electric vehicle users group; \$500,000 for territories energy projects; \$750,000 for tribology research at Argonne National Laboratory; \$10,319,000 for the basic industries research facility at Northwestern University; \$4,000,000 for deletion of management initiative savings; and \$3,639,000 to restore funding for employment floors; and decreases of \$350,000 for the Rural Housing Act study; \$250,000 for outside contractor support in waste energy reduction in industrial conservation; \$8,000,000 for the Stirling engine; \$630,000 for technology transfer in vehicle propulsion R&D; \$100,000 for electric vehicle battery research; \$250,000 for technology transfer in transportation systems utilization; \$3,182,000 for State energy policy and conservation grants; \$1,159,000 for the Energy Extension Service; \$250,000 for program direction travel in State and local programs; \$500,000 for biocatalysis; and \$3,556,000 for increased use of prior year unobligated balances.

The managers have not agreed to include \$8,000,000 proposed by the Senate for fiscal year 1987 requirements for the Stirling engine. That amount and \$4,000,000 to come from private contributions would complete the project and the managers defer such funds without prejudice, to be reconsidered in the fiscal year 1987 budget process.

The managers agree that the increase of \$1,500,000 over the budget for electric vehicle batteries should be for research on lead-acid, zinc-bromine, nickel-zinc, and iron-air battery concepts.

The managers also agree with the position stated in the House report (House Report 99-205) with regard to recognition of the Government's support for nickel-cadmium battery development in contracts using the technology.

The managers agree that \$2,500,000 becoming available from the electric vehicle loan program and other unobligated electric vehicle research funds is to be used to develop an advanced vehicle propulsion system, the ETX-II.

Language is included in the bill specifying the amount for the basic industrial research facilities as proposed by the House.

Language is also included, as proposed by the House, providing that a weatherization "performance fund" not be implemented unless funding levels are at least 5 percent above fiscal year 1985 levels.

Bill language is included providing that \$7,500,000 in Federal funding for a steel initiative to develop new technologies which will increase the energy efficiency of steel production processes will be cost-shared by the U.S. steel industry in cooperative R&D efforts, starting with 30 percent cash and/or in-kind contributions for Federal government obligations made in fiscal year 1986.

This initiative should be modeled after, but not exclusively follow, the April 1985 Field Task Proposal prepared by the Argonne National Laboratory.

EMERGENCY PREPAREDNESS

Appropriates \$6,044,000 for emergency preparedness instead of \$6,754,000 as proposed by the Senate and \$3,989,000 as proposed by the House. The decrease from the Senate proposal is \$710,000. The managers agree that analysis of risks to energy supplies and meeting defense energy requirements are higher priority activities than general energy awareness activity.

STRATEGIC PETROLEUM RESERVE

Appropriates \$113,043,000 for the Strategic Petroleum Reserve as proposed by the Senate instead of \$199,017,000 as proposed by the House. The appropriated amount, is the net budget authority required based on a reestimate by the Department of requirements for continuing construction of storage capacity as directed by the fiscal year 1985 Supplemental appropriations Act (P.L. 99-88). Total funds expected to be required are summarized in the following table:

Fiscal year 1986 requirements	
Planning.....	\$4,552,000
Phase III construction.....	156,691,000
Non-phase specific construction.....	210,737,000
Program direction.....	11,747,000
Total.....	383,727,000
Less: carry-over funds available.....	270,684,000
New budget authority for FY 1986.....	113,043,000

The managers agree that carry-over funds may be used to support stated FY 1986 requirements instead of those areas for which they were originally provided.

Bill language proposed by the House specifying minimum required fill rates for the Reserve has been deleted.

SPR PETROLEUM ACCOUNT

Provides for no rescission of SPR petroleum funds as proposed by the House instead of \$160,000,000 as proposed by the Senate. The Department of Energy has adequate funds available to fill the reserve to 500 million barrels. Bill language is included to authorize the Secretary of Energy, in cooperation with the Secretary of Agriculture, to barter surplus Commodity Credit Corporation commodities for crude oil.

ENERGY INFORMATION ADMINISTRATION

Appropriates \$60,682,000 for the Energy Information Administration as proposed by the Senate instead of \$60,782,000 as proposed by the House. The managers agree that within available funds \$100,000 is to be available for the State energy data system/energy price and expenditure data system and \$200,000 is to be available for State heating oil price and inventory grants.

ADMINISTRATIVE PROVISIONS

Language is included which deletes the reporting requirements for the completed Alternative Fuels Production program, as proposed by the Senate.

DEPARTMENT OF HEALTH AND HUMAN SERVICES HEALTH RESOURCES ADMINISTRATION

INDIAN HEALTH SERVICES

Appropriates \$823,133,000 for Indian health services instead of \$836,483,000 as proposed by the House and \$802,684,000 as proposed by the Senate.

The decrease below the amount proposed by the House consists of: \$3,000,000 for mandatory cost increases, \$500,000 for emergency medical services, \$2,000,000 for indirect costs, \$1,000,000 for alcoholism, \$4,800,000 for contract care, \$412,000 for sanitation, \$372,000 for public health nursing, \$116,000 for health education, \$200,000 for urban health programs, \$450,000 for tribal management, and \$500,000 for program management.

The managers agree that \$1,900,000 is provided for the model diabetes program and \$100,000 is provided for fetal alcohol syndrome research at the University of Washington.

The increase of \$3,000,000 included for tribal contract indirect costs is for all tribal contracts, existing as well as new.

INDIAN HEALTH FACILITIES

Appropriates \$46,947,000 for Indian health facilities instead of \$61,483,000 as proposed by the House and \$35,888,000 as proposed by the Senate.

The net decrease below the amount proposed by the House consists of an increase of \$650,000 for repairs at Ft. Defiance, AZ and decreases of \$1,000,000 for sitework for the Pine Ridge, SD hospital, \$1,740,000 for planning and design of the Shiprock, NM hospital, and \$12,446,000 for construction of the Sacaton, AZ hospital.

Bill language has been included directing that the Rosebud, SD hospital be designed and built with a capacity of 35 beds. The managers believe that there is a need for a surgical suite at either Rosebud or Pine Ridge to provide improved health care in that area. The Indian Health Service shall submit a report to the House and Senate Committees on Appropriations with recommendations as to the better location for a surgical unit within 90 days of enactment of this Act.

The managers must again express their dissatisfaction with the slow progress made by HHS, PHS, HRSA and IHS in moving ahead with construction projects for which funds have been provided. Initial planning funds were provided for the Sacaton, AZ hospital in fiscal year 1982 and the design for this project has yet to be completed despite continued funding and support from the Congress. IHS is directed to expedite this project and to notify the Committees on Appropriations as soon as the design is complete and the project is ready for bid.

The managers have not provided funds for sitework at Pine Ridge, SD, and design of the major modernization of the Shiprock, NM hospital only because of delays in schedules and the need to complete other projects already under construction before proceeding with additional projects. However, the managers are committed to proceeding with these projects at the earliest possible opportunity.

At the request of the subcommittees, the Office of Technology Assessment conducted a limited survey of the methodology employed by the Indian Health Service to determine if surgical capacity should be provided in new and replacement facilities. The survey identified several shortcomings in the current IHS application of the planning procedure. The Indian Health Service shall submit a report to the Interior appropriations subcommittees detailing the present system and any proposed changes to the system by March 31, 1986. Further, IHS is directed to employ the methodology uniformly with respect to all hospital construction projects.

The managers agree that within the amount provided for sanitation, \$5,000,000 is available for construction of water and sewer facilities on the new lands acquired pursuant to the Navajo and Hopi Indian Relocation Act.

The managers agree that the IHS shall report to the Committees any unobligated balances remaining available at the completion of a construction project before using such balances for other projects.

ADMINISTRATIVE PROVISIONS

Earmarks \$180,000 of prior year funds to settle a claim against the Seattle Indian Health Board as proposed by the Senate instead of \$270,000 plus interest as proposed by the House.

The managers agree that the bill language limitation on the initial leasing of facilities does not apply to newly recognized tribes who contract with IHS and who require facilities in which to begin a health delivery program. Such lease costs shall be paid from funds otherwise available for such contract.

DEPARTMENT OF EDUCATION

OFFICE OF SECONDARY AND ELEMENTARY EDUCATION

INDIAN EDUCATION

Appropriates \$67,476,000 for Indian Education instead of \$67,656,000 as proposed by the House and \$67,356,000 as proposed by the Senate.

Within this amount \$14,820,000 is for parts B and C instead of \$15,000,000 as proposed by the House and \$14,700,000 as proposed by the Senate. The change from the amount proposed by the Senate is for an increase of \$120,000 for part B for educational personnel development to provide additional training for student teachers and educational personnel.

The managers agree that administrative actions to remedy problems in the part C program must be taken.

Language is included to allow funding for section 423 of the part B program to remain available until September 30, 1987 as proposed by the Senate.

OTHER RELATED AGENCIES

NAVAJO AND HOPÍ INDIAN RELOCATION COMMISSION

Appropriates \$22,491,000 for salaries and expenses instead of \$20,442,000 as proposed by the House and \$22,241,000 as proposed by the Senate. The increase over the Senate recommendation is \$250,000 for post-move counseling services.

Language is included which states that the Commission shall notify the Secretary of the Interior by January 1, 1986 of those eligible relocatees who as of November 30, 1985 were still physically domiciled on the Hopi Partitioned Land who had applied for relocation to the new lands as well as those who were physically domiciled on the lands partitioned to the Hopi Tribe who had not selected a site for relocation. The Commission shall designate these individuals for relocation to the lands selected in accordance with section 11(a) of the Act of December 22, 1974 after the Secretary has granted a homesite lease for the "new lands". Neither the Secretary of the Interior nor the Bureau of Indian Affairs shall grant homesite leases on behalf of relocatees onto the existing Navajo reservation. The bill also contains language prohibiting evictions of Navajo households which were physically domiciled on the lands partitioned to the Hopi Tribe as of November 30, 1985 until such time as a new or replacement dwelling is available for such household.

Approximately \$48,000,000 will be available in fiscal year 1986 for the provision of housing and related facilities for relocatees. The reduction below the amount proposed by the Senate for the entire program does not reflect a desire to delay relocation, but is merely recognition of the fact that the full amount provided by the Senate could not be spent in a single year.

It is the managers' expectation that the Navajo and Hopi Tribal Chairmen will continue to meet and seek to negotiate a comprehensive settlement as suggested in the Clark/Morris report.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

Appropriates \$178,063,000 for salaries and expenses instead of \$182,599,000 as proposed by the House and \$176,218,000 as proposed by the Senate.

The net increase over the Senate consists of increases of: \$165,000 to the National Museum of American Art for the Bicentennial of the Constitution, \$31,000 for asbestos removal at Silver Hill, \$98,000 for storage and conservation for the National Portrait Gallery, \$120,000 to the Archives of American Art for collections management and conservation, \$360,000 for the inaugural exhibit of the Center for Asian Art, \$250,000 for the Museum of African Art, \$45,000 for the Conservation Analytic Laboratory, \$350,000 for grants to the National Symphony Orchestra and the Washington Opera, and \$676,000 for an inflation adjustment; and a decrease of \$250,000 for Plant Services.

\$777,000 is provided for the National Museum Act as proposed by the Senate rather than \$793,000 as proposed by the House.

\$175,000 each is earmarked for grants to the National Symphony Orchestra and the Washington Opera instead of \$350,000 each as proposed by the House and no funds as proposed by the Senate.

Bill language is included, as proposed by the Senate, allowing the Secretary to support American overseas research centers.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

Appropriates \$5,551,000 as proposed by the Senate instead of \$4,851,000 as proposed by the House.

RESTORATION AND RENOVATION OF BUILDINGS

Appropriates \$11,075,000 as proposed by the House instead of \$12,375,000 as proposed by the Senate.

Bill language is included, as proposed by the Senate, restoring language carried in prior years providing for funds to remain available until expended, and providing that the Secretary may negotiate and award contracts on the basis of qualifications as well as price.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

Appropriates \$33,754,000 for salaries and expenses, instead of \$34,379,000 as proposed by the House and \$33,934,000 as proposed by the Senate. The decrease from the amount proposed by the House includes \$225,000 for conservation positions and related equipment, and \$400,000 from operation and maintenance of buildings, for transfer to the repair, restoration and renovation account.

REPAIR, RESTORATION, AND RENOVATION OF BUILDINGS

Appropriates \$3,300,000 instead of \$2,900,000 as proposed by the House and \$4,000,000 as proposed by the Senate.

Language is included, as proposed by the Senate, adding the words "grounds and facilities".

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

Appropriates \$3,392,000 for salaries and expenses instead of \$2,902,000 as proposed by the Senate and \$3,342,000 as proposed by the House. The increase over that amount proposed by the Senate is \$490,000 for conference planning.

ENDOWMENT CHALLENGE FUND

Bill language is provided which establishes an endowment challenge fund for the Woodrow Wilson International Center for Scholars, to remain available until September 30, 1988. The managers agree to appropriate \$1,000,000 for this endowment challenge with the stipulation that the Federal funds are to be matched on a 3:1 basis with new and increased sources of private support.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS GRANTS AND ADMINISTRATION

Appropriates \$137,260,000 as proposed by the House instead of \$132,900,000 as proposed by the Senate. This includes \$121,678,000 for program and state grants as proposed by the House instead of \$116,900,000 as proposed by the Senate; and \$15,582,000 for administrative programs as proposed by the House instead of \$16,000,000 as proposed by the Senate.

The managers agree on the following allocation of funds:

Program grants:	
Artists-in-Schools.....	5,341,000
Educational program.....	98,000
Dance	8,900,000
Design Arts.....	4,312,000
Expansion Arts.....	6,713,000
Folk Arts.....	3,000,000
Inter Arts.....	4,000,000
Literature	5,145,000
Media Arts.....	12,065,000
Museums.....	11,370,000
Music.....	12,310,000
Opera/Musical Theatre..	4,267,000
Locals Test	2,200,000
Theatre	10,880,000
Visual Arts.....	6,272,000
Advancement	200,000
Subtotal, program grants.....	97,073,000
State Programs.....	24,605,000
Subtotal, grants	121,678,000
Administration area:	
Policy Planning and Research.....	980,000
Administration	14,602,000
Subtotal, administrative area.....	15,582,000
Total, grants and administration.....	137,260,000

The managers agree that the increase over fiscal year 1985 for the media program includes \$2,000,000 for the purpose of television programming in the arts and the sum of \$1,000,000 for programming on National Public Radio.

MATCHING GRANTS

Appropriates \$29,400,000 as proposed by the House instead of \$30,000,000 as proposed by the Senate. This includes \$8,820,000 for Treasury funds and \$20,508,000 for challenge grants.

ARTS AND ARTIFACTS INDEMNITY FUND

Appropriates \$300,000 for the Arts and Artifacts Indemnity Fund as proposed by the Senate.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

Appropriates \$110,818,000 instead of \$111,549,000 as proposed by the House and \$108,978,000 as proposed by the Senate. This includes \$96,618,000 for program and state grants instead of \$98,429,000 as proposed by the House and \$14,200,000 for administrative programs instead of \$13,120,000 as proposed by the House and \$14,328,000 as proposed by the Senate.

The managers agree on the following allocation of funds:

Program grants:	
Media Grants.....	\$8,918,000
Museums and Historical Organizations	8,820,000
Humanities programs for youth	750,000
Humanities programs for adults.....	1,900,000
Humanities projects in libraries.....	2,940,000
Education programs.....	16,500,000
Fellowships and seminars..	15,077,000
Research grants.....	16,500,000
Subtotal, program grants.....	71,405,000
State programs	21,213,000
Office of Preservation	4,000,000
Subtotal, grants	96,618,000
Administrative area: Administration	
	14,200,000
Total, grants and administration.....	110,818,000

MATCHING GRANTS

Appropriates \$28,660,000 instead of \$27,929,000 as proposed by the House and \$30,500,000 as proposed by the Senate. This includes \$11,660,000 for Treasury funds and \$17,000,000 for challenge grants.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

Appropriates \$2,000,000 for grants.

The managers have included bill language authorizing a grant program for artistic and cultural organizations of national reputation which are located in the District of Columbia. For fiscal year 1986, the managers agree that the amounts provided to eligible organizations through the National Park Service and the Smithsonian Institution shall be counted against the \$500,000 annual limit on grants contained in this section.

INSTITUTE OF MUSEUM SERVICES

Appropriates \$21,523,000 for the Institute of Museum Services instead of \$21,560,000 as proposed by the House and \$15,870,000 as proposed by the Senate. The reduction below the amount proposed by the House consists of a decrease of \$33,000 in administration and a decrease of \$4,000 for the Museum Services board.

The managers agree that the Institute should clarify application packets with respect to the financial information which should accompany grant applications.

COMMISSION OF FINE ARTS

Appropriates \$382,000 for salaries and expenses as proposed by the Senate instead of \$377,000 as proposed by the House.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

The managers agree that the Council's administration of section 106 with principal reliance on consultation to accommodate historic preservation objectives with Federal project needs is sound and consistent with the intent of Congress underlying section 106. The managers further endorse the active role conferred upon the State Historic Preservation Officer in the consultation process.

NATIONAL CAPITAL PLANNING COMMISSION

Appropriates \$2,712,000 for salaries and expenses instead of \$2,721,000 as proposed by the House and \$2,703,000 as proposed by the Senate. The increase of \$9,000 from the amount proposed by the Senate is to restore funding for salaries and expenses reduced by the pay reduction proposed by the Administration.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Appropriates \$2,329,000 for salaries and expenses as proposed by the Senate instead of \$2,316,000 as proposed by the House.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

Appropriates \$2,125,000 for the Holocaust Memorial Council as proposed by the Senate instead of \$2,119,000 as proposed by the House.

Language is included which provides the authority for the Chairman of the United States Holocaust Memorial Council to appoint persons who are not members of the Council to committees associated with the Council. If expenses are incurred by these designees they are to be paid out of the private funds of the Council.

Bill language is also included which clarifies that the Holocaust Memorial Council is an independent Federal agency, in addition to amending 36 U.S.C. 1407 to make it clear that the Congress regards the funds donated to the Council for the construction of the Holocaust Memorial Museum as nonappropriated funds notwithstanding other provisions of law which treat such funds as trust funds permanently appropriated for Government purposes. The managers agree that it is important that the Council be free to invest the donations in interest-bearing securities so as to provide an adequate endowment for operation and maintenance needs once the Museum is constructed. The Council may expend its donations for construction of the Museum in accordance with its statutory purpose but without regard to procurement-related statutes and regulations or other restrictions or requirements applicable to the expenditure of appropriated funds.

So as to ensure sufficient congressional oversight over the Council's nonappropriated fund activities and expenditures, two new sections are added to the end of 36 U.S.C. 1408 requiring an annual report to the Congress on the use of the funds donated for museum construction, and authorizing the Comptroller General of the United States to audit the Council's financial transactions using donated funds by granting access to all Council records required to facilitate such audit.

TITLE III—GENERAL PROVISIONS

Sec. 307. Continues unchanged the existing prohibition on the use of funds to process or issue leases for coal, oil, gas, oil shale,

phosphate, potassium, sulfur, gilsonite, or geothermal resources on wilderness lands and Forest Service RARE II further planning and Bureau of Land Management study areas rather than providing new language as proposed by the House.

Sec. 312. Provides no deer hunting on Loxahatchee NWR as proposed by the House.

The managers agree that the refuge will support the current deer population and that at this time there is no biological or ecological basis to support a deer hunt.

Sec. 314. Provides certain restrictions on the use of funds for the management or enhancement of grizzly bear habitat on National Park System or National Forest System lands.

Sec. 315. Provides a five year extension of the deadline for benefits to certain non-preference employees of the Indian Health Service and the Bureau of Indian Affairs.

Sec. 316. Provides an indefinite waiver of the requirement for Alaskan utilities to provide environmental information when requesting exemptions under the Fuel Use Act.

Sec. 317. Provides that the Department of the Interior and the Forest Service, when contracting for private air services, must use FAA certified aircraft unless the Secretary determines such aircraft are not available.

Sec. 318. Provides that no funds available to the Department of the Interior or to the Forest Service may be used to implement a jurisdictional interchange program until enactment of authorizing legislation.

Sec. 319. Provides temporary exceptions for certain acreage limitations for leaseholders on Federal lands within the Gallatin and Flathead National Forests.

Sec. 320. Provides an extension of the date on which certain provisions of the Mineral Lands Leasing Act of 1920, as amended by the Federal Coal Leasing Amendments, become effective. The managers agree that this is a one-time extension.

Sec. 321. Provides a requirement that the Navajo and Hopi Indian Relocation Commission submit a report to Congress by February 15, 1986, on plans for development of the new lands and requires review and comment on the plan by the Secretary of the Interior.

Sec. 322. Provides clarification that the current prohibition on geothermal leasing in the area of Yellowstone National Park is effective until action by Congress to the contrary.

Sec. 323. Provides for a coordinated program of health promotion and disease prevention in schools operated by the Bureau of Indian Affairs.

Sec. 324. Provides clarification in respect to donations utilized for construction and operation of the Holocaust Museum. This language requires an annual report to the Congress on the use of such funds and authorizes the Comptroller General of the United States to audit the Council's financial transactions involving donated funds.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION ACT

Amendment No. 8: Deletes language proposed by the House and Senate and inserts new language relating to the rate for operations for projects or activities provided for in the Department of Transportation and Related Agencies Appropriation Act, 1986.

The House version of H.J. Res. 465 provides appropriations for activities of the Department of Transportation and related agencies at a rate for operations and to the extent and in the manner provided for in H.R. 3244 as passed by the House of Repre-

sentatives on September 12, 1985. The Senate version of the joint resolution provides appropriations for these activities at a rate for operations and to the extent and in the manner provided for in H.R. 3244 as passed by the Senate on October 23, 1985, amended to provide \$1,752,000,000, including transfers, for Coast Guard, operating expenses and \$2,714,400,000 for Federal Aviation Administration, operations. The conference agreement incorporates some of the provisions of both the House and Senate versions of the Joint Resolution and has the effect of enacting the Department of Transportation and Related Agencies Appropriation Act, 1986, into law. The conferees agree that the language and allocations set forth in House Reports 99-256 and 99-403 or Senate Reports 99-152 and 99-210 shall be complied with unless specifically addressed to the contrary in the statement of the managers.

The conferees agree that for the purpose of section 252(a)(6)(D)(i)(II) of the Balanced Budget and Emergency Deficit Control Act of 1985 (H.J. Res 372,) with respect to appropriations contained in the Department of Transportation and Related Agencies Appropriation Act, 1986 (H.R. 3244) the terms "program, project, and activity" shall mean any item for which a dollar amount is contained in an appropriation Act (including joint resolutions providing continuing appropriations) or accompanying reports of the House and Senate Committees on Appropriations, or accompanying conference reports and joint explanatory statements of the committee of conference. The conferees agree that this definition shall apply to all programs for which new budget (obligational) authority is provided, as well as to Discretionary grants, Urban Mass Transportation Administration and Interstate transfer grants-highways, Federal Highway Administration. In addition, the percentage reductions made pursuant to section 252(a)(6)(D)(i)(II) of the Balanced Budget and Emergency Deficit Control Act of 1985 to funds appropriated for Facilities and equipment, Federal Aviation Administration and for Acquisition, construction, and improvements, Coast Guard, shall be applied equally to each "budget item" that is listed under said accounts in the budget justifications submitted to the House and Senate Committees on Appropriations as modified by subsequent appropriation Acts and accompanying committee reports, conference reports, or joint explanatory statements of the committee of conference.

The conference agreement incorporates the provisions of H.R. 3244 in accordance with the following agreements:

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

Appropriates \$51,300,000 together with \$500,000 from prior year unobligated balances as proposed by the Senate instead of \$50,500,000 together with \$330,000 derived by transfer as proposed by the House. The conference agreement distributes these funds as follows:

	Allocation
Immediate Office of the Secretary	\$980,000
Immediate Office of the Deputy Secretary	490,000
General Counsel	5,560,000
Policy and International Affairs	7,800,000

	Allocation
Budget and Programs	2,180,000
Governmental Affairs	2,600,000
Administration	20,930,000
Public Affairs	1,490,000
Executive Secretariat	780,000
Contract Appeals Board	400,000
Office of Civil Rights	1,300,000
Office of Commercial Space Transportation	500,000
Office of Small and Disadvantaged Business Utilization	1,440,000
Office of Essential Air Service	1,800,000
Regional Representatives ..	590,000

¹ Includes \$500,000 in carryover funds.

Any deviation from the above allocation shall be requested through the normal reprogramming process.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

Appropriates \$3,500,000 instead of \$3,000,000 as proposed by the House and \$4,000,000 as proposed by the Senate.

PAYMENTS TO AIR CARRIERS

Appropriates \$28,000,000 as proposed by the Senate instead of \$36,000,000 as proposed by the House.

COAST GUARD

OPERATING EXPENSES

Appropriates \$1,652,000,000 including \$10,000,000 to be derived by transfer instead of \$1,752,000,000 including \$25,000,000 to be derived by transfer as proposed by the Senate and \$1,785,200,000 including \$23,000,000 to be derived by transfer as proposed by the House.

In addition, \$100,000,000 has been made available by the Defense Appropriation Act, 1986, to be used in support of the Coast Guard's military readiness missions, and \$15,000,000 has been appropriated to the Navy for the support of Coast Guard drug interdiction activities.

The conference agreement provides that \$789,800,000 shall be available for compensation and benefits of military personnel instead of \$786,800,000 as proposed by the House and \$792,800,000 as proposed by the Senate.

The conference agreement delates position levels proposed by the Senate.

The conference agreement also provides that not less than \$328,000,000 shall be available for drug enforcement activities as proposed by the Senate instead of \$325,000,000 as proposed by the House.

The conferees direct the Coast Guard to construct a harbor office at Morro Bay, California, and to continue to operate the Great Lakes search and rescue facilities proposed for consolidation in the budget.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

Appropriates \$267,300,000 as proposed by the House instead of \$276,300,000 as proposed by the Senate. The Coast Guard is directed to submit within 30 days after enactment a spending plan for all acquisition, construction, and improvements projects to be funded with fiscal year 1986 funds (including those funded in the Defense Appropriation Act). Such plan shall be formulated using the guidance provided in House Report 99-256 and Senate Reports 99-152 and 99-176.

The conferees also direct the Coast Guard to proceed with completion of Phase III of the Boston Shore Support Facility, for which \$6,850,000 was appropriated in fiscal

year 1985. Phase III shall include construction of office and related support facilities, as originally proposed to and approved by the Congress.

ALTERATION OF BRIDGES

Appropriates \$5,200,000 as proposed by the Senate instead of \$7,195,000 as proposed by the House. Funds provided in the conference agreement together with available unobligated funds should be sufficient to provide for the fiscal year 1986 costs of altering the Willamette River Bridge in Portland, Oregon and the Trent River Railroad Bridge in New Bern, North Carolina.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Appropriates \$21,000,000 as proposed by the Senate instead of \$23,000,000 as proposed by the House.

BOAT SAFETY

Limits obligations for recreational boating safety assistance to \$30,000,000 in fiscal year 1986 and provides a liquidating cash appropriation of \$30,000,000 as proposed by the Senate instead of appropriating \$13,625,000 as proposed by the House.

The conferees have approved a funding level of \$30,000,000 for state recreational boating safety assistance programs, the authorized amount. The conferees have also continued a restriction on these funds so that no obligations may be incurred for the improvement of recreational boating facilities. However, the conferees note that acquiring, constructing, or repairing public access sites used primarily by recreational boaters, and establishing and maintaining facilities for and providing emergency search and rescue assistance, are specific purposes for which the states may use these funds pursuant to Public Law 92-75, as amended. The conferees expect the Coast Guard to promulgate complete and adequate guidelines so that the public access and search and rescue purposes of Public Law 92-75, as amended, may be fully implemented subject to the restriction noted above.

The conferees intend to fully review during the fiscal year 1987 hearings the use of recreational boating safety funds by the states, and will expect the Coast Guard to be prepared to discuss in detail the effectiveness of the Coast Guard's boating safety program.

The conference agreement deletes language proposed by the House exempting Coast Guard training travel expenses from section 2901(a)(1) of the Deficit Reduction Act of 1984.

FEDERAL AVIATION ADMINISTRATION

HEADQUARTERS ADMINISTRATION

Provides transfer authority of up to two percent between the appropriations for Headquarters Administration and Operations as proposed by the Senate.

OPERATIONS

Appropriates \$2,694,600,000 as proposed by the House instead of \$2,714,400,000 as proposed by the Senate. The conferees direct the Federal Aviation Administration to submit a report to the House and Senate Committees on Appropriations within 15 days after enactment describing the adjustments to the fiscal year 1986 operations funding plan presented in its detailed budget justifications needed to meet the funding level provided in the conference agreement. Such report shall include dollar and position breakdowns by activity. In making this revised distribution, the conferees expect the FAA to use the House and

Senate Committee reports as guidance and to include funding for an additional 300 aviation safety inspection positions above the original budget request. The additional inspection positions shall include additional support personnel as well as field inspectors. The conferees also assume that this funding level will support 14,306 air traffic control positions, the level reached in February 1985, plus an additional 500 positions announced by the Department on September 19, 1985. Any deviation from these staffing levels is to be reported promptly to the House and Senate Committees on Appropriations. The conferees expect the FAA to make special efforts to reach these staffing levels by July 31, 1986. The conferees also expect that any potential shortfalls in safety programs resulting from this distribution will be promptly reported to the House and Senate Committees on Appropriations.

The conferees object to restrictive Canadian policies toward aerial survey operations by U.S. affiliated companies in Canada. Canadian operators have established U.S. subsidiaries and obtained Federal Aviation Administration licenses that allow aerial survey aircraft to be used in the United States, and such subsidiary companies compete against U.S.-based corporations for United States government geological survey work. Although this side-looking airborne radar (SLAR) work is bid competitively by the geological survey, no reciprocity is practiced in Canada for U.S. firms.

The conferees expect the FAA to consider changes to 14 CFR Part 375 previously proposed by the Civil Aeronautics Board and published in the Federal Register of October 25, 1984, which would help assure reciprocity for foreign aircraft operating in U.S. airspace. Within 60 days after enactment of this Act the conferees expect the FAA to report to the House and Senate Committees on Appropriations on the status of the previously proposed rule changes and any plans to make other regulatory changes to assure reciprocity. The conferees urge the FAA to adopt rule changes that assure consideration of reciprocity or define foreign and U.S. ownership or control more precisely.

The conference agreement also provides that \$446,000,000 of the amount provided for operations shall be derived from the Airport and Airway Trust Fund as proposed by the Senate instead of \$548,000,000 as proposed by the House.

The conferees note with concern the two recent aircraft accidents involving air cargo planes at the Tri-State Airport serving West Virginia, Kentucky, and Ohio. One of those accidents involved the loss of life, and both occurred this year during the hours that the air traffic control tower was closed. It is the conferees' understanding that commercial flights carrying over 100 passengers arrive at this airport after the tower has been closed. In view of safety considerations, the Federal Aviation Administration is directed to operate this tower on a 24-hour basis.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Appropriates \$993,000,000 as proposed by the Senate instead of \$1,044,000,000 as proposed by the House. The conference agreement includes the following amounts:

Air route traffic control centers.....	\$231,720,600
Airport traffic control towers and terminal equipment.....	452,412,400
Flight service stations.....	10,000,000
Air navigation facilities.....	158,079,300

Housing, utilities and miscellaneous facilities.....	174,871,700
Aircraft and related equipment.....	2,775,000
Development, test, and evaluation.....	10,141,000

The conferees expect the FAA to comply with the project distribution outlined in House Report 99-256 as modified by Senate Report 99-152. The conferees recognize that delays in some projects might necessitate adjustments to the above allocations and expect these adjustments, if required, to be accomplished through the normal reprogramming process. Within the amount provided for airport traffic control towers and terminal equipment, the conference agreement includes up to \$40,000 to initiate design work for an air traffic control tower at Obyan, Saipan. In addition to the instrument landing systems identified in the House and Senate Committee reports, the conferees direct the FAA to install an instrument landing system for Runway 11 at Minneapolis-St. Paul International Airport.

The conferees continue to be concerned about both the adequacy and cost effectiveness of automated equipment for consolidated flight service station facilities. House Report 99-256 contains language requiring FAA to report on the relative cost, performance, availability, and eligibility for airport grant funds of commercial and government direct user access terminal (DUAT) systems. Until both the House and Senate Appropriations Committees have evaluated and approved FAA's reported DUAT comparison and selection process, the conferees direct that funding for development of the Model 2 automated flight service station be suspended.

In addition, Senate Report 99-152 required certification of Model 1 equipment and a revised facility consolidation plan to be submitted by December 1, 1985. Until the Committees have received and reviewed these reports, the conferees continue to disapprove fiscal year 1986 consolidations.

The conference agreement also provides that \$10,000,000 shall be available to continue the airway science curriculum program as proposed by the Senate instead of \$5,000,000 as proposed by the House. The conference agreement includes the following amounts:

University of North Dakota.....	\$4,000,000
Florida Memorial College.....	3,000,000
Delta State University.....	2,300,000

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Appropriates \$190,000,000 together with \$15,000,000 to be derived by transfer, instead of \$190,000,000 as proposed by the House and \$192,000,000 together with \$15,000,000 to be derived by transfer as proposed by the Senate. The conference agreement provides that \$3,036,412 shall be available for icing and related next generation weather radar atmospheric research to be conducted by the University of North Dakota. \$2,000,000 shall be available for the Center for Research and Training in Information-based Aviation and Transportation Management at Barry University, and \$2,000,000 shall be available for the Institute for Aviation Safety Research at Wichita State University.

The FAA should perform a thorough, objective, and well documented, benefit-cost analysis to support its Advanced Automation System (AAS) acquisition phase appropriation request. This analysis should in-

clude a clear definition of the objective of each element of the AAS program, an identification of all feasible ways of achieving each objective, and a detailed analysis of the costs and benefits expected from each alternative. The analysis should (1) be based on a sound and credible methodology, (2) use as a baseline for comparison an analytical evaluation of the level of effectiveness provided in the ATC system with Host and other pre-AAS enhancements, (3) identify all significant assumptions and models and include an analysis of the sensitivity of results to changes in significant assumptions or variables such as air traffic growth, and (4) be fully documented to facilitate an independent evaluation. FAA should also conduct a full assessment of the technical risks associated with its current acquisition strategy and with alternative strategies. This assessment should clearly identify the technical risks associated with the AAS and each subsystem (including all major software components) and the potential cost, schedule, and performance impacts associated with these risks. Finally, FAA should validate its AAS cost estimates with an independent cost analysis.

The conferees believe these studies are necessary to support this multi-billion dollar investment decision and allocate up to \$4,000,000 of this appropriation for FAA to complete them. If additional funding is needed, a supplemental request will be considered. All of these studies should use inputs as necessary from the program office, but should be conducted independent of the program management.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to the specific projects identified in the House and Senate Committee reports, the conferees direct that priority consideration also be accorded to Mahlon Sweet Airport, Eugene, Oregon.

OPERATION AND MAINTENANCE,

METROPOLITAN WASHINGTON AIRPORTS

Appropriates \$34,100,000 as proposed by the Senate instead of \$35,400,000 as proposed by the House.

CONSTRUCTION,

METROPOLITAN WASHINGTON AIRPORTS

Appropriates \$7,000,000 as proposed by the Senate instead of \$12,000,000 as proposed by the House.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

Limits the total amount that can be borrowed from the Secretary of the Treasury during fiscal year 1986 to pay off defaulted loans to \$75,000,000 instead of \$10,000,000 as proposed by the House and \$125,000,000 as proposed by the Senate.

FEDERAL HIGHWAY ADMINISTRATION

(LIMITATION ON GENERAL OPERATING EXPENSES)

Limits operating expenses to \$203,761,000 as proposed by the Senate instead of \$204,500,000 as proposed by the House.

Provides that \$48,415,000 of the amount provided for general operating expenses shall remain available until expended as proposed by the Senate instead of \$48,589,000 as proposed by the House.

The conference agreement inserts language providing that all unobligated amounts made available under this head in prior fiscal years for the establishment and implementation of a demonstration bonding program for economically and socially disad-

vantaged businesses shall remain available for such purposes until expended.

The conference agreement does not include the additional fiscal year 1986 funding for the minority business demonstration bonding program proposed by the House. Funds carried over from fiscal year 1985 should be adequate to implement this program in fiscal year 1986. The conferees remain fully supportive of this particular effort, and are concerned about the Department's lack of progress in implementing this program. Bonding capacity for disadvantaged firms has been and continues to be a major impediment to their full participation in contract opportunities. The conferees fully expect the fiscal year 1985 funds made available for this program to be obligated promptly for bonding and bonding assistance programs in Florida, New York, and Pennsylvania. The Department is directed to report to the House and Senate Committees on Appropriations by February 15, 1986, regarding its progress in implementing this program and obligating these funds.

The conference agreement also includes bill language proposed by the House prohibiting the use of the funds in the bill to approve projects to construct a landfill in the Hudson River as part of the Interstate highway system.

RAILROAD-HIGHWAY CROSSING DEMONSTRATION PROJECTS

Appropriates \$16,000,000 instead of \$38,700,000 as proposed by the House. The Senate bill contained no funds for this program.

The conference agreement includes the following amounts:

Lincoln, Nebraska	\$3,000,000
Pine Bluff, Arkansas	1,000,000
Augusta, Georgia	1,000,000
Carbondale, Illinois	3,000,000
Brownsville, Texas	2,500,000
Lafayette, Indiana	5,500,000

Includes language proposed by the Senate providing that the funds made available under this heading for Wheeling, West Virginia highway projects be available at full federal expense.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

Limits obligations for the federal-aid highways and highway safety construction programs to \$12,750,000,000 as proposed by the Senate instead of \$13,250,000,000 as proposed by the House.

The conference agreement includes the following allocations of interstate transfer-highways discretionary funds:

Arizona	\$1,128,228
Colorado	25,500,000
Illinois	48,646,772
Indiana	2,500,000
Iowa	6,125,000
Maryland	31,600,000
Minnesota	8,000,000
Duluth	(6,000,000)
Minn.-St. Paul	(2,000,000)
New Jersey	10,000,000
New York	6,050,000
Ohio	16,500,000
Oregon	11,350,000
Pennsylvania	7,050,000
Virginia	6,800,000

The conferees are aware of the recent severe flooding that has caused extensive damage to roads and bridges in West Virginia, Virginia, and Pennsylvania. Initial reports indicated that 47 bridges have been destroyed in West Virginia alone and exten-

sive road damage has occurred isolating many communities from essential food supplies, health care, employment centers and markets. Recognizing the urgent need for assistance, the conferees direct the Secretary to give priority consideration to those states for moneys from the emergency relief fund for road and bridge repair and reconstruction. These funds are to be used only in those counties declared federal disaster areas.

In addition to those projects identified in the Senate Report 99-152 to receive priority consideration for discretionary bridge funding, the conferees direct that the Denver, Colorado 23rd Street Viaduct project also receive the same consideration.

MOTOR CARRIER SAFETY

Appropriates \$13,900,000 as proposed by the House instead of \$13,902,000 as proposed by the Senate.

MOTOR CARRIER SAFETY GRANTS

Appropriates \$17,000,000 instead of \$14,000,000 as proposed by the House and \$20,000,000 as proposed by the Senate.

ACCESS HIGHWAYS TO PUBLIC RECREATION AREAS ON CERTAIN LAKES

Appropriates \$10,000,000 of which \$5,000,000 shall be derived by transfer instead of \$10,000,000 proposed by the Senate. The House bill contained no funds for this program.

BALTIMORE-WASHINGTON PARKWAY

Appropriates \$3,000,000 instead of \$6,500,000 as proposed by the House.

WASTE ISOLATION PILOT PROJECT ROADS

Appropriates \$7,000,000 for the waste isolation pilot project roads in New Mexico instead of \$16,260,000 proposed by the Senate. The House bill contained no funds for this program.

RAIL LINE CONSOLIDATION PROJECT

Provides \$4,000,000 by transfer instead of \$5,000,000 by transfer as proposed by the House.

AIRPORT-HIGHWAY DEMONSTRATION PROJECT

Provides \$1,350,000 by transfer instead of \$2,700,000 by transfer as proposed by the House.

EXPRESSWAY GAP CLOSING DEMONSTRATION PROJECT

Inserts language authorizing an expressway gap closing project and appropriates \$9,000,000 for such project.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

Appropriates \$88,851,000, of which \$5,000,000 shall be derived by transfer instead of \$78,851,000 as proposed by the Senate and \$89,365,000 as proposed by the House. The conference agreement includes the following distribution:

Rulemaking	\$7,040,000
Enforcement	11,400,000
Highway safety	13,200,000
Research and analysis	48,261,000
General administration	6,600,000
Office of the administrator	2,350,000

Provides that \$29,894,000 shall be derived from the Highway Trust Fund instead of \$25,120,000 as proposed by the House and \$25,455,000 as proposed by the Senate.

Provides that \$36,296,000 shall remain available until expended instead of \$36,624,000 as proposed by the Senate and \$42,174,000 as proposed by the House.

Provides that \$14,833,000 of the amount available until expended shall be derived from the Highway Trust Fund instead of \$10,180,000 as proposed by the House and \$13,729,000 as proposed by the Senate.

Inserts language proposed by the House requiring that \$10,000,000 of the amount provided under this head be available only for the purpose of implementing the recommendations of the 1985 National Academy of Sciences report on trauma research.

Inserts language proposed by the Senate providing \$500,000 by transfer for a national program to encourage the use of automobile passive restraints.

Deletes language proposed by the Senate prohibiting any manufacturer from earning credits for exceeding the corporate average fuel economy standard for any model year in which the Secretary has reduced the standard below that originally established by Congress, unless the manufacturer also exceeds the original standard.

FEDERAL RAILROAD ADMINISTRATION RAILROAD SAFETY

Appropriates \$27,764,000 as proposed by the Senate instead of \$28,000,000 as proposed by the House.

The conference agreement includes the following amounts:

Federal enforcement.....	\$22,564,000
(Positions)	(379)
Automated track inspection.....	100,000
Safety regulations/administration	3,600,000
(Positions)	(64)
State grants	1,500,000

In addition, the conferees expect an additional \$1,000,000 in unobligated funds to be made available for state safety grants.

Provides that \$1,500,000 shall remain available until expended as proposed by the Senate instead of \$1,300,000 as proposed by the House.

RAILROAD RESEARCH AND DEVELOPMENT

Appropriates \$10,600,000 instead of \$10,384,000 as proposed by the Senate and \$11,200,000 as proposed by the House.

The conference agreement includes \$200,000 to support the development of cooperative efforts between the states, railroads, community groups, and other public service groups to reduce accidents at grade crossings, and up to \$100,000 for research into corrosion and surge problems associated with tank car rupture disks that have recently experienced an increased incidence of uncontrolled release of hazardous materials.

The conference agreement also includes \$320,000 for the Oregon Graduate Center's research into maintenance and repair of railroad-related components.

RAIL SERVICE ASSISTANCE

Appropriates \$20,200,000 as proposed by the House instead of \$20,200,000 as proposed by the Senate.

In addition to the Chaplene Tunnel project on the Wheeling Terminal Industrial line identified in the Senate Report to receive priority consideration for local rail service assistance, the conferees urge that priority consideration also be given to a railroad rehabilitation project in Massachusetts and Vermont.

CONRAIL LABOR PROTECTION

Deletes rescission of \$8,000,000 proposed by the House.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

Of the \$12,500,000 provided in the bill for the northeast corridor improvement pro-

gram, the conferees direct that such funds be allocated according to the distribution in House Report 99-256. The conferees expect Amtrak to submit a reprogramming request to the House and Senate Committees on Appropriations in accordance with standard procedures, if any revisions to this distribution are contemplated.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

Provides a total of \$616,000,000 for Amtrak operations, capital improvements, and labor protection costs as proposed by the Senate instead of \$603,500,000 as proposed by the House.

The conference agreement also provides that, of the total amount available for Amtrak grants, \$23,000,000 shall be derived by transfer as proposed by the Senate instead of \$15,000,000 by transfer as proposed by the House. These funds are to be derived from the Conrail labor protection account. The conferees have made this recommendation in light of recent reports of the United States Railway Association concluding that "Conrail credibly and reasonably projects that it can weather future economic cycles even while paying 'normalized' expenses such as wage rates, state taxes, and job protection benefits". The United States Railway Association has also endorsed Conrail's five-year outlook that projects healthy net income for the years 1985 to 1989. Therefore to ensure an adequate and necessary employee protection plan, the conferees direct the Secretary to conduct discussions with Conrail's Board of Directors and management to make all necessary arrangements for Conrail to assume full financial responsibility for payments due its employees under sections 701 and 702 of the Regional Rail Reorganization Act of 1973, as amended. The Secretary shall report on the progress of such discussions to the House and Senate Committees on Appropriations no later than March 1, 1986.

Inserts language proposed by the Senate providing \$5,500,000 by transfer from unobligated balances of "Rail labor assistance".

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING FUNDS

Limits new loan guarantee commitments under sections 511 through 513 of the Railroad Revitalization and Regulatory Reform Act of 1976 to \$4,000,000 during fiscal year 1986 as proposed by the Senate. The Senate amendment also deletes House language providing that no new loan guarantee commitments shall be made during fiscal year 1986.

REDEEMABLE PREFERENCE SHARES

Authorizes the expenditure of \$33,500,000 as proposed by the Senate instead of \$35,500,000 as proposed by the House.

The conference agreement includes the following amounts:

Columbus and Greenville Railroad.....	\$1,900,000
Gulf and Mississippi Railroad	8,000,000
Miami commuter rail	12,500,000
Ann Arbor Railroad.....	2,600,000
Bangor and Arrostook Railroad ..	3,000,000
Chicago North Western Railroad ..	5,500,000

An appropriation of \$5,500,000 of section 505 funds is earmarked for the Chicago North Western Railroad only for use in upgrading of trackage in North Dakota and South Dakota. The most pressing need is for the lines between Pierre and Rapid City and Aberdeen in South Dakota to Oakes in North Dakota. Both lines have previously been subjects of abandonment proceedings

but provide important service to local shippers and it is therefore in the public interest that rail service continue.

A significant amount of this trackage is in need of work in excess of typical maintenance, including tie renewal, relay rail, surfacing, and bridge rehabilitation. Such work would enhance safe operations and improve service to shippers. The major beneficiaries of this upgrading would be the agricultural communities of North Dakota and South Dakota.

The conferees expect that under this program the Secretary, after complying with the above listed allocations, will give priority consideration to a rail rehabilitation project in Massachusetts and Vermont. It is also the intent of the conferees that priority consideration will be given to the additional needs of the Tri-County Commuter Rail project for a station connection with the Dade County metrorail for not to exceed \$4,000,000, and for the Delaware-Otsego system for rehabilitation of a line between Warwick, New York and Butler, New Jersey. Furthermore, it is the intent of the conferees that Federal Highway Administration "maintenance of traffic" funding shall be available for the operation of the Tri-County commuter rail project.

Deletes the language proposed by the House providing that \$5,500,000 shall be derived from unobligated balances of "Rail labor assistance".

Deletes the language proposed by the Senate providing that \$17,000,000 shall be derived from unobligated balances of "Redeemable preference shares" as of September 30, 1985.

CONRAIL COMMUTER TRANSITION ASSISTANCE

Provides \$5,000,000 by transfer instead of an appropriation of \$10,000,000 as proposed by the House.

The conferees are aware of the unusual bridge repair funding needs of the Philadelphia-area commuter rail system that have been brought about by the federally-mandated transfer of ownership of Conrail commuter rail property. In addition to the \$5,000,000 provided in the conference agreement to make such repairs, the conferees direct that UMTA make available to the Southeastern Pennsylvania Transportation Authority (SEPTA) an additional sum of \$5,000,000 from Discretionary Grant program rail modernization funds for such commuter rail bridge repairs. The conferees expect these funds to be made available in addition to funds SEPTA could otherwise expect to receive from the rail modernization program based on its historical percentage share of program funds for the fiscal year 1981 to fiscal year 1985 period. In addition, to the maximum extent feasible, it is expected that minority businesses will be given every opportunity to perform the work resulting from this appropriation. However, the Department, in implementing such a plan, should not reduce its quality assurance criteria or lessen its standards of contract responsibility.

URBAN MASS TRANSPORTATION ADMINISTRATION

ADMINISTRATIVE EXPENSES

Appropriates \$30,000,000 as proposed by the Senate instead of \$31,000,000 as proposed by the House.

Limits funding for the Office of the Administrator to \$650,000 instead of \$350,000 as proposed by the House. The conferees expect all salaries and expenses associated with the immediate offices of the adminis-

trator, deputy administrator, and executive director to be financed from this account.

The conferees agree that the extent of private sector involvement in the provision of public transit is best decided at the local level. The federal policy under the existing Urban Mass Transportation Act relating to the choice of service providers is one of neutrality. The conferees expect that explicit policy on privatization in the transit industry should be explored by Congress and decided only after appropriate rulemaking with the opportunity for public comment. While such rulemaking is underway, it is the conferees' view that conditioning the release, allocation, or level of federal transit grant funding on a showing by applicants of a certain level of involvement of private sector providers in the provision of mass transportation services is not consistent with the Urban Mass Transportation Act of 1964, as amended.

RESEARCH, TRAINING, AND HUMAN RESOURCES

Appropriates \$17,400,000 as proposed by the Senate instead of \$28,103,000 as proposed by the House.

The conference agreement includes \$7,700,000 for the integrated transportation center, \$250,000 for the Michigan state assistance model, and \$2,500,000 to continue the existing cold weather transit technology program. The conferees direct the Department's Transportation Systems Center to evaluate the cold weather transit technology program and to report to the House and Senate Committee on Appropriations regarding the applicability of this technology to transit operations that are affected by severe cold weather.

FORMULA GRANTS

Appropriates \$2,150,000,000 instead of \$2,100,000,000 as proposed by the Senate and \$2,210,000,000 as proposed by the House.

DISCRETIONARY GRANTS

Limits obligations to \$1,045,000,000 instead of \$1,010,000,000 as proposed by the House and \$1,100,000,000 as proposed by the Senate.

The conference agreement includes the following amounts:

Bus and bus facilities.....	\$145,000,000
Rail modernization and extensions.....	430,000,000
New systems and new extensions.....	385,000,000
Portland.....	(8,950,000)
Seattle.....	(24,650,000)
Miami.....	(38,000,000)
Santa Clara.....	(65,000,000)
Atlanta.....	(69,000,000)
Los Angeles.....	(101,000,000)
Houston.....	(54,750,000)
St. Louis.....	(13,500,000)
Buffalo.....	(850,000)
San Diego.....	(9,300,000)
Planning.....	50,000,000
Elderly and handicapped.....	30,500,000
Innovative techniques and technology introduction.....	5,000,000

The conferees intend that the \$850,000 included under new systems for Buffalo shall be used only for light rail construction on the Naval Park Station.

The conferees expect UMTA to be fully responsive to report language in the Senate Report 99-152 directing UMTA to credit certain funds beyond the local contribution, provided by local governments and downtown business towards the local match for additional federal moneys on the Banfield project in Portland, Oregon.

LIQUIDATION OF CONTRACT AUTHORIZATION

Appropriates \$775,000,000 as proposed by the Senate instead of \$720,000,000 as proposed by the House.

INTERSTATE TRANSFER GRANTS—TRANSIT

Appropriates \$218,750,000, of which \$18,750,000 shall be derived by transfer, instead of \$200,000,000 as proposed by the Senate and \$237,500,000 as proposed by the House.

The conference agreement includes the following discretionary allocations:

Sacramento.....	\$10,855,500
Chicago.....	67,187,779
Boston.....	11,875,000
Duluth.....	237,500
New Jersey.....	4,201,721
Cleveland.....	14,125,000
Indianapolis.....	892,500

The conferees recognize that delays in some regions' projects might necessitate adjustments to the above allocations. The conferees expect these adjustments, if required, to be accomplished through the normal reprogramming process.

WASHINGTON METRO

Appropriations \$227,000,000 instead of \$187,500,000 as proposed by the Senate and \$237,500,000 as proposed by the House.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Limits administrative expenses to \$1,916,000 instead of \$1,890,000 as proposed by the House and \$1,942,000 as proposed by the Senate.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

Appropriates \$19,300,000 instead of \$19,200,000 as proposed by the Senate and \$19,400,000 as proposed by the House.

The conference agreement includes three positions for a new special hazardous materials enforcement team and four positions to continue the essential air service information program. The conferees direct the Secretary to submit a report to the House and Senate Committee on Appropriations by March 1, 1986, describing the Research and Special Programs Administration's implementation plan for the new special enforcement team.

The conference agreement also deletes language proposed by the Senate allowing the research and special programs appropriation to be credited for training fees received from non-federal entities.

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

Appropriates \$27,600,000 instead of \$27,250,000 as proposed by the Senate and \$27,950,000 as proposed by the House. The conference agreement provides funding for an additional 10 positions over the budget request to continue essential air service audits.

TITLE II—RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS

COMPLIANCE BOARD

SALARIES AND EXPENSES

Appropriates \$1,975,000 as proposed by the Senate instead of \$2,000,000 as proposed by the House.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

Appropriates \$22,300,000 instead of \$22,200,000 as proposed by the Senate and \$22,000,000 as proposed by the House.

Limits funds for official reception and representation expenses to \$500 as proposed by the Senate instead of \$300 as proposed by the House.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

Provides a total of \$50,480,000 of which \$2,300,000 shall be derived by transfer as proposed by the House instead of a total of \$49,300,000 including \$2,300,000 by transfer as proposed by the Senate.

The conference agreement includes the following amounts:

Chairman.....	\$500,000
(Staff years).....	(7)
Commissioners.....	1,825,000
(Staff years).....	(27)
Satellite offices.....	1,050,000
(Staff years).....	(22)
Secretary.....	3,100,000
(Staff years).....	(85)
General Counsel.....	1,800,000
(Staff years).....	(27)
Proceedings.....	8,600,000
(Staff years).....	(150)
Hearings.....	570,000
(Staff years).....	(8)
Special Counsel.....	525,000
(Staff years).....	(7)
Transportation analysis.....	2,400,000
(Staff years).....	(30)
Accounts.....	6,910,000
(Staff years).....	(100)
Traffic.....	3,800,000
(Staff years).....	(81)
Compliance and Consumer Affairs.....	14,400,000
(Staff years).....	(257)
Managing Director.....	5,000,000
(Staff years).....	(88)

The conferees expect the Interstate Commerce Commission to use normal reprogramming procedures should it propose to deviate in any way from the staffing allocations or by more than five percent from the funding allocations listed above.

PANAMA CANAL COMMISSION

OPERATING EXPENSES

Limits funds for official reception and representation expenses of the Secretary to \$1,000 instead of \$5,000 as proposed by the House.

Appropriates \$400,284,000 as proposed by the Senate instead of \$401,284,000 as proposed by the House.

The conference agreement also deletes language proposed by the Senate requiring transfer of capital investment interest to the General fund.

CAPITAL OUTLAY

Provides for the purchase of 44 passenger motor vehicles as proposed by the Senate instead of 47 passenger motor vehicles as proposed by the House.

Appropriates \$25,500,000 as proposed by the Senate instead of \$26,500,000 as proposed by the House.

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

INVESTMENT IN FUND ANTICIPATION NOTES

Appropriates \$33,500,000 as proposed by the Senate instead of \$35,500,000 as proposed by the House.

UNITED STATES RAILWAY ASSOCIATION
ADMINISTRATIVE EXPENSES

Appropriates \$2,400,000 as proposed by the Senate instead of \$2,100,000 as proposed by the House.

TITLE III—GENERAL PROVISIONS

Restores House language prohibiting the use of funds for the planning or implementation of any change in the current federal status of the Transportation Systems Center.

Prohibits funds for salaries and expenses of more than 138 political appointees in The Department of Transportation instead of 105 political appointees as proposed by the House.

Limits funds for the Department of Transportation for expenses of advisory committees to \$1,700,000 instead of \$1,000,000 as proposed by the House.

The conferees have deleted the statutory requirement for letters of intent for Seattle, Los Angeles and Miami. However, the conference agreement includes languages requiring the Secretary to commence negotiations with appropriate local authorities to execute full funding contracts for Seattle, Los Angeles and Miami based upon past years' funding and the available fiscal year 1986 funding identified elsewhere in the statement of the managers. Future years' funding will be considered in subsequent appropriation Acts. Such contracts shall provide for completion of these projects according to the following distribution:

Total Federal funding	
Project	Amount
Los Angeles, MOS 1	\$429,000,000
Miami, DCM (north and south legs)	180,000,000
Seattle, bus tunnel	175,000,000

In directing the Secretary to enter into negotiations of full funding contracts, the conferees expect that at least the following conditions will be included in such contracts. Each contract shall provide for a stable and reliable financial plan, agreed upon by both parties. The financial plan required should also identify actions to be taken if revenue forecasts prove to be inadequate with reference to capital and operating costs.

In setting a limit in UMTA's financial participation in these projects, the conferees do not intend to include cost overruns in excess of agreed upon extraordinary costs under the full funding contracts. The contracts shall contain language to provide that such cost overruns will be paid for from non-federal sources of funds. Also, assurances should be provided for adequate bus operations to support each system and other transit needs.

The conferees fully expect the Secretary and the designated cities to reach agreement within the 90-day time limit. This deadline may only be extended upon agreement by both parties. If the deadline is not met, the conferees expect the parties to report to the House and Senate Committees on Appropriations on the reason for any delays and to continue reporting on the status of the negotiations at regular intervals until each contract is executed.

In the absence of good faith negotiations by either party, the conferees intend to revisit the necessity for further legislative action regarding full funding contracts for these three projects.

Restores House language requiring the Urban Mass Transportation Administration to enter into a contract with the Southern

California Rapid Transit District to conduct a study of the potential methane gas risks relating to the proposed alignment of the Metro Rail Project beyond the Minimum Operable Segment, MOS-1. An environmental impact statement (EIS) must be prepared in accordance with the National Environmental Policy Act and UMTA procedures. In addition to the already completed EIS, the Southern California Rapid Transit District must assess the geological risks of the project and methods for mitigating them. Such assessment must be conducted according to the language outlined in the resolution.

Restores House language providing that tolls collected for motor vehicles on any bridge connecting the borough of Brooklyn, New York, and Staten Island, New York, shall only be collected for those vehicles exiting for such bridge in Staten Island.

Inserts language proposed by the Senate allowing the State of Wyoming to conduct a 2-year demonstration project to determine the effects on the Interstate system of trucks that exceed the 80,000 pounds gross vehicle weight limit.

The conferees expect that after the completion of the demonstration project, the State of Wyoming will transmit to the Secretary of Transportation any study which the State of Wyoming conducts regarding such demonstration project. Within 30 months after the date of enactment of the accompanying resolution, the Secretary of Transportation shall submit to the Congress an evaluation of such demonstration project. Such evaluation shall include an assessment of the safety performance of such vehicles, and the effects of such vehicles on the condition of the highways over which they were operated.

Inserts language proposed by the Senate exempting funds received by a recipient of funds under section 18 pursuant to a service agreement with a State or local social service agency or a private social service organization from the definition of the term "Federal funds or revenues".

Deletes language proposed by the Senate requiring the Secretary to release all funds made available for fiscal year 1986 and prior years for grants under the contract authority authorized by section 21(a)(2)(B) of the Urban Mass Transportation Act of 1964, as amended, within 90 days.

Inserts language proposed by the Senate categorizing the proposed Belle Vernon Bypass as an open-to-traffic segment rather than an essential gap and enabling Pennsylvania to transfer an amount equivalent to the cost to complete the segment from its Interstate construction apportionment to Interstate 4R.

Inserts language proposed by the Senate requiring the United States government to indemnify any person who publishes aeronautical charts or maps under certain circumstances.

The conference agreement requires the United States to enter into agreements to indemnify the publishers of aeronautical charts or maps who incur liability for accurately depicting defective or deficient flight procedures promulgated by the Federal Aviation Administration, except where the defect or deficiency is obvious.

This section is not intended to impose a general duty on the publishers to verify independently the accuracy or safety of Federal Aviation Administration flight procedures or airways, or to imply that the publishers have the means to do so, except where there are obvious defects or deficiencies

in such flight procedures or airways. It is not the conferees' intention to impose an unreasonable burden on the publisher.

The conferees have agreed to the Senate language because of the unusual conditions involved in the publication of such charts. It is therefore the intention of the conferees that this indemnification provision is not to be treated as a precedent for any other situation involving potential federal tort liability.

Inserts language proposed by the Senate permitting New York State to obligate interstate construction funds apportioned during fiscal year 1986 for both interstate construction projects and interstate substitute highway projects.

The conference agreement also includes language prohibiting the use of certain mass transportation section 9 grant funds to cover cost overruns of the Detroit central automated transit (peoplemover) system.

Inserts language proposed by the Senate disapproving the proposed deferral (D86-21) of \$223,600,000 in UMTA section 3 funds for new start projects in five cities which would be distributed as follows:

Los Angeles	\$129,000,000
Miami	71,500,000
San Diego	11,300,000
Jacksonville	10,000,000

Inserts language proposed by the Senate extending the term of the current United States Railway Association Chairman from 1985 to 1987 and requiring that the Chairman not have any financial relationship with any freight railroad.

Inserts language proposed by the Senate authorizing a transfer of the authority of the Maine-New Hampshire interstate bridge authority to the States of Maine and New Hampshire.

Deletes language proposed by the Senate providing a 1.6 percent reduction in "each dollar amount contained in this Act which is provided for non-defense discretionary programs and activities", excluding Panama Canal appropriations, and a reduction in transit operating assistance to \$856,000,000.

Includes language increasing the State limitation for receipt of federal-aid highway emergency relief funds from \$30,000,000 to \$55,000,000 for grants associated with disasters that occurred in calendar year 1985.

Inserts language requiring the Secretary of Transportation to issue in the Federal Register a notice of intent to prepare an environmental impact statement (EIS) for the construction of the north and south legs of the downtown component of Metrorail in Dade County, Florida. The conferees expect the EIS for the construction of the north and south legs of the downtown component of metrorail to consider appropriate alignment options and the cost-effectiveness of each leg. In addition the conferees reiterate the language contained in House Report 99-403.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

RATE FOR OPERATIONS

Amendment No. 9: Inserts language proposed by the Senate changing the rate for operations for the Departments of Labor, Health and Human Services and Education and Related Agencies to the rate provided in the conference report on H.R. 3424 as adopted by the House of Representatives on December 5, 1985. The House bill provided for the rate as filed in the House of Representatives on November 21, 1985.

DEFINITION OF PROGRAM AND PROJECT, AND ACTIVITY

Amendment No. 10: Inserts a provision which identifies the part of the statement of the managers entitled "Definition of Program, Project, and Activity as provided for by Public Law 99-177, the Balanced Budget and Emergency Deficit Control Act of 1985" as the report filed by the House and Senate Committees on Appropriations defining "program, project and activity" pursuant to section 252(a)(6)(D)(i)(II) of Public Law 99-177.

The House language, which was stricken by the Senate, provided for the Military Construction Appropriations Act, 1986, (H.R. 3327) at the rate specified in the conference report. The President signed H.R. 3327 into law on December 10, 1985. Therefore, the language specifying funding levels has been deleted.

The following section provides the definition of "program, project, and activity" as provided for in the Balanced Budget Act and is arranged in appropriations bill order.

DEFINITION OF "PROGRAM, PROJECT, AND ACTIVITY" AS PROVIDED FOR BY PUBLIC LAW 99-177, THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985

The balanced budget act provides that when funds provided in annual appropriations Acts are sequestered, it shall be done from each affected program, project, and activity as set forth in the most recently enacted applicable appropriations Acts and accompanying committee reports including joint resolutions providing continuing appropriations and accompanying reports for the program, project, or activity in question.

Since most appropriations Act were already reported by the time the balanced budget legislation was considered, a special provision was included in Public Law 99-177 to allow the Appropriations Committees to define for fiscal year 1986 "programs, projects, and activities." The provision is as follows:

"The Committees on Appropriations of the House of Representatives and the Senate may, after consultation with each other, define the term program, project, and activity, and report to their respective Houses, with respect to matters within their jurisdiction, and the order issued by the President shall sequester funds in accordance with such definition."

The following report is submitted by the managers on behalf of the Committees on Appropriations to their respective Houses for the purposes of Sec. 252 (a)(1)(B)(i) and Sec. 252 (a)(6)(D)(i)(II) of Public Law 99-177:

Agriculture, Rural Development and Related Agencies During fiscal year 1986, for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), the following information provides the definition of the term "program, project, and activity" for departments and agencies under the jurisdiction of the Agriculture, Rural Development and Related Agencies Subcommittee. The term "program, project, and activity" shall include the most specific level of budget items identified in the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1986 (H.R. 3037), the House and Senate Committee reports (H. Rept. 99-211 and S. Rept. 99-137), and the conference report and accompanying joint explanatory statement of the managers of the committee of conference (H. Rept. 99-439).

In implementing the Presidential Order, departments and agencies shall apply the

percentage reduction required for fiscal year 1986 pursuant to the provisions of Public Law 99-177 to all items specified in the explanatory notes submitted to the Committees on Appropriations of the House and Senate in support of the fiscal year 1986 budget estimates, as amended, for such departments and agencies, as modified by Congressional action, and in addition:

For the Agricultural Research Service the definition shall include specific research locations as identified in the explanatory notes and lines of research specifically identified in the reports of the House and Senate Appropriations Committees.

For the Soil Conservation Service the definition shall include individual flood prevention projects as identified in the explanatory notes and individual operational watershed projects as summarized in the notes.

For the Farmers Home Administration the definition shall include individual State, district and county offices.

For the Agricultural Stabilization and Conservation Service the definition shall include individual State and county offices.

DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY AND RELATED AGENCIES

During the fiscal year 1986, for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), the following information provides the definition of the term "program, projects, and activity" for departments and agencies under the jurisdiction of the Commerce, Justice, State, the Judiciary and Related Agencies Subcommittee. The term "program, project, and activity" shall include the most specific level of budget items identified in the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1986 (P.L. 99-180), the House and Senate Committee reports (H. Rept. 99-197 and S. Rept. 99-150), and the conference report and accompanying joint explanatory statement of the managers of the committee of conference (H. Rept. 99-414).

In implementing the Presidential Order, departments and agencies shall apply the percentage reduction required for fiscal year 1986 pursuant to the provisions of Public Law 99-177 to each program, project, activity and subactivity specific in the budget justification documents submitted to the Committees on Appropriations of the House and Senate in support of the fiscal year 1986 budget estimates, as amended, for such departments and agencies, as modified by Congressional action. In addition, the departments and agencies in implementing the Presidential order, shall not (1) eliminate any program, project or activity; (2) re-order priorities or funds; or (3) initiate any program, project or activity that was not funded in P.L. 99-180. However, for purposes of program extension these departments and agencies may propose reprogrammings between programs, projects, and activities pursuant to the provisions of P.L. 99-180 after they implement the reductions required under the Balanced Budget Act.

DEPARTMENT OF DEFENSE

For the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), the following information provides the definition of the term "program, project, and activity" for appropriations contained in the Department of Defense Appropriations Act. The term "program, project, and activity" shall include the most specific level of budget items identified in the Department of Defense Appropria-

tions Act, 1986 (H.R. 3629), as passed the House on October 30, 1985 and as reported by the Senate on November 6, 1985, the House and Senate Appropriations Committee reports (H. Rept. 99-332 and S. Rept. 99-176 and the related classified annexes), the conference report and the accompanying joint explanatory statement of the managers of the committee of conference on the Further Continuing Resolution, 1986 (H.J. Res. 465, including the related classified annexes), and the P-1 and R-1 budget justification documents as subsequently modified by Congressional action.

In carrying out the Presidential sequestration order, the Department and agencies shall conform to the definition for "program, project, and activity" as set forth above, and in addition:

For the Military Personnel accounts, the definition shall include the appropriation accounts identified in the Department of Defense Appropriations Act, 1986, the Further Continuing Resolution, 1986 (H.J. Res. 465), and the accompanying House, Senate, and conference reports and accompanying statements of the managers, and further delineated in the program and financing schedules set forth in the Appendix to the Budget of the United States Government for fiscal year 1986, as modified by subsequent Congressional action.

For the Operation and Maintenance accounts, the definition shall include the appropriations accounts identified in the Department of Defense Appropriation Act, 1986, the Further Continuing Resolution, 1986 (H.J. Res. 465), and the accompanying House, Senate, and conference reports and the accompanying statements of the managers and further delineated in the program and financing schedules set forth in the Appendix to the Budget of the United States Government for fiscal year 1986, as modified by subsequent Congressional action.

For the National Foreign Intelligence Program, the definition shall further include the expenditure centers identified in the Congressional budget justification documents for fiscal year 1986, as modified by subsequent Congressional action.

The Department and agencies should carry forth the Presidential sequestration order in a manner that would not adversely affect or alter Congressional policies and priorities established for the Department of Defense and related agencies.

DISTRICT OF COLUMBIA

For purposes of sequestering new budget authority for Federal funds provided in the District of Columbia Appropriations Act, 1986 (H.R. 3067) under the terms prescribed in the Balanced Budget and Emergency Deficit Control Act of 1985, Public Law 99-177, the term "program, project and activity" shall be defined as any items specifically identified in written material set forth in enacted appropriations Acts and accompanying committee reports, including joint resolutions providing continuing appropriations and committee reports accompanying Acts referred to in such resolutions.

ENERGY AND WATER DEVELOPMENT

During fiscal year 1986, for purposes of section 252 of Public Law 99-177, the Balanced Budget and Emergency Deficit Control Act of 1985, "program, project and activity" as related to the Energy and Water Development Appropriation Act, 1986 (P.L. 99-141) and subsequent continuing resolutions for fiscal year 1986 affecting Energy and Water Development program, shall be defined for the purposes of deficit reduction

and sequestration to include items in the fiscal year 1986 budget submission of the President as subsequently altered, modified or changed by Congressional action and identified in the Energy and Water Development Appropriations Act, 1986, House and Senate committee reports (H. Rept. 99-195 and S. Rept. 99-110), the conference report and accompanying joint explanatory statement of the managers of the committee of conference (H. Rept. 99-307).

It is the intention that, for purposes of the Balanced Budget Act, each of the programs, projects and activities, as defined above, shall be appropriately funded and subsequently all reductions shall be made proportionately by applying the same reduction percentage as the percentage by which the account is reduced overall. For the purpose of program execution, it is not intended that normal reprogramming between programs, projects and activities necessitated by unforeseen circumstances beyond the control of the agency or required flexibility for normal operation and maintenance, or needed for the efficient prosecution and completion of scheduled work, or for other programmatic needs be precluded. In carrying out the Presidential Order, the agencies shall apply this definition and shall include additionally any and all individual items or line items listed, discussed, described, included in or in any way identified or referred to in narrative or tabular documentation or references including the supporting justification material submitted by the agencies. It is not intended that this be used (1) to eliminate programs, projects or activities, (2) to disproportionately reduce personnel, (3) to otherwise reorder funds or priorities, or (4) to initiate unfunded new programs, projects or activities. It is also the intention that reductions apply to budget authority after the normal application of general reductions and savings and slippage.

FOREIGN ASSISTANCE AND RELATED PROGRAMS

For the purpose of the Foreign Assistance and Related Programs Appropriations Act, (H.R. 3228) "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations Act earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund; Military Assistance; and, Foreign Military Credit Sales; "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account, for the functional development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the Executive Branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of a Foreign Assistance and Related Programs Appropriations Act or of enactment of a continuing resolution containing funding for these programs for the balance of the fiscal year, as required by Sec. 653(a) of the Foreign Assistance Act of 1961, as amended, whichever is the more recent action. In addition, no "program, project, or activity", which has been justified to the Congress may be eliminated through the sequestering process.

HUD-INDEPENDENT AGENCIES

During the fiscal year 1986, for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, (Public Law 99-

177), the following information provides the definition of the term "program, project and activity" for departments and agencies under the jurisdiction of HUD-Independent Agencies Subcommittee. The term "program, project and activity" shall include the most specific level of budget items identified in the Housing and Urban Development-Independent Agencies Appropriations Act, 1986 (Public Law 99-160), the House and Senate Committee reports (H. Rept. 99-212 and S. Rept. 99-129), and the conference report and accompanying joint explanatory statement of the managers of the committee of conference (H. Rept. 99-363).

In implementing the Presidential Order, departments and agencies shall apply the percentage reduction required for fiscal year 1986 pursuant to the provisions of Public Law 99-177 to each program, project, activity and subactivity contained in the budget justification documents submitted to the Committees on Appropriations of the House and Senate in support of the fiscal year 1986 budget estimates, as amended, for such departments and agencies as have been subsequently altered, modified or changed by Congressional action identified by the aforementioned acts, resolutions and reports. Further, it is intended that in implementing the Presidential Order, (1) no program, project or activity should be eliminated, (2) no re-ordering of funds or priorities occur, and (3) no unfunded program, project or activity be initiated. However, for the purposes of program execution, it is not intended that normal reprogramming between programs, projects and activities be precluded after reductions required under the Balanced Budget Act are implemented.

INTERIOR AND RELATED AGENCIES

As provided for by Section 252(a)(6)(D)(i)(II) of Public Law 99-177 and for the purposes of a President Order issued pursuant to section 252 of said Act, the term "program, project, and activity" for items under the jurisdiction of the Appropriations Subcommittees on Interior and Related Agencies of the House of Representatives and the Senate is defined as (1) any item specifically identified in tables or written material set forth in the Interior and Related Agencies Appropriations Act, 1986 (H.R. 3011) and accompanying committee reports (H. Rept. 99-205 and S. Rept. 99-141), and the joint resolution providing continuing appropriations (H.J. Res. 465) and the conference report and accompanying joint explanatory statement of the managers of the committees of conference; (2) any Government-owned or Government-operated facility, and (3) management units, such as national parks, national forests, fish hatcheries, wildlife refuges and the like, for which funds are provided in fiscal year 1986.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

During fiscal year 1986, for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), the following information provides the definition of the term "program, project and activity" for departments and agencies under the jurisdiction of the Labor, Health and Human Services, and Education and Related Agencies Subcommittee. The term "program, project and activity" shall include the most specific level of budget items identified in Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1986 (Public Law 99-178), the House and Senate

Committee reports (H. Rept. 99-289 and S. Rept. 99-151), the conference report and accompanying joint explanatory statement of the managers of the committee of conference (H. Rept. 99-402) and the table inserted on pages H10915 through H10940 of the Congressional Record of December 5, 1985.

LEGISLATIVE BRANCH

For purposes of sequestering new budget authority and reducing obligation limitations for funds provided in the Legislative Branch Appropriations Act, 1986 (Public Law 99-151), under the terms prescribed in the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), the term "program, project, and activity" shall be synonymous with each appropriation account in the Act. Thus, the base which each sequestration or reduction is taken shall be the appropriation account specified in the Act. The sequestration and reduction so ordered will be administered by each Congressional operation or agency as follows: in the case of items for the House of Representatives and Joint Items disbursed by the House of Representatives, the Clerk of the House; in each case of items for the Senate and Joint Items disbursed by the Senate, by the Secretary of the Senate; in the case of the Library of Congress, including the Congressional Research Service, by the Librarian of Congress; and the heads of each of the following: Architect of the Capitol; Office of Technology Assessment; Congressional Budget Office; Government Printing Office; Botanical Garden; Copyright Royalty Tribunal; General Accounting Office; and the Railroad Accounting Principles Board. In administering such sequesterations and reductions, the normal reprogramming procedures of the House and Senate Committees on Appropriations shall apply.

MILITARY CONSTRUCTION

For the purposes of the Military Construction Appropriations for fiscal year 1986 the term "program, project and activity" is defined as any item identified as a project activity or line item listed in the conference report and joint explanatory statement of the managers (H. Rept. 99-380) and reflected in the table inserted on pages H10336 through H10380 of the CONGRESSIONAL RECORD of November 20, 1985. It is also the intention that sequestration apply to budget authority after the application of the general reductions shown in the tables accompanying the Military Construction Appropriations conference report.

TRANSPORTATION AND RELATED AGENCIES

For purposes of section 252(a)(6)(D)(i)(II) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), with respect to appropriations contained in the Department of Transportation and Related Agencies Appropriation Act, 1986 (H.R. 3244) the term "program, project, and activity" shall mean any item for which a dollar amount is contained in an appropriation Act (including joint resolutions providing continuing appropriations), accompanying reports of the House and Senate Committee on Appropriations (H. Rept. 99-256 and S. Rept. 99-152, and accompanying conference reports and joint explanatory statements of the committee of conference. This definition shall apply to all programs for which new budget (obligational) authority is provided, as well as to Discretionary grants, Urban Mass Transportation Administration and Interstate transfer grants-highways, Federal Highway Administration. In implementing the Presiden-

tial Order, departments and agencies shall apply the percentage reduction required for fiscal year 1986 pursuant to the provisions of Public Law 99-177 to funds appropriated for facilities and equipment, Federal Aviation Administration and for Acquisition, construction, and improvements, Coast Guard, equally to each "budget item" that is listed under said accounts in the budget justifications submitted to the House and Senate Committees on Appropriations as modified by subsequent appropriation Acts and accompanying committee reports, conference reports, or joint explanatory statements of the committee of conference.

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT

During fiscal year 1986, for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), the following information provides the definition of the term "program, project and activity" for departments and agencies under the jurisdiction of the Treasury, Postal Service and General Government Subcommittee. The term "program, project and activity" shall include the most specific level of budget items identified in the Treasury, Postal Service and General Government Appropriations Act, 1986 (H.R. 3036), the House and Senate committee reports (H. Rept. 99-210 and S. Rept. 99-133), and the

conference report and accompanying joint explanatory statement of the managers of the committee of conference (H. Rept. 99-349). (Under the above definition, the Federal Buildings Fund, the Bureau of Engraving and Printing Fund and other intragovernmental funds are exempt under section 255(g)(1) of Public Law 99-177.)

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT

Amendment No. 11: Restores subsection letter (i) as proposed by the House.

Amendment No. 12: Inserts language proposed by the Senate which makes a technical change by inserting the words "and the Senate". The Senate passed the Conference Report on H.R. 3036 on November 7, the same day the Conference Report passed the House.

Amendment No. 13: Inserts a provision proposed by the Senate amended to appropriate \$1,065,000,000 for processing tax returns by the Internal Revenue Service of \$1,019,391,000 as proposed by the Senate and \$1,103,041,000 as proposed by the House. This provision also appropriates \$1,419,451,000 for the examinations and appeals activity of the Internal Revenue Service and \$748,000,000 for Payment to the Postal Service Fund as proposed by the Senate. The Conferees understand that the Administration will not request a supple-

mental for the revenue forgone subsidy. The Conferees direct the Postal Service to meet the liabilities of the former Post Office Department to the Employees' Compensation Fund.

The Conferees direct the Secretary of the Treasury to study the feasibility of transferring jurisdiction over Customs Bonded Warehouses used exclusively for the storage of imported alcohol beverages to ATF, and to report its findings to the Committees by March 1, 1986.

FOREIGN ASSISTANCE AND RELATED PROGRAMS

Amendment No. 14: Provides for funding for foreign assistance programs for fiscal year 1986. The amendment inserts the conference agreement for Foreign Assistance and Related Programs for fiscal year 1986. House language would have provided for foreign assistance programs at the level and terms and conditions of H.R. 3228 as reported to the House of Representatives on August 1, 1985 and modified by H.J. Resolution 465. Senate language would have provided for similar programs contained in S. 1816 as reported to the Senate on October 31, 1985 and modified by H.J. Resolution 465.

A summary of the title totals of the bill follows:

	FY 1986 estimates	House	Senate	Conference
Title I—MULTILATERAL ECONOMIC ASSISTANCE				
Contributions to International Financial Institutions.....	1,347,623,934	1,293,409,287	816,973,886	1,193,847,240
International organizations and programs.....	196,211,000	298,364,800	287,360,000	277,922,475
Total, contribution for Multilateral Economic Assistance.....	1,543,834,934	1,591,774,087	1,104,333,886	1,471,769,715
TITLE II—BILATERAL ECONOMIC ASSISTANCE				
Bilateral Development Assistance.....	2,786,407,000	2,662,342,530	2,818,136,000	2,717,060,730
Economic support fund.....	4,024,000,000	3,689,386,666	3,745,000,000	3,700,000,000
Total, Bilateral Economic Assistance.....	6,791,407,000	6,351,629,196	6,563,136,000	6,417,060,730
TITLE III—MILITARY ASSISTANCE				
Military Assistance.....	976,350,000	764,648,000	805,100,000	782,000,000
Foreign Military Credit Sales.....	5,655,000,000	5,058,983,333	5,371,000,000	5,190,000,000
Other.....	65,650,000	54,489,500	106,221,000	54,489,500
Total, Military Assistance Programs.....	6,697,000,000	5,878,120,833	6,282,321,000	6,026,489,500
TITLE IV—EXPORT-IMPORT BANK OF THE UNITED STATES				
Budget authority effect of Ex-Im limitations.....		783,879,167	1,800,000,000	1,110,000,000
Total NBOA (including Ex-Im).....	15,032,241,934	14,605,403,283	15,749,790,886	15,025,319,945

**TITLE I
MULTILATERAL ECONOMIC
ASSISTANCE**

The following table shows the conference agreement for Title I, Multilateral Economic Assistance:

	FY 1986 estimates	House	Senate	Conference
TITLE I—MULTILATERAL ECONOMIC ASSISTANCE				
FUNDS APPROPRIATED TO THE PRESIDENT				
International Financial Institutions				
Contribution to the International Bank for Reconstruction and Development:				
Paid-in capital.....	182,870,597	151,782,596	109,720,549	109,720,549
Contribution to the International Development Association (IDA VI).....	750,000,000	750,000,000	375,000,000	700,000,000
International Finance Corporation.....	35,033,000	29,077,390	35,033,000	29,077,390
Contribution to the Special Facility for Sub Saharan Africa.....				75,000,000
Contribution to the Inter-American Development Bank:				
Fund for special operations.....	72,500,000	72,500,000	40,000,000	40,000,000
Inter-regional paid-capital.....	58,000,983	58,000,983	38,000,983	38,000,983
Inter-American Investment Corporation.....	13,000,000	11,700,000	13,000,000	11,700,000
Contribution to the Asian Development Bank:				
Paid-in capital.....	13,232,676	11,989,408	13,232,676	11,909,408
Development fund.....	130,000,000	130,000,000	100,000,000	100,000,000

	FY 1986 estimates	House	Senate	Conference
Contribution to the African Development Fund.....	75,000,000	62,250,000	75,000,000	62,250,000
Contribution to the African Development Bank: Paid-in capital.....	17,986,678	16,188,910	17,986,678	16,188,910
Total: Contributions to International Financial Institution.....	11,347,623,934	1,293,409,287	816,973,886	1,193,847,240
Department of State				
International organizations and programs.....	196,211,000	298,364,000	287,360,000	277,922,475
Totals: Contribution for Multilateral Economic Assistance.....	1,543,834,934	1,591,774,087	1,104,333,886	1,471,769,715

SPECIAL FACILITY FOR SUB-SAHARAN AFRICA

The Conferees agree to provide \$75,000,000 for the Special Facility for Sub-Saharan Africa under Title I, Multilateral Economic Assistance. The House had originally funded the contribution to this facility under the Economic Support Fund in Title II. The Senate had provided no funding for the facility.

ASIAN DEVELOPMENT BANK

The Conferees agree that support of the Asian Development Bank will be discontinued if the Republic of China (Taiwan) is prevented from remaining as a full member of the Bank. Its status and designation within the Asian Development Bank must remain unaltered notwithstanding how the issue of the People's Republic of China's application for membership is finally determined.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

The following table shows the conference agreement for the International Organizations and Programs account.

Organization	Conference Agreement
UNDP.....	\$148,500,000
UNICEF.....	48,150,000
World Food Program.....	1,900,000
U.N. Capital Development Fund.....	900,000
U.N. Decade for Women.....	250,000

Organization

Conference Agreement

International Convention and Scientific Organization Contributions.....	1,282,500
World Meteorological Organization Voluntary cooperation.....	1,800,000
International Atomic Energy Agency.....	17,715,000
U.N. Environment Program.....	9,000,000
U.N. Education and Training Program for South Africa.....	900,000
UNDP Trust Fund to Combat Poverty and Hunger in Africa.....	1,429,975
Institute for Namibia.....	225,000
U.N. Trust Fund for South Africa.....	0
Convention on International Trade in Endangered Species.....	180,000
UNIDO Investment Promotion Service.....	0
U.N. Fellowship Program.....	225,000
World Heritage Fund.....	250,000
U.N. Voluntary Fund for Victims of Torture.....	90,000
Center on Human Settlements.....	400,000

Organization

Conference Agreement

International Fund for Agricultural Development....	30,000,000
Organization of American States.....	14,725,000

\$277,922,475

INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

The House and Senate versions of the Continuing Resolution each provided \$50 million in FY 1986 for the International Fund for Agricultural Development (IFAD). This amount was for a U.S. contribution to IFAD's Second Replenishment and, in the House version, to IFAD's Special Program for Africa as well.

The Conferees agree to provide \$30 million for an FY 1986 contribution to IFAD's Second Replenishment, without prejudice to a contribution to IFAD's Special Program for Africa. It is noted that since U.S. participation in IFAD is authorized under Section 103 of the Foreign Assistance Act, funds may be made available, under established procedures, from the Agriculture, rural development and nutrition account.

TITLE II

BILATERAL ECONOMIC ASSISTANCE

The following table shows the conference agreement for Title II, Bilateral Economic Assistance:

	FY 1986 estimates	House	Senate	Conference
TITLE II—BILATERAL ECONOMIC ASSISTANCE				
FUNDS APPROPRIATED TO THE PRESIDENT				
Agency for International Development				
Agriculture, rural development, and nutrition, Development Assistance.....	792,352,000	679,995,000	760,000,000	699,995,900
Population, Development Assistance.....	250,017,000	261,000,000	250,000,000	250,000,000
Health, Development Assistance.....	146,427,000	200,824,200	205,000,000	200,824,200
Child Survival Fund.....	22,500,000	22,500,000	25,000,000	25,000,000
Education and human resources development, Development Assistance.....	183,533,000	169,949,700	180,000,000	169,949,700
Energy and selected development activities, Development Assistance.....	210,071,000	174,358,930	190,000,000	174,358,930
Science and technology, Development Assistance.....	13,000,000	10,790,000	13,000,000	10,790,000
Private sector revolving fund (by transfer).....	(20,000,000)	(18,000,000)	(18,000,000)	(18,000,000)
Subtotal, functional development assistance.....	1,595,400,000	1,519,418,730	1,623,000,000	1,530,918,730
American schools and hospitals abroad.....	10,000,000	27,000,000	35,000,000	35,000,000
International disaster assistance.....	25,000,000	22,500,000	25,000,000	22,500,000
Sahel development program.....	80,500,000	87,750,000	80,500,000	80,500,000
Overseas training and special development activities (foreign currency program).....				
Payment to the Foreign Service Retirement and Disability Fund.....	43,122,000	43,122,000	43,122,000	43,122,000
AID deobligate/reobligate reappropriation.....		5,000,000	5,000,000	5,000,000
Deobligate and rescind Surian termination account.....		—26,200,000		
Operating expenses of the Agency for International Development.....	393,700,000	387,000,000	372,200,000	376,350,000
Operating expenses of the Office of the Inspector General.....			25,200,000	21,050,000
Trade credit insurance program.....	(200,000,000)	(200,000,000)	(300,000,000)	(250,000,000)
Trade and development.....	20,034,000	18,900,000	20,034,000	18,900,000
Housing and other credit guaranty programs:				
Loan reserve.....				
(Limitation on guaranteed loans).....	(45,000,000)	(144,000,000)	(160,000,000)	(152,000,000)
Subtotal, Agency for International Development.....	2,167,756,000	2,084,490,730	2,229,056,000	2,133,340,730
Economic support fund.....	4,024,000,000	3,689,286,666	3,745,000,000	3,700,000,000
Total, Agency for International Development.....	6,191,756,000	5,773,777,396	5,974,056,000	5,833,340,730
African Development Foundation				
Appropriations ¹	1,012,000	4,000,000	1,012,000	3,872,000

	FY 1986 estimates	House	Senate	Conference
Inter-American Foundation				
Appropriations.....	8,800,000	10,792,800	11,969,000	11,969,000
Overseas Private Investment Corporation				
(Limitation on direct loans).....	(15,000,000)	(13,500,000)	(15,000,000)	(14,250,000)
(Limitation on guaranteed loans).....	(150,000,000)	(135,000,000)	(150,000,000)	(142,500,000)
Total: Funds appropriated to the President.....	6,201,568,000	5,788,570,196	5,987,037,000	5,849,181,730
Independent Agency				
Peace Corps.....	125,200,000	128,600,000	130,000,000	130,000,000
Department of State				
International narcotics control.....	57,709,000	57,529,000	57,529,000	57,529,000
Migration and refugee assistance.....	337,930,000	337,930,000	344,730,000	338,930,000
Anti-terrorism assistance.....	32,000,000	5,000,000	9,840,000	7,420,000
Peacekeeping operations.....	37,000,000	34,000,000	34,000,000	34,000,000
Total, Department of State.....	464,639,000	434,459,000	446,099,000	434,879,000
Total, Bilateral Economic Assistance.....	6,791,407,000	6,351,629,196	6,563,136,000	6,417,060,730

¹ African Development Foundation had additional funds available to be obligated in FY 1985 due to carry over provisions in the FY Continuing Resolution and no year Sahel programs funds.

HEALTH, DEVELOPMENT ASSISTANCE AND CHILD SURVIVAL FUND

The Conferees agree to fund Health, Development Assistance at the House proposed level of \$200,824,200 instead of the Senate level of \$205,000,000. The Conferees agree to earmark \$12,500,000 within the Health, Development Assistance account for child survival programs and activities instead of the original Senate earmark of \$25,000,000.

The Conferees also agree to fund the Child Survival Fund at the Senate proposed level of \$25,000,000 instead of the House proposed level of \$22,500,000. The Conferees further agree to transfer \$12,500,000 in prior year unobligated funds from the amount for Lebanon in the Economic Support Fund to the Child Survival Fund.

AMERICAN SCHOOLS AND HOSPITALS ABROAD

The Conferees have been favorably impressed by the programs of the American University of Beirut and Project ORBIS. The American University of Beirut, particularly, has played an important role in an area of the world which has been constantly torn by strife over the last ten years. The Conferees are concerned that these two programs be sufficiently funded and strongly urge the Agency for International Development to fully fund their requests for assistance.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

IDCA

The Conferees agree to the Senate provision prohibiting the use of AID operating expenses to pay for the operating expenses of the International Development Cooperation Agency. This provision recognizes that relevant IDCA functions can continue to be carried out by the AID Administrator pursuant to existing delegations of authority. This provision does not repeal or otherwise affect existing authorization legislation relating to IDCA.

ACCOUNT CHANGES

The Conferees agree that for the purpose of funds made available by this act for FY 1986, the Agency for International Development may charge program-related overseas in-country travel to the relevant program (as opposed to the operating expenses) account. Similarly, for FY 1986, the cost of foreign service nationals who carry out program-related functions may also be charged against the relevant program account.

AID INSPECTOR GENERAL

The Conferees agree to provide a new account for the Inspector General of the Agency for International Development. The Conferees agree to include a provision allowing for the transfer of some funds from AID operating expenses to the Inspector General's office if necessary. Additionally, within the amount provided for the Inspector General, the Conferees agree to provide \$1,600,000 for security purposes.

AID BUREAU OF EXTERNAL AFFAIRS

The Conferees agree to drop Senate language which would have limited the number of personnel assigned to AID's Bureau of External Affairs office, to nineteen. The Conferees direct that the Agency for International Development reduce personnel in that office to a level of thirty-four.

NATIONAL UNIVERSITY IN COSTA RICA

The Conferees agree to drop the Senate language under the Education and Human Resources Development account, which would have earmarked \$340,000 to support a scholarship program at the National University in Costa Rica. The Conferees also have agreed to drop a provision under the Economic Support Fund account which would have earmarked \$840,000 equivalent in Costa Rican currency for the same project. The Conferees agree however, that this program deserves to be closely considered for funding by AID. This program would support the very worthwhile goal of providing scholarships for young Costa Ricans in the United States as called for by the Kissinger Commission.

LIMITATION ON DEVELOPMENT ASSISTANCE IN CENTRAL AMERICA

The Conferees have set a limitation on development assistance activities in Central America at a total of not more than \$250,000,000. Additional funds, if required, may be requested through the notification process of the Committees on Appropriations.

The Conferees strongly support development assistance programs in Sub-Saharan Africa, a region which is relatively worse off by most demographic and economic measures than several other regions. The Conferees strongly encourage the Administration to fund these programs at their full 1986 budget request levels.

PRIVATE AND VOLUNTARY ORGANIZATIONS

The Conferees agree that it is appropriate to require that private and voluntary organizations obtain a minimum of twenty per-

cent of their funding from private, non-governmental sources in order to be eligible for participation in programs funded under the Agency for International Development. Further, the Conferees agree that, in implementing this twenty percent rule for the private and voluntary agencies, AID shall not include in the determination of the amount of Government support for an organization the value of commodities (including related transportation) made available to that organization for overseas distribution. It is also the intent of the Conferees that the value of contracts for services and grants for AID-initiated activities shall not be included in determining Government support for such an organization. Lastly, it is further the intent of the Conferees that any application of this rule not interrupt fiscal year 1986 support for ongoing PVO programs of assistance for which Congress has been notified.

ECONOMIC SUPPORT FUND

COMMODITY IMPORT PROGRAM

The Conferees agree to earmark not less than \$200 million for Commodity Import Program activities in Egypt during FY 1986 as proposed by the Senate. This proposal can include the activities being financed under the ongoing Commodity Import Program as well as those financed by the newly proposed Private Enterprise Commodity Import Program.

GUATEMALA

In agreeing to remove the ceiling on the amount of Economic Support Fund assistance which can be made available for Guatemala, the Conferees are acting in light of the continuing progress Guatemala is making toward democracy and respect for human rights. The selection of a Congress and a civilian president in free and fair elections is a significant step forward in constitutional government in Guatemala. The Conferees will continue to watch closely the human rights situation in Guatemala. However, at this time, the Conferees believe that the United States should move quickly to support Guatemala's decisive steps toward democracy and to support the efforts of the newly elected president to address the serious economic difficulties confronting that nation.

PHILIPPINES

The Conferees agree to provide FY 1986 assistance to the Philippines, as follows:

	House	Senate	Conference agreement
ESF.....	(1)	\$110,000,000	\$125,000,000
MAP.....	\$25,000,000	50,000,000	40,000,000
FMS.....	0	20,000,000	15,000,000

¹ No amount specified.

TIED AID CREDIT PROGRAM

The FY 1986 International Security and Development Cooperation Act (P. L. (99-83) contains and earmark of \$50,000,000 in Economic Support Fund monies to carry out a tied aid credit program for U.S. exports. Since the passage of this Act, the Administration has proposed a \$300 million "war chest" to combat unfair trade practices. Therefore, in order to consider both issues, the Conferees agree that obligation of funds for the tied aid credit program be subject to the normal notification process.

SOUTHERN AFRICA REGIONAL PROGRAM

Under existing law, \$30 million of the funds made available under the Economic Support Fund are earmarked for Southern Africa regional programs. That same law also provides that 50 percent of this earmark shall be allocated for sector projects supported by the Southern Africa Development Coordination Conference (SADCC). SADCC is a regional organization comprised of the nine so-called "front line" states. The Conferees support development assistance and Economic Support Fund projects in Southern Africa, but are concerned that this particular provision of the law may result in U.S. foreign assistance financing of projects in Angola and Mozambique which would otherwise be prohibited by law. The Conferees agree that this particular program will be examined carefully.

LEBANON

The Conferees have included a provision which redistributes funds previously appropriated but currently unobligated for Leba-

non. This provision transfers \$5,350,000 to UNICEF, \$12,500,000 to the Child Survival Fund, and \$5,000,000 to International Narcotics Control. Following this transfer, approximate \$20,000,000 remains in this fund. The Conferees have included language which tightly restricts the use of these remaining funds solely for Lebanon as proposed by the Senate.

SYRIA

The Conferees agree to deobligate and rescind \$11,200,000 from the Syria Termination Account instead of the \$26,200,000 proposed by the House. The Conferees agree that the \$15,000,000 remaining in the account be used only to pay costs associated with the termination of the Syrian economic assistance program in accordance with the original Senate proposal.

TITLE II

MILITARY ASSISTANCE

The following table shows the conference agreement for Title III, Military Assistance:

	FY 1986 Estimates 22	House 73	Senate 74	Conference 75
TITLE III—MILITARY ASSISTANCE				
Funds appropriated to the President				
Military Assistance.....	976,350,000	764,648,000	805,100,000	782,000,000
International Military Education and Training.....	65,650,000	54,489,500	56,221,000	54,489,500
Foreign Military Credit Sales.....				
Direct credits and forgiven loans.....	5,655,000,000	5,058,983,333	5,371,000,000	5,190,000,000
Special Defense Acquisition Fund (limitation on obligations).....	(345,000,000)	(325,000,000)	(345,000,000)	(325,000,000)
Guarantee Reserve Fund.....				
Total Military Assistance Programs.....	6,697,000,000	5,878,120,833	6,282,321,000	6,026,489,500

GREECE AND TURKEY

The Conferees direct that military assistance for Greece and Turkey be provided only in accordance with a seven to ten ratio. The Conferees have earmarked military assistance to Greece and Turkey at a level which reflects both the seven to ten ratio and a ten percent reduction from the levels provided in the Senate bill as follows:

\$450,000,000; Turkey \$427,852,000; Military Assistance programs—\$215,000,000.

	FMS	MAP	Total
Greece.....	\$450,000,000	0	\$450,000,000
Turkey.....	427,852,000	215,000,000	642,852,000

TITLE IV—EXPORT BANK OF THE UNITED STATES

Limitation of Program Activity:

(Limitation on direct loans).....	(783,879,167)	(1,800,000,000)	(1,110,000,000)
(Limitation on guaranteed loans).....	(12,000,000,000)	(12,000,000,000)	(12,000,000,000)
Limitation on administrative expenses.....	(18,357,000)	(18,000,000)	(18,357,000)
Total Export-Import Bank of the United States (limitations on use of corporate funds).....	(12,018,357,000)	(12,801,879,167)	(13,818,000,000)

TITLE V—GENERAL PROVISIONS

DRUG CONTROL

The Conferees agree to include a modified version of a House provision relating to drug control. The House provision was modified by deleting Colombia from the General Provision, section 537, which required that 50 percent of the funds (excluding International Narcotics Control funds) for Colombia, Jamaica and Peru be withheld from obligation unless the President determines and reports to Congress, that these Governments are "sufficiently responsive to the United States Government concerns on drug control and that the added expenditures of the funds for that country are in the national interest of the United States".

The Conferees removed Colombia from the restriction because of the progress that country has made during the past year in its drug control program. The Conferees be-

lieve that these efforts should be accelerated in order to avoid U.S. foreign assistance restrictions in the future.

The Conferees agree to retain the second section of this provision which placed additional requirements on the release of funds to Bolivia.

DEOBLIGATION-REOBLIGATION AUTHORITY

The Conferees agree to provide deob-reob authority to the Agency for International Development. Funds which are deobligated remain available for reobligation for one calendar year from the date of deobligation.

CESSATION OF ASSISTANCE FOLLOWING MILITARY COUPS

The Conferees agree to Senate language which provides that funds made available under this Act may not be obligated or expended for assistance to any country whose duly elected head of government is deposed by military coup or decree. This provision is

in lieu of two separate House provisions which applied this restriction to El Salvador and Guatemala. The provision agreed to covers El Salvador, Guatemala, and any other country whose duly elected head of government is deposed by military coup or decree.

Amendment No. 15: Restores subsection letter proposed by the House.

TRADE ACT—ADMINISTRATIVE COSTS

Amendment No. 16: Deletes appropriation of \$4,588,000 proposed by the Senate for State administrative costs related to the Trade Act. The House resolution contained no funds for this purpose.

The conferees are concerned that some States will not have sufficient unexpended carryover funds from prior allotments under the Dislocated Workers Assistance Program to maintain ongoing levels of job retraining and support services in program

year 1986. Therefore, the conferees direct that in reviewing applications submitted by States for discretionary funds the Secretary of Labor shall give first priority to those applications submitted by States with insufficient unexpended carryover funds from prior year obligations to maintain ongoing expenditure levels throughout program year 1986. This should provide the desired assistance to those States which have utilized funds provided in prior years while also maintaining the Secretary's responsibility under the Job Training Partnership Act to consider throughout the year proposals submitted by States for special projects that could otherwise not be financed. The Secretary shall report to the House and Senate Appropriations Committees on the amount of carryover funds which are available to each State under section 301(b) of the Act and if additional appropriations are necessary to maintain current program levels in all States.

FOSTER CARE—RATE OF OPERATIONS

Amendment No. 17: Inserts language proposed by the Senate which has the effect of providing the current rate of spending for certain expired sections of Title IV-E of the Social Security Act relating to foster care and adoption assistance. The House resolution contained no similar provision.

PUBLIC BROADCASTING

Amendment No. 18: Deletes reference to Corporation for Public Broadcasting proposed by the House. An appropriation of \$214,000,000 for the Corporation is included in the regular appropriation Act.

Amendment No. 19: Deletes House language as proposed by the Senate. The House language reads as follows:

SEC. 105. In view of the financial crisis facing many farmers, resulting from embargoes and suspension of exports in 1973, 1974, 1975, and 1980, and failure to use the Commodity Credit Corporation for a loan program which led to a fair price from the user, the Secretary of Agriculture shall use his authority under existing law to provide for nonrecourse loans on basic agricultural commodities at such levels as will reflect a fair return to the farm producer above the cost of production, and to issue such regulations as will carry out this provision and as will provide for payment by the purchaser, rather than by appropriation, for basic commodities sold for domestic use and the Secretary of Agriculture shall issue such regulations as will enable producers of any basic agricultural commodity to produce the amount needed for domestic consumption, to maintain the pipeline, and to regain and retain by competitive sales our normal share of the world market.

The House provisions directed the Secretary to carry out existing law. The House receded to Senate position since the authority to the Secretary continues to exist.

Amendment No. 20: Deletes House language as proposed by the Senate. The House language reads as follows:

SEC. 106. Public Law 99-88 funded a study by the Department of Agriculture to determine the losses suffered by United States farm producers of agricultural products during the last decade as a result of embargoes on the sale of United States agricultural products and the failure to offer for sale in world markets commodities surplus to domestic needs at competitive prices, for use in determining what part of existing indebtedness of farmers should be canceled as a result of such foreign policy. Pending the completion of the study, the Secretary shall

determine, on a case-by-case basis, which borrowers are unable to continue making payments of principal and interest due to embargoes or the failure to sell competitively in world trade and, thereby, qualify for an adjustment of principal and interest due to prevent bankruptcy of foreclosure, all as authorized by existing law.

Upon presentation of substantial evidence to the Secretary that a borrower qualifies, payment of principal and interest shall be suspended and the Secretary shall forego foreclosure of loans owed to the Federal Government, as authorized by law, for 12 months or until an adjustment is agreed upon. Other creditors shall be requested by the Secretary to postpone payments due on the same basis.

The House provision directed the Secretary to take action authorized by existing law. The House receded to the Senate position, since authority to do as the language directs continues to exist.

RUIDOSO AIRPORT

Amendment No. 21: Makes a technical correction to the authority included in Public Law 99-98 for the relocation of the Fort Stanton Experiment Station in order to make room for a new Ruidoso airport as proposed by the Senate.

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

EMERGENCY WATERSHED PROTECTION MEASURES

Amendment No. 22: Appropriates \$40,000,000 for emergency assistance to repair watersheds that were damaged by Hurricane Juan and torrential rains this fall, as proposed by the Senate. The conference agreement also amends a U.S. Code citation to clarify that rehabilitation measures are funded.

The conferees agree that there is an urgent need for supplemental funds and that these funds should be used to (a) continue to remove debris from drains, streams, and structure openings to prevent further devastating floods and the resulting hazards to life and property; (b) restore the \$5,000,000 emergency contingency fund; and (c) restore the \$10,000,000 operating funds that have been redirected to provide immediate emergency assistance.

FARM CREDIT ADMINISTRATION

Amendment No. 23: Provides an increase in the limitation on administrative expenses of \$9,549,000 (from assessments collected from farm credit system banks) for fiscal year 1986 as proposed by the Senate. The conference agreement also provides that the Comptroller General or his duly authorized representatives shall have access to and the right to examine all books, documents, papers, records, or other recorded information within the possession or control of the Federal land banks and Federal land bank associations, Federal intermediate credit banks and production credit associations and banks for cooperatives.

EDA BALANCES NOT DISBURSED

Amendment No. 24: Inserts language proposed by the Senate concerning the use of obligated and undisbursed funds in New York, New York, amended to include the following: similar provisions for funds for New Jersey, California, Alabama and Illinois; clarifying language concerning Red Rock Dam and Lake, Iowa; two grants totaling \$8,500,000 for the Economic Development Administration; and \$2,500,000 for the United States Information Agency to reimburse organizations for expenses related to

international games for the handicapped. The House bill contained none of these provisions.

The conference agreement provides that obligated but undisbursed balances from the appropriations pursuant to the Local Public Works Capital Development and Investment Act of 1976 be made available to the locations and for the purposes designated in the Joint Resolution in the following amounts: (1) New York, New York, \$14,100,000; (2) New Jersey, \$1,069,861; (3) California, \$431,012; in addition, the conferees intend that his contribution toward the South Gate project is in addition to, and not in any way in lieu of, other fiscal year 1986 EDA funds to be applied to this important project; (4) Alabama, \$470,224; (5) Illinois, \$819,650; the conferees intend that \$400,000 will be for a grant to the Will County Local Development Company and the balance of these funds will be allocated to the Illinois and Michigan Canal Commission for the purpose of achieving the objectives set forth in establishing the Corridor, for improving economic conditions in the area, engendering long-term, sustainable economic development for the creation of permanent jobs, and to meet additional administrative demands created through the provision of these funds.

The conference agreement also includes language to facilitate activities related to an existing flood control project at Red Rock Dam and Lake, Iowa. When the Red Rock Project was established, some owners were forced to sell flowage easements and not given the opportunity to sell the land instead. This was not the policy on projects since that time. Flooding has been more frequent than anticipated and caused great loss to some owners. Selling land subject to such an easement is very difficult and it would be in the interest of both the government and the owners to purchase the remaining interest where owners desire to sell it. The appraisal of the interests in the real estate involved shall be in accordance with usual appraisal principles, recognizing the percentage of the total fair market value paid for the flowage easement rights presently owned by the United States.

The conference agreement also provides two grants for economic development assistance purposes: (1) Lexington County, South Carolina, and (2) Fort Worth Stockyards. In addition, the conferees direct that, within available funds, the Secretary of Commerce make payment as expeditiously as possible to the City of East Grand Forks, Minnesota, in connection with the City's application for assistance under title I of the Public Works and Economic Development Act as approved by the Economic Development Administration in September, 1983. This is a unique case in that the project qualifies under recently revised regulations concerning the relocation of grantees.

The conference agreement provides \$2,500,000 to the United States Information Agency for reimbursement of expenses associated with the exchange of athletes, coaches and officials for international games for the handicapped held in the United States as authorized by Public Law 99-93. The agreement also provides that reimbursement for each organization conducting such games shall not exceed the total amount of necessary and reasonable expenses incurred by the organization in excess of donations and government services furnished. The organizations which are expected to apply for reimbursement and the anticipated amounts of their claims are: The XV International

Games for the Deaf (not to exceed \$1,977,600); the Fifth National Amputee Championships (not to exceed \$250,000); the 1985 National Cerebral Palsy/Les Autres Games (not to exceed \$330,000); the Ninth Annual National Championship for Blind Athletes (not to exceed \$50,000); the National Wheelchair Athletic Association (not to exceed \$40,000); National Handicapped Sports and Recreation Association (not to exceed \$75,000); and the International Summer Special Olympic Games (not to exceed \$25,000).

The conferees are agreed that the United States Information Agency shall carefully review each claim submitted under this program and provide reimbursement directly to claimants in accordance with the provisions of Public Law 99-93 and this conference agreement. Disbursements to the qualified claimants shall be made within 30 days after claims are submitted to the United States Information Agency. The conferees are further agreed that the United States Information Agency will submit a report to the House and Senate Appropriations Committees by April 1, 1986 concerning reimbursements made under this program and quarterly thereafter to the extent that any unobligated funds remain.

INTEGRATED FLOOD OBSERVING AND WARNING SYSTEM

Amendment No. 25: Appropriates \$3,000,000 for the Integrated Flood Observing and Warning System (IFLOWS) as proposed by the Senate.

DEPARTMENT OF JUSTICE—"INSIDER TRADING"

Amendment No. 26: Inserts language which prohibits the Department of Justice, for a period of six months, from implementing or adopting as a permanent rule, New Offense Example 363, providing for "insider trading" offenses with the proviso that this language shall not apply to any case pending before the U.S. Parole Commission as of the effective date of this joint resolution. This language is the same as the Senate proposal except for the addition of the proviso. The House bill did not contain any provision on this matter.

The conference agreement is not intended to change the result in any case pending before the United States Parole Commission in which an initial hearing has been held.

COMPREHENSIVE CRIME CONTROL ACT

Amendment No. 27: Deletes Sec. 111 proposed by the Senate which would have amended the Comprehensive Crime Control Act of 1984 to permit the deputizing of local law enforcement officers for Federal investigations. This provision, along with the provision in Amendment No. 28, are part of a technical corrections legislative package to the Comprehensive Crime Control Act that the authorizing committees are expected to consider in the second session of the 99th Congress.

Amendment No. 28: Deletes Sec. 112 proposed by the Senate which would have amended the Comprehensive Crime Control Act of 1984 to impose a minimum mandatory five-year prison sentence for a conviction for carrying a firearm during the commission of a serious drug offense.

COMMISSION ON THE BICENTENNIAL OF THE CONSTITUTION

Amendment No. 29: Appropriates \$12,000,000 for the Commission on the Bicentennial of the Constitution, removes the limitations in current law on the number of staff and details to the Commission, and provides that the salary of the director of

the Commission shall not exceed 95 percent of level I of the Executive Schedule. The Senate had proposed an appropriation of \$20,000,000 and language to remove the limitations on the number of staff and details to the Commission. The House bill did not contain any provision on this matter.

LEGAL SERVICES CORPORATION

Amendment No. 30: Inserts language which prohibits unobligated balances for the Legal Services Corporation which are carried over into fiscal year 1986 either by the Corporation or by any of its recipients from being expended unless such funds are expended pursuant to the restrictions and provisions of P.L. 99-180, except that such funds may be expended for continued representation of aliens commenced prior to January 1, 1983, or as approved by the Corporation. The Senate had proposed language which would have prohibited funds appropriated to the Legal Services Corporation and made available to grantees from being expended until such grantees had expended all funds carried over from previous fiscal years unless the failure to expend such funds had been approved by the Legal Services Corporation. The House bill contained no provision on this matter.

The conferees are agreed that attorneys in local legal services programs should not be put in the position of violating a judicial decree or the Code of Professional Responsibility because of the restrictions in the conference agreement. Therefore, the conferees have included a provision in the agreement which would permit the Corporation to waive these restrictions in order to preclude either of these situations.

SMALL BUSINESS ADMINISTRATION

Amendment No. 31: Inserts language as proposed by the Senate, with a section number change, which transfers \$10,000,000 from the Disaster Loan Fund to the Salaries and Expenses account of the Small Business Administration for disaster loan making activities, including loan servicing.

NUCLEAR TRANSFERS TO CHINA

Amendment No. 32: Deletes language proposed by the Senate which would have prohibited the availability of funds for the issuance of any license for export to, or for any approval for the transfer or retransfer to, the People's Republic of China of any nuclear equipment, materials, or technology subject to the Agreement for Cooperation Between the Government of the United States of America and the Government of the People's Republic of China Concerning Peaceful Uses of Nuclear Energy, until the President certifies that standard methods of accounting and inspection have been established for verification.

DEPARTMENT OF DEFENSE—MISCELLANEOUS PROVISIONS

Amendment No. 33: Deletes Senate language requiring the Secretary of Defense, beginning on May 1, 1986, to reduce the rate of obligations from the individual military personnel accounts to insure that none will exceed the appropriation ceiling for fiscal year 1986. This provision is included in the Department of Defense Appropriation Act, 1986 set forth in amendment number 4.

Amendment No. 34: Deletes Senate language limiting Department of Defense obligations and expenditures for consultants and related services for fiscal year 1986 to \$1,277,793,000. The conferees agreed to remove this provision and it is not included in amendment number 4.

Amendment No. 35: Deletes Senate language raising the limitation for emergencies

and extraordinary expenses by \$708,000. This issue was agreed to and is addressed in amendment number 4.

Amendment No. 36: Deletes Senate language preventing the Department of Defense from using any paint containing the chemical compound tributyltin to paint naval vessels until the Environmental Protection Agency makes a certification to the Department. This provision was agreed to and is addressed in amendment number 4.

Amendment No. 37: Deletes Senate language appropriating an additional \$400,000 to the Operation and Maintenance, Army National Guard account for the environmental projects program. This addition was agreed to and is addressed in amendment number 4.

Amendment No. 38: Deletes Senate language appropriating an additional \$42,400,000 to the Other Procurement, Army account for the procurement of the M-9 Armored Combat Earthmover. This issue is addressed in amendment number 4 under the Other Procurement, Army account.

Amendment No. 39: Deletes Senate language appropriating an additional \$126,894,000 to the Missile Procurement, Air Force account for Titan 3407 missile procurement. This issue is addressed in amendment number 4 under the Missile Procurement, Air Force account.

Amendment No. 40: Deletes Senate language prohibiting the earmarking of Strategic Defense Initiative funds for contracts with non-U.S. contractors prior to source selection in order to meet a specific allocation of funds to any allied nation. This provision was agreed to and is addressed in amendment number 4.

Amendment No. 41: Deletes Senate language earmarking \$5,000,000 for a research program to develop new and improved verification techniques to monitor compliance with a possible anti-satellite weapons agreement from the RDT&E, Air Force account. This issue was agreed to and is addressed in amendment number 4.

Amendment No. 42: Deletes Senate language earmarking \$10,000,000 for the Department of Defense/Department of Energy Conventional Munitions Technology Development Program for the RDT&E, Defense Agencies account. The earmarking was adjusted and is addressed in amendment number 4.

Amendment No. 43: Deletes Senate language earmarking \$10,000,000 out of the Research, Development, Test and Evaluation, Defense Agencies account for research, development and acquisition of an advanced super computer. This addition was agreed to and is addressed in amendment number 4.

Amendment No. 44: Deletes Senate language requiring that funds appropriated to or for the use of the Defense Department may not be obligated or expended until they have been authorized by law but exempting the Coastal Defense Augmentation appropriation from this requirement. This provision was agreed to and is addressed in amendment number 4.

Amendment No. 45: Deletes Senate language appropriating \$15,000,000 for acquisition of point air defense in Italy. This addition was agreed to and is addressed in amendment number 4.

Amendment No. 46: Deletes Senate sense of the Congress provision regarding competition for ship maintenance and repair contracts. This issue is addressed in amendment number 4 under the Operation and Maintenance, Navy account.

Amendment No. 47: Deletes Senate sense of the Senate provision to launch investigations and audits of all defense contractor billing practices to expose possible fraudulent actions. Various initiatives have been enacted in recent years to address this issue.

Amendment No. 48: Deletes Senate language adding the words "authorizing such expenditures and". This language concerns the need to enact authorizing legislation to establish a Mariner Fund and is addressed in amendment number 4.

ENERGY AND WATER DEVELOPMENT PROVISIONS

Amendment No. 49: Inserts language proposed by the Senate which amends Section 1302 of Public Law 98-181 to substitute in the first sentence "period of two years" with "period ending January 1, 1989" and conforms section number.

Amendment No. 50: Inserts language proposed by the Senate which directs the Secretary of the Army to accomplish emergency bank stabilization work at Bethel, Dillingham, and Galena, Alaska, and conforms section number.

Amendment No. 51: Inserts language proposed by the Senate which provides that the Secretary of the Army shall include as part of the non-Federal contribution for the Fairfield Vicinity Streams, California, project the cost of any work carried out by non-Federal interests on the project after December 31, 1973, and conforms section number.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS MISCELLANEOUS PROVISIONS

Amendment No. 52: Deletes a Senate provision concerning refugee situations. The conferees agree to include the Senate language in its entirety as part of the conference agreement inserted in Amendment No. 14.

Amendment No. 53: Deletes Senate provision concerning Jordan Arms Sales notification. The conferees agree to include the Senate language in its entirety as part of the conference agreement inserted in Amendment No. 14.

Amendment No. 54: Deletes a Senate provision concerning child immunization. The conferees agree to include the Senate language in its entirety as part of the conference agreement inserted in Amendment No. 14.

Amendment No. 55: Deletes a Senate provision concerning Foreign Military Sales concessional loans. The conferees agree to include the Senate language in its entirety as part of the conference agreement inserted in Amendment No. 14.

Amendment No. 56: Adds Senate language, with a new section number, concerning the denial of most-favored-nation treatment to the products of Afghanistan.

ENVIRONMENTAL PROTECTION AGENCY

Amendment No. 57: Inserts language proposed by the Senate appropriating \$2,400,000,000 for construction grants, and amends the section number accordingly. To prevent serious disruption and delays to construction projects, \$600,000,000 is made available immediately. These funds are to be made available and expended only under the formula and other statutory provisions in effect during fiscal year 1985, without earmarkings or set-asides for specific projects. In addition, these funds are to be made available for all eligible projects and categories and shall not be limited to existing phased or segmented projects through the apportionment process or other means. The conferees expect to make the remaining \$1,800,000,000 available in a subsequent

appropriations Act at the earliest opportunity after enactment of the Clean Water Act amendments.

VETERANS ADMINISTRATION

Amendment No. 58: Inserts language proposed by the Senate transferring up to \$8,000,000 to the general operating expenses appropriation from the medical care account, amended to change the section number and to delegate the authority to administer certain major construction projects to hospital directors. In providing that up to \$8,000,000 of the 1986 medical care appropriation may be transferred to and merged with the 1986 general operating expenses appropriation, the conferees have received assurance from the Administrator of Veterans Affairs that the VA would reprogram to personnel compensation and benefits from other object classifications, such as equipment or maintenance and repair projects, such funds as may be necessary to support 193,941 full-time equivalent employees (FTEEs). This FTEE level does not include an estimated 589 in common services employment which must also be funded from the medical care account. Further, the VA has agreed that any funds reprogrammed would not reduce the number of patients treated, either in-house or by contract.

DELEGATION OF CERTAIN MAJOR CONSTRUCTION PROJECTS

In the conference report accompanying the 1982 HUD-Independent Agencies Appropriation Act (House Report 97-222), the Committee of Conference agreed that the nursing home care construction projects at Ann Arbor, Fresno, and Tampa would be administered by the hospital directors. The hospital directors were delegated authority to select the architect/engineer to design and/or supervise the construction of the projects. It was hoped that the experiment involving the three nursing home care units would result in more effectively and efficiently managed construction projects.

Pursuant to the conference report, the authority to administer nursing home care construction projects was delegated to the hospital directors. The projects were completed on or ahead of schedule and under budget. Further, there were very positive comments made by the hospital directors involved concerning the benefits derived from delegation during the construction process.

In fiscal year 1985, the Congress further expanded the delegation process to 21 construction projects. It was also understood that the VA had begun a modified delegation process with most other 1985 and 1986 projects. Recently, however, the conferees learned that the VA central office acted to withdraw the delegation program. The conferees do not agree with this decision. Therefore, the Committee of Conference has included language in the joint resolution to continue the delegation of selected projects.

It is the intent of the conferees that the Administrator of Veterans Affairs, in consultation with the Committees on Appropriations, choose 15 fiscal year 1985 and 10 fiscal year 1986 major construction projects to be delegated to the respective hospital directors. The terms and conditions of the delegation are to be those granted to the hospital directors for the nursing home care construction projects at Ann Arbor, Fresno, and Tampa. Those conditions are delineated as follows:

1. The hospital directors are authorized to delegate the authority further as appropriate.

2. The authority delegated includes, but is not limited to, full responsibility for supervising the site selection, design, and construction of the respective projects, and the making of monthly and final payments to contractors. The Office of Construction and the Department of Medicine and Surgery will provide advice to hospital directors regarding these projects when so requested by the hospital directors or their staffs.

3. The administration of these projects will be in compliance with all applicable statutes and regulations, including the National Fire Protection Code (which includes the National Electric Code), State codes where appropriate, and VA construction criteria. The projects should make an effort to comply with seismic standards.

4. The design will conform to the standards set out in VA handbook H 08-3, VA Construction Standards. The hospital directors may authorize deviations from such construction standards, but must advise the Administrator in writing prior to authorizing such actions.

Further, the VA is urged to delegate planning and design of all future major construction projects to the hospital directors. Delegation of the construction phase is to be determined by the Administrator. This process will insure that hospital construction projects will benefit from the views of the employees who must utilize the projects when completed. Above all, this process will be beneficial to veteran patients and provide for a more effective and efficient construction program.

Amendment No. 59: Deletes language proposed by the Senate appropriating \$55,000,000 for a veterans job training program.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

MISCELLANEOUS PROVISIONS

Amendment No. 60: Provides that no funds shall be expended by the Secretary of the Interior to implement any Westlands settlement agreement prior to April 15, 1986 and until Congress has had 30 calendar days to review the proposed settlement agreement instead of no action until enactment of authorizing legislation as proposed by the House and a 120 day period for Congressional review as proposed by the Senate.

Amendment No. 61: Strikes House proposed Section 108, as proposed by the Senate. Section 108 would have provided \$2,500,000 for renovation of the Freer Gallery of Art.

Amendment No. 62: Provides that persons appointed to committees of the Holocaust Memorial Council shall serve without cost to the Federal Government. This matter is addressed in Amendment No. 7.

Amendment No. 63: Reduces land acquisition in the Forest Service by \$600,000 and increases land acquisition in the U.S. Fish and Wildlife Service by \$600,000. This matter is addressed in Amendment No. 7.

Amendment No. 64: Provides that funds for the United States Fish and Wildlife Service shall be available for environmental work necessary to translocate a portion of the existing Southern sea otter population, as proposed by the Senate. The amendment also provides for emergency flood control work near Lake Michigan.

Amendment No. 65: Provides \$1,700,000 for construction of a fish hatchery on the Nisqually River in Washington. This matter is addressed in Amendment No. 7.

REMOVAL OF THE "A. REGINA"

Amendment No. 66: Deletes language proposed by the Senate providing for the removal of the wreck of the "A. Regina."

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

MISCELLANEOUS PROVISIONS

Amendment No. 67: Provides \$80,000 for a study of the Florida panther. This matter is addressed in Amendment No. 7.

Amendment No. 68: Deletes provision in H.R. 3011 relating to costs of the National Fish and Wildlife Foundation. This matter is addressed in Amendment No. 7.

Amendment No. 69: Provides \$80,700,000 for the Burr Trail National Rural Scenic Road. This matter is addressed in Amendment No. 7.

Amendment No. 70: Designates the educational center at Lowell National Historical Park the "Paul E. Tsongas Industrial History Center". This matter is addressed in Amendment No. 7.

Amendment No. 71: Increases the loan ceiling for Wolf Trap Farm Park for the Performing Arts in National Park Service, Administrative Provisions, and provides \$150,000 for the restoration and renovation of the Lonoke Depot in Lonoke, Arkansas. These matters are addressed in Amendment No. 7.

Amendment No. 72: Provides that \$2,000,000 be available to protect Mammoth Cave National Park. This matter is addressed in Amendment No. 7.

Amendment No. 73: Prohibits use of funds for establishing grizzly bear populations in the National Park System and the National Forest System where none currently exist. This matter is addressed in Amendment No. 7.

Amendment No. 74: Prohibits the Secretary of the Interior from promulgating final regulations concerning paleontological research on Federal lands pending a National Academy of Science report. This matter is addressed in Amendment No. 7.

Amendment No. 75: Provides \$850,000 for restoration of the William H. Taft home. This matter is addressed in Amendment No. 7.

Amendment No. 76: Establishes a special fund in the Treasury for deposit of telecommunications fees received by the U.S. Geological Survey. This matter is addressed in Amendment No. 7.

Amendment No. 77: Deletes language in H.R. 3011 relating to the Abandoned Mine Reclamation Fund. This matter is addressed in Amendment No. 7.

Amendment No. 78: Revises language in H.R. 3011 to limit application of Johnson-O'Malley funds. This matter is addressed in Amendment No. 7.

Amendment No. 79: Provides for the no-cost transfer of supplies and equipment to the Saint Labre Indian School, Montana. This matter is addressed in Amendment No. 7.

Amendment No. 80: Requires the Secretary of the Interior to begin a program in BIA schools. This matter is addressed in Amendment No. 7.

Amendment No. 81: Strikes language in H.R. 3011 relating to terms of a loan for an airport in the Virgin Islands. This matter is addressed in Amendment No. 7.

Amendment No. 82: Provides \$6,000,000 in emergency hay relief. This matter is addressed in Amendment No. 7.

Amendment No. 83: Provides for payment of up to \$300,000 from the Office of the Secretary of the Interior, to certain water users

for development of water supplies in Willow Creek, Idaho. This matter is addressed in Amendment No. 7.

Amendment No. 84: Allows the Secretary of the Interior to expend funds for emergency activities related to floods. This matter is addressed in Amendment No. 7.

Amendment No. 85: Provides language merging the Reforestation Trust Fund with the National Forest System account. This matter is addressed in Amendment No. 7.

Amendment No. 86: Provides \$24,000,000 from the Timber Salvage Sale Fund instead of the National Forest System account. This matter is addressed in Amendment No. 7.

Amendment No. 87: Earmarks funds for emergency flood repairs in the Monongahela National Forest and Parsons, WV, Forest Research Laboratory. This matter is addressed in Amendment No. 7.

Amendment No. 88: Increases to \$186,433,000 the amount for Forest Service reforestation, timber stand improvement, cooperative law enforcement and maintenance of forest development roads and trails. This matter is addressed in Amendment No. 7.

Amendment No. 89: Permits resale of timber in the Medford, Oregon district of the Bureau of Land Management under certain conditions. This matter is addressed in Amendment No. 7.

Amendment No. 90: Provides that road construction and related facilities of the Mt. St. Helens National Volcanic Monument, Washington, be derived from the Federal Highway Trust Fund. This matter is addressed in Amendment No. 7.

Amendment No. 91: Provides for certain exceptions related to mineral leasing on the Flathead and Gallatin National Forests. This matter is addressed in Amendment No. 7.

Amendment No. 92: Rescinds \$3,000,000,000 of Synthetic Fuels Corporation funds and terminates the Corporation by 1992. This matter is addressed in Amendment No. 7.

Amendment No. 93: Provides a loan of up to \$3,000,000 from an existing reserve to be used for odor abatement at an operating ethanol plant. This matter is addressed in Amendment No. 7.

Amendment No. 94: Rescinds \$160,000,000 of Strategic Petroleum Reserve oil acquisition funds and provides for the exchange of agricultural products for crude oil. This matter is addressed in Amendment No. 7.

Amendment No. 95: Provides \$180,000 from unobligated balances available to Indian Health Service to satisfy an outstanding judgment against the Seattle Indian Health Board. This matter is addressed in Amendment No. 7.

Amendment No. 96: Provides for funds under the Smithsonian Institution for American overseas research centers. This matter is addressed in Amendment No. 7.

Amendment No. 97: Provides that certain provisions of the Mineral Leasing Act shall not take effect until December 31, 1986. This matter is addressed in Amendment No. 7.

Amendment No. 98: Deletes language proposed by the Senate extending the termination date for conditional loan guarantees under the Biomass Energy and Alcohol Fuels Act of 1980. A similar provision is contained in Amendment No. 1.

Amendment No. 99: Requires the Navajo and Hopi Indian Relocation Commission to submit a report to Congress no later than January 15, 1986, on how relocation housing funds are to be used. This matter is addressed in Amendment No. 7.

Amendment No. 100: Prohibits geothermal leasing in the area of Yellowstone National Park. This matter is addressed in Amendment No. 7.

DISADVANTAGED ASSISTANCE

Amendment No. 101: Deletes language proposed by the Senate which would have appropriated \$500,000 for activities under section 787 of the Public Health Service Act. The House resolution contained no similar provision.

HEALTH PLANNING

Amendment No. 102: The conference agreement changes section number and includes language proposed by the Senate to prohibit penalties under sections 1512, 1515, or 1521 of the Public Health Service Act and to allow awards to State agencies authorized to receive grants under section 935(b) of the Omnibus Budget Reconciliation Act of 1981. Similar language has been included in prior continuing resolutions for fiscal years 1983, 1984 and 1985. The conference agreement modifies language inserted by the Senate which prohibits actions in anticipation of the closure of health planning agencies due to a failure to reauthorize the program. The conference agreement prohibits such actions prior to August 15, 1986 instead of July 1, 1986 as proposed by the Senate. The House resolution included no similar provisions.

HEALTH EDUCATION ASSISTANCE LOANS (HEAL)

Amendment No. 103: Changes section number and inserts language proposed by the Senate making loan guarantees under the Health Education Assistance Loan program (HEAL) available without regard to any apportionments or other administrative limitations not specifically authorized under title VII. The House resolution included no similar provision of the Public Health Service Act.

MEDICARE DEMONSTRATIONS

Amendment No. 104: The conference agreement changes section number and modifies language proposed by the Senate to direct the Secretary of the Department of Health and Human Services to extend for one year only four municipal health service demonstration projects under Medicare. The Senate language directed that these grants be extended for three years. The House resolution included no similar provision. This agreement provides additional time for the authorizing committees to complete action on legislation currently in conference regarding the future of these projects.

CHILD CARE AND CHILD ABUSE PREVENTION

Amendment No. 105: Changes section number, deletes appropriations of \$25,000,000 and modifies language proposed by the Senate relating to allocations to States for child care and child abuse prevention training. The House resolution contained no similar provision. The conferees view such training as a high priority and expect the States to use a portion of their 1986 allocation under Title XX of the Social Security Act for the training and retraining (including training in the prevention of child abuse in child care settings) of: providers of licensed or registered child care services; operators and staffs (including those receiving in-service training) of facilities where licensed or registered child care services are provided; State licensing and enforcement officials; and, parents.

MEDICARE HOSPITAL DEDUCTIBLE

Amendment No. 106: Deletes language proposed by the Senate. This language expressed the sense of the Senate regarding Medicare hospital deductible charges. The House resolution contained no similar provision.

SCIENCE AND MATHEMATICS EDUCATION

Amendment No. 107: Changes section number and inserts language proposed by the Senate making the 1986 appropriation for the Secretary of Education's discretionary fund under Title II of the Education for Economic Security Act immediately available upon enactment of the 1986 education appropriation bill, rather than July 1, 1986 as now provided in that bill. The House resolution contained no similar provision.

ELIGIBILITY FOR PELL GRANTS

Amendment No. 108: Changes section number and modifies language proposed by the Senate designed to assure that college students residing in areas designated as natural disaster areas may qualify for a Pell Grant for academic year 1985-86 without regard to the current 10 week limitation on the loss of income in determining expected family income. The conferees have modified the Senate language simply for the purpose of clarification.

The House resolution contained no similar provision.

Amendment No. 109: Changes section number.

LEGISLATIVE BRANCH MISCELLANEOUS PROVISIONS

Amendment No. 110: Conforms the section number and provides that the Federal Law Enforcement Training Center in the Treasury Department continue to provide basic training within available funds for the Capitol Police, as proposed by the Senate.

Amendment No. 111: Conforms the section number and appropriates \$150,000 for the establishment and operation of the Biomedical Ethics Board and the Biomedical Ethics Advisory Committee, instead of \$1,000,000 as proposed by the Senate. In providing these funds the conferees expect that the only activities that can be accomplished over the next several months will be the development of a work program together with budget estimates in sufficient detail to be examined by the Committees on Appropriations during the next appropriations hearings. Further, during those hearings the Committees on Appropriations will also explore the availability of options in carrying out the import objectives set out for the Board and Committee in the Public Health Services Act.

Amendment No. 112: Conforms the section number and amends the Legislative Reorganization Act to provide that the budget estimates of the Congressional Research Service will be submitted to the Librarian of Congress, as proposed by the Senate.

Amendment No. 113: Conforms section number and amends the authorization for the Commission on Security and Cooperation in Europe to allow printing and binding costs of the Commission to be charged to the Congressional printing and binding appropriation, as proposed by the Senate.

Amendment No. 114: Conforms the section number and amends the Federal Salary Act in accordance with the findings of the Department of Justice and the recommendations of the Quadrennial Commission, as proposed by the Senate.

BACK TAX LIABILITY—NAVY

Amendment No. 115: Inserts language as proposed by the Senate with an amendment which authorizes the Navy to enter into direct settlement with the State of Washington on back tax liabilities arising out of Federal construction and procurement projects in Washington State. Amendment also changes the Section number to 135.

BRIGADE ACTIVITY CENTER—NAVAL ACADEMY

Amendment No. 116: Deletes language added by the Senate which appropriates \$16,600,000 for a Brigade Activity Center at the United States Naval Academy, Annapolis, Maryland. The conferees agreed to deny funding of the Brigade Activity Center at the U.S. Naval Academy because of budget constraints. However, the Department is urged to submit a reprogramming request for this project using available savings.

Amendment No. 117: Provides that honorarium income shall be limited to 40 percent of salary, instead of adjusting rules regarding compensation for professional services and affiliations with business entities as proposed by the Senate. Rule XLVII of the Rules of the House of Representatives, which imposes a 30 percent cap, will remain applicable to the Members of the House.

DADE COUNTY, FLORIDA METRORAIL

Amendment No. 118: Deletes language proposed by the House and stricken by the Senate requiring the Secretary of Transportation to issue in the Federal Register a notice of intent to prepare an environmental impact statement for the construction of the north and south legs of the downtown component of metrorail in Dade County, Florida. The conferees have deleted the House language because it is addressed in connection with the amendment numbered 8.

EXPRESSWAY GAP CLOSING PROJECT

Amendment No. 119: Deletes language proposed by the House and stricken by the Senate appropriating \$23,500,000 for a highway construction project to close an expressway gap on California Route 113. The conferees have deleted the House language because it is addressed in connection with the amendment numbered 8.

DETROIT TRANSIT SYSTEM

Amendment No. 120: Deletes language proposed by the House and stricken by the Senate prohibiting the use of certain mass transportation section 9 grant funds to cover cost overruns of the Detroit Central Automated Transit (peplemover) system. The conferees have deleted the House language because it is addressed in connection with the amendment numbered 8.

EMERGENCY RELIEF HIGHWAY FUNDS

Amendment No. 121: Deletes language proposed by the Senate increasing the state limitation for receipt of Federal-aid highway emergency relief funds from \$30,000,000 to \$55,000,000 for grants associated with disasters that occurred in calendar year 1985. The conferees have deleted the Senate language because it is addressed in connection with the amendment numbered 8.

MINIMUM DRINKING AGE

Amendment No. 122: Inserts language proposed by the Senate making permanent the withholding provisions contained in Public Law 98-363 and conforms section number. The House resolution contained no similar provision.

Amendment No. 123: Inserts Sec. 138 instead of Sec. 114 as proposed by the House and Sec. 203 as proposed by the Senate.

Amendment No. 124: Inserts Sec. 139 instead of Sec. 115 as proposed by the House and Sec. 204 as proposed by the Senate.

Amendment No. 125: Inserts Sec. 140 instead of Sec. 116 as proposed by the House and Sec. 205 as proposed by the Senate.

TREASURY POSTAL SERVICE MISCELLANEOUS PROVISIONS

Amendment No. 126: Changes section number and inserts a provision proposed by the Senate which would permit the Secretary of the Treasury to continue to have two Under Secretaries, but it would not require that one of those Under Secretaries be for Monetary Affairs. This provision permits the Secretary to have more flexibility in the assignment of duties to Under Secretaries in Treasury.

Amendment No. 127: Changes section number and inserts a provision proposed by the Senate which increases from 4 to 20 the number of airports at which reimbursable Customs Services may be provided. Small airports throughout the country are being provided with Customs Service on a reimbursable basis and this provides for an expansion of that program.

Amendment No. 128: Changes section number and inserts a provision proposed by the Senate which would permit the U.S. Secret Service to expend up to \$75,000 for installation of security devices and construction related to the providing of security on certain residences of protectees. The current limitation is \$10,000.

Amendment No. 129: Changes section number and inserts a provision proposed by the Senate which permits the Board of Governors of the U.S. Postal Service to meet for 42 days per year instead of 30 days as is provided for in current law.

Amendment No. 130: Changes section number and inserts a provision proposed by the Senate which prohibits the Office of Management and Budget from amending the administrative or regulatory methodology employed by the Bureau of Alcohol, Tobacco and Firearms to assure compliance with the Federal Alcohol Administration Act. This prohibits OMB from eliminating the form by which labels are approved for use on alcoholic beverages.

Amendment No. 131: Changes section number and inserts a provision proposed by the Senate amended to authorize the relocation of the International Trade Administration in Boston, MA. The conferees direct that the General Services Administration take into account all the cost and other factors involved in this proposed relocation and take whatever action is most advantageous to the government and report back to the Committees on Appropriations by February 1, 1986.

Amendment No. 132: Changes section number and inserts a provision proposed by the Senate which temporarily extends the Current law regarding the retirement contributions which new federal employees are required to make the Civil Service retirement fund. The federal retirement program for new federal employees has not yet been enacted into law. Pending the enactment of that law, temporary adjustments have been made in employee contributions. That temporary legislation expires January 1, 1986. This provision extends that temporary legislation.

Amendment No. 133: Changes section number and inserts a provision proposed by

the Senate which modifies the Ethics in Government Act of 1978. It inserts a new provision of permanent law which authorizes the President to require certain federal employees to file a confidential financial disclosure report.

Amendment No. 134: Deletes language proposed by the Senate which would have increased the limit on certain distilled spirit plants exempt from bond requirements when producing alcohol fuels.

Amendment No. 135: Inserts Sec. 149 instead of Sec. 117 as proposed by the House and Sec. 215 as proposed by the Senate.

For the entire resolution and Senate amendments:

JAMIE L. WHITTEN
(except for amendment No. 4 only in regard to chemical weapons, strategic defense initiative, and unobligated balances set aside; amendment No. 5; and amendment No. 47),

EDWARD P. BOLAND,
WILLIAM H. NATCHER,
NEAL SMITH,
SIDNEY R. YATES
(except Nos. 4 and 117),

DAVID R. OBEY
(except Nos. 4, 117, and 122),

EDWARD R. ROYBAL
(except No. 4),

TOM BEVILL,
BILL CHAPPELL,
WILLIAM LEHMAN,
JULIAN C. DIXON,
VIC FAZIO,
W.G. (BILL) HEFNER,
SILVIO O. CONTE
(except Nos. 4 and 117),

JOSEPH M. MCDADE,
JOHN T. MYERS,
LARRY COUGHLIN,
RALPH REGULA,
VIRGINIA SMITH,
JOE SKEEN,

Solely for consideration of Senate amendments numbered 1, and 19 through 23, and modifications committed to conference:

BOB TRAXLER,
MATTHEW F. MCHUGH,
DANIEL K. AKAKA,
WESLEY W. WATKINS,
RICHARD J. DURBIN,
HAROLD ROGERS,

Solely for consideration of Senate amendments numbered 4, 5, and 33 through 48, and modifications committed to conference:

JOHN P. MURTHA,
NORMAN D. DICKS,
CHARLES WILSON,
LES AU COIN,
BILL YOUNG,
CLARENCE MILLER,
BOB LIVINGSTON,

Solely for consideration of Senate amendments numbered 7, 60 through 65, and 67 through 100, and modifications committed to conference:

JOHN P. MURTHA,
NORMAN D. DICKS,
LES AU COIN,

Solely for consideration of Senate amendments numbered 8, 118, 119, 120, 121, and 122, and modifications committed to conference:

MARTIN O. SABO,

WILLIAM H. GRAY III,
BOB CARR,
RICHARD J. DURBIN,
ROBERT J. MRAZEK,
C. PURSELL,
FRANK R. WOLF,

Solely for consideration of Senate amendments numbered 14, 52, 53, 54, 55, and 56, and modifications committed to conference:

MATTHEW F. MCHUGH,
CHARLES WILSON,
WILLIAM H. GRAY III,
ROBERT J. MRAZEK,

Managers on the Part of the House.

MARK O. HATFIELD
(except No. 4),
TED STEVENS,
LOWELL P. WEICKER, JR.,
JAMES A. MCCLURE,
THAD COCHRAN,
MARK ANDREWS,
JIM ABDNOR,
ROBERT KASTEN,
ALFONSE D'AMATO,
MACK MATTINGLY,
WARREN B. RUDMAN,
ARLEN SPECTER,
JOHN C. STENNIS,
ROBERT C. BYRD,
DANIEL K. INOUE,
J. BENNETT JOHNSTON,
QUENTIN N. BURDICK
(but not with respect to congressional honoraria No. 117),
DENNIS DECONCINI,
FRANK R. LAUTENBERG,
TOM HARKIN,

Managers on the Part of the Senate.

Mr. WHITTEN. Mr. Speaker, pursuant to the order of the House of today, I call up the conference report on the joint resolution (H.J. Res 456) making further continuing appropriations for the fiscal year 1986, and for other purposes, and ask for its immediate consideration.

PARLIAMENTARY INQUIRY

Mr. JEFFORDS. Mr. Speaker, I have a parliamentary inquiry.

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

Mr. JEFFORDS. Mr. Speaker, I would ask the Chair as to whether or not there is a rule on this particular resolution.

The SPEAKER pro tempore. This conference report is being considered pursuant to the unanimous consent request granted earlier today, which the Clerk will read.

The Clerk read as follows:

Mr. WHITTEN asked unanimous consent that it shall be in order, any rule of the House to the contrary notwithstanding, at any time on Monday, December 16, or any day thereafter, to consider the conference report and amendments in disagreement and motions to dispose of said amendments on House Joint Resolution 465 subject to the availability of said conference report and motions to dispose of amendments in disagreement for at least 1 hour, that all points of order be waived against the conference report and amendments in disagreement and motions to dispose of said amendments, and that said conference report and amendments in disagreement be considered

as having been read when called up for consideration.

Mr. JEFFORDS. Mr. Speaker, I have a further parliamentary inquiry.

If I had a point of order, in that a legislative matter was contained herein that would make permanent the temporary law denying States their highway funds if they refused to raise their drinking age to 21, under this rule is that point of order now waived?

The SPEAKER pro tempore. All points of order were waived, pursuant to the unanimous consent request.

Mr. JEFFORDS. I thank the Chair. Mr. Speaker, I think this is a terrible process and a terrible thing for the young people of this country to be treated in this manner.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes and the gentleman from Massachusetts [Mr. CONTE] will be recognized for 30 minutes.

Mr. FRANK. Mr. Speaker, is the gentleman from Massachusetts [Mr. CONTE] opposed to the bill?

Mr. CONTE. No. I signed the conference report.

Mr. FRANK. Mr. Speaker, I ask for 20 minutes recognition in opposition because the gentleman from Massachusetts [Mr. CONTE] is for the bill.

Mr. WALKER. Mr. Speaker, I ask for 20 minutes, under the rule.

The SPEAKER pro tempore. The Chair can hear only one Member at a time. Members will speak in order after they are recognized.

Mr. FRANK. Mr. Speaker, since the gentleman from Massachusetts is for the bill, under the rule I ask for the 20 minutes to be allotted to a Member in opposition, when both the chairman and the ranking minority Member are in support of the bill.

The SPEAKER pro tempore. The gentleman has that right.

The time will be divided in this fashion: The gentleman from Mississippi [Mr. WHITTEN] will be recognized for 20 minutes; the gentleman from Massachusetts [Mr. CONTE] will be recognized for 20 minutes; and the gentleman from Massachusetts [Mr. FRANK] will be recognized for 20 minutes.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, the minority has just been effectively frozen out of controlling any of the time, when I was seeking recognition to take the 20 minutes. The Chair has denied, then, the minority the opportunity to control our portion of the time.

Can the Chair explain why Members on this side were not recognized? I, too, am opposed to the bill and should have been entitled to the 20 minutes.

The SPEAKER pro tempore. The Chair will state that recognition of one Member who is opposed is in the Speaker's discretion, and the Speaker tries always to be fair.

The gentleman from Massachusetts [Mr. FRANK] may yield time as he wishes.

Mr. WALKER. Mr. Speaker, I have a further parliamentary inquiry.

Under the procedure, we now have a bill that has been brought to us in this form, and the minority has been totally denied any time under this procedure to debate this particular resolution because the Chair recognized two Members on the other side of the aisle to control all of the time.

Mr. FRANK. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The Chair will make a statement and will then entertain the gentleman's parliamentary inquiry.

The gentleman from Massachusetts [Mr. CONTE], on the minority side, will be recognized for 20 minutes; the gentleman from Massachusetts [Mr. FRANK], who is opposed, will be recognized for 20 minutes; and the gentleman from Mississippi [Mr. WHITTEN] will be recognized for 20 minutes.

The procedure under which we are proceeding was agreed upon earlier today, and the Chair will be guided by the will of the House, which was stated earlier today.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may require.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on consideration of the conference report on House Joint Resolution 465, and that I may include tabular and extraneous matter.

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

There was no objection.

Mr. WHITTEN. Mr. Speaker, the conference report on the continuing resolution which is now before the House is essential for continuing the operation of the Government.

The present continuing resolution under which the Government had been operating expired tonight at 6 p.m. Thus it is essential that the resolution that is before you be adopted.

Because the continuing resolution covers so many programs and activities of the Government, it is not possible that every item pleases every Member. But it is a resolution that can be supported.

Your Committee on Appropriations has again brought you a continuing resolution which in overall is below the President's recommendations. Six bills have been signed into law. In this

bill there are seven bills, two of which have been agreed to in conference.

Under the law, the committee has made allocations of budget authority to various departments and agencies, all within the 302(b) allocation. We have exercised the power which rests with the committee to adjust and transfer within the departments and agencies which is essential to the orderly operations of the Government and to the peoples branch, the Congress.

It is under the President's Budget—I repeat, the continuing resolution is under the President's budget request.

It is under the 302 allocation and it is under the fiscal year 1985 levels.

Compared to the President's requests, the continuing resolution is \$4,420 million below in new budget authority; compared to the 302 allocation it is \$6,348 million below; and compared to the fiscal year 1985 level it is \$6,316 million below.

Mr. Speaker, we will hear complaints about one item or the other being above what the administration wants. In fact, I personally made exception to parts of amendments—in defense amendments No. 4 in regard to chemical weapons the Strategic Defense Initiative, and unobligated balances set aside; amendment No. 5; and amendment No. 47. But the bottom line is that the resolution in overall new budget authority is significantly below what the President has requested. And that is what is important—the overall total.

After months and months of deliberation in the House and the other body, and hundreds of hearings and thousands of witnesses, this is what we have agreed to.

That is what the whole process is about—the President proposes and the Congress disposes.

Mr. Speaker, failure to pass the continuing resolution will seriously disrupt the operation of the Government.

Four appropriation bills are contained in the resolution: Defense, Transportation, Interior, and foreign assistance.

Two appropriations bills are cited by reference to their conference reports: Agriculture and the District of Columbia.

And the Treasury-Postal Service appropriations bill has been modified to try to meet the objections of the administration.

The provisions in the resolution passed by the House directing the Secretary of Agriculture to use existing law on basic commodities and to suspend for 12 months any foreclosure by the Farmers Home Administration were objected to by the Senate.

Such provisions are:

Sec. 105. In review of the financial risks facing many farmers, resulting from embargoes and suspension of exports in 1973, 1974, 1975, and 1980, and failure to use the

Commodity Credit Corporation for a loan program which led to a fair price from the user, the Secretary of Agriculture shall use his authority under existing law to provide for nonrecourse loans on basic agricultural commodities at such levels as will reflect a fair return to the farm producer above the cost of production, and to issue such regulations as will carry out this provision and as will provide for payment by the purchaser, rather than by appropriation, for basic commodities sold for domestic use and the Secretary of Agriculture shall issue such regulations as will enable producers of any basic agricultural commodity to produce the amount needed for domestic consumption, to maintain the pipeline, and to regain and retain by competitive sales our normal share of the world market.

Sec. 106. Public Law 99-88 funded a study by the Department of Agriculture to determine the losses suffered by United States farm producers of agricultural products during the last decade as a result of embargoes on the sale of United States agricultural products and the failure to offer for sale in world markets commodities surplus to domestic needs at competitive prices, for use in determining what part of existing indebtedness of farmers should be canceled as a result of such foreign policy. Pending the completion of the study, the Secretary shall determine, on a case-by-case basis, which borrowers are unable to continue making payments of principal and interest due to embargoes or the failure to sell competitively in world trade and, thereby, qualify for an adjustment of principal and interest due to prevent bankruptcy or foreclosure, all as authorized by existing law.

Upon presentation of substantial evidence to the Secretary that a borrower qualifies, payment of principal and interest shall be suspended and the Secretary shall forego foreclosure of loans owed to the Federal Government, as authorized by law, for 12 months or until an adjustment is agreed upon. Other creditors shall be requested by the Secretary to postpone payments due on the same basis.

We take note again that these actions can be taken under existing law. What we lost was the directive to use this law. It is to be hoped that the Secretary of Agriculture will use such law to require the purchaser to pay the cost of a fair price instead of having to depend upon appropriations; that he will suspend foreclosures for 12 months—and determine the damage to the farmers by the restrictive and partial embargoes in 1973, 1974, 1975, and 1980—and the virtual embargo since—by a failure to sell competitively.

Mr. Speaker, as I stated before the authority to operate programs in these seven appropriations bills expired tonight at 6 p.m.

We must pass the continuing resolution before us, I urge passage of the resolution.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Mississippi [Mr. WHITTEN] has consumed 3½ minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. CONTE].

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

Mr. Speaker, your conferees have completed work on the fourth continuing resolution for fiscal 1986.

We have reached an agreement with the Senate which I trust will be acceptable to a majority of this House. I hope that it will also be acceptable to the administration, but I cannot give you that assurance at this time.

Six of our bills have been signed: Commerce-Justice-State-Judiciary, Energy and Water Development, HUD, Labor-HHS/Education, legislative and military construction.

The continuing resolution covers the remaining seven bills, plus special provisions for individual programs and activities.

Three of these bills are continuing as provided in conference reports which have been filed or passed: Agriculture, District of Columbia, and Treasury-Postal Service.

Four of these bills are included in their entirety in the continuing resolution: Defense, Foreign Operations, Interior, and Transportation.

The committee estimates that the total appropriated by the conference agreement on these seven bills, and on other individual programs, is \$370 billion, which is \$4.6 billion above our 302(b) allocations, and \$1.4 billion below the level appropriated for fiscal 1985.

Agriculture is \$2.5 billion below our 302(b) allocation, and \$0.2 billion below the level appropriated for fiscal 1985. I am pleased to report that the conferees agreed to drop the two provisions on farm credit, which would have cost an estimated \$10 to \$27 billion.

Defense is \$5.3 billion above our 302(b) allocation, and \$7 billion above the level appropriated for fiscal 1985. We cut funding for SDI \$1 billion below the request, prohibited antisatellite testing in space unless the Sovi-

ets test, and provided that funds for binary weapons cannot be used until NATO approves force goals and other Presidential certifications are received and reviewed by the Congress.

District of Columbia is \$7 million above our 302(b) allocation, and \$1 million below the level appropriated for fiscal 1985, and includes \$30 million for a badly needed new prison in the District of Columbia.

Foreign operations is \$282 million over our 302(b) allocation, and \$5.9 billion below the level appropriated for fiscal 1985. The conference agreement includes \$700 million for IDA VI, \$3.7 billion for the economic support fund, including \$1.8 billion for Israel and \$815 million for Egypt, \$5.2 billion for foreign military credit sales, including \$1.8 billion for Israel and \$1.3 billion for Egypt, and \$1.1 billion for direct loans for the Export-Import Bank.

Interior is \$375 million below our 302(b) allocation, and \$242 million below the level appropriated for fiscal 1985. We agreed to abolish the Synthetic Fuels Corporation, and to rescind all their remaining funds, except for \$400 million transferred to a clean coal program, administered by the Department of Energy.

This \$400 million is to be available over 3 years, and another \$350 million is set aside in a separate account, for release in future appropriations acts. We did not agree with the Senate's rescission of \$160 million from the strategic petroleum reserve, and amended the agriculture barter language to make it discretionary.

Transportation is \$651 million below our 302(b) allocation, and \$1.2 billion below the level appropriated for fiscal 1985. We provided \$1.7 billion for Coast Guard operating expenses, which should be sufficient for drug interdiction, search and rescue, fisheries and environmental enforcement,

icebreaking, coastal defense, and other activities.

We agreed to \$2.7 billion for the FAA, which will provide for 300 additional safety inspectors, and an additional 500 traffic control positions.

Treasury-Postal Service is \$440 million below our 302(b) allocation, and \$68 million below the level appropriated for fiscal 1985. This includes reductions in the vetoed bill of \$45 million in the IRS and \$72 million in the postal subsidy.

The conference agreement also includes \$2.4 billion for EPA construction grants, and \$12 million for the Commission on the Bicentennial of the Constitution.

I deeply regret that the conferees could not agree with \$25 million added by the Senate for child care training. This is an excellent program, but we could not accommodate the Senate amendment within the agreement with OMB on the regular appropriation bill.

The conferees did not agree to the Senate amendment which placed limitations on the export of nuclear equipment to the People's Republic of China.

Mr. Speaker, we went to conference with 135 amendments in disagreement. We have an agreement with the Senate because we got full cooperation from all of the principals.

In particular, I want to thank my chairman, who fought for what he thought was right, but let the conference agree when he could not prevail.

Although the administration has not yet taken a firm position on the conference report as a whole, I still have hope that they will recognize that this is the best agreement that we can get under the circumstances.

I will vote for the conference report.

H.J. RES. 465 FURTHER CONTINUING RESOLUTION, 1986 COMPARISON OF DISCRETIONARY SPENDING

(Budget Authority in millions of dollars)

Summary of bill	Administration benchmark	House continuing resolution	Senate continuing resolution	Conference report	Difference from benchmark		
					House continuing resolution	Senate continuing resolution	Conference report
Domestic bills included in continuing resolution:							
Agriculture	7,677	7,936	7,848	7,928	259	171	251
District of Columbia	532	532	566	566	0	34	34
Interior	8,125	8,910	9,075	NA	785	950	734
Transportation	25,047	25,881	24,815	25,270	834	(232)	223
Treasury/Postal ¹	9,380	9,561	9,489	9,489	181	109	109
Total, domestic	50,761	52,820	51,793	NA	2,059	1,032	1,351
National security bills:							
Defense	286,187	276,349	282,401	NA	(9,838)	(3,786)	NA
Foreign assistance	14,960	14,587	15,764	14,990	(363)	804	30
Total, national security	301,147	290,946	298,165	NA	(10,201)	(2,982)	NA

¹ Includes savings of \$108 million in obligation limitations. Senate continuing resolution estimates assume that adopted savings can in fact be achieved. The savings in the Postal Service (\$72 million) will require a rate increase. Does not reflect assumed savings in the IRS.

Note: Senate continuing resolution reflects most, but not all, Senate amendments.

AGRICULTURE, RURAL DEVELOPMENT AND RELATED AGENCIES

Mr. Speaker, the conference agreement on funding for the U.S. Department of Agriculture, rural development and related

agencies provides for total fiscal year 1986 new budget authority of \$33.264 billion. This represents an increase of \$183.5 million over the levels passed by the House on July 24, a decrease \$946 million from levels

passed by the Senate, and an increase of \$71.14 million over the President's requests. The agreement is \$4.957 billion below fiscal year 1985-enacted levels.

For agricultural programs, the managers have agreed to provide \$11.68 billion. We have included \$501 million for the Agricultural Research Service, and agreed to the \$1 million increase over the administration's request for the Human Nutrition Research Center on Aging at Tufts University. This will make a total of \$11.766 billion available to expand utilization of the facility and to allow Center staff to further examine the role of nutrition in the aging process and the dietary needs of the elderly.

For the Cooperative State Research Service, we have included \$290 million. Among the special research grants funded through CSRS in fiscal year 1986 will be \$100,000 for cranberry and blueberry disease research at Rutgers State University.

The managers recommend \$344.58 million for the Extension Service, and include a total of \$60.35 million for the expanded food and nutrition education [EFNEP] program.

Our conference agreement includes \$320.55 million for the Animal and Plant Health Inspection Service, and provides for the transfer of the Animal Damage Control program from the U.S. Fish and Wildlife Service to APHIS as requested by the secretaries of Agriculture and Interior. Among the many projects funded through the ADC program is livestock guarding dog research which is now in its third project year at the New England Farm Center at Hampshire College. The conferees have agreed to provide an additional \$45,000 to expand the work underway in Massachusetts, Texas, and Oregon to include Minnesota.

For the Agricultural Marketing Service, the conference agreement provides \$35.66 million, including \$990,000 for the Federal-State Marketing Improvement Program. This matching grant program has been of tremendous assistance to farmer cooperative and commodity associations in Western Massachusetts, and I am pleased that we have been able to provide fiscal year 1986 assistance to continue these diversified direct market development projects.

Funding for fiscal year 1986 rural development programs in the conference agreement totals \$4.88 billion. While I regret the decision of the conferees to terminate funding for the Office of Rural Development Policy, I would like to point out that we have agreed that the rural development policy coordination function revert directly to the Office of the Secretary. We have also included \$25,000 for the Office of the Under Secretary for Small Community and Rural Development to assist in a rural product development and marketing assistance project to be undertaken by the Hilltown Community Development Corporation. This nonprofit organization has been working with ORDP for several years on projects designed to assist rural entrepreneurs in designing and marketing their products; the experience which they have gained, and the work which they will undertake, will prove most helpful to hilltown communities across the country.

For Rural Housing loans, the managers have included \$2.112 billion, a reduction of

\$1.1 billion from House-passed loan levels. We provide \$1.4 billion for the section 502 program, \$700 million for section 515 and \$12 million for the section 514 program. We have agreed to provide \$100 million for community facility loans and \$340 million for water and sewer facility loans through the Rural Development Insurance Fund. The conferees have also included \$115 million for rural water and waste disposal grants, \$12.5 million for very low-income housing repair grants, \$8 million for mutual self-help housing and a reappropriation of \$20 million for the rural housing preservation grants program.

The conference agreement for the Soil Conservation Service includes \$660 million, including the \$40 million proposed by the Senate in amendment 22 of the continuing resolution. For the Agricultural Stabilization and Conservation Service, we have agreed to \$211.3 million, including \$190 million for the ACP program. With regard to proposals which have been made earlier in fiscal year 1985 for the closure and consolidation of ASCS offices, and which had been of great concern to members in the Northeast, I would like to point out that the House and Senate reports accompanying H.R. 3037 have included language directing USDA to notify and advise all appropriate committees of Congress in writing of any proposed USDA programs, office structures and locations; and not to implement any changes prior to action by these committees.

For domestic food programs, the conference agreement provides \$14.85 billion, including \$4.1 billion for child nutrition programs, \$1.57 billion for the WIC program, \$11.89 billion for food stamps, \$194.6 million for the food donation programs, and \$50 million for the TEFAP program.

For USDA's international programs, the conferees have provided \$1.39 billion, including \$650 million for Public Law 480, title II.

For related agencies, our agreement includes \$424.3 million for the Food and Drug Administration and \$29.4 million for the Commodity Futures Trading Commission.

I would like to point out to my colleagues that the Office of Management and Budget calculates that our conference agreements on Senate amendments 1 and 22 total \$251 million over their benchmark. OMB has indicated its opposition to increases agreed to by the conferees in the following areas: \$100 million for reimbursements to the rural electrification and telephone revolving fund, \$40 million for SCS emergency watershed repairs, \$59 million over the requested transfer amounts from the food stamp program and the CCC, the \$20 million reappropriation for FmHA rural housing preservation grants program and the \$30 million for purchase of Rural Telephone Bank capital stock.

I would also like to point out to my colleagues that this conference agreement makes an additional \$4.68 billion available to USDA agencies upon submissions of budget requests. These appropriated but currently unavailable funds include: \$665

million for the child nutrition programs, \$5.7 million for the Food Safety and Inspection Service, \$4 billion for reimbursements to the CCC, and \$6.7 million for the Food and Drug Administration. In all likelihood, early this spring we will require an urgent supplemental of another \$6 billion for CCC reimbursements.

With regard to our 302(b) allocations, this conference agreement is currently \$6 billion below our House subcommittee ceiling.

Finally, I am pleased to note that the conferees have agreed to recede to the Senate on sections 105 and 106, House Joint Resolution 465 makes no provision for raising price support loans or for mandating that the Secretary of Agriculture defer principal and interest payments on existing indebtedness to avoid foreclosure for borrowers who were adversely affected by export restriction policies over the past decade.

COMMERCE, JUSTICE, STATE AND JUDICIARY ITEMS IN THE CONTINUING RESOLUTION

The fiscal year 1986 appropriations act for the Departments of Commerce, Justice, and State, the Judiciary and related agencies was signed into law on December 13. (Public Law 99-180) therefore, the references to funding levels for those departments and agencies have been deleted from the continuing resolution.

The conferees have agreed to provide for the expenditure of unobligated balances of economic development administration funds for local public works projects in a number of states, including New York, New Jersey, California, Alabama, and Illinois. EDA funds are also approved for the University of Nevada, Las Vegas and for the city of Fort Worth, TX. The total for these items is \$24,891,000.

Authorization for funding is also included for flood control in Iowa, and funds are provided for the reimbursement of expenses of a number of organizations in connection with the international games for the handicapped. Seven groups will share varying amounts of the \$2.5 million provided for this latter purpose.

In response to the recent devastating flash floods in West Virginia, the conferees have accepted a Senate amendment appropriating \$3 million for the integrated flood observing and warning system [IFLOWS].

The conferees agreed to another Senate amendment which blocks for 6 months the implementation of an interim rule by the U.S. Parole Commission allowing violators of insider trading laws much more lenient treatment than other white-collar criminals.

The conference report provides \$12 million for salaries and expenses of the Commission on the Bicentennial of the U.S. Constitution, a reduction of \$8 million from the Senate bill. The House provided no funds for the Commission.

The conferees have agreed to amended Senate language prohibiting Legal Services Corporation grantees from expending carryover funds for purposes currently prohibited by the fiscal year 1986 appropriations

act, Public Law 99-180. This language is aimed at the practice of using funds appropriated prior to the enactment of limitations regarding illegal aliens for such cases.

The conference report provides for the transfer of \$10 million from the SBA disaster loan fund to the salaries and expenses account to be used for servicing loan case-load increases.

And finally, the conferees on this section rejected Senate language requiring the President to certify that international atomic energy agency-type verification methods have been applied in regard to the export of nuclear equipment to the People's Republic of China. Both the House and Senate have now passed resolutions dealing adequately with this issue.

DEFENSE

The Defense Act in the resolution totals \$282.5 billion, a figure \$5.9 billion above the House passed level and \$5.8 billion below the Senate. This represents an almost even split between the two Houses.

Defense is \$2.5 billion below both the authorized level and the budget resolution target for this bill. It is \$21.5 billion under the President's request. There is no real growth in Defense and inflation estimates are not quite covered above the 1985 enacted levels.

For those keeping score, the Defense function total, including military construction and nuclear funding is \$298.7 billion, a reduction of \$24 billion below the request.

Some Defense highlights are:

SDI, or star wars, is a billion below the request.

Antisatellite testing in space is prohibited unless the Soviets test.

I'm sorry to report the procurement reform issues are not in the resolution although I must point out this is a matter more properly before the authorizers who did make many changes this year to begin an overhaul of procurement by the Pentagon. I'm certain additional recommendations will be brought to the House by the Armed Services Committee next year.

The conferees did agree to fund production facilities and assembly of binary weapons but no funds can be used until NATO approves force goals and other Presidential certifications are received and reviewed by Congress. Funds for the 155 shell are made available but are tied up until fiscal year 1987. Congress still has firm control on this program.

Funds are provided for about \$4.6 billion in unauthorized programs but these cannot be obligated until the programs are authorized. There is one exception. A total of \$335 million is made available to support and operate the Coast Guard to prepare for their wartime mission.

All in all, despite some isolated matters which I am personally uncomfortable with, the defense conference represents an example of compromise on the some 2,000 items which were in conference and it can be supported on the basis of meeting the needs of our Nation's defense.

DISTRICT OF COLUMBIA APPROPRIATIONS

The conference agreement on the District of Columbia Appropriations Bill provides

\$566 million in Federal funds for the District. The House approved the budget request of \$532 million, and the Senate added funds for a criminal justice initiative, including \$30 million for a new prison in the District. \$10 million would be available in fiscal year 1986 and \$20 million in fiscal year 1987, provided that a plan for the siting and design of the new facility is submitted by the mayor and approved by the Subcommittees on District of Columbia of the House and Senate.

Because of these additional funds, OMB scores this conference agreement as \$34 million over the budget benchmark.

In addition to the lump sum Federal payment and these add-ons, Federal funds appropriated in this bill include \$30.1 million for water and sewer services furnished to the Federal Government, \$52 million for the Federal contribution to the city's three retirement funds, and \$25 million for St. Elizabeths Hospital.

The payment to the retirement fund is the seventh of 25 annual Federal payments which will total \$1.3 billion and will cover a portion of the unfunded liability attributed to former District employees who retired before home rule took effect. As authorized by Public Law 98-621, the payment for St. Elizabeths Hospital is part of a 6-year plan to transfer Administrative and financial responsibility from the Federal Government to the District of Columbia by 1991.

ENERGY AND WATER DEVELOPMENT

As it passed the House of Representatives, the continuing resolution contained no Energy and Water Development provisions. The regular fiscal year 1986 Energy and Water Development Appropriation Act was signed into law on November 1, 1985.

Of the four Energy and Water Development amendments added to the continuing resolution by the Senate, three were agreed to by the conferees and one was deleted.

The conferees agreed to language proposed by the Senate that amends section 1302 of Public Law 98-181 to substitute in the first sentence "period of 2 years" with "period ending January 1, 1989". This has the effect of extending for 2 years an ongoing study of the Everglades in Florida.

The conferees agreed to language proposed by the Senate that directs the Secretary of the Army to accomplish emergency bank stabilization work at Bethel, Dillingham, and Galena, AK.

The conferees agreed to language proposed by the Senate that provides that the Secretary of the Army shall include as part of the non-Federal contribution for the Fairfield Vicinity Streams, CA, project the cost of any work carried out by non-Federal interests on the project after December 31, 1973.

Finally, the conferees agreed to delete language proposed by the Senate that would have provided for the removal of the wreck *A. Regina* by the Corps of Engineers from the vicinity of Puerto Rico.

Foreign Aid Conference, Fiscal Year 1986 (in the Continuing Resolution)

Bill total.....	\$15,025,319,945
Over House bill.....	+419,916,662

Below Senate bill.....	-724,470,941
Below budget requests.....	-6,921,989
Over House 302(b).....	+282,000,000
Below Senate 302(b).....	-175,000,000

MAJOR ITEMS

International Development Association [IDA VI]; Conference, \$700 million; request, \$750 million; House, \$750 million; Senate, \$375 million. In addition, \$75 million is provided for the special facility for sub-Saharan Africa in title I, multilateral economic assistance, instead of the House transfer of the same amount for this purpose from the economic support fund in title II.

United Nations Development Program: Conference, \$148.5 million; request, \$120 million; House, \$148.5 million; Senate, \$135 million.

International fund for agricultural development [IFAD]: Conference, \$30 million; request, 0; House, \$50 million; Senate, \$50 million. Funds are made available subject to the submission of a budget request and agreement on the second replenishment of IFAD. If the funds are not used by September 30, 1986, they revert to the Treasury. Statement of the managers allows additional funding for Africa through the AID agricultural account.

Child survival fund: Conference total is \$50 million, funded as follows: \$12.5 million earmarked in the health account, \$12.5 million transferred from unobligated Lebanon ESE funds, and \$25 million in the child survival fund account.

Agriculture: Conference, \$699,995,900; request, \$792,352,000; House, \$679,995,900; Senate, \$760,000,000. Two earmarks: \$5 million for private and cooperative organizations utilizing surplus dairy products, and \$8 million for the Vitamin A Deficiency Program.

Population: Conference, \$250 million; request, \$250,017,000; House, \$261 million; Senate, \$250 million. Current language is continued banning the use of funds for organizations or programs which support or participate in the management of programs of coercive abortion or involuntary sterilization. New language bans funding of abortion as a method of family planning or to motivate or coerce any person to practice abortions. New language also limits funds only to those voluntary family planning projects which offer either directly or through referral to or information about access to a broad range of family planning methods and services. Existing statutory prohibitions against abortion in the Foreign Assistance Act are restated by reference, and existing provisions prohibiting funds for abortions and involuntary sterilizations are repeated in section 541 of the general provisions of the bill.

American schools and hospitals abroad: Conference, \$35 million; request, \$10 million; House, \$27 million; Senate, \$35 million. Report language expresses support for the American University of Beirut and Project ORBIS.

Economic support fund: Conference, \$3.7 billion; request, \$4.024 billion; House, \$3,689,286,666; Senate, \$3,745 billion. Israel

got \$1.8 billion under this account on October 31, 1985, and Egypt will get \$815 million. Sense of Congress language bases assistance levels for Israel and Egypt on continued participation in the Camp David accords. Pakistan gets \$250 million, the Philippines \$125 million, Cyprus \$15 million, and Ecuador \$15 million.

Transfer of Lebanon funds: Unobligated funds originally appropriated for Lebanon in Public Law 98-63 are transferred as follows: \$12.5 million to the child survival fund, \$5.35 million for UNICEF, and \$5 million for international narcotics control. The remaining \$20.5 million in the Lebanon account shall be used only for Lebanon or revert to the Treasury.

Peace Corps: Conference, \$130 million; request, \$125.2 million; House, \$128.6 million, Senate, \$130 million. Current anti-abortion language is continued.

Migration and refugee assistance: Conference, \$338,930,000; request, \$337,930,000; House, \$337,930,000; Senate, \$334,730,000. Included in the total is \$12.5 million for Soviet, Eastern European, and other refugees resettling in Israel.

Military Assistance Program (MAP): Conference, \$782 million; request, \$976,350,000; House, \$764,648,000; Senate, \$805,100,000. Earmarks are as follows: The Philippines, \$40 million, Turkey, \$215 million; and Tunisia, \$40 million.

Foreign military credit sales (FMS): Conference, \$5,190,000,000; request, \$5,655,000,000; House, \$5,058,983,333; Senate, \$5,371,000,000. Israel gets \$1.8 billion, and Egypt gets \$1.3 billion, neither of which requires repayment. Pakistan is earmarked for \$325 million; Turkey for \$427,852,000; Greece for \$450 million; the Philippines for \$15 million; and Tunisia for \$27 million.

Export-Import Bank direct loans: Conference, \$1.11 billion; request, 0; House, \$783,879,167; Senate, \$1.8 billion. Conference, request, House and Senate all provide \$12 billion for guaranteed loans.

General provisions, Section 532: "The Congress declares that it is the policy and intention of the United States" that ESF funds for Israel shall not be less than the annual debt repayment—interest and principal—from Israel to the United States.

Assistance to Afghan people: Section 542 earmarks \$15 million in development assistance and economic support funds for the provision of food, medicine, or other humanitarian assistance to the Afghan people.

Sudan limitation: Section 543 prohibits the use of funds for Sudan if that country is "acting in a manner that would endanger the stability of the region, or the Camp David peace process."

Assistance to Cambodian resistance forces: Section 544 earmarks not less than \$1.5 million nor more than \$5 million for military assistance and economic support funds for the Cambodian non-Communist resistance forces. The Foreign Assistance Authorization Act, Public Law 99-83 prohibits such aid to be used for the Khmer Rouge.

Jordan arms sales restrictions: Section 545 expresses the sense of the Congress against the U.S. sale of sophisticated weapons to Jordan unless that country is publicly committed to the recognition of Israel and requires a Presidential certification on that point to accompany any notification of such weapons sales. Section 549 provides for expedited Senate consideration of congressional objections of advanced weapons sales to Jordan.

HUD-INDEPENDENT AGENCIES

The fiscal year 1986 appropriations bill for the Department of Housing and Urban Development and independent agencies was signed into law on November 25, 1985. As my colleagues will recall, Public Law 99-160 contains \$57.29 billion for HUD and the independent agencies including the Environmental Protection Agency, the Veterans' Administration, NASA, and NSF.

When House Joint Resolution 465 left this body, it contained no provisions for these agencies. The other body, however, did add three provisions and we have resolved our differences in conference.

For the currently unauthorized EPA construction grants program, the managers have agreed to provide \$2.4 billion, the same amount as we included for fiscal year 1985, and the same as the budget request. Of this amount, however, only \$600 million is to be made immediately available for obligation. The remainder of the funds are to be made available upon enactment of a subsequent appropriations measure, one that we hope will follow the enactment of authorizing legislation.

For the Veterans' Administration, the conferees have agreed to the Senate amendment providing for a transfer of up to \$8 million from the medical care account to that of the VA general operating expenses. We have also included language pertaining to the delegation of authority to hospital directors for the administration of certain new fiscal year 1986 construction projects.

The conference agreement does not include funds proposed by the Senate for the Emergency Veterans Job Training Act of 1983.

The \$2.4 billion appropriated for EPA construction grants brings fiscal year 1986 totals in the HUD-IA accounts to \$59.69 billion in new budget authority. This level is \$1.492 billion under the House 302(b) allocation and \$719.9 million under fiscal year 1985 enacted totals.

INTERIOR AND RELATED AGENCIES CONFERENCE AGREEMENT

The conference agreement for the Interior and related agencies appropriations bill provides \$8,145,912,000 in new budget authority, not including funds transferred for the Clean Coal Program. This amount is \$243 million less than fiscal year 1985 enacted levels and \$93 million less than the amount provided in the House-passed bill. The administration budget request is \$776 million less than the amount in this conference agreement.

The Office of Management and Budget has a different view of this section. Even though the benchmark for this bill is \$8.125 billion, OMB adds the \$400 million transfer

for clean coal to the conference agreement total of \$8.145 billion. As a result, with other scorekeeping adjustments, this section is at least \$500 million over the benchmark.

In other action, the conferees essentially accepted the House position on the abolition of the Synthetic Fuels Corporation. The agreement provides for the rescission of all funds in the energy security reserve except for: \$400 million for a clean coal technology program to be administered by the Department of Energy; \$10 million for costs associated with closing the Corporation; and \$350 million of the original \$750 million authorized in the "clean coal technology reserve" by the fiscal year 1985 continuing resolution.

Effective on enactment of this joint resolution, the Corporation may not obligate or commit funds for new projects. Shortly after enactment, the SFC is terminated and the financial commitment turned over to the Treasury Department.

The agreement also establishes a Clean Coal Technology Program within the Department of Energy to be funded through a transfer of \$400 million from the energy security reserve; \$100 million would become available this fiscal year, \$150 million in fiscal year 1987 and another \$150 million in fiscal year 1988.

The agreement reduces the \$750 million clean coal reserve authorized by the fiscal year 1985 continuing resolution agreement to \$350 million. These funds are not available until released by a future appropriations act.

During the conference on this section of the resolution, I raised a concern about the application of Gramm-Rudman cuts to the clean coal program. Since the program is financed by a transfer of funds and not "new budget authority," it's unlikely that sequester orders can be applied in this case. I asked the conferees to include clarifying language in the agreement, but nothing was accepted. I would hope that when we are faced with cuts in important domestic programs that the Clean Coal Program can carry its fair share, especially since the beneficiaries of these subsidies will largely be corporations and utilities.

Finally, in the energy area, the agreement rejects the Senate proposed \$160 million rescission of previously deferred funds for the strategic petroleum reserve. These funds, appropriated last year, will allow the reserve to reach the 500-million-barrel level.

The conferees also agreed to accept a modified version of the barter language proposed by the Senate. The provision was modified to make the authority discretionary.

The agreement also provides funding for many important national resource management programs.

Agencies like the U.S. Fish and Wildlife Service, the Bureau of Land Management, the Forest Service, and the Park Service are custodians of millions of acres of federally owned land containing a tremendous amount of energy and natural resources.

I am particularly pleased that this agreement includes \$5.56 million to complete design and begin construction of the Connecticut River Anadromous Fish Research Center.

This much needed faculty will fill a gaping hole in the Atlantic Salmon restoration effort in New England. Ongoing research on our fishery resources is urgently needed to answer some basic questions about anadromous fish native to the region and to ensure that the restoration effort is going in the right direction. This research has to be constant and ongoing, and according to the experts, a permanent research facility is the only effective way to fill basic research needs and guarantee the integrity of the restoration program.

The bill also lifts the proposed moratorium on land acquisition and provides a total of \$169.7 million for the land and water conservation fund. In addition, through the migratory bird account, this bill provides \$15 million for the acquisition of vanishing wetland habitat.

LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION SECTION

Mr. Speaker, the bulk of issues relating to the Labor, Health and Human Services and Education appropriations bill were resolved, with the signing of H.R. 3234, the fiscal year 1986 regular Labor/HHS/Education appropriations bill by the President last Thursday. This law, Public Law 99-178, marks the third year in a row that the regular bill has been signed into law, and is one of 5 of the 13 regular appropriation bills that has been signed into law.

This conference report assures that the few programs that were deferred in the regular bill because of lack of authorization will be continued in fiscal year 1986 at the fiscal year 1985 levels. These programs include: Refugee programs, trade adjustment assistance, family planning, adolescent family life, and minority science improvement.

We agreed to drop the House language relating to the Corporation for Public Broadcasting because Public Law 99-178 provides for CPB.

While the House added no amendments to the continuing resolution affecting Labor/HHS programs, other than the basic provisions affecting the rate of operations, in case the regular bill did not clear, and making provision for deferred programs, the Senate went ahead and added 10 amendments involving both additional funding for certain programs and legislative language.

The most significant, in my view, was \$25 million for Child Care Staff Training, continuing the funding for title XX training that was added in last year's continuing resolution. I supported this amendment and would very much have liked to see it adopted. In fact, at one point, we came close to an agreement of \$15 million. Right now, there is no money in the Social Services Block Grant specifically designated for training, and with all the reports of child abuse in day-care centers, this amendment would have provided both funding and an

incentive for States to examine their licensing requirements.

The problem we had, Mr. Speaker, was that at the time we considered this and other amendments, we were vigorously trying to get the President to sign our regular Labor/HHS appropriations bill, which he did.

We were right at the benchmark of total funding at which OMB said it would recommend a signature, and, as my colleagues will remember, we had to cut an additional \$38 million on the House floor over and above the conference agreement on H.R. 3424 in order to get down to that benchmark. OMB made it clear that it would consider any funding in the continuing resolution together with the totals in the Labor/HHS bill and make its recommendations accordingly. So it became very hard to figure out how to add \$25 million to those overall totals after we had just cut an additional \$38 million. And it was also hard to figure how to add that amount without creating problems in the acceptability of this section in the continuing resolution, at the same time we were trying to put out the fires in other sections of the continuing resolution. We did put in language encouraging the States to continue the training activities initiated last year out of the title XX funds that became available when the Labor/HHS bill was signed.

I wish we could have found a way to do it, Mr. Speaker, I really do.

Just as we found ourselves constrained when it came to that money amendment, so we were constrained with regard to all other money amendments, and dropped the Senate amendments relating to additional funding for the administrative costs associated with the Trade Adjustment Assistance Program and for health professions disadvantaged assistance.

We accepted a number of Senate amendments containing minor legislative language changes, including language on the Foster Care Program, the Health Education Assistance Loan Program, a Medicare Research Demonstration Program, the timing of the availability of funding for the Secretary's discretionary fund under the Math and Science Program, and Pell grants for flood victims in West Virginia.

The Senate decided to drop its sense of the Senate resolution language relating to the deductible under Medicare, which did not involve the House or House conferees, relating solely to the Senate, as it did.

Finally, the Senate had adopted an amendment relating to health planning that provided a number of things, most important of which was a provision prohibiting HHS from beginning to close down any State health planning programs in fiscal year 1986, so long as a new authorization was in place by July 1, 1986. This resulted from the fact that in the regular Labor/HHS bill, funding for health planning was provided only through September 30, 1986, in order to find out whether the Congress would reauthorize the program thereafter. In conference we changed that July 1 date to August 15, in order to give the reauthorization process more time. There remain

some questions as to how the funding will be handled, and I know I will work with HHS on some of my questions.

LEGISLATIVE BRANCH ITEMS IN THE CONTINUING RESOLUTION

The fiscal year 1986 Appropriations Act for the legislative branch and related agencies was signed into law on November 13. (Public Law 99-151) Therefore, this continuing resolution does not address the basic funding rates for these offices and agencies.

House conferees agreed to Senate provisions: First, continuing the basic training of Capitol Police by the Treasury Department at the Federal Law Enforcement Training Center; second, requiring the Congressional Research Service to submit annual budget estimates to the Librarian of Congress for review and approval; and third, allowing the Commission on Security and Cooperation in Europe (the Helsinki Commission) to utilize the Government Printing Office for necessary printing and binding.

The conferees have agreed to provide limited start-up funds in the amount of \$150,000 for a new congressional agency, the Biomedical Ethics Board. This Board would be patterned after the Office of Technology Assessment. It was authorized in the NIH Authorization Act. When established, the Board will assist the Congress in addressing serious ethical questions affecting public policy, such as the definition of death, fetal research, treatment of research animals and genetic engineering.

House conferees have agreed to Senate language changing the statutory requirements of the Quadrennial Pay Commission in response to the Supreme Court's Chadha decision.

In the tradition of comity between the two bodies, House conferees have not objected to a Senate increase in that body's limitation on honoraria income from 30 percent of congressional salary in current law to 40 percent. House Members would continue to be limited to a 30-percent cap due to a House rule on outside income.

TRANSPORTATION AND RELATED AGENCIES

The continuing resolution has the effect of enacting into law the Department of Transportation and Related Agencies Appropriation Act for fiscal year 1986. I would like to briefly outline some of the highlights of the conference agreement.

For Payments to Air Carriers, the conferees have recommended \$28 million. The administration had proposed the elimination of this program.

For Coast Guard operating expenses, the continuing resolution provides \$1.652 billion (including \$10 million by transfer) in this section, plus another \$100 million in the Defense Appropriation Act, for a total operating program of \$1.752 billion. This amount is \$33 million below the original House level, but significantly above the original Senate level. These funds will enable the Coast Guard to continue its intensive drug interdiction activities, while also maintaining ongoing search and rescue, fisheries and environmental en-

forcement, icebreaking, coastal defense, and other critical missions. The Coast Guard is directed to continue the operation of the Great Lakes search and rescue facilities that had been proposed for consolidation in the fiscal year 1986 budget.

For the Coast Guard's acquisition, construction, and improvements account, the conference agreement provides \$267.3 million in the transportation section. An additional \$235 million in resources will be made available through the Defense Appropriation Act. The conference agreement also directs the Coast Guard to proceed with the completion of phase III of the Boston Shore Support Facility, as originally proposed to and approved by the Congress, out of previously appropriated funds.

For recreational boating safety, the conference agreement provides \$30 million, the authorized amount. The conferees expect that the Coast Guard will be prepared to discuss in detail the use of these funds by the States and the overall effectiveness of the Coast Guard's boating safety program during the fiscal year 1987 budget hearings.

For the Federal Aviation Administration, the conference agreement provides nearly \$2.7 billion for operations, the original House-passed level and approximately \$70 million above the 1985 amount. This amount should be sufficient to provide an additional 300 aviation safety inspection positions above the original budget request, and an additional 500 air traffic control positions as proposed by the Department of Transportation on September 19, 1985.

For FAA facilities and equipment, the conferees have recommended \$993 million, as proposed by the Senate. One effect of this level is to restore the \$5 million for the Loran-C program that had been deleted by the House-passed bill.

For FAA's airport improvement program, a limitation on obligations of \$925 million, the fiscal year 1985 level, has been provided. This amount was the same in both the House and Senate bills.

For the Federal Highway Administration, the conferees have agreed on a Federal-aid highway limitation on obligations of \$12.75 billion, the amount proposed by the Senate. The conference agreement provides for an allocation of interstate transfer-highways funds that includes \$25.5 million in discretionary funding for the C-470 project for Denver, CO. In addition, the conferees retained House language relating to the Westway project in New York.

With regard to the Westway project, I think that the proponents of this project should be on notice that the House will not be any more disposed to permit interstate transfer funds to be used for a landfill in the Hudson River than it was to have interstate construction funds used for that purpose.

For the Federal Railroad Administration, the State safety grant program has been continued at a level of \$1.5 million, and expects an additional \$1 million to be made available out of unobligated funds for this program. The rail service assistance program has been continued at a level of \$20.2 million, with language urging that a rail-

road rehabilitation project in Massachusetts and Vermont be given priority consideration.

The conferees have recommended \$616 million for Amtrak operations, capital improvements, and labor protection costs. In addition, \$12.5 million has been made available for the Northeast Corridor Improvement Program. These amounts will permit Amtrak to continue the operation of its national route system.

For the Urban Mass Transportation Administration, the conference agreement provides \$2.15 billion for formula grants, including the authorized level of \$875 million for operating assistance. The conferees have also agreed to accept Senate language permitting recipients of funds under section 18 to use funds received under an agreement with a State or local social service agency to use such funds as part of their non-Federal match.

The conferees have agreed to Senate language disapproving the deferral of funds appropriated for the Los Angeles, San Diego, Miami, Jacksonville, and St. Louis transit projects.

Finally, the conference agreement contains the House-passed language prohibiting the Department of Transportation from planning or implementing any change in the current Federal status of the Transportation Systems Center.

TREASURY-POSTAL SERVICE-GENERAL GOVERNMENT

Working with the vetoed treasury-postal service appropriations bill, the conferees made several modifications to address the concerns of the President.

The conference agreement goes more than half way in meeting the President's funding objections. OMB claimed the conference report on H.R. 3036 was \$180 million over the benchmark, and the conferees cut \$117 million from two accounts in this bill. IRS funding was reduced by \$45 million, and the revenue forgone postal subsidy was reduced to the budget reconciliation level of \$748 million.

The conferees worked hard to spend the least amount possible to maintain the vital revenue producing and law enforcement functions funded in this bill. Just look at the facts:

The conference agreement is \$332 million below fiscal year 1985 enacted levels for discretionary programs;

The conference agreement is \$200 million below the House-passed bill; and

The postal subsidy in this conference agreement is \$461 million below the amount appropriated last year.

Aside from the Postal subsidy, the remaining increase over the President's budget is largely for the Customs Service and IRS—both revenue-producing agencies.

In fact, I understand IRS has submitted a \$250 million supplemental request to OMB to augment the funds provided in this conference report.

Moreover, 46 percent of the money appropriated in this bill is for mandatory items. The payments for retired Federal employee health benefits and to the civil service retirement and disability fund,

along with the President's salary, amount to \$6 billion out of the \$13.1 billion provided in this conference agreement. These payments are fixed costs mandated by law. The Appropriations Committee has no control over this mandatory spending, and the amount provided in this bill is the same as the administration requested.

Three agencies will spend 75 percent of the discretionary appropriations provided in this conference report: The Customs Service, the IRS and the Postal Service payment.

The major funding objection specifically mentioned was in the veto message the \$820 million postal subsidy, accounting for 86 percent of the increase over the President's budget. Although this is scored against the bill, the President's budget did not ask for the elimination of the reduced mail program, but instead proposed to use revenues from other classes of mail to finance the subsidy. The budget said legislation would be sent to the Hill to reform the program, but nothing was introduced.

As far as the budget resolution is concerned, there seems to be no agreement on the basis facts. Our committee allocation shows the bill \$441 million under the congressional budget. The Senate claims the bill is now under, and OMB now says the conference agreement is \$108 million over the congressional budget.

Very few, however, have looked at the other side of the budget resolution: revenues. Before conference, Bob Dole wrote me a letter and warned that lower funding levels for IRS "would make impossible the \$2 billion increase in revenues from enhanced tax compliance assumed by the budget resolution." For this bill, when you're talking about the budget resolution, it's important to consider both sides—outlays and revenues.

Concerning the President's objections to language provisions, we agreed to remove the OPM ban on pay for performance and RIF regulations, and I just cannot understand his objections to the other items mentioned in the message. For example, the President doesn't want a general provision concerning presidential appointments—even though this language has been in the bill for 15 years and the President's budget requested the provision.

This resolution also contains several general provisions within the jurisdiction of the Treasury-Postal Service-General Government Subcommittee.

One section makes to modifications in a Federal employee child care provision contained in the Treasury-Postal Service conference report. The new language would mandate a 50-percent floor of Federal employees using the service—the present floor is 95 percent—and requires that Federal employees be given first priority. The changes are designed to facilitate the implementation of the law by GSA and to encourage these services in qualifying buildings around the country.

As the author of this amendment, it is my understanding that the user agencies would determine the need for day care fa-

cilities and the space to be provided. In addition, the agencies would determine whether any additional services, such as furniture or telephones, would be furnished for the day care facilities.

The user agencies would continue to pay the standard level users charge for the space to the GSA and would bear the costs of services not ordinarily provided as a standard service.

To avoid ambiguity, the entire child care provision with modifications is reprinted in this section.

Another section would make flextime for Federal workers permanent law. This section is identical to H.R. 1534 which passed the House on May 20, 1985, and is now pending before a Senate committee.

Although the Federal Government has allowed flextime for several years now, authority for the program expired on October 1, 1985, and was temporarily extended until January 1, 1986.

□ 2230

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I thank the gentleman.

Mr. Speaker, the gentleman did not mention it, but it is, in fact, about \$4 billion under on defense, is it not? Under the budget resolution?

Mr. CONTE. Under the budget resolution.

Mr. SMITH of Iowa. So that means that it is a total of \$6.3 billion under the \$302 allocation of the budget resolution?

Mr. CONTE. Yes; taking in the defense figure.

Mr. SMITH of Iowa. I thank the gentleman.

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

Mr. Speaker, this is indeed a day for continuity. We are not just here talking about the continuing resolution; we are here as part of the continuing saga of giving the Pentagon more money than it can reasonably spend to the detriment of virtually every other element of our society.

We began earlier this year talking about trying to put some limit on the increase in military spending at a time when other things are being cut. When the budget came up and the figure was \$302 billion, we were told, "Do not worry about it; we will take care of it in the authorization." Then the authorization came up and we tried to hold it down, and it again came back in a conference when we said \$292, the other body said \$302. It came back at \$302; we were told, "Well, do not worry about it, we will take care of it in the appropriation." Well, here is a the appropriation, and boy, did they take care of it.

The defense budget did not get everything. It only got almost everything. I understand the tough job of

being in a conference, and I admire the people here, but the context in which we have defense conferences as such that I think we ought not to have them here any more. We ought to have them down at the Mine Safety and Health Administration, so when the inevitable cave-in of the House position comes, the experts are already there to give aid and comfort to the victims, and there are victims.

We have voted here, I do not know how much you want to talk about it, but the Wall Street Journal says it is about \$12 billion over, that radical organ. The Democratic study group also has it many, many billions over. By the way, there were procurement reforms in the House authorization, and they were in the House appropriation. They will be in the House time capsule, because they died again. There is not an ounce of procurement reform in this bill despite overwhelming votes in the House. Not because our conferees did not want them, but because there was resistance elsewhere. So we have not only overspent in this bill by killing the procurement reforms, we have guaranteed we will continue to overspend.

People have said to us, "Well, you do not want to hurt the muscle; let us go after the fat." So we put into this bill some procurement reforms. Every single procurement reform voted by the House, twice at the authorization level, at the appropriation level, has gone bye-bye. Almost the only constructive thing in here is the antisatellite test ban, and that is very important and I am glad we had it. But it is the most expensive piece of arms control we have ever seen in the world because we paid about \$10 billion for it.

There are people, as we speak, and we all want to like each other; the spirit of comity is important, but I have got to tell you, I think in this bill some very decent people are putting forward some policies that fall below what ought to be an acceptable moral standard for this country. There are people who, as we speak, are homeless, and we are hung up on trying to provide funds for the homeless in the tens of millions while the Pentagon gets billions over what this House has voted.

What this bill does is continue to exempt the Pentagon from anything like fiscal discipline. Housing for the elderly, Medicare, agriculture. I differed with some of my colleagues in Agriculture; I have understood the anguish they felt. They are going to be asked to vote for an agriculture bill which does far less than many of them think necessary. When they vote for it, they ought to understand that they are going to be able to tell their constituents not to worry about the cuts here and the farm foreclosures, because we have 10 more MX missiles. They will not have any purpose; we

will not have anything to do with them, but we will have spent \$1.7 billion on those MX missiles that will come out of the hides of your poor farmers and the homeless and the elderly because we are in the zero sum business now. Yet we have got Gramm-Rudman, and so they prepared for Gramm-Rudman. We did not pass the bill today for protective armor for police officers; that got pulled. But we put the bill in for protective fiscal armor for the Pentagon from Gramm-Rudman. When the Gramm-Rudman bullet is hit, it is going to have to penetrate a couple of extra billion dollars worth of layers on the Pentagon. We did not do that for the elderly who need housing and we have not done it for sick children and we have not done it for virtually any other group of genuinely needy. Come January, they will start knocking people off the disability rolls again, but the Pentagon will grow and grow, and Members can read about it in the DSG report; they can read about it in the Wall Street Journal.

There ought to be a moral bottom line. Yes, there is room for differences of opinion, but after Gramm-Rudman, after all that has happened, blithely to say that the Pentagon is not covered by this, and I understand this is not the druthers of my colleagues and friends and others in the House, but we have to deal with what the legislation is. The fact is that this exempts from fiscal discipline the Pentagon.

The House solemnly tried in the authorization and the appropriation to hold the Pentagon to some level. It was brushed aside. The Pentagon marches on. Military spending marches on and not just essential military spending because they want to repeat the procurement reforms, the revolving door, so that people do not leave the Pentagon and go to work for the people they negotiated with.

The allowable cost list that says you will not be recompensated for this or that. The whole should cost idea. It is all down the drain. Yes, we have got the Asat and I congratulate the Members for that, but we got too little else. What we have here is a bill, which, because of fiscal constraints, because of a budget deficit, continues to condemn many people to homelessness in this great, rich country, and has many elderly people paying more to receive less in Medicare and decimates housing programs and does not give adequate daycare to struggling young women who want to work and improve themselves, but the Pentagon marches on. The Pentagon continues to get more, billions and billions.

There are 8, 9, 12; we will have big accountants' arguments. Did the Pentagon get \$9 billion more here or \$12 billion more here. But the homeless we cannot spare tens of millions.

This, for me, goes too far. It goes too far in the direction of taking from those who most need it and putting resources where we know there has already been overspending and adding insult to injury, denying any procurement reform so the dilemma we have, yes, we want to have a strong country. We have a dilemma of wasteful practices, and, gee, if you cut this you are going to hurt that. So we try to build in procurement reform so that beginning now and into the future, we will not always face that choice, and it was brushed off the table. It is not even alive any more.

All the time and effort that Members, the gentlewoman from California and others put into procurement reform, blown away. Two votes of this House on two separate occasions, disregarded. We have got nothing for that effort.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. FRANK. I yield to the gentleman.

Mr. SMITH of Iowa. The gentleman and I stood together on this House floor on August the first and oppose a \$10-billion increase in the budget resolution for the Pentagon. Ten billion dollars. But by a 3-to-1 vote, the House decided they wanted to give them the \$10 billion. I think it is amazing that the conferees were willing to bring back a bill that is \$4 billion under that budget resolution.

We did not need that budget resolution. We were proceeding on the basis of \$292 billion, but it was raised here on the House floor to \$302 billion. I do not know how anyone, and the gentleman is not included here, could possibly vote against this resolution today on the basis of providing too much for the Pentagon if they had voted for that budget resolution. It passed here by a 3-to-1 margin.

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Mr. FRANK. Mr. Speaker, I am going to take back my time now because the gentleman has 40 minutes to sing the praises of this bill and I only have 20 minutes to oppose it. I have

yielded some to the gentleman, but I want to answer how I can vote against it.

In the first place, I voted against it before. And I want to go back: The gentleman is right, because this was the progression, and I will say in defense of those who may have voted for it before, when the budget resolution came up and there was too much for defense, they said, "Wait for the authorization." And when the authorization came up and there was too much for defense, they said, "Wait for the appropriation." And when people had qualms about the appropriation, they said, "Wait for the continuing resolution."

Well, I am tired of waiting. And I am not just tired of waiting for me, I am tired of continuing to grease that particular set of skids when there are homeless people and farmers and elderly people needing medical care. There are too many unmet needs in this country.

I understand when we are told, "Fiscal constraints, stop it." But I guess every Member now thinks for himself and herself. Vote for this, and vote these additional billions for the Pentagon, but when you go back and tell the farmers that you cannot help them when they are foreclosed on, or tell people that they are going to be knocked off disability, or tell women that there will not be day care for them, or elderly people that they will not have medical care, and you will not tell the homeless that there is no place for them to live, because many of them are just beyond being talked to, understand that what you have done is increase the likelihood of that deprivation by voting these billions for the Pentagon.

Mr. Speaker, I reserve the balance of my time.

Mr. WHITTEN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. LEHMAN].

Mr. LEHMAN of Florida. Mr. Speaker, I rise in support of the conference report. I would like to recognize the hard work, the tenacity, and patience

of our chairman, the gentleman from Mississippi [Mr. WHITTEN], and our ranking member, the gentleman from Massachusetts [Mr. CONTE]. They have guided us through a very difficult conference with much skill.

I would also like to give special mention to the ranking minority member of the Transportation Subcommittee, my friend, the gentleman from Pennsylvania [Mr. COUGHLIN]. He has exhibited his usual grace and good judgment in working with me and the other transportation conferees, and has done much to help us hammer out the best possible deal for this body.

Mr. Speaker, the transportation section of this conference report would provide a total spending level of \$25.533 billion for transportation programs for fiscal year 1986. This is comprised of \$10.506 billion in new budget authority and \$15.027 billion in contract authority obligation limitations.

Mr. Speaker, this total spending level is \$1.728 billion, or about 6.4 percent, below the fiscal year 1985 level. It is a reduction that I wish we did not have to make, but I think is necessary given the fiscal realities of our budget. And let me add that, unlike the transportation budget submitted by the President, the "pain" is distributed as fairly and evenly as possible—aviation, maritime, and highway programs have all shared the burden with mass transit, Amtrak, and Federal workers.

I know the Members are also interested to know about the fate of the CAFE amendment added by the Senate. The conferees agreed to strike that provision; it is not in this conference report.

Mr. Speaker, the transportation section of the conference report also is substantially under the committee's section 302(b) allocation made pursuant to the budget resolution. We have gone the extra mile to continue our vital transportation programs and still contribute toward overall fiscal restraint. It deserves your support.

I insert at this point in the RECORD a table giving the conference figures in detail:

Comparative Statement of New Budget (Obligational) Authority

	FY 1985 Enacted	FY 1986 Estimates	House	Senate	Conference	Enacted	Conference compared with Estimates	House	Senate
TITLE I - DEPARTMENT OF TRANSPORTATION									
Office of the Secretary									
Salaries and expenses.....	50,000,000	51,995,000	50,500,000	51,300,000	51,300,000	11,300,000	-695,000	1800,000	---
(By transfer).....	(65,000)	---	(330,000)	---	---	(-65,000)	---	(-330,000)	---
Transportation planning, research, and development....	5,700,000	5,558,000	3,000,000	4,000,000	3,500,000	-2,200,000	-2,058,000	1500,000	-500,000
(Limitation on working capital fund).....	(64,500,000)	(67,033,000)	(64,500,000)	(64,500,000)	(64,500,000)	---	(-2,533,000)	---	---
Payments to air carriers.....	---	---	36,000,000	28,000,000	28,000,000	128,000,000	128,000,000	-8,000,000	---
Total, Office of the Secretary.....	55,700,000	57,553,000	89,500,000	83,300,000	82,800,000	127,100,000	125,247,000	-6,700,000	-500,000
Coast Guard									
Operating expenses.....	1,755,000,000	1,788,608,000	1,777,200,000	1,742,000,000	1,642,000,000	-113,000,000	-146,608,000	-135,200,000	-100,000,000
Appropriation for debt reduction.....	-202,861	---	---	---	---	1202,861	---	---	---
(By transfer).....	(13,775,000)	---	(8,000,000)	(10,000,000)	(10,000,000)	(-3,775,000)	(110,000,000)	(12,000,000)	---
Total, operating expenses.....	1,754,797,139	1,788,608,000	1,777,200,000	1,742,000,000	1,642,000,000	-112,797,139	-146,608,000	-135,200,000	-100,000,000
Acquisition, construction, and improvements.....	374,200,000	303,058,000	267,300,000	276,300,000	267,300,000	-106,900,000	-35,758,000	---	-9,000,000
(By transfer).....	(6,240,000)	---	---	---	---	(-6,240,000)	---	---	---
Alteration of bridges.....	13,600,000	5,200,000	7,195,000	5,200,000	5,200,000	-8,400,000	---	-1,995,000	---
Retired pay.....	330,800,000	351,000,000	351,000,000	351,000,000	351,000,000	121,000,000	---	---	---
Reserve trainings.....	58,833,000	61,502,000	61,502,000	61,502,000	61,502,000	12,669,000	---	---	---
(By transfer).....	(1,025,000)	---	---	---	---	(-1,025,000)	---	---	---
Research, development, test, and evaluation.....	23,000,000	23,000,000	23,000,000	21,000,000	21,000,000	-2,000,000	-2,000,000	-2,000,000	---
Offshore oil pollution compensation fund.....	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	---	---	---	---
(Limitation on obligations).....	(60,000,000)	(60,000,000)	(60,000,000)	(60,000,000)	(60,000,000)	---	---	---	---
Deepwater port liability fund.....	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	---	---	---	---
(Limitation on obligations).....	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	---	---	---	---
Boat safety.....	13,625,000	13,625,000	13,625,000	---	---	-13,625,000	-13,625,000	-13,625,000	---
(Limitation on obligations).....	(13,750,000)	---	---	(30,000,000)	(30,000,000)	(16,250,000)	(130,000,000)	(130,000,000)	---
Total, Coast Guard.....	2,570,855,139	2,548,793,000	2,503,622,000	2,459,802,000	2,350,802,000	-220,053,139	-197,991,000	-152,820,000	-109,000,000
Federal Aviation Administration									
Headquarters administration.....	66,900,000	66,578,000	64,400,000	64,400,000	64,400,000	-2,500,000	-2,178,000	---	---
Operations.....	2,624,600,000	2,749,870,000	2,694,600,000	2,714,400,000	2,694,600,000	170,000,000	-55,270,000	---	-19,800,000
(By transfer).....	(18,112,000)	---	---	---	---	(-18,112,000)	---	---	---
Subtotal, Operations and headquarters administration.....	2,691,500,000	2,816,448,000	2,759,000,000	2,778,800,000	2,759,000,000	167,500,000	-57,448,000	---	-19,800,000
Facilities and equipment (Airport and Airway Trust Fund).....	1,358,000,000	1,146,500,000	1,044,000,000	993,000,000	993,000,000	-365,000,000	-153,500,000	-51,000,000	---
Research, engineering and development (Airport and Airway Trust Fund).....	265,000,000	197,925,000	190,000,000	192,000,000	190,000,000	-75,000,000	-7,925,000	---	-2,000,000
(By transfer).....	---	---	---	(15,000,000)	(15,000,000)	(115,000,000)	(115,000,000)	(115,000,000)	---

Comparative Statement of New Budget (Obligational) Authority

	FY 1985 Enacted	FY 1986 Estimates	House	Senate	Conference	Conference compared with Enacted	Conference compared with Estimates	House	Senate
Grants-in-aid for airports:									
(Liquidation of contract authorization) (Airport and Airway Trust Fund).....	(810,000,000)	(693,000,000)	(693,000,000)	(693,000,000)	(693,000,000)	(-117,000,000)	---	---	---
(Limitation on obligations).....	(925,000,000)	(1,017,000,000)	(925,000,000)	(925,000,000)	(925,000,000)	---	(-92,000,000)	---	---
Operation and maintenance, Metropolitan Washington Airports.....									
(By transfer).....	(505,000)	---	---	---	---	(-505,000)	---	---	---
Construction, Metropolitan Washington Airports.....	13,000,000	13,000,000	12,000,000	7,000,000	7,000,000	-6,000,000	-6,000,000	-5,000,000	---
Aircraft purchase loan guarantee program (borrowing authority).....	(125,000,000)	(125,000,000)	(10,000,000)	(125,000,000)	(75,000,000)	(-50,000,000)	(-50,000,000)	(+65,000,000)	(-50,000,000)
Total, Federal Aviation Administration.....	4,363,431,500	4,210,048,000	4,040,400,000	4,004,900,000	3,983,100,000	-380,331,500	-226,948,000	-57,300,000	-21,000,000
Federal Highway Administration									
(Limitation on general operating expenses).....	(204,452,000)	(203,761,000)	(204,500,000)	(203,761,000)	(203,761,000)	(-691,000)	---	(-739,000)	---
Highway safety research and development.....	8,500,000	8,500,000	8,500,000	8,500,000	8,500,000	---	---	---	---
Highway-related safety grants:									
(Liquidation of contract authorization) (Trust Fund).....	(5,000,000)	(9,000,000)	(9,000,000)	(9,000,000)	(9,000,000)	(+4,000,000)	---	---	---
(Limitation on obligations).....	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)	---	---	---	---
Railroad-highway crossings demonstration projects.....	29,640,000	---	38,700,000	---	16,000,000	-13,640,000	+16,000,000	-22,700,000	+16,000,000
Intermodal Urban Demonstration Project.....	2,750,000	---	---	---	---	-2,750,000	---	---	---
Highway safety separations demonstration project.....	12,000,000	---	---	---	---	-12,000,000	---	---	---
Auto-Pedestrian separation demonstration project.....	1,750,000	---	---	---	---	-1,750,000	---	---	---
Federal-aid highways:									
(Liquidation of contract authorization) (Trust Fund).....	(12,800,000,000)	(13,836,000,000)	(13,836,000,000)	(13,836,000,000)	(13,836,000,000)	(+1,036,000,000)	---	---	---
(Limitation on obligations).....	(13,250,000,000)	(13,250,000,000)	(13,250,000,000)	(12,750,000,000)	(12,750,000,000)	(-500,000,000)	(-500,000,000)	(-500,000,000)	---
Right-of-way Revolving Fund (limitation on direct loans) (Trust Fund).....									
Motor carrier safety.....	13,902,000	13,993,000	13,900,000	13,902,000	13,900,000	-2,000	-93,000	---	-2,000
Motor carrier safety grants.....	14,000,000	14,000,000	14,000,000	20,000,000	17,000,000	+3,000,000	+3,000,000	+3,000,000	-3,000,000
Access highways to public recreation areas on certain lakes.....									
(By transfer).....	5,000,000	---	---	10,000,000	5,000,000	---	+5,000,000	+5,000,000	-5,000,000
Waste isolation pilot project roads.....	16,400,000	---	---	16,260,000	7,000,000	-9,400,000	(+5,000,000)	(+5,000,000)	(+5,000,000)
Baltimore-Washington Parkway.....	---	---	6,500,000	---	3,000,000	+3,000,000	+3,000,000	-3,500,000	+3,000,000
Rail Line Consolidation project (by transfer).....	---	---	(5,000,000)	---	(4,000,000)	(+4,000,000)	(+4,000,000)	(-1,000,000)	(+4,000,000)
Airport Highway Demonstration project (by transfer)...	---	---	(2,700,000)	---	(1,350,000)	(+1,350,000)	(+1,350,000)	(-1,350,000)	(+1,350,000)
Expressway gap closing project.....	---	---	23,500,000	---	9,000,000	+9,000,000	+9,000,000	-14,500,000	+9,000,000
Total, Federal Highway Administration.....	103,942,000	36,493,000	105,100,000	68,662,000	79,400,000	-24,542,000	+42,907,000	-25,700,000	+10,738,000
National Highway Traffic Safety Administration									
Operations and research.....	81,542,000	81,101,000	89,365,000	78,851,000	83,851,000	+2,309,000	+2,750,000	-5,514,000	+5,000,000
(By transfer).....	---	(17,000,000)	---	(500,000)	(5,500,000)	(+5,500,000)	(-11,500,000)	(+5,500,000)	(+5,000,000)

Comparative Statement of New Budget (Obligational) Authority

	FY 1985 Enacted	FY 1986 Estimates	House	Senate	Conference	Conference compared with Enacted	Conference compared with Estimates	House	Senate
Highway traffic safety grants:									
Rescission.....	-250,000	---	---	---	---	1250,000	---	---	---
(Liquidation of contract authorization)									
(Trust Fund).....	(125,000,000)	(149,000,000)	(149,000,000)	(149,000,000)	(149,000,000)	(124,000,000)	---	---	---
State and community highway safety (limitation on obligations).....	(126,500,000)	(126,500,000)	(126,500,000)	(126,500,000)	(126,500,000)	---	---	---	---
Alcohol safety incentive grants (limitation on obligations).....	(50,000,000)	(28,800,000)	(28,800,000)	(28,800,000)	(28,800,000)	(-21,200,000)	---	---	---
Total, National Highway Traffic Safety Administration.....	81,292,000	81,101,000	89,345,000	78,851,000	83,851,000	12,559,000	12,750,000	-5,514,000	15,000,000
Federal Railroad Administration									
Office of the Administrator.....	10,700,000	10,560,000	10,120,000	10,120,000	10,120,000	-580,000	-440,000	---	---
Railroad safety.....	26,061,000	27,975,000	28,000,000	27,764,000	27,764,000	11,703,000	-211,000	-236,000	---
Railroad research and development.....	15,355,000	10,418,000	11,200,000	10,384,000	10,600,000	-4,755,000	1182,000	-600,000	1216,000
Rail service assistance.....	92,042,000	5,762,000	20,200,000	20,220,000	20,200,000	-71,842,000	114,438,000	---	-20,000
Appropriation for debt reduction.....	-60,281,000	---	---	---	---	160,281,000	---	---	---
Settlements of railroad litigation.....	4,328,000	---	---	---	---	-4,328,000	---	---	---
Appropriation for debt reduction.....	-4,223,000	---	---	---	---	14,223,000	---	---	---
Conrail labor protection.....	15,000,000	---	---	---	---	-15,000,000	---	---	---
Conrail labor protection (rescission).....	---	---	-8,000,000	---	---	---	---	18,000,000	---
Northeast corridor improvement program.....	27,600,000	---	12,500,000	12,500,000	12,500,000	-15,100,000	112,500,000	---	---
Grants to the National Railroad Passenger Corporation (By transfer).....	684,000,000	---	588,500,000	587,500,000	587,500,000	-96,500,000	1587,500,000	-1,000,000	---
Railroad Rehabilitation and Improvement Financing									
Funds (limitation on new loan guarantees).....	(6,500,000)	---	---	(4,000,000)	(4,000,000)	(-2,500,000)	(14,000,000)	(14,000,000)	---
Redeemable preference shares.....	---	---	30,000,000	16,500,000	33,500,000	133,500,000	133,500,000	13,500,000	117,000,000
(By transfer).....	---	---	(5,500,000)	---	---	---	---	(-5,500,000)	---
Conrail commuter transition assistance.....	---	---	10,000,000	---	---	---	---	-10,000,000	---
(By transfer).....	---	---	---	---	(5,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)
Total, Federal Railroad Administration (net)....	810,582,000	54,715,000	702,520,000	684,988,000	702,184,000	-108,398,000	1647,469,000	-336,000	117,196,000
Urban Mass Transportation Administration									
Administrative expenses.....	31,000,000	27,405,000	31,000,000	30,000,000	30,000,000	-1,000,000	12,595,000	-1,000,000	---
Research, training, and human resources.....	51,000,000	---	28,103,000	17,400,000	17,400,000	-33,600,000	117,400,000	-10,703,000	---
Formula grants.....	2,449,500,000	---	2,210,000,000	2,100,000,000	2,150,000,000	-299,500,000	12,150,000,000	-60,000,000	150,000,000
Formula capital grants:									
(Limitation on obligations).....	---	(1,100,000,000)	---	---	---	---	(-1,100,000,000)	---	---
(Liquidation of contract authorization).....	---	(55,000,000)	---	---	---	---	(-55,000,000)	---	---
Discretionary grants:									
(Limitation on obligations).....	(1,120,000,000)	---	(1,010,000,000)	(1,100,000,000)	(1,045,500,000)	(-74,500,000)	(1,045,500,000)	(139,500,000)	(-54,500,000)
(Liquidation of contract authorization).....	(450,000,000)	(720,000,000)	(720,000,000)	(775,000,000)	(775,000,000)	(1325,000,000)	(155,000,000)	(155,000,000)	---

Comparative Statement of New Budget (Obligational) Authority

	FY 1985 Enacted	FY 1986 Estimates	House	Senate	Conference	Enacted	Conference compared with Estimates	House	Senate
Interstate transfer grants-transit.....	250,000,000	---	237,500,000	200,000,000	200,000,000	-50,000,000	1200,000,000	-37,500,000	---
(By transfer).....	---	---	---	---	(18,750,000)	(18,750,000)	(18,750,000)	(18,750,000)	(18,750,000)
Washington Metro.....	250,000,000	250,000,000	237,500,000	187,500,000	227,000,000	-23,000,000	-23,000,000	-10,500,000	139,500,000
Total, Urban Mass Transportation Administration.....	3,031,500,000	277,405,000	2,744,103,000	2,534,900,000	2,624,400,000	-407,100,000	12,346,995,000	-119,703,000	189,500,000
Saint Lawrence Seaway Development Corporation									
(Limitation on administrative expenses).....	(1,792,000)	(1,942,000)	(1,890,000)	(1,942,000)	(1,916,000)	(1124,000)	(-26,000)	(126,000)	(-26,000)
Research and Special Programs Administration									
Research and special programs.....	18,900,000	19,353,000	19,400,000	19,200,000	19,300,000	1400,000	-53,000	-100,000	1100,000
(By transfer).....	(950,000)	---	---	---	---	(-950,000)	---	---	---
Office of the Inspector General									
Salaries and expenses.....	27,900,000	27,692,000	27,950,000	27,250,000	27,600,000	-300,000	-92,000	-350,000	1350,000
Total, title I, Department of Transportation									
New budget (obligational) authority (net).....	11,064,102,439	7,313,153,000	10,321,960,000	9,961,853,000	9,953,437,000	-1,110,645,439	12,640,284,000	-368,523,000	-8,416,000
Appropriations.....	(11,128,809,500)	(7,313,153,000)	(10,329,960,000)	(9,961,853,000)	(9,953,437,000)	(-1,175,372,500)	(12,640,284,000)	(-376,523,000)	(-8,416,000)
Appropriations for debt reduction.....	(-64,706,861)	---	---	---	---	(164,706,861)	---	---	---
Rescission.....	---	---	(-8,000,000)	---	---	---	---	(18,000,000)	---
(By transfer).....	(40,672,000)	(17,000,000)	(36,530,000)	(54,000,000)	(93,100,000)	(152,428,000)	(176,100,000)	(154,570,000)	(139,100,000)
(Limitations on general operating and administrative expenses).....	(204,244,000)	(205,703,000)	(204,390,000)	(205,703,000)	(205,677,000)	(-567,000)	(-26,000)	(-713,000)	(-26,000)
(Limitations on obligations).....	(15,605,250,000)	(15,642,300,000)	(15,460,300,000)	(15,080,300,000)	(15,025,800,000)	(-579,450,000)	(-616,500,000)	(-434,500,000)	(-54,500,000)
(Limitations on direct loans).....	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	---	---	---	---
(Limitations on new loan guarantees).....	(6,500,000)	---	---	(4,000,000)	(4,000,000)	(-2,500,000)	(14,000,000)	(14,000,000)	---
(Limitation on working capital fund).....	(64,500,000)	(67,033,000)	(64,500,000)	(64,500,000)	(64,500,000)	---	(-2,533,000)	---	---
(Liquidation of contract authorization).....	(14,190,000,000)	(15,462,000,000)	(15,407,000,000)	(15,462,000,000)	(15,462,000,000)	(11,272,000,000)	---	(155,000,000)	---
(Appropriation for debt reduction).....	(64,706,861)	---	---	---	---	(-64,706,861)	---	---	---
(Borrowing authority).....	(125,000,000)	(125,000,000)	(10,000,000)	(125,000,000)	(75,000,000)	(-50,000,000)	(-50,000,000)	(165,000,000)	(-50,000,000)
TITLE II - RELATED AGENCIES									
Architectural and Transportation Barriers Compliance Board									
Salaries and expenses.....	2,000,000	1,975,000	2,000,000	1,975,000	1,975,000	-25,000	---	-25,000	---
National Transportation Safety Board									
Salaries and expenses.....	21,899,000	22,087,000	22,400,000	22,200,000	22,300,000	1401,000	1213,000	-100,000	1100,000

Comparative Statement of New Budget (Obligational) Authority

	FY 1985 Enacted	FY 1984 Estimates	House	Senate	Conference	Conference compared with			
						Enacted	Estimates	House	Senate
Civil Aeronautics Board									
Salaries and expenses.....	5,600,000	---	---	---	---	-5,600,000	---	---	---
Payments to air carriers.....	52,000,000	---	---	---	---	-52,000,000	---	---	---
Total, Civil Aeronautics Board.....	57,600,000	---	---	---	---	-57,600,000	---	---	---
Interstate Commerce Commission									
Salaries and expenses.....	51,100,000	52,557,000	48,180,000	47,000,000	48,180,000	-2,920,000	-4,277,000	---	+1,180,000
(By transfer).....	---	---	(2,300,000)	(2,300,000)	(2,300,000)	(42,300,000)	(42,300,000)	---	---
Payments for directed rail service (limitation on obligations).....	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	---	---	---	---
Panama Canal Commission									
Operating expenses.....	406,346,000	420,284,000	401,284,000	400,284,000	400,284,000	-4,062,000	-20,000,000	-1,000,000	---
Capital outlay.....	23,500,000	26,500,000	26,500,000	25,500,000	25,500,000	+2,000,000	-1,000,000	-1,000,000	---
(By transfer).....	(1,700,000)	---	---	---	---	(-1,700,000)	---	---	---
Payments to the Republic of Panama (by transfer).....	(2,705,000)	---	---	---	---	(-2,705,000)	---	---	---
Total, Panama Canal Commission.....	429,846,000	446,784,000	427,784,000	425,784,000	425,784,000	-4,062,000	-21,000,000	-2,000,000	---
United States Railway Association									
Administrative expenses.....	2,100,000	---	2,100,000	2,400,000	2,400,000	+300,000	+2,400,000	+300,000	---
Washington Metropolitan Area Transit Authority									
Interest payments.....	46,175,945	51,663,569	51,663,569	51,663,569	51,663,569	+5,487,624	---	---	---
Total, title II, related agencies:									
New budget (obligational) authority.....	610,720,945	575,066,569	554,127,569	551,022,569	552,302,569	-58,418,376	-22,764,000	-1,825,000	+1,280,000
(Limitation on obligations).....	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	---	---	---	---
General Provision									
General reduction.....	---	---	---	-147,606,281	---	---	---	---	+147,606,281
(By transfer).....	---	---	---	(-1,140,800)	---	---	---	---	(+1,140,800)
(Limitations on general operating and administrative expenses).....	---	---	---	(-3,291,248)	---	---	---	---	(+3,291,248)
(Limitations on obligations).....	---	---	---	(-241,300,800)	---	---	---	---	(+241,300,800)
(Limitations on direct loans).....	---	---	---	(-800,000)	---	---	---	---	(+800,000)
(Limitations on new loan guarantees).....	---	---	---	(-64,000)	---	---	---	---	(+64,000)
(Limitation on working capital fund).....	---	---	---	(-1,032,000)	---	---	---	---	(+1,032,000)
(Appropriations to liquidate contract authorizations).....	---	---	---	(-247,392,000)	---	---	---	---	(+247,392,000)

Comparative Statement of New Budget (Obligational) Authority

	FY 1985 Enacted	FY 1986 Estimates	House	Senate	Conference	Enacted	Conference compared with Estimates	House	Senate
RECAPITULATION									
Grand total:									
New budget (obligational) authority (net).....	11,674,823,584	7,888,219,569	10,876,087,569	10,345,269,288	10,505,739,569	-1,169,084,015	12,617,520,000	-370,348,000	1140,470,281
Appropriations.....	(11,739,530,445)	(7,888,219,569)	(10,884,087,569)	(10,345,269,288)	(10,505,739,569)	(-1,233,790,876)	(12,617,520,000)	(-378,348,000)	(1140,470,281)
Appropriations for debt reduction.....	(-64,706,861)	---	---	---	---	(164,706,861)	---	---	---
Rescission.....	---	---	(-8,000,000)	---	---	---	---	(18,000,000)	---
(By transfer).....	(45,077,000)	(17,000,000)	(38,830,000)	(55,159,200)	(95,400,000)	(150,323,000)	(178,400,000)	(154,570,000)	(140,240,800)
(Limitations on general operating and administrative expenses).....	(206,244,000)	(205,703,000)	(206,390,000)	(202,411,752)	(205,677,000)	(-567,000)	(-26,000)	(-713,000)	(13,245,248)
(Limitations on obligations).....	(15,606,250,000)	(15,643,300,000)	(15,481,300,000)	(14,839,999,200)	(15,026,000,000)	(-579,450,000)	(-616,500,000)	(-434,300,000)	(1186,800,800)
(Limitations on direct loans).....	(50,000,000)	(50,000,000)	(50,000,000)	(49,200,000)	(50,000,000)	---	---	---	(1800,000)
(Limitations on new loan guarantees).....	(6,500,000)	---	---	(3,936,000)	(4,000,000)	(-2,500,000)	(14,000,000)	(14,000,000)	(164,000)
(Limitation on working capital fund).....	(64,500,000)	(67,033,000)	(64,500,000)	(63,468,000)	(64,500,000)	---	(-2,533,000)	---	(11,032,000)
(Borrowing authority).....	(125,000,000)	(125,000,000)	(10,000,000)	(125,000,000)	(75,000,000)	(-50,000,000)	(-50,000,000)	(165,000,000)	(-50,000,000)
Memoranda:									
(Appropriations to liquidate contract authorizations).....	(14,190,000,000)	(15,462,000,000)	(15,407,000,000)	(15,214,608,000)	(15,462,000,000)	(11,272,000,000)	---	(155,000,000)	(1247,392,000)
(Appropriation for debt reduction).....	(64,706,861)	---	---	---	---	(-64,706,861)	---	---	---
Total, appropriations including appropriations to liquidate contract authorization and appropriations for debt reduction.....	(25,929,530,445)	(23,350,219,569)	(26,283,087,569)	(25,579,877,288)	(25,967,739,569)	(138,289,124)	(12,617,520,000)	(-315,348,000)	(1387,862,281)
Total, New budget (obligational) authority and limitation on obligations.....	27,281,073,584	23,531,519,569	26,337,387,569	25,205,268,488	25,532,539,569	-1,748,534,015	12,001,020,000	-804,848,000	1327,271,081
CONGRESSIONAL BUDGET RECAP									
Total.....	11,674,823,584	7,888,219,569	10,876,087,569	10,345,269,288	10,505,739,569	-1,169,084,015	12,617,520,000	-370,348,000	1140,470,281
Amounts in this bill.....	(11,674,823,584)	(7,888,219,569)	(10,876,087,569)	(10,345,269,288)	(10,505,739,569)	(-1,169,084,015)	(12,617,520,000)	(-370,348,000)	(1140,470,281)
Prior year outlays associated with this bill.....	---	---	---	---	---	---	---	---	---
Total Congressional mandatory and discretionary.....	11,674,823,584	7,888,219,569	10,876,087,569	10,345,269,288	10,505,739,569	-1,169,084,015	12,617,520,000	-370,348,000	1140,470,281
Mandatory (total).....	(397,800,000)	(351,800,000)	(387,800,000)	(379,800,000)	(379,800,000)	(-18,000,000)	(128,000,000)	(-8,000,000)	---
(Mandatory new).....	(397,800,000)	(351,800,000)	(387,800,000)	(379,800,000)	(379,800,000)	(-18,000,000)	(128,000,000)	(-8,000,000)	---
(Prior year).....	---	---	---	---	---	---	---	---	---
Discretionary (new).....	(11,277,023,584)	(7,536,419,569)	(10,488,287,569)	(9,965,469,288)	(10,125,939,569)	(-1,151,084,015)	(12,589,520,000)	(-362,348,000)	(1140,470,281)

Mr. Speaker, I just want to add one other thing. The fact is that although the conference report is not perfect as far as transportation is concerned, it provides public transportation for those who need it, it provides money for the Coast Guard, it provides the kind of money they need for FAA, and it provides the money for Amtrak.

Mr. DIXON. Mr. Speaker, will the gentleman yield?

Mr. LEHMAN of Florida. I yield to my friend, the gentleman from California.

Mr. DIXON. Mr. Speaker, I would like to ask my good friend from Florida a question about the Metro Rail project in Los Angeles.

Language in this bill requires a study of the existence of methane gas in an area beyond the first phase of Metro Rail. When I worked with you as the chairman of the subcommittee to incorporate this language, it was not my intention that it apply to this first phase, known as MOS-1, or in any way delay funding for MOS-1. Is that your understanding as well?

Mr. LEHMAN of Florida. That is correct. It is my understanding that mitigation measures designed to address the presence of methane along the Metro Rail alignment during its construction and operation were first identified in 1983 in the project's environmental impact statement.

These measures were refined in the environmental assessment which was prepared specifically for MOS-1 in 1984. In fact, I have a letter from the Urban Mass Transportation Administration dated November 21, 1984, which states that no further environmental work would be required on MOS-1. Mr. Speaker, I include this document to be made a part of the RECORD:

DEPARTMENT OF TRANSPORTATION,
URBAN MASS TRANSPORTATION ADMINISTRATION,
Washington, DC, November 21, 1985.
FINDING OF NO SIGNIFICANT IMPACT
LOS ANGELES RAIL RAPID TRANSIT PROJECT
UNION STATION TO ALVARADO

The Urban Mass Transportation Administration (UMTA) is issuing a Finding of No Significant Impact relating to a change in the Los Angeles Rail Rapid Transit Project which would establish a new terminus for the rail line at the intersection of Wilshire Boulevard and Alvarado Street. This finding is made in compliance with the National Environmental Policy Act and implementing regulations.

The Finding of No Significant Impact is based on an Environmental Assessment (EA) prepared by UMTA and the Southern California Rapid Transit District (SCRTD) and consideration of the public comments made on that document. While the EA describes environmental impacts for the entire four-mile line, the primary focus is on the environmental effects resulting from terminating the rail line at the Alvarado Station.

The environmental record for the Metro Rail project includes two Environmental Impact Statements (EISs) in addition to the EA. The four-mile project per se is virtually

identical to the rail alternatives described in the December, 1983, Final EIS on the Metro Rail project. Thus, much of the data and conclusions in that EIS applies to the four-mile line as well. The EA on the four-mile project supplements the 1983 Final EIS but does not supersede it. The federal government is currently considering construction funding for the four-mile line only; however, the line could be extended with funds from state and local sources. The Final EIS remains an accurate and up-to-date assessment for the longer rail alternatives described in that document.

In reaching this environmental finding, UMTA has carefully considered the EA and all substantive comments offered during the 30-day public review period. Responses to comments are contained in an addendum to the EA. This addendum, together with the EA, serves as the basis for the Finding of No Significant Impact. This completes the environmental review process for the four-mile Metro Rail project.

ROBERT H. MCMANUS,
Associate Administrator
for Grants Management.

Mr. Speaker, the additional study identified in this bill requires that Metro Rail be rerouted around a specific area, several miles to the west of MOS-1, which was identified as a methane risk zone by a city of Los Angeles task force. Regarding this area beyond MOS-1, language is included in the statement of the managers calling for a supplemental environmental study if the geological assessment generates significant changes in the project. A full alternatives analysis/environmental impact statement is not necessary because the same corridor and same mode, heavy rail, will be used.

Mr. DIXON. Mr. Speaker, I thank the gentleman from Florida [Mr. LEHMAN].

Mr. LEHMAN of Florida. Mr. Speaker, I thank my friend, the gentleman from California [Mr. DIXON], and I yield back the balance of my time.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Speaker, this is in my opinion an inappropriate vehicle for this provision making a penalty to the States for not raising the legal drinking age to 21.

Mr. Speaker, I appreciate the time that members of the conference on this continuing resolution have put in over the past few weeks. I continue to have reservations about one provision in particular. I continue to wonder why this vehicle is being used to sneak through a significant legislative amendment—that is, making permanent the penalty to States for not raising the legal drinking age to 21.

There are a number of reasons why we believe this is an inappropriate vehicle for this provision.

First, in October, our colleague JIM OBERSTAR asked GAO to do a study of the effectiveness of the 21 drinking age provisions. That study is to be completed next spring. Other studies have shown that the

21 drinking age has been an ineffective means of reducing fatalities among 18- to 20-year-old drivers.

Second, there have been no hearings devoted to the effectiveness of the 21 drinking age. We have yet to debate this issue fully either in the House or in committee. There is also some question as to whether this kind of mandate is germane.

Finally, several States have filed suit on the grounds that the provision is unconstitutional and in violation of States rights. The suit argues that the 21st amendment specifically permits States to establish their own legal drinking age. That case will probably be heard next year.

Current law doesn't expire until 1988. Why couldn't we have waited until all the facts are in?

Mr. CONTE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Speaker, this is a tough bill. This is a bill that has to resolve all the differences between the House and the Senate and the President as we come to the end of a session, and I have got to congratulate the distinguished ranking minority member and the distinguished chairman of the committee for coming up with a good bill, a bill that I think we should all support. It resolves those differences, it resolves them in a way that is fiscally responsible, and it gives us programs and continuations that are important.

The very distinguished chairman of the Subcommittee on Transportation Appropriations has just referred to that chapter. That chapter covers the funding for mass transit. It keeps Amtrak rolling. It keeps the things that are vital to the transportation of this Nation going, and other chapters of the bill do the same.

None of it is easy. In the defense chapter we have imposed a ban on the testing of antisatellite weapons against an object in space, and that is something this House has sought and voted for time and again. It has finally come true. It is there.

In practically every chapter of this bill issues are resolved that are important to each and every Member of this House. When we conclude the business of a session in Congress, we have to pass a continuing resolution. It is not just generous to the Pentagon. In fact, the Pentagon did not want the Asat ban.

But it is a critical bill if we are to conclude the business of this House and to conduct our business in an orderly fashion. It is a good bill, I say to my colleagues. The chairman and the ranking minority member have done a sensational job of trying to resolve all those differences between the House and the Senate and the President.

Mr. Speaker, I urge support of the bill.

Mr. FRANK. Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I want to thank the gentleman from Massachusetts [Mr. FRANK] for yielding me this time, and I really want to point out one more time what he is talking about.

This House has gone on record on defense as supporting the \$292 billion figure over and over and over again, and according to the Democratic Study Group, which I think is accurate—it is practically always accurate—what we are really going to end up with is a \$304.9 billion figure for defense. That is \$12.9 billion over what we really wanted to do and what we have gone on record as doing.

I think it is very important to put this in the perspective of what we did last week, because we passed Gramm-Rudman, and one of the reasons Members voted for Gramm-Rudman was that they said the cuts that would start after the first of this year would be 50-50, 50 percent in defense and 50 percent in other programs. As we look at this, we now have more than enough cushion in here so that really the Gramm-Rudman cuts are not going to hurt defense, but there is no way that kind of cushion is on the other side, and they are going to be hurt drastically.

I also want to point out one very important omission in the defense part, and I hope that we can justify it tomorrow on the floor. We have the problem of the dependents of many of the people who were killed in this terrible, terrible accident, and I do not think people are aware of the fact that their housing allowances and everything will stop immediately and they will really get thrown out of their housing if they cannot make those payments. We really should do something about that 60-day transition period. We have not done it, and I hope we can do it tomorrow.

Once again, I think what we are trying to do here or what it appears we are doing is avoiding the 292 that so many of us talked about for so long on this House floor. We were talking about the number of 292, for which we thought we got a very good defense. We were also talking about the procurement reforms. But both have been avoided.

Mr. WHITTEN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. YATES].

□ 2250

Mr. YATES. Mr. Speaker, I am pleased to bring to the House the Interior and Related Agencies Appropriations bill for fiscal year 1986 as contained in House Joint Resolution 465. The total for the bill as recommended is \$8,145,912,000. This is \$92,185,000 less than the House passed version of

this bill and \$26,778,000 higher than the bill as reported by the Senate Appropriations Committee. This bill is also approximately \$350 million below the House 302(b) allocation.

One of the most important parts of the bill is related to the Synfuels Corporation. The House voted to kill that corporation. The conferees have endorsed that proposal.

The bill reflects our continuing investment in America and the American people. It provides the amounts necessary to support the national heritage of all Americans—the public lands, the national parks, the national forests, and the cultural and historic preservation of the heritage that we want to pass along to our children, our grandchildren, and the generations to come; and to continue the hope and dream that each of us has that what we pass along for our children and the coming generations will be better than what we enjoy now.

The bill includes \$4,124,592,000 for programs of the Department of the Interior; \$1,495,947,000 for the U.S. Forest Service; \$980,326,000 for programs of the Department of Energy; and \$1,545,047,000 for Indian Health, Indian Education, the Smithsonian Institution, the National Endowments for the Arts and Humanities, and the other related agencies of the bill, all of which are described in detail in the statement of the managers accompanying the bill.

The programs within the bill in many ways represent an investment in America itself, and those investments provide significant returns. For example, programs funded in this bill will generate estimated revenues of over \$12 billion from fiscal year 1986.

The committee has also recommended that all funds from the Synthetic Fuels Corporation be rescinded and establishes a \$400 million Clean Coal Technology Program, \$100 million of which will be available in fiscal year 1986. These funds will be used for projects which will substantially decrease the environmental impacts of using coal. The balance of the funds will be available as follows: \$150 million in fiscal year 1987; \$150 million in fiscal year 1988.

The committee has included funds to continue construction of capacity for the strategic petroleum reserve. This continues the House's policy of refusing to put a moratorium on the reserve, which we established in the fiscal year 1985 supplemental bill, and allows the reserve to be filled to 500 million barrels.

Mr. Chairman, this is a good conference report. It continues important programs necessary for the protection and enhancement of our unsurpassed natural resources, while maintaining fiscal responsibility and providing a substantial return to the Treasury. I urge the adoption of the Interior pro-

grams presented to you tonight. I also am including a letter following my statement from the Acting Comptroller General of the United States regarding clarifying bill language on the U.S. Holocaust Memorial Council. I also am inserting a table to show the agreements reached by the conferees.

COMPTROLLER GENERAL

OF THE UNITED STATES,

Washington, DC, December 12, 1985.

Hon. SIDNEY R. YATES,
Chairman, Subcommittee on the Department of the Interior and Related Agencies,
Committee on Appropriations,
House of Representatives.

DEAR MR. CHAIRMAN: This letter results from our meeting with you and members and staff of the Holocaust Memorial Council on December 3, 1985. At that meeting we generally discussed questions regarding the Council's status, the applicability of Federal statutes and regulations to its activities and the rules governing the compensation and hiring of its employees or consultants. We agreed to provide answers to the specific questions you and Council members raised during our meeting. We also agreed to advise you if we thought additional legislation was necessary or desirable with respect to the Council and its activities, and if we did, to suggest appropriate statutory language.

Stated below are the questions derived from our review of the transcript of the meeting and our answers to them. We have also included several legislative recommendations and some suggested report language to explain them.

Question 1. What is the status of the Council?

Answer. The Holocaust Memorial Council is an independent Federal establishment. Its status has been subject to considerable debate because Pub. L. No. 96-388 (codified at 36 U.S.C. § 1401-1408) which established the Council does not specify what type of entity it is. There are important consequences which flow from a determination that the Council is or is not a Federal organization.

From our reading of the scant legislative history, we think that the Congress intended the Council to operate as a Federal agency in carrying out all three of its stated purposes. Its reason for being, as set forth at 36 U.S.C. § 1401, is (1) the fulfillment of recommendations made by the President's Commission on the Holocaust; (2) the sponsoring of annual Days of Remembrance of the Holocaust; and (3) the duty to "plan, construct, and oversee the operation of a permanent living memorial to the victims of the Holocaust * * *".

All three functions are clearly Federal in nature. The first two may be funded through direct appropriations of the Congress. Administrative expenses for all three functions, including salaries for the Executive Director and all Council staff as well as per diem and other designated expenses for the 65 Council members may also be paid from appropriated funds. However, all expenses directly related to the construction of the Holocaust Museum must be paid for with donated funds. 36 U.S.C. § 1408.

Because there are direct consequences which flow from the designation of an agency or establishment as "Federal" rather than as "private," we think it is important to remove any doubt about the Council's status. We suggest that the first sentence of

section 1 of Public Law 96-388, 36 U.S.C. § 1401, be amended to read as follows:

"There is hereby established as an independent Federal establishment the United States Holocaust Memorial Council (hereinafter in this chapter referred to as the 'Council')."

(The italicized phrase is the language to be added to the current provision.)

Question 2. Is the Council subject to the statutes and regulations which are generally applicable to the expenditure of appropriated funds by Federal agencies?

Answer. The Council is governed by the statutes and regulations usually applicable to Government agencies when it is expending funds appropriated to it annually from the general fund of the Treasury. Because of its unique nature and purpose, we think that the Council is not subject to such rules when expending donated funds.

Like a number of other Federal entities, the Council expends both appropriated funds and donated funds to accomplish its purposes. As a general rule, expenditures from both sources would be regarded as appropriated fund expenditures and would be subject to all statutes governing such expenditures. See, e.g., 31 U.S.C. § 3302(b) and 31 U.S.C. § 1321(a). We previously applied those statutes to the Council's museum functions in an opinion letter dated June 22, 1983 (B-211149) to Chairman James A. McClure, Subcommittee on the Department of the Interior and Related Agencies, Senate Committee on Appropriations. We are now modifying that position, for the following reasons.

a. The above-mentioned title 31 statutes are intended to prevent the augmentation of direct appropriations with funds from other sources, permitting a level of operations beyond that authorized by the Congress. However, the Council is one of the few, if not the only Federal entity which carries out a major function using only donated funds. There is thus no problem with augmentation.

b. The Holocaust Act is silent about the source of funding for operation and maintenance of the Museum, once it has been constructed. Unless the Congress is willing to authorize and enact annual appropriations for this purpose, it appears that the Council must either derive the necessary funds from continuous fund-raising drives or by building an endowment for this purpose by investing the donated funds judiciously until actually needed to pay for the construction. We are reluctant to attribute to the Congress any intent to preclude the latter alternative by treating the Council's donated funds as "appropriated" moneys which must be deposited in a non-interest-bearing account in the Treasury.

c. We think that the legislative history of the Holocaust Act, although sparse, supports our conclusion that the Congress intended a "no-strings" treatment of the donated funds. As noted, the Act establishes the Council in part to carry out the recommendations made by the President's Commission on the Holocaust. 36 U.S.C. § 1401(3). The Commission recommended in its report that the Council be established as an independent institution or as an autonomous bureau of the Smithsonian Institution. Although the Act which the Congress enacted in response to the Commission's recommendations did not expressly designate the Council as part of the Smithsonian, it did create a Council which is significantly analogous to it. We think it is reasonable to conclude, as in the case of the

Smithsonian, that the Congress intended to allow the Council to expend its donated funds in accordance with the directives of its governing board, free of the strictures generally applicable to Government funds.

Consistent with this intent, we conclude that:

(1) The Council is free to invest the donated funds in interest-bearing securities to the extent not needed for immediate payments for construction of the museum and related costs.

(2) Federal procurement requirements such as those found in the Federal Property and Administrative Services Act of 1949, and its implementing regulations, the Federal Acquisition Regulation, as well as other procurement-related statutes do not apply to any Council procurement involving the expenditure of its donated funds. We do, however, believe that the Council should use the body of Federal procurement law and regulations as models in developing and following its own internal procurement policies. The Council has previously indicated to us that it intends to do so.

(3) The Council may hire or otherwise acquire the services of fund-raisers or other specialists without regard to Federal Civil Service rules and regulations as long as compensation and other benefits are paid entirely from the donated funds.

We take no position on whether, as a matter of policy, donated funds should be used to pay a fund-raiser. We do, however, interpret section 7 of the Act (36 U.S.C. § 1407) as technically authorizing the Council to use donated funds to pay a fund-raiser. Section 7 provides that "the Council may solicit, accept, hold, administer, and use gifts, bequests, and devises of property * * * to aid or facilitate the construction, maintenance, and operation of the Memorial." (Emphasis added.) In our view, fund-raising aids and facilitates the Museum's construction and therefore is authorized under the emphasized phrase. By the same reasoning, other specialized services may also be obtained with donated funds as long as they be fairly said to "aid or facilitate" the Museum construction.

Although we think that the Congress intended that the Council's donated funds be free from the constraints applicable to appropriated funds, this intent is not spelled out in the Council's organic act. To remove any doubts on this question, we suggest the following statutory amendments:

"Section 7 of Public Law 96-388 is amended by (1) adding the word 'invest,' following the word 'administer,' in the first sentence thereof; (2) Adding a new penultimate sentence to read as follows 'Notwithstanding any other provision of law, funds donated to and accepted by the Council pursuant to this section are not to be regarded as appropriated funds and are not subject to any requirements or restrictions applicable to appropriated funds.'"

Question 3. May appropriated funds be used to pay a fund-raiser or other specialists?

Answer. Yes. See our June 22, 1983 opinion to Chairman McClure (cited earlier) on this point.

Question 4. If the Council pays a fund-raiser with appropriated funds is there a limit upon what he or she may be paid? If so, what is that limit?

Answer. The compensation of a fund-raiser hired as an employee of the Council and paid with appropriated funds is subject to the provisions of title 5 of the United States Code pertaining to classification and

general schedule payments except that the Council's organic statute allows the Executive Director to appoint and pay up to three employees at the rate established in the General Schedule for a GS-18. 36 U.S.C. § 1405(b).

Further, 16 U.S.C. § 1404(b) authorizes the Council to obtain the services of experts and consultants under the provisions of 5 U.S.C. § 3109, and to pay them at a rate equivalent to the maximum annual rate of pay for a grade GS-18. This authority might also be used to hire a highly experienced or specialized fund-raiser.

There is one additional way to obtain the services of a specialist (whether for fund-raising or any other duties) using appropriated funds. The Council could procure such services from an independent contractor, following all the requirements generally applicable to Federal agencies who procure goods or services with appropriated funds. The statutory compensation limits applicable to employees or section 3109 experts or consultants would not apply to such independent contractors.

We mention the independent contractor alternative with a caveat. In order to avoid the statutory compensation limits discussed above, the contractor must not be subject to the day-to-day supervision of the Council or its Executive Director. His contract must require him to produce a "concrete result," which he is to deliver as specified entirely through his independent efforts. If the relationship created under the contract is in fact tantamount to that of employer and employee, then the amount of compensation which he may be paid will be subject to the limits for experts and consultants under 5 U.S.C. § 3109. Thus, in order to avoid the statutory compensation limits, the Council must be willing to forego direct supervisory authority over its fund-raiser.

As explained earlier, none of the above restrictions are applicable if fund-raising or other services are obtained with the Council's donated funds.

Question 5. May the salary of a fund-raiser who is paid with appropriated funds be augmented with donated funds in appropriate circumstances when the Federal compensation limits are too low to attract the best person for the job?

Answer. No. It is a Federal crime (misdemeanor) for any officer or employee of the Government to accept any additional compensation for his services as a Federal employee from any source other than the Federal Treasury (with certain exceptions not here applicable). See 18 U.S.C. § 209, and other "dual compensation" provisions listed in title 5 of the United States Code.

Question 6. If the Council's donated funds are exempt from the laws and regulations governing Federal activities funded with Federal appropriations, how can the Congress ensure that the construction of the museum is carried out in accordance with congressional intent?

Answer. We agree that it is very important to ensure accountability for all activities of the Council. While the Congress can exercise its oversight through the appropriations process for those Council activities authorized to be carried out with appropriated funds, the Act makes no provision for comparable oversight with respect to activities funded with its donated funds.

The following suggested amendments to the Act might overcome that problem:

"Section 4 of Public Law 96-388, 36 U.S.C. § 1404, is amended by adding at the end thereof a new subsection to read as follows:

'(f) Report to the Congress. The Executive Director shall make a full report annually to the Congress of his stewardship of the authority to construct, operate, and maintain the Holocaust Museum, including an accounting of all financial transactions involving donated funds.

"Section 4 is further amended by adding a new subsection (g) to read as follows: '(g) Audit by the Comptroller General; access to records. Financial transactions of the Council, including those involving donated funds, shall be audited by the Comptroller General as requested by the Congress, in accordance with generally accepted auditing standards. In conducting any audit pursuant to this section, appropriate representatives of the Comptroller General shall have access to all books, accounts, financial records, reports, files and other papers, items or property in use by the Council, as necessary to facilitate such audit, and such representatives shall be afforded full facilities for verifying transactions with the balances.'"

As promised, we have provided below some report language to explain the purpose of the various legislative amendments we have suggested. While the report language assumes that the amendments will be accepted, it could easily be adopted as a revised statement of congressional intent with respect to the existing language.

"The amendments to section 7 of Pub. L. 96-388 make it clear that the Congress regards the funds donated to the Council for the construction of the Holocaust Memorial Museum as nonappropriated funds notwithstanding other provisions of law which treat such funds as trust funds permanently appropriated for Government purposes. We think it is important that the Council be free to invest the donations in interest-bearing securities so as to build up an adequate endowment for operation and maintenance needs once the Museum is constructed. Moreover, in our view, the Council is free to expend its donations for construction of the Museum in accordance with its statutory

purpose but without regard to procurement-related statutes and regulations or other restrictions or requirements applicable to the expenditure of appropriated funds.

"So as to ensure sufficient congressional oversight over the Council's nonappropriated fund activities and expenditures, two new subsections are added to section 4 of the Act, 36 U.S.C. § 1404. In new subsection (f), the Executive Director is required to make an annual report to the Congress on its stewardship of the funds donated for museum construction. New subsection (g) authorizes the Comptroller General of the United States to audit the Council's financial transactions using donated funds, and he is given access to all Council records required to facilitate his audit."

Please let us know if we can be any further assistance.

Sincerely yours,

MILTON J. SOCOLAR,
Acting Comptroller General
of the United States.

Comparative Statement of New Budget (Obligational) Authority

	FY 1985 Enacted	FY 1986 Estimates	House	Senate	Conference	Enacted	Conference compared with Estimates	House	Senate
TITLE I - DEPARTMENT OF THE INTERIOR									
Bureau of Land Management									
Management of lands and resources.....	500,572,000	373,078,000	378,556,000	403,998,000	398,566,000	-102,006,000	+25,488,000	+28,010,000	-5,432,000
Construction and access.....	2,028,000	1,203,000	1,203,000	1,403,000	1,403,000	-625,000	+200,000	+200,000	---
Payments in lieu of taxes.....	102,900,000	105,000,000	102,900,000	105,000,000	105,000,000	+2,100,000	---	+2,100,000	---
Land acquisition.....	2,695,000	---	2,800,000	---	2,300,000	-395,000	+2,300,000	-500,000	+2,300,000
Oregon and California grant lands.....	53,939,000	---	66,140,000	54,443,000	56,114,000	+2,175,000	+56,114,000	-10,026,000	+1,671,000
Special acquisition of lands and minerals (authority to borrow).....	14,700,000	---	---	---	---	-14,700,000	---	---	---
Range improvements.....	10,000,000	10,000,000	9,407,000	10,000,000	10,000,000	---	---	+593,000	---
Service charges, deposits, and forfeitures.....	4,070,000	5,920,000	5,920,000	4,070,000	4,070,000	---	-1,850,000	-1,850,000	---
Miscellaneous trust funds.....	100,000	100,000	100,000	100,000	100,000	---	---	---	---
Working capital fund.....	-2,951,000	---	---	---	---	+2,951,000	---	---	---
Total, Bureau of Land Management.....	688,053,000	495,301,000	567,026,000	579,014,000	577,553,000	-110,500,000	+82,252,000	+10,527,000	-1,461,000
United States Fish and Wildlife Service									
Resource management.....	308,438,000	305,329,000	317,202,000	303,522,000	301,222,000	-7,216,000	-4,107,000	-15,900,000	-2,300,000
Construction and anadromous fish.....	24,258,000	5,613,000	18,209,000	15,033,000	21,296,000	-2,962,000	+15,683,000	+3,087,000	+6,263,000
Migratory bird conservation account.....	21,266,000	---	10,000,000	20,000,000	15,000,000	-6,266,000	+15,000,000	+5,000,000	-5,000,000
Land acquisition.....	64,218,000	1,500,000	45,970,000	32,570,000	40,670,000	-23,548,000	+39,170,000	-8,300,000	+0,100,000
National Wildlife Refuge Fund.....	5,645,000	5,645,000	5,645,000	5,645,000	5,645,000	---	---	---	---
Sport fish restoration.....	---	44,000,000	---	---	---	---	-44,000,000	---	---
Total, United States Fish and Wildlife Service..	423,825,000	362,087,000	397,026,000	376,770,000	383,833,000	-39,992,000	+21,746,000	-13,193,000	+7,063,000
National Park Service									
Operation of the national park system.....	626,818,000	600,808,000	628,996,000	619,548,000	627,763,000	+945,000	+26,955,000	-1,233,000	+8,215,000
National recreation and preservation.....	11,111,000	9,547,000	11,467,000	10,828,000	11,096,000	-15,000	+1,549,000	-371,000	+268,000
Historic preservation fund.....	25,480,000	---	24,410,000	25,480,000	24,945,000	-535,000	+24,945,000	+535,000	-535,000
Visitors facilities fund.....	5,800,000	8,500,000	7,070,000	---	---	-5,800,000	-8,500,000	-7,070,000	---
Construction.....	111,442,000	49,456,000	104,069,000	86,220,000	114,121,000	+2,679,000	+64,665,000	+10,052,000	+27,901,000
(Liquidation of contract authority).....	(28,000,000)	---	(10,300,000)	(10,300,000)	(10,300,000)	(-17,700,000)	(+10,300,000)	---	---
Land acquisition and state assistance.....	169,164,000	11,275,000	115,762,000	75,400,000	98,400,000	-70,764,000	+87,125,000	-17,362,000	+23,000,000
John F. Kennedy Center for the Performing Arts.....	4,529,000	4,600,000	4,529,000	4,800,000	4,800,000	+271,000	+200,000	+271,000	---
National Capital Region Arts and Cultural Affairs Base program (1986 funding) 1/.....	(4,900,000)	---	---	---	---	(-4,900,000)	---	---	---
Illinois and Michigan Canal National Heritage Corridor Commission.....	245,000	---	250,000	250,000	250,000	+5,000	+250,000	---	---
Jefferson National Expansion Memorial Commission.....	73,000	---	75,000	---	75,000	+2,000	+75,000	---	+75,000
Total, National Park Service.....	954,742,000	684,186,000	896,628,000	822,526,000	881,450,000	-73,292,000	+197,264,000	-15,178,000	+58,924,000

Comparative Statement of New Budget (Obligational) Authority

	FY 1985 Enacted	FY 1986 Estimates	House	Senate	Conference	Conference compared with Enacted	Conference compared with Estimates	House	Senate
Geological Survey									
Surveys, investigations, and research 2/.....	416,368,000	415,348,000	428,098,000	437,655,000	431,961,000	+15,593,000	+16,613,000	+3,863,000	-5,694,000
Minerals Management Service									
Leasing and royalty management 2/.....	160,796,000	161,118,000	165,118,000	170,267,000	168,018,000	+7,222,000	+6,900,000	+2,900,000	-2,249,000
Payments to States from receipts under Mineral Leasing	800,000	800,000	---	800,000	---	-800,000	-800,000	---	-800,000
Total, Minerals Management Service.....	161,596,000	161,918,000	165,118,000	171,067,000	168,018,000	+6,422,000	+6,100,000	+2,900,000	-3,049,000
Bureau of Mines									
Mines and minerals.....	135,959,000	107,060,000	122,298,000	131,445,000	134,255,000	-1,704,000	+27,195,000	+11,957,000	+2,810,000
Office of Surface Mining Reclamation and Enforcement									
Regulation and technology.....	80,347,000	80,788,000	85,538,000	85,038,000	85,153,000	+4,806,000	+4,365,000	-385,000	+115,000
Abandoned mine reclamation fund (definite, trust fund)	296,941,000	250,818,000	233,585,000	191,295,000	207,385,000	-89,556,000	-43,433,000	-26,200,000	+16,090,000
Total, Office of Surface Mining Reclamation and Enforcement.....	377,288,000	331,606,000	319,123,000	276,333,000	292,538,000	-84,750,000	-39,068,000	-26,585,000	+16,205,000
Bureau of Indian Affairs									
Operation of Indian Programs.....	902,216,000	867,117,000	857,303,000	883,780,000	897,312,000	-4,904,000	+30,195,000	+40,009,000	+13,532,000
(By transfer).....	(4,900,000)	---	---	---	---	(-4,900,000)	---	---	---
Construction.....	107,492,000	70,410,000	45,195,000	141,254,000	101,054,000	-6,438,000	+30,644,000	+55,859,000	-40,200,000
(By transfer).....	---	(4,900,000)	---	---	---	---	(-4,900,000)	---	---
Road construction.....	5,880,000	---	785,000	---	---	-5,880,000	---	-785,000	---
Utah Paiute Trust Fund.....	2,500,000	---	---	---	---	-2,500,000	---	---	---
Payment to the Alaska Native Escrow account.....	---	7,877,000	---	7,877,000	7,877,000	+7,877,000	---	+7,877,000	---
Tribal trust funds:									
Definite amount.....	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	---	---	---	---
Indefinite amount.....	60,000,000	---	---	---	---	-60,000,000	---	---	---
Revolving fund for loans (limitation on direct loans).....	(18,600,000)	(16,300,000)	(16,300,000)	(16,300,000)	(16,300,000)	(-2,300,000)	---	---	---
Indian loan guaranty and insurance fund.....	---	1,485,000	2,210,000	2,210,000	2,210,000	+2,210,000	+725,000	---	---
Indian loan guaranty and insurance fund (limitation on guaranteed loans).....	---	(20,000,000)	---	---	---	---	(-20,000,000)	---	---
Total, Bureau of Indian Affairs.....	1,082,088,000	950,889,000	909,493,000	1,039,121,000	1,012,453,000	-69,635,000	+61,564,000	+102,960,000	-26,668,000

1/ Advance appropriation in P.L. 98-473, not requested in FY 1986 President's budget.

2/ Reflects transfer of 15 FTEs, \$922,000, to USGS.

Comparative Statement of New Budget (Obligational) Authority

	FY 1985 Enacted	FY 1986 Estimates	House	Senate	Conference	Enacted	Conference compared with Estimates	House	Senate
Territorial and International Affairs									
Administration of territories.....	77,444,000	70,067,000	74,752,000	80,366,000	80,376,000	+2,732,000	+10,309,000	+5,624,000	+16,000
Trust Territory of the Pacific Islands.....	98,795,000	13,500,000	107,972,000	78,172,000	80,372,000	-18,423,000	+66,872,000	-27,600,000	+2,200,000
Total, Territorial Affairs.....	176,239,000	83,567,000	182,724,000	158,538,000	160,748,000	-15,491,000	+77,181,000	-21,976,000	+2,210,000
Departmental Offices									
Office of the Secretary.....	44,633,000	40,995,000	40,856,000	44,673,000	43,411,000	-1,222,000	+2,416,000	+2,555,000	-1,262,000
Office of the Solicitor.....	20,443,000	18,978,000	20,266,000	20,378,000	20,378,000	-65,000	+1,000,000	+112,000	---
Office of Inspector General.....	16,908,000	15,578,000	15,117,000	16,908,000	16,214,000	-694,000	+636,000	+1,097,000	-694,000
Construction Management.....	735,000	678,000	87,890,000	660,000	780,000	+45,000	+102,000	-87,110,000	+120,000
Office of the Secretary (special foreign currency program).....	1,960,000	---	---	1,000,000	1,000,000	-960,000	+1,000,000	+1,000,000	---
Total, Secretarial Offices.....	84,679,000	76,229,000	164,129,000	83,619,000	81,783,000	-2,096,000	+5,554,000	-82,346,000	-1,836,000
Total, title I, new budget (obligational)									
authority, Department of the Interior.....	4,500,837,000	3,668,191,000	4,151,663,000	4,076,000,000	4,124,592,000	-376,245,000	+456,401,000	-27,071,000	+48,504,000
(Liquidation of contract authority).....	(28,000,000)	---	(10,300,000)	(10,300,000)	(10,300,000)	(-17,700,000)	(+10,300,000)	---	---
(By transfer).....	(4,900,000)	(4,900,000)	---	---	---	(-4,900,000)	(-4,900,000)	---	---
TITLE II - RELATED AGENCIES									
DEPARTMENT OF AGRICULTURE									
Forest Service									
Forest research.....	121,666,000	106,971,000	124,989,000	125,420,000	126,283,000	+4,617,000	+19,312,000	+1,294,000	+863,000
State and private forestry.....	58,292,000	30,391,000	56,193,000	55,786,000	57,986,000	-306,000	+27,595,000	+1,793,000	+2,200,000
National forest system.....	1,111,548,000	1,135,679,000	1,035,433,000	1,070,146,000	1,054,629,000	-56,919,000	-81,050,000	+19,196,000	-15,517,000
Construction.....	263,869,000	214,908,000	183,785,000	219,608,000	223,865,000	-40,004,000	+8,957,000	+40,000,000	+4,257,000
Purchaser credit transfer.....	-226,290,000	---	---	---	---	+226,290,000	---	---	---
Timber receipts transfer to General Fund.....	(-52,604,000)	(-88,608,000)	(-102,765,000)	(-88,608,000)	(-102,765,000)	(-50,161,000)	(-14,157,000)	---	(-14,157,000)
Timber purchaser credits.....	(192,301,000)	(190,300,000)	---	(190,300,000)	---	(-192,301,000)	(-190,300,000)	---	(-190,300,000)
Land acquisition.....	50,535,000	2,382,000	29,500,000	18,025,000	28,300,000	-22,235,000	+25,918,000	-1,200,000	+10,275,000
Youth Conservation Corps.....	---	---	10,000,000	---	---	---	---	-10,000,000	---
Acquisition of lands for national forests, special acts.....	766,000	782,000	780,000	782,000	782,000	+16,000	---	+2,000	---
Acquisition of lands to complete land exchanges.....	20,000	20,000	20,000	20,000	20,000	---	---	---	---
Rangeland betterment fund.....	3,966,000	3,992,000	3,908,000	3,992,000	3,992,000	+26,000	---	+84,000	---
Miscellaneous trust funds.....	88,000	90,000	90,000	90,000	90,000	+2,000	---	---	---
Total, Forest Service.....	1,384,460,000	1,495,215,000	1,444,698,000	1,493,869,000	1,495,947,000	+111,487,000	+732,000	+51,249,000	+2,078,000
DEPARTMENT OF THE TREASURY									
Energy Security Reserve (rescission) 1/.....	(-5,375,000,000)	---	(-6,900,000,000)	---	---	(+5,375,000,000)	---	(+6,900,000,000)	---

1/ Rescission not included for comparison purposes.

Comparative Statement of New Budget (Obligational) Authority

	FY 1985 Enacted	FY 1986 Estimates	House	Senate	Conference	Enacted	Estimates	House	Senate
DEPARTMENT OF ENERGY									
Clean Coal Technology Reserve.....	---	---	---	100,000,000	---	---	---	---	-100,000,000
FY 1986 (by transfer) 2/.....	---	---	(100,000,000)	---	---	---	---	(-100,000,000)	---
Advance appropriation for 1987.....	---	---	---	175,000,000	---	---	---	---	-175,000,000
FY 1987 (by transfer) 2/.....	---	---	(200,000,000)	---	---	---	---	(-200,000,000)	---
Advance appropriation for 1988.....	---	---	---	300,000,000	---	---	---	---	-300,000,000
FY 1988 (by transfer) 2/.....	---	---	(200,000,000)	---	---	---	---	(-200,000,000)	---
Advance appropriation for 1989.....	---	---	---	175,000,000	---	---	---	---	-175,000,000
Fossil energy research and development.....	274,947,000	161,991,000	299,534,000	292,228,000	312,848,000	+37,901,000	+150,857,000	+13,314,000	+20,620,000
(By transfer).....	(50,496,000)	(8,940,000)	(17,672,000)	(-10,240,000)	---	(-50,496,000)	(-8,940,000)	(-17,672,000)	(+10,240,000)
Naval petroleum and oil shale reserves.....	156,874,000	13,849,000	13,668,000	13,668,000	13,668,000	-143,206,000	-181,000	---	---
Energy conservation.....	458,610,000	367,357,000	468,326,000	436,587,000	449,418,000	-9,192,000	+82,061,000	-18,908,000	+12,831,000
Economic regulation.....	24,640,000	23,823,000	24,623,000	24,623,000	24,623,000	-17,000	+800,000	---	---
Emergency preparedness.....	6,045,000	6,044,000	3,989,000	6,754,000	6,044,000	-1,000	---	+2,033,000	-710,000
Strategic Petroleum Reserve.....	(459,190,000)	263,000	199,017,000	113,043,000	113,043,000	+113,043,000	+112,780,000	-85,974,000	---
SPR petroleum account.....	(2,049,550,000)	---	---	---	---	(-2,049,550,000)	---	---	---
Energy Information Administration.....	60,919,000	60,182,000	60,782,000	60,682,000	60,682,000	-237,000	+500,000	-100,000	---
=====									
Total, Department of Energy.....	982,035,000	633,509,000	1,069,939,000	1,697,585,000	980,326,000	-1,709,000	+346,817,000	-89,613,000	-717,259,000
Appropriations, 1986.....	(982,035,000)	(633,509,000)	(1,069,939,000)	(1,047,585,000)	(980,326,000)	(-1,709,000)	(+346,817,000)	(-89,613,000)	(-67,259,000)
Appropriations, 1987.....	---	---	---	(175,000,000)	---	---	---	---	(-175,000,000)
Appropriations, 1988.....	---	---	---	(300,000,000)	---	---	---	---	(-300,000,000)
Appropriations, 1989.....	---	---	---	(175,000,000)	---	---	---	---	(-175,000,000)
=====									
2/ Proposed transfer from Energy Security Reserve (Synthetic Fuels Corporation).									
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Health Resources and Services Administration									
Indian health services.....	800,567,000	766,583,000	836,483,000	802,684,000	823,133,000	+22,546,000	+56,356,000	-13,250,000	+20,449,000
Indian health facilities.....	61,634,000	---	61,483,000	35,888,000	46,947,000	-14,687,000	+46,947,000	-14,536,000	+11,059,000
=====									
Total, Department of Health and Human Services..	862,201,000	766,583,000	897,966,000	838,572,000	870,080,000	+7,879,000	+103,497,000	-27,886,000	+31,508,000
=====									
DEPARTMENT OF EDUCATION									
Office of Elementary and Secondary Education									
Indian education.....	67,404,000	67,356,000	67,656,000	67,356,000	67,476,000	+172,000	+120,000	-180,000	+120,000
DEPARTMENT OF STATE									
Compact of Free Association.....	---	178,750,000	---	---	---	---	-178,750,000	---	---

Comparative Statement of New Budget (Obligational) Authority

	FY 1985 Enacted	FY 1986 Estimates	House	Senate	Conference	Enacted	Conference compared with Estimates	House	Senate
OTHER RELATED AGENCIES									
Navajo and Hopi Indian Relocation Commission									
Salaries and expenses.....	20,321,000	20,241,000	20,442,000	22,241,000	22,491,000	+2,170,000	+2,250,000	+2,049,000	+250,000
Smithsonian Institution									
Salaries and expenses.....	164,321,000	185,590,000	182,599,000	176,218,000	178,063,000	+13,742,000	-7,527,000	-4,536,000	+1,045,000
Museum programs and related research (special foreign currency program).....	8,820,000	2,500,000	2,500,000	2,500,000	2,500,000	-6,320,000	---	---	---
Construction and improvements, National Zoological Park.....	4,851,000	4,851,000	4,851,000	5,551,000	5,551,000	+700,000	+700,000	+700,000	---
Restoration and renovation of buildings.....	13,475,000	14,875,000	11,075,000	12,375,000	11,075,000	-2,400,000	-3,800,000	---	-1,300,000
Construction.....	---	4,000,000	4,000,000	4,000,000	4,000,000	+4,000,000	---	---	---
Subtotal.....	191,467,000	211,816,000	205,025,000	200,644,000	201,189,000	+9,722,000	-10,627,000	-3,836,000	+545,000
National Gallery of Art									
Salaries and expenses.....	36,848,000	36,704,000	34,379,000	33,934,000	33,754,000	-3,094,000	-2,950,000	-625,000	-100,000
Repair, Restoration and Renovation of Buildings.....	---	---	2,900,000	4,000,000	3,300,000	+3,300,000	+3,300,000	+400,000	-700,000
Subtotal, National Gallery of Art.....	36,848,000	36,704,000	37,279,000	37,934,000	37,054,000	+206,000	+350,000	-225,000	-800,000
Woodrow Wilson International Center for Scholars, salaries and expenses.....									
	2,674,000	2,852,000	3,342,000	3,902,000	4,392,000	+1,718,000	+1,540,000	+1,050,000	+490,000
Total, Smithsonian Institution.....	230,989,000	251,372,000	245,646,000	242,480,000	242,635,000	+11,646,000	-8,737,000	-3,011,000	+155,000
National Foundation of the Arts and the Humanities									
National Endowment for the Arts									
Grants and administration.....	118,678,000	101,650,000	121,678,000	116,900,000	121,678,000	+3,000,000	+20,028,000	---	+4,778,000
Administrative expenses.....	15,582,000	15,650,000	15,582,000	16,000,000	15,582,000	---	-68,000	---	-418,000
Subtotal.....	134,260,000	117,300,000	137,260,000	132,900,000	137,260,000	+3,000,000	+19,960,000	---	+4,360,000
Matching grants.....	29,400,000	27,500,000	29,400,000	30,000,000	29,400,000	---	+1,900,000	---	-600,000
Total, National Endowment for the Arts.....	163,660,000	144,800,000	166,660,000	162,900,000	166,660,000	+3,000,000	+21,860,000	---	+3,760,000
Arts and Artifacts Indemnity Fund									
Salaries and expenses.....	---	---	---	300,000	300,000	+300,000	+300,000	+300,000	---

Comparative Statement of New Budget (Discretionary) Authority

	FY 1985 Enacted	FY 1986 Estimates	House	Senate	Conference	Enacted	Conference compared with Estimates	House	Senate
National Endowment for the Humanities									
Grants and administration.....	95,207,000	84,090,000	98,429,000	94,650,000	96,618,000	+1,411,000	+12,528,000	-1,811,000	+1,948,000
Administrative expenses.....	13,891,000	14,240,000	13,120,000	14,328,000	14,200,000	+309,000	-40,000	+1,080,000	-128,000
Subtotal.....	109,098,000	98,330,000	111,549,000	108,978,000	110,818,000	+1,720,000	+12,488,000	-731,000	+1,820,000
Matching grants.....	30,380,000	28,000,000	27,929,000	30,500,000	28,660,000	-1,720,000	1660,000	+731,000	-1,840,000
Total, National Endowment for the Humanities....	139,478,000	126,330,000	139,478,000	139,478,000	139,478,000	---	+13,148,000	---	---
National Capital Arts and Cultural Affairs									
Grants.....	---	---	---	---	2,000,000	+2,000,000	+2,000,000	+2,000,000	+2,000,000
Institute of Museum Services									
Grants and administration.....	21,560,000	294,000	21,560,000	15,878,000	21,523,000	-37,000	+21,229,000	-37,000	+5,653,000
Total, National Foundation of the Arts and the Humanities.....	324,698,000	271,424,000	327,698,000	318,548,000	329,961,000	+5,263,000	+58,537,000	+2,263,000	+11,413,000
Commission of Fine Arts									
Salaries and expenses.....	374,000	374,000	377,000	382,000	382,000	+8,000	+8,000	+5,000	---
Advisory Council on Historic Preservation									
Salaries and expenses.....	1,546,000	1,239,000	1,585,000	1,585,000	1,585,000	+39,000	+346,000	---	---
National Capital Planning Commission									
Salaries and expenses.....	2,692,000	2,703,000	2,721,000	2,703,000	2,712,000	+9,000	+9,000	-9,000	+9,000
Franklin Delano Roosevelt Memorial Commission									
Salaries and expenses.....	21,000	21,000	21,000	21,000	21,000	---	---	---	---
Pennsylvania Avenue Development Corporation									
Salaries and expenses.....	2,272,000	2,221,000	2,316,000	2,329,000	2,329,000	+57,000	+108,000	+13,000	---
Public development.....	4,410,000	3,250,000	3,250,000	3,250,000	3,250,000	-1,160,000	---	---	---
Total, Pennsylvania Avenue Development Corporation.....	6,682,000	5,471,000	5,566,000	5,579,000	5,579,000	-1,103,000	+108,000	+13,000	---
Federal Inspector for the Alaska Gas Pipeline									
Permitting and enforcement.....	1,401,000	882,000	---	---	---	-1,401,000	-882,000	---	---

Comparative Statement of New Budget (Oblisational) Authority

	FY 1985 Enacted	FY 1986 Estimates	House	Senate	Conference	Enacted	Conference compared with Estimates	House	Senate
United States Holocaust Memorial Council									
Holocaust Memorial Council.....	2,003,000	1,990,000	2,119,000	2,125,000	2,125,000	+122,000	+135,000	+6,000	---
Total, title II, new budget (obligational)									
authority, related agencies.....	3,886,827,000	3,697,130,000	4,086,434,000	4,693,046,000	4,021,320,000	+134,493,000	+324,190,000	-65,114,000	-671,726,000
Appropriations, 1986.....	3,886,827,000	3,697,130,000	4,086,434,000	4,043,046,000	4,021,320,000	+134,493,000	+324,190,000	-65,114,000	-21,726,000
Appropriations, 1987.....	---	---	---	175,000,000	---	---	---	---	-175,000,000
Appropriations, 1988.....	---	---	---	300,000,000	---	---	---	---	-300,000,000
Appropriations, 1989.....	---	---	---	175,000,000	---	---	---	---	-175,000,000
RECAPITULATION									
Total, new budget (obligational) authority, all titles.....	8,387,664,000	7,365,321,000	8,238,097,000	8,769,134,000	8,145,912,000	-241,752,000	+780,591,000	-92,185,000	-623,222,000
Consisting of:									
New Budget (obligational) authority (net)...	8,387,664,000	7,365,321,000	8,238,097,000	8,769,134,000	8,145,912,000	-241,752,000	+780,591,000	-92,185,000	-623,222,000
Appropriations, 1986.....	8,387,664,000	7,365,321,000	8,238,097,000	8,119,134,000	8,145,912,000	-241,752,000	+780,591,000	-92,185,000	+26,778,000
Appropriations, 1987.....	---	---	---	175,000,000	---	---	---	---	-175,000,000
Appropriations, 1988.....	---	---	---	300,000,000	---	---	---	---	-300,000,000
Appropriations, 1989.....	---	---	---	175,000,000	---	---	---	---	-175,000,000
Rescissions.....	(-5,375,000,000)	---	(-6,900,000,000)	---	---	(+5,375,000,000)	---	(+6,900,000,000)	---
(Limitation on direct loans).....	(18,600,000)	(16,300,000)	(16,300,000)	(16,300,000)	(16,300,000)	(-2,300,000)	---	---	---
(Limitation on guaranteed loans).....	---	(20,000,000)	---	---	---	---	(-20,000,000)	---	---
(By transfer).....	(55,396,000)	(13,840,000)	(517,672,000)	(-10,240,000)	---	(-55,396,000)	(-13,840,000)	(-517,672,000)	(+10,240,000)
(Timber receipt transfer to general fund)...	(-52,604,000)	(-88,600,000)	(-102,765,000)	(-88,600,000)	(-102,765,000)	(-50,161,000)	(-14,157,000)	---	(-14,157,000)
(Timber purchaser credits).....	(192,301,000)	(190,300,000)	---	(190,300,000)	---	(-192,301,000)	(-190,300,000)	---	(-190,300,000)
(Liquidation of contract authority).....	(28,000,000)	---	(10,300,000)	(10,300,000)	(10,300,000)	(-17,700,000)	(+10,300,000)	---	---
(SPR petroleum account).....	(2,049,550,000)	---	---	---	---	(-2,049,550,000)	---	---	---
(1986 funding).....	(4,900,000)	---	---	---	---	(-4,900,000)	---	---	---
TITLE I - DEPARTMENT OF THE INTERIOR									
Bureau of Land Management.....	688,053,000	495,301,000	567,026,000	579,014,000	577,553,000	-110,500,000	+82,252,000	+10,527,000	-1,461,000
United States Fish and Wildlife Service.....	423,825,000	362,087,000	397,026,000	376,770,000	383,833,000	-39,992,000	+21,746,000	-13,193,000	+7,663,000
National Park Service.....	954,742,000	684,186,000	896,628,000	822,526,000	881,450,000	-73,292,000	+197,264,000	-15,178,000	+58,994,000
Geological Survey.....	416,368,000	415,348,000	428,098,000	437,655,000	431,961,000	+15,693,000	+16,613,000	+3,863,000	-5,694,000
Minerals Management Service.....	161,596,000	161,918,000	165,118,000	171,067,000	168,018,000	+6,427,000	+6,109,000	+2,908,000	-3,049,000
Bureau of Mines.....	135,959,000	107,060,000	122,298,000	131,445,000	134,255,000	-1,784,000	+27,195,000	+11,957,000	+2,810,000
Office of Surface Mining Reclamation and Enforcement..	377,288,000	331,606,000	319,123,000	276,333,000	292,538,000	-84,750,000	-39,068,000	-26,288,000	+16,285,000
Bureau of Indian Affairs.....	1,082,088,000	950,889,000	909,493,000	1,039,121,000	1,012,453,000	-69,635,000	+102,960,000	+102,960,000	-26,668,000
Territorial and International Affairs.....	176,239,000	83,567,000	182,724,000	158,538,000	160,748,000	-15,491,000	+77,181,000	-21,976,000	+2,210,000
Secretarial Offices.....	84,679,000	76,229,000	164,129,000	83,619,000	81,783,000	-2,836,000	+5,554,000	-82,346,000	-1,834,000
Total, Title I - Department of the Interior.....	4,500,837,000	3,668,191,000	4,151,663,000	4,076,088,000	4,124,592,000	-376,245,000	+456,401,000	-27,071,000	+48,804,000

Comparative Statement of New Budget (Obligational) Authority

	FY 1985 Enacted	FY 1986 Estimates	House	Senate	Conference	Enacted	Conference compared with Estimates	House	Senate
20600 TITLE II - RELATED AGENCIES									
20700 Forest Service.....	1,384,460,000	1,495,215,000	1,444,690,000	1,493,869,000	1,495,947,000	+111,487,000	+732,000	+51,249,000	+2,070,000
20710 Department of the Treasury.....	(-5,375,000,000)	---	(-6,900,000,000)	---	---	(+5,375,000,000)	---	(+6,900,000,000)	---
20800 Department of Energy.....	982,035,000	633,509,000	1,069,939,000	1,047,585,000	980,326,000	-1,709,000	+346,817,000	-89,613,000	-717,259,000
20810 Appropriations, 1986.....	(982,035,000)	(633,509,000)	(1,069,939,000)	(1,047,585,000)	(980,326,000)	(-1,709,000)	(+346,817,000)	(-89,613,000)	(-67,259,000)
20820 Appropriations, 1987.....	---	---	---	(175,000,000)	---	---	---	---	(-175,000,000)
20830 Appropriations, 1988.....	---	---	---	(300,000,000)	---	---	---	---	(-300,000,000)
20840 Appropriations, 1989.....	---	---	---	(175,000,000)	---	---	---	---	(-175,000,000)
20900 Indian Health.....	862,201,000	766,583,000	897,966,000	838,572,000	870,000,000	+7,879,000	+103,497,000	-27,886,000	+31,500,000
21000 Indian Education.....	67,404,000	67,356,000	67,656,000	67,356,000	67,476,000	+72,000	+120,000	-180,000	+120,000
21010 Department of State.....	---	178,750,000	---	---	---	---	-178,750,000	---	---
21100 Navajo and Hopi Indian Relocation Commission.....	20,321,000	20,241,000	20,442,000	22,241,000	22,491,000	+2,170,000	+2,250,000	+2,049,000	+250,000
21200 Smithsonian.....	191,467,000	211,816,000	205,025,000	200,644,000	201,189,000	+9,722,000	-10,627,000	-3,836,000	+545,000
21300 National Gallery of Art.....	36,840,000	36,704,000	37,279,000	37,934,000	37,054,000	+206,000	+350,000	-225,000	-800,000
21400 Woodrow Wilson International Center for Scholars.....	2,674,000	2,852,000	3,342,000	3,902,000	4,392,000	+1,718,000	+1,540,000	+1,050,000	+490,000
21500 National Endowment for the Arts.....	163,660,000	144,000,000	166,660,000	162,980,000	166,660,000	+3,000,000	+21,860,000	---	+3,760,000
21550 Arts and Artifacts Indemnity Fund.....	---	---	---	300,000	300,000	+300,000	+300,000	+300,000	---
21600 National Endowment for the Humanities.....	139,478,000	126,330,000	139,478,000	139,478,000	139,478,000	---	+13,140,000	---	---
21650 National Capital Arts and Cultural Affairs.....	---	---	---	---	2,000,000	+2,000,000	+2,000,000	+2,000,000	+2,000,000
21700 Institute of Museum Services.....	21,560,000	294,000	21,560,000	15,870,000	21,523,000	-37,000	+21,229,000	-37,000	+5,653,000
21800 Commission of Fine Arts.....	374,000	374,000	377,000	382,000	382,000	+8,000	+8,000	+5,000	---
21900 Advisory Council on Historic Preservation.....	1,546,000	1,239,000	1,585,000	1,585,000	1,585,000	+39,000	+346,000	---	---
22000 National Capital Planning Commission.....	2,692,000	2,703,000	2,721,000	2,703,000	2,712,000	+20,000	+9,000	-9,000	+9,000
22100 Franklin Delano Roosevelt Memorial Commission.....	21,000	21,000	21,000	21,000	21,000	---	---	---	---
22200 Pennsylvania Avenue Development Corporation.....	6,682,000	5,471,000	5,566,000	5,579,000	5,579,000	-1,103,000	+100,000	+113,000	---
22300 Federal Inspector for the Alaska Gas Pipeline.....	1,401,000	882,000	---	---	---	-1,401,000	-882,000	---	---
22400 Holocaust Memorial Council.....	2,003,000	1,990,000	2,119,000	2,125,000	2,125,000	+122,000	+135,000	+6,000	---
22600 Total, Title II - Related Agencies.....	3,886,827,000	3,697,130,000	4,086,434,000	4,693,046,000	4,021,320,000	+134,493,000	+324,190,000	-65,114,000	-671,726,000
22700 Grand total.....	8,387,664,000	7,365,321,000	8,238,097,000	8,769,134,000	8,145,912,000	-241,752,000	+780,591,000	-92,185,000	-623,222,000

Mr. SHARP. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Indiana.

Mr. SHARP. Mr. Speaker, I want to ask the chairman a question about the Synthetic Fuels Corporation and to just double check this.

First, does the gentleman agree that the bill does not say that the SFC's action on Union I was or was not a legally binding commitment. That question ultimately lies, in case of any dispute, with the courts and general contract law. Thus, if the SFC's action was not a legally binding commitment, then nothing more can be done by the SFC regarding Union I in the 60 days after enactment.

Mr. YATES. Mr. Speaker, if the gentleman will yield that is my understanding. The gentleman is correct.

Mr. SHARP. Second, the conferees have agreed that even if an action such as the Union action was a legally binding contract before enactment, the Board still can only take actions in the 2 months after enactment, that are required in the preenactment contract, without any substantive change.

Mr. YATES. That is my impression of the intention of the conferees.

Mr. SHARP. Mr. Speaker, if the gentleman will bear with me, even if the November 7 Union action was legally binding, which I do not believe that is the case, binding on the SFC, then no change can be made in that commitment or award by the SFC Board in the 2 months after enactment of this resolution.

Mr. YATES. In my opinion, that is the intent of the conferees.

Mr. SHARP. Finally, the conferees have agreed that if pension benefits or other compensation, such as severance pay, are not specifically provided for and required under employment contracts as of enactment, then the Board cannot go ahead, after enactment, and grant such benefits or compensation to any Director, officer, or employee without OPM approval.

Mr. YATES. Yes; the gentleman is correct.

Mr. SHARP. Mr. Speaker, to further clarify the provisions of the synthetic fuels provisions of the continuing resolution:

FINAL SYNFUELS PROVISIONS IN CONTINUING RESOLUTION

Immediate rescission of \$6.9 billion. Specifically:

	Millions
Available at start of fiscal year 1986.....	\$7,822.04
For clean coal over 3 years.....	-400.00
For Union 1 if Nov. 7 award by SFC to Union 1 was a binding contract.....	-500.00
For administrative expenses as SFC is phased out over next 4 months.....	-10.00
Rescinded on enactment of the continuing resolution.	6,922.04

SFC Board of Directors is terminated within 60 days after enactment.

Secretary of Treasury replaces SFC Chairman within 60 days after enactment.

SFC terminates within 120 days after enactment.

The Secretary of the Treasury succeeds to all SFC rights and liabilities, administers preenactment awards, and so forth.

No new legally binding awards can be made after enactment, and changes cannot be made to preenactment awards. However, the Board can, during the month after enactment, perform and complete the terms and undertakings of legally binding preenactment contracts, if the preenactment contract required it to do so.

At least one preenactment action by the SFC is at issue—the attempted Union 1 award of \$500 million on November 7.

The bill does not say that the SFC's action on Union 1 was or was not a legally binding commitment. That question ultimately lies, in case of any dispute, with the courts and general contract law.

If the SFC's action was not a legally binding commitment, then nothing more can be done by the SFC regarding Union 1 in the 60 days after enactment.

If the Union 1 award of November 7, 1985, was a legally binding commitment, then the question still remains: Did that preenactment commitment bind and require the Board to take whatever specific action it may attempt to take, regarding Union 1, in the 2 months after enactment? If not, the attempted Board action is not allowed by this resolution.

In any event—and even if the November 7 action was legally binding on the SFC—no change can be made in that commitment or award by the SFC Board in the 2 months after enactment of this resolution.

Salaries of SFC officers and employees are capped after enactment at the ES IV level: \$72,000.

By February 1, 1986, OPM is to review all SFC employment contracts and determine all rights under them.

Vested pension and compensation contracts in effect on enactment are not thereafter altered. But no changes in them can be made after enactment, unless the Director of OPM agrees the changes are reasonable.

If pension benefits or other compensation, such as severance pay, are not specifically provided for and required under employment contracts as of enactment, then the Board cannot go ahead—after enactment—and grant such benefits or compensation to any Director, officer, or employee.

Finally, we are including the same legislative language that I just summarized, in the fiscal year 1986 reconciliation package. But the rescission language in this continuing resolution is left out of the reconciliation package.

Mr. CONTE. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

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

While we were putting together this conference report, it appears as though we put together a few things for ourselves that I think ought to be pointed out here.

As I look at amendment No. 117, if I understand amendment 117, we are now raising the amount of honoraria income that the Members can earn. That now goes up to 40 percent of salary. That will be immediately permitted for the Senate. It would be subject to a rules change in the House; but that is a reform that there was a good deal of controversy about just a few months ago, which we are now reversing our position on and allowing to have substantially more honoraria income and setting up so that we ourselves may be able to do that in the future.

There is another amendment in here, amendment No. 114, that I would like to ask some questions on, because it appears as though what we are doing there is changing the means by which we raise our own pay. If I am correct on this, it appears to me as though we are going to now accept the recommendations of the Quadrennial Commission. If I am correct, instead of having a one-House veto for congressional pay increases in the future, this will now require a two-House veto. Is that correct?

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

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

Mr. FAZIO. Mr. Speaker, I am sure the gentleman is aware of the Chadha decision, which mandates that we change all legislative enactments that violate the Constitution by permitting some sort of legislative veto over executive action; we have by our actions in this conference report come into conformity with the recent constitutional interpretation of the Supreme Court. The Chadha decision requires that we pass a bill to cancel a Presidential recommendation and that's what this legislation does.

Mr. WALKER. So we are not going to have a two-House veto on this.

It is also true that we have changed the effective date for the next pay increase and moved it back a year?

Mr. FAZIO. I do not know what the gentleman is referring to. This provision would certainly not provide for any pay raise in fiscal year 1985 or fiscal year 1986, and depending on whatever recommendation might be made by the President in furtherance of his next Quadrennial Commission report, there might possibly be one before the House in 1987.

Mr. WALKER. So that would be January 1 of 1987 and it would require a two-House disapproval vote if in fact that takes place.

It is also my understanding that the present thinking is that that particu-

lar pay increase would come to \$99,000, about \$99,500; is that correct?

Mr. FAZIO. Well, the gentleman hears voices that I do not hear. Certainly this is one instance when the gentleman has knowledge that I do not have.

I could not speak at all with any specificity as to what a commission that has yet to be appointed by this President might recommend sometime in 1987.

Mr. WALKER. Well, I thank the gentleman.

My concern is this, that we now have in law an automatic appropriation. I will tell the Members that it seems to me that buried down in this bill that we are not setting up a process that will assure that that automatic appropriation will at some point in the future take on a fairly substantial pay increase for the Members, that this bill is where we will do it and we will do it here this evening as part of the conference report.

I think the Members ought to be aware that in both the case of amendment 117 and 114 we have taken care of ourselves.

Mr. FRANK. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. Speaker, we are sort of continuing the same kind of argument, legislating on an appropriations bill, on a different issue.

Here we go again. Last year on a summer evening at 1 a.m. by unanimous consent and after assurances that no more legislative business was pending, the House approved legislation intending to strong-arm the States into raising their minimum drinking age to 21.

Now we are being asked to approve a continuing resolution with language tacked on which would make permanent the penalties imposed upon States which for good reason had not succumbed to Federal blackmail, and thus chose not to raise their drinking ages to 21.

Mr. Speaker, I resent this attempt to sneak in this provision by the House with no opportunity for debate.

Back in 1971, after prolonged national debate, the Congress voted to lower the voting age. States uniformly reduced the age of majority to 18. We judged that those old enough to die for this country were old enough to have its rights, obligations, and privileges of citizenships; but last year, with no debate, without even a vote, the Congress approved legislation that instructs the Department of Transportation to withhold highway trust fund money from those States which do not comply.

Now we are asked to approve a Senate amendment that does the same thing and makes it permanent.

Proponents of this approach believe this is a way to help reduce the national traged-

dy of drunk driving. Facts show this approach is ill-conceived. States should be allowed to provide better alternatives.

We are all aware of the statistic that 18- to 21-year-olds make up 9 percent of the country's drinking population, yet they are involved in 17 percent of all alcohol-related accidents. This figure is high, but what of the remaining 83 percent of the accidents?

On a national basis, under 20-year-old drivers account for a high percentage of all fatal car accidents, alcohol-related or not. This can be explained in part by their inexperience and propensity to drive with a heavy foot. The insurance companies certainly see it this way and adjust their rates accordingly. I know this for a fact—I pay for my son's car insurance.

When looking at raising the drinking age to reduce the number of car accidents involving individuals under 20, I think we have to realize that this group, historically, are problem drivers. Data for all fatal car accidents in 1970 show that drivers less than 20 accounted for 15 percent of all accidents. This is of course prior to the time the drinking age was generally reduced to 18 across the country. In 1983, this group still accounted for 15 percent of all fatal accidents.

Proponents of the national minimum drinking age often cite statistics showing States which have raised their drinking age to 21 have experienced reductions in alcohol related fatalities among 18- to 20-year-olds. However, many of these States have also simultaneously toughened drunk driving laws and increased enforcement. Illinois, which raised its drinking age from 19 to 21 effective January 1980, saw alcohol-related fatalities among 19 and 20 year olds increase by 15 percent in 1981, then decrease by 15 percent in 1982, then increase by 12 percent in 1983. Florida raised their drinking age from 18 to 19, effective January 1981. Alcohol related fatalities among 18-year-olds dropped 5 percent in 1981, then increased 21 percent in 1982 and 26 percent in 1983. I fail to see the connection in these cases.

A few other statistics of interest are worth noting at this time. In 1983, 17- to 20-year-olds were involved in 18.8 percent of all alcohol-related fatal accidents. In this same year, 21- to 24-year-olds accounted for 22.2 percent of these accidents. Figures from my own State of Vermont show roughly the same relationship with 17- to 20-year-olds drivers accounting for 22 percent of alcohol-related fatal accidents and 21- to 24-year-olds accounting for 27 percent. If the answer to drunk driving is raising the drinking age, shouldn't we be looking at raising the age to 24? Or, is not the more logical answer to direct educational and other special programs toward our younger generation?

I am concerned because this national minimum drinking age legislation is a phoney solution to a very real problem. We need to find real solutions to this national problem, not raise the drinking age and pat ourselves on the back. Many States are enacting tough new drunk driving laws and increasing enforcement of drunk driving

laws. State and local governments and school officials are developing innovative education programs.

In my home State of Vermont, bar and restaurant owners are implementing call-a-cab programs. Students at the University of Vermont have organized a free ride home for students and local residents who have had too much to drink. We should be commending these students, not taking away the opportunity to make responsible choices about alcohol. We should be educating students about the dangers of drinking and driving, and increasing public awareness of the tragedy of drunk driving with alcohol education programs.

Proponents of the national minimum drinking age cite the benefits of uniformity among the States. We hear about how the present system encourages 18- to 20-year-olds to drive across State borders to obtain alcohol. However, this legislation creates a whole new set of problems for border States. The largest city in Vermont with a college population of 13,400 is a quick drive to the Quebec Province where the drinking age is 18. This situation exists all across the northern tier where cities such as Buffalo, Detroit, Duluth, Grand Forks, Spokane, and Seattle, with an estimated combined population of 180,000 18- to 21-year-olds, are all within striking distance of Canadian provinces where the drinking age is less than 20. Along our Mexican border, cities such as Brownsville, Corpus Christi, El Paso, Tucson, and San Diego are all within easy reach of a drinking age less than 21. The combined population of 18- to 21-year-olds in these cities is approximately 152,000. All in all, the total 18-to-21 population that will be tempted to cross international borders is probably close to a half million.

The 21st amendment to the Constitution preserves the rights of States to regulate the sale of intoxicating liquors within their borders. Residents of my State of Vermont resent the Federal Government blackmail on this State issue, and the Vermont Legislature has passed a joint resolution which, and I quote, " * * * expresses on behalf of the people of the State of Vermont its outrage and opposition to very intrusive actions by the Federal Government on the drinking age." I would like to point out that the same Vermont Legislature has twice approved measures to raise the drinking age in Vermont.

Vermonters are correct in implying that the Congress is sticking its nose in somewhere it doesn't belong. This is a State issue. Even as we pass historic legislation which will shift massive Federal responsibilities back to the States, we choose blackmail on an issue which is unquestionably under the jurisdiction of the States.

This action is a gross abuse of the legislative process, a violation of States rights and an incredible lesson to our young people on how democracy should not work.

I cannot, for this and many other reasons, support this resolution.

Mr. WHITTEN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. CHAPPELL].

Mr. CHAPPELL. Mr. Speaker, I thank the gentleman for yielding time. I rise in complete support of this bill. I think, while it is not perfect for every one of us, it gives us a very fine bill and it ought to be adopted.

Let me speak specifically to the defense part.

The conferees of the Department of Defense Appropriations Act portion of the continuing resolution bring back a very delicately balanced agreement on the defense issues. We were faced with some extremely difficult issues which had to be weighed against each other and a final agreement crafted. These issues included the total funds provided for the defense programs, the funds allowed and the restrictions imposed on these funds for chemical weapons and facilities, the restriction of anti-satellite weapons testing, the amounts approved for the strategic defense initiative [SDI], and many other important issues. Not all Members are satisfied with the conference agreement. I have difficulty with portions of the agreement myself but this is a compromise and I think basically a good bill.

The conference agreement appropriates \$282.5 billion in new obligational authority some \$5.9 billion above the House bill, \$5.8 billion below the Senate bill totals and \$21.5 billion below the budget request.

There is some concern regarding the treatment of unobligated balances. The conferees set aside \$6.3 billion in unobligated balances, did not extend their availabilities, made them available for specific purposes, mainly to finance future military personnel costs and required the Department of Defense to observe the normal reprogramming procedures before any of these funds can be transferred or obligated.

If the conferees did not identify and fence these unobligated balances, the Department would still have these funds available in the original accounts and could reprogram them for other purposes. Some of these reprogrammings would be below-threshold and would not require approval or notification of Congress. The conferees have made the entire \$6.3 billion set-aside amount subject to reprogramming procedures and subject to congressional review.

The conferees intend that this \$6.3 billion in set-asides be used for the military pay raise, military retirement fund requirements, the mariner fund and other reprogramming requirements as necessary.

These specific allocations of the set-aside balances could total nearly \$5 billion. The conferees expect these set-aside amounts to satisfy all the requirements of the Department for

fiscal year 1986 and would expect no submission of supplemental requests.

The conference agreement provides \$126 million for binary chemical weapons and facilities. This includes \$98.3 million for the Bigeye bomb production facilities, \$6 million for Bigeye operational testing and \$21.7 million for the production of the 155mm chemical projectile. Of course, there are a number of restrictions on the use of these funds.

First, obligation of all funds is made subject to an additional requirement that the President certify to the Congress that a force goal stating the requirement for modernization of the U.S. share of NATO chemical deterrent has been submitted to NATO and formally adopted by the North Atlantic alliance.

Second, obligation of funds for Bigeye components is subject to the requirement that the Secretary of Defense submit a report describing the operational requirements for Bigeye, actual performance of Bigeye during operational testing with respect to the requirements, and any exceptions deemed acceptable. Obligation for Bigeye components may occur no sooner than 60 days after submission of the report.

Third, none of the funds included for procurement of the GB-2 artillery projectile may be obligated before October 1, 1986, and then only when the provisions on NATO consultation are satisfied. Final assembly of the GB-2 may not occur before October 1, 1987, and then only when the provisions on conditions for final assembly are satisfied.

The conference agreement includes a prohibition on the use of funds in this act or any other act to carry out a test of an antisatellite weapon against an object in space until the President certifies that the Soviet Union has conducted, after October 3, 1985, such a test against an object in space of a dedicated antisatellite weapon. This was a difficult position to hold but your House conferees worked hard on this matter.

The conference agreement provides \$2.750 billion for strategic defense initiatives, some \$250 million above the House but \$213 million below the Senate and roughly \$1 billion below the budget request.

The conference report appropriates over \$146 billion for military personnel and operation and maintenance accounts which includes many billions of dollars to improve the quality of life of our troops and to improve the readiness of our forces.

The conference agreement provides approximately \$20 billion for the Guard and Reserve forces including over \$1.5 billion above the budget request for a separate Guard and Reserve equipment account.

This is a good agreement and I urge its adoption.

Mr. CONTE. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania [Mr. McDADE].

Mr. McDADE. Mr. Speaker, I rise in support of the conference and I urge the support of my colleagues.

I do want to address myself rather briefly to the defense portion of the conference that my good friend, the gentleman from Florida, has just spoken about.

It was, you will not be surprised to hear, an extremely difficult conference to resolve. I want to say most emphatically, not because of those of our colleagues who served as conferees.

I want to express my deep appreciation and admiration to all the members of the Defense Subcommittee, all of whom did serve as conferees and who contributed enormously toward attempting to shape a bill that we could bring back and all support.

I especially want to take a moment to pay tribute to our good friend, the gentleman from New York [Mr. ADAMO] who is back, and who aggressively played a role in the conference.

Also I want to pay tribute to my good friend, the gentleman from Florida, who skillfully presided over the conference, along with Chairman ADAMO, and who brought us back a bill which I hope all of us will see fit to support.

Mr. Speaker, it is no secret that the defense title poses some of the most difficult choices that all of us face in the Congress today. This was borne out, may I say, by the sheer volume of items in disagreement between the House and the other body—roughly 2,000 items in conference, each in its own way important to the Nation's defense.

I shall not attempt to describe at length the various compromises reached by the conferees, nor to add to the details already mentioned by our chairman; but I want to mention just a few items that are of interest to this House, some of which have been alluded to tonight.

Regarding the overall spending level, going to conference the two defense bills were about \$12 billion apart in total funding, but they encompassed, may I say to my colleagues, some \$30 billion in differences between what the Senate product was and what the House product was; so there were two totals, one of \$12 billion in new budget authority, the other representing \$30 billion in differences of opinion between our colleagues and the other body.

The job we faced was trying to accommodate the priorities of both Chambers without breaking the budget. In my judgment, Mr. Speaker, we achieved that goal.

This conference report provides the Defense Department with \$282.5 billion in new budget authority. That represents something that is not unusual for us to see, very nearly a 50-50 split between this body and our colleagues in the Senate.

I want to remind you that the total of \$282.5 billion of new budget authority in this bill, is \$2.5 billion less than both the budget resolution which was passed and which my colleague, the gentleman from Iowa, referred to, as well as the authorization bill which was passed.

While this is almost \$6 billion above the bill that we enacted, I want to call to your attention the fact that \$282.5 billion that is nearly \$22 billion below the amount requested by the administration.

Looked at another way, Mr. Speaker, this conference report provides for less than 2 percent growth for fiscal year 1985 levels.

I want to remind my colleagues that in budget authority that is insufficient even to cover inflation.

Mr. Speaker, it was a long, a difficult and an arduous conference.

□ 2205

I believe that it merits our support. If we look at it either from the standpoint of the administration's request or our budget conference, our budget authority is below it and I hope our colleagues will adopt it.

Mr. FRANK. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. I thank the gentleman for yielding this time to me.

Mr. Speaker, this will be the first time that I vote against any conference report on appropriations and this kind of a resolution. Let me give my reasons very simply.

If you recall, during the debate on this floor when we talked about procurement reform, when we were taking polls throughout the country, most of the people in this country said to us, Member of Congress, "We want a strong defense, but we also feel that you spend too much money. You have to clean up your act."

When the authorization went over to the other body and we came back, we came back with 75 percent of the procurement reforms that we put forward as a body. And by the way, let me remind each and every one of my colleagues that when those reforms were voted on on this floor, they were voted on by margins of over 400 in the affirmative. We come back now with a conference report, and I am going to ask this question.

Can any person who was part of that conference come before us and say to us that they came to us with one procurement reform? Can anyone in this body stand up and say that we did that?

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. MAVROULES. I would be glad to yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

Mr. Speaker, I would like to say to the gentleman that he serves as a very distinguished member of the House Committee on Armed Services. It is the House Committee on Armed Services that has the jurisdiction over procurement reform.

Mr. MAVROULES. Mr. Speaker, if I may reclaim my time, the House Committee on Armed Services came back with 75 percent of what this body wanted. This conference report comes back with absolutely zero.

Mr. HERTEL of Michigan. Mr. Speaker, will the gentleman yield?

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Michigan.

Mr. DICKS. I do not think the gentleman wants to hear the answer.

Mr. HERTEL of Michigan. I thank the gentleman for yielding.

Mr. Speaker, the gentleman I respect and serve on the committee with. If this body is happy with business as usual, vote for this tonight. But if your people and if you believe that there should be some changes as to how the Pentagon does its business, then vote it down, because they have taken out all the procurement reforms, every single one that was in the appropriations bill that we labored so hard for earlier this year.

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

Mr. Speaker, two items that I think were of particular interest to my colleagues in the House should be mentioned here tonight. One is the Coast Guard, and the other one is the Federal Aviation Administration.

When the original transportation bill was considered, the other body cut some \$233 million from the Coast Guard and \$300 million from the Federal Aviation Administration, causing great concern about the ability of those agencies to continue to perform their very critical functions.

For the Coast Guard, this conference agreement provides a total of \$1.752 billion in operating expenses, \$1.652 billion in the transportation appropriation bill, plus \$100 million that I offered here on the floor of the House as an amendment to the defense appropriation bill. We prevailed in the defense appropriation section of this resolution and retained that \$100 million.

That brings that figure down to a cut of less than \$33 million below the House level on operating expenses. In addition, we were able to prevail in the conference in obtaining another \$235 million in the defense appropriation

bill for the Coast Guard for helicopters, for C-130's, for patrol boats, and for drug interdiction equipment.

This was a tremendous victory and I fought very hard, along with Senator TED STEVENS of Alaska, to secure this money.

In regard to the FAA operation, we provided almost \$2.7 billion. That is \$70 million more than last year's level. This should be sufficient to permit the hiring of an additional 300 aviation inspector positions above the original budget request, plus another 500 air traffic controller positions, as proposed by the Department of Transportation on September 19.

I know that both of those items are of great interest to the House.

Mr. FRANK. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Mrs. BOXER], the author of the late-lamented procurement reforms.

Mrs. BOXER. I thank the gentleman for yielding this time to me.

Mr. Speaker, I am very pleased to see the ban on Asat testing that is included in this continuing resolution, and I want to particularly compliment the gentleman from Oregon [Mr. AUCOIN], for all the hard work he did in that particular area. Also in this continuing resolution are other items which I care deeply about such as raising the drinking age to 21, aid to our ally Israel, and phasing out the Synfuels Corporation.

But it is with tremendous disappointment that I must oppose this continuing resolution, tremendous disappointment because we had such high hopes. We had a tremendous opportunity to pass some very significant procurement reform, to stop the rip-offs, to stop the overcharging, to stop the revolving door, and to bring competition into defense contracting.

It was not the fault of this body that none of these came to pass. It was the other body that refused to even discuss these procurement reforms.

To me, it is really amazing, my colleagues. Never has the House spoken out so clearly on an issue, overwhelming votes in this House for "should cost," for allowable cost, for dual-sourcing, for revolving door reform, and yet not a one of these, not a one of them, is included in this continuing resolution.

Again, I lay the blame at the feet of the other body. To those who think we are going away, we are not going away. We will be working with a broad coalition in this House to bring these reforms back again and again and again until we win. Should this continuing resolution fail, I hope it will come back to us with a more realistic defense number and some procurement reform.

Mr. STRATTON. Mr. Speaker, will the gentlewoman yield?

Mrs. BOXER. I would be happy to yield to the gentleman from New York.

Mr. STRATTON. I thank the gentleman for yielding.

Mr. Speaker, the point has already been made, has it not, that the House Committee on Armed Services, when we brought back our conference report, we had virtually everything in there that was wanted, and the gentleman from Massachusetts [Mr. MAVEROULES] was commenting on it just a moment ago.

But for some strange reason, under rules of the House that I have never heard of, the documents that were contained in the House Committee on Armed Services were attached to—

Mrs. BOXER. The gentleman has mischaracterized—

The SPEAKER pro tempore. The time of the gentleman from California [Mrs. BOXER] has expired.

Mr. FRANK. Mr. Speaker, I yield 30 additional seconds to the gentleman from California [Mrs. BOXER] to respond to the speech of the gentleman from New York.

Mrs. BOXER. I thank the gentleman for yielding this additional time to me.

Mr. Speaker, the gentleman from New York has mischaracterized what has gone on in this body. This body overwhelmingly passed these reforms.

Mr. STRATTON. I do not dispute that.

The SPEAKER pro tempore. The gentleman from California has the time.

Mr. STRATTON. But the gentleman is trying to confuse the issue.

The SPEAKER pro tempore. The gentleman from New York is speaking out of order.

Mrs. BOXER. I know the gentleman is very upset whenever we talk about procurement reform, but if I may be allowed to complete my thought, the House was very clear that we wanted another opportunity at these four very significant reforms. We had much support in the House, we carried it into the conference, and at this point I am going to yield my time back.

Mr. STRATTON. But the gentleman does not recognize that legislation—

Mr. FRANK. Mr. Speaker, the gentleman from New York is out of order. Point of order.

The SPEAKER pro tempore. The gentleman from New York is not recognized at this time. The gentleman from New York does not control the time.

The time of the gentleman from California [Mrs. BOXER] has expired. There are three gentlemen on the floor who control the time. If you wish to speak, you must get time from one of those three gentlemen.

The gentleman from Massachusetts [Mr. FRANK] has 3 minutes remaining,

the gentleman from Massachusetts [Mr. CONTE] has 5 minutes remaining, and the gentleman from Mississippi [Mr. WHITTEN] has 8½ minutes remaining.

Mr. WHITTEN. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. AUCCOIN], a member of the committee.

Mr. AUCCOIN. I thank the gentleman for yielding this time to me.

Mr. Speaker, a few minutes ago I heard one of my colleagues who I admire very much, and with whom I vote almost consistently, say that he was tired of waiting for procurement reform. I want to tell my colleagues, particularly those on this side of the aisle, that I am tired of waiting for procurement reform myself.

If it had been possible to gain even an inch in procurement reform out of this appropriations conference, I would have fought for it and tried to bring it back and it would be before us tonight, but it was not. And for any of my friends on this side of the aisle who know my record on procurement reform and on arms control, I want to suggest to them that I would not be standing here as I am tonight asking for an "aye" vote on the continuing resolution if I did not feel that the package, particularly with defense, is the best package that we could bring to you.

□ 2315

More importantly, one of my other good friends with whom I often find myself usually in agreement said tonight if we vote for this continuing resolution, we are voting for business as usual.

Ladies and gentlemen, this is not business as usual. I have been waiting for procurement reform, my friends, but I have been waiting for something else. I have been waiting for arms control, and this continuing resolution provides for meaningful arms control. It has an absolute freeze on flight tests for antisatellite weapons and says that will be continued to be frozen unless the President certifies that the Soviet Union is going forward and breaks out of its moratorium which it has had in effect since 1982.

Mr. Speaker, as much as I care about procurement reform, and have fought for procurement reform, I offered the amendment in the Appropriations Committee on procurement reform, the fact of the matter is we can still in the face of that particular defeat come back to that issue next year. But I want to ask anyone who believes in arms control if we will have a chance again.

It is a vote for arms control, and I urge my colleagues to support the continuing resolution.

Mr. CONTE. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Speaker, this continuing resolution is consistent with other continuing resolutions that we have adopted on the eve of adjournment, and illustrates that maxim that runs through all of them; namely, I do not think there is a big enough trough in Christianity to accommodate the snouts that seek to feed at the public's expense.

If you want to do a favor for the taxpayers, for whom very little is spoken around this place, just vote no. Eventually we will get to a level that reflects a sense of respect for the taxpayers of this country.

I yield back the balance of my time.

Mr. FRANK. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Speaker, this is indeed a vote for arms control, and I commend the conferees for what they have achieved.

But it is also a breach of the understanding of this House on the basis of which we voted for \$12-plus billion less for defense this year. It is a breach of the understanding of this House with respect to procurement reform, and I would say that if we do have a constitutional convention, and I am beginning to think maybe we should because this bill is the best argument for a unicameral legislature that I have seen in my career in Congress. The British, our mother of parliament, has effectively abolished the House of Lords. It is time we abolish ours, and I sympathize with the chairman and the other members of the conference committee in having to cope with this intolerable, incredible situation that has led to this monstrosity.

I yield back the balance of my time.

Mr. WHITTEN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, there are a number of arguments pro and con on this bill, and I do intend to vote aye. I want to make that clear.

But I want to attempt to clarify some statements that were made by the gentleman from Pennsylvania which may confuse some Members, and perhaps cause them to vote no in fear that they are voting for a pay raise or doing something for this body that is inappropriate.

First of all, I would like to clarify those provisions that relate to the Quadrennial Commission. They are in this continuing resolution because the Commission, appointed by President Reagan, chaired by former Senator Brady of New Jersey, recommended that we conform the provisions law relating to the Quadrennial Commission to the Chadha decision. In voting to do that, we are receding to the Senate and to a request of the President.

There is no pay raise in this bill. There may be one in 1987 should an-

other commission, appointed by this President, so recommend, and this Congress concur in it. But do not let anyone delude you into thinking we are doing something tonight that we are not. It is simply an effort to obfuscate this issue.

As it relates to honorariums, let me make clear there is no change in the House provisions that are governed by House rule. The other body was insistent upon some changes that the House could not accept, and we were in a position where we were forced to provide a 10-percent increase in the statute, and since the statute, not Senate rules, governs the other body, they will in January be able to earn an additional 10 percent of their salary as honorariums.

The House is not covered by the provision because our rule takes precedence.

Mr. Speaker, there is nothing in this bill that any Member of this body should be ashamed of. There is no pay raise. We should vote up or down based on our evaluation of the bill on its merits, and no confusion should reign over matters that are so much more fundamental and important as they relate to the basic provisions of this bill.

Mr. SPEAKER pro tempore. The gentleman from Mississippi [Mr. WHITTEN] has 4½ minutes remaining; the gentleman from Massachusetts [Mr. CONTE] has 4 minutes remaining; and the gentleman from Massachusetts [Mr. FRANK] has 2 minutes remaining.

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

Mr. Speaker, I want to comment on a matter that the gentleman from Illinois [Mr. YATES], chairman of the Interior Subcommittee, mentioned on the Synthetic Fuels Corporation. Incidentally, the gentleman, did a real bang-up job, and it was one of the most difficult of all of the appropriations mini-conferences that we had with the other body.

But as the gentleman mentioned, the conferees eventually accepted the House position on the abolition of the Synthetic Fuels Corporation, and the agreement, as I understand it, provides for a rescission of all of the funds in the energy security reserve except for the \$400 million for the clean coal technology program to be administered by the Department of Energy and \$10 million for costs associated with closing the Corporation, and \$350 million of the original \$750 million authorized for clean coal technology reserved, to be laid aside for future appropriations.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I am glad to yield to my good friend from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I thank the gentleman for his kind words about my representation.

The gentleman is correct in his assessment of what the conferees did on the Synthetic Fuels Corporation.

Mr. CONTE. As I understand it, effective on enactment of this joint resolution, the Corporation may not obligate or commit funds any new projects.

Mr. YATES. The gentleman is correct.

Mr. CONTE. Mr. Speaker, I fired off a letter today to the Synthetic Fuels Corporation telling them that the rescission was adopted and they ought to abide by the intent of Congress. I understand that tomorrow they were scheduled to meet. I understand from news reports that the Corporation has now postponed tomorrow's meeting where it was going to consider contracts totaling nearly \$1 billion—nearly \$1 billion! If that is so, Mr. Speaker, we ought to send the marshals down there tonight and lock up the doors of Synthetic Fuels Corporation. That Corporation has no reason to be in existence, and it ought to follow the conference report to the spirit as well as the letter of the law.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, I wish the gentleman had made that suggestion in the conference, and we would have put that provision in there to require them to lock up the doors.

Mr. CONTE. I thank the gentleman.

Mr. FRANK. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in opposition to this conference committee report on H.R. 465.

Here we are in a time pinch again with a big package in which the House had good intentions going into the conference and the Senate prevailed in almost all DOD-related accounts. Nearly \$3 billion more for Air Force procurement; \$2 billion for Navy procurement, plus \$800 million for Army procurement, over the House position, and yet less money for personnel.

Big significant increases for weapons but less than the House of Representatives position for soldiers and sailors. And the procurement reforms which would have meant that DOD could spend these billions more effectively and efficiently, all lost in conference, lost significantly in the DOD authorization and completely stripped from this appropriation measure.

This continuing appropriation has done a good job of insulating DOD from the impact of the newly passed balanced budget mandate that was just enacted last week. This measure before us adds over \$13 billion total to the House figure of \$292 billion for a

total of \$305 billion for DOD in total budget outlays.

I want to commend the conferees for their work on the ban of the antisatellite [Asat] testing. This is an appropriate step and a needed move toward meaningful arms control.

This continuing resolution also reduces the level of Federal highway funds for States without a 21-year-old drinking age. Minnesota, the State I represent, would lose funds under this measure, I feel very unfairly.

I opposed Federal legislation that was enacted in the last Congress which directs that a portion of Federal highway funds be withheld from those States that do not adopt a 21-year-old drinking age by 1987. This legislation causes States not enacting the 21-year-old drinking age to lose 5 percent of Federal highway funding in fiscal year 1987 and 10 percent in fiscal year 1988. However, in fiscal year 1989, the full highway funding level would be restored. Under the provision adopted by the House/Senate Conferees, the reduction would be 10 percent in fiscal year 1987, and 10 percent every year thereafter. This will have the positive effect of a uniform drinking age but whether it will reduce drunk driving certainly remains a question. Teenage alcohol-related driving problems are serious. However, virtually the same percentage of drunk driving offenders occurs in the 21-to-25 age group; and, according to highway traffic statistics, the most prevalent age for drunk driving offenses is 37.

I feel that other efforts are necessary if we are to address most effectively the problem of drunk driving. That is why I continue to support improved education programs and more severe penalties for all drunk drivers.

I submit for the record an article from the St. Paul Pioneer Press/Dispatch entitled "Raise in Drinking Age Disputed" that further demonstrates this point. The article discusses the work of two researchers who contend that if the minimum drinking age nationally were raised to 21, it would do little to help cut down on drunk driving.

In sum, Mr. Speaker, I believe the shortcomings of this measure H.R. 465 deserve a no vote and urge my colleagues to reject it.

[From the St. Paul Pioneer Press and Dispatch]

RAISE IN DRINKING AGE DISPUTED

CLEVELAND.—If the minimum drinking age nationally were raised to 21 it would do little to help cut down on drunken driving, two researchers say.

No pattern of significant decrease in the percentage of alcohol-related deaths among 18- to 20-year-olds in states that have raised the legal drinking age was found in a study conducted by Fredric Bolotin and Jack DeSario, assistant professors of political science at Case Western Reserve University.

In some states, the percentage of deaths attributed to alcohol increased after the legal drinking age was raised, the study found.

The researchers examined traffic fatalities in an eight-year period in some of the 29 states that have raised the drinking age for at least hard liquor since 1978.

The federal government in 1984 required states to adopt a minimum drinking age of 21 for all alcoholic beverages by 1987 or lose 5 percent of their federal highway funds.

"The government is well-intentioned, but it doesn't have a proven solution, so it experiments," said DeSario. "The expectation is not reasonable, as far as we're concerned."

DeSario and Bolotin calculated the percentage of traffic deaths that were related to alcohol, then compared that percentage among 18- to 20-year-olds before the drinking age was increased to the percentage after the new law took effect.

Figures for the test period also were compared with figures in states that did not increase the drinking age.

Of the states studied, only Texas and New York showed a desired decrease in the percentage of alcohol-related traffic deaths, the researchers said. Those states, however, also passed tougher drunken driving laws.

Some other states showed no significant improvement, and eight states—Florida, Georgia, Maine, Michigan, Montana, Nebraska, Tennessee and West Virginia—had increases in the percentage of traffic deaths related to alcohol after raising the drinking age.

The issue of a national minimum drinking age has been clouded because various groups use statistics in different ways, the researchers said.

For example, the number of alcohol-related traffic deaths among 18- to 20-year-olds in Michigan declined from 211 to 186 the year after the drinking age was raised, they said.

Mr. WHITTEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. WILSON].

Mr. WILSON. Mr. Speaker, I would like to ask a question of the gentleman from Wisconsin [Mr. OBEY], chairman of the Subcommittee on Foreign Operations.

Let me preface my question by saying that it has been a general practice of the House since the Camp David agreements that we would try, in a rough sort of way, to maintain a balance between the amounts of appropriations ESF, FMS and others that we give Egypt and Israel; is that the gentleman's understanding.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. WILSON. I yield to the gentleman from Wisconsin.

Mr. OBEY. I know what the gentleman is getting at. It has certainly been the intention of virtually every Member of the House to retain the relative relationship between the amounts appropriated to Israel and the amounts appropriated to Egypt.

But the gentleman knows Gramm/Rudman presents a problem in that regard with respect to the funding for Egypt.

Mr. WILSON. Mr. Speaker, would the gentleman explain what the problem is?

Mr. OBEY. The problem basically is that for the ESF account, the check for Israel is already in the mail, so to speak, and so they are exempt from Gramm/Rudman cuts. But it appears that Egypt is not.

Mr. WILSON. Does the chairman of the subcommittee foresee any possibility that this inequity could be addressed through some sort of an administrative initiative?

Mr. OBEY. I think it certainly would be at variance from the understanding of every member of the committee, and I would suggest that if the administration wants to deal with the problem they might have to consider an adjustment in their 1987 budget request with respect to the request for Egypt.

Mr. WILSON. Would the gentleman further agree if we did not have this Gramm/Rudman constraint that the committee would have kept this ratio roughly equal?

Mr. OBEY. No question.

Mr. WILSON. I thank the gentleman.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume and would like to close by saying I have been listening to the debate, and I am the last one in the world who will say this is a perfect bill. I excepted to the defense portion of the bill. There were things in it I did not like.

But we have got to put this package together before Christmas. I do not know what we will accomplish by going back to conference that we have not accomplished here. It was a difficult conference. We were up to 2 or 3 o'clock in the morning.

I hope that we can get a majority here. The administration is not too pleased with this continuing resolution because they feel that on balance we are about \$1.3 billion over their benchmarks.

If you think this is tough, just wait until next year and see what is going to happen to the budget then. Under Gramm/Rudman, we are going to have to come back with about another big cut in the 1986 budget. I do not know where it is going to come from. Synthetic Fuels Corporation, yes, and if I had my way, in many other fields. But I think overall, this is a pretty good continuing resolution and I hope we vote for it.

□ 2230

Mr. FRANK. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. HERTEL].

Mr. HERTEL of Michigan. Mr. Speaker, we sit here now at the end of the year. The gentleman from Massachusetts tells us there is no time left at the end of the year; we have 1 hour

for the entire budget from now until next September.

We played the game fair in this body; we talked about a task force on defense waste, fraud and abuse, we went through the subcommittees, the committees—this whole House spent time and overwhelmingly passed procurement reform, and now they tell us—and more importantly, the people in your district, the people who you had town meetings with, the letters, the conversations you had with people in your districts that were outraged by what is going on in the Pentagon—they tell us no, it is all gone; all the reforms, every single one, are gone for an entire year.

It will cost billions of dollars, but more than that, they waste the defense and strength of this Nation when they steal from the taxpayers, they steal from the men and women fighting for us, serving for us, making sacrifices for us, by swiping it all away once again, and telling us once again, year after year, to wait for a change; wait until we can have our chance again.

It will come down to this again. It will come down to the last hour and the last year, and we will lose again if we do not have the courage to tell the other body "no," and to vote this "no" tonight.

Mr. WHITTEN. Mr. Speaker, I yield 1 minute to my colleague, the chairman of the Veterans' Affairs Committee, the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I rise in support of this conference report, and I would like to say that I thank especially the conferees on defense did an excellent job, under a tough situation. What went over from the House was mainly knocked out by the other body, pertaining to procurement. I think our defense personnel over here on Appropriations did the best they could, and I ask for the support of this conference report.

Mr. Speaker, I just want to congratulate the conferees on their hard work.

In particular, I want to thank the conferees on the defense portion for retaining the language prohibiting the expenditure of funds unless they are authorized. The House and the Congress reviewed each of the defense programs carefully during the authorization process and this language will ensure that funds for every defense program will receive the necessary review before the money can be spent.

Mr. WHITTEN. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. DANIEL].

Mr. DANIEL. I thank the chairman for yielding me this time.

Mr. Speaker, the other body attempted to reduce, by substantial sums, some of our most cherished military people programs, and I want to take this opportunity to express ap-

preciation on the part of our service people, to Mr. CHAPPELL, Mr. McDADE, Mr. HEFNER, and Mr. EDWARDS: They stood like a stone wall against these onslaughts, and the military people of this country I know are indeed grateful.

Mr. KEMP. Mr. Speaker, everyone here has been working long and hard under press of deadline this evening, and so I do not wish to consume the time of my colleagues unduly. However, I believe that it is important to note for the record my objections concerning the foreign aid and defense sections of the bill.

First, as many of you are aware, the foreign aid bill was the only part of this legislation not to have been debated on the House floor. The bill was reported out of the Appropriations Committee in July, but the House Democratic leadership refused to schedule it for consideration. Perhaps one reason for this reluctance was the fact that there was absolutely no Republican support for Mr. OBEY's bill.

I appeared before the Rules Committee to request that a full and open debate be allowed in this section when the continuing resolution came before the full House, but my petition was denied. The gross distortion of priorities in the foreign aid section favoring multilateral banks over bilateral assistance programs was a focal point of debate on the continuing resolution. While many issues were at play, the broad dissatisfaction with these skewed priorities was a significant factor in the near defeat of the continuing resolution on the House floor, as the record will show.

I am unhappy to report that these distorted priorities have not been corrected by the work of the conference.

The conference mark of \$9.7 billion in security assistance is \$535 million below last year's level (after allowing for Egypt and Israel). This mark is \$300 million under the authorized level—and nearly a billion under the President's request. We are going to experience a drastic shortfall in the security assistance resources—while guaranteeing that the United Nations and the World Bank systems are well protected.

I am frankly very disturbed by these developments. I have always regarded security assistance as an investment in the forward defense of this Nation. Yet we are cutting security assistance 10 percent below last year's level. Do the conferees believe that the world is 10 percent safer this year than last?

While increasing the Obey security assistance level only \$160 million—not even a third of the difference between the Senate and House bills—the conferees decided to add over \$300 million to the House level on the Export-Import Bank. Again, it seems to me that the security of our friends and allies is more important than corporate subsidies, however desirable.

Chairman OBEY points to the cuts made in the international banks as evidence of "balance" in the bill. But it is quite clear from statements during our conference that the savings in the MDBS are phony. Everyone expects a request from the Treas-

ury for supplemental funding. Speaking for the Republican members of the Foreign Operations Subcommittee, we would very much like to hear from Chairman OBEY what his intentions are with respect to such a supplemental.

Earlier this year, Mr. FASCELL stalwartly protected the rights of the Foreign Affairs Authorizing Committee in working out an extensive series of amendments to our bill, that were accepted by Mr. OBEY and doggedly protected by him in last night's negotiations. Yet there seems to be a curious double standard at work here. This bill contains full funding and authorization for a new idea facility for sub-Saharan Africa, on which we have held no hearings and for which we have never received a budget request. This represents a 3-year commitment at a cost of \$225 million. Who is protecting the authorization process in this action? And how do the conferees reconcile their support for a new World Bank soft loan facility for Africa with their decision to cut our bilateral funds for Africa in this bill?

Finally, I am saddened that the House Members never had an opportunity to review this bill, or to offer amendments. If we had been given that opportunity, I believe that the report of the conferees would be far different than what has been presented today. I also believe that we would then have a foreign aid bill that would be worthy of broad bipartisan support, one that I would sign with pride. As it is, I regret that I have found it necessary to decline to sign this report.

Second, I would like to take a moment to address the defense appropriations section of this legislation.

I am dismayed that the overall level of spending for defense for this fiscal year, under the decision of the conferees, will not even keep pace with inflation. That is to say, after 5 years committed to reversing the adverse trends in the military balance, the Congress has by this act backed away from that goal. While the Soviets continue to increase their spending by several percentage points year by year, we have cut back the resources available for our defenses. I can conceive of no more shocking a reversal in the national priorities of this Government than this decision. It defies the understanding we reached earlier during the negotiations over the budget resolution, under which defense spending would be kept at zero real growth, which means it was to have been adjusted for inflation. And the uncertain impact of Gramm-Rudman threatens further defense cuts—to the detriment of our national security.

I must also express my objection to the decision of the conferees to ban antisatellite weapons testing.

The fundamental impact of this decision is to give the Soviet Union control over the progress of a vital United States strategic program.

This decision, if not reversed, would do more than simply prohibit U.S. Asat tests. In practice, because of the current stage of our Asat development, a moratorium on Asat testing would amount to halting and

denying an Asat capability to the United States to counter the system the Soviets already have in being.

The Soviet Union leads in antisatellite systems. They possess the world's only operation Asat. They began testing their Asat as early as 1968, achieving a 70 percent success rate in early tests. Many proponents of this amendment argue that the currently operational Soviet system really is not very sophisticated. But lack of sophistication does not eliminate the threat of the system. Sophisticated or not, it works.

The Soviets' offensive Asat threat is a serious problem. The existing Soviet Asat is reportedly able to reach an altitude of about 3,000 miles, enabling it to target most United States intelligence satellites and weather monitoring, plus a number of others. If the Soviet Asat were put on a more powerful booster, it could also threaten satellites at higher altitudes.

Antisatellite strikes figure prominently in Soviet strategic planning. In 1982, in the most comprehensive offensive military exercise the Soviets have conducted to date, an Asat was used to practice the destruction of United States satellites, followed by ICBM, SS-20, ABM and SLBM firings in a simulated strategic first strike.

The Soviets are continuing to improve their Asat capability, built upon the results of many tests they have conducted in the past. As it happens, the United States is at the point that we cannot advance our Asat program without testing. If the proponents of this position are really interested in mutual restraints on Asat, why have they advanced a ban that unilaterally halts the United States program while leaving the Soviets free to continue their Asat development as planned?

The legislation mandates that the Asat ban would be lifted in the event the Soviets were to test (again) an Asat system. But a ban on Asat testing is unverifiable. There are many different kinds of systems and emerging technologies that have antisatellite potential. As the Under Secretary of Defense for RDT&E reported to Congress, "The Soviets can test systems with inherent Asat capabilities in a manner that would make it very difficult for the United States to determine that the system was intended for Asat use or even the extent to which such systems constitute realistic threats to our satellites." Moreover, test procedures can be altered in such a way to make them either ambiguous or undetectable.

The United States Asat program is an integral part of our deterrent against any potential Soviet offensive action. For example, the Soviets consider their ability to strike at the United States Navy a key factor in their strategic planning. For this reason, Soviet satellites devoted to ocean reconnaissance and electronic transmission detection are integral to offensive Soviet operations. An effective United States Asat capability will be needed to counter the next generation of these satellites.

The Soviets have conducted a major propaganda campaign to popularize their call for a moratorium on Asat testing.

Their interest in a moratorium is in direct response to U.S. advances in Asat. During the Carter administration, when we had no active Asat program but they did, the Soviets evinced no interest whatsoever in a test moratorium. If this Soviet proposal is enacted into law, we will be giving the Soviet Union a unilateral strategic advantage.

Mr. Speaker, for all these reasons I will vote against this continuing resolution. If it should pass both Houses of Congress, it is my hope that President Reagan will decide to veto the legislation when it reaches his desk.

Mr. FRENZEL. Mr. Speaker, it is bad enough that Congress is so sloppy as to do much of its appropriating through a continuing resolution. It's worse that the continuing resolution is unnecessarily high.

Much has been said over the years about the use of continuing resolutions. They stem from laziness, sloppiness, and a desire to conjure up what is being spent. They are procedures of political convenience, unamendable, and barely undebatable. They are never available for scrutiny by the Members until they actually come to the floor.

Once in a while, a continuing resolution might be justified in an emergency. But we have made them a part of our routine. They have become the rule instead of the exception.

But, as bad as the procedures, so, too, are the high totals in the resolution. When this resolution, and our own cream puff reconciliation bill, are passed, the Congress will have positioned the budget for a \$190 billion deficit, rather than the \$171 billion called for in our budget resolution.

It is hard to find redeeming qualities in the resolution. It surely deserves a negative vote.

Mr. HOWARD. Mr. Speaker, I believe that it would have been possible to challenge this conference report on parliamentary grounds, and I rise to serve notice that my failure to do so should not be taken as indicating that this legislation does justice to our transportation needs or the integrity of the jurisdictional alignments in this House.

I object that this measure contains far too many provisions which constitute authorizations, an abuse which the Committee on Public Works and Transportation has been consistent in condemning in our dealings with the Committee on Appropriations, the Committee on Rules, and our colleagues here on the floor.

Our committee has tried to be flexible, realistic and practical in our assertions of legitimate jurisdictional prerogatives. Frequently when asked, we will assent to the inclusion of some matter properly lying within our jurisdiction in an appropriations bill in the interest of timely congressional action. In such cases, the integrity of the authorization process is preserved by consultation.

There has been a wholesale breakdown of this consultative process in conjunction with this bill. In the interests of time, I will offer only one example but I believe that it will suffice to make the case. This is lan-

guage which would allow the operation of trucks on the interstate system in the State of Wyoming for 2 years at weights exceeding the maximum Federal limit of 80,000 pounds.

This is totally devoid of any reference to appropriation of funds or to limitations on obligations and is totally and absolutely without a shred of justification in writing. And it was included despite its being one Senate provision specifically challenged by the leadership of the full committee and the Surface Transportation Subcommittee.

I think you can make a case that because of this provision, a timely point of order would have prevailed against the entire bill in the absence of a waiver. While I had no wish to slow up the bill to avoid disruption of Government operations and in deference to colleagues' wishes to conclude the session, the record should show that committees on appropriations are at it again.

One other aspect of the conference report should be of concern to Members. I refer to the fact that it cuts the obligation limitation for the highway program from \$13.25 billion to \$12.75 billion, despite the fact that the higher number is consistent with that contained in the first concurrent resolution. In addition, the discretionary capital funding for mass transit is cut from the freeze level of 1.1 billion in the budget resolution to \$1.045 billion.

Both of these budget items happen to be funded by deficit-proof, self-financing trust funds supported totally by users of the transportation system. The cuts will result in no real savings, because by law the funds cannot be used for anything other than the transportation purpose for which they are raised. The only effect is to make room for more spending in the unified budget.

This exercise through the appropriations process is a prime example of exactly what we had in mind when the committee attempted to remove certain transportation trust funds from the unified budget on October 24 of this year. At that time, we were admonished, in terms of exquisite concern for niceties of procedure, that the reconciliation bill was not the proper vehicle, that this was not the proper time. Many Members who argued to that effect share the responsibility for this continuing resolution and its utter disregard for the legislative process.

To them and my other colleagues, I would conclude by saying that none of the authorization-type provisions is necessarily etched in stone. There will be other sessions, other Congresses, other bills.

Thank you Mr. Speaker, and Merry Christmas.

Mr. ASPIN. Mr. Speaker, the status of unauthorized appropriations is an issue that has received substantial attention in both bodies in conjunction with the continuing resolution. This year, in particular, the problem was especially acute as a result of the inclusion by the other body of \$7.2 billion of appropriations for defense programs that were not authorized.

Current law (section 138 of title 10, United States Code) requires that no funds

be appropriated, obligated or expended unless previously authorized. The bill before us now does provide appropriations in excess of authorizations for some programs. I am disappointed that the conferees could not agree to eliminate all such instances; but I understand, as well, that information received subsequent to the consideration of the Defense Authorization Act could support requirements to fund certain programs that may be of higher priority than those authorized earlier in the year.

I am pleased, however, to note that the conferees adopted the amendment contained in the Senate bill that specifically prohibits the obligation and expenditure of funds for any purpose unless the funds have been otherwise authorized for that purpose. The floor debate in the other body suggested that the language of the provision referred to the account totals contained in the authorizing and appropriating legislation. However, in order to determine the programs for which funds have been authorized and appropriated, reliance must be placed on the reports accompanying the authorization and appropriation bills, respectively.

This provision will permit the Committees on Armed Services to review those programs early next year and to provide authorization should the justification be sufficient to demonstrate that these programs merit a higher priority than others previously authorized. Until these programs are authorized, no funds may be obligated or expended on them.

I believe that the provision in the resolution before us affords an excellent procedural solution for addressing the problems caused by the period of time that elapses between the consideration of authorization and appropriation bills.

Mr. Speaker, I want to take this opportunity to express my sincere thanks to the members of the Defense Subcommittee on Appropriations for their invaluable assistance prior to and during the conference on the continuing resolution. In particular, I appreciate the time and energy devoted to this issue by the chairman, the gentleman from New York [Mr. ADDABBO]; the acting chairman, the gentleman from Florida [Mr. CHAPPELL]; and the ranking member, the gentleman from Pennsylvania [Mr. MCDADE]. They could not have been more supportive of our requests. I look forward to working closely with them in the future, not only on substantive matters, but to further promote our joint efforts to ensure the viability of the authorization-appropriation process.

Mr. WHITTEN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered. The SPEAKER pro tempore. The question is on the conference report.

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

Mr. FRANK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 170, nays 239, not voting 25, as follows:

[Roll No. 461]

YEAS—170

Ackerman Fawell
Akaka Fazio
Alexander Fish
Anderson Flippo
Andrews Foglietta
Annunzio Foley
Atkins Ford (TN)
AuCoin Frost
Badham Gaydos
Barnes Gephardt
Bateman Gibbons
Bellenson Gilman
Bennett Gonzalez
Berman Goodling
Bevill Gray (PA)
Biaggi Hall (OH)
Boehlert Hatcher
Boggs Heftel
Boland Hiler
Bonior (MI) Holt
Bonker Horton
Borski Howard
Bosco Hoyer
Boucher Hutto
Brown (CA) Hyde
Burton (CA) Jones (NC)
Burton (IN) Jones (TN)
Bustamante Kanjorski
Byron Kennelly
Carney Kolter
Carr Kostmayer
Chandler Lantos
Chappell Latta
Cheney Lehman (CA)
Clinger Lehman (FL)
Coelho Leland
Coleman (MO) Levine (CA)
Coleman (TX) Lewis (CA)
Conte Livingston
Coughlin Lowery (CA)
Coyne Lujan
Daniel Manton
Darden Martin (NY)
Daub Matsui
de la Garza Mazzoli
Derrick McDade
DeWine McGrath
Dickinson McHugh
Dicks Mica
Dingell Michel
DioGuardi Mikulski
Dixon Miller (CA)
Dowdy Miller (OH)
Downey Mineta
Duncan Molinari
Dwyer Montgomery
Early Morrison (WA)

NAYS—239

Anthony Cobey
Applegate Coble
Archer Collins
Armey Combest
Barnard Conyers
Bartlett Cooper
Barton Courter
Bates Craig
Bedell Crane
Bentley Dannemeyer
Bereuter Daschle
Bilirakis DeLay
Bliley Dellums
Boner (TN) Donnelly
Boulter Dorgan (ND)
Boxer Dornan (CA)
Breaux Dreier
Broomfield Durbin
Brown (CO) Dyson
Broyhill Eckart (OH)
Bruce Eckert (NY)
Bryant Edgar
Callahan Edwards (CA)
Campbell Edwards (OK)
Carper Emerson
Chapman English
Chapple Erdreich
Clay Evans (IA)
Coats Evans (IL)

Hendon Meyers
Henry Miller (WA)
Hertel Mitchell
Hopkins Mollohan
Hubbard Monson
Huckaby Moody
Hughes Moore
Hunter Moorhead
Ireland Morrison (CT)
Jacobs Murphy
Jeffords Neal
Jenkins Nielson
Johnson Nowak
Jones (OK) Olin
Kaptur Owens
Kasich Oxley
Kastenmeier Packard
Kemp Panetta
Kildee Pashayan
Kleczka Pease
Kolbe Penny
Kramer Perkins
LaFalce Petri
Lagomarsino Pickle
Leach (IA) Porter
Leath (TX) Pursell
Levin (MI) Rahall
Lewis (FL) Ray
Lightfoot Richardson
Lipinski Ridge
Lloyd Rinaldo
Loeffler Ritter
Long Roberts
Lowry (WA) Robinson
Luken Rodino
Lundine Roe
Lungren Roemer
Mack Roukema
MacKay Rowland (CT)
Madigan Russo
Marlenee Savage
Martin (IL) Saxton
Martinez Schaefer
Mavroules Schneider
McCain Schroeder
McCandless Schuette
McCloskey Seiberling
McCollum Sensenbrenner
McCurdy Sharp
McEwen Shaw
McKernan Shelby
McMillan Shumway

NOT VOTING—25

Addabbo Hefner
Aspin Hillis
Brooks Kindness
Crockett Lent
Davis Lott
Dymally Markey
Fuqua McKinney
Garcia Moakley
Gray (IL) Nelson

□ 2340

The Clerk announced the following pair:

On this vote:

Mr. Nelson of Florida, for, with Mr. Crockett against.

Messrs. WEBER, DORNAN of California, STOKES, GLICKMAN, ERDREICH, SCHAEFER, ZSCHAU, BEDELL, VOLKMER, and CAMPBELL changed their votes from "yea" to "nay."

Messrs. MORRISON of Washington, CHANDLER, BURTON of Indiana, and STANGELAND changed their votes from "nay" to "yea."

So the conference report was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES AT ANY TIME ON THE LEGISLATIVE DAY OF TUESDAY, DECEMBER 17, 1985

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare recesses at any time on the legislative day of Tuesday, December 17, 1985, subject to the call of the Chair.

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

There was no objection.

HOOR OF MEETING ON TOMORROW

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 a.m. tomorrow.

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

There was no objection.

□ 2355

LEGISLATIVE PROGRAM

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, Members should be advised that we expect to have another continuing resolution very shortly this evening, tonight, before our adjournment, in order that we may extend the current level of expenditures for a number of days.

Then tomorrow when the House meets at 10 o'clock, we will have the Private Calendar and two bills on suspension, a bill opposing the Soviet Union's invasion of Afghanistan and the 6-year occupation, and H.R. 3132, the Law Officers Protection Act of 1985.

Then tomorrow we expect to proceed with a rule and, assuming the adoption of the rule, with the debate under a modified 3-hour rule on the Revenue Reform Act, the tax reform bill.

We expect two conference reports when they are available, a conference report on the Food Security Act of 1985 and a conference report on the Deficit Reduction Amendments of 1985.

The SPEAKER. It is the Chair's understanding that the gentleman from Mississippi is about to ask unanimous consent for consideration of a continuing resolution so that the Government will be able to function.

The Chair had hoped that the House would be able to get through with the business of the Congress by tomorrow night and adjourn. It is apparently the wish of the House that it continue to do all of the business.

Mr. DANNEMEYER. Mr. Speaker, reserving—

The SPEAKER. The gentleman has not made his request yet. Does the gentleman want to have a dialog with the Chair?

Mr. DANNEMEYER. Mr. Speaker, I have waited for you to ask me that for 7 years.

The SPEAKER. It is hard to believe the gentleman has been here for 7 years.

REQUEST FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 489, MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1986

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to call up at this time the joint resolution (H.J. Res. 489) making further continuing appropriations for fiscal year 1986.

As the Members know, the defeat of the amendment a while ago leaves the Government where it will come to a close tomorrow except for certain special activities under present conditions.

What I have done is put in December 24 here. That does not mean we will have to wait that long.

The Clerk read the title to the joint resolution.

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

Mr. CONTE. Mr. Speaker, reserving the right to object, earlier today the gentleman from Mississippi tried a similar resolution for 1 day, and I reserved the right to object. At that time I asked him whether he would make in order an amendment, a motion to recommit, to stop the Synfuels Corporation from letting out any further contracts. There are rumors flying around here that tomorrow they are going to let out about a billion dollars in contracts and fly right in the face of what we are trying to do in continuing resolution. I am wondering if the gentleman at this time has had a change of heart.

Mr. WHITTEN. Mr. Speaker, may I say that my purpose in doing this, after talking to the staff and others, we do not have to stay here until December 24, but it enables us to.

Now, if I understand it correctly, it enables us to have a long time in which to do it.

The bill that has just been defeated, as I understand it, normally would go back to the Appropriations Committee. I am asking the Members to give us time to rework it in such a way that the committee may see fit, in case it is sent back to our committee. I am trying to give us some elbow room. I personally would like to quit tonight. I think we should have enough room in the continuing resolution to work this thing effectively.

Mr. CONTE. Mr. Speaker, further reserving the right to object, I believe the gentleman from Mississippi misunderstood me. I have no objection to staying here until December 24. However—

Mr. WHITTEN. That gives us that much elbow room.

Mr. CONTE. However, the problem here is that the Synthetic Fuels Corporation is about to embark on a billion dollar boondoggle unless the gentleman gives me a chance to put an amendment in here to stop them.

Mr. WHITTEN. The "here" the gentleman is talking about has just been defeated. The bill I have just presented at this time would be an amendment, and would lead to all of the other things we have just dealt with, and I would hope in order to get it going that we would just continue as is, which we have some chance to do.

Mr. CONTE. Could the gentleman answer my question?

Mr. WHITTEN. Tomorrow when they read in the paper that our Congress has—I am not finding fault with anybody, but it is a serious thing to see that we have let the Congress come to a standstill.

Mr. CONTE. I hope I get a better answer from Santa Claus.

Mr. DANNEMEYER. Mr. Speaker, I object.

The SPEAKER. Will the gentleman from Mississippi [Mr. WHITTEN] please restate his unanimous-consent request?

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 489) making further continuing appropriations for fiscal year 1986, and ask for its immediate consideration in the House, any rule of the House to the contrary notwithstanding, and that debate be limited to 1 hour, the time to be equally divided and controlled by myself and the gentleman from Massachusetts [Mr. CONTE], and that the previous question shall be considered as ordered on the resolution to final passage without intervening motion.

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

Mr. DANNEMEYER. Reserving the right to object, Mr. Speaker, may I ask the gentleman from Mississippi, what is the termination date or extension date of the CR contained in this unanimous-consent request?

Mr. WHITTEN. December 24.

And may I explain again—

Mr. DANNEMEYER. Mr. Speaker, I object.

The SPEAKER. The date is the 24th of December.

Mr. DANNEMEYER. I object, Mr. Speaker.

The SPEAKER. In view of the fact that we are acting here at midnight,

and it appears to the Chair that the House will consider the agricultural conference report and the tax rule tomorrow, it is not the right thing for this body to be acting at midnight.

There is enough work to carry the House to Monday or Tuesday of next week.

If the gentleman's unanimous-consent request does not prevail at this time, the Government stops.

Mr. DANNEMEYER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. SEIBERLING. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. SEIBERLING. Mr. Speaker, the request made by the gentleman from Mississippi included a provision that all rules of the House to the contrary notwithstanding, it would be in order, and I ask the Chair—

The SPEAKER. The gentleman is not stating a parliamentary inquiry.

At the present time there has been an objection.

For what other purpose does the gentleman rise?

Mr. SEIBERLING. I assume—

The SPEAKER. There has been an objection. The matter is not before the House at the present time.

Mr. SEIBERLING. Mr. Speaker, my parliamentary inquiry—

The SPEAKER. The Chair will observe regular order. The gentleman will be seated.

MAKING IN ORDER CONSIDERATION OF CONFERENCE REPORT ON H.R. 2100, FOOD SECURITY ACT OF 1985

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that it shall be in order to consider on Tuesday or any day thereafter the conference report on the bill (H.R. 2100) to extend and revise agricultural price support and related programs, to provide for agricultural export, resource conservation, farm credit, and agricultural research and related programs, to continue food assistance to low-income persons, to ensure consumers an abundance of food and fiber at reasonable prices, and for other purposes, at any time after it has been filed, that it be considered as read if available to Members for 2 hours prior to being called up, and that all points of order against consideration of the conference report and against the conference be waived.

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

Mr. MADIGAN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Texas if he has a clear understanding that the objections of the gentleman from Minne-

sota [Mr. FRENZEL] have been resolved with regard to this unanimous-consent request?

Mr. DE LA GARZA. If the gentleman will yield, the gentleman from Minnesota [Mr. FRENZEL] has assured me that he has no objection.

Mr. MADIGAN. Mr. Speaker, further reserving the right to object, I would ask the gentleman from Texas if it is correct that it is within the power of the statement of the managers to make the technical corrections in the statement of the managers that addresses satisfactorily the objections of the gentleman from Illinois [Mr. CRANE].

Mr. DE LA GARZA. The gentleman is correct.

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

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF A RESOLUTION BY COMMITTEE ON RULES PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT ON H.R. 3128, DEFICIT REDUCTION AMENDMENTS OF 1985

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 99-444) on the resolution (H. Res. 342) providing for the consideration of a resolution reported by the Committee on Rules providing for the consideration of the conference report on H.R. 3128, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3838, TAX REFORM ACT OF 1985

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 99-445) on the resolution (H. Res. 343) providing for the consideration of the bill (H.R. 3838) to reform the internal revenue laws of the United States, which was referred to the House Calendar and ordered to be printed.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Since those reports were filed after 12 o'clock midnight, will that affect when they can be brought to the floor for consideration?

The SPEAKER. They can be called up on the next legislative day without a two-third vote to consider.

Mr. WALKER. On the next legislative day. I thank the Speaker.

The SPEAKER. The Chair would inquire of the chairman of the Committee on Appropriations, is it the intent of the committee to go to the Rules Committee and request a rule on a temporary continuing resolution?

Mr. WHITTEN. Mr. Speaker, if that is the desire of the leadership, we would be glad to cooperate.

RECESS

The SPEAKER. The House will stand in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0010

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 11 minutes a.m.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. It is the Chair's understanding that the gentleman from Mississippi [Mr. WHITTEN] will offer a resolution and ask unanimous consent that the continuing resolution may be continued until 6 o'clock on Friday night next.

Mr. WHITTEN. Mr. Speaker, I ask again unanimous consent to bring up a new resolution to extend the present situation in a way of financing of the Federal Government until December 24.

Before I make this request, I ask the cooperation of all Members; let us look at our country first. Give us a chance to being this up and keep an orderly Government going and not have the disruption saddled on all of the Congress; both sides of the aisle. So I urge my colleagues to go along with us.

I have cooperated in every way in the world; I took exceptions to a number of things that have been argued here. Everybody has. I will tell you, you have made a great case for 2-year authorizations. We do not care to be put in this situation, and I ask the Members' help and sympathy in trying to save the day.

The SPEAKER. The gentleman from Mississippi will state his formal request.

REQUEST FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 490, MAKING FURTHER CONTINUING APPROPRIATIONS FISCAL YEAR 1986

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 490) making

further continuing appropriations for fiscal year 1986, and ask for its immediate consideration in the House, any rule of the House to the contrary notwithstanding, and that debate be limited to 1 hour, the time to be equally divided and controlled by myself and the gentleman from Massachusetts [Mr. CONTE], and that the previous questions shall be considered as ordered on the resolution to final passage without intervening motion.

Mr. Speaker, the date is to December 20.

The Clerk read the title of the joint resolution.

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

Mr. WALKER. Mr. Speaker, reserving the right to object, I would ask the gentleman if there is any language in this that would reflect the reservation of the gentleman from Massachusetts regarding the Synfuels Corporation?

I yield to the gentleman for his response.

Mr. WHITTEN. There is nothing in this to reflect it one way or the other.

Mr. WALKER. Can we get some agreement that that language would be included? Now you are giving the Synfuels Corporation, as I understand it, 4 days to spend the billion dollars. It seems to me that we might want to get that kind of an exception put into the motion since we are extending the time out.

Can we get an agreement to do that? Otherwise, I would say to the gentleman that I do not think that we on this side, at least from this Member's standpoint, would want to go more than 1 day at a time on these continuing resolutions.

Mr. WHITTEN. If the gentleman will yield, may I say that when my colleague from Massachusetts asked about it before I made no objection. I did say that I needed to find out what the attitude would be. We called the Republican leadership in the Senate and they objected to any change; that it would not be brought up if we changed it in any way. So we acceded to that I advise my colleague from Massachusetts.

Mr. WALKER. Further reserving the right to object, I understand that the other body can work their will however they want, but I think that some of us feel very strongly that we ought not allow the Synfuels Corporation to go on a spending binge here at the end of the year. So that if we can find some way to protect that, and it seems to me that we are in a situation here now where that kind of protection could be offered on the House floor; that we ought to move in that direction.

Can we get an agreement from the gentleman as a part of his motion to include the language that has been of-

ferred by the gentleman from Massachusetts on the issue of Synfuels?

Mr. WHITTEN. If the gentleman will yield, I would say that if the leadership in the Senate has not changed its mind, we would be wasting our time.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman.

Mr. CONTE. I do not know whether that is a complication or not because, as I told the gentleman from Mississippi, if the Senate wants to object to that language, let them object. We will go to conference on it.

But, God, give us that opportunity; give us that opportunity to offer that amendment to stop the Synfuels Corporation from spending any money on contracts.

Mr. WOLPE. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman.

Mr. WOLPE. I thank the gentleman.

Mr. Speaker, I would like to just make my own personal plea to our distinguished chairman that he acceded to the request of the gentleman from Massachusetts. This should not be a point of difference. The Senate and House conferees have agreed with respect to the termination of the Synfuels Corporation; this should not be a matter of concern to the Senate. But it is a matter of likely expenditure of tax dollars on wasteful projects if we do not meet the suggestion of the gentleman from Massachusetts. I would hope that we could.

Mr. WHITTEN. If the gentleman will yield, I am trying to find out what is possible. I would say again that I am trying to keep the Government from coming to a standstill, and there will be nobody here who does not suffer some criticism for letting it happen, and that includes me. All of us are here.

The one thing that I am advised that I might do, and with unanimous consent, I might amend the language that I presented and say, with one intervening motion to recommit, which would let the gentleman make that offer. Then the House could vote as to whether it did or not, and I trust we would be bound by it. For goodness sake let us get this on and show at least we are responsible.

Mr. CONTE. If the gentleman will yield, I would ask: To recommit with instructions?

Mr. WALKER. Further reserving the right to object, do I understand that the motion to recommit would be with instructions?

Mr. WHITTEN. That is what I meant; that as long as we leave it without qualification.

Mr. Speaker, I ask unanimous consent that the motion I made be amended to the following: Strike out

the "out" and write "with one intervening motion to recommit."

It will be up to the authors whether it is with instructions or not.

Mr. CONTE. Regardless of germaneness; I do not want you to raise a point of order against me.

Mr. WHITTEN. I think this is broad enough and I have agreed about as far as I can go.

Mr. CONTE. I take the gentleman's word.

Mr. JEFFORDS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Further reserving the right to object, I yield to the gentleman from Vermont.

Mr. JEFFORDS. I thank the gentleman for yielding.

Mr. Speaker, I would like to get the chairman's attention. I know there were a number of us from States whose legislatures have refused to submit to the Federal blackmail on raising the drinking age.

Mr. WHITTEN. If the gentleman will yield, may I say this. I have tried for years to get our legislative committees to get through in time so that we would not have this continuing resolution. Almost without exception, we face a divided committee with two sides, each one wanting us to take their side.

I took some exception in the bill we just dealt with. We have to come together; we have to get the Senate together. But if we open it up to all the controversies on this floor, we will never get through.

So I have agreed to change my motion so that there will be one motion to recommit with such instructions that might be included. That is as far as I feel I can go.

□ 0015

Mr. WALKER. Mr. Speaker, further reserving the right to object, I am glad to yield to the gentleman from Michigan.

Mr. WHITTEN. Mr. Speaker, if I may continue, if that comes to a vote, we can see what the House wants to do, may I say to my colleague, the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I thank the gentleman for yielding, and with the greatest of respect to my dear friend, the gentleman from Mississippi, may I ask, will we face a bar to the offering of an appropriate motion to recommit with regard to the Synfuels Corporation because of the question of germaneness here?

Mr. WHITTEN. Well, I believe the rules provide who has the right to make the motion to recommit. I did not say who could make it, but I think they control that fact.

Mr. DINGELL. Could the unanimous-consent request afford the right for the motion to recommit, say, to the gentleman from Massachusetts for purposes of dealing with the Synthetic

Fuels Corporation question? If that were done, I think we would absolve ourselves of that problem very tidily.

Mr. WHITTEN. That is a matter the gentleman can work out with the Member who makes the motion. All I have done is made it possible to have the motion made.

Mr. DINGELL. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I am glad to yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I am troubled because there are certain requirements with regard to germaneness on a motion to recommit, and I have an apprehension that unless we have the necessary understandings at this time, we may find ourselves in the awkward position of having a perfectly fine motion to recommit which might not be germane to the motion before the House.

Mr. WHITTEN. I personally shall not make any objection based on the germaneness or for any other reason, since I have agreed the motion may be made. I mean an effective motion; I am not trying to hide behind any rules that may be raised.

Mr. WALKER. Mr. Speaker, reserving the right to object, can the gentleman further amend his request to simply waive all points of order against such motion?

Mr. WHITTEN. I did not understand the gentleman.

Mr. WALKER. Can the gentleman further amend his unanimous-consent request to waive all points of order against such motion to recommit?

Mr. WHITTEN. I am trying to keep the Government in shape. I have made my request. We just have to live with it. I cannot go further.

Mr. NIELSON of Utah. Mr. Speaker, reserving the right to object, I would like to have a colloquy with the chairman of the Appropriations Committee. Under my reservation, I will yield to him to answer a question.

Is it not true that if you do all these things that are being suggested to you, you are legislating right on the floor? Is that not true?

Mr. WHITTEN. I did not understand the gentleman.

Mr. NIELSON of Utah. If you accede to all these requests and are continually being pushed back and forth, are you not legislating on the floor?

Mr. WHITTEN. I do not know that I understand what the gentleman is talking about. I have made a straightforward agreement. I have filed a motion and have agreed to amend it so that one motion to recommit with instructions is in order.

Mr. NIELSON of Utah. I have no problem with that, but then you go further and say you waive all points of order against it and do other things.

Mr. WHITTEN. We did not do that, because if you had gone through what we have, with thousands of witnesses and weeks and days of conferences with the Senate, you would understand. With so many differences in this bill, I do not see how we ever got together on anything, and we cannot agree here with one-thousandth of the differences of the opinion that have been made.

So I have made the request. I think it is fair, and I hope the gentleman accepts it.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentleman from Michigan.

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

I am aware of the apprehension of my dear friend, the gentleman from Mississippi. He is apprehensive.

Mr. WHITTEN. This House is full of differences on this bill, and we cannot accommodate them all. There is no way in the world to accommodate them.

Mr. DINGELL. I understand full well the concerns of the gentleman.

The SPEAKER. Does the Chair hear an objection?

Mr. DINGELL. If the unanimous-consent request is—

Mr. WALKER. I object, Mr. Speaker.

Mr. DINGELL. Mr. Speaker, will the gentleman withhold for just a second, please?

Mr. WALKER. The Chair asked whether or not an objection was heard, and I objected.

The SPEAKER. Objection is heard.

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, December 12, 1985, the Chair declares the House in recess subject to the call of the Chair. The Chair will call the Members back when the Rules Committee has reported a rule.

The Chair would like to announce to the House that when the Rules Committee files its rule, we will adjourn for the evening. So for all purposes, there should not be any more votes this evening.

The House stands in recess.

Accordingly (at 12 o'clock and 18 minutes a.m.) the House stood in recess subject to the call of the Chair.

□ 0112

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SMITH of Iowa) at 1 o'clock and 12 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 491, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1986

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 99-446) on the resolution (H. Res. 344) providing for the consideration of the joint resolution (H.J. Res. 491) making further continuing appropriations for fiscal year 1986, and for other purposes, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. OBEY. 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 Florida Mr. LARRY SMITH.

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

There was no objection.

VIOLENCE HAS NO PLACE IN PORTRAIT OF IOWA

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, in recent days, your and my State of Iowa has received some very negative publicity, and this past Sunday, Mr. James Gannon, editor of the Des Moines Register, printed in his paper an editorial that I would like to share with my colleagues, because he said some things that needed to be said.

VIOLENCE HAS NO PLACE IN PORTRAIT OF IOWA

(By James P. Gannon)

Iowa made a nationwide media splash last week. Front-page news, prime-time television and instant analysis about what it all means rapidly followed Dale Burr's murder rampage in the tiny town of Hills.

In the process, a crazy man with a shotgun somehow emerged as some sort of symbol of the American farmer, a prophet of what's ahead in rural America, and an "understandable" figure of tragedy.

The front page of The New York Times headlined the story: "Deaths on the Iowa Prairie: Four New Victims of Economy." In USA Today, it was "Iowa town's grief: 'They understand.'" Numerous Iowans—neighbors and friends of the killer, experts on the farm crisis, farmer's advocates—were quick to rationalize the irrational for the media.

Collectively, the results is to paint a portrait of a state full of desperate men in pickup trucks fingering loaded guns, driving around wondering whom to shoot first, with their friends and neighbors nodding sympathetically in understanding at the terrible financial pressures that have driven poor, old Harold to this tragic end.

That's garbage.

Furthermore, it's dangerous garbage. It tends to create something close to sympathy for insanely selfish, destructive behavior—inviting imitation of it.

Let's review the facts: Last Monday morning, 63-year-old Dale Burr took out his 12-gauge shotgun and shot his wife Emily, 65, in the chest at close range. He left her in their Lone Tree farmhouse and drove his pickup to Hills, where he entered the Hills Bank & Trust Co. Burr spotted bank president John Hughes in his office conferring with another bank officer; he opened the door slightly and shot John Hughes in the face.

Burr left the bank, drove out of town—smiling and waving to another farmer—to the farm of Richard Goody. He murdered Goody in the hog lot. He tried to shoot Goody's wife Marilyn, and their 6-year old son, Mark, as they escaped in their pickup. He missed. Finally, when he was stopped by a sheriff's deputy on a gravel road near his farm, he shot himself in the chest.

Some Iowans are portraying all this as a logical extension of the economic pressures on farmers. "It was bound to happen somewhere, and it will happen again too," one community mental-health-program director said. The killings "might be a torch to the woodpile; it might give others similar ideas," said an official of Prairiefire, a farmer-advocacy group. "Everybody understands why it happened," a sympathetic neighbor remarked.

Others, including a priest at John Hughes' funeral, portrayed Burr's acts of madness as a petition to President Reagan and Congress on the plight of farmers, as if he were lobbying for higher corn-price supports with a loaded shotgun.

No Dale Burr's slaughtering is not "understandable." It is not what we should expect from debt-ridden farmers. It was not a political act. John Hughes' pastor, the Rev. Alvin Desterhaft of St. Andrew Presbyterian Church in Iowa City, got it right when he called Burr's actions "bizarre, senseless and evil."

It is important they be seen in precisely that dark light. Dale Burr did not "go out in a blaze of glory," as one neighbor remarked—it was blaze of shame. To the extent that Iowans confuse murder with understandable human reaction to financial misfortune, Iowa will share that shame. Iowa values are better than that; we do not shoot our way out of debt.

What's more, this was not a classic case of hard-nosed banker pushing hard-luck farmer to the wall. Unlike hundreds of other Iowa farmers, Burr was not being foreclosed upon. He has debt troubles, but the Hills bank was planning on financing him again in 1986. He had a dispute with the bank over a government corn check—and a dispute with this neighbor Richard Goody over a land lease—and so the bank president and the neighbor are dead. Emily is dead. Marilyn and little Mark Goody would be dead if Burr had been a better shot.

There is no excuse for what Dale Burr did. If his financial problems are and excuse for his acts, hundreds of other Iowa farmers have better excuses for murder. If Burr's insanity can be rationalized, Iowa could become a slaughterhouse.

Let's tell America: If you think this madness makes sense to most Iowans, you've got us all wrong.

□ 0120

Those are the words of James P. Gannon, of the Des Moines Register, something I think that needed to be said.

I thank the Speaker.

ABM TREATY COMPLIANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BROWN] is recognized for 5 minutes.

Mr. BROWN of California. Mr. Speaker, in the aftermath of the November summit, and the resultant reduction of tensions between the United States and Soviets, there continues to be widespread public and congressional discussions of arms control agreements, and whether such agreements can maintain national security and help reduce the psychological and economic burden of the nuclear arms race. Such discussions invariably include the question of treaty compliance. Do the Soviets cheat? Is it worthwhile to pursue an arms control strategy if you cannot be sure that both sides observe the letter and the spirit of the agreement?

There are undoubtedly some on both sides of this issue whose views cannot be swayed. They are either so convinced of the value of arms control agreements that they cannot be troubled by evidence of noncompliance, or they are so convinced of the untrustworthiness of the Soviets that they regard agreements with them as either useless or positively harmful.

There is a much larger number who are willing to consider the possibility of arms control agreements with the Soviets if they are convinced that such agreements contribute to mutual security, can be verified with reasonably certainty, and will be complied with in letter and spirit. It is this larger group to whom we should look for the detailed analysis and pragmatic evaluation which will determine whether we should have arms control, and if so, what kind?

My remarks today are intended for this larger group. I proposed to discuss one compliance issue relating to the 1972 ABM Treaty, as an introduction to the general subject of treaty compliance. I hope in future remarks to discuss the issue more broadly, but time has not allowed for such a discussion today.

One may reasonably ask, if one is not versed in all of the arcane minutiae of arms control, what is there to discuss? You either comply, or you don't comply. If agreements are not complied with, they are worthless, and no more time should be wasted on them. Would that arms control were that simple.

The 1972 ABM Treaty was produced after years of heated debate on both the Johnson and Nixon administrations. Then, as now, there was a large and powerful constituency for building an ABM system to protect the United States. Then, as now, there were those who argued the merits of defensive versus offensive strategies and those who argued for basing the weapons in one loca-

tion versus another location—shades of the MX. There were those who argued that it wouldn't work, or that it might, but would be destabilizing. And the specter of cost was raised then, as it is for SDI today. A decision was finally made by Johnson, over McNamara's private objections, to proceed with a "thin" ABM defense, more for political than military reasons. The ostensible reason was to protect against a small Chinese missile attack—China had virtually no missiles then—or an accidental or terrorist threat. The real reasons for the decision were primarily economic and political, not security, as so many defense decisions remain today. The cost of a full-scale system, on top of the cost of an unpopular war in Vietnam, would have been unportable. To do nothing about nuclear defense in the face of an upcoming Presidential campaign against a prodefense Republican, would have been too big a gamble. So the President proposed the "thin" alternative providing defense of one or two sites.

Nixon, who defeated Hubert Humphrey for the Presidency, continued the ABM Program while proceeding to explore détente with the Soviets. The 1972 ABM Treaty was one of the fruits of that détente, and the one ABM site that had been developed, although permitted by the treaty, was quickly dismantled. The Soviets maintained their one permitted site, still active around Moscow, using Galosh nuclear-tipped missiles.

The terms of the treaty, while permitting one ABM installation in each country, sought to prevent further development that would lead to the capability to defend the national territory from missile attack. That remains the goal of the ABM Treaty today.

Article XIII of the treaty establishes the Standing Consultative Committee [SCC] as the forum for discussion of future ABM Treaty issues, including all matters involving compliance with the terms of the treaty. By later agreement, the role of the SCC was broadened to include issues involving the interim agreement on offensive nuclear forces and SALT II compliance. The SCC has met regularly over the years, generally twice a year for several weeks at a time.

During all of this time, each country has brought only one charge of a violation of the treaty before the SCC. The United States has claimed that the Krasnoyarsk radar, when in operation, will be in violation. The Soviets have charged that the Thule (Greenland) radar when in operation will be a violation. Each side denies the other's charge, and the matter has been stalemated for several years. There have been reports that the Soviets, informally and outside the SCC, have offered to halt work at Krasnoyarsk if the United States would do the same at Thule.

I stress that during the entire life of the treaty, since 1972 there has been only the one charge of noncompliance on each side. A small number of other issues have been raised, on both sides, involving ambiguous situations, but no other charges of violations have been made in the SCC.

One would never believe this fact from reading the press releases and reports from the Weinberger Defense Department. One paragraph of the report "Soviet Military Power 1985" issued by the Pentagon illustrates the flavor of Weinberger's views:

The U.S.S.R. continues to upgrade its heavily layered strategic defenses with expansion of ballistic missile detection and tracking systems and the development of new early warning and air surveillance radars. Silo-based high-acceleration interceptor missiles are replacing older above-ground launchers in the antiballistic missile system ringing Moscow, bringing increased capabilities to the world's only deployed ABM system. A new, large phased-array radar under construction at Krasnoyarsk violates the ABM Treaty. The U.S.S.R. may be preparing an ABM defense of its national territory. In addition, the Soviets are actively engaged in extensive research against ballistic missiles.

The ordinary citizen, or Member of Congress, reading this type of rhetoric, could only conclude that the Soviets are out to do us in, that we have somehow been lulled by the ABM Treaty into allowing a huge strategic defense gap to develop, and we must immediately act to redress this ominous security threat. I do not particularly fault those who use this tactic. They do not originate it. During my political career, Kennedy used the same rhetoric against Nixon in 1960, Nixon used it against Humphrey in 1968, and of course Reagan used it against Carter in 1980. I have it on a good authority that during the Peloponnesian Wars between Athens and Sparta such charges were common on both sides.

I have a "mole" over in the Kremlin who tells me that they use the same kind of rhetoric in Moscow, and that their report, entitled U.S. Military Power 1985, has the same paragraph I have quoted with only a few minor changes, such as Thule radar for Krasnoyarsk radar and reference to the SDI and operation homing overlay, as example of our intent to prepare an ABM defense of our national territory.

Let us now examine the merits and significance of the only two charges of actual violation of the ABM Treaty which have been made. The ABM Treaty permits the construction of large phased-array radars by both countries. However, article VI(b) states that the parties undertake:

Not to deploy in the future radars for early warning of strategic ballistic missile attack except at locations along the periphery of its national territory and oriented outward.

At the time that language was written, it was intended to prevent such radars from serving as engagement or battle management radars. They could warn of incoming missiles but, since there was no way such missiles could be attacked until they were in the vicinity of their targets in the interior of the country, they were not useful as integral parts of an ABM system. However, such a radar in the interior of the country, rather than on the periphery, could serve a battle management role, if there had also been put in place a nationwide system of interceptor missiles. In other words, such a

radar could be an integral part of a system for the defense of the country, which is prohibited by the treaty.

There is no reasonable doubt that the Krasnoyarsk radar is a large phased-array radar similar in all respects to several other Soviet radars located on the periphery of the country, as provided by the treaty. It fills a gap not covered by the other radars, but is located far from the periphery of the country, and is therefore almost certainly a violation.

The Soviets do not deny the existence or capability of the radar, but contend that its purpose is not for early warning, but instead is a permitted space tracking radar.

Does the Krasnoyarsk radar present an immediate security threat to the United States? The answer is "No." If it were lifted and transported a thousand miles or so to the periphery of the country, it would be legal. In the absence of the deployment of a nationwide system of interceptor missiles, the Krasnoyarsk radar is no more of a security threat to the United States than any of the several other legal radars already in existence.

The significance of Krasnoyarsk is whether or not it represents a deliberate violation of the ABM Treaty in a possible effort to put in place all of the elements of an antimissile defense of the national territory. This would, if accomplished, be a serious security threat to United States. However, there is no evidence that such is the case. In any event, it would require many years of highly visible, and very expensive, engineering construction for such a goal to be accomplished.

Now what are the merits and significance of the Soviet charge with regard to the Thule radar? The United States has maintained a radar installation at Thule for many years. The system consisted of three radars and a control building. None of the radars were of the large phased-array type with ABM capability. The United States decided to replace the three old existing radars with one new large phased-array radar with ABM capability. The old radars were completely removed and the new phased-array radar is being constructed on top of the existing control building.

The Soviets protest that this is in fact a new large phased-array radar not located on the periphery of the Nation and as such is illegal under the treaty. The U.S. position is that this is a permitted modernization of an already existing radar and is legal. The security impact of the radar on the Soviets is about the same as that of Krasnoyarsk on the United States.

Absent the evidence of a program to develop a defense of the national territory with all of the requisite radars and ABM missiles, the security significance is minor. Its major significance otherwise is whether it portends a deliberate effort to violate the treaty preparatory to deploying a national ABM system.

What can we glean from this discussion? First, a major arms control treaty which has existed for 13 years with only one charge of noncompliance on each side over that period can hardly be called a total fail-

ure in terms of compliance. Second, at no time has any question of verification been a serious matter. Both sides feel that national technical means have provided adequate verification of the observance of the ABM Treaty. Third, the one asserted noncompliance issue on each side does not represent an immediate security threat to the other. Fourth, the most insignificant aspects of the two noncompliance issues revolve around perception and intent, factors which tend to reflect the eye of the beholder.

There is little question that most Americans would see Krasnoyarsk as a violation, believe the Soviets to be lying, and assume that their purpose is to deploy an ABM defense of their nation as quickly as possible, while they hope the United States will be restrained by the treaty. The Soviets have a mirror image of the situation, and are probably even more paranoid about it than the United States.

There is also little question that, at any time, the matter of the two radars could have been resolved with a little negotiation within the SCC. However, the SCC does not have the power to negotiate differences on matters of any significant importance. Its role is to project the position of the principals and convey the responses back to Washington and Moscow. Absent a desire to negotiate at the highest level, no resolution of differences is possible.

There is some evidence that for the last few years the position of the United States has been to denigrate arms control agreements, seek and present evidence of their weakness or failure, and use these purported failures to justify large increases in defense budgets and intractability to negotiations. Of course, that position may be changing. If so, we will see administration spokespersons hailing the dawn of a new era of accommodation, attributing it to administration toughness and the filling of all perceived "windows of vulnerability", and calling for prompt negotiations to resolve minor compliance problems like Krasnoyarsk.

I trust that my colleagues will accept the fact that I have presented this brief analysis in an honest effort to enhance understanding of a complex process. I do not wish to belittle the honestly held views of any other person. In a very real sense all of us must be transformed and rise above our old selves if we are to achieve a common approach to the world's most serious problem. I seek to encourage a process which will lead to that end.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. PEPPER] is recognized for 5 minutes.

Mr. PEPPER. Mr. Speaker, I was unavoidably absent on Thursday, December 12, 1985, for roll No. 458, a quorum call. Had I been present, of course I would have responded to that call.

MAZZINI-VERDI CLUB OF CHICAGO HONORS MRS. THERESA PETRONE AND DR. CLAUDIO FERRARI

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, I rise to congratulate two distinguished members of our Chicago community, Mrs. Theresa Petrone, vice chairman of the Illinois State Board of Elections, and Dr. Claudio Ferrari, Consul General of Italy, who were honored on Saturday, December 7, at the Mazzini-Verdi Club's 52d annual presidential ball.

The President of Italy, His Excellency Sandro Pertini, conferred upon Theresa Petrone the distinguished title of Cavaliere Ufficiale Dell'Ordine "Al Merito della Repubblica Italiana"—Official Knight of Italy, in recognition of her numerous accomplishments as a civic and community leader in the Italian-American community. She became the first woman in the State of Illinois to receive this title.

Theresa Petrone has worked tirelessly on behalf of the needy and less fortunate. She has been a dedicated participant in the activities of the Joint Civic Committee of Italian Americans, and she richly deserves this honor in recognition of her outstanding commitment to public service.

Also honored at the Mazzini-Verdi Club's dinner was Dr. Claudio Ferrari. After spending 5 years in the Chicagoland area in service to the Italian Government, Dr. Ferrari is leaving his post as Council General of Italy on December 20 to return to his native country. Dr. Ferrari has been a dedicated, sincere, and conscientious representative of his government and his work has enhanced the warm friendship which exists between Italy and the United States. He has spent many hours in service to the people of Chicago during his stay, and he has carried on his duties in a manner that has established genuine good relations between Americans and Italians.

Dr. Ferrari has truly won a place in the hearts of all those who have had the good fortune to know and work with him, and his many contributions to our city shall be long remembered.

Mr. Speaker, I extend to Dr. Ferrari and Mrs. Petrone my best wishes for continued success in all their future endeavors.

INTRODUCTION OF LEGISLATION TO DENY TAX DEDUCTIONS FOR CIGARETTE ADVERTISING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, tobacco products are dangerous. There is incontrovertible evidence that they contribute to a myriad of health problems and are the cause of a large number of fires as well. In spite of the dangers of these products and

in spite of the huge economic costs associated with the problems that they cause, the people of this country subsidize the promotion of these products by providing tax deductions for advertising costs. Today I will introduce legislation which would remove the subsidy for promoting these dangerous products.

Tobacco products, cigarettes and smokeless tobacco products, are associated with 350,000 premature deaths per year. This is more than the total number of American lives lost in World War I, Korea and Vietnam combined and nearly as many as were lost in World War II. Smoking is the largest single preventable cause of illness and death in the United States.

Lung cancer is the health problem most clearly associated with tobacco smoking. Smoking accounted for over 130,000 lung cancer deaths in 1984 and is implicated in 30 percent of all cancers. As a result of increased smoking among women, for the first time in history, lung cancer will surpass breast cancer this year as the leading cancer killer of women. Women have indeed come a long way.

Smoking is also associated with death and disability from heart disease, chronic obstructive lung disease, and burns. Pregnant women who smoke are more likely to have low birthweight babies.

The use of snuff and chewing tobacco is also associated with a host of medical problems. These products, whose use has increased markedly in recent years among schooled children, adolescents, and adults, are far from safe. Although users may be spared from lung cancer, they have a marked increased risk of cancer of the mouth and throat. Levels of various carcinogens in smokeless tobacco are much higher than levels in other tobacco products. The users of these products are also at risk from tooth and gum diseases and from cancers of the esophagus. As with smoking tobacco, nicotine enters the blood and causes its adverse effects on the cardiovascular system. Smokeless tobacco users become addicted to nicotine as do smokers.

The cost of medical care for smoking related disease amounts to an estimated \$21 billion per year. This represents 7 percent of the total national expenditures on personal health care. An even greater economic toll is the \$37 billion lost in productivity and earnings to U.S. business every year. It is estimated that the cost of smoking-related illness to Medicare and Medicaid is \$4.2 billion per year.

It takes quite a bit of effort on the part of manufacturers to achieve the "successes" outlined above. In 1983, \$2.7 billion was spent on the promotion of cigarettes alone, making them the Nation's most highly advertised consumer product. Multiple techniques are used to promote these dangerous products. Manufacturers of smokeless tobacco products give them away for free at rock concerts and other events where young people congregate. They make blatant use of sporting events and sports stars to hawk their wares.

Cigarette companies are precluded by law from advertising on radio and television. However, by sponsoring events which are broadcast, they are still able to use the airways to bring their product to the attention of the public.

The cigarette industry has a voluntary code which is supposed to control their print advertising. This is observed primarily in the breach. Supposedly they will not direct their advertising to those under 21. Why do they advertise in the Rolling Stone, a publication not exactly directed at the middle-aged? Supposedly they will not suggest in their advertising that smoking is essential to social prominence, distinction, success, or sexual attraction. Why then do they depict smokers draped in jewels in opulent, sexually suggestive settings? Supposedly they will not show smokers participating in or obviously having participated in vigorous physical activity. Why then do they depict a man smoking a cigarette toweleling off in a locker room obviously just having finished a game of tennis?

All of these advertising activities are indirectly supported by the Federal Government. Under the Internal Revenue Code of 1954, these promotional activities are deductible from corporate Federal income taxes. Therefore, above and beyond what we spend to cope with the problems that stem from tobacco use, we allow the companies to deduct \$2.7 billion per year from their taxable income. My proposal would remove that status from any promotional activities—advertising, coupons, sweepstakes, sporting events—for tobacco and tobacco products. Hopefully this would decrease or end tobacco advertising. If that does not occur, the Government would raise over a billion dollars per year if the industry continues to advertise at the current rate, thus offsetting some of the added costs to Medicare and Medicaid.

I urge you to support this bill.

CREATION OF BANKRUPTCY JUDGESHIPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BROOKS] is recognized for 5 minutes.

Mr. BROOKS. Mr. Speaker, I am introducing legislation today which will authorize the appointment of three additional bankruptcy judges for the southern district of Texas. These judges, who will serve in the bankruptcy courts of Houston and Galveston are desperately needed. In 1979, there were 2,069 active bankruptcy cases in this area. Now there are 20,000 with the same number of judges to handle this exploding workload.

The Judicial Conference of the United States, which has assessed the needs of all the districts in the United States for new bankruptcy judges, has determined that the southern district of Texas has one of the highest shortages of judges per case load in the Nation. The number of cases per judge is over twice the national average. They have recommended the creation of three new positions to alleviate this tremendous

burden. My bill would implement this recommendation.

ACTION NEEDED ON HUNGER AND IMMUNIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. PENNY] is recognized for 5 minutes.

Mr. PENNY. Mr. Speaker, we have before us today two resolutions expressing a commitment to the world's poor. I urge their passage today and I hope that during the next year we can take concrete action that complements the sentiments expressed in these resolutions.

House Concurrent Resolution 57 urges greater involvement by the private sector in efforts to alleviate hunger all over the world. As the U.S. Presidential Commission on World Hunger pointed out, people are hungry because they are poor. Increased private sector investment in developing countries is a means of promoting overall development—bringing jobs and income to growing populations—which will help to reduce the number of hungry people on this planet. We need to continue our efforts in the public sector to provide food and development aid that help to eliminate hunger. But it is important to recognize the contribution that the private sector can make to the economies of developing nations and, ultimately, on the lives of people who are hungry.

House Concurrent Resolution 211 urges U.S. participation in a global effort to achieve universal access to childhood immunization by 1990. It calls for us to join with other nations and representatives of the private sector to provide funding and materials to immunize all of the world's children by the end of this decade. Over 4 million children die each year from diseases that can be easily prevented by existing vaccines—diseases such as measles, tetanus, whooping cough, and polio. I am an original cosponsor of the Universal Child Immunization Act of 1986 which will actually provide funding for the kind of effort we have called for in the resolution we are considering today. It will provide an additional \$50 million for immunization programs through the Child Survival Program of the Agency for International Development. This is money that will literally save the lives of hundreds of thousands of children around the world.

As we celebrate the holiday season it is fitting that we pass these resolutions. Let us also commit ourselves to take further action in the Congress during the next year to demonstrate our commitment to these noble goals.

FEDERAL INTRUSION INTO MINIMUM DRINKING AGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont [Mr. JEFFORDS] is recognized for 30 minutes.

Mr. JEFFORDS. Mr. Speaker, here we go again. Last year, on a summer evening at 1 a.m., by unanimous consent and after assurances that no more legislative business was pending, the House approved legislation intended to strong-arm the States into raising their minimum drinking age to 21.

Now we have approved a continuing resolution with language tacked-on which will make permanent the penalties imposed upon States which, for good reasons, have not succumbed to Federal blackmail, and thus chosen not to raise their drinking ages to 21. Mr. Speaker, I resent the method by which this provision was snuck by the House with no opportunity for debate.

Back in 1971, after prolonged national debate the Congress voted to lower the voting age. States followed by lowering the age of majority to 18. We judged that those old enough to die for our country are old enough for all rights, obligations, and privileges of citizenship.

But last year, with no debate, without even a vote, the Congress approved legislation which instructs the Department of Transportation to withhold highway trust money from those States which do not have a 21-year-old drinking age, 5 percent in fiscal year 1986 and 10 percent in fiscal year 1987. Now we have just approved, again with no debate, an amendment added by the other body to the continuing resolution which required the Transportation Department to withhold 10 percent of Federal funds in fiscal years 1988 and beyond. This is money that the taxpayers of these States have paid into the highway trust fund. Yet we say, "We know what is best for your State, so we are going to take your money away until you do what we say."

In taking this ill-conceived action, Congress is led to believe that it is addressing the national tragedy of drunk driving. Is it? No, because the entire drunk driving is a national problem which cuts across the entire age spectrum.

We are all aware of the statistics that 18- to 21-year-olds make up 9 percent of the country's drinking population, yet they are involved in 17 percent of all alcohol-related accidents. This figure is high, but what of the remaining 83 percent of the accidents?

On a national basis, under 20-year-old drivers account for a high percentage of all fatal car accidents, alcohol related or not. This can be explained in part by their inexperience and propensity to drive with a heavy foot. The insurance companies certainly see it this way and adjust their rates accordingly. I know this for a fact—I pay for my son's car insurance.

When looking at raising the drinking age to reduce the number of car accidents involving individuals under 20, I think we have to realize that this group, historically, are problem drivers. Data for all fatal car accidents in 1970 show that drivers less than 20 accounted for 15 percent of all accidents. This is, of course, prior to the time the drinking age was generally reduced to 18 across the country. In 1983, this group still accounted for 15 percent of all fatal accidents.

Proponents of the national minimum drinking age often cite statistics which show that States which have raised their drinking age to 21 have experienced reductions in alcohol-related fatalities among 18- to 20-year-olds. However, many of these States have also simultaneously toughened drunk driving laws and increased enforcement. Illinois, which raised its drinking age from 19 to 21 effective January 1980, saw alcohol-related fatalities among 19- and 20-year-olds increase by 15 percent in 1981, then decrease by 15 percent in 1982, then increase 12 percent in 1983. Florida raised their drinking age from 18 to 19, effective January 1981. Alcohol-related fatalities among 18-year-olds dropped 5 percent in 1981, then increased 21 percent in 1982 and 26 percent in 1983. I fail to see the connection in these cases.

A few other statistics of interest are worth noting at this time. In 1983, 17- to 20-year-olds were involved in 18.8 percent of all alcohol-related fatal accidents. In this same year, 21- to 24-year-olds accounted for 22.2 percent of these accidents. Figures from my own State of Vermont show roughly the same relationship with 17- to 20-year-old drivers accounting for 22 percent of alcohol-related fatal accidents and 21- to 24-year-olds accounting for 27 percent. If the answer to drunk driving is raising the drinking age, shouldn't we be looking at raising the age to 24? Or, is not the more logical answer to direct educational and other special programs toward our younger generation?

I am concerned because this national minimum drinking age legislation is a phony solution to a very real problem. We need to find real solutions to this national problem, not raise the drinking age and pat ourselves on the back. Many States are enacting tough new drunk driving laws and increasing enforcement of drunk driving laws. State and local governments and school officials are developing innovative education programs.

In my home State of Vermont, bar and restaurant owners are implementing call-a-cab programs. Students at the University of Vermont have organized a free ride home for students and local residents who have had too much to drink. We should be commending these students, not taking away the opportunity to make responsible choices about alcohol. We should be educating students about the dangers of drinking and driving, and increasing public awareness of the tragedy of drunk driving with alcohol education programs.

Proponents of the national minimum drinking age cite the benefits of uniformity among the States. We hear about how the present system encourages 18- to 20-year-olds to drive across State borders to obtain alcohol. However, this legislation creates a whole new set of problems for border States. The largest city in Vermont with a college population of 13,400 is a quick drive to the Quebec Province where the drinking age is 18. This situation exists all across the northern tier where cities such as Buffalo, Detroit, Duluth, Grand Forks, Spokane, and Seattle, with an estimated combined

population of 180,000 18- to 21-year-olds, are all within striking distance of Canadian Provinces where the drinking age is less than 20. Along our Mexican border, cities such as Brownsville, Corpus Christi, El Paso, Tucson, and San Diego are all within easy reach of a drinking age less than 21. The combined population of 18- to 21-year-olds in these cities is approximately 152,000. All in all, the total 18 to 21 population that will be tempted to cross international borders is probably close to a half million.

The 21st amendment to the Constitution preserves the rights of States to regulate the sale of intoxicating liquors within their borders. Residents of my home State of Vermont resent the Federal Government blackmail on this State issue, and the Vermont Legislature has passed a joint resolution which, and I quote, " * * * expresses on behalf of the people of the State of Vermont its outrage and opposition to very intrusive actions by the Federal Government on the drinking age." I would like to point out that the same Vermont Legislature has twice approved measures to raise the drinking age in Vermont. I am including for the RECORD this joint resolution of the Vermont Legislature which rightfully condemns this Federal intrusion.

Vermonters are correct in implying that the Congress is sticking its nose in somewhere it doesn't belong. This is a State issue. Even as we pass historic legislation which will shift massive Federal responsibilities back to the States, we choose blackmail on an issue which is unquestionably under the jurisdiction of the States.

Mr. Speaker, I resent the way this issue has been brought before the House. With no opportunity for debate, on a bill which has nothing to do with the issue, and on a bill which the House must pass to keep the Government operating, this was a prime example of bending the rules to circumvent the legislative process. What an example to set for our young voters.

JOINT RESOLUTION OF THE VERMONT LEGISLATURE ON NATIONAL MINIMUM DRINKING AGE

Whereas, the President of the United States has proposed and the Congress has enacted a "National Minimum Drinking Age" of 21 years (23 U.S.C. § 158); and

Whereas, under the federal legislation, the Secretary of Transportation of the United States must withhold a significant portion of federal highway funds from each state beginning October 1, 1986 unless said state has adopted a minimum drinking age of 21 years; and

Whereas, the Twenty-First Amendment of the United States Constitution preserves exclusively for the states the power to regulate the sale of intoxicating liquors within their borders; and

Whereas, the United States Constitution does not grant to the federal government the specific power to establish a drinking age and all powers not given to the United States Government are reserved to the states; and

Whereas, the Vermont Legislature has during the present term debated the bill to raise Vermont's minimum drinking age to 21, and said debate has been substantially affected by the presence of the federal legis-

lation, particularly among those Senators and Representatives who are concerned about the threatened loss of federal funds or who resent the interference by Congress in a matter which is a state prerogative, and

Whereas, the State of South Dakota is currently challenging the constitutionality of the federal law, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly expresses on behalf of the people of the State of Vermont its outrage and opposition to very intrusive actions by the federal government on the drinking age, and be it further

Resolved: That the Attorney General of the State of Vermont be directed to join suit with South Dakota in challenging this law, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Congressional Delegation with a request that the delegation seek the repeal of the "National Minimum Drinking Age" as soon as possible, and be it further

Resolved: That the General Assembly requests the Congressional Delegation to convey the resolution and the request for repeal of the "National Minimum Drinking Age" to the President of the United States.

GOOD LUCK, BILL NELSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SMITH] is recognized for 30 minutes.

Mr. SMITH of Florida. Mr. Speaker, this evening I rise to salute one of my colleagues from the Florida delegation, Congressman BILL NELSON. On Wednesday, at approximately 7 a.m. eastern standard time, BILL is scheduled to lift off into space aboard the space shuttle Columbia.

This flight is the culmination of a life-long dream for BILL. A fifth-generation Floridian whose grandparents homesteaded on what is now the Kennedy Space Center, BILL is the ideal choice for the first U.S. Congressman to fly aboard the shuttle. Raised and educated merely miles from Cape Kennedy, BILL makes both his country and his community proud.

As chairman of the House Space Science and Applications Subcommittee, BILL is a strong advocate of the U.S. space program. He has worked long and hard to secure increased space funding that would bring the United States to, in his own words, "the full sunlight of world leadership where we belong."

During his 5 days in space, he will conduct a number of experiments, including tests to determine changes in heart rate and blood pressure during the flight. He will also be involved in a cancer research project to grow crystals in space of a protein linked to cancer. These are all experiments that have not previously been performed by the American space program.

In addition, BILL will be taking parts of America with him into space. He will be carrying items with a special meaning—a gavel from the Speaker's rostrum, a Soviet cosmonaut training pin, university banners, and Florida orange juice.

BILL will be flying out of the Earth's atmosphere as a representative of the U.S. Government, the State of Florida, and the

American people. His flight aboard the Columbia will be another step toward fulfilling the goals of the Space Transportation System, NASA, and the United States.

I salute BILL's family—his wife Grace and two children, who are most supportive—and I wish BILL Godspeed and good luck. He makes Florida proud.

Mr. LEHMAN of Florida. Mr. Speaker, I am pleased to join with the other members of the Florida congressional delegation to honor one of our colleagues who is really going places—Congressman BILL NELSON. I want to thank Representative LARRY SMITH for his thoughtfulness in arranging this special order.

BILL NELSON is a man of extraordinary talents. I don't think there is a Member of the House of Representatives better equipped or better prepared for a space shuttle flight. He has distinguished himself over the years as an articulate and forceful proponent of the space program as a member of the House Committee on Science and Technology. He has developed a reputation in the House as an expert on Federal scientific programs and has sought to keep American technological know-how the best in the world. There is no doubt in my mind that he will put his experience in space to good use in improving our space program.

Although traveling on the space shuttle will help make BILL NELSON an even greater authority on the space program, it cannot possibly make him a better friend or a nicer person. BILL NELSON is one man I know who, when he says "God bless you," truly means it.

Mr. Speaker, I'm not certain that BILL NELSON will be a better astronaut because he is a Congressman, but I know he will be even more valuable to the House, to his district and to his country because of this experience. He is one astronaut with both feet firmly planted on the ground, and I want to join with my colleagues in offering him our best wishes for a safe and successful flight.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HUBBARD (at the request of Mr. WRIGHT), for today, on account of attending memorial services for deceased members of the 101st Airborne Division, Fort Campbell, KY.

Mr. GRAY of Illinois (at his own request), for today, on account of illness in the family.

Mr. YOUNG of Missouri (at the request of Mr. WRIGHT), for today and tomorrow, on account of illness.

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. DEWINE) to revise and

extend their remarks and include extraneous material:)

Mr. LIGHTFOOT, for 5 minutes, today.

Mr. BARTON of Texas, for 5 minutes, today.

Mrs. BENTLEY, for 5 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, on December 17.

Mr. JEFFORDS, for 30 minutes, today.

Mr. FISH, for 5 minutes, today.

(The following Members (at the request of Mr. OBEY) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of California, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. HUBBARD, for 5 minutes, today.

Mr. BROOKS, for 5 minutes, today.

Mr. SMITH of Florida, for 30 minutes, today.

Mr. PENNY, for 5 minutes, today.

Mr. RANGEL, for 60 minutes, on December 17.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DEWINE) and to include extraneous matter:)

Mr. FRENZEL.

Mr. GILMAN in three instances.

Mrs. SMITH of Nebraska.

Mr. CRANE.

Mr. ARCHER.

Mr. LIGHTFOOT.

Mr. KEMP.

Mr. COURTER.

Mr. GREEN.

Mr. McEWEN.

Mr. GRADISON in three instances.

Mr. GUNDERSON in four instances.

Mr. BLAZ in two instances.

Mr. DORNAN of California.

Mr. MOLINARI.

Mr. SCHUETTE.

Mr. COBLE.

Mr. PURSELL.

Mr. BEREUTER.

Mr. BILIRAKIS.

Ms. SNOWE.

Mr. WHITEHURST.

Mr. SENSENBRENNER.

(The following Members (at the request of Mr. OBEY) and to include extraneous matter:)

Mr. MONTGOMERY in two instances.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in five instances.

Mr. BONER of Tennessee in five instances.

Mr. HAMILTON.
 Mr. DICKS.
 Mr. SOLARZ.
 Mr. BARNES in two instances.
 Mr. KOSTMAYER in three instances.
 Mr. RANGEL.
 Mr. FLORIO in three instances.
 Ms. OAKAR.
 Mr. STARK.
 Mr. LEVINE of California in two instances.
 Mr. DOWNEY of New York.
 Mr. MOAKLEY.
 Mr. HOWARD.
 Mr. GAYDOS.
 Mr. FASCELL in four instances.
 Mr. OBEY in two instances.
 Mr. FAUNTROY.
 Mr. WAXMAN.
 Mr. GARCIA.
 Mr. COELHO.
 Mr. DINGELL.
 Mr. LEHMAN of Florida.
 Mr. DONNELLY.
 Mr. TORRES.
 Mr. DORGAN of North Dakota.
 Mr. ACKERMAN.
 Mr. BENNETT.
 Mr. FORD of Michigan.
 Mr. HUBBARD.
 Mr. AUCOIN.
 Mr. KASTENMEIER.
 Mr. KILDEE.
 Mr. HERTEL of Michigan.
 Mr. LUKE.
 Mr. LEHMAN of California.
 Mr. MRAZEK.
 Mr. TRAFICANT.
 Mr. STALLINGS.
 Mr. CONYERS.

SENATE BILLS, JOINT RESOLUTION, AND CONCURRENT RESOLUTION REFERRED

Bills, a joint resolution, and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 475. An act to amend the Motor Vehicle Information and Cost Savings Act to require certain information to be filed in registering the title of motor vehicles, and for other purposes; to the Committee on Energy and Commerce.

S. 1396. An act to settle unresolved claims relating to certain allotted Indian lands on the White Earth Indian Reservation, to remove clouds from the titles to certain lands, and for other purposes; to the Committee on Interior and Insular Affairs.

S.J. Res. 235. Joint resolution to designate the week of January 26, 1986, to February 1, 1986, as "Truck and Bus Safety Week"; to the Committee on Post Office and Civil Service.

S. Con. Res. 91. Concurrent resolution to require publication in the Congressional Record of the costs incurred for processing mass-mail for individual Senators, Representatives, committee, and other offices; to the Committee on House Administration.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 664. An act to amend the Panama Canal Act of 1979 with respect to the payment of interest on the investment of the United States;

H.R. 729. An act 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;

H.R. 1534. An act to convert the temporary authority to allow Federal employees to work on a flexible or compressed schedule under title 5, United States Code, into permanent authority;

H.R. 1627. An act to designate certain national forest system lands in the State of Kentucky for inclusion in the National Wilderness Preservation System, to release other forest lands for multiple use management, and for other purposes;

H.R. 2694. An act designating the U.S. Post Office Building located at 300 Packard Drive, Green Bay, WI, as the "John W. Byrnes Post Office and Federal Building"; and

H.R. 2976. An act to direct the Secretary of Agriculture to release the condition requiring that a parcel of land conveyed to New York State be used for public purposes and to convey United States mineral interests in the parcel to New York State.

H.R. 3085. An act to clear title to certain lands along the California-Nevada boundary;

H.R. 3735. An act to designate the pedestrian walkway crossing the Potomac River at Harpers Ferry National Historical Park as the "Goodloe E. Byron Memorial Pedestrian Walkway";

H.R. 3918. An act to extend until December 18, 1985, the application of certain tobacco excise taxes, trade adjustment assistance, certain medicare reimbursement provisions, and borrowing authority under the railroad unemployment insurance program;

H.R. 3919. An act to extend temporarily the dairy price support program and certain food stamp program provisions, and for other purposes;

H.J. Res. 450. Joint resolution to authorize and request the President to issue a proclamation designating April 20 through April 26, 1986 as "National Organ and Tissue Donor Awareness Week"; and

H.J. Res. 476. Joint resolution making further continuing appropriations for fiscal year 1986.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 32. Joint resolution to authorize and request the President to designate September 21, 1986, as "Ethnic American Day";

S.J. Res. 70. Joint resolution to proclaim March 20, 1986, as "National Agriculture Day"; and

S.J. Res. 213. Joint resolution to designate January 19 through January 25, 1986, "National Jaycee Week."

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On December 12, 1985:

H.J. Res. 476. Joint resolution making further continuing appropriations for fiscal year 1986.

On December 13, 1985:

H.R. 729. An act 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;

H.R. 1534. An act to convert the temporary authority to allow Federal employees to work on a flexible or compressed schedule under title 5, United States Code, into permanent authority;

H.R. 1627. An act to designate certain national forest system lands in the State of Kentucky for inclusion in the National Wilderness Preservation System, to release other forest lands for multiple use management, and for other purposes;

H.R. 3085. An act to clear title to certain lands along the California-Nevada boundary;

H.R. 3918. An act to extend until December 18, 1985, the application of certain medicare reimbursement provisions, and borrowing authority under the railroad unemployment insurance program;

H.R. 3919. An act to extend temporarily the dairy price support program and certain food stamp program provisions, and for other purposes;

H.R. 3735. An act to designate the pedestrian walkway crossing the Potomac River at Harpers Ferry National Historical Park as the "Goodloe E. Byron Memorial Pedestrian Walkway";

H.R. 664. An act to amend the Panama Canal Act of 1979 with respect to the payment of interest on the investment of the United States; and

H.R. 2976. An act to direct the Secretary of Agriculture to release the condition requiring that a parcel of land conveyed to New York State be used for public purposes and to convey United States Mineral interests in the parcel to New York State.

ADJOURNMENT

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 23 minutes a.m.) under its previous order, the House adjourned until today Tuesday, December 17, 1985, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from

the Speaker's table and referred as follows:

2393. A letter from the Acting Secretary of the Army, transmitting notification that the SINGGARS Program has exceeded the fiscal year 1986 current procurement unit cost baseline by more than 25 percent, pursuant to 10 U.S.C. 139b(e)(2)(A); to the Committee on Armed Services.

2394. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the decision to convert to contractor performance the Operation and Maintenance of Oceanographic Survey Ships of the Military Sealift Command, Oakland, CA, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

2395. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notice of intent to consent to a proposed transfer of the United States-European developed multiple launch rocket system among members of the European participating group, pursuant to 22 U.S.C. 2753(d)(1) (2)(B); to the Committee on Foreign Affairs.

2396. A letter from the Director, Defense Security Assistance Agency, transmitting a proposed procurement supplement to the memorandum of understanding among the Governments of the United States, Germany, United Kingdom, France, and Italy for the production of the multiple launch rocket system, pursuant to 22 U.S.C. 2767(c); to the Committee on Foreign Affairs.

2397. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs transmitting a report on the Foreign Service retirement and disability system, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

2398. A letter from the Deputy Director for Administration, Central Intelligence Agency, transmitting notice of a deletion of a Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2399. A letter from the Director, Equal Employment Opportunity Commission, transmitting a report on compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act), pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2400. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2401. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2402. A letter from the Acting Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a conformed copy of the executed contract between the Central Utah Water Conservancy District and the Bureau of Reclamation, pursuant to Public Law 99-141; to the Committee on Interior and Insular Affairs.

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. 1344. A bill to provide for the restoration of Federal recognition to the Ysleta del Sur Pueblo and the Alabama and Coushatta Indian Tribes of Texas, and for other purposes; with amendments (Rept. 99-440). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2182. A bill to authorize the inclusion of certain additional lands within the Apostle Islands National Lakeshore; with an amendment (Rept. 99-441). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3556. A bill to provide for the exchange of land for the Cape Henry Memorial site in Fort Story, Virginia (Rept. 99-442 Pt. 1). Ordered to be printed.

Mr. WHITTEN: Committee of conference. Conference report on House Joint Resolution 465 (Rept. 99-443). Ordered to be printed.

[Dec. 17 (legislative day of Dec. 16), 1985]

Mr. DERRICK: Committee on Rules. House Resolution 342. Resolution providing for the consideration of the conference report on H.R. 3128; a bill to make changes in spending and revenue provisions for purposes of deficit reduction and program improvement, consistent with the budget process (Rept. 99-444). Referred to the House Calendar.

Mr. BONIOR: Committee on Rules. House Resolution 343. Resolution providing for the consideration of H.R. 3838; a bill to reform the internal revenue laws of the United States (Rept. 99-445). Referred to the House Calendar.

Mr. BEILENSEN: Committee on Rules. House Resolution 344. Resolution providing for the consideration of House Joint Resolution 491, a joint resolution making further continuing appropriations for fiscal year 1986 (Rept. 99-446). Referred to the House Calendar.

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. FRENZEL (for himself, and Mr. JONES of Oklahoma):

H.R. 3939. A bill exempting from bilateral arrangements subject to the Steel Import Stabilization Act steel products imported into the United States for processing into oil country tubular goods and subsequently exported; to the Committee on Ways and Means.

By Mr. ADDABBO (for himself, Mrs. BENTLEY, Mr. BEVILL, Mr. FAUNTROY, Mr. HORTON, Mr. KOSTMAYER, Ms. MIKULSKI, Mr. MCKINNEY, Mr. OWENS, Mr. RANGEL, Mr. REID, Mr. RODINO, Mr. ROE, Mr. ROSE, Mr. SMITH of Florida, Mr. SOLARZ, and Mr. TOWNS):

H.R. 3940. A bill to require the Center for Environment alHealth of the Centers for

Disease Control to evaluate State laws and regulations governing youth camp operations and to compile and disseminate the results of such evaluations; to the Committee on Education and Labor.

By Mr. ARCHER:

H.R. 3941. A bill to amend the Social Security Act and related laws to improve the administration of the old-age, survivors, and disability insurance program and the supplemental security income program, to improve coverage under the old-age, survivors, and disability insurance program, and for other purposes; to the Committee on Ways and Means.

By Mrs. BYRON:

H.R. 3942. A bill to designate the Cumberland terminus area of the Chesapeake and Ohio Canal National Historic Park as the "J. Glenn Beall, Sr., Memorial Terminus," and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ERDREICH:

H.R. 3943. A bill to amend the Internal Revenue Code of 1954 to extend by 3 years the time for filing an application for an exemption from self-employment income tax by ministers and other members of religious orders; to the Committee on Ways and Means.

By Mr. EVANS of Iowa:

H.R. 3944. A bill to amend the Grain Standards Act of 1916 to provide for a quality variation statement on all official grade certificates, and for other purposes; to the Committee on Agriculture.

By Mr. MICA (for himself, and Ms. SNOWE):

H.R. 3945. A bill to protect U.S. Government employees at U.S. Embassies; to the Committee on Foreign Affairs.

H.R. 3946. A bill to provide for the security of U.S. diplomatic personnel, facilities, and operations, and for other purposes; to the Committee on Foreign Affairs.

By Mr. RANGEL:

H.R. 3947. A bill to amend the Internal Revenue Code of 1954 to extend tax deferral advantages associated with the receipt of benefits from qualified pension plans to individuals who receive certain annuities during a corporate takeover to replace such plans; to the Committee on Ways and Means.

H.R. 3948. A bill to amend the Internal Revenue Code of 1954 to extend by two years the termination date of the exclusion from gross income of amounts received under qualified group legal services plans; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 3949. A bill to amend chapter XIV of the Comprehensive Crime Control Act of 1984, relating to victims of crime, to provide funds to encourage States to implement protective reforms regarding the investigation and adjudication of child abuse cases which minimize the additional trauma to the child victim and improve the chances of successful criminal prosecution or legal action; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 3950. A bill to amend the Internal Revenue Code of 1954 to disallow any deduction for advertising or other promotion expenses with respect to sales of tobacco and tobacco products; to the Committee on Ways and Means.

By Mr. WILSON:

H.R. 3951. A bill to designate the building which will house the Federal Court for the Eastern District of Texas in Lufkin, TX, as the "Ward R. Burke Federal Court Build-

ing;" to the Committee on Public Works and Transportation.

By Mr. BROOKS (for himself, Mr. LELAND, and Mr. ANDREWS):

H.R. 3952. A bill to amend title 28 of the United States Code to increase the number of bankruptcy judges authorized to be appointed for the southern district of Texas; to the Committee on the Judiciary.

By Mr. COBLE (for himself, Mr. BROYHILL, Mr. COBEY, Mr. GOODLING, Mr. HEFNER, Mr. HENDON, Mr. JONES of North Carolina, Mr. LOTT, Mr. NEAL, Mr. ROGERS, and Mr. WHITLEY):

H.R. 3953. A bill to require that United States contributions to an international financial institution be reduced by the United States proportionate share of any assistance provided by that institution to any foreign country for the production of any fiber, textile, or article of apparel; to the Committee on Banking, Finance and Urban Affairs.

By Mr. EDGAR:

H.R. 3954. A bill to establish a secondary market for industrial mortgages; to the Committee on Banking, Finance and Urban Affairs.

By Mr. EVANS of Iowa:

H.R. 3955. A bill to amend title VII of the United States Code to authorize the Secretary of Agriculture to pay a bonus in the form of commodities under certain circumstances for grain destined for export and for other purposes; to the Committee on Agriculture.

By Mr. KANJORSKI:

H.R. 3956. A bill to provide for greater accountability for all congressional travel, and for other purposes; to the Committee on House Administration.

By Mr. KASTENMEIER:

H.R. 3957. A bill to amend the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.) to eliminate unconstitutional provisions abridging the freedom of expression; to the Committee on the Judiciary.

By Mr. PACKARD:

H.R. 3958. A bill to provide for the settlement of water rights claims of the La Jolla, Rincon, San Pasqual, Pauma, and Pala Bands of Mission Indians in San Diego County, CA, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCHEUER:

H.R. 3959. A bill to authorize appropriations for certain oceanic and atmospheric activities of the National Oceanic and Atmospheric Administration, and for other purposes; jointly, to the Committees on Science and Technology, and Merchant Marine and Fisheries.

By Mrs. SCHROEDER (for herself, Mrs. HOLT, and Mr. FRANK):

H.R. 3960. A bill to permit the Secretaries of military departments and heads of defense agencies to provide dependents of deceased military members family housing without charge for a period not to exceed 60 days; to the Committee on Armed Services.

By Mr. TRAFICANT:

H.R. 3961. A bill to amend title 23, United States Code, to increase the maximum Federal share payable on account of certain highway safety improvement projects which have a favorable cost-benefit ratio; to the Committee on Public Works and Transportation.

By Mr. WAXMAN:

H.R. 3962. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the export of certain unapproved drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WHITEHURST:

H.R. 3963. A bill to provide authority to the Secretary of Defense to establish and operate commercial entities to provide cover for Department of Defense foreign intelligence collection activities, and for other purposes; jointly, to the Committee on Armed Services, and the Permanent Select Committee on Intelligence.

By Mr. FUQUA (for himself, Mr. LUJAN, Mr. WALGREN, and Mr. BOEHLETT):

H.J. Res. 484. Joint resolution to express the sense of the Congress that the week of May 11-17, 1986, be designated as "National Science Week 1986"; to the Committee on Post Office and Civil Service.

By Mr. WRIGHT:

H.J. Res. 485. Joint resolution waiving the printing on parchment of enrolled bills and joint resolutions during the remainder of the first session of the Ninety-ninth Congress; considered and passed.

By Mr. WHITTEN:

H.J. Res. 486. Joint resolution making further continuing appropriations for fiscal year 1986; to the Committee on Appropriations.

By Mr. ADDABBO (for himself, Mrs. BENTLEY, Mrs. BOXER, Mr. BRYANT, Mr. CHAPPIE, Mrs. COLLINS, Mr. CONTE, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Mr. FROST, Mr. HORTON, Mr. RAHALL, Mr. MARTINEZ, Mr. MATSUI, Mr. MCKINNEY, Ms. MIKULSKI, Mr. MINETA, Mr. OWENS, Mr. RANGEL, Mr. REID, Mr. RODINO, Mr. ROE, Mr. ROSE, Mr. SMITH of Florida, Mr. SOLARZ, Mr. SUNIA, Mr. THOMAS of Georgia, Mr. TOWNS, Mr. TRAFICANT, Mr. VOLKMER, Mr. WEISS, Mr. WORTLEY, Mr. KOSTMAYER, Mr. KOLTER, Mr. WYDEN, and Mr. GINGRICH):

H.J. Res. 487. Joint resolution to designate the month of April 1986 as "Youth Camp Safety Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. BENNETT:

H.J. Res. 488. Joint resolution to assert the right of the United States to provide economic and military assistance to any country in the Americas that is threatened covertly or overtly by the actions and policies of the Government of Nicaragua, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WHITTEN:

H.J. Res. 489. Joint resolution making further continuing appropriations for fiscal year 1986; to the Committee on Appropriations.

H.J. Res. 490. Joint resolution making further continuing appropriations for fiscal year 1986; to the Committee on Appropriations.

H.J. Res. 491. Joint resolution making further continuing appropriations for fiscal year 1986; to the Committee on Appropriations.

By Mrs. BURTON of California:

H. Con. Res. 260. Concurrent resolution to recognize and honor the contributions of the Consumers Union; to the Committee on Energy and Commerce.

By Mr. HUBBARD (for himself, Mr. SUNDQUIST, Mr. SKELTON, and Mr. McCLOSKEY):

H. Res. 345. Resolution to express the sentiment of Congress regarding the deaths of members of the 101st Air Assault Division in an airplane crash on December 12, 1985, at Gander, Newfoundland, Canada, while en route home for the season's holidays; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARNARD:

H.R. 3964. A bill for the relief of Lynette J. Parker; to the Committee on the Judiciary.

By Mr. ERDREICH:

H.R. 3965. A bill for the relief of Robert Ballew; to the Committee on the Judiciary.

By Mr. ROBINSON:

H.R. 3966. A bill for the relief of Eudokia Georgiadou; to the Committee on the Judiciary.

By Mr. WHITEHURST:

H.R. 3967. A bill for the reimbursement of Wendell W. Crusenberry of Virginia Beach, 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. 271: Mr. GILMAN.
H.R. 604: Mr. DYSON.
H.R. 822: Mr. FUSTER.
H.R. 1579: Mr. TORRICELLI.
H.R. 1690: Mr. TORRICELLI.
H.R. 1946: Mr. COBEY, Mr. COUGHLIN, Mr. EDWARDS of Oklahoma, and Mr. SAXTON.
H.R. 2004: Mr. MOODY.
H.R. 2020: Mr. RODINO.
H.R. 2365: Mr. LEHMAN of Florida, Mr. WEISS, Mr. EDGAR, Mr. KINDNESS, and Mr. LOWRY of Washington.
H.R. 2578: Mr. LANTOS, Mr. LOWRY of Washington, Mr. MYERS of Indiana, Mr. RANGEL, Mr. ROBERTS, and Mr. WYDEN.
H.R. 2583: Mr. JACOBS, Mr. SWINDALL, Mr. ARMEY, Mr. PURSELL, and Mr. MOORHEAD.
H.R. 2589: Mr. BARNES.
H.R. 2620: Mr. BOSCO.
H.R. 2684: Mr. RICHARDSON.
H.R. 2782: Mrs. BURTON of California, Mr. THOMAS of Georgia, and Mr. UDALL.
H.R. 2793: Mr. HENDON.
H.R. 2902: Mr. GRAY of Illinois, Mr. GRAY of Pennsylvania, Mr. HAMMERSCHMIDT, Mr. HOYER, Mr. JACOBS, and Mr. MCKERNAN.
H.R. 2943: Mr. SPRATT, Mr. WEAVER, Mr. DANIEL, Mr. DOWNEY of New York, Mr. MOLLOHAN, Mr. ECKERT of New York, Mr. LEVINE of California, Mr. SCHEUER, Mr. BURTON of Indiana, Mr. SCHAEFER, Mrs. ROUKEMA, and Mr. CHENEY.
H.R. 3006: Mr. LEACH of Iowa, and Mr. MILLER of Ohio.
H.R. 3120: Mr. BEVILL, Mr. BORSKI, Mr. COLEMAN of Missouri, Mr. DAUB, Mr. DORNAN of California, Mr. DWYER of New Jersey, Ms. KAPTUR, Mr. KOLTER, Mr. LOWERY of California, Mr. MATSUI, Mr. MITCHELL, Mr. PRICE, Mr. SCHUMER, and Mr. RANGEL.
H.R. 3257: Mr. STRANG.
H.R. 3260: Mr. SHELBY, Mr. MARTIN of New York, and Mr. SMITH of New Hampshire.
H.R. 3265: Mr. NELSON of Florida, Mr. MITCHELL, Mr. EDWARDS of Oklahoma, and Mr. GILMAN.
H.R. 3305: Mr. RANGEL.
H.R. 3357: Mr. COMBEST and Mr. NIELSON of Utah.
H.R. 3470: Mr. GILMAN, Mr. SYNAR, Mr. COLEMAN of Texas, Mr. ASPIN, Mr. HAYES, Mr. SCHUMER, Mr. DYSON, and Mr. MAZZOLI.
H.R. 3486: Mr. NIELSON of Utah and Mr. RITTER.

H.R. 3487: Mr. Wise and Mr. APPLEGATE.
H.R. 3521: Mr. DANIEL, Mr. CHANDLER, Mr. EMERSON, Mr. NICHOLS, and Mr. KOLTER.
H.R. 3557: Mr. DASCHLE.
H.R. 3585: Mr. EDWARDS of Oklahoma.
H.R. 3602: Mr. CROCKETT, Ms. MIKULSKI, and Mr. RANGEL.

H.R. 3626: Mr. EDWARDS of Oklahoma, Mr. GUNDERSON, Mr. BENNETT, and Mr. BLAZ.

H.R. 3630: Mr. PRICE, Mr. STOKES, Mr. WEAVER, Mr. KOLTER, Mr. DWYER of New Jersey, Mr. JEFFORDS, and Mr. ST GERMAIN.

H.R. 3634: Mr. FORD of Michigan, Mr. GEJDENSON, Mr. ECKART of Ohio, and Mr. BOEHLERT.

H.R. 3660: Mr. MRAZEK.

H.R. 3723: Mr. MORRISON of Connecticut and Mr. BATES.

H.R. 3732: Mr. DASCHLE, Mr. PURSELL, Mr. DARDEN, Mr. GLICKMAN, Mr. FIELDS, and Mr. LIGHTFOOT.

H.R. 3738: Mr. CHAPMAN, Mr. WEISS, Ms. KAPTUR, Mr. KOLTER, and Mr. HAYES.

H.R. 3748: Mr. ADDABBO, Mr. ATKINS, Mr. BARNES, Mr. BENNETT, Mr. BERMAN, Mr. BOLAND, Mrs. BOXER, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. CLAY, Mrs. COLLINS, Mr. CONYERS, Mr. CROCKETT, Mr. DELLUMS, Mr. DE LUGO, Mr. DE LA GARZA, Mr. DYMAALLY, Mr. EDWARDS of California, Mr. EVANS of Illinois, Mr. FAUNTROY, Mr. FAZIO, Mr. FORD of Michigan, Mr. FUSTER, Mr. GARCIA, Mr. GONZALEZ, Mr. HOWARD, Mr. HOYER, Mr. JACOBS, Mr. KILDEE, Mr. KLECZKA, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LOWRY of Washington, Mr. LUNDINE, Mr. MARTINEZ, Mr. MATSUI, Mr. MILLER of California, Mr. MITCHELL, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. OBERSTAR, Mr. OWENS, Mr. PEPPER, Mr. RANGEL, Mr. RICHARDSON, Mr. RODINO, Mr. ROE, Mr. ROYBAL, Mr. SABO, Mr. SAVAGE, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SMITH of Florida, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. UDALL, Mr. VENTO, Mr. WEAVER, Mr. WEISS, Mr. WIRTH, Mr. WOLPE, and Mr. STUDDS.

H.R. 3767: Mr. HENRY, Mr. WEISS, Ms. KAPTUR, Mr. GROTEBERG, Mr. FRANKLIN, Mr. BEREUTER, and Mr. KINDNESS.

H.R. 3804: Mr. CONYERS, Mr. MCCOLLUM, Mr. PORTER, Mr. RANGEL, Mr. WEISS, and Mr. WILSON.

H.R. 3813: Mr. HAMILTON.

H.R. 3814: Mr. LEHMAN of Florida, Mr. ACKERMAN, Mr. ROBINSON, Mr. KOSTMAYER, Mr. OWENS, Mr. KOLTER, Mr. LANTOS, Mr. BRYANT, Mr. BEDELL, Mr. SMITH of Florida, Mr. SCHUMER, Mr. LEVINE of California, Mr. RANGEL, and Mr. EDWARDS of California.

H.R. 3822: Mr. STOKES, Mr. ROE, Mr. WEISS, Mr. DE LUGO, Mr. HOWARD, Mr. KOLTER, and Mr. MITCHELL.

H.R. 3830: Mr. ROEMER, Mr. HORTON, Mr. GRAY of Illinois, Mr. FOGLIETTA, Mr. SMITH of Florida, Mr. STARK, Mr. SAXTON, and Mr. JACOBS.

H.R. 3875: Mr. SMITH of Florida, Mr. SMITH of New Jersey, Mr. SOLARZ, Mr. GILMAN, Mr. SCHUMER, Mrs. BURTON of California, Mr. FRANK, Mr. SCHEUER, Mr. GARCIA, Mr. BERMAN, Mr. ACKERMAN, Mr. FLORIO, Mr. MATSUI, Mr. TORRES, Mr. BUSTAMANTE, Mr. MORRISON of Connecticut, Mr. BEREUTER, Mr. GLICKMAN, Mr. EDWARDS of California, Mr. TORRICELLI, and Mr. REID.

H.R. 3917: Mr. FOLEY, Mr. LOTT, and Mr. ROEMER.

H.J. Res. 7: Mr. MATSUI, Mr. LATTI, and Mr. MOLINARI.

H.J. Res. 151: Mr. HERTEL of Michigan, and Mr. MOODY.

H.J. Res. 244: Mr. LEACH of Iowa, Mr. MANTON, Mr. HORTON, Mr. DIOGUARDI, Mr. PENNY, Mr. FRENZEL, and Mr. ADDABBO.

H.J. Res. 279: Mr. ROBERTS, Mr. ROBINSON, Mr. HOPKINS, Mr. COMBEST, Mr. RITTER, and Mr. LAGOMARSINO.

H.J. Res. 297: Mr. DELLUMS.

H.J. Res. 332: Mr. EARLY, Mr. PURSELL, Mr. BEVILL, Mr. GUARINI, Mr. PUQUA, Mr. ANDERSON, Mr. FAZIO, Mr. SCHEUER, Mrs. BENTLEY, Mr. BEDELL, Mr. BORSKI, Mr. BONER of Tennessee, Mr. CARPER, Mr. CONTE, Mr. DANIEL, Mr. CLAY, Mr. DEWINE, Mr. DARDEN, Mr. EMERSON, Mr. ERDREICH, Mr. DOWDY of Mississippi, Mr. FAUNTROY, Mr. FEIGHAN, Mr. HANSEN, Mr. HENRY, Mr. HUNTER, Mr. KOSTMAYER, Mr. BOUCHER, Mr. LATTI, Mr. LEVIN of Michigan, Mr. LEWIS of Florida, Mr. LUNDINE, and Mr. MADIGAN.

H.J. Res. 336: Mr. BARNARD, Mr. BENNETT, Mrs. BENTLEY, Mr. BRUCE, Mr. KOLTER, and Mr. NIELSON of Utah.

H.J. Res. 359: Mr. DIOGUARDI, Mr. LELAND, Mr. BRYANT, Mr. KOLTER, Mr. DWYER of New Jersey, Mr. HARTNETT, Mr. WHITLEY, Mr. FRENZEL, Mr. PANETTA, Mr. HAMMERSCHMIDT, Mr. CHAPPELL, Mr. MORRISON of Washington, Mr. STENHOLM, Mr. DERRICK, Mr. STANGELAND, Mr. PICKLE, Mr. ST GERMAIN, Mr. FORD of Michigan, Mr. HENRY, Mr. MURTHA, Mr. DURBIN, Mr. KANJORSKI, Mr. MINETA, Mr. TAUZIN, and Mr. SCHAEFER.

H.J. Res. 385: Mr. BURTON of Indiana, Mr. HYDE, Mr. MURPHY, Mr. LENT, Mr. BROWN of California, Mr. KRAMER, Mr. WEBER, Mr. LEWIS of California, Mr. MCDADE, Mr. TAUKE, Mr. CHAPMAN, Mr. STENHOLM, Mr. HENDON, Mr. MOORHEAD, Mr. OWENS, Mr. DE LUGO, Mr. GONZALEZ, Mr. WEAVER, Mr. WHITTEN, Mr. BARNARD, Mr. BRYANT, Mr. LIPINSKI, Mr. JENKINS, Mr. FISH, Mr. BATES, Mr. LEACH of Iowa, Mr. RAHALL, Mr. COOPER, Mr. HAMMERSCHMIDT, Mr. KILDEE, Mr. BEILEN-SON, Mr. MOODY, Mr. DANIEL, Mr. BEDELL, Mr. AU COIN, Mr. SCHUMER, Mr. GRAY of Pennsylvania, Mr. FRANK, Mr. BROOKS, and Mr. ANTHONY.

H.J. Res. 417: Mr. LOWRY of Washington and Mrs. BOXER.

H.J. Res. 421: Mr. GOODLING.

H.J. Res. 429: Mr. MRAZEK, Mr. CHANDLER, Mr. ROE, Mr. GUARINI, Ms. KAPTUR, Mr. RANGEL, and Mr. LEVINE of California.

H.J. Res. 439: Mr. CHANDLER, Mr. SWEENEY, Mr. OWENS, Mr. ASPIN, Mr. BENNETT, Mr. LEWIS of Florida, and Mr. NELSON of Florida.

H.J. Res. 445: Mr. HOWARD, Mr. SNYDER, Mr. RAHALL, Mr. CLINGER, Mr. HORTON, Mr. HAMMERSCHMIDT, Mr. MOODY, Mr. TRAFICANT, Mr. DORNAN of California, Mr. YOUNG of Missouri, Mr. TALLON, Mr. DIXON, Mr. MCEWEN, Mr. SAVAGE, Mr. MARTIN of New York, Mr. PRICE, Mr. FAZIO, Mr. HOYER, Mr. O'BRIEN, Mr. MATSUI, Mr. PACKARD, Mr. IRELAND, Mr. OWENS, Mr. LENT, Mrs. JOHNSON, Mr. NEAL, Mr. BOEHLERT, Mr. BONER of Tennessee, Mr. HUBBARD, Mr. SOLOMON, Mr. RAY, Mrs. BENTLEY, Mr. KEMP, Mrs. BOXER, Mr. QUILLLEN, Mrs. BURTON of California, Mr. ROTH, Mrs. BYRON, Mr. DOWDY of Mississippi, Mr. CARPER, Mr. BREAUX, Mr. EMERSON, Mr. KOLTER, Mr. BOUCHER, Mr. BEVILL, Mr. DASCHLE, Mr. APPLEGATE, Mr. FOGLIETTA, Mr. BROWN of California, Mr. BRYANT, Mr. MCCAIN, Mr. GALLO, Mr. HAYES, Mr. GILMAN, Mr. BOSCO, Mr. BORSKI, Mr. KOSTMAYER, Mr. SHELBY, Mr. DERRICK, Mr. MANTON, Mr. BEDELL, Mr. ROSE, Mr. LUJAN, Mr. DARDEN, Mr. VOLKMER, Mr. ATKINS, Mr. HYDE, Mr. BENNETT, Mr. PURSELL, Mr. TORRICELLI, Mr. KLECZKA, Mr. SCHUETTE, Mr. SABO, Mr. NOWAK, Mr. BATEMAN, Mr.

MINETA, Mr. CARR, Mr. OLIN, Mr. FLIPPO, Mr. BUSTAMANTE, Mr. LUNGREN, Mr. JONES of North Carolina, Mr. GINGRICH, Mr. CONYERS, Mr. STANGELAND, Mr. HEFNER, Mr. LEVIN of Michigan, Mr. MURPHY, Mr. MURTHA, Mr. TAUZIN, Mr. CHANDLER, Mr. PERKINS, Mr. LAGOMARSINO, Mr. OBERSTAR, Mr. CALLAHAN, Mr. LEHMAN of Florida, Mr. PASHAYAN, Mr. RODINO, Mr. JONES of Tennessee, Mr. HUTTO, Mr. KASICH, Mr. LOWERY of California, Mr. DAVIS, Mr. ROWLAND, of Georgia, Mr. DELAY, Mr. SHAW, Mr. HAMILTON, Mr. DE LA GARZA, Mr. LEVINE of California, Mr. COELHO, Ms. OAKAR, Mr. DWYER of New Jersey, Mr. COURTER, Mr. EDGAR, Mr. CAMPBELL, Mr. MONSON, Mr. WILSON, Mr. MAVROULES, Mr. RINALDO, Mr. FRENZEL, Mr. FAUNTROY, Mr. RUDD, Mr. WYDEN, Mr. DICKINSON, Mr. MCDADE, Mr. MICA, Mr. DANIEL, Mr. SUNQUIST, Mr. PARRIS, Mr. WHEAT, Mr. GORDON, Mr. STOKES, Mr. FUQUA, Mr. GEKAS, Mr. KINDNESS, Mr. DURBIN, Mr. COATS, Mr. RANGEL, Mr. RALPH M. HALL, Mr. WOLF, and Mr. ROWLAND of Connecticut.

H.J. Res. 452: Mr. DENNY SMITH, Mr. JACOBS, Mr. FUSTER, Mr. DORNAN of California, Mr. DIXON, Mrs. BENTLEY, Mr. GREEN, Mr. ANDREWS, Mr. TOWNS, Mr. ROE, Mr. FAZIO, Mr. MATSUI, Mr. MARTINEZ, Mr. RAHALL, Mr. ANDERSON, Mr. HAYES, Mr. KOLTER, Mr. GINGRICH, and Mr. RANGEL.

H.J. Res. 462: Mr. WISE, Mr. LEWIS of California, Mr. HEFTLE of Hawaii, Mr. MOODY, Mr. BEVILL, Mr. FOWLER, Mr. SPRATT, Mr. BARNARD, Mr. OLIN, Mr. COOPER, Mr. HUCKABY, Mr. FIELDS, Mr. TORRES, Mr. GORDON, Mr. JONES of Tennessee, Mr. VENTO, Mr. LEVIN of Michigan, Mr. DICKS, Mr. GONZALEZ, Mr. NOWAK, Mr. HAYES, Mr. MINETA, Mr. STARK, Mr. WHEAT, Mr. EVANS of Illinois, and Mr. MACK.

H.J. Res. 470: Mr. HORTON, Mr. MATSUI, Mr. PRICE, Mr. FOLEY, Mr. SUNIA, Mr. MCKINNEY, Mr. BOSCO, Mr. CROCKETT, Mr. LEWIS of California, Mr. ACKERMAN, Mr. SCHEUER, Mr. ADDABBO, Mr. HAYES, Mr. WAXMAN, Mr. RAHALL, Mr. HATCHER, Mrs. BURTON of California, Mr. MANTON, Mr. ERDREICH, Mr. COELHO, Mr. SMITH of Florida, Mr. VOLKMER, Mr. WILSON, Mr. MRAZEK, Mr. CARR, and Mr. RANGEL.

H. Con. Res. 57: Mr. ATKINS and Mr. PENNY.

H. Con. Res. 127: Mr. SEIBERLING, Mr. KOLTER, Mr. LEWIS of Florida, and Mr. GINGRICH.

H. Con. Res. 167: Mr. ROWLAND of Connecticut.

H. Con. Res. 243: Mr. ADDABBO, Mr. FAZIO, Mr. RANGEL, Mrs. BURTON of California, Mr. MORRISON of Connecticut, Mr. WAXMAN, and Mr. WOLPE.

H. Res. 264: Mr. MORRISON of Washington.

H. Res. 315: Mrs. BENTLEY, Mr. BOEHLERT, Mr. BUSTAMANTE, Mr. ECKART of Ohio, Mr. FROST, Mr. KINDNESS, Mr. LELAND, Mr. MORRISON of Connecticut, Mr. RUDD, Mr. SHAW, Mr. TORRICELLI, Mr. VOLKMER, and Mr. WORTLEY.

H. Res. 323: Mr. DANNEMEYER.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

262. By the SPEAKER: Petition of Celestino V. Francisco, Kalibo, Aklan, Philippines, relative to citizenship; to the Committee on the Judiciary.

263. Also, petition of Guido I. Morato, Kalibo, Aklan, Philippines, relative to citizenship; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

A SALUTE TO ROSA PARKS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. STOKES. Mr. Speaker, last week, an outstanding miniseries which ran for 3 days on WXYZ-TV, Detroit, MI, chronicled the great contribution Rosa Parks has made to American history.

December 1 was the 30th anniversary of an incident which sparked a revolution of conscience and policy in this Nation. On December 1, 1955, in Montgomery, AL, a black woman, Rosa Parks, changed the course of history when she refused to move to the back of a bus and give her seat to a white man. Because of segregation laws, black people in Montgomery, AL, and in many other parts of the South, were forced to live as second-class citizens.

The law was strictly enforced. Acts of defiance were considered to be crimes.

Therefore, for her act of defiance, Rosa Parks, a 42-year-old seamstress, was arrested. She was put on trial and convicted.

But, this act had still another and more permanent consequence. Tired of the segregation and humiliation they experienced in the South, black residents formed the Montgomery Improvement Association and launched a 381-day boycott of the bus system in Montgomery in response to Rosa Parks' arrest. They chose Dr. Martin Luther King, Jr., a young charismatic minister, to be the leader of the association and boycott.

The boycott was a success. One year later, after considering the appeal of Mrs. Parks, the U.S. Supreme Court overturned the 1896 Plessy versus Ferguson decision which has been used to legally justify segregation in Montgomery and the South.

Encouraged by the victory in Montgomery, black residents and people committed to equality for all citizens banded together in the civil rights movement. At the forefront of this great movement was the leader of the Montgomery Improvement Association—Dr. Martin Luther King, Jr.

Today, 30 years later, major victories in the struggle for civil rights for all Americans have been won. We have to thank Rosa Parks for her act of defiance and courage which helped to strengthen the civil rights movement and pricked the conscience of America.

Because of her pivotal role in the history of this Nation, I would like to share with my colleagues newspaper articles which appeared earlier this month on Rosa Parks and her role in the history of this Nation. I ask my colleagues to join with me in saluting her.

30 YEARS ON, MONTGOMERY STILL INSPIRES US

(By Coretta Scott King)

In early December of 1955, I was recovering from the birth of my first child a short time before, and the last thing on my mind was getting involved in a social revolution.

Mr. husband, the Rev. Martin Luther King Jr., had just refused the presidency of the Montgomery, Ala., NAACP. Having recently finished his PhD dissertation, he felt he should concentrate on implementing the ambitious program he had planned for his pastorate of the Dexter Avenue Baptist Church. I was much relieved and looked forward to starting our family in the relative calm of a small Southern city.

However, what Martin would later call the *zeitgeist* of history had descended on Montgomery in the will of a 42-year-old seamstress, who had boarded a bus after a long day of working and shopping. The woman: Rosa Parks; the date: Dec. 1, 1955.

The bus was crowded, and Parks sat down at the beginning of the section reserved for blacks. At the next stop, more whites got on and the driver ordered her to give her seat to a white man. As she said later, "I was just plain tired and my feet hurt." Her cup of endurance had run over, and she refused to move. The driver called a policeman, who arrested her. Later, she was bailed out by E.D. Dixon, a prominent member of Montgomery's black community. Like Parks, he also had had enough, and soon telephones were ringing all over town.

Although 70 percent of its passengers were black, the Montgomery bus line humiliated and insulted them on a daily basis. The first seats on all buses were reserved for whites. Blacks had to pay their fares at the front of the bus, get off and walk to the rear door to board again. Sometimes the bus would drive off without them after they had paid the fare, which was considered a great joke by the drivers.

The Women's Political Council in the black community suggested a one-day bus boycott, and Nixon began to organize it. Martin joined in the organizing efforts, and I was drafted to make phone calls and take messages.

We woke early Monday morning, Dec. 5, to watch for the 6 o'clock bus that stopped in front of our house. Headlights blazing through the December darkness, the bus arrived right on time. Although it was usually full of black passengers, we were elated to see that it was empty. The next bus was empty as well.

All over Montgomery, blacks were walking to work. Some organized car pools. A few even rode mules and horse-drawn buggies. Others hitchhiked or took discount-fare taxis we had organized, but they did not ride the buses.

Later that morning, Parks was convicted of disobeying the city's segregation ordinance. She was fined \$10 plus court costs. Her attorney filed an appeal.

At an afternoon planning meeting, Martin was unanimously elected president of the protest group, the Montgomery Improvement Association. When he came home that evening, he was a little nervous about tell-

ing me what had happened. But this was clearly a crisis, and I was glad he had accepted the position. At the mass rally later that night, he was greeted by 5,000 jubilant black citizens.

It took more than a year to desegregate Montgomery's buses, but Martin's first speech as a civil rights leader set the tone and tempo of every campaign he led from Montgomery to Memphis, Tenn. Thirty years later, it continues to inspire those working to improve human rights in South Africa.

Martin concluded his speech that evening with these words: "If you will protest courageously, and yet with dignity and Christian love, future historians will say, 'There lived a great people—a black people—who injected new meaning and dignity into the veins of civilization.' This is our challenge and our overwhelming responsibility."

ROSA PARKS—THIRTY YEARS A RELUCTANT HEROINE—SHE KEPT HER SEAT AND CHANGED A NATION

(By Remer Tyson)

Thirty years ago today, Rosa Parks was having a bad day in Montgomery, Ala., and making history.

After working until past 5 p.m. as a \$25-a-week seamstress in a downtown department store, she was arrested on her way home for refusing to give up her seat on a city bus to a white man. Police took her to the city jail, and she had to wait for friends to post her bond. The delay made her late cooking supper.

But the troubles that came Dec. 1, 1955, to the soft-spoken, strong-willed Alabama woman greatly accelerated the elimination of the South's segregation codes and catapulted into international influence a young Baptist preacher, Dr. Martin Luther King, Jr.

Appointed "mother of the civil rights movement," Mrs. Parks, now 72, lives, works and copes in Detroit, as she has for 27 years.

She carries with her the honor and the burden placed by the nation and the news media on an American heroine. In an interview last week, she expressed concern about young people, lamented the high level of violence, and spoke of hope that people of goodwill can bring about peace, prosperity and happiness.

Somewhat by chance 30 years ago, swelling, rebellious forces against racial discrimination put her in the thick of a storm sweeping across Dixie, changing the region forever.

Five days after Mrs. Parks' arrest, Montgomery blacks began a 381-day bus boycott. Her contested conviction in the case resulted in a 1956 U.S. Supreme Court opinion that reversed an 1896 court decision, *Plessy vs. Ferguson*, the cornerstone of the South's "separate but equal" post-Reconstruction laws, which in reality had kept blacks separate but unequal.

At the boycott's beginning, King was a 26-year-old, little-known pastor of the Dexter Avenue Baptist Church, located next to Alabama's state Capitol, where Jefferson Davis

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

Boldface type indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

had stood to take the oath as president of the Confederate States of America in 1861.

By the boycott's end, King had emerged as the leader of a non-violent crusade that spread across the nation and in 1964 won him the Nobel Peace Prize.

In the interview at U.S. Rep. John Conyers' Detroit office, where she is employed, Mrs. Parks said she tries not to think of what happened to her 30 years ago today, "but people don't let me forget it."

"It was not a very pleasant time," said. "I don't think anybody enjoys thinking in terms of being arrested and taken off to jail when you were planning to go home and take care of things."

Mrs. Parks said she does not "feel too much" a historical figure, but "I'm happy to know that some changes for the better were made and I made a contribution. It had been such a long struggle with me. You have to pick the time and notice (to bring about change). The masses of people had not joined in to bring it (back-of-the-bus discrimination) before the public. It takes something sensational to attract attention, to attract the media's attention."

At the time of her arrest, Mrs. Parks was secretary of the Montgomery NAACP branch and had been involved in attempts to end segregation.

"As soon as I was arrested and people started staying off buses, everybody wanted to talk with me then about that particular day," Parks said. "It was a day just like any other day; the only thing that made it significant was that the masses of the people joined in . . . putting the bus company out of business, and we kept our protest going for more than a year and finally the Supreme Court decision to end racial discrimination on transportation systems and (then came) the protests and demonstrations that followed by the youths, the Student Nonviolent Coordinating Committee; Dr. King was chosen as the spokesman in Montgomery and that led to organizing the Southern Christian Leadership Conference."

Her arrest provoked the sustained bus boycott, she thinks, because many forces converged after World War II.

"With the veterans returning, many of them were anxious to come to a better life than when they left," Mrs. Parks said. "Young people were willing to sacrifice themselves to demonstrate for freedom and the end of legal segregation. There were many things—the death of young Emmett Till in Mississippi. People were concerned about that."

Earlier that year, Till, a 14-year-old Chicago black youth visiting relatives in Glendora, Miss., had been shot to death, ostensibly because he had whistled at a white woman. His body, badly beaten, was found in the Tallahatchie River. Two white men—one of them the woman's husband—were accused of kidnapping and murdering Till. After deliberating briefly, a jury acquitted the men.

Although much has changed since she refused to give up her seat on the Montgomery bus, Parks said: "We still have problems as long as there are problems of crime and welfare and violence and all that goes to take away value of human life. . . . It is up to people of goodwill to work together . . . to teach these young people, the children, the pitfalls and the dangers that they face and help them get strong enough to avoid so much violence and so much death and ruining of lives."

"I would like to hope that the future for blacks and all people would be one of peace and prosperity, as much happiness as possi-

ble. It is heartbreaking to see the violence being done to people by other people."

Mrs. Parks and her husband moved from Montgomery to Detroit in August 1957, after she could not find a job in Montgomery and because relatives feared for her safety.

She had lived in Detroit since, except for a year when she took a job as housemother at Hampton Institute, a college in Hampton, Va. Conyers hired her after he was elected to Congress in 1964.

In Detroit, Parks took care of her ill husband and mother, both of whom died here. Her brother also died in Detroit. She has no children, but she has nieces and nephews and their children in Detroit, and many friends.

The city named a street in her honor. A Detroit shrine in her memory has been planned for several years, but fundraising for it "fell through," she said. "It hasn't been built. I feel though we still have hopes something will be done if the economy changes or something good comes our way."

[From the Detroit Free Press, Dec. 1, 1985]

CIVIL RIGHTS: THIRTY YEARS AGO, ONE BUS RIDE MADE A WORLD OF DIFFERENCE

Thirty years ago today Rosa Parks had had it. She got on a bus in Montgomery, Ala., and took the first seat she came to. She sat down where she pleased. She was tired—from work and, as it turned out, tired of toiling to the back of every bus because her skin was several shades darker than people who sat in the front of the bus. Rosa Parks' tired feet and tired but indomitable spirit marked the beginning of something that isn't over yet: the American civil rights movement.

Detroit is privileged to call Ms. Parks one of its own, since she has been a citizen of this city for some years now. And occasionally she comes out of her own quiet retirement to speak up for civility and civil rights, just as she did the other day in the matter of the Dearborn parks ordinance. But no word she has ever spoken will be so powerful as the gesture she made on Dec. 1, 1955, the day she refused to give up her seat to a white man on that Montgomery bus. That and her subsequent arrest provoked a young minister by the name of the Rev. Martin Luther King Jr. to engage himself in the struggle that began with a stupid, inhumane policy of a racist bus company and culminated in a march on Washington and the epochal "I have a dream" speech.

No decent American alive in 1985 could look back 30 years and think that the notion that a person by virtue of skin color should have to sit in the back of a bus, rather than in whatever empty seat suited him or her, was anything other than outrageous and obscene, not to mention un-American and unconstitutional. The temptation is to celebrate this modest anniversary as one celebrates VE or V. Day—as the anniversary of a decisive victory. Rosa Parks and Dr. King certainly did win some battles, but their followers in the 1980s are still fighting because the victory is not yet won. And it won't be until the nightmare found as all too true by the Kerner Commission 17 years ago—that the United States of America is evolving into two separate societies, one white and the other black—is finally turned into Dr. King's dream of unity and then into reality for all people.

Meanwhile, thank you, Citizen Parks for your noble protest, those 30 years ago.

[From the Christian Science Monitor, Nov. 29, 1985]

ROSA PARKS TOOK HER STAND FOR CIVIL RIGHTS—BY SITTING DOWN—SHE MOVED TO FRONT OF BUS AND INTEGRATION FOLLOWED

(By Luix Overbea)

BOSTON.—Thirty years ago a black seamstress refused to give up her seat to a white passenger in a bus in Montgomery, Ala. She was arrested and fined \$14.

This incident sparked a civil rights explosion in the United States, one that outlawed "separate but equal" facilities and education for blacks and whites in the South and challenged "lip service" freedom and civil rights for blacks outside the old Confederacy.

Rosa L. Parks sat until she was forced off the bus Dec. 1, 1955, thus igniting the Montgomery bus boycott, a movement that catapulted a young minister, Dr. Martin Luther King Jr., into the forefront of the civil rights movement.

"Montgomery and Alabama certainly have changed since those days, says Mrs. Parks, who now lives in Detroit. "Blacks hold elective office. They work downtown in good positions. Things are much better."

She cautions the nation and black people, however:

"We are disturbed when we see so little being done by so many. We are at an age now that it feels like it is time for others to move on and take our place. We must work together for peace, justice, and goodwill for all people. That was Dr. King's idea of the beloved community. We must keep alive this dream always."

Others agree with Mrs. Parks. Dr. King's dream has not been achieved, although much progress has been made in human rights.

"Her stand was quite remarkable, a heroic act when she refused to move to the back of the bus," says Prof. Glenn Loury of Harvard University, a black conservative, on leave to teach at Princeton University. "Unfortunately, that does not mean our problems have been resolved."

"The overt signs of racial bias—separate water fountains, separate waiting rooms, separate schools, separate dining facilities—are in the past," says Dr. Loury, an economist.

"Other problems are still with us, but we suffer most from severe economic plight. But solutions for today are not in the realm of civil rights."

Forget "handouts" and federal "social programs," he adds.

The private sector is concerned with effects of reported future changes in federal policy. "Affirmative action is no longer a hassle with us," B. Lawrence Branch, director of equal employment affairs at Merck & Co. of Rahway, N.J., told a recent conference in Boston.

"We're not threatened with reverse discrimination suits," he says of Merck's nationally copied affirmative-action program.

"Nor do white employees accuse us of hiring unqualified minorities to meet our affirmative-action goals. But what happens if the administration alters its civil rights policies radically?"

Civil rights leaders have mixed opinions.

"Everything has changed, but nothing has changed," says the Rev. Joseph E. Lowery, president of the Southern Christian Leadership Conference, once led by Dr. King.

"In the 1960s Bull Connor [Birmingham, Ala., police commissioner] threw us in jail, sicked dogs on us, turned the water hose on us. Today Birmingham has a black mayor.

Last year he picked me up at the airport and gave me a key to the city," Mr. Lowery says.

"But in the shadow of City Hall I saw black people still living in slums, still suffering from ill housing and empty stomachs. Downtown I met blacks of the expanding middle class. In the shadows of downtown I observed a growing underclass.

In Birmingham everything has changed, but nothing has changed."

The NAACP emphasis on legal rights is the key to equity for blacks in the United States," says Benjamin L. Hooks, executive director of the National Association for the Advancement of Colored People (NAACP), also a minister, lawyer, and business entrepreneur.

Rosa Parks was the prototype of the new civil rights activist, he says. "She took direct action," he explained. "In retrospect her action destroyed the framework of separate but equal. The whole cycle of Jim Crow had to go."

The movement is not dead, he contends. "The scene of battle has shifted—to affirmative action in housing, jobs, and education," he says. "And legally we must fight these battles case by case."

"I wish there were more courageous people like Rosa Parks today," says Joseph Delaney of Oxford, Miss., a community worker and journalist. "Mississippi has more elected black officials than any other state, but they have no power to improve our quality of life. It's business as usual in this state."

Mississippi blacks are fighting a number of voting rights cases in court, he says. "I don't think we've come very far. We're losing ground through at-large elections, gerrymandering, and our own naivete. In one community we let \$10 bills influence our vote."

"Many good things have happened in Boston since 1955 as well as in the rest of the country," says Jack E. Robinson, president of the Boston NAACP. "Boston has a black superintendent of schools. Blacks have been promoted in the police and fire departments, but our youth still can't find jobs here. Affordable housing is hard to find."

"One person, a black woman, made a difference in the dark days of Jim Crow," said Dorothy Height, president of the National Council of Negro Women. "Because of Rosa Parks, we struck down segregation as a system. We have the legislation, but not the enforcement. Today, we face a more difficult hour. We need the vigor of individuals and organizations to create a new impact."

Mrs. Parks, the "mother" of the 1960s "movement," crisscrosses the nation encouraging young people and students to wage the war for civil rights. She works as a receptionist in the Detroit office of US Rep. John Conyers (D) of Michigan. She moved to Detroit in 1957 after the US Supreme Court outlawed racial segregation on public transportation in her appeal of Montgomery's \$14 fine.

DAY CARE INSURANCE CRISIS REFLECTS UNDERLYING PROBLEMS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. FLORIO. Mr. Speaker, I am inserting in the RECORD a revealing article from the Philadelphia Inquirer regarding the crisis in the availability of insurance. A number of troubling aspects of this problem are described in the article. One of these is the lack of relationship between premium increases and the claims experience of insureds. This suggests that something more may be involved than rational calculation of risks. As part of our inquiry into the insurance crisis, my subcommittee will continue to examine this issue, among others. If the country is to address this troubling situation, there has to be a better understanding of the causes of the problem.

LIABILITY INSURANCE: DILEMMA FOR DAY CARE

(By Marc Kaufman)

A letter came to Bunnie Longo of Aunt Bunnie's Family Day Care home in Fairless Hills last summer with some bad and confusing news: The liability insurance had been canceled.

No reason was given.

As she soon learned from her insurance broker, the day-care center that she operates in her house—where she cares for 11 infants and toddlers—was hardly alone. The liability insurance for all the other 49 members of the Association of Bucks County Day Care Providers had been canceled, too.

Indeed, liability insurance for most of the nation's home day-care centers—where three to 12 children are cared for in a residence—had been canceled, according to officials of day-care associations.

Longo, like hundreds of other daycare providers, began a frantic search for new liability insurance, which protects day-care owners and workers in case of lawsuits. Five months later, she still has no liability coverage.

"I was paying under \$100 a year before, but now all I can find is liability insurance for about \$1,600," she said. "I can't possibly afford that, so now I'm uncovered—most of us still are. And it's a very scary thing."

"Already, people are talking about getting out of the day care because of this. And I'm sure, if it goes on, they will."

The economic forces that led to the cancellation of Bunnie Longo's liability insurance are, by all accounts, complex and hardly limited to day-care providers.

Insurance industry officials said that liability insurers in Pennsylvania also are pulling back from many other kinds of coverage—they are seldom writing policies any more for tavern owners, for municipalities, for ice-skating rinks. This is part of a nationwide retrenchment in the liability insurance business, following several years of serious financial losses, they said.

Day-care providers, especially those who care for children in their houses, are among the hardest hit. And as those familiar with the situation tell it, the main reason for the withdrawal of insurance companies from day care is fear of potential lawsuits stem-

ming from claims of child abuse by day-care workers, particularly child sexual abuse.

"There were some big and well-publicized sex-abuse cases in the last few years, and they got the liability insurers looking hard at the day-care industry," said Lee Felbinger, director of insurance information for the Insurance Federation of Pennsylvania.

In particular, he said, the arrest last year of seven workers at a respected day-care center in Manhattan Beach, Calif., on charges of molesting children—charges that have spawned numerous lawsuits—made the insurers very jumpy.

"They began seriously asking, 'What do we have here in terms of a liability risk?'" Felbinger said. "They say huge exposure over a long time period in a very emotional area. And with juries giving the kinds of verdicts and awards they are these days, [the companies] didn't like what they saw."

The result: Much of the day-care industry is now either without liability insurance or is struggling to pay for rate increases of 100 percent and more.

"This is really a crisis for us," said Leonard Weeks, president of the Day Care Association of Southeastern Pennsylvania. "The overall thrust will be to strain—and probably reduce—the availability of quality day care. And all this for what certainly seems like a major overreaction."

What makes this sudden crisis so galling to local day-care leaders is that there have been no major child-abuse cases involving day-care centers in this region. Further, nobody questioned knew of any child-abuse lawsuits against local day-care providers.

In fact, a recent survey of area providers by the southeastern Pennsylvania association concluded, "There seems to be no connection between claims against an agency and policy rates or rate increases."

This was based, in part, on the finding that providers that made an insurance claim and those that did not both had essentially the same cancellation experience: Fifteen percent of those agencies whose insurance was canceled had made some sort of claim in the last five years, and 13 percent of the providers whose policies were not canceled had made claims during the same period.

"There seems to be a real arbitrariness to it all," said Weeks, who conducted the survey. "Some people find new insurers at a high, but not astronomical, rate; others with the same kind of track record can't find anything at all."

In an effort to minimize the arbitrariness, at least, the Insurance Federation of Pennsylvania has been meeting for some time with the state insurance commissioner and is expected to announce a plan soon for easing the liability crisis. The plan will focus particularly on day-care centers and other operations, such as taverns, that recently have faced dramatic rate increases. There is general agreement, however, that the plan will address greater availability rather than lower prices.

Before July, much of the day-care liability insurance in the Philadelphia area was provided by a California-based firm, the Mission Insurance Co. Mission was especially important in the home day-care area—Bunnie Longo had been insured by Mission, as had all those in her Bucks County association. The company wrote between 12,000 and 20,000 such policies nationwide.

According to Timothy Leach, assistant general counsel for Mission, the company was forced out of the day-care insurance business because its reinsurers—the compa-

nies that, in effect, insure Mission—refused to reinsure for day care. The company learned of this refusal early in the year, Leach said, and tried to find new reinsurers for some time. More than 25 reinsurers, he said, turned the firm down.

"The reinsurers never specifically said why they wanted out of day care," Leach said. "But I personally wouldn't be surprised if child abuse, and fears about abuse lawsuits, played a large part."

For the day-care providers, the consequences of this retrenchment in the liability insurance industry have been many, and sometimes unexpected.

Day-care centers, for instance, cannot be licensed by the state unless they have liability insurance. By now, most of the larger centers have found new—though expensive—coverage, but some smaller centers and home-care providers have not. Thus far, state officials have not revoked any licenses because of this, but the centers are not in compliance.

Many day-care officials fear that the insurance crisis will cause more providers to go "underground"—decide not to seek state licenses or to meet state standards.

"Some will certainly forget the insurance, and nobody will know they're out there anymore," said Sandra Gellert of Delaware County, who is president of the National Association for Family Day Care. "They'll have a false sense of security—until something goes wrong and they get sued."

Many home day-care centers also have been notified that with the loss of their liability insurance, their homeowner's policies were being revoked, too. According to Felbinger of the Insurance Federation, the writers of the homeowner's policies fear they will have to pay for injuries and damages that would have been covered by the day-care liability insurance.

So many home day-care providers in Washington state lost their homeowner's insurance last summer after their liability insurance was canceled that the state legislature felt forced to take action. It passed a bill making the practice illegal.

The most common offshoot of the insurance crisis, however, seems to be a freezing of staff salaries and benefits in the day-care industry—an industry already known for its low salaries.

At the Red Lion Day Care Center in Northeast Philadelphia, where liability rates this summer went from \$500 to \$1,800 a year, substitute teachers are no longer hired. When substitutes are needed, the director and other administrators now fill in as a way to save money.

"This is just not the kind of business where you can quickly raise the tuition for parents," said director Shirley Schwartz.

Perhaps the most troubling change being brought on by the liability situation involves the fear that children or their parents might misinterpret routine or innocuous actions by day-care workers.

According to Fred Citron, president of the Pennsylvania Child Care Association, at least one insurance company has written into its liability policy a clause forbidding day-care workers from touching the genitals of any child.

"What this means," he said, "is that a worker can't clean up a child's pants, no matter how dirty it gets."

Gellert of the National Association of Family Day Care said that, particularly for those with no liability coverage, the fear of lawsuits is a constant factor in day care now.

"You have to think, 'Oh, if this or that happens, what will the parent think?'" she said. "I don't think it has really changed how kids are cared for yet—how involved the workers will get. But in time, it certainly might."

RETHINKING U.S. POLICY IN EASTERN EUROPE

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. OBEY. Mr. Speaker, my good friend and colleague, LEE HAMILTON, has recently written an insightful article for the Wall Street Journal on U.S. policies in Eastern Europe.

From his perspective as chairman of the Europe and Middle East Subcommittee of the House Foreign Affairs Committee, Mr. HAMILTON has a unique understanding of this important foreign policy matter and offers suggestions that merit serious consideration.

For those concerned with the people of Eastern Europe and the long-range interests of the United States, Mr. HAMILTON's balanced and prudent views will be refreshing. I recommend this article to my colleagues.

THE CASE FOR SPECIAL CASES IN EASTERN BLOC

(By Lee H. Hamilton)

U.S. policy toward Eastern Europe is under attack for being too easy on communists governments. Some critics want to cancel most-favored-nation (MFN) trading status for Romania, charging that Romania's foreign-policy independence is overstated. Some also attack U.S. policy on the basis of human rights. Romania has the worst human-rights record in Eastern Europe, and the imprisonment of Polish political activists has led to calls not only for the continuation of U.S. sanctions against Poland but additional punitive measures.

These arguments, taken together, are pushing U.S. policy toward treating all of Eastern Europe as we do the Soviet Union and its ideological shadow, Czechoslovakia. This is a mistake.

Our paramount interests in Europe since 1945 have been stability and the protection of Western Europe against communist aggression. When governments in Eastern Europe distance themselves from Soviet foreign policy, pursue liberal economic reform or improve their human rights record, they plant a double in Moscow about their political reliability, which can enhance U.S. interests. The U.S. has often responded positively to such developments with the modest tools available—increased high-level diplomatic contacts, MFN status, Ex-Im Bank credit eligibility, cultural and scientific exchange agreements, etc. Known as "differentiation," this policy has been pursued under various names by very administration since Eisenhower's and has proven value. Nonetheless, many see it as a failure; it hasn't broken up the Warsaw Pact nor brought human rights and democracy to Eastern Europe, while providing these governments legitimacy without tangible benefits for the West.

Some of these goals have never been within our reach. The Soviet Union has

made clear repeatedly—Hungary in 1956, Czechoslovakia in 1968, Poland in 1981—it will not tolerate challenges to communist rule. Each of these times we protested vigorously but did not judge it in our interest to confront the Soviets on turf so far from us and so near and important to them.

Deviations in Eastern Europe from the Soviet line, ironically, have taken place not through rebellion but through the assertion of nationalist policies by communists securely in power. Yugoslavia and Albania defected from the Soviet Bloc, and since the 1960s Romania in foreign affairs and Hungary in domestic affairs have steadily tested and stretched the limits of acceptable bloc behavior.

Eastern Europe is now at a critical juncture. During years of aged and indecisive leadership in Moscow, more independent economic and political trends emerged in Eastern Europe. Mr. Gorbachev is now pressured to seek conformity. He wants to cut trade subsidies to Eastern Europe and enlist capital from the bloc for Soviet energy and transportation projects, a strategy that conflicts with the Soviets' other policy goal of political stability in Eastern Europe. Every government in Eastern Europe knows that stable party rule depends upon the improvement of living standards. As Hungary, East Germany and even Bulgaria explore economic reform and trade openings to the West, we should encourage this slow and sometimes even stealthy evolution in their policies. As they increase economic ties with the West, they will become less beholden to the Soviets and more receptive to our concerns, including human rights.

U.S. policy of differentiation does pose difficult choices. Romania's internal stability is precarious and it has adopted many repressive, neo-Stalinist policies, but in accordance with the Jackson-Vanik amendment it has allowed the emigration of 150,000 of its citizens to West Germany, Israel and the U.S. since it received MFN trading status in 1975. Romania openly criticized Soviet military intervention in Eastern Europe, does not permit Warsaw Pact troops to hold maneuvers on its territory, and is the only communist country with full diplomatic ties to Israel. While we should press human-rights issues when dealing with the Romanians, blocking MFN could affect future emigration levels.

In East Germany, the U.S. faces one of Moscow's closest allies. Yet today there may be a basis for settlement of U.S. and Jewish World War II claims and of several human-rights cases in exchange for some modest increases in trade.

Elsewhere, differentiation might mandate changes in U.S. policy toward Poland. Right now, the U.S. treats Poland more harshly than it does the U.S.S.R. President Reagan met with Chairman Gorbachev, but the U.S. shuns high-level contacts with the Jaruzelski government. The U.S. stopped its pipeline sanctions and grain embargo against the Soviet Union, but has kept key sanctions against Poland.

Still holding about 265 political prisoners, Poland reneged on its July 1984 amnesty agreement. But open circulation of publications critical of the government, and the ability of Catholics to practice their faith, indicate a freedom of expression unmatched in Eastern Europe. The Jaruzelski government has blamed its failings on U.S. sanctions, an argument many Poles are beginning to believe.

Whatever their original merit, U.S. sanctions against Poland are now counter pro-

ductive. It is time for better ties. Poland is current on its debt-rescheduling payments and has paid more than \$400 million to the U.S. Treasury this year. Our influence over economic policies in Poland will be greater if it is inside the IMF instead of out. Suspension of MFN makes Poland more dependent upon Soviet trade. Credits suspension is symbolic, since for economic reasons Poland is unable to secure new credits. But we should not block future credits if they are tied to sensible projects or economic-reform policies.

Immediate opportunities for the U.S. to wean Eastern Europe away from the Soviets are few, but should act when we can. The price of providing legitimacy or modest economic benefits to communist governments is surely outweighed by the development of economic and political ties that contribute to their greater independence. Emotional satisfaction should not frustrate a sound policy of differentiation consistent with long-term U.S. interests.

BOB MATSUI ON TAX REFORM: IT'S NOW OR NEVER

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. STARK. Mr. Speaker, our colleague BOB MATSUI has done an excellent job in helping to explain the unfairness of the present Tax Code and the urgent need for the Ways and Means Committee's tax reform bill, H.R. 3838.

I would like to include in the RECORD at this point Representative MATSUI's excellent op ed piece in the Los Angeles Times, entitled "Despite Scuffling, Tax Bill is Badly Needed."

DESPITE SCUFFLING, TAX BILL IS BADLY NEEDED

(By Robert T. Matsui)

The fight for tax reform has always been an uphill battle, and the procedural setback in the House of Representatives on Wednesday certainly proved that. But aside from all the fingerpointing and party politics, let's not lose sight of the fact that we really do need to overhaul the tax code.

Last year about 3,000 millionaires didn't pay a dime in U.S. income taxes. Half of the largest and most profitable corporations in the country paid no taxes in at least one of the last four years, and some of them even got money back from the government.

That's what I call legalized tax evasion. Wealthy individuals and corporations are milking the loopholes in the tax code to avoid paying taxes, and the lion's share of the cost of government is falling squarely onto the backs of middle- and low-income taxpayers.

That's not fair. The average taxpayer knows that he's being taken for a ride.

But at the first mention of the words tax reform, millions of eyes glaze over. People are skeptical of empty promises to make the tax system fairer. Both the President and Congress have been talking about tax reform for a full year now. When are we going to see some action?

The answer is: Now. Assuming that the procedural question is settled today, the House will finally have a chance to vote on the tax-reform bill written by the Ways and

Means Committee. It's a pretty good stab at substantive reform.

Like President Reagan's tax-reform plan, our bill cuts tax rates and abolishes many of the tax loopholes that are keeping billions of dollars out of the U.S. Treasury. Overall we kept most of the President's initiatives intact. The big difference is that we were less generous to corporate and wealthy taxpayers.

Under our legislation, business will pick up a larger share of the tax burden than it has been paying for the last five years. And individuals will pay less. We shift \$141 billion away from the individual and make corporations pay about what they were paying back in 1980, before the President gave them a tax reduction.

We accomplish this by setting up a tough minimum corporate tax and by closing loopholes that are allowing some corporations to pay no taxes at all.

At the same time, by closing down some tax shelters, we restore economic rationality to investment practices in this country. We put business on a level playing field so that investment decisions are made on the basis of sound business practice, not on how much income they can shelter.

So if tax reform gets corporations to pay taxes just like the secretaries and the clerks who work for them, where do individual taxpayers stand?

Under our bill, we raised the personal exemption and cut tax rates so that 88% of all Americans will either receive a tax reduction or pay about the same as they do now. On the average, middle-income taxpayers will receive about a 10% tax cut and 6 million of the low-income working poor will be totally exempt from the tax rolls.

As far as deductions are concerned, the Ways and Means Committee bill retains the major reductions that most Americans depend on. We kept the state and local tax deduction, which the President would have eliminated, and also charitable deductions and the tax-free status of fringe benefits such as company-paid health insurance.

The result is a bill that I think is fairer and better than the current tax code. It may not be perfect, and I admit that it's not much simpler. But, as a result of this bill, a whole lot more low- and middle-income Americans will be enjoying more of the fruits of their own labor.

Not surprisingly, a small army of special interests opposes this bill. I have personally met with hundreds of lobbyists who predict nothing short of Armageddon if this bill is passed.

However, that's not to say that business as a whole opposes our tax package. Big names like General Motors, IBM and hundreds more support it and say that it will improve the climate of business production in this country.

In many cases those who oppose the bill are the ones who are most interested in preserving their own tax breaks. If you lump together all the businesses that oppose tax reform their combined average tax rate is about 4 percent. They know which side of the bread is buttered.

These are the people who are lobbying members of Congress at this very moment to vote against tax reform. And, if they succeed. The average American taxpayer won't just lose now. He or she will lose for a long time to come, because this is our only shot at reforming the tax code.

In order to keep tax reform alive we need bipartisan support in the House. We're counting on the President to sustain what

he calls "the second American Revolution" by persuading Republicans and Democrats alike that he hasn't deserted his troops and that he wants to make his No. 1 domestic policy initiative a reality.

For tax reform it's now or never. Either we win the first battle in the revolution or we keep the kings on their thrones for a long time to come.

GIVING THANKS FOR THE NONSUMMIT

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. COURTER. Mr. Speaker, I would like to direct my colleagues' attention to the following essay by John Podhoretz in *Insight* magazine, because it captures many of my own sentiments about the recent Reagan-Gorbachev meeting. This meeting was noteworthy, not only for what was accomplished, but for what was not given away. As Mr. Podhoretz points out, past summits have achieved little that was positive or substantive, and more often than not, they were followed by further demonstrations of the unchanging Marxist-Leninist foreign policy of the Soviet Union. While there is no telling at this point what international outrage will follow this recent meeting, we should all be thankful that expectations were kept relatively low and President Reagan returned with the SDI Program more or less intact. Given the history of such meetings, this result was no small feat.

GIVING THANKS FOR THE NONSUMMIT

(By John Podhoretz)

The Sesame Street summit may well prove the most important in the history of U.S.-Soviet relations. Why? Because nothing of significance happened. If Ronald Reagan has done nothing else, he has changed the rules of summitry to the immense advantage of the United States.

Once upon a time, a few years ago, Reagan said that summits, even just "get-acquainted" summits, were dangerous.

His reasoning was sound: The pressures from all sides on an American president to make a deal are profound.

The Soviets, by contrast, make deals not in the name of abstract peace but when they have something specific and concrete to gain. This puts them ever at the advantage in bargaining with us. We tend to bargain not only in good faith but with good faith. That is to our credit as a people but to our discredit as grown-ups in the international world.

Reagan found his way around the problem: He turned the meeting into what he himself called a "fireside summit," conjuring up memories of Franklin D. Roosevelt's soothing but insubstantial chats with the nation during the Depression.

By working to minimize the expectations of the American people, and by brilliant coordination of the photo opportunity, Reagan simultaneously disarmed his critics on the left and the right.

Critics on the left were at the ready to denounce him for making agreement impossible, while critics on the right feared he

would give away the store as Jimmy Carter did before him.

Thus NBC's Marvin Kalb could say that the summit was a success even though Reagan and Soviet leader Mikhail Gorbachev still have "profound differences" on strategic and intercontinental missiles, human rights and the Strategic Defense Initiative—everything, in short, that actually matters.

Gorbachev will come to the United States, and Reagan will go to Moscow; these, it seems, are the successes of the summit. This is meaningful?

Meaningful enough. Americans dislike the Cold War and are utopians; give us a chance to imagine that there is lasting solution to a painful problem, and we will grab at it.

The United States is the nation born during the Enlightenment, when reason was thought to be the means by which we would be set free.

We believe in reason even as we act from emotion. We cannot imagine that the Soviets would disagree with our aims to promote freedom and live in peace. After all, these aims are so reasonable.

The Soviets, however, do disagree. Consider the history of the summits—which, after all, are intended to relax tensions and provide peaceful solutions to world problems.

Following the summits at Yalta, Potsdam and Tehran, the Soviets were so reasonable that they crushed democracy in Eastern Europe and tried to take Greece, Iran and Berlin for themselves.

The 1955 Spirit of Geneva summit was followed a year later by spirited Soviet tanks rolling over the Hungarians in revolt against communist tyranny.

The 1961 Vienna summit was followed by the peaceful construction of the Berlin Wall and the reasonable installation of missiles in the Soviet client state of Cuba.

The 1967 meeting in Glassboro, N.J., was followed a year later by the now-familiar Soviet tanks rolling over Czechoslovakia as spiritedly as they had rolled over Hungary.

The 1972 summit was followed by relaxed brinkmanship during the Yom Kippur War.

The same year the 1975 Helsinki Accords were signed, the Soviets reasonably directed the Cubans to install 25,000 troops in Angola.

In 1979 Leonid Brezhnev waited a peaceable six months after SALT II with Jimmy Carter before invading Afghanistan with 100,000 troops.

This is not to mention the kinds of deals we have struck with them at the summits themselves. At the 1972 summit, we signed 29 bilateral agreements with the Soviets on everything from wheat to Pepsi.

The purpose was to bind the Soviets to us in a relationship that the political scientists call "complex interdependence." The Soviets, Richard Nixon and Henry Kissinger believed, would need us and the existing world order too much to destabilize it.

Well, if you want to see Nixon and Kissinger's monument, look around.

Count the bodies of Soviet-style social engineering and systematic elimination, from the Vietnamese gulag and the tortured Afghans to the government-engineered Ethiopian famine.

Count the bodies dead from terrorism, whose germ was spread in the late 20th century by the establishment of that Caltech of political murder, Moscow's own Patrice Lumumba University.

Destabilizing? Without a doubt. A safer world? Not for us, but certainly for the Soviets. In fact, their behavior is reasonable,

though monstrous, because the Soviets act from a position of the starkest self-interest, in which their goal is not the promotion of better relations with the West but the creation of a world order comfortable to them.

Which means uncomfortable, or worse, to us. And until they decolonize—until they change their character as a tyrannical government, which cannot happen—we won't have much of value to talk about.

Which is why the Geneva meeting was possibly historic. Reagan has made the meaningless summit a reality and has set a precedent that others may follow. You don't have to give away the store.

Big Bird may suffice.

EPA MISMANAGEMENT OF ITS ASBESTOS PROGRAM

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. FLORIO. Mr. Speaker, last month I obtained audits prepared by the Environmental Protection Agency [EPA] inspector general which contained serious criticism of EPA's asbestos-in-schools program. The audits documented a consistent pattern of lax inspections and enforcement procedures and failures to distribute EPA guidance material. Although the audits were completed in only four regions, I was concerned that similar findings could be made throughout the country. Unfortunately, my fears have been justified.

Two weeks ago, school officials from a district in New Jersey contacted me regarding a fine their district received from EPA. The school district was fined for not having documents that EPA failed to provide to the district. Specifically, the school district was fined for not having copies of EPA's asbestos information booklets in one of the district's school buildings. However, the school officials made repeated attempts to obtain the booklets from EPA only to be told that they were out of print.

Furthermore, EPA Assistant Administrator for Pesticides and Toxic Substances, John A. Moore, last month admitted that EPA "should have been more aggressive in getting information out" to school officials.

An estimated 15 million children attend school in buildings containing potentially deadly asbestos. I am greatly concerned about EPA's ability to protect our Nation's schoolchildren and ensure that safety of school employees from the hazards of asbestos.

This latest incident reaffirms my concern and suggests to me that forceful congressional action may be the only way to push EPA into positive action. To date, EPA's handling of the asbestos-in-schools problem has been most disappointing.

I commend to my colleagues a recent, informative article in the Philadelphia Inquirer which details the questionable logic behind the fine levied on the local New Jersey school district by the EPA.

[The Philadelphia Inquirer, Dec. 3, 1985]

Collingswood Schools Fined on Asbestos Guide

(By Inga Suffron)

Two years ago, the Collingswood school district requested spare copies of the U.S. Environmental Protection Agency's official guide to asbestos removal, School Superintendent Walter C. Ande says. The district was told the guide was out of print, according to Ande.

Now the EPA is fining Collingswood \$2,000—for failing to obtain a copy of the two-part guide for the district's junior high school.

"The situation would be almost humorous if it were not so serious," complained Rep. James J. Florio (D., N.J.) who fired off a letter yesterday to EPA Administrator Lee M. Thomas complaining about the Collingswood fine. Florio, who criticized the EPA last month for failing to make information available to districts with asbestos problems, asked Thomas to suspend the penalty until the agency can double-check the violation.

Ande said yesterday that the school district in Camden County had asked the EPA "on six or seven occasions," in telephone conversations and by mail, for copies of the guide, called "Asbestos Containing Materials in Schools: A Guidance Document, Parts I and II." No copies ever arrived, he said.

On April 18, two EPA investigators making a routine inspection of Collingswood's asbestos removal program discovered the guide's absence from the file in the junior high school where asbestos has been found. EPA regulations require schools to keep a copy of the guide and related documents on file in any buildings contaminated with asbestos.

The district, in fact, owns a copy of the guide, Ande said. But because there weren't enough to go around for each of its five elementary schools, junior high and high school, the master copy was stored in the school board office. A photocopy of the guide's cover was placed in the junior high's asbestos case file with a note indicating the location of the original.

James C. Woods, the EPA staff attorney for the region including New Jersey, said that "no note was found in the file by our inspector." In any event, he argued, "they could have Xeroxed the document from their other file."

Ande said the district considered doing that but felt it would be a waste of money to photocopy the entire 70-page guide.

The EPA notified Ande in October that the district was being fined \$6,000 for the missing guide. When the district protested that the guide had been unavailable for some time, Ande said, the EPA agreed to reduce the penalty to \$2,000.

"It's petty," said Florio. "Instead of making the [asbestos removal] program relevant, they're slapping fines on school districts."

Florio, who heads the House subcommittee on commerce, transportation and tourism, which oversees the EPA's hazardous-substance programs, last month made public a copy of an internal audit that concluded that the federal asbestos-removal program was hampered by excessive red tape. Key documents explaining how to remove asbestos, which can cause cancer and a fatal lung disease, were never sent to schools, the audit found.

"What we've been trying to point out," Florio said yesterday, "is that the whole program is a colossal failure." New Jersey

Assemblyman John A. Rocco (R. Cherry Hill) has also sent a letter protesting Collingswood's fine to an assistant to President Reagan.

Although the Collingswood school board believes it is on the right side of the argument, Ande said, some members are ready to concede the penalty because it would be cheaper than a legal battle. Yet there is also strong sentiment to challenge the EPA charge.

"To us," Ande said, "it's more the principle of the thing, not the money."

THE UNVARNISHED TRUTH

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. KEMP. Mr. Speaker, Malcolm S. Forbes, Jr. is one of the Nation's best columnists and thinkers on economics and society. Although he uses statistics to good effect in his journalism, Mr. Forbes' best insights arise from his understanding that the true source of prosperity is not in economic abstractions but in the inspiration, hard work, luck, and sheer risk taking of free men and women who constitute the substance of economic life.

Reprinted in this month's Reader's Digest magazine, his article deflates six economic and social myths. I commend this article to my colleagues because the first step toward good public policy is to clear away the myths and theoretical flaws of what passes for conventional wisdom.

I know my colleagues in Congress will enjoy this thoughtful article by Malcolm Forbes, Jr.

SIX ECONOMIC MYTHS

(By Malcolm S. Forbes, Jr.)

1. We must raise taxes to reduce the deficit.

The worst response to the growing budget deficit would be to raise taxes. Government revenues are not the problem; lately they've been growing at a very healthy annual average of more than ten percent. A substantial tax boost would hurt the economy by raising the price people would pay for being productive—for being successful.

Don't underestimate the potency of prosperity. From the 1981-82 recession to the summer of 1984, when the Federal Reserve squeezed credit to slow down the "overheating" economy, the government's net deficit actually began to fall.

Now, however, the deficit is expanding because the economy has stalled. Meanwhile, federal spending continues to grow at a heavy pace.

The answer to Washington's red ink is obvious: tax reform combined with lower interest rates to spur economic growth, and Presidential spending-vetoes to curb government spending.

2. The trade deficit is bankrupting our future.

Contrary to what numerous economists and politicians seem to think, most of us would be considerably poorer if we weren't running a large trade deficit. A trade deficit can be a sign a country is growing vigorously.

For nearly a century after gaining independence, the United States routinely im-

ported more than it exported as it became the world's leading industrial power. Brazil and Mexico now have impressive surpluses, yet their economies and currencies remain sick.

Some economists maintain that the trade gap cost us more than two million jobs in 1983-84. Listening to them, you would never know that in the same period, the United States created seven million new jobs.

The 1983-84 economic boom in this country would have been markedly weaker without imports. A key catalyst to our growth was the surge in capital spending by business, up more than 33 percent in real terms. No U.S. recovery in the past 40 years has experienced investment growth rates like this.

The leading investment area for growth was in high-technology equipment—computers and microprocessors. Much of that vital equipment exists because of foreign-made components. The desk-top computer, a staple in many offices around the country, easily has half of its parts made in Japan. Far from displacing U.S. capital goods, Japan's high-technology supplies were indispensable to their production.

By pushing on the frontier of high technology, by modernizing our plants and equipment, the United States is becoming richer and more efficient—and more competitive with the rest of the world, including Japan. Just as Japan's deficits in the 1950's and 1960's enabled it to become a world economic power, so, too, could our trade deficit help us maintain our position as the leading power for the rest of this century.

Without an open U.S. market in which to sell their goods, debtor nations would already have repudiated their loans. In the 1930's, debtor countries didn't have such a market, and the whole world paid dearly for it.

Moreover, Japan and others that have a trade surplus with us don't dump our money into some black hole. It gets spent or reinvested, much of it in the United States thereby providing more jobs for us.

3. We should require companies to pay workers what their jobs are worth—compared with other jobs.

A number of women's-rights advocates are pushing a doctrine called "comparable worth," which, if adopted by government courts, would bring chaos to the U.S. labor market. "Comparable worth" would lead to courts and government bureaucrats deciding how much each category of employee in the United States should be paid.

The doctrine holds that pay should be equal for all jobs that require "comparable skill, efforts and responsibility." No one would deny that male and female workers should receive the equivalent wage in a similar job category. But trying to compare the worth of one category of job with another is a different matter.

A judge may think that two different jobs are of equal value, but the free market may not agree. There is, for example, a glut of English Ph.D.s. Few get university jobs; they receive very low pay. Computer-software writers are in high demand. Should a judge dictate that English Ph.D.s must henceforth receive as much as the programmers because they are "better" educated?

In the state of Washington, wage scales of state employees are not out of line with those in the private sector. Yet a federal judge ruled that certain job categories where women predominated were receiving too little by the lights of "comparable worth." He ordered the state to pony up several hundred million dollars in back pay.

That decision was set aside recently by federal appeals court, but it may be taken to the Supreme Court. Meanwhile, "comparable worth" advocates are pressing other suits and lobbying federal, state and local governments to institute sweeping programs that would cost taxpayers billions.

Arbitrary judicial intervention in the labor market can only be destructive, as any look at non-market economies, such as those in Eastern Europe, makes clear. Government agencies should not be allowed to set salary scales on the basis of their notions of "fairness," ignoring the economic relations of supply and demand.

4. The Third World is sitting on a population time bomb.

To hear most experts tell it, rapid population growth is the economic curse of underdeveloped countries. Having more mouths to feed makes it difficult for poor nations to pull themselves out of poverty. Resources are limited. More births means less for everyone else.

The notion is flawed. Whether people are an asset or a liability depends on what kind of society they live in.

South Korea, Taiwan, Singapore and Hong Kong are the great economic success stories among developing nations. Yet all have population densities in excess of China's. Not coincidentally, all have far more of what we call free enterprise than most other nations. (They have also shown dramatic declines in population growth.) In fact, population problems are usually most acute in countries that have state-dominated economies.

The real economic villains in the Third World are governments that have crippled their farmers by making it illegal for them to get a fair price for their output. In some countries farmers must sell their produce to government boards, often far below market prices. Nigeria, once a food exporter, has done this—and now wonders why people abandon the countryside and flood the cities, and why it has become a major food importer. If people are permitted to be productive, they usually will be, and the population problem will be far less acute than modern Malthusians would lead us to believe.

5. Illegal immigrants are taking our jobs.

An important portion of this country's prosperity is now dependent on illegal immigrants, not just for servicing hotels and restaurants, but for more skilled jobs in construction—and computers as well. The American Southwest would suffer a depression without these people.

In Silicon Valley, more than one-fifth of the workers are probably "undocumented." Studies show that immigrants—legal and illegal—contribute far more to the economy than they take out. They pay taxes in excess of what they get in government services.

We formally admit about 500,000 immigrants a year. A country of our population and size could easily absorb two to three times that number. If the estimates made by experts on the number of illegal aliens entering this country every year are to be believed, we are currently coping with that number of immigrants anyway.

We also ought to make it easier for employers to hire foreign workers for a fixed period of time. Their earnings would help ease the plight of families in Mexico and elsewhere while not having them become permanent residents here.

6. Our government should learn from Japan and start controlling industrial policy.

President Reagan understands the true catalyst of the Japanese economic miracle better than most. Asked whether the U.S. government should have a national plan for our high-tech efforts à la the Japanese, the President said: "Well, no, I know there has been a great deal of talk about the government-business relationship in Japan. I think one of their greatest advantages is the much higher personal-savings rate of the Japanese people over ours, and the pool of capital that they've got for investment."

What is the source of the Japanese phenomenon? Three decades ago the Japanese government cut income taxes along the lines of Reagan's 1981 reductions; levies on dividends and interest were virtually eliminated. Additional tax cuts were enacted over the next 25 years.

The Bank of Japan, unlike our Federal Reserve in 1981-82, didn't respond to its government's tax reductions with a catastrophic tightening of credit that would have mitigated their beneficial effects. The United States, on the other hand, was captivated after World War II by the Keynesian notion, born of the Depression, that saving money was not good for the economy. Putting aside a portion of one's income in a bank or a bond or a stock was "sterilizing purchasing power."

That's why we got absurdly high tax rates on personal income. To prevent income earners from letting too much of their money go into savings, government would take it away via the income tax and spend it for them, thus preventing economic stagnation.

The losers of World War II grasped the silliness of such thinking more than its winners did. Keynesian notions were least influential in Japan and Germany, and strongest in the United Kingdom and the United States. The level of savings in Germany and Japan has been high, while we and our British cousins are routinely at the bottom among industrial nations in this category.

MIAMI SYMPOSIUM HONORS PEACE CORPS 25TH ANNIVERSARY

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. FASCELL. Mr. Speaker, the 25th anniversary year of the founding of the Peace Corps is being observed with a series of symposiums recognizing the role the Peace Corps has played in providing grassroots, people-to-people assistance for the last quarter of a century. These sessions, organized around the country by returned Peace Corps volunteers, World Affairs Councils, and local universities are reaching out to a diverse mix of people to observe this important anniversary by considering the issues involved in "The U.S. Partnership in the Developing World."

I am pleased to report that one of these conferences took place earlier this week at the University of Miami. At that time, Loret Ruppe, Director of the Peace Corps, also opened a recruitment office in Miami, with the hope that increased recruitment

can be encouraged among the Spanish-speaking and retired populations in south Florida.

I am sure that my colleagues join in congratulating the Peace Corps for the 25 years of opportunities for service it has provided for nearly 100,000 Americans.

The following article, which appeared in the December 9 Miami Herald, describes the Miami symposium:

PEACE CORPS AT 25 RECOVERS ITS VIGOR

(By Ellen Livingston)

When Roosevelt Thomas joined the Peace Corps in 1967 and flew to Kenya to supervise the planting and harvesting of wheat, he was a 21-year-old jack of all trades, fresh out of college, who "had never seen wheat before in my life and didn't know diddley squat about it."

When Barbara H. Smith joined in 1983, she was a grandmother who had a long career as a librarian behind her, sent to Jamaica and Barbados to put her skills to use setting up government libraries.

The Peace Corps that John F. Kennedy first proposed in a middle-of-the-night speech in 1960 is still promoting world peace and friendship, but in 25 years, it's seen some changes.

"Our volunteers are definitely older. Our median age is now 30, where in the 1960s it was around 23," says Loret Miller Ruppe, the current director. "Our volunteers tend to be more skilled, as opposed to the early days when many of them just had general skills."

Ruppe—along with Thomas, Smith and other former volunteers—will be on hand today for a daylong symposium at the University of Miami honoring the Peace Corps' 25th anniversary. It is the fourth in a series of coast-to-coast public seminars on international development the organization is sponsoring.

Since 1960, the Peace Corps has grown, stumbled and begun to rise again. It has sent 120,000 volunteers—including 2,250 from Florida—to more than 90 countries, somehow managing to retain its optimism and purpose through some difficult years.

On a rainy night in October 1960, presidential candidate Kennedy arrived, exhausted, at the University of Michigan campus in Ann Arbor at 2 a.m. He asked the crowd of young campaign supporters if they might be willing to spend part of their lives doing good works abroad.

By March of the following year, President Kennedy had signed the executive order creating the Peace Corps.

The number of volunteers in the program peaked at 15,550 in 1966, when idealism was the catchword of the day. But as the Vietnam war dragged on, some saw the Peace Corps as a refuge for draft-dodgers, and others accused it of being a political ploy and a front for the CIA. Funding was cut, the number of volunteers fell, and the corps was absorbed into an umbrella organization called ACTION.

In 1981, when President Reagan appointed Ruppe, the wife of former six-term Michigan Congressman Phillip Ruppe, membership had fallen to about 5,000. Since then, things have improved.

The program has become more visible through its famine relief efforts in Africa. Funding and recruitment are up noticeably, but Ruppe wants more.

"People are finally hearing about the Peace Corps again," she said in a telephone interview. "When I was appointed in 1981,

people would say, 'The Peace Corps? Is that still around?' Way too many people are still asking that, but not as many."

With its more pragmatic and specialized approach, the corps has branched into more sophisticated long-term projects in the 61 countries that now host 6,000 volunteers. The aim is still to improve life in developing countries, but there is a greater emphasis on helping people help themselves, Ruppe said.

"We're doing a lot more in the 1980s of training trainers and teaching teachers," Ruppe said. A program that introduced macadamia nut trees to Costa Rica half a dozen years ago has created an industry that will have a wholesale value of \$18 million this year, she said.

"We can show that six or seven or 10 years later, countries are able to have more jobs for their people, and income for the little people, which is so important," Ruppe said. "Our volunteers know they're not going to change the world, but they want to change a little piece of it."

Ruppe is working to increase the number of volunteers to 10,000 by the year 1990. She also helped open a recruiting office in Miami to capitalize on the large numbers of minorities and retirees in South Florida. She has visited 44 countries served by the Peace Corps.

The corps' budget is up to \$130 million this year, though Ruppe is the first to tell you that's a drop in the bucket in the grand scheme of things.

"It's shown you can get more bang for the buck out of the Peace Corps than anything else we do," she said. "These people don't just help other countries; they come back to be better citizens of their own country in a world that is interdependent."

Sherri Porcelain, 32, is now a doctoral student in international health at the University of Miami. She went to Colombia in the late 1970s to help women and children who walked the streets of Bogota. Though she had to leave when the political climate turned violent, the program she worked with is still going strong.

"You go down there with the aspiration of curing the world, and you really can't expect to do that," Porcelain said. "I don't think I did that. I went down for an educational experience. I probably gained more than I was able to offer, though when I look back on my program it's still growing, and being copied by other countries and other places."

No matter how much the Peace Corps has changed, the vision of recent graduates of the program is not far from the idealistic vision of its earlier volunteers.

To Barbara Smith, who finished her stint last May and now lives in Coral Gables, "it was absolutely fascinating."

To Roosevelt Thomas, now the assistant vice president for personnel and affirmative action at the University of Miami, the experience in Kenya in the late 1960s "was the best experience one can possibly have."

"It's the people and the culture," he said. "All the volunteers I've talked to say we, as volunteers, got far more out of the experience than we gave."

"The hospitality has been unmatched by anything I've ever experienced. They invited you into their homes and killed their last chicken for you. . . . It's absolutely mind-blowing."

THE CASE FOR SPECIAL CASES IN THE EASTERN BLOC

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. HAMILTON. Mr. Speaker, on December 5 my observations on relations between the United States and the nations of Eastern Europe were published in the Wall Street Journal. I ask that they be inserted in the RECORD.

The article follows:

THE CASE FOR SPECIAL CASES IN EASTERN BLOC

(By Lee H. Hamilton)

U.S. policy toward Eastern Europe is under attack for being too easy on communist governments. Some critics want to cancel most-favored-nation (MFN) trading status for Romania, charging that Romania's foreign-policy independence is overstated. Some also attack U.S. policy on the basis of human rights. Romania has the worst human-rights record in Eastern Europe, and the imprisonment of Polish political activists has led to calls not only for the continuation of U.S. sanctions against Poland but additional punitive measures.

These arguments, taken together, are pushing U.S. policy toward treating all of Eastern Europe as we do the Soviet Union and its ideological shadow, Czechoslovakia. This is a mistake.

Our paramount interests in Europe since 1945 have been stability and the protection of Western Europe against communist aggression. When governments in Eastern Europe distance themselves from Soviet foreign policy, pursue liberal economic reform or improve their human rights record, they plant a doubt in Moscow about their political reliability, which can enhance U.S. interests. The U.S. has often responded positively to such developments with the modest tools available—increased high-level diplomatic contacts, MFN status, Ex-Im Bank credit eligibility, cultural and scientific exchange agreements, etc. Known as "differentiation," this policy has been pursued under various names by every administration since Eisenhower's, and has proven value. Nonetheless, many see it as a failure; it hasn't broken up the Warsaw Pact nor brought human rights and democracy to Eastern Europe, while providing those governments legitimacy without tangible benefits for the West.

Some of these goals have never been within our reach. The Soviet Union has made clear repeatedly—Hungary in 1956, Czechoslovakia in 1968, Poland in 1981—it will not tolerate challenges to communist rule. Each of those times we protested vigorously but did not judge it in our interest to confront the Soviets on turf so far from us and so near and important to them.

Deviations in Eastern Europe from the Soviet line, ironically, have taken place not through rebellion but through the assertion of nationalist policies by communists securely in power. Yugoslavia and Albania defected from the Soviet Bloc, and since the 1960s Romania in foreign affairs and Hungary in domestic affairs have steadily tested and stretched the limits of acceptable bloc behavior.

Eastern Europe is now at a critical juncture. During years of aged and indecisive leadership in Moscow, more independent

economic and political trends emerged in Eastern Europe. Mr. Gorbachev is now pressured to seek conformity. He wants to cut trade subsidies to Eastern Europe and enlist capital from the bloc for Soviet energy and transportation projects, a strategy that conflicts with the Soviets' other policy goal of political stability in Eastern Europe. Every government in Eastern Europe knows that stable party rule depends upon the improvement of living standards. As Hungary, East Germany and even Bulgaria explore economic reform and trade openings to the West, we should encourage this slow and sometimes even stealthy evolution in their policies. As they increase economic ties with the West, they will become less beholden to the Soviets and more receptive to our concerns, including human rights.

U.S. policy of differentiation does pose difficult choices. Romania's internal stability is precarious and it has adopted many repressive, neo-Stalinist policies, but in accordance with the Jackson-Vanik amendment it has allowed the emigration of 150,000 of its citizens to West Germany, Israel and the U.S. Since it received MFN trading status in 1975, Romania openly criticized Soviet military intervention in Eastern Europe, does not permit Warsaw Pact troops to hold maneuvers on its territory, and is the only communist country with full diplomatic ties to Israel. While we should press human-rights issues when dealing with the Romanians, blocking MFN could affect future emigration levels.

In East Germany, the U.S. faces one of Moscow's closest allies. Yet today there may be a basis for settlement of U.S. and Jewish World War II claims and of several human-rights cases in exchange for some modest increases in trade.

Elsewhere, differentiation might mandate changes in U.S. policy toward Poland. Right now, the U.S. treats Poland more harshly than it does the U.S.S.R. President Reagan met with Chairman Gorbachev, but the U.S. shuns high-level contacts with the Jaruzelski government. The U.S. stopped its pipeline sanctions and grain embargo against the Soviet Union, but has kept key sanctions against Poland.

Still holding about 265 political prisoners, Poland reneged on its July 1984 amnesty agreement. But open circulation of publications critical of the government, and the ability of Catholics to practice their faith, indicate a freedom of expression unmatched in Eastern Europe. The Jaruzelski government has blamed its failings on U.S. sanctions, an argument many Poles are beginning to believe.

Whatever their original merit, U.S. sanctions against Poland are now counter-productive. It is time for better ties. Poland is current on its debt-rescheduling payments and has paid more than \$400 million to the U.S. Treasury this year. Our influence over economic policies in Poland will be greater if it is inside the IMF instead of out. Suspension of MFN makes Poland more dependent upon Soviet trade. Credits suspension is symbolic, since for economic reasons Poland is unable to secure new credits. But we should not block future credits if they are tied to sensible projects or economic-reform policies.

Immediate opportunities for the U.S. to wean Eastern Europe away from the Soviets are few, but we should act when we can. The price of providing legitimacy or modest economic benefits to communist governments is surely outweighed by the development of economic and political ties that con-

tribute to their greater independence. Emotional satisfaction should not frustrate a sound policy of differentiation consistent with long-term U.S. interests.

AS FREE-TRADE BASTION, UNITED STATES ISN'T HALF AS PURE AS MANY PEOPLE THINK

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. CRANE. Mr. Speaker, a very popular sentiment in response to the negative U.S. trading position is that America is the only country that follows a doctrine of free trade. Foreign countries are not playing by the "rules of free trade," therefore, the United States should "level the playing field" through the use of restrictive quotas and tariffs. This view is not only unfounded, but threatens the future of the entire world trading system.

During the recent floor debates on the textile and apparel bill, I repeatedly heard the proponents of the legislation say that the United States can't continue to leave its markets open to import penetration, while foreign markets remain closed to U.S. products. Although the domestic textile and apparel industry remains one of the most highly protected sectors within our economy, this legislation seeks additional restrictions on imports. Interestingly, Hong Kong, which does not impose any duties, tariffs, or quotas of any kind of American imports, would be particularly hard hit by this textile legislation. How is it that we can criticize our foreign trading partners for not "playing by the rules," when the United States is guilty of protectionism and discrimination as well?

In the following article by Alan Murray, he cites numerous examples of American protectionism ranging from sugar, to books, to chemicals, to steel. He asserts that although traditional barriers such as tariffs have been largely replaced by quotas and voluntary restraints, the U.S. consumer still has to bear the burden of protectionism.

The United States might not be guilty of protecting domestic markets to the extent of most of its major trading partners, but until we eliminate our barriers, it is indeed hypocritical to preach what we don't practice. Before one laments over unfair trading practices, I would urge one to consider the examples of U.S. protectionism contained in the following article.

[From the Wall Street Journal, Nov. 1, 1985]

NATIONAL DUTY—AS FREE-TRADE BASTION, U.S. ISN'T HALF AS PURE AS MANY PEOPLE THINK

(By Alan Murray)

In Sault Ste. Marie, Ontario, a Canadian shopper can buy a four-kilogram bag of white cane sugar at New Dominion Stores Ltd. for about \$1.50 (U.S.).

But across the St. Marys River in Sault Ste. Marie, Mich., 10-pound bag (4.54 kilograms) of the same sugar sells at Norden's

Foodland for \$3.55, roughly double the Canadian price.

The reason is simple: protectionism. To support domestic sugar producers, the U.S. imposes stiff quotas on sugar imports, keeping the domestic wholesale price far higher than the world price. "It's a glaring discrepancy," says Francis Mansfield, director of the Sault-area Chamber of Commerce.

The current congressional debate over trade legislation rings with complaints that the U.S. is the last bastion of unfettered international trade in a world of protectionists. "The United States has permitted imports to gush ashore freely while not demanding comparable access abroad," asserts Sen. Lloyd Bentsen, a Texas Democrat.

AN ARRAY OF BARRIERS

But the U.S. isn't the pure free-trader that many in Congress and business seem to think. Sugar quotas are just one example of a large array of trade barriers the U.S. has built to restrict imports. High tariffs and other restrictions provide substantial protection to producers of books, benzenoid chemicals, ceramic tiles, canned tuna, rubber footwear, steel, textiles, motorcycles, peanut, dairy products and more.

Indeed, significant trade barriers cover more than a quarter of all manufactured goods sold in the U.S. and cost American consumers more than \$50 billion a year, or \$450 for every working man and woman, according to Gary Hufbauer, a Georgetown University professor, in a book to be published later this year.

"We probably do less" to block imports than most of our major trading partners, Mr. Hufbauer says. "But we do a lot. We certainly protect a heck of a lot more than most congressmen say we do."

During most of the postwar period, the U.S. has been the world's leading force for free trade. Under its leadership, worldwide tariffs have been reduced sharply and trade has boomed. Average U.S. tariffs have fallen from 50% of the imports' value in the days of the Smoot-Hawley tariffs during the 1930s, to about 5% today; and European and Japanese tariffs have been reduced to about the same level.

"NEW PROTECTIONISM"

But in recent years, the U.S. has been caught up in the global trend toward a "new protectionism," establishing quotas, "voluntary" import restrictions and other barriers rather than tariffs to shield its domestic industries from foreign competition. By Mr. Hufbauer's estimate, the percentage of U.S. imports covered by protection has risen to 21% today from 8% in 1975.

"My sense is that on net, trade restraints continued to drop through most of the 1970s," says William Niskanen, chairman of the Cato Institute, a Washington think tank. "But starting in the 1980s, the increase in nontariff barriers has been greater than the reduction in tariffs."

The trend toward protectionism has accelerated in the last five years, thanks largely to the dollar's steep rise in value relative to other currencies. The strong dollar has encouraged a flood of imports by making them cheaper, increasing domestic industries' demand for protection. Although the Reagan administration claims to be vigorously opposed to trade barriers, it has found it politically impossible to fully resist these protectionist pressures.

"I think it is probably true that we are less protectionist" than both Europe and Japan, says Rober Lawrence, a senior fellow at the Brookings Institution. Nonetheless,

we have a lot of protectionism. We ought not to be necessarily as selfrighteous as we are."

FOREIGNERS' VIEW

Not surprisingly, foreign officials agree with Mr. Lawrence's assessment. Says Sir Roy Denman, head of the European Communities delegation in Washington: "The good Lord did not ordain that sin only started east of Cap Code or west of Alaska."

America's trade barriers impose large costs on U.S. consumers. And while they may save jobs in protected industries, economists say barriers reduce jobs elsewhere in the economy. As President Reagan pointed out at a recent press conference, "No one ever looks over their shoulder to see who lost their job because of protectionism."

Clothing tariffs and quotas provide a dramatic example of the high costs of U.S. protectionism. During the 1970s, the U.S. negotiated import quotas with all the major apparel-producing nations, and in 1983 those quotas were tightened substantially. The U.S. also has a tariff averaging 26% of the value on all clothing imports.

As a result, the cost of imported clothing here is more than double what it would be if the U.S. had no trade barriers, according to a recent study by the Federal Reserve Bank of New York. The study, which conservatively assumes that trade barriers don't raise the price of domestically manufactured clothes, estimates that consumers pay a tax of as much as \$12 billion a year to protect the U.S. textile industry. A more comprehensive measurement, according to Georgetown's Prof. Hufbauer, puts the figure at \$27 billion, or \$42,000 for every job saved.

Much of that money goes to foreign companies. Textile-producing nations receive import quotas to allocate to manufacturers. Those quota rights are often auctioned off among producers, and the cost of the quota is passed on to the American importer. When demand is strong, the quotas guarantee manufacturers who hold them a hefty profit.

Clothing quotas are particularly troublesome for those who sell imported apparel. Retailers say they can tolerate tariffs because they are predictable; but quotas produce wide price fluctuations and sometimes block imports altogether.

Spiegel Inc., for example, has encountered many problems since the Reagan administration tightened quotas in 1983. Leo Sansone, the company's assistant vice president for merchandising, recalls that last year the catalog company arranged to buy wool sweaters from Hong Kong at a time when sweater demand was expected to be light, and quota rights—which are auctioned off daily in Hong Kong—were selling at about \$1.50 per sweater. By the time the company decided to reorder more sweaters, strong demand had caused the quota price to soar to \$6.50. As a result, Spiegel had to pay \$18, including shipping and tariffs, for a sweater it had expected to cost only \$10.

Spiegel also recently had a shipment of wool slacks from Taiwan confiscated by U.S. officials, who said the shipment exceeded the island's quota for such slacks. The Taiwanese manufacturer authorized the shipment at the end of 1984, counting it against the 1984 quota. But U.S. Customs counted it against the 1985 quota, which it says has run out. As a result, says Terry Coyone, Spiegel's import manager, "we have 150 dozen wool slacks that we've already paid for sitting in a bonded warehouse because we can't get them through customs."

Walter Killough, the company's senior vice president for merchandising, complains that "the way quotas are administered now, it's almost as if the people just want to create problems for us."

ECONOMIC IMPACT

Economists argue that such protectionist policies probably eliminate as many jobs in other parts of the economy as they save in the protected industry. For one thing, when consumers must pay more for clothes, they have less to spend on other items, leading to less employment in other industries. Most economists also believe that import restrictions usually result in reduced U.S. exports.

"I happen to believe there are no jobs saved in the economy as a whole" as a result of protectionist measures, says Mr. Lawrence of the Brookings Institution. Mr. Niskanen of the Cato Institute agrees. "By and large, the number of jobs in the economy is invariant to trade measures," he says.

Some other imported products that are protected by U.S. trade barriers:

Steel

The U.S. signed a quota agreement with the European Communities in October 1982 limiting steel imports. At about the same time, Japan initiated a system of "voluntary" steel export restraint to avoid more direct U.S. trade action. These measures substantially reduced European and Japanese steel shipments to the U.S., but shipments from developing countries soared in their place. In September 1984, the U.S. began negotiating more "voluntary" export restraints with other steel suppliers designed to limit total steel imports. The New York Fed conservatively estimates that these restraints cost consumers about \$2 billion a year by adding 5% to steel prices.

Book manufacturing

The U.S. book printing industry is largely shielded from foreign competition. To be eligible for U.S. copyright protection, virtually all books and periodicals published in this country must also be printed and bound here. According to Prof. Hufbauer, that restriction costs consumers an estimated \$500 million each year.

Ceramic tiles

Makers of ceramic floor and wall tiles are protected by tariffs that average about 25% of the import value. The cost to consumers, Mr. Hufbauer says, is about \$116 million a year.

Peanuts

To prevent imports from undermining its peanut price support program, the government has kept a strict quota on imported peanuts since 1953. The approximate annual cost to the consumer, according to Mr. Hufbauer's research: \$170 million.

Shipping

The Jones Act, which dates back to the 1920s, bars foreign ships from carrying passengers or freight between any two U.S. ports. This protects coastal carriers from lower-cost foreign shipping lines.

Rubber shoes

The U.S. rubber footwear industry is shielded by high tariffs that in some cases have changed little since the days of the Smoot-Hawley Tariff Act of 1930. The cost to consumers: \$230 million, Mr. Hufbauer says.

Motorcycles

In 1983 President Reagan imposed temporarily high tariffs, starting at 49.4%, on Japanese motorcycles with engines exceeding

700 cubic centimeters. Mr. Hufbauer estimates that the tariff, designed to protect about 2,500 Harley-Davidson Motor Co. workers, cost consumers \$104 million last year.

Trucks

Foreign-manufactured light trucks face a stiff 25% tariff when they cross U.S. borders. The tariff prompted creation of the Subaru "Brat," which escaped the tariff by putting bucket seats in the truck bed to qualify as a car.

Autos

Under a "voluntary" agreement, Japan began restricting auto exports to the U.S. in April 1981. As a result, according to the New York Fed, Japanese car export prices rose more than \$2,000, and cost consumers an estimated \$4.5 billion in 1984. That restraint agreement formally expired last March, but most observers believe the Japanese continue to restrain auto exports to prevent a flare-up of further protectionist pressure. As a result, many Japanese auto dealers in the U.S. continue to add as much as \$2,000 or \$3,000 in "additional dealer markup" onto the sticker price of the cars they sell.

INSURANCE CRISIS: TORT PROBLEM OR MANAGEMENT PROBLEM?

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. FLORIO. Mr. Speaker, some people place all the blame for the availability crisis in insurance on our judicial system. But as the following article from the Journal of Commerce shows, insurers who did not engage in cash flow underwriting are doing all right today. This suggests that those who contend that the industry's difficulties are as much or more a result of its own practices as of the tort system, may have a point. In any event, that is an issue my subcommittee will explore in our current inquiry on this subject.

SMALLER P/C INSURERS BETTER OFF

(By James Nolan)

There is an island of calm amidst the stormy seas battering the whole of the property/casualty insurance industry.

And dwelling thereon are some 400 of what A.M. Best lists as the smaller property/casualty companies—those writing up to \$10 million in net premiums.

Best recently surveyed 866 property/casualty companies and broke them into four categories by net premiums written to determine the financial well being of the companies.

The 27 very large companies with a combined net premium written volume of \$61 billion have much to envy when they look at their smaller brethren.

On a measure of quick liquidity, the smaller companies are immensely better off.

Quick liquidity is the ratio between liquid assets and net liabilities—the higher the better. In 1984, the larger companies combined stood at a ratio of 20 and the smaller ones were nudging up to the 100 line.

"The higher this ratio," said A.M. Best, "the better the company's ability to meet obligations without having to disturb long-term programs or take on expensive short-term debt."

Thus it was that the A.M. Best Co. caught up to what Melvin H. DeYoung has been preaching for a decade and more: And that is that small is beautiful when it comes to being a property/casualty insurance company.

Mr. DeYoung is retiring from his post as president and chief executive officer of the American Association of Insurance Services.

The AAIS serves some 400 companies which would fit into Best's small- and medium-sized categories. Although the mediums—writing up to \$100 million—are not quite as well off as the smaller ones, they enjoy far better liquid positions than do the majors.

"The biggest problems our companies have at the present," Mr. DeYoung said recently, "is coping with the new business that is coming our way."

His reference was to a current conflict between the major property/casualty underwriters and the independent agents who market their products.

Virtually all of the major underwriters have been cutting back on the business they do through independent agents. The underwriters have been severing their contracts with the smaller of the agents, refusing to renew much commercial insurance sold through agents and in some cases, canceling liability insurance before the policies run out.

As a result, the agents are running to the member companies in the AAIS to market commercial risks, including commercial, fire general liability, commercial inland marine and burglary.

But, as Mr. DeYoung points out not all of the risks will find takers.

The smaller companies have achieved their stability, he said, by very, very conservative management principles.

The AAIS companies, for example, took no part in the price cutting war of the late 70s and early 80s, which proved so devastating to the major companies who battled each other for the premium dollar.

The majors cut premium rates far lower than they should have in anticipation of large investment income. Then, as high risk claims came due, the companies operating income plummeted.

Skeptical of the stability of investment income for an underwriter, Mr. DeYoung points out, the smaller companies did what they were supposed to do. They underwrote the risks. Period.

After a close analysis of the smaller companies' financial statements, A.M. Best agreed with Mr. DeYoung.

"For the past five years," Best said, "smaller companies have been more conservative than larger companies, becoming more so in recent years. They tend to keep a higher percentage of their investments in relatively liquid assets, with the aim to help them weather adverse market and economic conditions with greater stability."

THE REMARKABLE EV ERLICK

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. DINGELL. Mr. Speaker, when Capital Cities Communications, Inc., takes over the American Broadcasting Co., ABC will lose one of its most treasured confidants and corporate strategists—Everett Erlick.

For over 25 years, Ev Erlick guided ABC from a fledgling corporation awash in red ink, through rough financial waters, ultimately to the position where it was an attractive catch for Capital Cities.

Ev Erlick also was a champion of many bold policies for ABC. Erlick's unbending adherence to the fairness doctrine and his contention that this important vehicle of free expression would not be dismantled by administrative fiat, and only by congressional action. I have always admired him for his tenacity in holding onto that position.

Most recently, Broadcasting Magazine did a retrospective interview with Ev Erlick on his retirement from ABC. I urge my colleagues to read the interview and get a closer look at what I consider to be a remarkable individual.

The article follows:

IN RETROSPECT: THE ERLICK YEARS AT ABC

If there has been an eminence grise at ABC during the past quarter century, his name was Everett Erlick—confidant to Leonard Goldenson, party to all principal decisions, adviser and consentor to corporate strategy; this is the story of a personal past that serves as preface and prologue.

For almost 25 years, Everett Erlick has been a major factor in the development of ABC, helping to nurture it from its days as a fledgling corporation whose television network operations were awash in red ink to one that a savvy Capital Cities Communications Inc. is ready and eager to pay \$3.5 billion to acquire. It has been a long march, and Erlick is now ready to move on to other things. But in his career can be read the story of what it took one communications company to survive and prosper—determination in large measure, plenty of street smarts and not a little luck.

Erlick, who moved over to the then American Broadcasting-Paramount Theaters from Young & Rubicam in 1961 at the invitation of Leonard Goldenson, then AB-PT president, talked of those things the other day in ABC's Washington offices. He talked, too, of his plans for the future: He will serve as a consultant to the new CapCities/ABC and become special counsel to "a major law firm," which he declined to identify, developing business in communications—including international communications—and other areas ("I don't intend to confine myself to communications"). But like the veteran of a war, he is full of the emotions and memories of the battles he has fought. And as executive vice president, general counsel and director whose responsibilities followed his interests across the board of ABC's activities, he has fought in all of the major ones: "I've been part of everything this company has done."

Perhaps at the bottom there was the trauma of the ABC television network—it was the period during which some called it the "half" in a two-and-a-half-network system—hemorrhaging almost literally its life blood. Between 1961 and 1971, the network lost \$120 million. And the loss inevitably shaped the tone and character of ABC. "The money had to come out of the [Corporation's] theaters, records and owned stations," Erlick said. "All that was used to support the building of the ABC network, particularly news and public affairs and other parts that were not profitable."

At one point, a group Erlick put together under the name of ABC Cablecom and headed by Martin Malarkey and Arch Taylor developed a plan for putting ABC into cable in a major way; ABC would have been the third or fourth largest MSO at a time when networks were still allowed such crossownerships. But with the company strapped for cash, the board through the plan too ambitious, and it was scrapped, to Erlick's regret. "It would have been a good thing to do," Erlick said last week. "It would have been a valuable asset for the stockholders. But we had to forgo a lot of things in those days."

For a time, in the last 1960's, ABC saw its salvation in a merger with ITT. Earlier, the corporation had turned back an effort by financier Norton Simon to gain control (as it would later fend off an effort by the late Howard Hughes). But the giant international telecommunications conglomerate, with its enormous resources, seemed an ideal partner. The Department of Justice's antitrust division thought otherwise, and its opposition tied up the merger in court long enough for ITT to lose interest and exercise its option to walk away. And that proved to be an element of the luck that has helped ABC. "It was," said Erlick, "one of the greatest things, if not the greatest thing, that ever happened to ABC."

For one thing, he said, "Things started coming together for the network. From that point on, ABC's real growth development was achieved." He attributes that in part to the fact that ABC "had gotten its act together; our programming strengths were evident," as well as to the fact that the loss of the rich suitor caused company officials and staff to steel themselves to greater effort. "We were really squeezed hard for a while, but that period of adversity was a great impetus for ABC," he said.

Another helpful factor, a major one, was the FCC's prime time access rule, adopted in 1971, which, by prohibiting the networks from programming more than three and a half hours of prime time (7-11 p.m. NYT), reduced the inventory ABC was having trouble filling. Then, too, there were the subsequent headlines announcing the series of messy scandals in which ITT and some of its officials were involved. "It was terrible," Erlick recalled of the way things could have been if ABC had become a part of ITT. "We could have had every license in hearing. It was a real mess."

Erlick has had two role models. One was the late James C. Hagerty, the former New York Times reporter who had been President Eisenhower's press secretary before he joined ABC in 1961 as vice president of news, special events and public affairs and then moved on to become executive vice president for corporate relations. Erlick said he was impressed by Hagerty's knowledge of the Washington scene and his ability to deal with people. "When Jim introduced you to someone, you had a golden handshake," Erlick said. He continues to benefit from the contacts he made through Hagerty. The other was Frank Stanton, former president and vice chairman of CBS, whom Erlick regarded as an industry statesman. "I thought he was great. . . . He represented not only his company but the industry. I've tried to do that."

Of course, Stanton had the luxury of an elegant, immensely successful corporation behind him. So the statesman's role was easier for him to play than for Erlick. The PTAR is a case in point. CBS and NBC opposed its adoption as undue government in-

terference in their affairs, but not ABC. ABC, remember, had absorbed \$120 million in television network losses over the previous 10 years. Not only that, Congress had just passed a law banning cigarette advertising from radio and television. Cigarettes accounted for about 10% of ABC television's prime time business—"and we already had too much inventory," Erlick recalled. "We needed some outside force," Erlick said. So at the point in ABC's history, PTAR was "a handy brass ring . . . a useful regulatory measure. As a matter of principle, we don't like to see government intervention . . . but sometimes, necessity causes those judgments to change."

So do circumstances. ABC was shoulder to shoulder with CBS and NBC two years ago in seeking repeal of the financial interest and syndication rules that are ancillary to the PTAR and were adopted with it. The effort failed because of the overwhelming opposition that the Hollywood creative community and its allies mustered on Capitol Hill to repeal the rules. Erlick said ABC would like to reach an agreement with Hollywood on the issue, and he believes it will happen. But he made it clear ABC does not endorse the agreement CBS appears to be reaching with representatives of the seven major production studios (Broadcasting, Oct. 7). Among other things, he said he is shaken" by the reported provision that would limit CBS in-house production to three and a half hours of programming weekly "in perpetuity." "We don't think anyone is smart enough now, with the radical changes going on in this business, to make an agreement in perpetuity." Unlike its situation in 1971, ABC believes it can profit from more rather than less freedom of action. "Nothing," says Erlick, "stays the same."

Then, too, there is Erlick's—and ABC's—position on the fairness doctrine. Again, it is probably less statesman Stanton than pragmatic Hagerty. Where most of the broadcasting establishment traditionally and repeatedly calls for elimination of the fairness doctrine as a violation of broadcasters' First Amendment rights, ABC operates on the assumption the argument is irrelevant. Nor is Erlick impressed with the challenge the Radio-Television News Directors Association, backed by CBS, and others are mounting in court to the constitutionality of the doctrine.

"My judgment is—our judgment is—that this is a legislative judgment call. It's a major national communications issue," Erlick says. "The whole controversy is about what that section of the statute says." (The section, 315 of the Communications Act, imposes the equal time obligation on broadcasters and provides for the fairness doctrine.) "If Congress expresses its sentiment [in favor of repeal], that's fine with us. But it's not a judicial question." But, he was asked, what if the courts declare the doctrine unconstitutional? "You're not going to win," Erlick insisted. "You'll get another law that will pass muster." With a note of impatience, he added: "I'm saying this Congress is not going to sit there and see this thing wiped out, fairness, and equal time. You have to contend with that as reality. That is a reality of the world we live in." That, he said, is and has been ABC's position. "Just accept it at face value."

If he offers no automatic reaction to mention of the fairness doctrine—"We can live with it," he says—neither does mention of the "public interest" the Communications Act imposes on broadcasters fill Erlick with

unease. Indeed, he seems to regard the standard as a badge of honor—and a key to profit. "Yes," he says, it's a proper obligation. "I may be a little old-fashioned, but I feel good service is good business. If a local station is involved in the local community, in service, in community affairs. . . . these are the things that will distinguish a broadcast station from the other means of delivery of news and information and entertainment to the American home." He says he does not endorse the use of percentage guidelines to determine whether, say, the amount of non-entertainment programming a station offers is sufficient. But he does endorse "a broad standard of responsible service."

Like other veteran broadcasters who found much fault with the regulatory-minded regimes of such FCC chairmen as Newton N. Minow and E. William Henry, Erlick, ironically, appears to feel the current pace of the Mark S. Fowler commission's deregulation is too swift. He is concerned about the repeal of the three-year rule—which prohibited owners from selling stations less than three years after acquiring them—as part of a general deregulatory movement and "the financial buccaneering" he says is evident on the broadcasting scene. "You have a lot of people buying and selling television stations as commodities," he says. "Not all . . . but some purchases are highly leveraged, with multiples being paid that are hard to justify. The danger is that those people will be forced to take from the operation to pay the interest and principle. When that starts happening on a broad scale, there is a risk the medium will be diminished."

But he also feels the system may be self-correcting: "The people who pay such prices will be so affected by market forces that they'll have to sell the stations or mend their ways."

Among Erlick's skills, and responsibilities, is lobbying—he was broken into the art form by Hagerty. But he feels the broadcasting industry generally is not as effective as it should be in its efforts on Capitol Hill. Years ago, he put it this way: "There are many people in this business whose idea of government relations is to go to the National Association of Broadcasters convention once a year, read Broadcasting once a week, and go to the bank every Friday." He thinks the industry now realizes something more is required. Recalling a defeat that evidently continues to rankle, he says the financial interest/syndication issue indicates that more is needed.

"The three networks and the three affiliate boards were solid in favor of repeal of the rules," he said. "We won everywhere on the merits—at the commission, at the Department of Justice, the Federal Trade Commission, the National Telecommunications and Information Administration—everywhere. Yet we got rolled on the Hill. Our mistake was that we thought the issue could be won on the merits." The other side—Hollywood—"was skillful," Erlick recalls ruefully. What's more, he said, it also took advantage of the "antinetwork sentiment on the Hill"—sentiment, he added, that was just then peaking.

What's the answer? "The company, the industry and the affiliates have to do a better job of government relations," Erlick says. "That means one-on-one in the field. It doesn't mean three guys from New York coming down to Washington and running around. A senator from Wyoming would rather hear from an affiliate in Wyoming

than have someone from New York come down and shake his hand—although that is important, too, since we cover the national scene." Erlick said he is "encouraged" by ABC affiliates' recognition of the need to lobby on the Hill. And for their part, he says, the network types should visit senators and congressmen when things are *not* in crisis. "You can't come to Washington to try to put out fires. That doesn't work."

Erlick's association with ABC began when he was a Y&R executive in the late 1950s. In those days, advertisers, with their agencies, controlled programing. And at one point, Erlick and several colleagues found themselves with a substantial amount of daytime business from 16 clients that they could not place on CBS or NBC, which were sold out. The solution, Erlick recalls, was to "put ABC in business" with something called "Operation Daybreak." We worked out a charter contract, developed a five-year rate, and put ABC in business in one fell swoop. ABC had virtually no daytime programming at the time. Ollie Treyz was running the network, but "Operation Daybreak" put Erlick in touch with Goldenson for the first time. And over the years, the two developed what Erlick calls "a unique personal relationship."

With a new regime taking over, Erlick feels it's time to move on. After all, he can look back on a role in a senior management team that helped bring a young company, still shaky on its feet, to a point where it is "one of the great communications centers in the country, if not the world," as Erlick puts it. What's more, Goldenson will, as a practical matter, be leaving; he will head the executive committee but no longer will be involved in the company's day-to-day operations.

And Erlick says he doubts he could share with anyone else the kind of relationship he has shared with Goldenson. Besides, there is this reality that Erlick points out: "Capacities bought the store. They paid a good price for it, and they're entitled to put their own people in and run it, people with whom they're comfortable."

But, considering that "Murph and Dan"—Thomas S. Murphy, board chairman, and Daniel B. Burke, president—asked Erlick to remain as a consultant, he feels content: He will retain a connection with a company to which he has a strong emotional tie. And he will be able to pursue other interests through his association with the law firm. Erlick said he is looking forward to his "new agenda." I'm in good health. I still have strong interests. There is no way I could become a spectator with all this exciting stuff going on. I intend to be part of it."

HEBRON: JEWISH-ARAB FLASHPOINT

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. LEHMAN of Florida. Mr. Speaker, I would like to place in the CONGRESSIONAL RECORD an article written by Mark Olman (Ami/El) which appeared in the current issue of *Jerusalem Letter/Viewpoints* published by the Jerusalem Center for Public Affairs.

Before immigrating to Israel 7 years ago, Mark was the legislative and press assistant

in our office. His new life has brought him many new and unusual experiences as he and his family have sought to find their niche in Israeli society. I am always pleased to hear from him and to have his views on the issues affecting life in the Middle East today. I hope that my colleagues will also find his latest letter of interest.

HEBRON: JEWISH-ARAB FLASHPOINT

(By Mark Ami-El)

The soldier sped past me and raced toward headquarters shouting, "Sound the emergency siren!" Jewish worshippers in Hebron had just entered the Hall of Isaac at the Cave of Machpelah (Tomb of the Patriarchs) and were holding an illegal prayer service. I was among the witnesses to local events during the High Holy Days as a member of the Israel Defense Forces reserve unit guarding the Cave of Machpelah and the Avraham Avinu Synagogue.

ENTRANCE TO PARADISE

The Cave of Machpelah (translated as "the Double Cave") is the traditional burial place of Abraham, Sarah, Isaac, Rebecca, Jacob, Leah (Rachel is buried in Bethlehem) and, some say, Adam and Eve. On this site, which Abraham bought from Ephron the Hittite for 400 shekels of silver in Genesis 23, the Jewish King Herod, builder of Masada, Herodion, and the Temple Wall in Jerusalem, erected a four story rectangle of massive stone blocks.

For thousands of years, Jewish worshippers have been making pilgrimages to this site, held by Jewish folk tradition to be the entrance to Paradise. During much of that time, a Jewish synagogue existed within the Herodian walls. However, for the last few hundred years, until 1967 when Hebron came under Israeli rule, Jews were not allowed to pray inside the Cave of Machpelah. Before 1967, Arab guards of the Wakf (the local Arab religious authority) prevented Jews from going past the seventh step. Jewish worshippers would leave notes with their prayers in the outside wall, just as at the Western Wall in Jerusalem.

After the 1967 war, the Israeli government signed certain documents which assured Moslem religious rights by preserving the status quo at the two most prominent mutual holy places newly under Jewish control—the Temple Mount in Jerusalem and the Cave of Machpelah in Hebron. The continued Israeli acceptance of the status quo at these holy sites is an issue which demands increasing attention. In recent years, police have arrested a number of Jewish activists associated with circles calling for Jewish sovereignty over the Temple Mount.

WHO CONTROLS THE HALL OF ISAAC?

At the Cave of Machpelah, the issue is the Hall of Isaac, the main hall at the site. It was originally built as a Crusader Church. From the time of the expulsion of the Crusaders until 1967, it was a mosque closed to Jews and Christians.

The Hall of Isaac may be the only place in the world where Jews and Moslems pray in the same room, sometimes even at the same time. There is a complicated schedule allotting the room or parts of it to each of the two groups. Strict rules govern the hours of use, the placement of partitions, and the number of worshippers.

It was a violation of this last point which precipitated the emergency alert. On the morning before the Simchat Torah holiday, just after the news broke about the seven Israeli tourists killed in Sinai, Jewish set-

tlers from Hebron walked into the Hall of Isaac at an hour when Jews are forbidden to pray there in a minyan (a group of ten or more men) and began the morning service.

The soldiers at the scene had clear orders to forbid this unauthorized worship. They told the men to move to the Halls of Abraham or Jacob at the other side of the building where such group prayer was permitted. A confrontation ensued between the green-clad soldiers and the armed settlers in prayer shawls. The settlers called the reserved squad leader "Nazi," not knowing that he was an immigrant from Romania who had lost four aunts and uncles in the Holocaust. The soldiers, outnumbered, sent a runner off to headquarters to bring reinforcements. Officers and more soldiers rushed into the Hall of Isaac. An intense round of negotiations followed, punctuated by pushing and threats. After some time, including consultation with superiors, permission was granted to allow the Jews to finish their service.

The settlers later explained that until recently Jews had been totally prohibited from praying in the Hall of Isaac and had won limited rights to pray there only after a protracted struggle with the Israeli military authorities. They intend to keep up the pressure until they are allowed the freedom to pray anywhere in the Hall of Isaac at any time.

The whole scene was very entertaining for the Moslem guards who lay on prayer rugs on their side of the Hall and watched Jewish soldiers defend Moslem rights, against Jewish civilians. Some of these same guards had once prevented Jews from entering any part of the Cave of Machpelah or had been present when Torah scrolls left under their guard were desecrated. Seeing the smiles of the Moslem guards, the Jewish reservists, themselves civilians at heart, felt an urgency to see Jewish policy defined and differences among Jews settled in order to prevent any more such scenes from being played out in front of Moslem audiences.

During the Festival of Succoth, hundreds of Jews came by the busload to the Cave of Machpelah. Women came up to the Tomb of Rebecca and began to weep. Proud men stood before the Tomb of Isaac and blew the *shofar*—the ram's horn. A group of old weathered farmers sat down in the hall and began to pray. Technically, they too were forbidden to pray at that time, in that hall, and in that number, but out of a sense of respect for our elders we let these men pray without interference. We reasoned that they were only a visiting group and not the resident congregation, and therefore, they would not really threaten the status quo.

In the span of a few weeks thousands of Jews came to visit. I will always remember these warm, beautiful people—immigrants from Yemen and North Africa who blessed me because I was wearing the uniform of an Israeli soldier and who prayed for my safe return home: the Lubavitcher *hassid* whose smile made me glad to be a Jew; the young Bratslaver *hassid* with his big black hat who explained to me that the Messiah just might come tomorrow. We were all impressed by the great love, awe, excitement and reverence displayed by these Jews for the Cave of Machpelah.

The Cave of Machpelah also retains great importance to Moslems. In addition to its historic role as a major holy site, it serves as the central mosque for Hebron's 80,000 Arabs. Every Friday morning, hundreds of Moslem worshippers crowd the Halls of Isaac, Abraham and Jacob, overflowing into

adjacent courtyard and corridors. Moslems use the Hall of Isaac throughout the week for daily prayer and funeral services. The Jordanian religious authorities are even underwriting the cost of major structural renovations at the site.

SEARCH FOR THE TOMB OF ABRAHAM

In addition to control over the Hall of Isaac, another ongoing point of contention at the Cave of Machpelah concerns the search for the actual tombs of the patriarchs. The tombs seen by visitors are only representations allegedly built over the true sites of the tombs three floors below. While Moslem religious law does not forbid archaeological exploration, they do have a tradition which holds that Moslems who descend below to seek out the actual graves will die the same day.

It is said there are three entrances to the tombs, below. The main entrance was blocked hundreds of years ago by a tomb which the Moslems say is that of Joseph. The Jews believe Joseph is buried in Shechem (now the Arab town of Nablus) in Samaria. A second entrance is under the stones near the east wall in an area under tight Moslem control. A Moslem guard sleeps on the spot at night. A third entrance is a narrow hole in the floor of the Hall of Isaac, covered by an ornate grating. Every day the Moslem guards unlock the grating and refill oil lamps suspended on chains one floor below. It is too dark to see anything except the flame of the lamps, yet it piques the curiosity of many who wonder what is there.

Soon after the Cave of Machpelah came into Israeli hands, Moshe Dayan opened the grating and lowered down a slender, young girl, the daughter of a friend. She reported seeing a passageway and stairs leading down even further, which were blocked by stones after a few steps. The day after Dayan reported his findings, Arab newspapers headlined the story "Jews Break Into Cave Machpelah." No further exploration has been undertaken.

THE JEWISH RETURN TO HEBRON

Hebron is intense, Jewish politics—the Jewish resettlement of Hebron, capital of Judea—is being played out there in this ancient arena. Three thousand years ago, King David ruled from Hebron as king of Judah for seven years before assuming the rule of a united Jewish kingdom from Jerusalem. Jews lived continuously in Hebron from biblical times until the Arab revolt of 1936, even after a horrible massacre at the hands of the Arabs in 1929.

Jewish settlers returned to Hebron after the Six Day War in 1967. Today the Jewish suburbs of Kiryat Arba and Harsina are flourishing. A community of four thousand enjoys new housing, shopping, banking, medical services, frequent bus service to Jerusalem, an industrial zone and yeshivot.

In the older central downtown section of Hebron, Jewish property registered before 1936 is being resettled and is a point of daily contention. Tel Rumeida, Beit Romano, Beit Hadassah, and the Avraham Avinu Synagogue are four Jewish properties in the heart of Arab Hebron which today house fifty Jewish families. Their establishment and growth has been a long story of continuous attempts by Jewish settlers to expand in the face of official opposition. In the latest episode of this ongoing struggle, Jewish settlers purchased apartments in the covered Arab market known as the Casbah, but were refused permission by the military government to move in. In human terms,

Jewish settlement in the midst of Arab Hebron means watching a group of five to ten year-old Jewish girls walking freely without adult escort through an Arab crowd at the wholesale vegetable market outside the Casbah. In contrast, armed soldiers tensely walk the same route, scanning the rooftops.

The military government has good reason to be concerned with the specifics of Jewish settlement in central Hebron, since a repeat of the Arab massacres and riots of the 1920s and 1930s is a realistic possibility. It is the military government which must arrange for twenty-four hour security with a detachment of soldiers at every site of Jewish settlement.

We soldiers debated the cost. Jewish civilian settlements in the heart of a heavily populated Arab town require a far more substantial investment by the Israel Defense Forces in order to maintain security than is the case with the more common pattern of rural settlements which are most often located apart from centers of Arab populations. Yet with all of the history involved, it is not easy to argue against the Jewish right to settle in Hebron.

HARD QUESTIONS TO FACE

We reservists discussed day and night what we saw. We wanted to understand why we were stationed in Hebron with the irony of left-wing kibbutzniks guarding Rabbi Levinger and Gush Emunim settlers guarding Arab prayer rugs. The issues we debated must be faced soon by the Jewish people as a whole.

In Jerusalem, the question is what are Jewish rights at the site of the Holy Temple? Today, Jews are permitted to pray only outside of the Western Wall and not at the site of the Temple itself within the Wall. There are groups of religious Jews who have moved into the Moslem Quarter of the Old City of Jerusalem and are actively studying the laws of the priests who officiated at the ancient temple in anticipation of its imminent restoration. The Orthodox Jewish establishment, however, maintains its opposition to any independent initiatives directed toward the Temple Mount prior to the coming of the Messiah.

In Jerusalem there is a defined, although not universally accepted, border between Jews and Moslems: the top of the Western Wall. In Hebron, the matter is more unsettled because there is no fixed border between the two religious communities but rather a floating or alternating one using partitions. Many Jews are today asking, "Since Israel won the war in 1967 and controls the territory, why doesn't Israel control these two sites which are so important to the Jewish religion? The Israeli government will certainly be more generous to the Moslems than they were to the Jews when they were in control. Why should the Israelis not determine procedures at the sites in terms more convenient to local Jewish worshippers? Why should Jews not be the custodians of the Cave of Machpelah, whose Jewish ownership is registered in the Bible?"

The government's answer is concern over the negative impact on the Arab world of a change in the religious status quo. However, when the status quo was formalized in 1967, there was no strong and growing local Jewish community in Hebron, as exists today, which uses the Cave of Machpelah as its main synagogue.

Another hard question which needs to be confronted urgently is what to do about Jewish settlement in heavily populated

Arab urban areas. Only a minority advocate this policy, even among settlement activists now living in Judea and Samaria. The previous Likud government did not favor this approach and actually permitted expanded settlement in the heart of Hebron only as a response to acts of Arab terror. Under the present government, Defense Minister Rabin has declared his total opposition to any such moves. Yet, there are forces within the Jewish community actively at work on increasing the Jewish presence in Hebron, in the Moslem Quarter of Jerusalem's Old City, and even in the ancient Jewish capital of Shechem, where Jewish settlers in the area have established a yeshiva at Joseph's Tomb. A small, dedicated, militant group is challenging Jewish authorities to explain why they are prevented from settling on legally-owned Jewish property within the Land of Israel.

It is a difficult question to answer. Since the preservation of the status quo and the prevention of Jewish settlement adjacent to Arab population centers were never part of Zionist ideology and tradition in the days before Israel's independence, it will not be easy to block this drive indefinitely. The growth of Kiryat Arba and other Jewish settlements in Hebron have established a pattern. The time for discussion of the prevention of Jewish settlement in or near Arab population centers has passed. One needs to think now about how to live with this inevitable phenomenon. What actions must be taken to achieve the degree of security and tolerance which will enable those little girls to continue to walk unafraid on the streets of Hebron?

Both Judaism and Islam are today feeling the renewed strength of their fundamentalist streams. The most radical factions of both groups are especially strong in Hebron. We can expect to hear of more incidents regarding the clash of Jewish and Moslem religious rights at the holy sites in Israel. Soul-searching, careful decision-making, and statesmanship by Israeli political leaders will be required in order to reach mutually acceptable solutions without recourse to violence.

HOW A MEMBER DECIDES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 11, 1985 into the CONGRESSIONAL RECORD:

HOW A MEMBER DECIDES

A question that has intrigued me is how various Members of Congress decide how to vote. Members cast about 400 votes a year on the most difficult and controversial issues on the national agenda. My impression is that in deciding how to vote, Members weigh three goals: they want to make good policy, gain respect inside Congress, and get re-elected. It is impossible to name all the factors that influence the vote of individual Members. They must balance many changing pressures, expectations and demands every day. In the end, of course, they must rely on their own judgment about the merits of a particular bill or amendment, but that judgment is influenced by many

factors. Among the most important are these:

CONSTITUENTS

Constituents are the most important influence on a Member's voting decision. Whether Members are agents of their constituents' wishes or free to exercise their own judgment is a classic question in a representative democracy. Members have a duty to listen carefully to their constituents and to consider their views. After all, Members are not representatives if their actions bear little or no relationship to the views of constituents. Members may not always vote with the views of a majority of their constituents because in the absence of a referendum they cannot be certain what they think. But all Members ask themselves on each vote where their constituents stand on the issue. On those issues where the constituency expresses strong preferences, the Member is almost certain to favor them. Representatives who fail to reflect generally the views of their constituents will soon need other work. If they vote in a way their constituents may not approve, they will explain their votes in terms their constituents will respect, even if they do not agree.

COLLEAGUES

Members learn to identify certain colleagues whose judgment they respect on particular issues. Other Members are important sources of information because, as professional politicians, they will tailor their advice to a Member's needs; they are often well-informed on the issue; and they are available at the time of the vote. Members do not seek advice from just any colleague. Instead they seek out those who over time have earned the respect and attention of their colleagues. Members also pay special attention to the other Members of their state delegation—as well as to state and local officials—because they share common interests and problems.

LOBBIES

Interest groups are neither the most nor least important influence on Congress. Lobbyists can help or hinder a Member's work. They can provide members with easily digested information and innovative proposals. They can identify allies, help round up votes, and aid election campaigns. They can provide or withhold campaign contributions, support or oppose a Member's reelection. Members ignore lobbyists at their peril.

THE EXECUTIVE

The President is, in many respects, the chief legislator. He and his Vice President are the only officials elected by all the people. Although the President's lobbying activities do not differ significantly from those of other groups, the President's prestige, or standing in the polls, is often persuasive to Members. At the same time, partisan distrust may create opposition to the President's position. With his excellent sources of information, his ability to initiate legislation, to appeal to all Americans, and to set the legislative agenda, the President has formidable power in the legislative process. But that power no longer yields the unique advantage it once did, as other sources of information—the Congressional Budget Office, the Congressional Research Service, the Office of Technology Assessment, for example—have grown in respect and influence.

PARTY LEADERSHIP

Political party leadership has much less effect on Members' decisions. Members of Congress do not hear often from their party

leaders about specific votes on legislation. They do hear often from the leadership of their party in the Congress, i.e. the Speaker and the Majority and Minority leaders. The leadership does have resources besides gentle persuasion. It controls the scheduling of bills, parliamentary rulings, choice committee assignments and prerogatives, and it can choose, within limits, who is recognized to speak on the floor. The effects of these tools are not unimportant, and on close votes are often decisive.

MEDIA

News media may have their greatest effect on Congress as agenda setters. By focusing attention on a particular issue, they can get the American people and the Congress to deal with it. The stories the media emphasize, and how those stories are treated, have a real effect on which issues Congress considers and which it puts off. In considering a vote, Members must anticipate how that vote will be played by the media.

STAFF

It is a mistake to underestimate the importance of congressional staff in the legislative process. Because of Members' hectic schedules, they rely on staff to help them evaluate legislation. Today's staffers usually have a good appreciation of political processes, but their main strength is substantive technical knowledge. As a result, staffers have become important actors in the legislative arena. The greater their expertise, the more Members rely on them, and the more they shape the legislative product.

Members of Congress vote several times every legislative day on diverse and complex issues. Usually they have more information than they can assimilate, so they need and seek help. They cannot be experts on every bill that comes before the Congress. If all of the factors on which a Member ordinarily relies agree, the decision is easy. If these factors point to opposite conclusions, the decision becomes difficult. It is then that decision-making becomes a very personal matter. When the voting clock is running down the Member must make a decision. The Member knows that in our democracy he or she alone will be held accountable for it.

GERRY AND MARY ELLEN McHALE, DORCHESTER HEROES

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. DONNELLY. Mr. Speaker, I rise to pay tribute to two local heroes, whose quick reaction to the cries of an elderly mugging victim brought about the prompt arrest of a suspect. Gerry McHale is a Boston police officer and a recipient of his department's Medal of Honor. His wife Mary Ellen has been cited by the Boston Police Department, too, for her work in fighting crime in their Dorchester neighborhood, although she is not a member of the force.

At this point, I would like to read into the RECORD a newspaper account of the McHales' teamwork in the service of their community.

[From the Boston Globe, Dec. 12, 1985]

WIFE AT THE WHEEL, OFFICER SNAGS AN ALLEGED GETAWAY

(By Kevin Cullen)

An off-duty police officer and his wife teamed up yesterday to apprehend a Boston school van driver who allegedly used the van as a getaway vehicle in a pursesnatching.

Police said van driver LeRoy Lawrence, 23, of Rosseter Street, Dorchester, helped in the attempted escape of a teen-ager who stole the purse of an 86-year-old Dorchester woman.

There were no students aboard the van at the time, police said.

Lawrence and a 16-year-old Dorchester youth, who was not identified because of his age, were charged with unarmed robbery after the 1:20 p.m. incident. They were scheduled to be arraigned today in Dorchester District Court.

Boston Police Officer Gerard McHale and his wife, Mary Ellen, were leaving their Park Street home to go shopping for sneakers when they heard the screams of Alice Bournazian, who was mugged just around the corner across from her Marlowe Street home, police said.

"The kid ran right by me," said McHale, 36, a lifelong Dorchester resident and five-year veteran of the force who is assigned to Area A downtown.

McHale chased the teen-ager on foot, then jumped into the family car when the youth got into the school van, he said.

Mrs. McHale, a 35-year-old housewife and mother of three, pulled the family's 1983 Oldsmobile sedan in front of the van, forcing it to stop at the corner of Holiday Street and Geneva Avenue. Her husband leaped out, identified himself as a police officer and ordered the men at gunpoint back to the scene of the purse-snatching near McHale's home.

Area C officers Walter Fahey and Frank Venuti, who have known McHale for years, responded to McHale's radio call and took the two suspects into custody.

Witnesses said the van was parked on Park Street for at least 20 minutes yesterday prior to the purse-snatching. Lawrence was not scheduled to pick up students for another hour, police said.

When McHale first chased the youth up Park Street yesterday, he had hollered back for his wife to get the family car, which was parked on Marlowe Street.

"I figured I'd drive up Vinson Street and cut them off," said Mrs. McHale. "When I turned onto Vinson I saw a school van coming down the other way, I had no idea they were in the van, so I pulled over and let it go by. Then Gerard came running up and said it was them. We chased them and got them."

Police recovered the handbag, which McHale said the teen-ager had thrown at him just before entering the van at the corner of Park Street and Vinson Street. The purse contained no cash. Police said Bournazian, a widow, was on her way to get food stamps.

Mrs. McHale said Bournazian, who had suffered a broken finger and a fall during a mugging several years ago, was shaken up after the attack.

School spokesman Ian Forman said the school department had no immediate comment on the matter and referred questions to William Covalucci, president of Transcom Inc., the Roxbury-based carrier that transports students. Covalucci confirmed that

Lawrence is a Transcom employee, but declined further comment.

Brookline Police are investigating a similar purse-snatching last Friday, in which a woman was mugged by suspects who fled in a school van, according to Lt. Daniel O'Leary.

McHale, who holds the police department's Medal of Honor, downplayed his part in the arrest, saying "I'd do it for anybody." But he said he was very proud of his wife.

Asked if she was now considering a career in law enforcement Mrs. McHale laughed.

"One cop in the family is enough," she said. "I'll help him whenever he needs assistance."

Yesterday was not the first time the McHales, who have been married for 13 years, have rallied to help neighbors in the close-knit St. Ambrose parish neighborhood of Dorchester.

McHale said he has made five off-duty arrests there over the last few years when he saw thieves breaking into cars or homes. He said his wife received a commendation from police five years ago when her information led to the arrest of two housebreakers.

"The crime around here gets frustrating, but I love this neighborhood. I'm building a house across the street," said McHale. "I'm the last person that's going to leave here."

REAUTHORIZE ROWLESBURG— AND BUILD IT

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. GAYDOS. Mr. Speaker, nearly 50 years ago, the Congress authorized the construction of the Rowlesburg Dam on the Cheat River in West Virginia.

Last month, the project was one of several deauthorized in the water resources development bill. It was, in my opinion, a misjudgment.

That bill authorized \$20 billion for a host of projects to be undertaken by the Army Corps of Engineers. Two of those projects are ones which I have been vitally interested in for more than 15 years—the replacement of locks and dams 7 and 8 on the Monongahela River in Pennsylvania.

The replacement of those structures is critical. The new facilities are vital to the future of commercial shipping on the "Mon" River. The present system is too old—built 60 years ago—too small and too deteriorated to do the job.

Authorizing their replacement gives me hope that one day Congress actually will appropriate the necessary funds for the work.

I recall in the spring of 1982 Chairman BOB ROE brought several members of his subcommittee to my district and conducted a formal hearing on the need for modernizing locks and dams 7 and 8, among other projects in the area.

In all, there were 14 Members from five States on hand that day, including myself and several colleagues from western Pennsylvania who testified before the subcommittee.

The number prompted on observer to remark: "There haven't been that many Congressmen in the same spot at the same time in Pennsylvania since the Continental Congress met in Philadelphia."

I would like to think that what the subcommittee heard that day from the Mon-Yough Chamber of Commerce, the Pittsburgh Waterways Association, representatives of the coal and shipping industries, and others, was instrumental in earning its continued support for the building of the new facilities.

I wish we could be as successful insofar as the Rowlesburg Dam is concerned.

Believe it or not, Mr. Speaker, the Rowlesburg Dam issue has been before the Congress for nearly 50 years. A half century and, still it has not been resolved. I cannot begin to guess how much personal and property damage could have been averted had the dam been built then; how much grief and misfortune avoided.

I know there were some who hoped the Rowlesburg project had finally been put to rest when the dam was quietly "deauthorized" in the passage of this year's water resources development bill.

I regret to inform them that I, for one, hope that will not be the case.

Why is a dam on the Cheat River in West Virginia so important to people who live and work along the Monongahela River in Pennsylvania?

Primarily for flood control purposes. But the dam also would improve commercial traffic on the river and stimulate development of recreational facilities.

The "Mon" has its headwaters in West Virginia. It starts at Fairmont with the merging of the West Fork and Tygart Rivers, then flows north into Pennsylvania where it is joined by the Cheat River at Point Marion. From there, the "Mon" continues to McKeesport, where it picks up the Youghiogheny River, then winds downstream to Pittsburgh where it meets the Allegheny and forms the Ohio River.

The "Mon" is considered navigable along its 128.7-mile length. A number of commercial companies that ship their products by river are located in the scores of small towns along the river's shores. These firms make the "Mon" one of the most used and valuable of the Nation's inland waterways.

Normally, the "Mon" is a placid river but its history is pock marked by incidents of severe flooding. Heavy rains and snow melt-off can turn it into a torrent.

Such was the case in early November. A week of steady rain sent the "Mon" and its tributaries spilling over their banks. Hundreds of homes were destroyed, thousands more damaged, and property losses soared into the millions of dollars.

Business firms, large and small, were hit by the flood. Near Clairton, the surging waters broke an estimated 80 barges loose from their moorings. These multiton cargo carriers, some fully loaded, were sent swirling downriver, crashing into bridge pilings and ramming and jamming several locks along the way. The Corps of Engineers worked for weeks to free some of the craft caught in the lock gates.

It should be emphasized at this point that locks and dams along the "Mon" are navigation facilities, not flood control dams.

Even before the flood crested, we knew we had a major problem on our hands. My office quickly contacted the Federal Emergency Management Agency [FEMA], its State counterpart, the Pennsylvania Emergency Management Agency [PEMA], the Small Business Administration [SBA], and the Governor's office.

These agencies should be commended for they already were putting together a plan of action, preparing to furnish aid whenever authorized.

The Governor's office quickly declared a state of disaster for five counties. Westmoreland County became the sixth when my office informed it the small community of Webster in Westmoreland County had been hit hard. PEMA sent its crews into the field and FEMA joined them as soon as the request for Federal help was received and approved.

As of December 5, these agencies had received applications for disaster assistance from thousands of individuals and hundreds of businesses located along the Pennsylvania stretch of the "Mon."

I mentioned earlier the primary reason why some of us in Pennsylvania are so interested in the Rowlesburg Dam is because of its immense value as a flood control facility.

On November 8, the day after the flood and before the House began debate on the water resources development bill, I sent a letter to the Army Corps of Engineer's district director in Pittsburgh, Col. Richard A. Rothblum, asking him for an evaluation of the impact the Rowlesburg Dam, had it been in place, would have had in lessening the damage caused by the flood.

His response, dated November 19, stated if the Rowlesburg Dam had been in place it would have had a significant impact on the flooding from the proposed dam site on the Cheat River all along the "Mon".

For instance, two communities on the Cheat—Rowlesburg and Albright—that were ravaged by the flood would have sustained no damage at all with the Rowlesburg Dam operating.

In addition, the dam would have substantially reduced the level of flood waters at several key points on the "Mon" between Point Marion and Pittsburgh. The level at Point Marion would have been reduced from 13 feet to 2.5 feet; at Greensboro, from 16.1 feet to 5.6 feet; at Elizabeth, from 13 feet to 4.5 feet; at Braddock, from 9.5 feet to 2.5 feet, and at Pittsburgh, from 8 feet to 3 feet.

"Reduction in actual damages if Rowlesburg Dam were in place," the colonel wrote, "is estimated at \$77 million along the Monongahela River down to and including Pittsburgh."

A \$77 million reduction in damages. That's astounding in light of estimates placing the total loss at \$84 million. That figure, however, does not take into account the peace of mind residents would have had about their safety. It does not take into ac-

count the loss of income to workers whose plants were closed by the flood. It does not take into account the loss of business those plants have sustained because they could not operate.

At this point, I would like to insert copies of my correspondence with Colonel Rothblum (see attachments No. 1 and No. 2) before proceeding with a background briefing on the Rowlesburg Dam project.

ATTACHMENT No. 1

HOUSE OF REPRESENTATIVES,
Washington, DC, November 8, 1985.

Col. RICHARD ROTHBLUM,
Director, Pittsburgh District, U.S. Army
Corps of Engineers, Federal Building,
Pittsburgh, PA.

Attention: Hydrology Department.

DEAR COLONEL ROTHBLUM: The recent flooding of the Monongahela River and the substantial damage sustained by several communities along its banks has raised new questions concerning the impact if the long-planned Rowlesburg Dam on the Cheat River had been in operation.

1. What is the Corps' current position on the proposed Rowlesburg Dam and its estimate of a cost-benefit ratio?

2. If the Dam had been in operation, would water levels have been reduced in the affected communities? If so, what specific areas in those communities damaged in the recent flood would have escaped personal and property damage?

3. Is the Corps in a position to estimate what damages have been done to river facilities and the repair cost?

4. Is the Corps able to furnish a report on the indirect damage caused by the flood and the subsequent delay in reopening river operations; i.e., what effect will the loss of barges and the closing of the river have on commercial businesses utilizing the river?

I would appreciate a response to these questions, Col. Rothblum, as well as any other information you may be able to furnish that would compare damages sustained in this flood to those that might have occurred "if" Rowlesburg Dam had been operating.

Your cooperation in this matter will be greatly appreciated.

Sincerely yours,

JOSEPH M. GAYDOS,
Member of Congress.

ATTACHMENT No. 2

PITTSBURGH DISTRICT,
CORPS OF ENGINEERS,

Pittsburgh, PA, November 19, 1985.

Hon. JOSEPH M. GAYDOS,
House of Representatives, Rayburn House
Office Building, Washington, DC.

DEAR MR. GAYDOS: This is in response to your November 8, 1985 inquiry into the recent flooding along the Monongahela River and the impact that the Rowlesburg Dam on the Cheat River would have had if it were in operation. The following paragraphs address your specific questions.

1. What is the Corps' current position on the proposed Rowlesburg Dam and its estimate of a cost-benefit ratio?

The authorized Rowlesburg Dam project is currently classified as inactive by the Corps of Engineers. The project has not received any study funding since 1978 and is, therefore, eligible for consideration for deauthorization this fiscal year. The estimated updated cost of the authorized project would be \$394 million. This cost update, however, is based on a very old estimate as

well as the implementation of project features such as recreation and water quality storage, that may no longer be feasible. It does not, therefore, represent a quality estimate for an up-to-date Rowlesburg Project. In like fashion, the benefits, with the exception of flood control, have not been reviewed recently. The development of a benefit-cost ratio under these circumstances would, therefore, not be appropriate. Some restudy and possible reformulation of project features would be necessary to develop this information.

2. If the Dam had been in operation, would water levels have been reduced in the affected communities? If so, what specific areas in those communities damaged in the recent flood would have escaped personal and property damage?

With a large percentage of the floodwaters originating in the Cheat River Basin, the Rowlesburg Dam, had it been in operation, would have reduced significantly the flood crest along the Cheat River below the Dam site and along the Monongahela River below the mouth of the Cheat River. Specific flood reduction information is not yet available for all of the individual communities along the rivers; however, the following provides an indication of the effect that the Rowlesburg Project would have had if it were in operation.

a. Rowlesburg and Albright, West Virginia, the two major communities on the Cheat River below the Dam site would have had no damage;

b. The potential reductions on the Monongahela River would have been as follows:

In the general area of (community)	Actual flooding above zero damage level (feet)	Flooding with Rowlesburg in place (feet)	Reduction by Rowlesburg (feet)
Point Marion, PA	13.0	2.5	10.5
Greensboro, PA	16.1	5.6	10.5
Elizabeth, PA	13.0	4.5	8.5
Braddock, PA	9.5	2.5	7.0
Pittsburgh, PA	8.0	3.0	5.0

Reduction in actual damages if Rowlesburg Dam were in place is estimated at \$77 million along the Monongahela River down to and including Pittsburgh, Pennsylvania.

3. Is the Corps in a position to estimate what damages have been done to river facilities and the repair cost?

The only estimate that the Corps can make at the present time is the damage to our own facilities, i.e., the Locks and Dams. This damage is estimated at approximately \$2 million and involves the repair or replacement of damaged and lost equipment and general cleanup work. There is undoubtedly a significant amount of damage to private docks and other commercial facilities along the rivers as well as damage to barges and towboats. The total extent of this damage is, however, not available at this time.

4. Is the Corps able to furnish a report on the indirect damage caused by the flood and the subsequent delay in reopening river operations; i.e., what effect will the loss of barges and the closing of the river have on commercial businesses utilizing the river?

The original estimate for the length of closure of the Monongahela River to effect the cleanup of sunken barges and debris at Mon L/D #2 and the Maxwell Dam was 30 days. The current progress of work in these two areas suggests that this estimate is still

reasonable. The Corps of Engineers, however, has not made any estimates of indirect damages caused by the flooding or any effects that could accrue to any commercial businesses using the river. These estimates are best obtained from the river users themselves.

Sincerely,

RICHARD A. ROTHBLUM,
Colonel, Corps of Engineers,
District Engineer.

According to Arthur J. Parker of the Mon-Yough Chamber of Commerce, who served as secretary of the Rowlesburg Dam Association [RDA] back in the 1970's, the history of Rowlesburg Dam goes back to 1936.

After the St. Patrick's Day flood of that year, a preliminary examination and survey of the Cheat River and its tributaries for flood control and other purposes was authorized by Congress in the Flood Control Act of 1936.

The completed study recommended the dam, not only as a flood control measure but also as a means of impounding water to be released during dry seasons. The study was submitted to the Corps of Engineers for consideration and then, in 1942, it made its way to Congress where, as Mr. Parker puts it, it died a natural death.

Nothing more was done, apparently, until 1958 when the Pittsburgh Coal Exchange, forerunner of the Pittsburgh Waterways Association, revived interest in the project. A study was approved in 1958 and Congress, 8 years later, granted approval to begin planning and design work.

Despite its reputation for flooding, Mr. Parker notes that until 1967 no one had ever shown what a "Mon" flood would cost those caught in one, nor was the destruction of municipal and industrial facilities along the river ever documented.

To correct that situation, the Rowlesburg Dam Association was organized. It began to collect data on losses incurred by people and commerce when the "Mon" ran wild. Even then, it was apparent the building of the Rowlesburg Dam would have prevented most of these losses.

Support for the dam began to grow, largely through the efforts of the RDA. Detailed records were kept on damages sustained by flooding along the Cheat and the "Mon" and the association began outlining industrial and recreational benefits to be derived from the dam's construction.

In 1977, however, interest in the Rowlesburg project waned as attention shifted to the building of the Stonewall Jackson Dam on the West Fork River.

Incidentally, my office was told by a member of the corps that even in its partially completed stage the Stonewall Dam was a contributing factor in reducing losses in last month's flood. Although it will not be finished until next year, it is estimated that facility, in its current state, prevented \$12 million in additional damages.

The proposed Rowlesburg Dam, it appears, was the victim of a difference of opinion over which State, West Virginia or Pennsylvania, would benefit most from its construction.

West Virginia, it was said, felt it would be losing valuable, fertile farmland and an area of natural wilderness, whereas Pennsylvania would reap the rewards of a flood controlled river. In last month's flood, however, it has been estimated that damages in West Virginia were 10 to 20 percent greater than those sustained in Pennsylvania.

Nevertheless, West Virginia's rejection of the proposal in 1977 set the stage for last month's deauthorization of the Rowlesburg project.

But I do not believe Congress has seen the last of the proposal. I understand some of those once opposed to it, after reviewing the devastating effect of last month's flood, have indicated they might now support it.

I welcome their endorsement, and anyone else's, in a new effort to have the Rowlesburg Dam placed back on the work schedule of the Corps of Engineers. I think it is clear now the dam would be of mutual benefit to both States.

Consequently, I have already initiated contact with individuals and organizations from western Pennsylvania who provided me with essential support when the dam was authorized in 1970.

The sooner steps are taken to prevent a recurrence of the misery, despair, and tragedy that took place last month along the Cheat and "Mon" Rivers, the better. And, we should keep in mind the cost involved.

Rowlesburg Dam once was estimated at a cost of \$133 million; now the price tag is in the neighborhood of \$394 million. The longer the delay, the more we will pay for it in dollars and cents as well as personal and property loss.

It would be presumptive of me, as a Member of Pennsylvania's congressional delegation, to propose legislation for the construction of a multi-million-dollars facility in another State but I want my colleagues from West Virginia to know that if they initiate such a bill they will have my full support, as they did in 1970.

Congress should reauthorize the Rowlesburg Dam—and build it.

CULTURAL EXCHANGE WITH THE SOVIET UNION

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. DOWNEY of New York. Mr. Speaker, I would like to bring to the attention of my colleagues House Concurrent Resolution 237, which I introduced along with Mr. JEFFORDS in support of expanded cultural exchange between the United States and the Soviet Union.

As chairman and vice chairman of the congressional arts caucus, we believe that this legislation will encourage an increased interchange of talent in the artistic disciplines between the U.S. and the U.S.S.R. and will lead to a greater mutual understanding between our two countries.

During a time when both the United States and the Soviet Union are examining

methods to improve diplomatic relations, we must consider every means to facilitate peace. A better understanding of each other's culture will help to dissolve the barriers that exist between us.

The arts have a unique ability to achieve this type of understanding. Through observing the artistic expressions of cultures unlike our own, we can begin to understand our differences and realize our similarities.

In conclusion, then, Mr. Speaker, I strongly urge my colleagues to review this resolution, printed below, and to join in cosponsoring this most important legislation.

H. CON. RES. 237

Concurrent resolution supporting expanded cultural exchange between the United States and the Soviet Union

Whereas historically the arts have been recognized as a powerful expression of thoughts and feelings, a means to strengthen communication, and one of the most vital ways of understanding the human experience;

Whereas the visual arts, music, theatre, dance, and all other forms of creative expression have the ability to transcend national boundaries;

Whereas nations participating in cultural exchange gain mutual understanding which contributes to continued peaceful coexistence;

Whereas independent citizen groups across the United States have formed to promote cultural contacts between nations, particularly between the United States and the Soviet Union;

Whereas many Members of the Senate and House of Representatives have joined together in a Congressional Arts Caucus to demonstrate the importance of the arts to our Nation and the other countries of the world;

Whereas since 1981 the Congressional Art Caucus has worked to highlight America's cultural activities and the role of these activities in worldwide cooperation;

Whereas at the recently completed Geneva Summit of November 1985, the President, also recognizing the importance of artistic activity, indicated his intention to secure an increase in cultural exchange between the United States and the Soviet Union: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress strongly supports expanded cultural exchange between the United States and the Soviet Union and pledges to work with the President in strengthening such an expanded cultural exchange which will contribute to mutual cooperation and world peace.

TRUCK AND BUS SAFETY WEEK

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. ANDERSON. Mr. Speaker, as some of our colleagues may know, motor vehicle accidents involving trucks are on the rise in this country. The good news is that industry, labor, and the government are working together to address this situation. In the last few years, Congress has created the Motor Carrier Safety Assistance Pro-

gram, and passed the Motor Carrier Safety Act, both aimed at assuring that truck and bus safety laws are strictly enforced.

To help foster discussion of solutions to this problem, Congressman BUD SHUSTER and I have introduced a resolution designating the week from January 26 to February 1, 1986, as "Truck and Bus Safety Week." A number of safety-related activities have already been scheduled for that week, and passage of this resolution will help stimulate others.

We know that passage of this resolution, by itself, will not significantly improve highway safety for our Nation's motoring public. But it will help call attention to the problem and get more people talking about it. And that has to help.

I hope all our colleagues will consider joining the 144 Members who have already cosponsored House Joint Resolution 445, designating the week of January 25, 1986 as "Truck and Bus Safety Week."

A list of these cosponsors follows:

Bud Shuster, James J. Howard, Gene Snyder, Nick Rahall, William Clinger, Frank Horton, J.P. Hammerschmidt, Jim Moody, James Traficant, Robert Dornan, Robert Young, Robin Tallon, Julian Dixon, Bob McEwen, Gus Savage, Dave Martin, Melvin Price, Vic Fazio, Steny Hoyer, George O'Brien.

Robert Matsui, Ron Packard, Andy Ireland, Major Owens, Norman Lent, Nancy Johnson, Steve Neal, Sherwood Boehlert, William Boner, Carroll Hubbard, Gerald Solomon, Richard Ray, Helen Delich Bentley, Jack Kemp, Barbara Boxer, James Quillen, Sala Burton, Toby Roth, Beverly Byron, Wayne Dowdy.

Thomas Carper, Albert Bustamante, Dan Lungren, Walter Jones, Newt Gingrich, John Conyers, Arlan Stangeland, Bill Hefner, Sander Levin, Austin Murphy, John Murtha, W.J. (Billy) Tauzin, Rod Chandler, Carl Perkins, Robert Lagomarsino, James Oberstar, Sonny Callahan, William Lehman, Charles Pashayan, Peter Rodino.

Ed Jones, Earl Hutto, John Kasich, Bill Lowery, Robert Davis, Roy Rowland, Tom DeLay, Clay Shaw, Lee Hamilton, E. de la Garza, Mel Levine, Tony Coelho, Mary Rose Oakar, Bernard Dwyer, Jim Courter, Bob Edgar, Carroll Campbell, David Monson, Charles Wilson, Nicholas Mavroules.

Matthew Rinaldo, John Breau, Bill Emerson, Joe Kolter, Rick Boucher, Tom Bevill, Tom Daschle, Douglas Applegate, Thomas Foglietta, George Brown, John Bryant, John McCain, Deal Gallo, Charles Hayes, Benjamin Gilman, Doug Bosco, Robert Borski, Peter Kostmayer, Richard Shelby, Butler Derrick.

Thomas Manton, Berkley Bedell, Charlie Rose, Manuel Lujan, Buddy Darden, Harold Volkmer, Chester Atkins, Henry Hyde, Charles Bennett, Carl Purcell, Robert Torricelli, Gerald Kleczka, Bill Schuette, Martin Olav Sabo, Henry Nowak, Herbert Bateman, Norman Mineta, Frederick Boucher, Bob Carr, Jim Olin.

Ronnie Flippo, Bill Frenzel, Walter Fauntroy, Eldon Rudd, Ron Wyden, William Dickinson, Joseph McDade, Dan Mica, Dan Daniel, Don Sundquist, Stan Parris, Alan Wheat, Bart Gordon, Louis Stokes, Don Fuqua, George Gekas, Thomas Kindness, Richard Durbin, Dan Coats, Charles Rangel, Ralph Hall, Frank Wolf, John Rowland.

NEWSPAPER'S COVERAGE OF
INSURANCE CRISIS COMMENDED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. FLORIO. Mr. Speaker, I would like to commend the Camden Courier-Post and reporter Jean Wallace for the balanced and informative coverage given to the insurance availability crisis in two articles I am here inserting in the RECORD.

Many of the points addressed in these articles are the subject of scrutiny in the hearings and investigations of the insurance crisis that my subcommittee has commenced. For example, the Courier-Post article quotes an insurance industry spokesperson as saying that insurers are looking to underwrite the least risky policies. But when does that approach become unacceptable "cream skimming," as insurance regulators call it, which may aggravate the availability crisis? That is only one of many important questions we will pursue in our subcommittee inquiry. An informed public is indispensable to our work and the Courier-Post deserves praise for a contribution to public enlightenment in the best tradition of public spirited journalism.

The articles follow:

[From the Courier-Post, Nov. 18, 1985]

PREMIUMS PUSH FIRMS, TOWNS TO TRY SELF-INSURANCE

(By Jean Wallace)

To beat the rising costs of commercial insurance, a growing number of employers are turning to do-it-yourself insurance plans.

Known as self-insurance, such programs are becoming popular among both companies and municipalities. Under the plans, employers set up in-house insurance funds to pay most of the claims—a route they contend is cheaper and more predictable than commercial policies.

"It's an idea whose time has come in this area," says Joseph Voza, the administrator of the first group municipal self-insurance fund in New Jersey.

Started last January, the Bergen County Municipal Joint Insurance Fund provides pooled coverage for 25 towns in North Jersey. It offers a wide umbrella of coverage, including workers' compensation, general liability, motor vehicle and property insurance.

The private fund works much like commercial coverage. Twice a year, each municipality is assessed a fee based on its risks and claims history. The money is pooled and invested in interest-bearing accounts until needed to cover claims.

However, the Bergen County fund is not completely independent of commercial insurance. Some commercial coverage, known as excess insurance, also is carried to cover potentially large claims from catastrophes or large lawsuits.

"A self-insurance program is really like buying a policy with a very large deductible," explains Voza. For example, if a borough hall burned down, the fund would pay the first \$100,000, then the excess insurance would kick in, he says.

As more and more New Jersey towns confront cancellation of commercial property/liability coverage or soaring costs, self-insur-

EXTENSIONS OF REMARKS

ance plans may catch on. Next January, for example, a second self-insurance fund is scheduled to start for 13 townships in southern Bergen County.

Collectively, the towns will contribute about \$2.2 million for their first year's budget—about \$800,000 less than they would pay for equivalent commercial coverage, Voza says.

And in South Jersey, Bellmawr Mayor Joseph Petruzzilli is looking into a pooled self-insurance fund that may include Magnolia, Haddonfield and Lindenwold. Cherry Hill Mayor Maria Greenwald says the township also is studying self-insurance.

"The insurance companies are going to learn that they cannot force Cherry Hill taxpayers to pay any cost for insurance," Greenwald vows. "This is one mayor that is going to fight back."

Businesses, too, are turning to self-insurance, primarily for product liability and medical coverage. Companies with self-insurance plans include Control Data Corp. in Minneapolis, American Telephone & Telegraph Co. in New York and Squibb Corp. and Educational Testing Service (ETS), both in Princeton.

"We decided we were making our insurance company too wealthy," says Mary Jane Klansky, who started a self-funded medical plan for 2,600 ETS employees last August.

"With the money we save, we'll be able to provide more health benefits," she adds.

Savings for ETS in the first year may reach \$60,000, the National Benefits Corp. estimates. The Horsham, Pa.-based company is one of a number of firms that help self-insured employers administer their plans.

"The best thing self-insurance does is to put you in control of your program," says Dennis Mulligan of National Benefits. "It puts you in the driver's seat."

Consumer advocates also approve, saying self-insured firms often are more safety-conscious than those with commercial coverage. The reason: Self-insured groups feel the impact of rising claims immediately, while commercially insured groups may not notice a problem until their premiums go up in following years.

But most important, self-insurance plans usually are cheaper than commercial coverage for several reasons:

First, self-insured groups retain their investment income—money that normally profits the commercial carrier. An added benefit: Municipalities don't pay taxes on their investment earnings.

Self-insured groups save on overhead expenses. Although most pay for professional services to compute their risks and process claims, they have no expenses for sales and marketing.

But experts warn that do-it-yourself insurance plans are not for everybody. Companies that have fewer than 200 employees may not be able to spread their risks over a large enough base, Mulligan at National Benefits says. Also, an employer with an erratic claims history probably should not self-insure.

Another drawback: Excess coverage, which is needed in virtually all self-insured plans, has become increasingly hard to find. In South Jersey, the dearth of excess coverage may prevent several self-insured plans from getting off the ground.

Insurance companies view the self-insurance trend with mixed emotions. Because the current property/casualty market is not profitable, many carriers are anxious to drop their high-risk clients—and so are relieved to see self-insurance plans.

But when the market improves, there could be many fewer customers for commercial insurers.

"We just don't want to buy insurance in the private (commercial) market anymore," says Tom Conway, township manager in Evesham, which is looking into self-insurance. This year, the township's commercial excess liability coverage is 10 times what it was in 1984.

"Long-term, if this keeps up, I think insurance companies will work themselves right out of business," Conway says.

[From the Courier-Post, Nov. 17, 1985]

TOWNS IN BIND OVER INSURANCE COST

(By Jean Wallace)

On Aug. 1, the borough of Clayton was forced to go nude.

The Gloucester County community of 6,100 lost its general liability insurance coverage, stripping away its protection against lawsuits.

"Sure, I'm worried," says Paul Thomas, borough administrator. "If somebody gets injured on borough property, the borough would be liable. And in this day of litigation, that could be very costly."

Clayton is among the scores of towns going bare these days—that is, doing without liability insurance, which covers claims in such broad areas as pollution from municipal landfills, personal injuries on town property, car accidents caused by defective traffic signs and actions by police or other public officials.

Throughout the country, the property/casualty insurance industry is in a financial bind. The result in New Jersey is that about one-third of the state's 567 municipalities now either have no liability insurance or face cancellation of their coverage, the New Jersey State League of Municipalities, a statewide group of town and city administrators, estimates.

Moreover, as insurance carriers retrench from municipal liability coverage, they also are dropping policies or raising rates for other risky lines, including medical malpractice, day-care centers, taverns and hazardous waste contractors. (So far, personal liability insurance for homeowners has not been affected).

"Insurance, generally, is the number one problem in the state today," says state Sen. Lee Laskin, R-Camden, a member of a legislative insurance study commission. "It's a very, very serious problem."

And it's likely to deepen in January, when current liability policies for most towns expire. The result: Many communities may face higher property taxes next year to cover soaring municipal insurance rates. Other towns could be forced to lay off municipal employees or reduce services.

Similar choices could face cities across the country. In fact, a survey of 40 cities by the U.S. Conference of Mayors showed half rocked by insurance rates that had doubled in just two years. Only five of the towns reported no increase in liability insurance costs, says the Washington, D.C.-based group.

In Evesham, the excess liability premium is now 10 times what it was last year: Despite a low claims history, the cost went from \$7,500 to \$75,000 this year—out of a total municipal budget of \$6.2 million.

And the maximum liability coverage has been cut in half by the insurance carrier to \$5 million.

"It's depressing," says township manager Tom Conway. He says he worries that the

added expense may prevent his growing town from hiring extra police officers and garbage collectors next year.

"It's going to put municipalities out of business," complains Cherry Hill Mayor Maria Greenwald. The township, which paid \$400,000 for its total insurance this year, may face tripled costs for its coverage next year, she glumly forecasts.

In Sea Bright, the mayor and council members threatened to resign last August after the Monmouth County borough's liability insurance was cancelled. Borough officials feared they would be held personally liable for lawsuits against the municipality. Since then, Sea Bright has renewed its policy with another carrier—for a five-fold price increase.

"For public officials, going light on insurance is likened to playing Russian roulette with a Howitzer—it's a risky business," observes William Dressel, a spokesman for the New Jersey State League of Municipalities.

The problem is so serious that Gov. Thomas H. Kean in September issued an emergency order temporarily banning insurance companies from canceling their policies in the state. The ban, due to expire last Saturday, has been extended for at least 60 days. However, insurance groups have filed a lawsuit to overturn the order.

"Insurers today are looking to underwrite the least risky policies," says June Bruce of the Insurance Services Office Inc., a New York based industry advisory agency. "That simply makes the best business sense."

Yet just two years ago, insurance companies were hungry for new business—risky or not. From 1979 to 1983, underwriters competed fiercely for new policies to bring in extra premiums that the firms then invested at prevailing high interest rates.

"They were banging doors down and offering ridiculously low (premiums) to get your business," recalls James Cicalese, risk manager for Ocean County.

But when interest rates began to tumble in 1983, so did the industry's enthusiasm for offering low-priced policies. As investment income declined, many companies found they were unable to offset policy losses.

Last year, the property/casualty insurance industry lost \$3.8 billion before taxes, reports the Insurance Information Institute, a Washington, D.C. industry information clearinghouse. General liability insurers were the worst losers, collectively paying out \$1.51 in claims for every dollar in premiums they took in last year.

At the heart of the problem is a society obsessed with filing lawsuits, insurance officials contend. One example: In New Jersey, the number of private, civil lawsuits has risen 20 percent in the last five years, to 75,607 cases last year, according to the Administrative Office of the Courts, a state agency.

The size of court awards also has soared—creating a growing financial burden for insurance companies, industry officials complain.

"In our litigious society, Americans now seem to look on a civil lawsuit as a kind of lottery to be played whenever they can," David Rosenberg, a Philadelphia insurance broker, recently told state legislators. "These skyrocketing costs are naturally passed along to insurance policy holders in the form of higher premiums."

But a number of consumer advocates blame the insurance companies—not the public or the courts—for the industry's troubles.

"They've blamed everybody but themselves, but most of the damage they're suf-

fering is self-inflicted," says Robert Hunter, a former federal insurance administrator who now heads the National Insurance Consumers Organization, a Washington, D.C. lobbying group.

When interest rates were high, insurance companies competed for extra business by grossly underpricing premiums, he maintains. For many companies, the result has been lower reserves and profitability.

Insurers also maintain they have been unfairly cast as the "deep pockets" in environmental cleanup efforts. In a landmark 1983 case, the New Jersey Supreme Court ruled that insurance companies were liable for \$15.8 million in a Jackson Township water contamination case.

The insurance companies appealed, protesting that the pollution had occurred years before their coverage began. And though the award has since been reduced to \$5.4 million, the decision convinced most insurers to shun pollution coverage in the state.

Many insurers say that in the face of such adverse court rulings, their liability risks are no longer predictable. Higher premium rates will be necessary to prepare for an uncertain future—unless the judicial system is revamped to reduce lawsuits, they contend.

The industry's recommendations include capping lawsuit awards and narrowing the liability of insurers.

Here, too, consumer advocates disagree. "Insurance companies act like judges are a bunch of hooligans who are totally out of control," says Gene Kimmelman, legislative director of the Consumer Federation of America in Washington, D.C. "I don't see any evidence that the courts are reckless or irresponsible (with respect to lawsuits)."

Resolving the insurance crisis will be a top priority for the state legislature next year, Sen. Laskin says—though specific legislative remedies are unclear.

One solution may be simply to wait a year or two. The insurance industry, much like the stock market, traditionally has profit cycles that respond to changing economic conditions. Should interest rates rise, premium costs are likely to fall as insurers—again—seek out additional business.

GENERAL ELECTRIC: WHY WE NEED TAX REFORM

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. STARK. Mr. Speaker, my office received the following document today. It explains better than I can why we so desperately need tax reform.

[From the GE Tax and Accounting Department, Dec. 12, 1985]

GENERAL ELECTRIC

In 1981, General Electric Company lobbied hard for new incentives for growth and investment. With President Reagan's assistance we got them, enough to help us avoid an otherwise crushing federal income tax burden that would have stifled our creativity over the past four years. Indeed, from 1981 through 1984, tax incentives allowed us to keep \$4.5 billion in the private, growth-oriented sector of our economy—money that otherwise would have gone to feed the endless, gluttonous appetite of the big spenders in Washington.

For a while, however, the naysayers said the incentives weren't working. They said that GE was simply building up a big pile of cash, rather than investing in America's future. But this week we proved the critics wrong. Yesterday, GE put its cash to work to create jobs and enhance competition. We took our \$4.5 billion in tax cuts, plus another \$1.7 billion from other sources, and we bought RCA.

This is a new morning for America. No longer will GE and RCA be tearing each other down. Instead, our new cooperative venture will be able to take on the worldwide competition without pointless arguing among ourselves. Our expanded production and sales network—not to mention our new broadcast network, NBC—will be a force to be reckoned with around the globe.

As Congress reconsiders so called tax "reform," there's a crucial point to remember: we couldn't have done what we've done without incentives.

GE. We're more than lightbulbs.

A SOBER LOOK AT COUNTERTERRORISM

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. GARCIA. Mr. Speaker, the New York Times ran an editorial today on the administration's request for \$54 million for counterterrorism training and hardware for Central America—excluding Nicaragua.

As the editorial rightly states, "It isn't police manuals that need changing so much as attitudes * * *." It goes on to say that unless the administration can make a better case for reinstituting counterterrorist programs—they were discontinued in 1974—then we ought to keep funds for these programs on "hold."

The Times is right on target. I urge my colleagues to read this editorial.

[From the New York Times, Dec. 16, 1985]

THE WRONG BEAT FOR AMERICAN COPS

The Reagan Administration's Central American counterterrorism bill repackages a dubious idea derived from a flawed premise. It would earmark \$54 million for hardware and training for police in El Salvador, Guatemala, Honduras, Panama and Costa Rica. The hope is to turn bad cops into good cops under the tutelage of Uncle Sam.

Undeniably, Central America's police, underpaid and often overzealous, could benefit from better training. Most of the money would be spent in El Salvador, where the police are coping with a resurgence of urban terrorism. But it is naive to assume that training alone can "professionalize" police in societies where civilian authority is feeble, as in El Salvador, or nonexistent, as in Guatemala. The risk of involving the United States with police forces that are capable of torture or other atrocities far outweighs any benefit.

The risk is real. In Uruguay in the 1970's, American-trained policemen tortured leftist suspects, and guerrillas executed a U.S. adviser accused of complicity. In El Salvador last June, a American-trained SWAT team used excessive force to end a hospital strike. The attackers killed a patient and four police guards whom they failed to recognize.

No American training can overcome a failure of local authorities to control the police. Argentina's experience is instructive. "Disappearances" and torture were common when its military rulers were waging a dirty war against terrorism. But police behavior improved dramatically when an elected president took command in 1983. No special training was required to end police lawlessness.

By contrast, El Salvador's well-meaning but weak Government deals as a supplicant with security forces it only nominally controls. It isn't police manuals that need changing so much as attitudes—as happened when President Reagan finally made clear that if death-squad killings didn't cease, U.S. aid would.

In 1974, after the ugly business in Uruguay, Congress barred further aid for training foreign police. Already circumvented in El Salvador, the restriction was lifted this year. Now in the name of combatting terrorism, the Administration wants to revive police training in a whole region. Unless it can make a better case for the operation, Congress ought to keep it on hold.

GI BILL CAN BOOST ENROLLMENT, U.S. PRODUCTIVITY TOO

HON. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. MONTGOMERY. Mr. Speaker, the new G.I. bill is off and running. We learned at hearings recently held by the Veterans Affairs' Subcommittee on Education, Training and Employment that high quality young people are already coming into our Armed Forces to take advantage of these new education benefits. An article in the Association of Community College Trustees [ACCT] Advisor, written by Mr. Frank Mensel, ACCT's director of Federal relations, further attests to the program's merits. According to Mr. Mensel, our nationwide system of community colleges will also be beneficiaries of the new G.I. bill. The article follows:

GI BILL CAN BOOST ENROLLMENT, U.S. PRODUCTIVITY TOO (By Frank Mensel)

As Merrill Lynch likes to tell, predicting the future is not easy. Still, the stubborn crystal ball at this desk insists upon putting out this word:

"Get busy! The New GI Bill is going to be very big business for higher education. More so for community colleges—if they go after it."

"If a college does not already have staff making calls on the National Guard, the Reserve units and the military recruiters in its service area, it should get started. *Get Busy!*"

While many community colleges have established a veterans program office, many have not. Typically, the latter use the registrar's office to handle veterans benefits and report certification to the Veterans Administration.

However, under the New GI Bill, the veterans programs are moving into a new era on campus. The opportunities for a college education that it provides for the National

Guard and Reserve members have not existed before.

"As this program gets rolling, colleges face new challenges and new complexities in serving both veterans and service personnel," said Bertie Rowland, President of the National Association of Veterans Program Administrators, who directs the veterans affairs office at California State University, Chico. Like many other schools, her university has found that veterans are better served by a separate veterans affairs office. "The veterans affairs office is operated for little more than the university would spend to routinely process VA paperwork in the registrar's office," she said.

Working with the New GI Bill is as much in the colleges' self-interest as it is in the national interest.

With fewer graduates leaving the high schools in the years ahead, higher education now must compete with industry and the military for the diminished stream of young talent. The New GI Bill offers the opportunity to minimize that competition—and to encourage students to mix these roles. If colleges are creative in their applications of the GI Bill, many students will turn out to be—if I may borrow an old affirmative action phrase—two-fers and three-fers.

Great numbers of the high school graduates, perhaps a majority, will be easily capable of handling two such roles at once—their Guard or Reserve commitment plus a full-time college load. And many will prove capable of handling all three roles at once—college, job and Guard or Reserve commitment.

If the current administration succeeds in its aims of making deep cuts in student aid, especially Pell Grants, or if the mounting deficits force Congress to hold the line on Pell Grants, the New GI Bill will become the new bulwark of college opportunities for the disadvantaged. The purchasing power of Pell Grants has slipped sharply in the last five years, and unless Congress can stabilize that purchasing power, more and more low-income high school graduates will realize that a Guard or Reserve enlistment and the GI Bill offer their first and best hope of fulfilling their college dreams.

Community colleges should persist in a vigorous assault on excessive regulation. It's wonderful that Senator Thurmond of South Carolina, the most senior Republican on the Armed Services Committee, has taken up this fight for us in S. 1207. This bill would institute the procedure in the VA of tracking the attendance of veterans in college on a credit-hour basis, thus setting aside the tracking by clock hours. Through the Joint Commission on Federal Relations, both AACJC and ACCT have pledged their vigorous support of S. 1207. We urge members to get behind it and to flood the House and Senate Veterans Affairs Committees and Armed Services Committees with letters supporting it.

If the new GI Bill increased enrollment by an average of just 100 students for each community, technical and junior college, this would increase their credit enrollment nationally by more than 2 percent.

If community college students use the GI Bill to gain the advanced skills to operate the advanced systems deployed in Guard and Reserve units, then use the same skills in careers with the industries that lead global competition in both new technology and armaments, U.S. productivity, employment and national security all will benefit. And so will the community colleges.

FUTURE LEADERS OF A FREE SOUTH AFRICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. RANGEL. Mr. Speaker, I rise to speak to my colleagues once again about the future of South Africa.

Many apologists for constructive engagement claim that an immediate change in the status quo in South Africa will lead to chaos. They argue that the various tribal and racial groups would fight for dominance in a postapartheid South Africa. This hypothetical war would be the result of too much freedom in too short a time.

I would like to point out, Mr. Speaker, that these apologists have completely ignored the growing reservoir of leadership which has sprung up in South Africa's freedom movement. These leaders do not speak in terms of racial or tribal confrontation. Rather, they are calling for universal franchise in a unitary state. They seek a united and democratic fatherland, not a loose confederation of squabbling fiefdoms.

To put it bluntly, Mr. Speaker, the constructive engagement apologists are once again wearing blinders.

I would like to submit the following article for submission in the CONGRESSIONAL RECORD. I urge my colleagues to read it, and to take note of the emerging leaders who will play a role in postapartheid South Africa.

[From the Washington Post, Nov. 2, 1985]

MIDWIVES OF A NEW SOUTH AFRICA

The new South Africa, if it is ever born, will not lack for leaders. A glimpse of those who might take over if the country is freed from apartheid was given at the Robert F. Kennedy Human Rights Awards at Georgetown. Two of the winners were prevented by their government from attending the ceremony.

They were vividly represented. The Rev. Allan Boesak, founder of the United Democratic Front, sent his wife, who read his acceptance speech with much spirit, and his 8-year-old son, Allan Jr. Winnie Mandela, wife of Nelson Mandela, who is serving a life term in prison, had her prize accepted by Bishop Desmond Tutu's daughter. Mpho Tutu, a U.S. college student, looks and sounds like her famous father. She referred to Winnie Mandela as "the first lady of South Africa."

The third recipient, the Rev. C.R. Beyers Naude, spoke for himself, and memorably. When Naude, scion of a preeminent Afrikaaner family, was a rising star of the Dutch Reformed Church, he was spotted as a future prime minister of South Africa. But that was before he renounced apartheid, a heresy that led to his forced resignation from the ministry, and later, banning.

Naude is an orator of such force and fire that it was astonishing to hear him in Washington, where so many say so little and expect to be praised for their good judgment or at least their powerful survival instincts. If a free South Africa is seeking a prime minister of proven valor and eloquence, Naude may revive the speculations of his younger days.

He began by praising the judges for their selection of a white man (himself), the son of a black man and a white woman (Boesak) and a black woman (Winnie Mandela). It was, he suggested, the kind of coalition that explains the force of resistance and the promise of a new South Africa.

Naude is nearing 70, a man with straight gray hair and a serious face. He said things that could easily cause the authorities to seize him when his plane lands back in Johannesburg.

He said of apartheid: "Such a system cannot be reformed. It has to be removed. And if it refuses to be removed, it has to be destroyed."

That could easily be reckoned as subversive by the desperate and obdurate men in South Africa, who are shooting into crowds, jailing children the age of Allan Boesak Jr. and whipping men and women in the streets.

Naude, when asked about the danger that could face him at home, said, almost jauntily, "I am aware of that, but I deliberately said it, because there is no point of going around it."

He spoke with great passion about Nelson Mandela. "As long as Nelson Mandela is forced to remain in prison, South Africa will also remain imprisoned. Only when Nelson Mandela is free will the whole of South Africa, black and white, be free."

He put America's obligation in terms stronger than our politicians dare use.

"If the U.S.A., economically the richest and militarily the most powerful nation on Earth, claims not to have the power to terminate the power of apartheid, then there is something drastically wrong either with the nature of that power or with the ability or the willingness of your country and its people to utilize such power in the service of justice."

"God has a funny way of confronting human beings and human societies at the most awkward moment of their existence of history," he told his mesmerized audience at Georgetown, "with their refusal to face up to themselves—which is exactly what God has been doing with South Africa during the last 12 months. Here is a classic example of a country which refused or delayed to face up to its situation, and now the moment of truth has arrived. The answer must be given—and white South Africa is neither ready nor able to give that answer."

But, he said, there is a solution: democracy.

Dorothy Boesak read her husband's acceptance speech, saying, "Our people have risen up from the ashes and claim with dignity and pride their rightful place in the land of our birth."

Winnie Mandela was shown on a short film, speaking somberly of the "20th-century slavery" that apartheid imposes on blacks and the miserable failure of "constructive engagement," President Reagan's way of expressing moral outrage.

The whole affair was a refutation of the concern that there is no alternative to the Botha government, with its whips and its guns. The bright, brave, eloquent people against apartheid have talent as well as a dream.

The awards were presented by Mrs. Robert F. Kennedy on the day that would have been the senator's 60th birthday.

GOV. MIKE O'CALLAGHAN—ONE OF A KIND

HON. HARRY REID

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. REID. Mr. Speaker, the chairman of the board of the Las Vegas Sun newspaper has a background of which the whole Nation should be proud. I know in Nevada we consider him one of a kind.

He served in the Marines, the Air Force, and the Army. His military career ended with the loss of one of his legs in a bunker in the mountains of Korea.

The injury ended a promising athletic career, his having had more than 100 amateur fights with but 2 losses. It caused this man, Mike O'Callaghan, to begin a career in academics. He graduated with honors from the University of Idaho, where he also received a master's degree. He has done additional graduate work at Georgetown, Claremont, and the University of Nevada, to name only a few of the schools.

O'Callaghan, thereafter, taught and worked at Basic High School in Henderson, NV, my alma mater, where I was one of his students. Later, he became chief probation officer for Clark County, State Director of Health and Welfare, regional director of the Job Corps, regional director of the Office of Emergency Preparedness, a private businessman, then, Governor of Nevada for two terms. He retired as the most popular political personality in the history of the State.

With this background, Mr. Speaker, I introduce into the CONGRESSIONAL RECORD a sample of his Las Vegas Sun "Where I Stand" columns on issues of foreign policy. A better analysis you could never find.

The columns follows:

NOVEMBER 8, 1979

I am damn well disgusted and angry enough to have every Iranian student in the United States sent home—the minute after all of our people are released from captivity.

Watching television and looking at wirephotos has irritated me beyond measure in recent days. Signs reading "Americans Get Out of Iran" and "Death to Carter and the Shah" are being carried by Iranian students studying in our country. I believe they are abusing our hospitality by their extremely ill-mannered acts and open defiance of our laws and way of life.

The students who damaged America's First Lady when they occupied her last week should be prosecuted and be made to repair her and then shipped home to Iran. The hospitality our Statute of Liberty extends has been misused and she has been ravished by those who have been the beneficiaries of her light.

This shouldn't be shocking as we saw Iranian students, less than a year ago, throw rocks at Los Angeles policemen and burn cars that got in their way. Many Americans at that time requested our government come down on them. There is little evidence anything happened and therefore more recent demonstrations in New York and Washington, D.C. should have been expected.

I realize that, because of our prior displays of indecisiveness and lack of national will, we are now in a position where we must move cautiously so innocent Americans will not be slaughtered in Tehran. We must be embarrassed by a mob representing hoods hiding behind a religious facade, one which is put forth to hide real hate and jealousy of Americans. Why should they love us or anybody else when their executions have made Iranian blood run in the gutters of their country?

Yes; we must take a slapping around internationally until we get our people home. This should not include my favorite morning news show interviewing an Iranian official every morning so he can vent his spleen when discussing my country. I really don't care what he has to say and it is doubtful if many Americans really care. We do care about what his country is doing to our people that are being held in captivity.

When all Americans have finally been brought home we should close down our embassy and pack up all of our diplomatic people and bring them home also.

Economic sanctions as well as diplomatic sanctions should be imposed. By this I mean that American food and technical know how no longer be available for Iran.

If the mobs being urged on by Khomeini, kill any of our people being held hostage in the U.S. Embassy in Tehran, then they should be punished by military action. Exactly what military action will be taken should be decided by the Joint Chiefs of Staff. The action should be more than a military fly over or the moving of an aircraft carrier if we are to stop the erosion of America's pride.

The Lord knows that I dread war, and because of my personal experiences, would do anything to prevent military action. However, the time has come when we can no longer tolerate the actions of Iran either internally or externally.

We had better get their attention and the attention of the world that this nonsense has gone far enough and we will tolerate no more.

If we continue allowing Iran or any other nation to abuse our citizens we are asking for some big problems in the future. We must make clear that the United States cannot be blackmailed with oil embargoes or bullied by kidnapping our citizens.

Action now may save us from a world-wide confrontation which will cost millions of lives and mass destruction.

The iron is hot and so am I. The time to strike back is now.

NOVEMBER 15, 1979

The longshoremen have a word for it. Boycott is a two edged sword.

We should applaud President Jimmy Carter for his decisive actions in getting the attention of the fanatics trying to control the destiny of Iran under the guise of religious fervor. The followers of Ayatollah Ruhollah Khomeini have been chanting in a frenzy to frighten 60 Americans held hostage in the embassy the chanters surround. The hostages have experienced long days of anxiety and fear as they sit with their waists bound together listening to the voices calling for "death to the Americans."

Our president has moved cautiously, but firmly, not giving the mobs an excuse to kill their prisoners. He has demonstrated his high regard for human life and his compassion for the American hostages and their families here in our country.

JANUARY 26, 1983

In recent days he has reflected the feelings of Americans by telling Khomeini that we cannot be blackmailed with a threat of an oil embargo. He beat the Iranian leader to the punch by stopping all U.S. purchases of Iranian oil to prove his point. The message should be read, "American lives are more important than your damn oil."

Yesterday the president again beat Khomeini to the punch when rumbles rippling through the world financial community reached the White House. Iran was withdrawing \$12 billion assets from U.S. financial institutions. The president, acting within the powers granted by the International Emergency Economic Powers Act, froze the assets of the Iranian government, the Central Bank of Iran, corporations controlled by the Iranian government, and all other government deposits.

Evidently the Iranians overestimated the value of assets they had in the U.S. by about \$7 billion. The Federal Reserve Board estimates these assets total closer to \$5 billion than they do \$12 billion. Still, the already shaky dollar could have been struck another damaging blow if even the lesser sum were withdrawn from our financial institutions.

Particularly sweet was the detention of \$775 million Iran had advanced to the U.S. for purchase of military equipment.

Iranians demonstrating within the U.S. against their host country have also received a message from the White House. The order that all of the Iranians here with a student visa must report into an Immigration and Naturalization Service office to show they meet all requirements to retain their visa got their attention.

This action has cooled down the fervor displayed by Iranian students who have been burning flags, stoning policemen and generally raising all kinds of hell in our streets. Now we are listening to them whining about being picked on and trying to compare themselves to the American-Japanese who were interned after Pearl Harbor. To even put themselves in the same class as these fine American citizens, who later distinguished themselves fighting for our flag in Italy, is laughable. There is no possible or reasonable comparison.

Nobody is holding these Iranian "students" as hostages and they are not going to be interned. They are not going to be physically harmed. If they do not qualify under law and if they have been breaking our laws, they will be sent home to join the rest of the mob in Tehran.

The next move for our country is to follow the example given by the dock workers refusing to load grain on a ship bound for Iran. Some political analysts say the Iranians have enough oil money to buy all of the food they need elsewhere and make their food purchases, if they can.

This year 75 percent of the rice, 50 percent of the wheat and about 35 percent of other grains used in Iran has been shipped in from the U.S. It is doubtful if they can obtain the rice needed from any other country. Maybe, if there is a good crop, they can get some wheat from Russia.

Personally, I can care less if they have to drink their oil to survive.

President Carter deserves the support of all Americans during this period of diplomatic stress and strain. He can only be as strong as we'll allow him to be and at this time, strength and cool actions are the order of the day.

You are on the right road, Mr. President, don't stop now.

The schoolrooms were cold and overloaded with glum children repeating phrases chanted by teachers reading from a book. The children, 40 to 50 in a room, were seated in pairs on slivery benches behind crude wooden desks. The Nevadans watching the poorly clothed youngsters appeared uncomfortable as they peered through open doors and broken classroom windows.

The visiting Nevadans were not observing an isolated rural school, but were on the grounds of the Dr. Sun Yi-xian (Sun Yat-sen) Middle School near the village of the doctor's former home in South China. Our government guide took us to see the school after much bragging about the facility. The broken windows, filthy floors, poor lighting and coldness shocked the visitors.

The shock was intensified because our group of Nevadans had finished a stay of one week on Taiwan only four days earlier. The school children of Taiwan were well-clothed, happy and the school atmosphere was pleasant and productive. The people of the Republic of China have thrown their full support behind the educational system in Taiwan. It is evident the Communists running Red China don't have the same values and the children of South China are suffering from this neglect.

Vivienne Morris, a member of the Nevada State Board of Education and a former teacher, was visibly upset with the school visit. She and Bill, her husband, had spent several days in North China two years ago and had not been subjected to the conditions we observed in South China. Vivienne's concern for school children of all races was badly bruised by what she saw at the Dr. Sun Yi-xian Middle School.

During our swing into mainland China other mental comparisons between the Republic of China (Taiwan) and the Peoples Republic of China (mainland China) were made by the visitors. Five years ago Carolyn, my wife, and I had spent time visiting several excellent farms on Taiwan. During our most recent trip, we were allowed to visit a farm village on the mainland. Walking through the cold and dirty shacks last week, where the elderly and very young wandered aimlessly, we wondered why we were even allowed to visit the village.

Was this the best they had to offer? Our guide beamed and smiled as he told us of the revolution and gave us permission to ask questions of the people who could understand little English and we even less Chinese. What our eyes saw was enough to surpass anything we could express with written or spoken language. It's little wonder that Taiwan's farms are producing an abundance of food products and the mainland, like Russia, struggles from one crop to the next.

The stores in the villages and towns of South China relate an even more telling story. The few electronic products offered for sale are seldom bought and the food products are inferior. The stores and markets in Hong Kong and Taiwan are loaded with fresh, delicious pastry and succulent fruits. The pears, oranges, grapes, papayas, mangos, bananas and apples gracing the shelves are of the highest quality on the free world markets. The fruit for sale in Red China are the culls left over for the people and the food fruit is shipped to Hong Kong for sale on the free market.

As our bus bounced along a narrow country road toward a hot springs spa for lunch, I wondered how long the government could keep the people from realizing their plight. The fancy restaurant at the spa had several

tourists as guests, but no local farmers or any of the numerous soldiers seen along the road were dining in the facility. Soon a fancy resort hotel, near the border separating Macau from China, will be completed. It is being built for tourists so the government can bring more foreign currency into the Communist economy. So it shouldn't be too long before the Chinese people on the mainland can see the difference between how the government treats them as compared to the treatment given to foreigners with money. Some day the roof will come off unless the Communists change some of the military and economic policies.

The Republic of China on Taiwan should do everything possible to encourage foreign visitors to extend their tours into mainland China. The contrast between the two countries is almost unbelievable. There is little equal comparison between the two Chinas as the social and economic progress of free China far outstrips even the wildest dreams of even the most optimistic communist.

The only thing the two countries have in common is that both are populated with Chinese people. It would be a shameful disaster if U.S. foreign policy would eventually result in the 18 million Chinese people on Taiwan being forced under the Red curtain covering the mainland.

OCTOBER 27, 1983

What should we do with the 30 Russians captured in Grenada?

Attorney Evan Wallach, a combat grunt in Vietnam, tells us to "send them home aboard Korean Airlines."

Good thinking Evan, you sound like an excellent replacement for Cap Weinberger as Secretary of Defense.

Infantry soldiers and Marines learn in boot camp the necessity of taking the high ground in combat. Let's hope the Beirut massacre has taught the same lesson to the people making U.S. decisions in Lebanon.

If we don't want U.S. Marines in the mountains surrounding Beirut, we should at least make the high ground unlivable for the troops operating from their haven in the hills. If our men are to remain there, our leaders should allow military men—not political appointees or State Department diplomats—to make military decisions.

Washington decision-makers have been warned privately and publicly during recent months about our men being in positions they cannot properly defend. Now it is evident that those were legitimate and sensible warning. Why did so many men have to die to bring about what we hope is corrective military action?

Now, however, is not the time to point fingers and blame President Reagan for the deaths of our fighting men in Lebanon. Democrats will tell you that the Republicans took unfair advantage of Lyndon Johnson's actions in Vietnam to get Nixon elected in 1968. Some will also remind you that Reagan campaigners blamed Carter for the aborted attempt to rescue the Americans held prisoner by Iran. Admittedly those political charges were actions of self-serving political hacks, but there is no need to drag out the same snipers to fire on our present president.

Now is the time for all Americans to act calmly and support our highest-elected official. Political charges and emotional cries should not be allowed to blot out the voice of President Reagan as he speaks on foreign affairs. More than one voice will only clutter up his message and eventually the world

will not know where we stand on important issues.

Misunderstanding in the age of sophisticated nuclear weapons and delivery systems can result in the destruction of our entire civilization.

APRIL 22, 1985

Once a Marine always a Marine. The pastor of St. Anne's parish showed his colors 10 years ago in Vietnam, according to Newsweek's special edition on "The Legacy of Vietnam." Father John McVeigh was then head of the Catholic Relief Service in Vietnam when the disorderly scramble to leave the country was underway.

Thousands of friendly Vietnamese were being left behind to be slaughtered by the Viet Cong. Gen. Brent Scowcroft, the top aid for Henry Kissinger, cabled Ambassador Graham Martin; "Should insure that all, rept. all, Americans are evacuated in this operation ASAP." According to Newsweek, Martin wired back: "Among Americans here is Father McVeigh, head of the Catholic Relief Service, who will not leave without his Vietnamese staff... How will the president explain to... Cardinal Cooke, Father McVeigh's great and good friend, why I left him?"

McVeigh's staff faced double jeopardy with a communist takeover. Being friendly to Americans was bad enough and being Catholic added to their problems. However, the Marine chaplain surfaced in the Irish priest who stayed to take his staff with him during the final hours of American presence in Saigon.

Marines never leave behind their living, dead or wounded buddies.

SEPTEMBER 13, 1985

The syrupy female voice echoed across the valley that runs in front of Old Baldy, Pork Chop and T-Bone hills. It had the same sweetness and luring qualities of the voices heard long ago, only this time the message was in Korean and not English as it was in the 1950s.

Republic of Korea combat leader Colonel Jeung only grunted "propaganda" when I asked what she was telling his troops dug in on the hills facing North Korea.

I couldn't understand what the luring voice was saying in August, 1985, but 33 years ago a similar voice told us to come over and join her and her friends. Sometimes the loudspeaker would suddenly break the deadly silence of night with music and then the voice would tell one of us she had our mail from home. Other nights she would be more threatening and tell us it was a shame that we were going to die for a useless cause. This was usually followed by mortar shelling and sometimes by an infantry probe of our outpost.

Standing with the ROK soldiers looking directly down on the hill we called Pork Chop was irritating because it is now held by the North Koreans. The outline of a North Korean soldier was easily picked up as I gazed through the binoculars. Old Baldy and T-Bone, other hills where barrels of American blood were shed in the 1950s, are also in the hands of the enemy. One thing remains the same; the South Korean troops know that the men across from them are still the enemy. It is not a peaceful place for either Americans of the U.S. Second Division or their ROK comrades.

The steep hills are now covered with green foliage and most of the war's scars are covered with trees and brush. However, the slopes running off the hills are scraped bare

so the troops can watch for possible infiltrators and if fighting breaks out they will have clear fields for firing their automatic weapons. During the winter months the snow covered hills are easy to scan for tracks of enemy infiltrators.

The north sides of the hills held by the Americans and ROK soldiers are covered with razor-sharp wire and a deep ditch runs along the forward slope. Also powerful spotlights, which flash on sporadically at night, face the North Koreans. The reverse slopes of the outposts have large orange panels to warn our airplanes not to fly north or they will come under fire. Also snuggled comfortably in pits by the orange panels are mortars in case they are needed.

Early in the morning Carolyn, my wife, neighbor George Brookman, cousin Bill Biesanz and I had met with U.S. Army Major Ernie Comer and ROK Col. Han Doo Sik at Camp Red Cloud near Uijongbu. Both men are key members of the ROK-US Combined Field Army who agreed to escort us to the demilitarized zone (DMZ) better known as "The Z" by Second Division troops. We were joined by Capt. Cynthia Kaywell and Lt. Col. Ken Okimoto, both reservists from Hawaii on active duty.

Camp Red Cloud is close to the 43rd MASH where I was patched up one time. It became known to world television viewers as the 4077th MASH. Probably the only realistic thing about the television series is the gap in the mountains the helicopter flies through at the beginning of every show. The gap in the mountains is still there but the old MASH is now home for a ROK army unit.

It was the first day of school for Korean youngsters and they waved to us as we headed for the DMZ in a military van. We stopped in a small village for a highly spiced Korean lunch at a small house we entered from an alley. Col. Han and Major Comer know the area well and were greeted with open arms.

The road out of the village took us through military activities which included live heavy artillery fire landing in the mountains. We soon left the paved road at a bridge where babies were being bathed in the river and people were working the fields. The rice fields, to be harvested in about four more weeks, should produce bumper crops. The already harvested red peppers were drying on the side of the dusty road.

Soon we were on the road winding behind the DMZ and it was necessary to transfer into ROK jeeps for the climb up to the outpost overlooking Pork Chop. Yes, the hills and mountains of Korea are just as steep as I remembered from the months spent climbing them during hot and steamy monsoon rains and bitter cold winter months.

The ROK troops of Col. Yeung are in top physical condition and according to Col. Han and Major Comer, they have the same tough mental attitude. I feel good about them and am happy they are our friends. They certainly proved it by joining us in Vietnam and sending crack troops there to fight.

Standing on the towering hill and looking down at the North Koreans on Pork Chop made me wonder if all of the blood shed for these hills was worth the end results. The names Estrada, Skipper, Vennecucci, King, Cunningham and Brown flashed through my mind. They are all dead and the North Koreans are sitting on the hills where these men died more than thirty years ago.

Then I recalled the happy children on their way to school, the little babies being

bathed in the river, rice paddies ready to be harvested, red peppers drying by the road side and the people working the fields. It's a damn shame it took so many good lives to prove a point in an imperfect world which as a whole really hasn't changed that much.

I am happy that I had the opportunity to be in Korea when it counted. My return visit has convinced me that at least one small part of the world benefitted from the presence of Americans more than thirty years ago. If only Estrada, Skipper, Vennecucci, King, Cunningham, Brown and the other thousands who died could still be here to enjoy the fruits of their work and suffering.

DECEMBER 9, 1985

Received a couple of letters letting me know that not everybody has forgotten the Korean Conflict. Lew Conant of Las Vegas, representing the Society of the Third Infantry Division, wants support for memorializing of his division. The "Rock of the Marne" Division did an excellent job in both world wars and Korea.

Having served in combat with the 38th "Rock of the Marne" Regiment in the Second Infantry Division helped me understand Conant's feeling. Our regiment prior to Korea was part of the old Third Division. Incidentally, the Second Infantry Division is still on the line in Korea.

Jerry Eitner of Kaysville, Utah, reminds me that the "Chosin Few" will commemorate their 35th anniversary in San Diego this month. He expects about 1,000 survivors of the battle at the Chosin Reservoir to attend the reunion. It was in December of 1950 when 15,000 allied ground troops battled 120,000 Chinese in below zero weather in North Korea.

Korea has been termed the forgotten war. Eitner said, but he points out that more than 54,000 Americans died during that three year war. He adds that 8,177 Americans are still listed as missing in action, compared to the 2,485 MIAs of Vietnam and 4,512 of WWI.

That's the battle which resulted in Marine Maj. Gen. Oliver P. Smith saying, "Retreat, hell! We're just attacking in a different direction."

TRIBUTE TO TOMMY WINEBRENNER

SPEECH OF

HON. DAN LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 11, 1985

Mr. LUNGREN. Mr. Speaker, this evening I would like to salute Tommy Winebrenner, a stalwart and essential servant of this Chamber for over three decades. As minority doorkeeper, Tommy has kept Members of this body apprised of scheduling, debates, and votes amidst the most severe confusion—a state that frequently prevails in the House.

After serving as a page for Majority Leader Charlie Halleck, Tommy worked for 5 years as a telephone clerk in the House Republican Cloakroom, for 4 years as an assistant manager of that same Cloakroom, and then for 12 years as minority postmaster. He was elected by acclamation as the minority doorkeeper in 1975.

Tommy is very well-liked, and with good reason. A member of the Marine Corps Reserve for 6 years, he has displayed large amounts of civic and community spirit. He is chairman of the administrative board and council on ministries for the Aldersgate United Methodist Church in Alexandria. And he is an umpire and referee in the Fort Hunt Youth Athletic Association baseball and basketball leagues.

In the House, Tommy is conscientious, energetic, and always well-informed. He keeps this Chamber in operation by assisting both Democrats and Republicans with their responsibilities. In a time when Congress is constantly criticized, Tommy Winebrenner is a source of pride for his colleagues and the Members of Congress. I'm delighted to commend him for his many years of service.

MOROCCO, FRIEND OF THE UNITED STATES

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. WILSON. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the contribution made to United States worldwide strength and security by one of our oldest friends, the Kingdom of Morocco.

Morocco and its people have been a friend and ally of the United States for two centuries—in fact, Morocco was one of the first countries to extend the hand of recognition and friendship to the fledgling Republic at its birth.

Since that time, the ties between Morocco and the United States have grown and deepened to the point where Morocco now constitutes one of our most valuable strategic assets in the North African/Middle East region.

In fact, Mr. Speaker, the calm and steady nature of United States-Moroccan friendship has sometimes led the United States to take this old friend somewhat for granted. For example, I am willing to bet that not many of my colleagues realize the extent and variety of the military cooperation which we currently have with Morocco—a total of 30 joint military maneuvers scheduled for 1985 alone. That is the largest program we have with any country bordering the Mediterranean—and I don't have to remind my colleagues that several NATO countries border that sea.

The importance of this kind of cooperation is all too evident when one looks at a map; Morocco holds the key to the Straits of Gibraltar and is crucial to the security of the Western Atlantic approaches to the Mediterranean. Its location in the northwest part of Africa has often proved critical to Western efforts to assist friendly governments in Africa, such as Zaire.

Morocco has also proved to be an important player in United States efforts to reach a peaceful solution to the Arab-Israeli conflict. How many of us are aware that His

Majesty King Hassan was a key intermediary in the first contacts between Egypt and Israel, resulting in the signing of the Camp David accords in 1979? The service which the Kingdom of Morocco has provided to the United States has been sustained over many years, but perhaps because His Majesty King Hassan prefers a low-key style, the United States often fails to adequately appreciate Morocco's efforts.

Mr. Speaker, we are all extremely conscious of the effects of the Federal spending reductions on the lives of the American people. I think we owe it to them to ensure that the money which is sent overseas as foreign aid goes to those countries which are in need of it and have proven themselves true friends of the United States. Too often we extend aid to governments which are known to be uncooperative and even hostile to the policies of the United States. We cannot afford to do that any longer.

As a superpower, America has worldwide political and economic interests which must be protected. It is my hope that when the administration and the Congress look at these interests next year, in preparation for a new foreign aid budget, they will realize that a long-time friend and ally such as the Kingdom of Morocco is deserving of more substantive recognition and support, and will increase Morocco's foreign aid levels.

The preservation of our national security depends on a more realistic and pragmatic vision of where our interests lie and who our friends are in the world. In my opinion, Morocco has shown itself to be a stable and steady friend of the United States, as well as a proud and independent nation—traits which we have found to be in scarce supply in that turbulent and critical part of the world. I would hope that my colleagues will join me in an effort next year to increase our aid to Morocco, to demonstrate to our friend and to the rest of the world that the United States stands by its friends and rewards them for their contribution to United States national security.

FORTIETH ANNIVERSARY OF THE BLEIBURG TRAGEDY

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Ms. OAKAR. Mr. Speaker, in 1985, we observed many 40-year anniversary commemorations of the end of World War II. We had an opportunity to ponder the horrible tragedy and remember its millions upon millions of victims. In my own city of Cleveland, the Croatian community organized a Joint Committee of Croatian-American organizations to observe the 40th anniversary of the Bleiburg-Maribor tragedy, a little-known catastrophe that claimed hundreds of thousands of victims. On Sunday, May 26, 1985 a memorial mass was celebrated for the war dead at St. Paul's Roman Catholic Church in Cleveland. A commemorative program was held afterward.

The history of Yugoslavia during World War II is very complex. It is also very cruel. Tragically, the cruelty did not end with the war's finish. During the war, different nationalities and ideological groups vied for power in Yugoslavia or struggled for national independence. As the war came to an end, the communists under Tito emerged as the victors. That meant that whole sections of the population who had opposed Tito were doomed to punishment. One of Tito's close aides, Milovan Djilas, wrote in his book *Wartime* that people were held "guilty not necessarily of having done something, but simply of having belonged to something." * * * OZNA, the secret police, was methodically tracking them down, spreading its dragnet, conducting arrests and executions."

An enormous flood of terrified refugees fled over the border into Italy and Austria. These included several hundred thousand Croatian soldiers and civilians. In May 1945, these refugees made contact with the British Army at the quiet Austrian village of Bleiburg, hoping to win sanctuary. Instead, they were disarmed and on May 16 escorted back across the border into Yugoslavia, where Tito's forces were waiting for them. According to accounts, the first groups were fired upon and massacred.

Other contingents of soldiers and refugees who had surrendered to the British were also extradited back to Yugoslavia in railway cars and military vehicles. Still others were forced to march across Yugoslavia. Eyewitness accounts that have been compiled, relate unspeakable cruelty and suffering. Croatian scholars in the West estimate that a quarter of a million Croats died in the massacres, death marches and concentration camps. For Croats, the quiet village of Bleiburg is now associated with tragedy and death.

Last week, the House of Representatives debated the resolution to commemorate man's inhumanity to man. Unhappily, the history of our century has too many examples of man's inhumanity to man. The Bleiburg tragedy is yet another example of how cruel people can be to one another. It is yet another reason to rededicate ourselves to the cause of peace and human rights. Man-kind, which is capable of great creativity and good, can also perpetrate enormous destruction and suffering. Let us resolve to harness the dark side of human nature and assert our compassion, cooperation and tolerance of one another so that man's inhumanity to man, while a painful memory, will serve as a lesson to guide us toward a more humane and peaceful future.

INTERNATIONAL HUMAN RIGHTS DAY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. WAXMAN. Mr. Speaker, I would like to join my colleagues in celebrating International Human Rights Day. This day com-

memorates the signing of the Universal Declaration on Human Rights in 1948 and honors the numerous men and women who have fought, and are still fighting, for fundamental human rights around the world.

Emerging from the horrors of World War II, the Universal Declaration of Human Rights was the first document to spell out the need for basic understandings on human rights held by all the peoples of this world. In terms of world history, the concept of human rights is a new and radical one. Thus, many governments still do not honor what we consider to be essential human rights. We must work hard to keep the struggle for human rights alive in these nations by supporting the countless people who have suffered because of their firm beliefs in human rights, and by never ceasing our pressure on their governments to honor their rights. We must speak out for these people and for those who insist that their countries be held accountable for human rights.

An individual story will underscore the importance of our struggle: The case of Mr. Yosef Berenshtein. Mr. Berenshtein is a Hebrew teacher from Kiev who was falsely accused and charged within this past year. After being unjustly charged, he was sentenced to 4 years in a labor camp. While in the camp, he was subjected to a tremendous amount of physical brutality by other inmates; his eyes were severely injured and as a result became infected. Had it not been for the support of many voices in the West, including many in Congress, Mr. Berenshtein would never have been allowed to leave prison to receive the medical attention he so critically needed.

By committing ourselves, on a consistent, long-term basis, we can help make a difference in the worldwide struggle for human rights. I want to say today that I have made this commitment and will continue to uphold it in the coming years.

GRAIN EMBARGO CLAIMS

HON. VIRGINIA SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mrs. SMITH of Nebraska. Mr. Speaker, confusion has recently been generated in my State and across the Nation regarding the provisions of a law passed by the 96th Congress Public Law 96-494.

Apparently misleading information is currently being disseminated in many farm areas that this legislation, which was enacted on December 3, 1980, provides for reimbursement of losses incurred by grain farmers as a result of the 1980 grain embargo.

President Carter's 1980 grain embargo against the Soviet Union most certainly had a damaging impact on the American agricultural economy. In fact, the Department of Agriculture's Economic Research Service is in the midst of a study of the extent of this damage. While I support this study, I am concerned about the informa-

tion currently being disseminated that legislation passed in 1980, Public Law 96-494, contains provisions allowing grain farmers hurt by the embargo to make damage claims to the Federal Government.

Mail reaching my office and those of other members of Congress has referred to a form 95 that would be used in filing these claims for alleged grain market damages. The basis for filing is cited as Public Law 96-494, signed into law on December 3, 1980.

The Department of Agriculture has reported that form 95 has no relationship whatsoever to embargo claims. Title II, section 406 of the cited law is the basis for claiming these refunds. Yet this section of the law specifically exempts grains from any potential claims. The full text of the section follows:

Notwithstanding any other provision of law, the Secretary of Agriculture may use, subject to such terms and conditions as the Secretary may deem appropriate, the funds, facilities, and authorities of the Commodity Credit Corporation in purchasing and handling agricultural products, other than grains, that (1) were intended to be exported to the Union of Soviet Socialist Republics under contracts entered into prior to January 5, 1980, but (2) cannot be exported under such contracts due to the imposition, on January 4, 1980, of restrictions on the export of agricultural products to the Union of Soviet Socialist Republics in the same manner and under the same conditions as the Secretary purchases and handles grains under similar contracts and subject to the imposition of the same restrictions.

Policymakers had taken action to attempt to ease the impact of the embargo prior to enactment of this law. President Carter directed then-Secretary Robert Bergland to use existing discretionary authority to stabilize commodity prices. Several actions were taken, including the purchase of export contract rights with respect to embargoed wheat, corn, soybeans, and soybean products.

Provisions of Public Law 96-494 included higher price support loans under the farm-owned grain reserve available to producers of 1980 and 1981 crops of wheat and feed grains. Secretary of Agriculture Bergland offered these higher support rates to producers on December 3, 1980.

Subsequent action took place under the provisions of Public Law 98-181, passed by the Congress in 1983. Section 2002 of this law authorized the Commodity Credit Corporation (CCC) to pay losses, if any, incurred by exporters of frozen hog carcasses and frozen broilers whose contract shipments had been suspended by the embargo. Final settlement has been made by the CCC on all such claims.

I do not feel that these actions were adequate to compensate grain producers for losses incurred as a result of this policy disaster. However, these were the actions taken by policymakers at that time, and no further direct compensation is available to grain producers under this legislation at this time.

CONGRESSMAN GILMAN IN TRIBUTE TO MARTIN LUTHER KING DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 1985

Mr. GILMAN. Mr. Speaker, on January 20, 1986, for the first time, Martin Luther King, Jr.'s birthday will be celebrated as a national holiday. It is not the first time, however, that a man has voiced a dream; a dream of ending racial inequality, a dream of affecting nonviolent social change. Dr. King's work echoes the efforts of so many black leaders who, through their struggles, may have gained popularity, infamy, or a combination of both. Consider Harriet Tubman, the escaped slave who risked death by returning to the South again and again, leading hundreds of slaves to freedom, or Frederick Douglass, the great abolitionist statesman, or, as a modern example of leadership Bishop Desmond Tutu. The setting may change from year to year, but the struggles and dreams go on. Honoring Martin Luther King, Jr., is a symbolic occasion . . . a day commemorating all these heroes from the past and the courageous men and women of today who have dedicated their lives to the battle against bigotry, injustice and, immorality.

Let us take a moment to put this symbolic occasion into the context of the American civil rights movement.

Martin Luther King, Jr., was born in 1929 in Atlanta, GA, to the son of a former slave. In a country that professed equality of rights for all men, most black Americans only knew the reality of segregation. Inequalities in employment opportunities, and physical separation from the American white population, was the unwritten law of the land. It was in this racial context that Martin Luther King, Jr., first set out in 1955 to "rewrite" the written and spoken word of racism.

When in 1955 a black woman named Rosa Parks was told to move to the back of the bus in Atlanta, GA, she said "No." Martin Luther, then a young minister in a local Baptist church, organized a boycott of the bus company. Within 6 months, the courts ruled that the segregation of public transportation unconstitutional.

This was only the beginning of a series of boycotts, rallies, and marches which eventually earned for Dr. King, in 1964, one of the world's highest honors, the Nobel Peace Prize. Nonviolent social change was Martin Luther's legacy. He knew in America that the most effective use of political power came through the revolution of values, not through any arm-twisting or bloodshed. Although, ironically, Dr. King's life was marked by many instances of violent opposition to his ideas and lead ultimately to his untimely death, the power of his words and deeds have been translated into concrete laws. The Civil Rights Act of 1964 guarantees all Americans equal use of public accommodations and employment

opportunities based on merit, not on color. The Voting Rights Act of 1965 gave permanent voting rights to black Americans. Now it is the black American who is shaping those laws on which he previously was not even able to vote.

But maybe even more important than the laws, are the values which Martin Luther King, Jr., preached that have so deeply touched our lives: The commitment to fighting for quality education, for housing and jobs deserved by men and women of all color. It is not difficult to see how the demonstrations in Birmingham, AL, the freedom rides, and the legal battles in the courts were carried out in the name of true freedom and equality for all. As Dr. King so eloquently put it:

The needs of 20 million Negroes are not truly separable from those of nearly 200 million whites and Negroes in America, all of whom will benefit from a color-blind land of plenty.

And if these words ring true for Americans, it is not difficult to see how these words apply to all those presently engaged in the struggle for equal treatment throughout the world. The South African crisis comes to mind when one thinks of social unrest and blatant segregation. Do not Dr. King's words ring true in this instance as do his principles and values time and time again?

And now we have before us a chance to rededicate ourselves to the dream of equal rights. By setting aside a special day, we will be reminded of the progress which we have made in attaining racial equality since the tumultuous days of the 1950's and 1960's and be able to recommit ourselves yearly to ensuring that Dr. King's dream becomes a permanent and worldwide reality. By setting aside this special day, we will be expressing the hope of creating a more just world—a world that rids itself of discrimination and which affects social change through nonviolent means.

Accordingly, Mr. Speaker, I urge my colleagues and all citizens to join in appropriate ceremonies and celebrations marking January 30, 1985 as the first national Martin Luther King holiday.

**JUDAICA HIGH SCHOOL OF
NORTH BROWARD, FL, PRES-
ES PRESIDENT REAGAN ON
HUMAN RIGHTS ISSUES**

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. SMITH of Florida. Mr. Speaker, today I rise to salute the energetic effort of the students of Judaica High School of Broward County, FL, in their project to petition President Reagan on behalf of religious freedom in the Soviet Union.

These high school students wrote the President:

Whereas, November 10, 1985, marks the tenth anniversary of United Nations Resolution 3379 which declares that Zionism is racism; and Whereas, President Reagan will

be meeting with Soviet Premier Mikhail Gorbachev; Whereas, it is necessary for us as Jews to take action and make issues such as Soviet Jewry a prime concern of President Reagan; Therefore, on this 12th day of November, 1985, the Judaica High School of North Broward, FL, hereby proclaims November 10, 1985, to December 10, 1985, Social Action Month.

As members of the next generation, these young adults wanted to express their concern that peace without human rights is a meaningless peace. It pleases me to see young people involved in such a timely issue of world concern. Efforts like those of the Judaica High School are very important in keeping the spotlight of public attention on the human rights violations of the Soviet Union. Only through constant pressure will the Soviet Union change its treatment of Soviet Jews. I commend these students and encourage them to continue their efforts on behalf of the Jews and other persecuted minorities of the Soviet Union.

I will continue to speak out so that one day Soviet Jews will have the fundamental rights that all human beings enjoy.

STEEL EXPORT PROTECTION BILL INTRODUCED

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. FRENZEL. Mr. Speaker, today Congressman JIM JONES and I have introduced H.R. 3939, the Oil Country Tubular Goods Export Protection Act. The intent of this bill is to permit U.S. processors of oil country tubular goods [OCTG] to remain competitive in the international marketplace.

Mr. Speaker, many of the bilateral arrangements on steel products have had the unfortunate effect of limiting the importation of pipe and tube products that are finished here in the United States for export. Quantitative limitations on steel products, while attempting to save some U.S. steel jobs, have only eliminated jobs in other sectors of the U.S. steel industry by reducing the ability of steel processors to realize their full market potential abroad. Processors with whom I am familiar supply 50 to 60 percent or more U.S. value added during the finishing process, which gives them the potential of creating many new jobs in the steel industry.

While it is true that some of these pipe and tube products are available from U.S. manufacturers, they are often not available at prices that would ensure the international competitiveness of the U.S. processor. If my bill does not pass, U.S. processors cannot purchase U.S. product; they will just lose sales abroad. They must have low-cost inputs to compete with low-priced OCTG of other nations.

The current pipe and tube quantitative restrictions do not supply the quantity of products needed by U.S. processors to survive. Restrictions have already cost U.S.

processors millions of dollars in lost business and jobs.

As a result, my bill would exempt casing, tubing, drill pipe or line pipe used to process oil country tubular goods from any quantitative limitations established under any of our bilateral steel arrangements. These materials must be entered under temporary import bond [TIB], certified by the selling country to be exported into the United States only for processing into goods to be subsequently exported. Upon importation into the United States, importers, in addition to posting the bond and presenting the certification from the exporting country, must give Customs information regarding how the unfinished product will be processed and when the finished goods will be exported. If the U.S. processor does not export the finished product within the 1-year deadline of the TIB, he or she will be penalized by an amount twice the FOB value of the imported merchandise. As under the current TIB, Customs may grant an extension of the bond to a maximum of 3 years if the bond holder can prove the need for an extension.

TIB's are normally held for twice the value of the estimated duty owed on the merchandise. My bill would increase the bond value to twice the FOB value of the goods. Therefore, if the terms of the bond were in default and any imports were to enter the domestic economic commerce of the United States, the resulting stiff penalty will ensure that the finished product could not undersell any domestic product.

Because of that likelihood, it is my expectation that all pipe and tube entered under this bill actually be exported and not directly compete with domestic product.

I urge my colleagues to support this bill which I believe will create many jobs in the steel industry.

COMMITTEE FOR MIGRATION

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. MOAKLEY. Mr. Speaker, there is a program in El Salvador, operated by the Intergovernmental Committee for Migration [ICM], which has received frequent mention of late within the context of the consideration of my Salvadoran refugee protection bill, H.R. 822. I think my colleagues should be given the facts about this program, as I think the significance of ICM's efforts in El Salvador is being misrepresented or misunderstood. There are some who argue, inaccurately, that ICM performs a protection function in El Salvador and that this has obviated the need for temporary protections proposed in my legislation. This could not be farther from the truth.

ICM is under contract to the U.S. Department of State to provide limited assistance and monitoring to Salvadorans returned from the United States to El Salvador. However valuable the ICM's services may

be to returnees, theirs is not a protection program, nor are the program's findings conclusive as to the fates of Salvadoran returnees. ICM itself has commented, in a statement describing the monitoring functions of the program, that its contacts with returnees are based on voluntary reporting and do not represent a scientific data base upon which to construct definitive analyses of situations of returnees after a period of resettlement.

Why is this not a protection program?

First, it in no way alters the fundamental fact of violence in El Salvador. An estimated 50,000 civilians—innocent bystanders—have been killed in the 5-year-old civil war. Those 300–400 Salvadorans we return to El Salvador each month, as they endeavor once again to mix with the general Salvadoran population, have every prospect of meeting the same fate as those 50,000. The chance of returnees encountering a guerrilla ambush, a Salvadoran Air Force bombing raid, a death squad bullet, or a guerrilla conscription team are equally great whether or not they are participants in the ICM program.

Second, ICM is unable to follow up with almost half of those returned. This is due to several factors. Some returnees elect not to participate in the program. Others deliberately provide ICM with false addresses. Still others reside in conflict zones largely inaccessible to ICM staff.

Finally, ICM is not a refugee protection organization. Its considerable competence lies in its logistical assistance to refugees and immigrants around the world and in its various educational and assistance programs. It does not have an internationally recognized protection mandate, nor does it possess an accumulated body of experience in this area. I would think that both would be required of any organization working in the very fragile Salvadoran atmosphere.

You should know that ICM, on behalf of the State Department, does perform some potentially valuable services to those our Government returns to El Salvador. It provides inland transportation, temporary national ID cards (a necessity in El Salvador), initial food and lodging, and other services. ICM monitors the progress of many returnees through the Salvadoran postal system through a series of questionnaires which returnees are requested to mail to ICM on a periodic basis to inform ICM of their well-being. Other returnees receive direct followup by ICM or ICM-contract staff.

Since the ICM program began in December 1984, 22 Salvadoran participants in the program have requested ICM assistance with resettlement outside El Salvador. These 22 have stated that they have had "security problems" upon their return to El Salvador and felt it unsafe to remain in their homeland.

Mr. Speaker, I wish to reiterate that it is the general condition of violence and civil strife in El Salvador that justifies a stay of deportation for those Salvadorans fearing return to their homeland at this time. While I urge my colleagues to respect the humanitarian aspects of the ICM program

in El Salvador, the program should be recognized as bearing little or no relationship to the issue of protection.

DR. DENNIS R. WYANT

HON. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. MONTGOMERY. Mr. Speaker, it is with great pleasure that I bring to the attention of the Members of this body the remarkable achievements of a man who, though faced with tremendous adversity, has successfully dedicated himself and his talents to improving the condition of his fellow man.

On December 7, Dr. Dennis R. Wyant, Director of the Veterans' Administration's Vocational Rehabilitation and Counseling Service, received the outstanding alumni achievement award from the Wright State University Alumni Association.

Wright State's director of alumni affairs, James Dock, made the following comments upon presenting the award to Dennis during midyear commencement ceremonies:

His quick but well-deserved rise to the top of his profession not only serves as encouragement to us but also represents all that is good in a loving, caring person. The WSU Alumni Association is proud of Dr. Wyant, a man most deserving of our highest award.

Mr. Speaker, the members of the Veterans' Affairs Committee share in that pride for Dennis Wyant's achievements. He is a good friend, a trusted adviser, and a successful administrator of our programs that provide training and employment assistance for disabled veterans.

Dennis' enthusiasm and energy are inspirational. He is an explorer, constantly looking for new and better ways to get the disabled back into the working mainstream. In the process, he is giving thousands of disabled veterans the opportunity to overcome their handicaps and disabilities, to fight back, and to remain productive.

Dennis' expertise in this endeavor was displayed long before he signed on with the VA, however. He served as Deputy Assistant Secretary for Veterans Employment at the Department of Labor and on the staff for the President's Committee on Employment of the Handicapped. He was also the national field service director of the Blind Veterans' Association.

Dennis brings to the job a firsthand understanding of the frustrations, the anxieties, and the hopes of the disabled and the knowledge of how to cope with a disability. He is legally blind.

A Vietnam-era veteran, Dennis has received the Disabled American Veterans National Commanders Award for participation in improving the employment prospects of disabled persons; the American Legion Award of Merit; the Amvets Distinguished Service Award, and the Blind Person of the Year Award from the National Federation of the Blind.

Mr. Speaker, Dennis Wyant exemplifies what is good and what is right about mankind. Put simply, he cares, and he has consistently and successfully channeled his caring and concern into action that is benefiting those who are in need of a helping hand and a chance to contribute to life through meaningful employment.

I know my colleagues will want to join me in offering our congratulations and our deepest appreciation to Dennis for his outstanding work.

AMERICAN HISTORY AND THE
BLACK WOMAN AND FAMILY

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. FAUNTROY. Mr. Speaker, American history is an important record for the reference of future generations. One of the most neglected records, needing documentation, has been that of the black woman and the black family in America.

That unfortunate gap in our history of Americans is being addressed by the Mary McLeod Bethune Museum-Archives located here in Washington, DC, which on October 15, 1982 by Public Law 97-329 became a historic site.

This important, only site for the collection, indexing, preservation, and interpretation of American history as lived by black women throughout America's history is pressing forward in the collection and documentation of private family archives, local fraternal-civic organizations' records, and many other primary sources—all of which were rapidly disappearing through lack of an archival site for collection and an archival staff for indexing and preservation until the establishment of the Bethune Museum-Archives.

Public Law 97-329, the original legislation introduced by me and by Congressman JOHN SEIBERLING, contained funding language that needed clarification. H.R. 1391 was introduced in the 99th Congress by myself and Congressman JOHN SEIBERLING for this purpose and the identical bill, S. 1116, was introduced by Senator JOHN WARNER in the Senate.

H.R. 1391/S. 1116, with minor technical language changes, has now been passed by the Senate and House and will shortly become public law. In a period of tight money, when we appropriated from the same fund \$350,000 each for the Shakespeare Library and the Corcoran Gallery of Art, for example, the \$100,000 for 3 years for the work of the Bethune Museum-Archives seems a modest commitment but one that will pay large returns.

The credit for bringing about the passage of this legislation belongs to loyal and worthy friends of the Bethune Museum-Archives. Appreciation first must go the Congressman BRUCE VENTO and Congressman ROBERT LAGOMARSINO for moving this legislation through subcommittee and committee action to the House floor successfully. I

want to also express the appreciation of myself and Congressman SEIBERLING to Senator JOHN WARNER for his good work in bringing his legislation through Senate subcommittee, committee and floor action successfully in a busy year of much legislative action.

Staff work on both the Senate and House side was exceptional. Particular mention needs to be made of the vital roles played by Dale Crane, staff of the House Interior Committee, and Marguerite Gras of my own staff.

As further evidence of the mission and capabilities of the Bethune Museum and Archives, I must pay high tribute to the work of Dr. Bettye Collier-Thomas, director of the museum, and Mr. Guy McElroy, curator and assistant director of the museum in providing expert information at each step of the legislative process. The loyal support of the members of the National Council of Negro Women, and Dr. Dorothy Height, president, were also of immeasurable assistance in bringing about this needed legislation. Mrs. Charles Rangel, chairperson of the legislative committee of the board of directors of the Bethune Museum-Archives presented a constant and dedicated assistance.

When the pages of American history are fully written, each of the above and the Congress of the United States, can claim some measure of credit for the assistance to that important mission.

My deepest thanks and gratitude to each of you for your support in this worthy cause.

PROUD OF JOHN JANKOWSKI

HON. LES AU COIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. AU COIN. Mr. Speaker, we've all heard the expression, "he pulled himself up by his bootstraps." I'd like to recognize an Oregonian today who did just that.

John Jankowski has been a vital part of Yamhill County, OR, for 25 years. As a businessman and community leader, John has not only built a successful business, but he's made many close friends. I count myself as one of them.

The McMinnville Chamber of Commerce recently presented John with its President's Award for his outstanding commitment to his town and his State. This honor could not have gone to a more deserving person.

Life has not always been easy for John Jankowski. He was born in Poland. In 1939, he joined the army and received his officer's commission. He spent 5 years in a German prisoner-of-war camp. Because he escape his captors, John is one of only a handful of survivors of that camp.

John eventually made his way to England, where he joined the Polish Government in exile. After World War II, he traveled to Canada in search of work. He labored on a sugar beet farm by day, and studied English at night.

John Jankowski is a special man. In 1960, he opened the Safari Motel & Restaurant in McMinnville, OR. His commitment to quality and to service has served our community well. We have all grown and prospered under John's tutelage.

Pride and spirit can be measured in many ways. And I firmly believe that the true measure of a man is not in how much he earns, but in how much he gives back—to his friends, to his family, to his community.

McMinnville, OR, is proud of John Jankowski. And I am, too. Keep up the good work, John!

THE MADNESS COMES TO AN
END

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. LUKEN. Mr. Speaker, the madness had to come to an end. The Federal Government's habit of spending \$4 for every \$3 taken in is winding down, finally. That is the promise of Gramm-Rudman. For the first time since the 1986 budget process began 11 months ago, fiscal sanity is showing its face in Congress.

The policy of spend, spend, spend, borrow, borrow, borrow, is morally and intellectually bankrupt—and America would soon be literally bankrupt if we allowed the policy to continue. Already we have seen our industrial base seriously weakened, and our agricultural sector deeply injured. It is none too soon that Congress and the administration are finally turning away from the policies of unlimited spending and borrowing.

Gramm-Rudman is based on the commonsense idea that if something is worth buying, it's worth paying for—and if it's not worth paying for, it's not worth buying. Most Americans understand that, and it's about time their Government understood.

Back in May, a small group of stingy Congresspeople (and I am proud to be counted as one of them) tried to bring fiscal sanity to the House of Representatives with a budget amendment designed to cut spending more deeply and fairly, and also close some of the most outrageous corporate tax loopholes.

Representative LEATH authored the amendment. I supported it, as did former Budget Committee Chairman JIM JONES of Oklahoma, and a small number of Democrats and Republicans who were willing to risk the anger of defense contractors, and other special interests. But, when the votes were counted, there were only 52 of us—and 372 who preferred a bigger budget and a bigger deficit.

I rose to speak on the floor of the House of Representatives at that time in support of the Leath amendment. I said that voting for the amendment was politically dangerous—but it was a "badge of courage" to vote for it.

The road ahead will also take courage. We still must close those outrageous corpo-

rate tax loopholes. We still must crack down on the profiteers who weaken America's defenses through padding and fraud in defense contracts. We still must make sure that wasteful domestic spending programs are eliminated.

But we have now taken the first step on a path that will end Federal budget deficits within 5 years. And, in the light of the last 5 years of fiscal madness, it's a giant step toward mental health.

MIRACLE WORKER—DANTE
FASCELL

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. BENNETT. Mr. Speaker, the front page article of the November 10 edition of *Tropic*, the Miami Herald Sunday magazine told of our beloved colleague DANTE FASCELL in an article: "Miracle Worker." I include herewith a few quotations from this well deserved tribute to the great man who heads our Foreign Affairs Committee.

MIRACLE WORKER

"Let's go!" the congressman says, and he charges out of the office and down the hall, staffers and supplicants in tow. It is a Tuesday morning and the King is coming to town, the one from Jordan, Hussein. But first there is business to conduct, deals to make, meetings to attend. Fascell is in overdrive, power-walking like an Olympian, gaining speed from liberal use of the forearm. He would be believable as a plumber or a Navy mechanic. Old Southern congressmen are supposed to have distinguished white hair, mellifluous voices, distractingly articulate speech, but Fascell is gruff, jowly, blunt, a bulldog among the swans. He is built low to the ground, for better cornering.

After a quick left and a quick right he rides the elevator to the sub-basement, cuts through the boiler room—he hates to waste time—and then loads himself into a cart that looks a tad like the Conch Train down in Key West. An attendant throws a lever and the cart goes humming on train tracks down a curved, gloomy tunnel. A little subway for congressmen. This is the first thing that seems a little strange.

At the end of the ride he finds himself deep beneath the United States Capitol. An escalator and another elevator take him to the Rules Committee room. The entire trip avoids any contact with sunlight and, more importantly, tourists, thousands of whom roam the Capitol, driven by a thirst for the symbols of democracy. This is the second thing that seems a little strange. You just can't believe that the Congress actually works here, that it continues to operate the government of the United States above and below and around these innumerable busloads of people from Dubuque and Akron and Montgomery.

In the Rules Committee room a surprisingly small and cramped chamber with fancy curtains, Claude Pepper calls the meeting to order. Eight Democrats sit to his left. One Republican sits to his right. A few other Republicans wander in and then quickly leave. They know they don't have a chance against Fascell, who heads the For-

oreign Affairs Committee, and who is such a powerful congressman that he once pushed through foreign aid bill that included millions of dollars for Miami.

No one—it's almost sad—no one will ever build a big marble Lincoln Memorial-style monument in honor of Dante B. Fascell, D-Fla., representative of the 19th congressional district, going on 31 years in Congress.

He deserves something. Maybe a good, solid statue. It would not have to be a tall statue. In fact it could be rather squat. Stubby. Oblate. The countenance would have a lot of . . . character, shall we say. And instead of a scroll in his left hand, it would be a pipe. And a Captain Black pouch sticking out the back pocket. The inscription, the one glorious quotation to remember him by, could be simply: "You have to have the votes."

In a way Fascell already has monuments everywhere, particularly in his district, which runs from Coconut Grove to Key West and once covered all of Dade and Monroe counties. Radio Marti is a monument to his anti-Castro passion. Biscayne National Park is a monument to his stubbornness and refusal to cave in to developers. The new bridges in the Keys, and the new water main to Key West . . . those were Fascell. The new beach on Miami Beach . . . Fascell. The War Powers Act, the establishment of the Consumer Protection Agency, the Department of Housing and Urban Development, the Department of Education, the extension of the principle of government-in-the-sunshine to Congress . . . Fascell had his thick hand in all that.

Yet, even though he's by all estimates one of the 10 most powerful and respected men in Congress, maybe one of the top five, he's still . . . well, he's still just a congressman. And he is an intentionally low-key one at that.

What is perhaps most remarkable is that Fascell has prospered and grown powerful despite a reformist upheaval that has made life a little harder for many of the old-line breed.

The greatest change during his 31-year tenure has been the ditching of the seniority system, which essentially gave power to whoever could live the longest. Old Southern congressmen dominated the committees, created or disbanded subcommittees at will, picked themselves to chair all important panels, hired all staff, scheduled all meetings, stepped on any and all challengers. The Constitution, of course, didn't explicitly say that Congress had to be fair. The younger congressmen would arrive in Washington and discover that they had been more or less disenfranchised. Naturally they couldn't tell this to the people back home. They were supposed to be cheeses. And they knew it was suicide to buck the system and cross a committee chairman. So they all sucked in their guts, queued up and waited their turn.

Fascell waited 28 years. When he first got to Washington he was assigned an office in the basement next to the elevator shaft. "He couldn't talk on the phone because the elevator made so much noise," remembers Fascell's longtime campaign chairman, Pontiac dealer Burton Kahn.

Consider his foreign aid feat. Producing a foreign aid bill has historically been the single most important task faced every year by the House Foreign Affairs Committee, and yet, under the lame leadership of ancient Clement Zablocki of Wisconsin, the committee hadn't managed to put together a foreign aid bill for several years. Foreign

aid has never been politically popular, even though it's a great way to implement and regulate a foreign policy. It means giving money to people who are not Americans. This doesn't go over well with the folks in the cheap seats. Zablocki couldn't even get a bill out of committee.

Then Fascell took over in January 1984, knocked heads, kicked tail, and within a few months he had rammed the bill through the House. Judging from the incredulous reaction of the Congress-watchers you'd have thought Fascell had single-handedly balanced the budget.

What does this stocky old guy know that others don't? What is The Secret?

The answer isn't obvious. Or maybe it's so obvious it's invisible. Mostly, Fascell talks to people.

On Feb. 9, 1984, barely a month after he finally became chairman of the Foreign Affairs Committee, Fascell was presiding over a hearing and listening to Defense Secretary Caspar Weinberger testify when he was summoned into a back room. Two of his aides, Bob O'Regan and Barbara Burris, were waiting. They told Fascell that his only son, Dante Jon, called "Deef" by the family, had been killed in a collision on the Seven Mile Bridge.

"It's just a big blur right now," he says as he shifts in his armchair. "Somebody got me, said it was an emergency call. My son had been killed. I don't know. Maybe I talked to my wife. It's just a big blur."

"You go on doing the best you can. You never really get over the loss of a child or a loved one. But it makes you realize philosophically about life and how quickly it can change. It also makes you realize how beautiful people are. We got correspondence from all over the country. There was a tremendous outpouring of sympathy and support. You know that there's just worlds of good people out there."

There's still the question of the Secret. Maybe it's just that everybody likes Fascell, because he's so straight-ahead, so raw and real and honest. That's not exactly common in Washington. He's just a Heckuva Guy.

Even the Republicans admire Fascell, though he doesn't vote with them like some of the Democratic "boll weevils" from the South. "He is well-liked on our side of the aisle," says California Republican Robert "B-1 Bob" Dornan, who flies as far right as anyone in the House. "Personal warmth goes a long way. Fairness goes even farther."

Maybe The Secret is that Fascell is a true patriot. He is an old-fashioned anti-Communist liberal, a disciple of the New Frontier. He is one of the leading forces in Congress to extend the message of America overseas, lobbying hard for the Voice of America and, of course, Radio Marti. He was never one, not even in the darkest hours of Vietnam and Watergate, to lose faith that we are the good guys.

"I haven't found a better system," he says, staunchly.

Maybe The Secret is just hard work. He's got some kind of internal energy source that isn't normal—it makes nuclear fusion look like static electricity. This is a man who once literally staggered into the House chamber with a blood clot on his brain, stumbling around and nearly paralyzed on his right side, but doggedly determined to vote against Reagan's tax cut. The next day the doctor drilled two holes in Fascell's head and he's been better ever since.

Most likely The Secret is nothing more than a special attitude about government.

Fascell is viciously pragmatic, willing to compromise in a pinch. He beelines for the common ground with the unerring instinct of a sea turtle.

Thirty years he's been in Washington and he still gets a charge from it all, a sensation. To think: *He* is part of it. He is one of the chosen, picked from among the teeming minions to be a leader, his only boss the Constitution. He is part of it: Checks and balances. Representative government. The Grand Continuum of Democracy!

"It's still not lost on me, I still get tingles," he says at one point. "Y'know, looking at the flag flying over the Capitol, and the dome is lit and you're walking through the halls and you're looking at Washington and Lincoln and Roosevelt and Stevenson and all the rest of the great figures in American history . . ."

RABBIS PROTEST IN SUPPORT OF HUMAN RIGHTS

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. LUJAN. Mr. Speaker, I rise today to bring an urgent matter to the attention of my colleagues. Five American rabbis have been denied their right to due process and are now sitting in a jail in Petersburg, VA. The rabbis were arrested for protesting in front of the Soviet Embassy in support of human rights.

Although the rabbis have no quarrel with their treatment, they do not understand, and neither do I, why they were not allowed to plead their cases before a judge and jury.

We have an obligation to fight Soviet repression where it exists. There are many refuseniks waiting to leave the U.S.S.R. and we must bring attention to their case.

Although I do not support breaking the law, I do feel strongly that these rabbis deserve to have their day in court. The Congress must ensure that justice is applied equally. It doesn't matter in front of which embassy the protest occurs.

TRIBUTE TO MARIA KWITKOWSKY

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. HERTEL of Michigan. Mr. Speaker, I rise to pay tribute in honor of the birthday of a special friend and constituent, Maria Kwitkowsky. December 19 marks the birth of a truly remarkable success story. Maria Kwitkowsky is a fabulous woman with multiple God-given talents, who gives endlessly of herself to her family and friends around the world. Mrs. Kwitkowsky is an exceptionally unique person who carries her gifts of wisdom, hope and love through her community in Michigan, throughout America and throughout the entire world. It is often said that Maria Kwitkowsky is

the best known and most respected woman in the Ukrainian community.

Maria Kwitkowsky has served Michigan and the United States in many diverse capacities. Throughout these services, Maria constantly offers several fine qualities that exemplify her accomplishments. These include: a tremendous level of professionalism, a staggering amount of patience and diligence, accompanied by a true sense of conviction and dedication.

Appointed by then Gov. G. Mennen Williams to the Michigan Cultural Commission, Mrs. Kwitkowsky served the commission in an unparalleled fashion which helped trigger her illustrious career. Maria Kwitkowsky also served as administrator and supervisor of social services at Detroit International Institutes. Mrs. Kwitkowsky has given 20 years of loyal and invaluable expertise as president of the Ukrainian Gold Cross of the U.S.A. Moreover, Maria has inspired students by offering courses in social work at Wayne State University and the University of Michigan.

In 1985, Maria Kwitkowsky has not slowed or narrowed her scope of involvement. Presently, Maria is on several major women's organizations, which include the World Federation of Ukrainian Women's Organization and the General Federation of American Women's Organization. A respected leader throughout the world on many topics, Maria Kwitkowsky has recently served the United States of America in two very prestigious positions. In Copenhagen, 1980, as an official delegate to the U.N. Conference on the Decade for Women and Kenya, 1985, as the leader of the American delegation to the NGO conference on the Decade for Women, Mrs. Kwitkowsky again exemplified her role in the international community.

Maria Kwitkowsky, dating back to 1949, has dedicated her life to working within the Ukrainian and American communities in an effort to establish a higher quality of life for others. Many roads have been opened as a direct result of Maria Kwitkowsky's dedication and perseverance. The world community is forever grateful to Maria Kwitkowsky for sharing her rare qualities with us and for inspiring us to strive toward making the world a better place for everyone.

I extend my sincere best wishes for a happy celebration on the occasion of Maria Kwitkowsky's birthday, December 19, 1985.

DON'T TAX LIFE INSURANCE

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. HUBBARD. Mr. Speaker, I would like to share with my colleagues the excellent and timely letter I received from my friend and constituent Frank B. Lacy III of Hopkinsville, KY.

Frank Lacy, who is unopposed to fair tax code changes in an effort to balance the budget, has contracted me about his strong opposition to taxing life insurance policies.

I am hopeful that my colleagues will take the time to read his concerns about how this tax would not be constructive in any way. The letter to me from Frank B. Lacy III is as follows:

OCTOBER 24, 1985.

HON. CARROLL HUBBARD,
U.S. Representative, Rayburn House Office
Building, Washington, DC.

DEAR CONGRESSMAN: I am absolutely opposed to the taxation of the accumulations within certain types of life insurance policies. In my opinion we in this country need to encourage all types of personal savings efforts, along with a few other old "tried and true" virtues.

To me this type of tax is not of a constructive nature, and I feel sure that most of you in the Congress feel the same way.

May I also emphasize that I am not opposed to more taxation, per se, provided we are going to restructure our spending on everything and balance the budget.

Let's just quit spending so much money!
Respectfully,

FRANK B. LACY III,
Munday, Lacy and Peden, Inc.,
P.O. Box 11, HOPKINSVILLE, KY.

HULSEY SERVES NEW JERSEY CITIZENS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. FLORIO. Mr. Speaker, on September 6, 1985, I was pleased to pay tribute to my special assistant, David J. Hulsey, for 10 years of uninterrupted voluntary service in my Gloucester County congressional district office.

Mr. David J. Hulsey is a retired master sergeant, having served in both World War II and the Korean conflict. He had a combination of 23 years service—active and Reserve time—in both Army and Air Force. A 100-percent disabled veteran, he is a member of the Air Force Sergeants Association, American Veterans, and the American Legion. He is also a lifetime member of the Disabled American Veterans, and the Veterans of Foreign Wars, and has been awarded the Patriotic Citizens Award by the VFW Post 5579 of Gibbstown, NJ.

Mr. Hulsey also served as a member of the Gibbstown Library Council, and of St. Michael's Church Council, and is a past president of St. Michael's Mutual Club of Gibbstown. He has recently helped organize a band in his community, which he manages. This band, "the Admirals," has contributed much of its time to community benefits.

Mr. Hulsey retired from Government service in 1975 after 35 years. He served such agencies as the Federal Power Commission, the Veterans' Administration, the Internal Revenue Service—where he received the Safety Honor Award in 1962 from the then Treasury Secretary, Douglas Dillon—and finally retired from the General Services Administration. He began his Government service as a messenger, went on to become a file clerk, then a supervisor, manager, and finally held the position

of director of communications in the General Services Administration, region II.

Immediately upon his retirement in 1975, Mr. Hulsey volunteered his services in my Glassboro district office. Extraordinarily productive and versatile, Mr. Hulsey has had a broad range of responsibilities as my assistant. Casework relating to military, immigration and naturalization, and internal revenue matters are included within his area of expertise. For the last 3 years he has served as the coordinator for academy appointments.

Mr. Hulsey's indefatigable spirit has neither gone unnoticed nor unappreciated. My constituents have freely expressed their thanks for Mr. Hulsey's professional delivery of services as evidenced in the following quotes:

"I want to thank you for your efforts on my behalf for my Veterans' Administration disability benefits. This is the second time you have helped me. My wife and I are very grateful for this help."

"I could not begin to express the gratitude that I feel for your help in solving the problem I was having with IRS. I have no doubt that it was only through your kind intercession that this matter was solved so quickly."

Mr. Speaker, with the completion of a decade of distinguished volunteer service comes the realization that Mr. Hulsey is truly volunteerism personified, having responded unhesitatingly to President Kennedy's call: "Ask what you can do for your country."

It is indeed a privilege to have Dave Hulsey as a volunteer member of my staff and I salute him on his accomplishments.

**HAMADY BROS. FOOD MARKET
IN FLINT, MI. TO FEED 20,000
NEEDY FAMILIES THIS
CHRISTMAS**

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. KILDEE. Mr. Speaker, I rise today to bring to the attention of my distinguished colleagues in the U.S. House of Representatives the outstanding "Hamady Operation Christmas-1985" project in Flint, MI., founded by Mr. Alex Dandy.

Mr. Dandy, the chairman of the board of Hamady Bros. Food Markets, Inc., started this effort in 1981, when he, Hamady employees, and the citizens of the Seventh Congressional District provides 558 needy families with a wonderful Christmas meal. Through Mr. Dandy's hard work and generosity, Operation Christmas has grown over the last few years. This year the effort is expected to feed 20,000 families in the Flint area.

Mr. Dandy's selflessness has been an example to all of us in the Seventh District. His efforts have inspired private businesses and organizations such as General Motors and the United Auto Workers to donate their time and energy to this noble effort.

And Mr. Dandy noted that this year, contributions from individual community members are even higher than last year.

Donation canisters have been placed in Hamady Bros. stores, factories, and other businesses to raise money for the project. And this year, for the first time, Operation Christmas will expand into Saginaw and Wayne counties.

Each family will receive a 6-pound roast chicken, a box of stuffing mix, 3 pounds of Michigan apples, a dozen serving rolls, a loaf of white bread, a pumpkin pie, a large bottle of soft drink, 9 ounces of potato chips, 5 pounds of Michigan white potatoes, a half gallon of milk, a can of cranberry sauce, and two cans of green beans. More than 187 tons of food are expected to be distributed.

Mr. Speaker, Mr. Dandy's Operation Christmas project is a shining example of the generosity and compassion that are the Christmas spirit. We in Flint are proud to be a part of an effort that makes it possible for needy families to sit down to a full, nourishing holiday meal. Operation Christmas will make a tremendous difference in the lives of thousands of adults and children in Michigan this year—Christmas dinner will now be a joyous occasion for them.

Because of Mr. Dandy's dedication, and the subsequent generosity throughout our communities in the Flint area, this Christmas will be a special time for all of us. I would like to take this moment now to ask all of my colleagues in the House of Representatives to join with me in commending Mr. Alex Dandy for Hamady Operation Christmas 1985.

MARK NASHPITZ TO ADDRESS ALPHA OMEGA DENTAL FRATERNITY CONVENTION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. GILMAN. Mr. Speaker, as you may well know, for almost 15 years I participated in the Adopt-a-Refusenik Program for Soviet Jewry on behalf of Dr. Mark Nashpitz, a Moscow dentist. After this extremely lengthy period of time Mark and his family were unexpectedly given permission to leave the Soviet Union, and arrived in Tel Aviv to be reunited with his parents on October 20, 1985.

That day will always rest in my memory as a day of joy—for it is concrete evidence to me that the Adopt-a-Refusenik and Adopt-a-Prisoner Programs work. After having been a refusenik for a number of years, Mark Nashpitz was arrested on two separate occasions, for which he served 6 years in internal exile in Siberia. His ordeal finally over, he will soon be traveling to the United States to address the Alpha Omega Dental Fraternity Convention in Boston within the next few weeks. This fine professional fraternal organization adopted Mark many years ago, and

with each conference, marked his absence with an empty chair. This year, that chair will happily be filled by the presence of their fellow dentist, Mark Nashpitz, the young man on whose behalf all of Alpha Omega's members worked so hard. I congratulate them all for their courage and their perseverance, for there were times when it was hard to believe that a day would come when Mark Nashpitz would indeed be free.

After having spoken with Mark and his parents in Israel, I recently received a letter from him, in which he states:

The fact that my family and I are here now is a miracle . . . But this dream is still a horrible reality for thousands of Jews who want to leave for their historic Homeland. And one should never forget this.

Mr. Speaker, this sums up the many years of commitment and hopes expressed by us all. I look forward to greeting Mark in the near future. May Mark's reunification with his family inspire us to redouble our efforts. Ultimately, they will not be in vain.

PLANTATION, FL, DEMOCRATIC CLUB TO HONOR DENNIS WALTON, INTERNATIONAL UNION OF OPERATING ENGI- NEERS, LOCAL 675

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. SMITH of Florida. Mr. Speaker, today I rise to salute an exceptional man. Dennis J. Walton is to be honored by his friends and colleagues on January 11, 1986, at the Plantation, FL, Democratic Club's annual testimonial dinner and dance.

Dennis Walton is the business manager of the International Union of Operating Engineers, Local 675, of Pompano Beach, FL. He simultaneously serves as chairman of the board of trustees of the union's \$40 million pension fund. He is the president of his own consulting company, Fund Advisors, Inc. Mr. Walton is also registered as an investment advisor under the Security and Exchange Commission's Investment Advisors Act of 1940.

At 44 years of age, Mr. Walton has risen through the ranks of the Operating Engineers from a mere oiler to currently holding the position of chief executive officer. His hard work and perseverance has served as an inspiration to his fellow workers. His friends and coworkers have recognized the calibre of his professional work and his tireless energy by honoring him with this special tribute dinner.

Mr. Walton has made a name for himself nationally as an expert in pension fund policy. He is a recognized speaker and author. His comments and articles have appeared in Financial World, Wall Street Journal, Business Week, Pension and Investment Age, among other publications. He has addressed the Presidential Commission on Pension Policy during its tenure.

He is recognized as one of the most aggressive and innovative trustees in the United States today. He is known as a pioneer of a pension investment program that directed the union's pension funds into real estate investments that have produced jobs for union contractors and employment for union members. He has been an outspoken critic of the way union pension funds should be handled by investment managers over the last 20 years.

Dennis Walton has truly been an asset to the Operating Engineers, Local 675. I regret that I am unable to attend this tribute dinner to honor him. His dedication, sincerity, and intensity are shared by few.

FOREIGN AGENTS REGISTRA- TION ACT AMENDMENT

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. KASTENMEIER. Mr. Speaker, today I am introducing a bill to amend the Foreign Agents Registration Act of 1938 (as amended, 22 U.S.C. 611 et seq.) ["FARA"] to eliminate unconstitutional provisions abridging the freedom of expression.

This bill, similar to one I introduced last Congress (H.R. 1969), is in accord with a recent decision by a Federal court in the case *Keene versus Meese*.¹ The court held that the use of the term "political propaganda" to label materials disseminated by registrants under the Foreign Agents Registration Act unconstitutionally burdens the first amendment rights of those who might want to distribute such materials.

The Keene case involves three Canadian films—"If You Love This Planet," "Acid Rain: Requiem or Recovery," and "Acid From Heaven"—that have been determined by the Justice Department to be "political propaganda" within the broad meaning given that term in the Foreign Agents Registration Act. The films are clearly identified as produced by the Canadian Film Board. But under current law, the films are required to bear an additional, stigmatizing label stating its connection with a foreign agent required to register with the Justice Department. The label must also state that reports of the dissemination of the film are filed with the Department and are open to public inspection. Last, the label contains a disclaimer of approval by the U.S. Government.

It is not difficult to imagine how requiring such an alarming message at the beginning of a film might have a chilling effect on those who would choose to exercise their first amendment rights by showing or viewing such a film. The required label—along with its chilling effect—are the same for printed materials.

Indeed, the court in the Keene case found that the term "political propaganda"

¹ 617 F. Supp. 1399 (1985). No appeal has yet been taken, although a protective notice has been filed by the Justice Department.

is generally understood to be a term of opprobrium, and that whoever disseminates materials officially found to be "political propaganda" runs the risk of being held in a negative light for using materials officially censored by the Government. This burden on speech, the court decided, was not justified by any compelling governmental interest. The court therefore permanently enjoined enforcement of any portion of the Foreign Agents Registration Act incorporating the term "political propaganda."

My bill responds to that decision by substituting the neutral term "political expression" for "political propaganda" whenever that term appears in the act. The bill goes further and eliminates the role of the Justice Department in reviewing, labeling, and keeping track of films and other materials merely because the source of those materials is registered under the Foreign Agents Registration Act.

My bill leaves intact all other requirements under the act. It will simply end what I view as unwarranted government intrusion into activities clearly protected by the first amendment. I invite my colleagues to join me in this endeavor by cosponsoring this bill.

REBIRTH OF DEMOCRACY IN CENTRAL AMERICA

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. McEWEN. Mr. Speaker, recently I had the privilege, as a member of the observer delegation to the Guatemalan elections, to witness the rebirth of democracy in Central America. On December 8, Guatemalan citizens, without coercion or fear, flocked to the polls to determine the future of their fledgling democracy. I observed numerous voting sites and monitored the actual vote counting process—the elections by all commonsense analysis were free of fraud, intimidation, or tampering.

The inauguration of a constitutional democracy in Guatemala will most dramatically contribute to the resurgence and continuation of democracy in Central America. This regionally historic and impactful event illustrates for all people of Central America that there is an alternative for resolving internal differences, other than through the violence of Marxist/Leninist revolutions. Guatemala will join the ranks of countries which have rejected the solutions of the far left and right, such as: Costa Rica, which has had unbroken democratic rule for more than 35 years; Honduras, which in 1982 returned to civilian government after 18 years of military rule; and El Salvador, which in 1984 elected Jose Napoleon Duarte, the first Salvadoran head of state in 50 years chosen in free elections.

The allies of democracy have realized the importance of these elections. But so have its enemies. For this reason, we must remain forever vigilant in our support of these emerging democracies. As Sandinista

Thomas Borge pronounced, "This revolution goes beyond our borders." The people of Guatemala have sent a message to the Marxist/Leninist oppressors of this world—they have rejected the course of violent revolution as a means of political self-determination.

We wholeheartedly congratulate the people and authorities of Guatemala that made this election such a success. It is through democratic ideas and institutions that the coercive alternative of communism will be defeated.

HONORING THE RETIREMENT OF RUTH NILSEN FROM THE BALDWIN PARK CHAMBER OF COMMERCE

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. TORRES. Mr. Speaker, I ask my colleagues to join with me in recognizing the outstanding service of Ruth Nilsen to the Baldwin Park Chamber of Commerce.

Ms. Nilsen will be retiring from the Baldwin Park chamber on December 31, 1985. She has worked at the chamber as an assistant executive director for the past 8 years. Her duties have included recordkeeping, publicity, and budget management.

She is leaving the chamber to enjoy retirement with her husband Karsten. They plan on beginning their well-deserved retirement by first traveling to Norway and then on to other parts of the world.

Mrs. Nilsen resides in Pasadena, CA, and is a graduate of Sawyer Business College. Her hobbies include art and gardening.

Mr. Speaker, I commend the dedicated service and contributions Mrs. Ruth Nilsen has made not only to the chamber, but also to the community of Baldwin Park. Mrs. Nilsen will be missed by her friends and fellow workers and I wish her all the best.

LINCROFT SCHOOL COMMENDED ON LEADERSHIP IN THE PRESI- DENTIAL PHYSICAL FITNESS AWARD

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. HOWARD. Mr. Speaker, I would like to take this opportunity to commend the Lincroft School, an elementary school in my district, for its leadership in the Presidential Physical Fitness Award.

The Presidential Physical Fitness Award Program, established in 1966, honors boys and girls who demonstrate exceptional physical achievement. It is designed: First, to motivate boys and girls to develop and maintain a high level of physical fitness; second, to encourage good testing programs in schools and communities; third, to stimulate improvement of health and physical education programs; and fourth, to provide

additional information on the physical condition of America's youth. The award program was conceived by the President's Council on Physical Fitness and Sports, and program details were developed jointly by the Council and the American Alliance for Health, Physical Education and Recreation.

It is my great pleasure to commend the students of the Lincroft School for their achievement in attaining 1,005 Presidential awards since 1970. Lincroft School has been the leader in Middletown township for the past 16 years and I feel confident that the students will continue to strive for excellence.

The faculty members of the physical education department deserve congratulations along with their students, for it is the dedication and commitment of the faculty that motivates children to earn these awards. We all know that physical fitness is essential to leading fulfilling and productive lives. The faculty and students of Lincroft School can take pride in themselves and their school, and shine as a model of excellence to which other schools may aspire.

RABBI CHAIM P. LUBINSKY: A LIFETIME OF STUDY AND SHARING

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. SOLARZ. Mr. Speaker, I was saddened to learn the news that Rabbi Chaim Pinchas Lubinsky, a world renowned Torah expert, passed away.

Rabbi Lubinsky was a great hero during World War II. While some men distinguished themselves in the field of battle, Rabbi Lubinsky stood tall in the face of Nazi oppression. While entrapped in a concentration camp, he continued to study the Torah and share his spiritual strength with other inmates.

After the war, Rabbi Lubinsky served as the Chief Rabbi of Hanover, where he was responsible for the rebirth of Jewish life in wartorn Germany.

Here in the United States he labored to restore to good physical and psychological health the survivors of the Holocaust.

Rabbi Lubinsky was a great man whose memory shall remain with the Jewish people for eternity. We grieve his death, but we rejoice in his life.

TODAY'S COLLEGE STUDENTS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. FORD of Michigan. Mr. Speaker, I recently concluded 36 days of hearings on the reauthorization of the Higher Education Act during which time I heard students in many different situations testify

before my subcommittee on the need for a strong Federal role in education. Each of the students who appeared before the subcommittee came from a unique set of circumstances. Collectively, they presented a picture of determination to acquire a college education in the face of tremendous financial or other obstacles.

I believe Mr. William S. Spiegler captures the essence of these students who are striving to better themselves in two articles which appeared in November in the New York Times and Newsday. Mr. Spiegler comments on the students of the 1980's who are forced by economic circumstances to hold down one or more jobs while trying to find the time to attend class and complete course assignments. In addition, he notes many students have the added responsibilities of caring for families. He accurately summarizes what I so often heard in my hearings, that students have the commitment to learn and the willingness to work. What we need to provide them is the opportunity to devote their minds to that task without the inordinate economic encumbrances they now face.

I am very pleased to reprint these fine articles for the benefit of my colleagues.

[From the New York Times, Nov. 17, 1985]

STOP KNOCKING STUDENTS

(By William Spiegler)

It's high time someone spoke up for today's college students. They're probably the most industrious, ambitious people in America and their problems are not being properly appreciated.

People like the Secretary of Education, William J. Bennett, simply don't know what they're talking about when they knock students. Nor do those who complain about falling academic standards.

The vast majority of the nation's 12 million students are struggling to pay for their educations. They are part of an invisible workforce. Many hold down full-time jobs. They're frying hamburgers, photographing weddings, working in construction, waiting on tables. The fact that they even show up for classes is a miracle.

The financial situation of most students explains a lot about what is happening on campuses. Why are the traditional courses so unpopular? Why are students flocking to accounting and computer science and any of the other professional programs that seem to lead to careers?

Answer: Today's working student has been forced into a kind of premature pragmatism. Romance is gone. The notion of transforming one's self through study alone has disappeared. Today's student seeks deliverance from menial labor, and the status conferred by a good job.

There are other consequences. Today's students don't have much time or energy to be contemplative, carry out independent research or even do serious homework. That's the secret behind falling academic standards. Students have become consumers. They want grades and certifications. Their professors can't be expected to flunk students who are clearly weary from the effort to pay their bills.

There's a lot wrong with this situation. It's distorting the definition of education. Worse, it's creating a generation that's totally grim. The brightest students turn out to be yuppies. The vast majority are, at best, good natured semiliterates.

The time has run out for philosophical debates about curricula. What this country needs is someone to stand up and say that being a fulltime student during one's formative years is an honorable calling worthy of support. If families can't or won't give it to their children, then the Government should.

The students themselves have demonstrated their willingness to work to gain a college degree. Now they should be given the time to devote their minds to the task. If President Reagan were to give the word, you would see how quickly the old liberal arts would regain their popularity. And the competition for good grades would raise standards, too.

[From the Newsday, Nov. 18, 1985]

COLLEGE GIVES ADULTS

AN OPPORTUNITY TO RECAPTURE DREAMS

(By William A. Spiegler)

The American dream is alive and well.

You can find it on the nation's college and university campuses—and it isn't walking around in blue jeans.

The American dream is in the hands of adult students, and it's no illusion.

The phenomenon that began with the H*Y*M*A*N K*A*P*L*A*N*S in the years before World War II continues. In the old days, of course, the goal was citizenship and acceptance in a land of opportunity. Today, the goals are more varied and idiosyncratic, and the paths a little bit lonelier. But the old spirit, the conviction that education can be a transforming experience, endures.

I discovered this truth recently as I helped the administration at Long Island University's C.W. Post campus prepare for New York State's celebration of Adult Learning Week, which began yesterday. The school's adult student counselor arranged for me to meet individually with the men and women she helped enroll in college.

And one by one they came—as varied a group of human beings as anyone could possibly meet. They were of all ages, 29 to 76. They had started their lives in many different places—from the Bronx to West Germany. Some were white, and some were black. Some were poor, and some were wealthy.

Yet they had some significant things in common:

First, they were all true believers—in themselves and in the future.

Secondly, they were all risk-takers. Each admitted that at first the idea of going to college had frightened them.

Perhaps most importantly, all had a private, personal account to settle. They were out to prove something—to themselves—and the ghosts that haunted them from times long ago.

Consider, for instance, a 59-year-old retired businessman's story. In his 45-year career, he made a lot of money and succeeded in his personal life. But he still wanted to make up for a decision he had made 45 years ago.

"I was going to City College at night," he remembered. "I quit because I discovered that I was earning more as a leather cutter than my professor of accounting, who brought his lunch in a paper bag," he recalls. Now, having resolved all of his financial problems, he has, at last, returned to the classroom.

A 29-year-old black woman said, "I was one of 11 children. All I could think about in high school was getting out and going to work to earn some money." Today, she holds a full-time job as a secretary and attends classes four nights a week, as well as attending C.W. Post's Weekend College.

A 47-year-old Long Island butcher, the father of two sons—one a student, the other a college grad—holds his job while he majors in art education. "I was a foster child. I was abandoned when I was three weeks old," he said without emotion. "I was in a lot of homes, and I never got any guidance. Most of the foster homes I was in, well, they only cared about the money. Nobody ever encouraged me to go to college or noticed that I could draw."

After winning many art competitions for amateurs, he earned a two-year degree at a community college. Now he's going for his bachelor's degree.

"I want to be an art teacher," he says. "I've learned I can speak art better than words."

Gaining the confidence to speak what is in one's heart—be it the language of visual art, the language of the great philosophers, or the language of computers—seems to be the big dividend for most adult learners.

The emotion they feel seems to be summed up by a 68-year-old Queens grandmother. She decided to go to college after a long widowhood and many years of clerical work in a top New York City ad agency. "I didn't come here to prove what I know," she says as she explains her enthusiasm for courses in philosophy and English. "I came to find out what I didn't know before."

THE SOCIAL SECURITY AMENDMENTS OF 1985

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. ARCHER. Mr. Speaker, today, at the request of the administration, I am introducing the Social Security Amendments of 1985. These amendments are not intended to interfere with consideration of several related Social Security provisions currently pending in the conference on H.R. 3128. Rather, the Social Security Amendments of 1985 are being offered now, so that they may be given prompt consideration during the second session of the 99th Congress.

Mr. Speaker, the complexity and importance of the Old-Age Survivors and Disability Insurance [OASDI] Program requires that provisions of the Social Security Act and the administration of the program be reviewed from time to time with an eye toward making beneficial adjustments to the program. The administration has undertaken such a review, and these amendments represent its recommendations regarding how the program could be improved. If enacted, these amendments would, in relation to the overall cost of the OASDI program, result in relatively minor but nonetheless important savings. Over the 5-year period from fiscal year 1986 through fiscal year 1990, it has been estimated that enactment of these amendments would save the American taxpayers approximately \$90 million. I hope my colleagues on the Social Security Subcommittee and in the House will join me in giving consideration to this bill.

HONORING MANHATTAN CABLE TV

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. GREEN. Mr. Speaker, over the years, Manhattan Cable TV has created and developed a wide range of projects that both involve and benefit the community it has served since 1970.

Through its Community Outreach arm, MCTV works with a host of civic, educational, nonprofit and charitable institutions and organizations which have resulted in hundreds of hours of community-based programming and a wide ranging commitment to promote the medium of cable television as a community tool.

Hospitals, schools, museums and libraries are among the organizations that have been able to reach out to their various constituencies through the facilities of Manhattan Cable TV.

This year, Manhattan Cable developed an innovative project that is intended to enhance the academic performance of students and the quality of public education in New York City.

"Top of the Class" is a series of video quiz programs which involve teams of students from two high schools in Manhattan. This imaginative project seeks to underscore the fact that cable TV can make a significant contribution by helping to motivate students to higher achievement in the classroom and by encouraging these students to become more aware of issues that affect their own lives, their communities and their understanding.

Manhattan Cable TV has applied its staff and resources to "Top of the Class" since the start of the school year, working closely with the faculty at Murry Bergtraum and Art & Design High Schools. The company has supplied 200 students with subscriptions to Time and Discover magazines and other educational materials, from which the questions posed on "Top of the Class" are drawn.

In connection with this project, New York City Schools Chancellor Nathan Quinones observed:

Learning is everybody's business. New York City school children and their education are everyone's responsibility—and I'm proud that Manhattan Cable TV has made a commitment to learning and achievement in our schools. The real beneficiaries are our students, teachers and our society when high academic performance is supported by a partnership such as this one between two schools and a public-spirited company like Manhattan Cable TV.

Manhattan Cable TV is to be commended for dramatically implementing its commitment to education through "Top of the Class."

EXTENSIONS OF REMARKS

U.S. MFO PLANE CRASH
VICTIMS: HEROES OF PEACE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. FASCELL. Mr. Speaker, I wish to take this occasion to express my sincere condolences to the families and friends of the 250 young men and women who were taken from us in the tragic airplane disaster in Newfoundland on December 12.

The soldiers killed in this tragedy were serving as part of the Multinational Force and Observers [MFO] peacekeeping force that performs a vital role in the Sinai Desert of monitoring compliance of the Egyptian-Israeli Peace Treaty. The Committee on Foreign Affairs, which authorizes the funds for the MFO, has had an opportunity to witness firsthand the outstanding performance of U.S. military personnel which are a part of the MFO and the quiet but important role they perform in keeping and reinforcing the peace between Israel and Egypt. It is indeed a bitter irony that these peacekeepers, returning home for the holiday season, should lose their lives in this horrible accident.

Early indications in the aftermath of the crash suggest that no sabotage of the aircraft took place. However, there are reports that the aircraft may have been in poor condition and should not have been flown. These allegations must be investigated fully. The enormous waste of human talent that this crash represented must not be allowed to be repeated.

Those who died in this tragedy served their country in the finest tradition of the U.S. Armed Forces by performing a mission which has significantly strengthened our Nation's security and its foreign policy interests. Our prayers go to their families in their sorrow and grief.

GOMIDAS VARTABED

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. COELHO. Mr. Speaker, I would like to take this opportunity to pay tribute to Gomidas Vartabed, Armenian musician, composer, and cleric of great accomplishment. On December 22, 1985, there will be a concert held at St. Vartan Cathedral in Manhattan in recognition of all that Gomidas did for the preservation and advancement of Armenian culture.

Born in 1869 in a remote part of Turkey, his musical ability and superb voice brought Gomidas to the Mother See of the Armenian Church. It was as an ordained priest, traveling throughout Armenia, that he discovered the beauty and tradition of the Armenian folk song which became a prime influence in his music.

Of his many accomplishments, it is the categorizing of these songs, historically

passed from generation to generation without a written record that has been Gomidas' greatest contribution to the preservation of Armenian culture. In addition, Gomidas harmonized the Divine Liturgy of the Armenian Apostolic Church service which is still in use. Though little recognized by the public, Gomidas was respected by his peers. His contemporary, the composer Debussy, was said to have felt that the composition "Andoni" alone would insure Gomidas' notoriety.

Tragically, though he was not killed, Gomidas became a victim of the Armenian Genocide which threatened the existence of the Armenian people for 2 years. After witnessing the atrocities of these years, Gomidas spent the next 20 years producing nothing and eventually died in a Paris asylum in 1935. On December 22, we will pay long overdue respects to the life and achievements of this great human being. As a scholar, a composer, and a cleric, Gomidas Vartabed should be honored for all that he did for the Armenian people.

ADA DIRECTOR HAL
CHRISTENSEN TO RETIRE

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. DICKS. Mr. Speaker, a friend and colleague of mine and many other Members of Congress is retiring in just a few days from the American Dental Association. Hal Christensen has been with ADA for 28 years. For the past 22 years, he has been the director of ADA's Washington office. Under his leadership the ADA has expanded its role in the establishment of health care programs for our citizens. Most of us in Congress are familiar with Hal's work on behalf of ADA and have enjoyed a close working relationship with him for many years. He can be proud of the issues he has promoted and the battles he has fought. ADA has been well-served by Hal over the years. We will certainly miss him but know how much he is looking forward to spending more time with his family and friends and wish him well in the years ahead.

A TRIBUTE TO SHIRLEY AND
SETH HUFSTEDLER

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. LEVINE of California. Mr. Speaker, I rise today to ask that you and my distinguished colleagues join me in saluting two outstanding Americans, Shirley and Seth Hufstедler.

Shirley and Seth are the recipients of the American Jewish Committee's Learned Hand Award and will be honored at a gala affair on January 23, 1986. Shirley and

Seth have both enjoyed truly outstanding careers and have given so much back to our society. To mark this event, I would like to highlight a few of the numerous accomplishments of these two remarkable individuals. No biographical sketch could even begin to capture the high regard with which they are both held in the legal and the general community. Yet, some highlighting of their careers tells us a bit about their achievements.

Shirley Mount Hufstедler was born in 1925 in Denver, CO. She received her B.A. from the University of New Mexico in 1945, and her law degree from Stanford University in 1949. Seth Hufstедler was born September 20, 1922, in Dewar, OK. He received his B.A. from the University of Southern California in 1944, and his law degree from Stanford University in 1949. The couple was married in 1949, and they were blessed with their son, Steven, in 1954. Steven is a doctor, who is currently on the faculty of the University of California School of Medicine at Irvine.

Shirley Hufstедler was in the private practice of law in Los Angeles from 1950 to 1960. From 1960 to 1961, she served as special legal consultant to the attorney general of California in the complex Colorado River litigation before the U.S. Supreme Court. In 1961, she was appointed judge of the Los Angeles County Superior Court, a position to which she was elected in 1962. In 1966, she was appointed associate justice of the California Court of Appeal. President Lyndon B. Johnson appointed her judge of the U.S. Court of Appeals for the Ninth Circuit in September 1968. She served in that capacity for 11 years before President Jimmy Carter appointed her U.S. Secretary of Education. On January 20, 1981, Shirley returned to private life teaching and practicing law. Shirley serves on the boards of several institutions and has authored numerous articles for professional journals, newspapers, and magazines in the fields of law, education, government, national and international affairs. She is the recipient of many honorary degrees from universities and colleges and has received countless other awards and honors.

Seth Hufstедler is a senior partner to Hufstедler, Miller, Carlson & Beardsley. He has served on various committees of the Los Angeles County Bar Association and served as president in 1969-70. He served as chairman of the Committee on Judicial Selection and was awarded the 1976 Shattuck-Price Memorial Award by the Los Angeles County Bar Association for his "dedication to the improvement of the legal profession and the administration of justice." Seth has also served on various committees of the State Bar of California including the board of governors in 1971-74, and as president of the State Bar in 1973-74. Seth has served as chairman of various committees of the State Bar, including its Committee on Administration of Justice, its Committee to Draft Legislation for the Proposed Merit Plan, and its Committee on Structure of Appellate Courts. He was also special counsel to Commission on Judicial Performance regarding inquiry on various matters af-

fecting the Supreme Court in 1969. He is a member of the board of trustees of the American Bar Foundation and has held several offices within the foundation. He is also a member of the American Bar Association and has served on various committees. Other community activities of Seth's have included the planning council of United Way and cochairman of the Public Commission of County Government.

It is a pleasure to share the outstanding accomplishments of the Hufstедler's with the leadership and Members of the House of Representatives. I ask that my colleagues join me in expressing praise and gratitude for their exemplary display of public service. Shirley and Seth are extraordinary Americans and most deserving of this special honor.

CUT THE DEFICIT NOW!

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. DORGAN of North Dakota. Mr. Speaker, the Gramm-Rudman resolution which we've been asked to approve in the House of Representatives is a retreat back to the "funny money" budget solutions which created the deficit problem in the first place.

Today's record budget deficits—running \$200 billion a year—stem from the 1981 package of tax cuts and defense increases proposed by President Reagan and enacted by Congress as the Gramm-Latta budget. That smoke and mirrors package promised the miracle of extraordinary economic growth, even though it rested on a foundation of economic quicksand. The President's men said that we could spend 25 percent of our national income on Government programs, while raising only 19 percent of that economic pie to pay the bills.

Well, it didn't work. Five years later, the national debt has grown from a staggering \$1 trillion to an unfathomable \$2 trillion. In other words, it took us only 5 years under what Vice President GEORGE BUSH once called "voodoo economics" to create deficits as big as the sum total of our national debt since the administration of President George Washington. The country is choking on a sea of red ink—with its associated record high interest rates, farm failure rates, and trade deficits—all because of faith in an economic illusion.

Nearly a month ago, we in the House of Representatives responded to this challenge. We said that if there is a budget crisis, let's tackle it now and let's get the job done quickly.

Unlike the Gramm-Rudman plan, we passed a bill which made real budget cuts this fiscal year and which balanced the budget sooner than the current, revised version of Gramm-Rudman. While our House bill would cut the fiscal year 1986 deficit in real terms, modified Gramm-Rudman could allow deficits to grow as high as \$200 or \$210 billion. In other

words, the Gramm-Rudman proposal says "lets do this, but let's not really start until after the next election. That's foolish."

I just don't see how Gramm-Rudman moves us down the road to real, prompt deficit reduction. What we said a month ago is still true today: If everybody is serious about doing this, let's do it now and let's get it done soon.

You don't need very complicated arithmetic to understand that when the Federal Government spends nearly \$150 billion a year more on military spending than it did 5 years ago, then it will have to raise some taxes to pay for it. There is no escape from that. But Gramm-Rudman pretends we can balance the budget without paying for the biggest defense buildup in peacetime history.

Nor does it take a genius to realize how unfairly Gramm-Rudman might work. As the Republican chairman of the Senate Appropriations Committee pointed out, the Reagan budgets have cut domestic spending by 34 percent while increasing military spending by 89 percent. With that as a baseline, Gramm-Rudman exempts 73 percent of the budget from mandatory cuts, meaning that only 23 percent of the budget will have to absorb all of the pain of further budget cutting. It means that farm programs, student aid, and education services will take it on the chin on behalf of defense contractors and other exempt groups.

We have at hand a better way than Gramm-Rudman's future road map to get us on the path of genuine budget cutting. Cut the deficit now and keep cutting it quickly. That's what North Dakotans sent me here to do and that's what I will do with my vote.

SHUJI MARUYAMA

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. KOSTMAYER. Mr. Speaker, I rise today to honor Shuji Maruyama who has been teaching Aikido martial arts in the Philadelphia and Cleveland areas for the last 20 years.

Aikido is the most modern of the traditional Japanese martial arts. Founded in the 1920's, Aikido is a system of effective self-defense techniques that emphasizes bringing attackers under control.

Shuji Maruyama came to the Philadelphia area to teach a group of Aikidoists who had been practicing without an instructor. Gradually, his students increased and Aikido was featured at an all-martial arts demonstration at the Philadelphia Civic Center. The Philadelphia Corrections Department hired him as a consultant, and he began teaching techniques for restraint and control of inmates to the prison guards.

Shuji Maruyama will be returning to his homeland of Japan this spring. I wish him well as he continues to spread peace, self-

improvement, and universal understanding through Aikido.

HOW THE PORK BARREL WORKS

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. GRADISON. Mr. Speaker, recently the House passed H.R. 6, the Water Resources Act of 1985. I would like to call my colleagues' attention to the following article which appeared in today's Cincinnati Enquirer.

HOW THE PORK BARREL WORKS (By Bill Gradison)

In recent weeks, discussion of the deficit, and particularly the Gramm-Rudman-Hollings approach to eliminate it by 1991, has received considerable attention on the airwaves and editorial pages around the country. The public knows that the most pressing problem facing our country is a distorted fiscal policy characterized by \$200 billion deficits.

Amidst the consideration the Congress is giving to deficit reduction, a bill recently came to the floor of the House of Representatives that reflects many of the ironies and contradictions in this process. On November 13, the House passed an authorization bill (H.R. 6) for water projects around the country by the overwhelming margin of 358 to 60. Support for the bill was broad-based. Republicans and Democrats from all regions of the country joined in approving the bill which authorizes \$1.5 billion in new spending next year and which the Congressional Budget Office estimates could cost \$20 billion through 1998.

Congress has not passed a major water projects bill since 1970. The last series of small projects and studies was authorized in 1976. H.R. 6 authorizes over 350 projects, including the improvement and deepening of port facilities, reservoirs, and dams. It truly has "something for everybody."

The House Public Works and Transportation Committee crafted a bill that significantly increases the share of project costs to be borne by local governments. At the same time, however, the Committee fended off all major challenges on the floor of the House to reduce the bill's cost. The White House has made it clear that, if the bill clears Congress in its present form, the President's advisors will recommend a veto.

One argument that has been raised in support of the bill is that enactment would result in significant budget savings because the bill "deauthorizes" more than 300 water projects. Yet, not one of the deauthorized projects has ever received the necessary appropriation to begin construction. In other words, the alleged \$18 billion in "savings" is meaningless.

Certainly improvements are needed in the nation's infrastructure of ports, dams, reservoirs, and highways. Perhaps the federal government should play an important role in the repair and replacement of portions of this infrastructure. But, at a time when the federal government is running \$200 billion deficits, Congress should do a better job of choosing and ranking national priorities.

Legislation like H.R. 6 fails to do this. Typically, if a Member wants his project funded, the chances are that he simply

agrees to support the entire bill to ensure its inclusion. The result of this tradition was the overwhelming approval which enables Members of Congress to claim credit for securing a new project or two for their constituents. Never mind that these same constituents will pay one way or another—either through higher taxes, higher interest rates, or both.

Yes, there were projects included in the legislation that would have benefited the 2nd Congressional District of Ohio and nearby areas, including the construction of two bridges over the Ohio River. Nevertheless, I voted against H.R. 6.

This is the crux of the problem. Everyone wants to cut the deficit by slashing someone else's "waste, fraud, and abuse." The result is a package of pork that flies in the face of the deficit crisis before us. H.R. 6 represents the classic tension between parochial and national interests that continues to stifle a viable solution to the deficit problem.

No solution can succeed so long as Congress tries to have it both ways by refusing to break the tried and true pattern of spending while, at the same time, wringing its hands about the effects of enormous deficits.

From time to time, apparent progress on deficit reduction seems to indicate that the old pattern is changing. The House action of November 13, however, is a clear indication that Congress still has a long, long way to go.

THIRTY-SEVENTH ANNIVERSARY OF INTERNATIONAL HUMAN RIGHTS DAY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. DORNAN of California. Mr. Speaker, I rise today to express my support in celebration of the 37th anniversary of the United States Universal Declaration of Human Rights. In particular, I would like to direct my attention to the spirit of this day and to mention individual cases which merit special consideration.

Human rights are fundamental to America's concept of itself and are a basic element of the Constitution of this country. The efforts of the U.S. Congress on behalf of these individuals frequently offers the only possibility to improve their situation. Unfortunately, America's intention to secure the protection of human rights is not easy to translate into an effective policy because it requires the cooperation of the country in violation.

Reacting to persistent violations of individual human rights abuses is admirable but cannot be considered as adequate or comprehensive policy for this country. The abuses which we stop are likely to continue as long as the system responsible for them does not change. Our long-term goals must be to encourage the establishment of a government which institutionalizes the protection of human rights.

While my liberal counterparts concentrate their efforts on friendly governments in which the United States has a comparatively high degree of leverage, they fre-

quently neglect systematic abuses by Communist and hostile nations precisely because they are inherently repressive societies in which abuses of human rights are expected. In particular, the Soviet Union and those nations under Soviet tutelage have institutionalized systems of political killing, disappearance, torture, arbitrary arrest, and denial of fair trial. Soviet attempts to repress and persecute the entire nation of Afghanistan is the most recent example demonstrating a continuity of subjugation. The Soviet Government from its inception has relied on secret police terror and gulags to stay in power and repress legitimate opposition. By the most modest estimates, the Soviet Union has disposed of tens of millions of its own citizens.

Last year was the lowest level of emigration of Jews from the Soviet Union in more than two decades. In particular, teachers of Hebrew and Jewish culture continue to be harassed, arrested and tried on false charges. In the Soviet Union Jews are denied equal rights enjoyed by other nationalities, are not allowed to buy Jewish prayer books and cannot pursue their national heritage. Their persecution exemplifies the consistent violation of the Helsinki accords of 1975 by the Soviet Union.

Mr. Speaker, I would like to bring to the attention of this Congress the plight various cases of rights violations which deserve special attention.

Romanian Gheorghe-Emil Ursu. This innocent man was arrested on September 21, 1985, by the Romanian internal security forces without having been officially charged with any crime. He was fired from his job after 35 years of consistent service and remains in total isolation.

Lithuanian human rights activist Balys Gajauskas. Mr. Gajauskas has spent more than half of his life in concentration camps because of his religious convictions and his advocacy of human rights. His health is suffering, and he is not expected to live until his planned release date of 1993. He was nominated for the Nobel Peace Prize in 1979, and won the Rothko Chapel award in 1981.

I feel compelled to also mention six American hostages on this special occasion. All are innocent individuals who went to Lebanon to offer help and expertise to a beleaguered nation. They are now paying for their constructive actions with their freedom.

Terry A. Anderson, 37 the chief Middle East correspondent for the Associated Press was kidnapped by gunmen on March 16, 1985.

William Buckley, 56 a political officer at the U.S. Embassy in Beirut was kidnapped on March 18, 1984.

David Jacobsen, 54, administrator of the American University Hospital was kidnapped on May 28, 1985.

Lawrence Martin Jenco, 50, a priest for the Order of Servants of Mary was kidnapped on January 8, 1985.

Peter Kilburn, 60, a librarian at the American University failed to report to work on December 3, 1984.

Thomas Sutherland, 54, was acting dean of agriculture at the American University of Beirut where he was abducted on June 9, 1985.

Mr. Speaker, I salute the 37th Anniversary of International Human Rights Day. I am confident that we in the Congress of the United States will continue to vigorously work for a coherent, effective, and long-term approach to affect proper respect for human rights in those nations most guilty of systematic violations. My thoughts and prayers are with those who now are not fortunate enough to live in societies which uphold human dignity and respect human freedom.

HARSH TIMES IN HONDURAS FOR SALVADOR REFUGEES

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. LEVINE of California. Mr. Speaker, refugees fleeing the continuing violence in El Salvador frequently seek safety in Honduran refugee camps. Unfortunately, these camps don't always provide the safety the refugees seek. Last August Honduran troops attacked the camp and killed three refugees, including an infant girl who, according to witnesses, was kicked to death by a government soldier.

Legislation is being considered in subcommittee which would grant Salvadoran refugees temporary haven here in the United States. The administration is opposing this bill on the grounds that the refugees are economic migrants fleeing poverty rather than violence. The administration argues that since the refugees can stay in the camps in Honduras, they don't need to come all the way to the United States to find shelter. Additionally, the administration claims that the violence against civilians in El Salvador is greatly decreasing, lessening the need for civilians to leave El Salvador.

Recent reports from Central America refute these arguments. Eyewitness accounts indicate that civilians are still innocent victims of conflict in El Salvador, and the recent attack on the Honduran camp, and similar incidents, show why the refugees need shelter here.

A recent article in the Los Angeles Times documents the continuing problems for Salvadorans, both in their country, and when they flee to Honduras. I submit the article for inclusion in the RECORD.

HARSH TIMES IN HONDURAS FOR SALVADOR REFUGEES

(By Anne Nelson)

COLOMONCAGUA, HONDURAS.—Three weeks ago, an influx of new Salvadoran refugees—134 exhausted men, women and children—stumbled into this camp, a sparse landscape of scrub pines just over the border from El Salvador. Another nine arrived three days later. They were the first new refugees to make it into the camp since last April.

Their stories make it clear why the refugees—now numbering about 9,000 and some

here for five years—at this barren site fear Honduran threats of repatriation. And it is also clear, despite official denials, the civilians continue to be victims of fighting between Salvadoran forces and guerrillas.

On Aug. 29, the border camp briefly made world headlines when Honduran troops invaded and shot up the settlements. The attack left three refugees dead (one, who was deaf, died recently of his injuries) and dozens wounded. One soldier killed a 2-month-old baby, Gloria Noemi Blanco, by kicking her out of her grandmother's arms, according to the grandmother and other witnesses.

Since August the refugees have been restricted to their compounds by the Honduran army, with even their nearby vegetable gardens off limits. In September, Col. Abraham Turcios, head of the Honduran National Refugee Commission, declared that he intended to move the camp. Turcios presented the refugees with two basic options: relocation or repatriation.

The refugees who arrived this month said they were fleeing heavy aerial bombing by the Salvadoran armed forces in northern Morazan, including intense bombardment of the hamlet of La Tijera from Oct. 12 to Oct. 16, which was unreported in the Salvadoran or U.S. press.

Last year, under pressure from President Jose Napoleon Duarte, the Salvadoran air force issued a directive that it said was designed to limit civilian casualties. Earlier this year, at a briefing at the U.S. Embassy in San Salvador, Lt. Col. Nicholas Schillen, then the air attaché, told a U.S. labor delegation that the standard practice was for air power "to go in and sanitize the area." When he was asked what "sanitize" meant, he said, "Sanitize is a euphemism for getting rid of what's there so you can land." when he was asked how the attackers could be certain civilians weren't killed along with guerrillas, he said, "The bombing has become almost surgical," adding, "I think the battalion commanders are sensitized to the jeopardy of the civilian population."

Many in the group of refugees at Colomoncagua shared the experience of 23-year-old Elena Romero, who had fled her home in the town of Perquin three years ago when it was bombed. She found shelter in an abandoned town to the north, only to lose that to another round of bombing. "I lived with a family," she said, "but they all died in the house. There was the grandfather, Felipe Garcia, and Wilfredo Romero, six months old. Others died too, but I don't know who—I was too nervous to see. When the bombs fell there was fire and smoke, it burned up the house and all the trees around it."

Modesto, a 37-year-old laborer from the village of Joateca, reported that the attack there began Oct. 15. "There were 18 planes and helicopters, bombing and landing troops who burned houses and crops. I heard gunfire and ran away into the hills. As I ran past the houses I saw pieces of arms and hands lying there. The people who stayed in the houses all died."

Twenty of the recent arrivals gave eyewitness accounts of at least two dozen deaths from the bombings, many with specific names, dates and locations. The refugees reported seeing many other bodies they couldn't identify. They said that they could hear fighting in the hills, but that there were not any guerrilla encampments within sight of their villages. They stated that the planes were aiming directly at their dwellings.

The residents of the camp at Colomoncagua, most of whom are from Morazan believe that to return to El Salvador under such conditions would be collective suicide. But the Honduran government's second option, relocation, is the more imminent threat. One local commander has threatened relief workers that if the refugees refuse to move, he will evacuate the camp with tear-gas bombs and burn them to the ground, no matter what the cost in bloodshed.

Honduran officials claim that the camp's proximity to the Salvadoran border invites Farabundo Marti National Liberation Front guerrillas to cross over at will, to feed, rest, receive medical treatment, and return to battle. But the camp is tightly controlled. The refugees under the supervision of the United Nations High Commissioner for Refugees must carry identity papers at all times. The Honduran military has yet to produce a convincing guerrilla from the camps wounded or otherwise, despite frequent searches and an army cordon around the camp that has been locked into place since last May.

The refugees say that the army wants to move them for tactical reasons. From the camp's modest chapel one can see helicopters shuttling troops towards the Salvadoran frontier and hear the distant thud of bombs. One of the officers told me that the Americans and the Hondurans want to turn this whole border area into one big military base," says Anton 50, a midwife. "But they don't want us here as witnesses to what they're going to do."

(The U.S. is supplying arms and equipment to both El Salvador and Honduras in addition to U.S. military advisers in both countries, there are currently 1,100 U.S. troops based in Honduras, according to the Pentagon.)

The Salvadoran refugees base their reluctance to move on a number of arguments. Many of them have been living in the camp for nearly five years. Over that time, they have built housing, communal kitchens, workshops and schoolrooms—a large number of the adults have learned to read and write as refugees. The humanitarian agencies there oversee the camp have already experienced crippling cutbacks in their budgets this year. How can they expect to rebuild relocated camps, the refugees demand, if they cannot adequately supply the ones that are already standing?

Furthermore, the refugees point out that had the camp been moved farther from the border, this month's new arrivals would never have made it. The Honduran armed forces have made it arduous for Salvadorans to find refuge, but they have not quite made it impossible. If they move the camp, future bombing victims will have no hope of refuge. Moreover, international relief workers maintain that the logistics of such a move would be disastrous, costing many refugee lives.

The Honduran Catholic Church's position is that the government has not presented adequate reasons as to why the move should take place. The refugees themselves, stretching their already scant resources to care for the new arrivals, are adamant that they are staying. As with so many of Honduras' supposedly local issues, international opinion will ultimately tip the balance.

TO SAVE AMERICAN JOBS

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. COBLE. Mr. Speaker, despite the strong, concerted efforts of Members of both parties, including a majority of Members in each body and despite the tremendous support and advocacy from workers around our Nation, jobs in the American fiber, textile, and apparel industries are still in jeopardy.

Today, I am joined by 10 of my colleagues in offering another legislative attempt to save both tax dollars and jobs in these important industries. The bill which we are introducing today will reduce American contributions to international financial institutions in an amount proportionate to any assistance provided by that institution to any foreign country for the production of any fiber, textile or article of apparel.

A report accompanying the 1985 general Government appropriations bill, H.R. 5798 (Rept. 98-830) expressed strong opposition to multilateral bank loans for textile and apparel projects because such loans might result in additional textile imports to the United States.

There is no question that the United States is vulnerable to massive imports of fiber, textile and apparel products. In fact, textile and apparel import growth has averaged 19 percent annually since 1980. Imported textile products comprise over 50 percent of our market, and 66,000 hard-working American textile workers have already lost their jobs in 1985 alone. The legislation introduced today will spare the taxpayers the unnecessary burden of helping to sponsor and subsidize overseas textile and apparel enterprises.

With the present trade deficit, the issue is fairness. The taxpayers should not be subsidizing the very industries that are competing for American jobs. Consider that interest rates on these loans range from about 8.8 percent to no interest—along with grace periods. This is far below the cost of capital for any American textile producer today.

I am asking every Member of this body to consider the equities of this remedial legislation and join me in this effort to save American jobs.

CHILD SURVIVAL REVOLUTION

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. DORGAN of North Dakota. Mr. Speaker, we hear a lot of bad news on the 6 o'clock news and see a lot more on the front page of the newspaper. So I am especially heartened by the good news about the child survival revolution.

This nonviolent revolution is saving lives, not taking them. In some 40 nations

around the world, simple health techniques pioneered by UNICEF are sharply cutting child mortality rates. Two cheap, simple practices, immunization and antidehydration packets, are saving well over 1 million children each year. Even more encouraging, and despite the continuing African famine, UNICEF Executive Director James P. Grant believes that we could save up to 7 million lives a year by 1990.

Universal child immunization would cost only about \$500 million a year. This is a small price to pay for the lives of some 3.5 million kids who die each year from preventable diseases. It is also a very effective way, with benefit cost ratios of up to 20:1, to share the very best of America with the very neediest in the Third World.

I would encourage my colleagues to co-sponsor H.R. 3894 which would add \$50 million to the Child Survival Program of the Agency for International Development. We can make no wiser investment in foreign aid.

Further, I would urge my colleagues to review the miraculous results of the Child Survival Program described in the following Christian Science Monitor article of December 12, 1985.

CHILD SURVIVAL REVOLUTION GAINS SPEED

(By David K. Willis)

LONDON.—The dominant image of third world children this year has been the face of a hungry African child. But now comes word of a different image: one of hope.

Three years ago, the United Nations Children's Fund (UNICEF) began predicting that a "child survival revolution" was possible in the third world within 12 years if political leaders galvanized available resources and technologies.

Last year, UNICEF reported the first glimmering that the revolution had begun.

Now, in its annual "State of the World's Children 1986" report for 1986, UNICEF asserts that the revolution is well under way—and accelerating—in more than 40 nations including the world's two most populous, China and India.

Officials see it as a third world safety net being spread under society's most vulnerable members: children under the age of five.

Economic recession, unemployment, drought, exploitation, neglect, and other obstacles still keep the safety net away from countless millions of children. Faster economic development is also needed to let children make the most of the lives the "revolution" is said to be saving.

But UNICEF Deputy Executive Director Richard Jolly, during an interview in London, insisted that he saw "hard evidence" of a "near miracle" in health care and in changing parental attitudes.

For years now, about 45,000 children under five—15 million a year—have died daily from malnutrition and other "easily preventable diseases," UN officials say.

Today, Dr. Jolly says, child mortality rates are beginning to fall—dramatically—in China, India, Pakistan, Bangladesh, Brazil, Nigeria, Indonesia, Colombia, El Salvador, Ecuador, Bolivia, and elsewhere.

The lives of "well over 1 million children a year" are being saved by two cheap, simple techniques alone, says UNICEF Executive Director James P. Grant—immunization and tiny salt-and-sugar packets to fight the dehydration that afflicts millions of poor children. Despite the continuing African

famine, he says, it is now conceivable that 7 million lives a year can be saved by 1990.

Among parents, Jolly believes, apathy is slowly retreating before greater awareness. Old ways are yielding to new.

The salt-and-sugar packets are so simple and cheap that parents can administer them without professional help. Release of the latest UNICEF report coincided with a global conference on the salt-sugar packets (technically referred to as "oral rehydration") organized by the US Agency for International Development in Washington Dec. 10-13.

Attended by about 1,000 delegates, the conference was opened by AID administrator M. Peter McPherson, who described his agency's own "Child Survival Action Program" now operating in 50 countries.

The program is partly financed by a special Congressional allocation of \$50 million for the year ending Sept. 30, 1986. Last year Congress allocated \$85 million. AID also provides some funds for UNICEF programs.

Two other methods included in UNICEF's "revolution" are also straightforward—breast-feeding of infants and regular weighing to check growth.

The fourth—widespread immunization—means parents must know when to bring children in. So a self-help, self-health revolution is emerging, officials say.

"The attitude that health care is someone else's responsibility is linked to the fact that, in the past, health professionals have taken away from the people their [health] decisionmaking power," according to a recent UN World Health Organization committee cited by UNICEF. "Therefore an effort must now be made to give them back their confidence and to help them develop their skills in making the right choices."

One question raised by the report: Won't sharply lower infant mortality rates push up already high rates of population growth in poorer countries?

No, Mr. Grant replies. Parents who are confident that their children will survive into adulthood tend to have fewer, not more, children.

UN population experts agree that this has been the pattern in China, Sri Lanka, South Korea, Costa Rica, Singapore, and the state of Kerala in India.

These experts also point out that more is needed than lower infant mortality. The status and literacy of women, for instance, must increase, along with their ability to find work outside the home.

UNICEF offers another argument: that the "child survival revolution" increases "parents' sense of control over their lives."

Anything that helps increase the "confidence of parents that they can improve their lives by their own informed decisions and actions . . . [is] also likely to lower birthrates."

The UNICEF report spotlights the importance of top political leaders supporting all aspects of the "revolution." It cites:

Prime Minister Rajiv Gandhi of India this year launching an immunization plan to save the lives of more than 1 million children a year by 1990 as a "living memorial" to his assassinated mother, Indira Gandhi.

Chinese leaders adopting this year the World Health Organization goal of halving infant mortality rates by 1990.

Turkish Prime Minister Turgut Ozal launching an immunization campaign in all 67 of Turkey's provinces in September.

Leaders in Colombia, the Dominican Republic, Ecuador, Bolivia, Pakistan, El Salvador, and Brazil pushing their own health

programs hard this year, partly in response to the World Health Organization goal of major progress by 1990.

The number of salt-and-sugar packets distributed rising from 100 million in 1984 to 200 million in 1985.

Jolly cites several reasons for the "revolution" apparently taking off this year.

Political leaders from left to right—Prime Minister Gandhi, President Belisario Betancur of Colombia, Prime Minister Ozal in Turkey, President Thomas Sankara in Burkina Faso—see political as well as humanitarian appeal in reaching out to more people.

Private organizations such as Oxfam, Save the Children, and Rotary International have pitched in. The news media have helped make people aware. The Band Aid/Live Aid organization started by singer Bob Geldof has contributed \$3 million for immunizations in Ethiopia, Sudan, and the Sahel.

Western governments have given money and knowhow: Italy, \$100 million in 26 African countries; Canada, \$25 million; plus US support for the salt-and-sugar packets.

HONORING REV. GOMIDAS VARTABED

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. LEHMAN of California. Mr. Speaker, on December 22, 1985, 80,000 Americans of Armenian descent will honor one of their most talented and inspiring clergymen, Gomidas Vartabed, with a Sunday Mass and commemorative concert in New York City. Many will pause and remember Gomidas Vartabed for the folk songs which he singlehandedly collected and refined over the course of his lifetime.

Born in 1869, Gomidas Vartabed was sent off to study music at the early age of 11 and soon became a true scholar and lover of Armenian music. After being ordained a priest at the age of 24, Gomidas traveled among the eastern provinces in Armenia gathering, assembling, and refining the various folksongs of the region which captivated the hearts of large audiences. He also harmonized the Divine Liturgy, the musical foundation of the Armenian Apostolic Church.

Fifty years after his death, the music and memory of Gomidas Vartabed lives with thousands of Armenians, grateful for his efforts to preserve transcriptions of Armenian religious and secular music even during the atrocities in Ottoman Turkey between 1915 and 1923. I am pleased to be one of many to acknowledge and commemorate Gomidas Vartabed for his special contribution to the history of Armenians around the world.

IN MEMORY OF DIRK A. MILLER

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. KOSTMAYER. Mr. Speaker, I rise today to pay tribute to a constituent, CWO Dirk A. Miller of Quakertown, PA, who lost his life on December 12, 1985, while returning from duty in the Sinai desert.

Chief Warrant Officer Miller and 247 other soldiers were killed when their chartered DC-8 crashed in Gander, Newfoundland.

Chief Warrant Officer Miller had made a career in the military and had served his country for 12 years. He was a member of the 502d Infantry Division, 3d Battalion, 101st Airborne Division of the U.S. Army.

He was a 1973 graduate of William Tennent High School in Warminster, PA.

The death of Chief Warrant Officer Miller is a grim reminder of the contribution of our families of servicemen to their country. Dirk Miller leaves a wife, Kathryn, a 6-year-old son, Jason, and a 9-month-old son, Brandon, all of Clarksville, TN. He also leaves five sisters and a mother, Romaine Miller, of Quakertown, PA. We recognize their sacrifice and their loss, Mr. Speaker.

On the day of his tragic death I spoke to Dirk's mother and conveyed to her the pride all of us took in Dirk Miller's service to his family and his country.

The neighbors, friends, and all the people of Bucks and eastern Montgomery counties will miss Dirk Miller, and on behalf of the House of Representatives, Mr. Speaker, I want to extend our prayers and sympathy to his wife, mother and to his family.

MONSIGNOR FARRELL MARCHING BAND

HON. GUY V. MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. MOLINARI. Mr. Speaker, I rise to pay tribute to the members of the Monsignor Farrell High School Marching Band of my district in Staten Island, NY. Under the direction of Larry Christiansen, the band has recently completed a season of performance excellence, winning the 1985 New York State-Class 1 championship in the Eastern Marching Band Association. In addition, the band placed a close second—missing first place by only one point—in the five State E.M.B.A. competition.

Beyond the accomplishments of the band as a whole, lie the individual success stories and talented contributions of the 80 students who comprise the marching band. I have no doubt that the level of quality displayed at every performance is the result of long hours of practice and extraordinary discipline. Such a steadfast commitment to excellence is a tribute to the character of these fine students and offers promise for

more good things to come from them in the future.

To the students let me say that I hope your recent championship is the first of many yet to come. I can personally attest to your skills and abilities and our entire community is proud of your accomplishments.

I consider it a personal pleasure to congratulate the Monsignor Farrell band on its remarkable triumphs.

U.S. ARMY SP4C ROBERT THOMAS

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. MRAZEK. Mr. Speaker, like many of my colleagues, I was shocked to learn last week of the tragic death of one of my constituents in the crash of the DC-8 charter in Gander, Newfoundland.

U.S. Army Sp4c. Robert Thomas of Roslyn, Long Island, was among 248 American soldiers killed in the accident. He leaves behind a bride of only 6 months, Wilhemena Burney Thomas, and family in North Carolina.

Mr. Speaker, Robert Thomas came to Long Island while a teenager. His athletic prowess led him to a position on the varsity basketball team at Manhasset High School, from which he graduated in 1979.

In 1982, Robert Thomas joined the U.S. Army and he served for 2 years in West Germany. Returning to the headquarters of the 101st Airborne at Fort Campbell, KY, he married Wilhemena in June and then left for assignment to the Middle East in July, where he served as a member of the multinational peacekeeping force stationed along the Egypt-Israel border.

In the New Testament book of Matthew, Mr. Speaker, it is written that " * * * Blessed are the peacemakers: for they shall be called the children of God." Though life is often unfair, it seems a particularly cruel fate for this young soldier and his colleagues from the peacekeeping mission on the doomed flight that they would be taken from us in so inexplicable a manner.

I'm sure that the hearts of my colleagues go out along with mine to the wife, family and friends of Robert Thomas, who served his country with pride and honor.

PERSONAL EXPLANATION

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. BILIRAKIS. Mr. Speaker, last week I was unavoidably absent from the vote on Senate Joint Resolution 238, calling for nuclear cooperation with the People's Republic of China, due to a meeting I had with President Reagan at the White House.

Had I been present, I would have voted against this resolution. While a more productive relationship with China is a worthy goal, it must not be at the expense of our own security or the security of our more vulnerable non-Communist neighbors. Nuclear capability in the hands of potential aggressors poses a very serious threat, and I am concerned that the United States-Chinese agreement may only serve to increase that threat.

Despite evidence from our intelligence community that the Communist Chinese have provided nuclear assistance to Iran and Pakistan, the proposed agreement for nuclear cooperation lacks specific safeguards to assure nonproliferation. In light of China's track record and its opposing ideology, we should expect no less than written commitments from them. We should also strongly encourage them to become signatories to the Non-Proliferation Treaty, a move which they have thus far refused to make.

While this resolution calls for the addition of several conditions to address the obvious inadequacies of the proposed agreement, I just do not feel it goes far enough to assure us that China will comply with our nonproliferation standards. Since this would be the first agreement of this kind with a Communist government, I think it would be more appropriate to insist on more stringent safeguards, not less.

IN HONOR OF HARRY VAN ARSDALE,
UNION LEADER IN QUEENS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. ACKERMAN. Mr. Speaker, I rise today in tribute to Harry Van Arsdale, Jr., of Flushing, NY, upon the celebration of his 80th birthday on November 23, 1985.

Harry Van Arsdale has been a towering figure in organized labor in New York City for over 50 years. Born in 1905 while his father was on strike, Van Arsdale joined Local 3 of the International Brotherhood of Electrical Workers in 1925 at a time when it was plagued by untrustworthy officers and threatened with Communist takeover. He quickly moved to overhaul Local 3, instituting democratic handling of union practices and finances. By 1939, membership had more than quadrupled to 30,000.

As business agent, business manager, and financial secretary for Local 3, based in Flushing, Queens County, Van Arsdale has spearheaded many innovative ideas to benefit the members of the local and millions of other trade unionists across the United States. Under his direction, Local 3 instituted trailblazing programs to provide job security, better working conditions, greater benefits, and educational programs for workers' children.

Among the specific programs that Harry Van Arsdale pioneered have been courses

for union members paid for by an educational and cultural fund; college scholarships for members' families; an annuity plan; and a jury duty benefit designed to encourage responsible citizenship among union members. In addition, he worked with management to found in 1943 the highly successful Joint Industry Board of the Electrical Industry, which has been responsible for securing excellent benefits for electrical workers, such as new pension plans, an apprenticeship training program, a vacation holiday expense plan, and over a dozen other important benefits.

In 1957, Harry Van Arsdale was elected president of the newly created, 1,000,000-member New York Central Labor Trades Council. His farsighted leadership sparked the creation of a black trade union leadership committee and a Hispanic labor committee, which have helped all New York workers fight together for common goals. In addition, Van Arsdale successfully helped organize workers in many New York industries—including taxi drivers, who had failed in previous attempts to unionize.

Mr. Speaker, I regret that I do not have the time to list all of Harry Van Arsdale's accomplishments in his more than 50 years as a major union official. This man is personally responsible for much of the progress that labor has made in this century in America, and we in Queens are very proud to claim him as one of our own. His example of leadership and dedication to the cause of helping America's workers has paid off for millions of Americans who work with their hands.

Mr. Speaker, I call now on all of my colleagues in the U.S. House of Representatives to join me in tribute to Harry Van Arsdale, of Queens County, NY, and in appreciation for all he has done for our Nation.

RIMA MANUFACTURING CO.

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. PURSELL. Mr. Speaker, I rise today in recognition of the 30th anniversary of an important company located in my home district. Headquartered in Hudson, MI, the Rima Manufacturing Co. is celebrating 30 years of operation—from 1955 to 1985.

This machining services supply company was founded by Ed Engle, Sr., and today is operated along with his son, Ed Engle, Jr. From a humble start in a wood-frame building that once housed horses, Rima has grown to an international company with facilities in Canada.

But beyond the business accomplishments, Rima has played an important role in the Hudson community—a role which must be recognized.

A major benefactor of Rima's community participation has been the Hudson Public Library. The Engles, through their company, have made donations which have built

a children's room, audiovisual rooms, and a mezzanine addition to the local library.

Meanwhile, as the company has grown, Hudson has benefited from the construction of increased facilities and increased jobs. The company's prosperity has been passed along to employees—now some 170 strong. In 1966, when the company expanded its building, it also announced a full-paid retirement program for employees.

Mr. Speaker, I believe the dedication, vision, and hard work of people such as Ed Engle, Sr., is what makes this Nation great. Rima is a strong part of the Hudson community due to the generosity and work of the Engle family. I urge all of my colleagues to join with me in congratulating Rima on an outstanding 30 years and wish them many, many more years of success.

HOPEFUL SIGNS FROM CHINA

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. LEVINE of California. Mr. Speaker, China has been, and continues to be, a source of mystery and fascination to this country. Relatively closed off to the West, its secrets have seemed almost unfathomable, its adherence to Marxist principles frightening. But things are slowly changing, and for the better. These changes are discussed in an insightful and revealing article that appeared in the December 8, 1985 Los Angeles Times by Warren Christopher, former Deputy Secretary of State.

Mr. Christopher enjoys the reputation of one of the most distinguished public servants in our Nation. His example is just one recent example of his insight.

China was once aligned with the Soviet Union, but split in 1960. Mr. Christopher writes:

This Sino-Soviet division has been a fact of life for many years, but many may not have grasped its full importance. Not long ago US defense planning was geared to fight 2½ wars at once—against the Soviet Union, against China and against a smaller regional power. Now, the United States does not arm itself against China—but the Soviet Union does. This one change has brought a major realignment in the global balance of power.

Clearly the impact of the Sino-Soviet split is important, not only to the United States, but to the world, and has produced what Mr. Christopher calls "a massive shift in the global balance of military power."

There has been a significant change in China's approach to ideology, as well. According to Mr. Christopher:

The Marxist premise, "to each according to his need" is out of favor, being replaced with a quite different premise, "to each according to his performance." There is official acceptance, even approval, of the accumulation of wealth. Private ownership is permitted for shops, restaurants and medium-sized businesses.

Perhaps most striking of all, China is granting permission for private companies to sell shares of stock to the public. To a

capitalist, this is the natural business process; to a Marxist, it is heresy.

Mr. Christopher states that "China is a remarkable vindication of the free-enterprise system," and so it is. Relying on the incentive system, it has chosen a system which is the antithesis of the Soviet approach.

True, China is still not a liberal, democratic society where its citizens enjoy political and personal freedom. Still, these changes are important in the geopolitical context, and are hopeful signs of decreasing hostility toward Western and democratic ideas.

The entire text of Mr. Christopher's article follows. I hope my colleagues will read it.

Thank you.

The article follows:

REFORMS RESHAPE THE WORLD
LONG MARCH TO A PROFIT MOTIVE
(By Warren Christopher)

Napoleon once said about China: "There lies a sleeping giant. Let her sleep, for when she wakes she will shake the world." That time has come.

China is about to become a superpower. If China and the Soviet Union maintain the same respective growth rates they have averaged over the last decade, by the year 2000 China's economy will be three times as big as the Soviet Union's.

China is pursuing an independent course in foreign affairs, producing a massive shift in the global balance of military power.

China has emerged from the cultural revolution—from the convulsive and costly process of turning a whole society on its head to enforce ideological purity.

And China, to a degree unprecedented for a major communist society, is looking for guidance less and less to Marx, more and more to the magic of the marketplace. What a powerful example, when the world's largest developing country, a country with almost one-fourth of all mankind, embraces ideas like the profit motive, private entrepreneurship and market pricing.

In 1949, the "loss" of China sent a tremor through U.S. political life that reverberates even now. Sen. Joseph R. McCarthy's famous charge that there were precisely 57 communists in the State Department came less than eight weeks after Chiang Kai-shek picked up the remnants of his government and fled to the island province known as Formosa.

China's revolution helped define America's approach to the postwar world. Here was proof that the Soviets aspired to reshape the world in a Marxist image and that, unless resisted, they might. In the 1950s and 1960s, the memory of the fall of China and fears of the Chinese Communists lured us into two divisive land wars in Asia, first Korea, then Vietnam.

Against that background, it is stunning that we now find so much in common with China.

The shift began in the 1960s, with the deterioration in China's relations with her ostensible mentor, the Soviet Union. In retrospect, the Sino-Soviet split seems to have been inevitable. Resistance to foreign domination is deeply rooted in China's history, in the cultural self-confidence of the Confucian "Middle Kingdom" which for 2,000 years regarded all foreigners as "barbarians."

Even the communist revolution could not erase all this history. When the Soviet Union asserted the right to defend socialism by invading sovereign nations, Czechoslovakia was the 1983 target but China saw the message—and didn't like it. By 1969 there was sporadic fighting along the Sino-Soviet border and Mao Tse-tung was telling his people to "store grain everywhere," and to "dig tunnels deep"—words that resonated with Americans who were concerned about Soviet expansionism.

That parallel outlook toward the Soviets opened the way for gradual normalizing of U.S.-China contacts, leading to the establishment of full diplomatic relations in 1979.

This Sino-Soviet division has been a fact of life for many years, but many may not have grasped its full importance. Not long ago U.S. defense planning was geared to fight 2½ wars at once—against the Soviet Union, against China and against a smaller regional power. Now, the United States does not arm itself against China—but the Soviet Union does. This one change has brought a major realignment in the global balance of power.

What about the future? Will China slip back into Soviet orbit? No—not necessarily because of our own influence—to confuse our diplomats' skill, but because of underlying realities. We all have a natural tendency to overstate our presence at an event with its cause, like the rooster who thinks his crowing calls forth the sun. The notion that the United States could manipulate China as part of a strategy toward the Soviet Union has always been the height of presumption—to regard the nation of 1 billion people as just a playing card in the U.S. deck.

What will keep China out of the Soviet orbit is not friendship for the United States, but reasons of her own—an underlying clash of cultures and a long and troubled border. Since China's position is grounded in self-interest, it is all the more durable and certain.

There have been compelling new indications of a pragmatic Chinese posture in dealing with other countries, notably in the handling of the Hong Kong matter. The British crown colony of Hong Kong, operating under a very pure strain of capitalism and British law, has become one of the world's most important commercial centers. The limits to further growth seemed defined by its lease; British tenancy runs out in 1997 when Chinese rule returns. Worries about the future were aggravated in late 1982 by some undiplomatic British hints that Hong Kong might be treated like the Falklands. Fortunately this moment passed and the negotiations that followed are a tribute to British realism and Chinese pragmatism.

Under the agreement, even after the Chinese resume sovereignty in 1997, Hong Kong's current economic and social systems will be left alone for 50 years. Hong Kong will maintain a high degree of autonomy except in foreign affairs and defense. The Chinese, with their great gift for summation, described the result as "one country, two systems."

The Chinese approach in this case had many audiences, not least of them Taiwan. It is one thing to talk about "one country, two systems"; it is another to enter into agreements to make it happen.

A refusal to be diverted from internal reform seems to be the operating principle of Chinese foreign policy in the 1980s. Chinese reaction to Vietnamese strikes this year in Cambodia has been muted indeed,

especially in contrast to the "teach them a lesson" approach of the late 1970s. Relations with South Korea are edging toward normalcy.

For good measure, China has trimmed its military budget and plans to reduce the size of the People's Army by 1 million men. As a nuclear power, China has shown no interest in an arms race with anyone—maintaining less than 250 nuclear-capable missiles and bombers, compared with thousands for the Soviet Union and the United States.

Meanwhile, the country's domestic trends have been riveting.

China has not become a liberal, democratic society. Political and personal freedoms are still sharply confined. But there have been drastic and accelerating departures from the Marxist model in the economic sphere. They began with reform in agriculture. In 1978, the Chinese started shifting from farming communes to a system of contracts with family farmers. They adopted such unorthodox prescriptions for agriculture as regulation by market forces, profit incentives and experiments in enterprise economy.

The agricultural reform was called a "self-responsibility system." (Not a bad way to define U.S. aims.) It has been stunningly successful—bumper harvests for four years running, including a doubled production of food grains, permitting sharp cutbacks on purchases abroad. The shift produced great wealth in the countryside and a sense of excitement—perhaps even of mission—among rural Chinese. In the process, rural reform has helped China avoid the surge of migration to the large cities that has plagued so many developing countries.

Last year, the Chinese moved their economic revolution to urban areas. Reforms include far-reaching steps out of character with a Marxist system. The goal of the 400,000 state-owned enterprises in China is no longer aiming to fill bureaucratic orders but a return of reasonable profits. Managers now make their own plans in such areas as wages, suppliers, investment and production. American-style training has been adopted in management, marketing and accounting—using instructors from U.S. universities.

The Marxist premise, "to each according to his need" is out of favor, being replaced with a quite different premise, "to each according to his performance." There is official acceptance, even approval, of the accumulation of wealth. Private ownership is permitted for shops, restaurants and medium-sized businesses.

Perhaps most striking of all, China is granting permission for private companies to sell shares of stock to the public. To a capitalist, this is the natural business process; to a Marxist, it is heresy.

Chinese leaders are not timid about describing what they are doing and why. The party leader himself, Hu Yaobang, has said China "wasted 20 years" after 1949 because of the "radical leftist nonsense" associated with Mao. As an example of "nonsense," he recited Mao's phrase, "better to have socialist weeds than capitalist seedlings." Now the favored maxim is the reverse, summed up in the aphorism from China's top leader, Deng Xiaoping, that a cat of any color is welcome so long as it catches mice.

Such an extraordinary concept is now acceptable because, as Premier Zhao Ziyang says, "we learned our lessons the hard way . . . Now, we know what works best for China."

Quotations from Marx, Lenin and Mao are still invoked to rationalize the new policies, but the goals would be anathema to theoreticians like Mao. In China recently, one official told me that the reforms would create "200 million rich Chinese."

These are changes of historic proportions. No major communist country has tried to move so far, let alone so fast, toward a market economy. The Economist, a British weekly, recently suggested that "if the same thing were happening in Russia, it would be the wonder of the century. The West is entitled to be enthralled."

There is some evidence that the rapid pace of decentralization in China may have outrun the competence of local managers. Even the promise of change in the pervasive system of price controls produced a ripple of panic buying; when actual price increases come, discontent is bound to follow. Opposition is surfacing among bureaucrats who are losing power and who call the reforms "spiritual pollution." This is plainly a time of testing.

Many students of China also wonder what will happen when Deng, now 81 years old, leaves office. But Deng, the leading architect of reform, gives every indication of being concerned with posterity as well as power. He has firmly designated his successors—Hu the party leader, Zhao the premier. A cadre of younger people has replaced a generation of aging leaders, the largest power shift since 1949. The broad strategy is to assure that today's directions will survive their chief author.

The reforms are manifestly popular—and, on the whole, working. China has grown at sustained rates comparable to Japan in the 1960s and South Korea, Taiwan and Hong Kong in the '70s. As businessmen dealing with China can attest, the country hungers for advanced technology, and incorporates it readily—in effect, skipping whole generations in building an industrial base.

In the midst of its "self-responsibility" approach, China is a remarkable vindication of the free-enterprise system. The largest of all the emerging countries has announced its reliance on an incentive system, the antithesis of the Soviet approach. Certainly there are fits and starts. Predictably, they try to rationalize their reforms with quotations from leading communist theoreticians. But the Chinese are opting for a market economy and they are not turning back.

Modern China is also a forceful answer to the suggestion that every Marxist society is irretrievably hostile to Western interests. Nations can be subjugated by stronger outside powers, and we know that is a Soviet ambition. But modern China shows that nations, when able to do so, are more likely to follow their own interest than someone else's script.

It just might be true that time is on freedom's side.

SAFETY RECORD SETS EXAMPLE

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. SCHUETTE. Mr. Speaker, an important milestone in industrial safety was reached recently. The Brazilian operations of the Dow Chemical Co., headquartered in Midland, MI, attained an all-time safety

record of 30 million man-hours without a lost-time injury.

This represents the safe work of over 2,600 employees for 5 years and 7 months—some 2,040 consecutive days without an injury requiring lost time. This accomplishment is a testimony to sound safety practices.

Moreover, this achievement sets a record of performance for Dow globally. This is even more noteworthy considering the difficult conditions specific to Brazil.

Recently, the Dow Chemical Co. received the Lammont du Pont Safety Award from the Chemical Manufacturing Association for outstanding reduction in injury and illness frequency rates among chemical companies in the United States, leading all eligible companies in the largest category, with a recordable injury rates reduction of 46.5 percent.

Dow's Brazilian operations encompass investments of approximately \$500 million, which include complex chemical and pharmaceutical plants in five different locations, one research and development center and a number of sales and administrative offices all over the country. Among the chemicals produced are chlorine/caustic soda, chlorinated solvents, propylene oxide and propylene glycols, 2,4-D herbicides, and many other chemicals and products.

Mr. Speaker, this is quite an achievement, and will serve as the benchmark with which industrial safety levels will be measured in the future.

THE "RIGHTS" QUESTION

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. DORNAN of California. Mr. Speaker—

If a woman becomes pregnant, the right of abortion is not implied by her right not to become pregnant. This is because her action no longer concerns only herself.

Mr. Speaker, those words correctly and simply clarify the "rights" debate around which much of our abortion discussion is centered. Mary Jane Trau, an instructor in the Department of Philosophy at the University of Miami in Coral Gables, has written a superb article, "Distinguishing Rights: Feminism's Misconceptions on Abortion," for the December issue of *Catholicism in Crisis*.

I insert the article in the RECORD today for serious review and reflection by all of my colleagues. Mary Jane Trau brilliantly explains the fallacy of the "rights" question. Unfortunately, there are Members of Congress who would argue with her statement that:

The right of a woman to determine what happens to her own body has never been at stake. It is the right of the woman to determine what happens to the unborn child that raises the moral questions.

The article follows:

DISTINGUISHING RIGHTS: FEMINISM'S MISCONCEPTIONS ON ABORTION

(By Jane Mary Trau)

The Catholic Church is sometimes charged with holding positions and doctrines which derive from a desire to enforce male dominance. Many feminists currently claim that the church, as an institution, intentionally creates and preserves policies which support and encourage the suppression of women and their rights. In particular, the Church's positions on marriage, birth control, and abortion are accused of being constructed to serve best male interests. It may well be true that many a male chauvinist can be found within the ranks of clergy, religious, and laity. However, it is a more serious and difficult task to uncover any teaching of the Church which is genuinely derived from a proposition which affirms male superiority. One would simply commit the fallacy of composition if one concluded that a few high placed chauvinists represent the teachings of the Church. In fact the feminist critique of the Catholic position on abortion rests on a simple confusion which, once it is understood, will clear the Church's position from any further accusations of male chauvinism.

Many arguments for the moral permissibility of abortion center on the woman's right to determine what happens to her own body. The argument goes like this: a woman has a genuine right to decide what happens to her own body; included in that right is the choice to become pregnant; therefore a woman has a right to abort a fetus if she does not choose to bear the child. It is thus claimed that an anti-abortion position flies in the face of a woman's sovereignty over her own body. This argument is flawed because its second premise masks a confusion which rests on the failure to distinguish the right to become pregnant from the right to choose not to carry to term.

The first claim, that of sovereignty, means that a woman has a right not to be forced into manual labor, sexual acts, or to bear children against her will. This last point is the focus of the argument. A woman should not be forced to become pregnant if she chooses not to. The problem is, what happens once she has become pregnant against her own will? Does her right not to become pregnant in the first instance guarantee her a right to abort the fetus if she becomes pregnant as a result of force or accident?

This point has been the source of confusion. If a woman becomes pregnant, the right of abortion is not implied by her right not to become pregnant. This is because her action no longer concerns only herself. What she now chooses to do will seriously affect the life of another human being. The right of the woman to determine what happens to her own body has never been at stake. It is the right of the woman to determine what happens to the unborn child that raises the moral question.

In such a case, a conflict of claims is present. The right of the mother to her body is staked against the right of the child to live. One way of posing the question is as follows: under what conditions, if any, is it morally permissible to kill the unborn child? A popular framework for an answer is: when no rights are being violated, or the mother's rights override those of the fetus, it is morally permissible to take the life of the child. Now the whole issue of rights is at hand. Who has rights?

A contemporary answer is that persons have rights. Thus anyone who meets the cri-

terion for personhood has defensible rights. The most accepted criterion for personhood includes three factors: self-awareness; an awareness of others; and the ability to reason. Whoever meets this criterion is a person and thus has rights. A major problem with this view is that such a class would exclude not only infants up to the age of three, but also the senile, severely retarded, and the insane. None of these creatures would have rights under the criterion listed. Thus no one would be violating any rights if these were to be killed. It would be morally permissible to kill them because they are not persons and therefore have no rights. If a decision were made not to abort or kill, it would derive from some position other than the issue of rights.

The rights issue would allow that a woman has the right to abort. If she chooses not to, it would be by appeal to some other position, e.g., utilitarianism. However, if one refers solely the rights criterion, those who do not have rights simply do not have any rights to be violated. Thus, the determination of exactly who does have rights is paramount. (And the rights issue, as we have seen, also has implications for the question of euthanasia and infanticide.) On the abortion issue, the question of moral permissibility is easily handled by simply denying that the fetus has any rights. The rights criterion solves the problem. The best attack on this position would therefore be the defeat of the rights criterion.

The seductive aspect of the rights argument lies in the fact that we are often called upon to make excruciatingly difficult moral choices. If a young, unwed girl is raped and becomes pregnant, it seems that asking her to carry the child to term is unfair, even cruel. The "rights" argument makes it easier to justify the killing of the unborn. If the fetus has no rights because it is not a person, then she would not be doing anything wrong if she were to kill it. Furthermore, since it is not a person by this criterion, the rights of a person would supersede any rights of another kind of being. Thus even if the fetus had rights, the rights of an actual person have more moral weight. However, with all sincere sympathy for the genuine hardship and trauma that would be borne in this situation, the legitimate questions are: does the violence against the girl justify the violence against the innocent child? does the real trauma to the mother outweigh the value of the child's entire life?

To ask a young girl to bear the child, whether as a result of rape, incest, or one night's "reckless passion," is not to deny her the freedom to choose to become pregnant. Rather, it is to recognize the right of the child to live. The right to life outweighs the right to avoid trauma. No one would deny that a great deal of courage, love and faith would be necessary for the ordeal of bearing the child. At the same time, it is unique to Christian philosophy that we understand and bear suffering for the love of Him and His.

It is always difficult to settle conflicting claims. That problem is the crux of moral philosophy. The Christian must be true to the teachings of the Church as well as to the simple rules of logic. To recognize the right of the unborn is not to deny the sovereign right of a woman to her own body. Furthermore, the Christian "right to life" is not grounded in an artificial or arbitrary criterion. Rather, we recognize God as the creator of all beings, regardless of the situation under which life was conceived. It is God, not the rapist, who gives life. This sanctity

of life is the ultimate justification for a defensible right. The child's "right to life" is simply our belief that God alone is the giver of life.

Once a woman carries life within her, in spite of the circumstances of conception, she no longer has only her life to consider. The plea for her to bear the child reflects the Church's great respect and confidence in her ability to act with courage and conviction. It reveals our Church's faith in her daughters. No one would minimize or be insensitive to the tragedy of bearing an unwanted and forced pregnancy. Nonetheless, we cannot betray our obligation to protect the innocent and the helpless. Our strongest moral obligations are to those in need. The Catholic position on abortion has its roots in our most basic theology. To see this position as a desire to subjugate women to male dominance is short-sighted, misguided, and dishonest.

The fallacy in the argument for women's sovereignty lies in the simple fact that once a woman has become pregnant, under whatever circumstance, she is no longer dealing only with her own body. The rights she has concerning herself are different, as are all moral rights, when they concern and affect another. Clearly, with the very life of the unborn child at stake, a careful account must be made of the conflict of claims and the genuine ground of a right to life.

The argument that the fetus is only a potential person results in an even stronger moral obligation for the Christian. It is we who have been charged with the care of the least among us. Surely the innocent, the defenseless, and the unborn are the least among us. Even if the "rights criterion" were acceptable, that would put the "non-persons" as the least among us and thus create a stronger moral obligation to protect them. If any non-person needs defense, it is the Christian who must provide it. The confusion of women's rights and the rights of the unborn is easy to understand. After all it is she who must bear the child. However, the distinction between her right not to become pregnant and the right of the child to live, is the critical element of an honest Christian position.

A genuine search for the truth in this moral problem will reveal two distinct rights: that of a woman's sovereignty over her own body and that of the unborn child to be brought to life. The first right does not constitute a right which overrides the latter. Accordingly, the objection to the Church's position on the grounds that this is a feminist problem is fallacious because it fails to distinguish the two rights.

PEOPLE TO PEOPLE DIPLOMACY FOR PEACE

HON. BEN GARRIDO BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. BLAZ. Mr. Speaker, a few weeks ago the eyes of the world were riveted on Geneva. Some 3,000 correspondents were there from as many as 100 countries. No event other than the Olympic games, perhaps, ever caused such worldwide interest and attention.

That attention was well deserved. President Reagan's historic meetings with General Secretary Gorbachev led to break-

throughs in vital areas, especially in creating the framework for a continuing dialog not only between United States and Soviet leaders but also between the American and Russian people.

On the leadership level, the summit was a star on the horizon, a light that just might point to a future of peace. Many have emphasized the remarkable new personal relationship that took root between President Reagan and General Secretary Gorbachev. That alone made the summit a success.

That star will remain on the horizon. Our nations and our two leaders will meet again, in two more summits: 1986 in Washington and 1987 in Moscow. President Reagan and General Secretary Gorbachev have agreed to keep on talking, to keep on trying to end the arms race. They have also declared their hope and their commitment to reduce fear and hate. They have said they want to approach peace in a new attitude of friendship.

The second major result of Geneva, in my view, was somehow overlooked or underplayed by the press, possibly because part of it happened before the summit. We have even been overlooking it here in Congress. It is this second result I want to discuss.

The result that may have even longer-lasting impact on world peace is the agreement by both sides that it is not only our leaders and our governments that are players in this most dangerous of all games on Earth but also the people of both nations in particular. The people played a vital role in this long-delayed series of summits. President Reagan has recognized them as full-fledged members of the team. It was a ringing declaration. I consider one of his greatest speeches on the idea to be the one he gave 4 days before the summit. On national TV the President, in what I call his "People to People" speech, said:

"I feel the time is ripe for us to take bold new steps to open the way for our peoples to participate in an unprecedented way in the building of peace * * *. People-to-people contacts can build genuine constituencies for peace in both countries. After all, people don't start wars, governments do. We are proposing the broadest people-to-people exchanges in the history of American-Soviet relations."

By coincidence at the very moment the President was saying these words on television, my good friend Congressman JOHN SEIBERLING was standing at another lectern, at a meeting called "People to People." It was a meeting at George Washington University's Lisner Auditorium to celebrate the national premiere of a film called "People to People"—a beautiful film produced by Marlow Boyer of Bethesda, MD, just before he died of cancer.

Congressman SEIBERLING, quoting President Eisenhower, said: "Some day the people of the world are going to want peace so much they're going to force their leaders to give it to them." President Eisenhower, as we all know, started the "People to People" program in 1956.

We do not exactly know how much either President Eisenhower, or the people themselves, may have influenced President Reagan's support of the "People to People" program. We do know that the people, encouraged by the President's vigorous endorsement, will be urging their governments to bring them peace. I think this is true not only in our country and in the Soviet Union but in every country of the world as well.

By another strange coincidence, I followed Congressman SEIBERLING to that "People to People" platform that night at Lisner Auditorium. I went on just moments after the President's speech, though I was unaware of it at the time. Had I known about it, I think I would have guessed what the President was going to do at Geneva.

I did not have a prepared speech that night. I wasn't even on the program. I was just filling in, at the last minute, for another Member of Congress who had been unable to come. So I was simply moved to say something from my own experience. As I recall, the remarks went like this.

"In much of my life I participated in a people-to-people program—as a soldier. We entered the battlefield as strangers, and we prayed to leave as strangers—because the alternative was not to leave the battlefield at all.

"As a young officer in the Marines, I also participated in an entirely different people-to-people program not on the battlefield but in the field of music. My colleagues and I would start a musical performance before total strangers in foreign countries and would invariably end up as friends of the audience—through the magic of music.

"Before I retired from the Marine Corps as a Brigadier-General, I had been in three wars, two of them were against Communists in Korea and Vietnam. If my fighting contributed in some way to maintaining world peace and strengthening our freedoms, then I am honored to have made the sacrifice. But I do not want to be involved in another war.

"Over the years I have thought about how difficult it has been for soldiers, everywhere, to correct the wrongs that were fought over on the battlefield; and about how difficult it has always been, for all countries involved. I made up my mind that one day I would trade my sword for a legislative pen. I would use black ink in the pursuit of peace in lieu of red blood in battle.

"I decided to become a Congressman. During my freshman year, I had an opportunity to go with some of my fellow Congressmen to see the Soviet Union as a civilian carrying only a pen. Along with Representatives MORRIS UDALL, JOHN SEIBERLING and others, we crossed that great country, from one side to the other, beginning in Siberia and what we saw was enlightening. I saw a people. I saw a culture I saw tenacity. I saw richness. I saw vastness. And I saw a bit of a swagger that must have been characteristic of our own American pioneers."

I've been around too long to think it's going to be easy to convert the Soviet

Union to embrace our political philosophy and way of life. But I do think we should try to convert each other, as people, to friendship and cooperation and eventually peace, instead of suspicion and confrontation and eventually war. We each have vast resources, including ourselves, the people. We can employ them, and ourselves, for the benefit of each other, and of other people everywhere. And perhaps we will convert the Soviets, along the way, and ourselves, to each others' music and literature and dance, and their people to friendship, their farmers and fishermen, doctors and scientists, schoolteachers and students, as well as their children. And our people may come to know and better understand the Russian people.

I believe we must be involved in a "People to People" program. The alternative, as on the battlefield, is that there may be no people at all.

President Reagan and General Secretary Gorbachev have an unprecedented opportunity to be peacemakers. They could set in motion the saving of millions, possibly even billions, of lives. For that is what nuclear war could mean, in numbers.

I am proud to be an ally of the "People to People" program with President Reagan. This endeavor could provide the vital impetus for ending the nuclear arms race and making nuclear war merely a nightmare from which the world has finally woken.

It is indeed supremely ironic that it was General Dwight D. Eisenhower, who led the largest fighting force the world has ever known during World War II, who as President of the United States would inaugurate the people-to-people program as a way to lasting peace and goodwill toward men.

MAINE'S LONGEST-MARRIED COUPLE

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Ms. SNOWE. Mr. Speaker, I would like to take this opportunity to congratulate George and Isabelle Russell of Fort Kent, ME, on their designation as the State of Maine's longest-married couple.

Married for 74 years, the Russells were wed on July 1, 1911 in Upper Frenchville, ME. Parents of 8 children, they have 17 grandchildren, 19 great-grandchildren, and 2 great-great-grandchildren. Mr. and Mrs. Russell, age 94 and 90 respectively, now reside with their daughter in Fort Kent and are an inspiration to all who know of them.

The search for the longest-married couple in Maine was sponsored by the group Worldwide Marriage Encounter to coincide with World Marriage Day which will be celebrated on February 6, 1986. The Russells were one of more than 100 couples nominated for this title.

I wanted to share this wonderful expression of love and dedication with this body and I hope you will join me in congratulating this fortunate couple.

[From the Bangor (ME) Daily News, Dec. 13, 1985]

COUNTY COUPLE MARRIED 74 YEARS

(By Jeannine Albert)

FORT KENT.—A Fort Kent couple, George and Isabelle Russell, who have been married for 74 years, have been identified as Maine's longest-married couple.

"Seventy-four years is a long time. But it hasn't seemed that long . . . She's been very good to me and to her family," said Russell, 94, of his 90-year-old wife.

More than 100 couples throughout Maine received nominations for the search for the longest-married residents. The search was held in conjunction with area observances of World Marriage Day, which will be celebrated on Sunday, Feb. 9. The event is sponsored by the group, Worldwide Marriage Encounter.

The Russells were married at St. Luke Catholic Church in Upper Frenchville on July 1, 1911. They are the parents of eight children, six still living. They have 17 grandchildren, 19 great-grandchildren and two great-great-grandchildren.

Interviewed at their home on Pleasant Street, which they share with their daughter, Janet, and son-in-law, Don Dumond, the Russells—alert, witty and cheerful—look 20 years younger than their ages.

Mrs. Russell, the former Isabelle Bard, was born in Upper Frenchville in a family of eight.

Her soft-spoken husband was born in St. Jacques, New Brunswick, in a family of 11. His parents moved to the United States when Russell was about 3 years old.

The couple met at a dance. A year later, when he was 20 and she was 16, they married.

"The morning of our wedding, I remember I had second thoughts about getting married because of my age," Mrs. Russell said. "My father did not really approve because he felt I was too young. But I married, anyway. He (George) was such a nice and handsome man."

"She was very pretty when I met her. That's why I picked her," Russell said, looking fondly at his wife who was busy knitting.

The wedding took place at 9 a.m. A noon meal was held at the home of the bride's parents and an evening meal at the home of the bridegroom's parents. That evening, the couple danced at a local dance hall. "One did not go on a honeymoon then. It was the week of the Fourth of July. At that time the Fourth was celebrated all week," Russell said.

With not much money in their pockets, the young couple settled in Daigle. Later they moved to Fort Kent, where they rented a home. "One Saturday night, when I was putting the food on the table for our evening meal, a man walked in with his family and said he was the new owner," recalled Mrs. Russell.

The next day the couple moved out and lived in a tent, erected next door to where they previously lived, until their new home was built.

During the first few years that followed, Russell worked for local farmers and in the woods. Later, he was a foreman for the Great Northern Paper Co. After working in a defense plant in Old Orchard Beach for three years, Russell started his own business as a wood contractor for Great Northern.

Mrs. Russell said that because of his job, her husband was away most of the time. "I

really raised the family alone. We were blessed with a beautiful family. They never gave us a moment's worry," she said.

Cutting and bringing in wood and hauling water were familiar jobs for the young mother. During the early years of the marriage Mrs. Russell did the family washing on a washboard. Later, her eldest son presented her with a new ringier-washer.

"They started picking up financially when Dad started contracting in the woods," said their blonde, attractive daughter Janet.

Mrs. Russell said she was proud they had paid cash for their home when it was built. "It cost us \$5,000 at the time. Of course, at first it was not all finished. No, we never owed a penny to anybody," she said.

At the age of 67, Russell retired from his contracting job. "But he found the time long. This was not for him," said Janet.

Shortly thereafter, Russell was employed as a foreman for the Austin Brothers of Fort Kent, where he worked until the age of 87.

Despite his 94 years, Russell putters around the house. He likes to take long walks and rakes the property grounds in the spring and fall. "Sometimes I'm gone for two or three hours. I even walk to town," he said.

The Russells said they never considered living in a nursing home. Their daughter said that having three generations under the same roof has never created problems. "It's been a pleasure having them with us," she said.

Said Mrs. Russell, "I guess God loved us. We're still together. After we're married, even if we don't want our man, we have to keep him, wash and press his clothes, and have his meals ready when he walks in the door and asks 'What's for supper?'" she said, teasing her husband.

CALIFORNIA AGRICULTURE OWES MUCH TO JIM KENDRICK

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. BROWN of California. Mr. Speaker, I was recently notified that Dr. James B. Kendrick, University of California vice president for agriculture and natural resources, will be retiring next year. The agriculture sector in California and the Nation owes a debt of gratitude to Jim Kendrick for all that he has done during his nearly 40 years of service to the University of California. As someone who has come to depend upon Jim's advice on agricultural matters, especially in the area of agricultural research, I will miss his contributions to ag policy in this town.

Jim started his career at the University of California at Riverside, in my district, when he joined the staff of the Citrus Experiment Station there in 1947. He then went on to become a professor of plant pathology there in 1961, serving as chairman of the plant pathology department from 1963 to 1968, when he became the vice president for the University of California's agricultural sciences.

As vice president, Jim has been responsible for a number of programs. He has given strong support to the agricultural research,

extension, and teaching needs of the University of California system, proving himself an able representative of these programs with the State legislature and within the university system. Under his leadership, the university has developed an advanced integrated pest management system, designed to better match pest control to the target pest, and thus reduce chemical pesticide use. Under his administration, the University of California has expanded its natural reserve system to over 88,000 acres of protected natural habitats for use in research and teaching.

The university has been responsible for a number of research and extension breakthroughs during Jim's tenure. For instance, the Mosquito Abatement Program which Jim oversees has resulted in a number of mosquito control strategies which have virtually eliminated encephalitis and malaria in California. Jim has overseen the establishment of the Expanded Food and Nutrition Education Program [EFNEP] serving urban and rural disadvantaged families. He has also helped the expansion of the 4-H Program into urban and suburban communities.

On the national scene, Jim has made many contributions as well, serving on numerous national advisory panels, from the American Association for the Advancement of Science agriculture committee to an advisory panel for a study of water and agriculture conducted by the Congressional Office of Technology Assessment. He was chairman of the Council of Administrative Heads of Agriculture and the Division of Agriculture for the land-grant schools. And he is a member and fellow of a number of major national scientific organizations.

But mostly, I will think of Jim's good work when I think of the world class status that the University of California enjoys in agriculture studies. When I travel to another country and speak to their agricultural leaders, I invariably deal with a University of California graduate. When I speak with witnesses at hearings or with national agricultural policy experts, I find that many of them are University of California graduates. And much of this is due to the energy and effort that Jim Kendrick has put into his work over the years to keep the University of California on top in agriculture and natural resources sciences.

I wish Jim well in his retirement and hope that all of agriculture will take time to honor his deeds.

GOODYEAR SEES REALITY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. BEREUTER. Mr. Speaker, employees at the Goodyear plant in Lincoln, NE, have taken a courageous and far-sighted step. They have bitten the bullet and agreed to give up cost-of-living raises and general raises for at least the next 2 years.

Eighty-five percent of the members of United Rubber Workers Local 286 voted to

make that sacrifice as part of a united effort of Goodyear management and labor to invest in plant modernization in that Lincoln, NE, plant and to become more competitive in the world market. Clearly these workers are ready to make a commitment to the future.

I request permission to have the attached editorial and an edited version of the news story from the Lincoln Star included in the CONGRESSIONAL RECORD.

[From the Lincoln (NE) Star, Dec. 10, 1985]

GOODYEAR SEES REALITY

Goodyear Tire and Rubber Co. employees have traded job security for wages. It's a wise move.

If you have been shopping for a new clock for Christmas, maybe you have looked at an Elgin. An Elgin is likely to appeal to Lincoln people because watches of that name were once made here in a plant on North 17th Street just south of the State Fairgrounds.

Elgin clocks are now made in Japan, as you can notice on their faces.

If you have purchased Christmas lights or ornaments, you may have noticed they are made in Taiwan, even those lights sporting the well-known General Electric identification.

If you have shopped for clothing, you know that more is manufactured outside than inside the United States. Electronics and cameras are big gift items and far more of them come from beyond our own shores.

Foreign-made goods have become a pervasive part of the U.S. marketplace.

A Goodyear union spokesman explained that workers would forego wage hikes to facilitate a five-year company investment in plant modernization. Thus, Goodyear will become better able to meet competition from abroad and here at home, and jobs at the Lincoln plant will be retained.

It's not a pro-union or anti-union issue at all; it's good, common sense in facing current reality. The reality is that imports and advanced technology are taking a heavy toll of manufacturing jobs in the United States, making greater productivity absolutely essential.

We hope U.S. government policy will continue to encourage a decline in the value of the dollar. Other action is needed to offset the subsidies by which many foreign countries support their exports and the import charges they assess against U.S. imports.

In the meantime, Goodyear's labor-management accord over wages and plant modernization is a marriage of mutual survival and benefit.

[From the Lincoln (NE) Star, Dec. 10, 1985]

GOODYEAR WORKERS TRADE RAISES FOR MODERNIZATION

(By Gerry Switzer and Reid Warren)

Goodyear is making a five-year commitment to modernize its Lincoln plant, including a \$23 million investment in 1986.

In exchange, Goodyear workers have voted to accept contractual changes that include wage freezes for at least the next two years.

According to Gib Laws president of United Rubber Workers Local 286, 85 percent of the union members voted to give up cost-of-living raises as well as general raises for at least the next two years.

Orme called the plan a "partnership" in investment for the future.

He said the \$23 million first-year investment approved by the Goodyear board was the first of a substantial total investment the company planned to make in the Lincoln plant over the next years. He declined to reveal the amount of the total projected investment.

Orme said the plant has expanded six times since Goodyear came to Lincoln more than 40 years ago.

However, this first-year investment is the largest single commitment Goodyear has made in Lincoln, he said.

Plans call for investing between 70 percent and 75 percent in new equipment and the remaining 20 percent to 25 percent in new floors, walls, ventilation and a new receiving dock.

To compete in the world market, Orme said, it was necessary for the Lincoln plant to reduce the price to the customer between 25 percent and 30 percent over the next three to five years.

Orme said Goodyear was not modernizing the plant to "play catchup" but rather to be competitive in the world market.

"If you're not competitive in the world market, you might as well forget it," he said. "Now it's time for total modernization. Because of the faith in our people, Goodyear is taking steps necessary for this plant to be viable in future years."

He said modernization of a plant as old as Lincoln's was a tremendous cost to Goodyear.

"But our management is willing to do that because the workers here have been so good over the last 42 years."

Orme said projections show that it will take six years for Goodyear to start realizing any return on the investment.

Laws said the threat of competition, both domestic and foreign, "forced us to re-evaluate our own competitiveness in a world market."

"We don't like to do it, but there is no other alternative."

"We may lose some jobs, but in the future we should gain in the long run when the plant becomes more competitive."

Laws said Goodyear management did not give workers any guarantees of the maximum number of jobs that might be phased out or lost.

According to Laws, the workers would rather give up a wage increase than become "a statistic with a closed plant."

"If we don't make these changes, in three years the plant won't be viable. We'll be so far behind we'll not be able to compete," he said.

With the planned changes, the plant could be around 20 years from now, according to Laws.

The plant now has 1,295 workers in the bargaining unit and about 330 other employees.

Whatever the concessions, workers apparently are willing to accept them rather than face the possibility of having no jobs at all.

CONTINUING RESOLUTION—21-YEAR-OLD DRINKING LAW

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. GUNDERSON. Mr. Speaker, on June 7, 1984, Congress passed an amended highway appropriation bill with a provision placing fiscal pressure on States to increase their minimum drinking age to 21 in order to receive Federal highway funds. I was opposed to this infringement upon individual State rights then, and am equally opposed to amendment 22 of the continuing resolution. This amendment would make permanent a loss of Federal highway funds for States without a 21-year-old minimum drinking age law.

Representing a district of Wisconsin with a minimum drinking age of 19, I do not believe the continuing resolution is the appropriate legislative means by which to responsibly address this issue.

The 1984 action by Congress would allow States to change their minimum drinking age to 21 by 1987 or lose 5 percent of their Federal highway funds and 10 percent in 1988. Senator LAUTENBERG's amendment to the continuing resolution is premature and does not take into consideration a number of studies and statistics related to the minimum drinking age and alcohol-related highway accidents.

The University of Pennsylvania—Wharton School, in September of this year, presented the conclusions of a long-term study entitled, "The Relationship Between Increases in Minimum Purchase Age for Alcoholic Beverages and the Number of Traffic Fatalities." The Wharton School study takes a look at the traffic fatality index from State highway fatality data and analyzes the change over time in States where the minimum purchase age [MPA] of alcohol increased between 1975 and 1981. Conclusions from the Wharton Study assess that:

Unaffected groups (those individuals of legal drinking age before and after the state law changed) experienced State Normalized Fatality Index [SNFI] increases following MPA increases.

For individuals in the 18-20 age group there tended to be increases in highway fatalities following increases in the state minimum drinking age.

The relationship between minimum drinking age increases and highway performance, as measured by the SNFI, was not uniform across the states.

For individuals under age (16 to 18 years of age), there is no benefit from an increase in the minimum drinking age.

The Wharton study found that of the 14 States studied, in 11 States the actual driver death rates increased as the minimum drinking age was raised.

Another recent study conducted by two assistant professors of political science at Case Western Reserve University of Cleveland found no pattern of significant decline in the percentages of alcohol-related deaths

among 18- to 20-year-olds in States that have raised the legal drinking age.

For example, in Michigan, which increased its minimum drinking age from 18 to 21 in December 1978—and was included in this study—the number of alcohol-related traffic deaths among 18- to 21-year-olds declined from 211 to 186 the year after the drinking age was raised. However, the 186 alcohol-related deaths represent 48 percent of all of the traffic deaths in the 18- to 21-year-old age group and an increase from the year before.

Figures from the National Highway Traffic Safety Administration—PB83-133587—demonstrate that traffic accidents involving 21- to 34-year-olds are more frequently alcohol-related than those involving 18- to 20-year-olds.

Drinking in Fatal Accidents—National Highway Traffic Safety Administration

[Percent of drivers in fatal accidents who had been drinking, nationwide, 1979-80]

Age of driver:	Percentage
16 to 17.....	36.6
18.....	43.9
19.....	47.5
20.....	47.2
21.....	49.6
22 to 24.....	50.4
25 to 34.....	47.6

A Duke University researcher analyzed other data prepared by the National Highway Traffic Safety Administration and came to the conclusion that driver death rates were 8-percent higher among 18-20 year-olds in States where the legal drinking age was 21 than where it was 18 years of age.

In my home State of Wisconsin, the Wisconsin Department of Transportation [WIDOT] has conducted a number of studies related to the drinking age and the question of "border hopping" between Illinois. WIDOT has concluded that "border hopping" is not an age-specific problem. There is no evidence that alcohol-related highway accidents increased more for out-of-State drivers affected by raising the legal drinking age in their home States than for older drivers from the same State after the age was raised in Illinois, Iowa, Michigan, or Minnesota.—WIDOT, April 1985, pages 17 to 23.

Wisconsin drivers under the age of 21 have been more responsible and responsive to the need to reduce the number of alcohol-related accidents than any older driver age group. The number and percentage of alcohol-related accidents for those drivers under 21 has declined more than for older drivers. In 1984, drunk driving rates were the lowest for those under the age of 21, since 1973.—WIDOT, April 1985.

In a comparison between Illinois with a drinking age of 21 and Wisconsin with a drinking age of 18 until 1984, drunk driving related fatalities decreased 26 percent in Wisconsin and in Illinois the fatalities increased 24 percent.

In retrospect of the data above, it is clear that by increasing the minimum drinking age to 21 will not cure the national problem of drinking and driving. Other viable solutions, such as educational programs

and more strict State enforcement of drunk driving laws must be sought to this national concern without placing unnecessary burdens upon the States. I commend Mr. OBERSTAR, chairperson of the Subcommittee on Investigation and Oversight, for requesting a GAO assessment of the effects of the minimum drinking age laws. Congress should utilize this study for initiating future policy on this issue, not the continuing resolution.

TRIBUTE TO TOMMY WEINBRENNER

SPEECH OF

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 11, 1985

Mr. REGULA. Mr. Speaker, Tommy Weinbrenner is the epitome of a dedicated public servant.

He is always well informed on the issues and generous in sharing his expert knowledge with each of us.

He is pleasant and unflappable in responding to dozens of daily inquiries on procedure, substance, and educated guesses on adjournment time.

Members of both parties cherish Tommy as a counselor and friend.

Tommy, we will sorely miss you, but certainly you leave with our heartfelt best wishes for continued success, good health, and happiness.

NATIONAL DRUNK AND DRUGGED DRIVING AWARENESS WEEK

HON. RICHARD STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1985

Mr. STALLINGS. Mr. Speaker, I have joined many of my colleagues in cosponsoring legislation which designates the week of December 15, 1985, through December 21, 1985, as "National Drunk and Drugged Driving Awareness Week." This legislation focuses attention on a growing concern for each of us. Its timing, near the

holiday season, should help heighten our awareness of this national concern.

Statistics tell us more of our citizens are killed or injured each year by drunken drivers than were killed in Vietnam or Korea. According to the Presidential Commission on Drunk Driving's Final Report, almost 50 percent of all highway deaths involve the irresponsible use of alcohol. Over the past 10 years, 250,000 Americans have lost their lives in alcohol-related accidents. Conservative estimates, the report says, place the annual economic loss at \$21 billion, while others run as high as \$24 billion. And these figures say nothing about the loss of human life.

As a cosponsor of this legislation, I have taken the opportunity to discuss the problem with law enforcement officials in my Idaho district. Each of them have pointed to sobering statistics which show the loss of life attributed to drunken driving. Like others throughout the Nation, residents of the Second District of Idaho are demanding that solutions be found to the problem of drunken and drugged driving.

Clearly we must take every opportunity to help solve the problem of drunken driving. I believe the implementation of many of the recommendations of the Presidential Commission on Drunk Driving would help. These recommendations include stiffer consequences for persons convicted of driving under the influence of alcohol, encouraging citizen action groups and establishing education and rehabilitation services for convicted offenders.

I believe the designation of National Drunk and Drugged Driving Awareness Week will help focus needed national attention on this critical problem.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when sched-

uled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, December 17, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 18

10:00 a.m.

Foreign Relations

To hold hearings on issues relating to the preparation for the February 1986 Philippine Presidential election.

SD-419

DECEMBER 19

9:30 a.m.

Labor and Human Resources Aging Subcommittee

To hold hearings to examine the participation of older workers in the Job Training Partnership Act (P.L. 97-300).

SD-430

JANUARY 28

9:30 a.m.

Governmental Affairs Intergovernmental Relations Subcommittee

To hold oversight hearings on regulatory activities of the Office of Management and Budget.

SD-342

CANCELLATIONS

DECEMBER 19

10:00

Labor and Human Resources Education, Arts, and Humanities Subcommittee

Business meeting, to resume markup of proposed legislation authorizing funds for programs of the Higher Education Act.

SD-430